

LEP applicants must take this course *at first license renewal*.

Staff recommends that LCSW law be amended to require this coursework prior to Associate registration rather than prior to licensure. Registrants are mandated reporters and are likely to encounter situations where they are required to evaluate the need to report child abuse or make a report.

Staff also recommends that LEP law be amended to require this coursework prior to licensure rather than prior to first license renewal. Courses required at first renewal often lead to continuing education (CE) audit failure, and requiring this course prior to licensure would avoid this. In addition, LEPs are mandated reporters and are likely to encounter situations where they are required to evaluate the need to report child abuse or make a report. While LEPs are mandated to receive training on this topic while employed by a school (per Assembly Bill (AB) 1432 (Chapter 797 Statutes of 2014)), they are only required to have 1.5 hours of training during each year of employment.

Acceptable Course Providers

BPC section 28(c)(1) requires the training to be obtained from one of the following sources:

1. An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.
2. A continuing education provider as specified by the responsible board by regulation.
3. A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the responsible board.

Effective July 1, 2023, option 3 was stricken from the Board's regulations due to the difficulty in evaluating the quality of such courses, and because it creates confusion when other types of coursework are not allowed to be taken from such providers. However, this requirement is still in the statute, which overrides regulations. A statutory change should also have been pursued at the time, and staff recommends doing so. However, if the Committee wishes to keep option 3, then the regulations should be amended to allow for such providers, and to specify criteria for approval/acceptance.

Exemptions

BPC section 28(d) requires the Board to exempt an applicant from the coursework requirement "who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in the applicant's practice because of the nature of that practice."

Staff is not aware of any applicant attempting to claim exemption in accordance with subsection (d). The Committee may wish to consider a statutory change to strike this provision because all mental health professionals are mandated reporters, and any

such professional, even if they only see adults, may become aware of a reportable situation.

5-Year Age Limit for Coursework

A 5-year age limit for this coursework was implemented on July 1, 2023. However, staff has found an unintended consequence. This course is often taken within an applicant's qualifying degree program, so the 5-year limit results in some applicants having to take a 7-hour course again.

Staff recommends that the 5-year age limit for this course be stricken. This is the only course required for licensure with an age limit. The justification for the age limit was that the laws pertaining to child abuse may change from time to time. However, as applicants are preparing for the Law and Ethics Exam and taking CE on law and ethics required for registration renewal, it is likely that they are obtaining the latest reporting requirements. If they are working with children and/or families, it is also likely that their employer requires or provides training in this area.

Note Regarding Out-of-State Applicant Coursework

While this review focuses on applicants with an in-state degree, there are a couple of issues to consider pertaining to applicants with an out-of-state degree. LCSW, LMFT and LPCC out-of-state applicants are required to complete a 7-hour child abuse assessment and reporting course prior to licensure, and Title 16, California Code of Regulations section 1807.2 pertains to both in-state and out-of-state applicants. If any changes are made to section 1807.2, those changes would also affect out-of-state applicants.

Staff Recommendation

Conduct an open discussion regarding the child abuse assessment and reporting coursework requirements.

Attachments

- Attachment A: Comparison Chart of Requirements
- Attachment B: Pertinent Statute
- Attachment C: Pertinent Regulations

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Attachment A

COMPARISON OF CHILD ABUSE ASSESSMENT AND REPORTING COURSEWORK REQUIREMENTS

Required of:	When Required	Length Required	Content Required	Legal Citation
LMFT Applicants	<i>Prior to Associate Registration</i>	7 hours	Include detailed knowledge of the Child Abuse and Neglect Reporting Act, the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.	Business and Professions Code (BPC) §§ 28, 4980.36(d)(2)(C)(i), 4980.41(a)(2) Title 16 California Code of Regulations (16 CCR) § 1807.2
LPCC Applicants	<i>Prior to Associate Registration</i>	7 hours	Same as above	BPC §§ 28, 4999.33(d)(9), 4999.32 (e)(5) 16 CCR § 1807.2
LCSW Applicants	<i>Prior to Licensure</i>	7 hours	Same as above	BPC §§ 28, 4996.2(h) 16 CCR § 1807.2
LEP Applicants	<i>At First License Renewal</i>	7 hours	Same as above	BPC § 28 16 CCR § 1807.2

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Attachment B

CHILD ABUSE ASSESSMENT AND REPORTING COURSEWORK STATUTES

Business and Professions Code

§ 28. CHILD ABUSE ASSESSMENT AND REPORTING COURSE REQUIREMENT

- (a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with victims and potential victims of child, elder, and dependent adult abuse, and abusers and potential abusers of children, elders, and dependent adults are provided with adequate and appropriate training regarding the assessment and reporting of child, elder, and dependent adult abuse that will ameliorate, reduce, and eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.
- (b) The Board of Psychology and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist. This training shall be required one time only for all persons applying for initial licensure or for licensure renewal.
- (c) All persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:
 - (1) Be obtained from one of the following sources:
 - (A) An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.
 - (B) A continuing education provider as specified by the responsible board by regulation.
 - (C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the responsible board.
 - (2) Have a minimum of seven contact hours.

- (3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.
- (4) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.
- (d) The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in the applicant's practice because of the nature of that practice.
- (e) It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist have minimal but appropriate training in the areas of child, elder, and dependent adult abuse assessment and reporting. It is not intended that, by solely complying with this section, a practitioner is fully trained in the subject of treatment of child, elder, and dependent adult abuse victims and abusers.
- (f) The Board of Psychology and the Board of Behavioral Sciences are encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure or license renewal.

§ 4996.2. QUALIFICATIONS OF LICENSEES

Each applicant for a license shall furnish evidence satisfactory to the board that the applicant complies with all of the following requirements:

- (a) Is at least 21 years of age.
- (b) Has received a master's degree from an accredited school of social work.
- (c) Has had two years of supervised post-master's degree experience, as specified in Section 4996.23.
- (d) Not be subject to denial of licensure pursuant to Section 480. The board shall not issue a registration or license to any person who has been convicted of any crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory, in accordance with Section 480.

- (e) Has completed adequate instruction and training in the subject of alcoholism and other chemical substance dependency. This requirement applies only to applicants who matriculate on or after January 1, 1986.
- (f) Has completed instruction and training in spousal or partner abuse assessment, detection, and intervention. This requirement applies to an applicant who began graduate training during the period commencing on January 1, 1995, and ending on December 31, 2003. An applicant who began graduate training on or after January 1, 2004, shall complete a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.
- (g) Has completed a minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 1807 of Title 16 of the California Code of Regulations. This training or coursework may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.
- (h) Has completed a minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 1807.2 of Title 16 of the California Code of Regulations. This training or coursework may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course.

§ 4996.18. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION; SUPERVISION

- (a) Except as provided in subdivision (b) of Section 4996.23, an applicant shall have an active registration with the board as an associate clinical social worker in order to gain hours of supervised experience. The application shall be made on a form prescribed by the board.
- (b) An applicant for registration shall satisfy the following requirements:
 - (1) Possess a master's degree from an accredited school or department of social work.
 - (2) Not be subject to denial of licensure pursuant to Section 480.
 - (3) Have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers. The coursework shall be taken from an accredited school or department of social work, a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education

provider that is acceptable to the board, as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement. The coursework shall include instruction in all of the following areas of study:

- (A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.
 - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.
 - (C) The current legal patterns and trends in the mental health professions.
 - (D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.
 - (E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and the practitioner's professional behavior and ethics.
 - (F) The application of legal and ethical standards in different types of work settings.
 - (G) Licensing law and process.
- (c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and, except as provided in subdivision (b) of Section 4996.23, shall be required to register as an associate clinical social worker in order to gain experience toward licensure if the applicant is not subject to denial of licensure pursuant to Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.
- (d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.
- (e) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that the applicant possesses a master's of social work degree that is equivalent to a master's degree

issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

- (f) All applicants for licensure and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised and who shall be responsible to the board for compliance with all laws governing the practice of clinical social work.
- (g) All applicants and registrants shall inform each client or patient before performing any professional services that the applicant or registrant is unlicensed and is under the supervision of a licensed professional.

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Attachment C

CHILD ABUSE ASSESSMENT AND REPORTING COURSEWORK

Division 18, Title 16, California Code of Regulations

§ 1807.2. Child Abuse Assessment and Reporting Training Requirements.

All persons applying for a license as a marriage and family therapist, clinical social worker, or professional clinical counselor, or applying for first-time renewal of a license as an educational psychologist, shall, in addition to all other requirements for licensure, have completed coursework or training in child abuse assessment and reporting, and shall submit documentation to the board. The coursework or shall consist of not less than seven (7) hours and shall include training in each of the subject areas described in section 28 of the Code. The coursework or training shall have been completed within the five (5) years prior to the date the board receives the individual's application for licensure or renewal.

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.
Reference: Sections 28, 4980.36, 4980.41, 4980.72, 4980.78, 4980.81, 4989.34, 4996.2, 4996.17.1, 4996.17.2, 4999.32 and 4999.33, Business and Professions Code; and Sections 11164, 11165 and 11166, Penal Code.