

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: SB 775

VERSION: AMENDED MAY 1, 2025

AUTHOR: ASHBY

**SPONSOR: BOARD OF BEHAVIORAL SCIENCES
(SPECIFIED PROVISIONS)**

SUBJECT: BOARD OF PSYCHOLOGY AND BOARD OF BEHAVIORAL SCIENCES

Summary

This is the sunset bill for the Board of Psychology and the Board of Behavioral Sciences (Board). It would extend the Board's sunset date until January 1, 2030. It also contains several amendments that the Board is sponsoring this year.

Existing Law

- 1) Provides for the licensure and regulation of educational psychologists, clinical social workers, professional clinical counselors, and marriage and family therapists by the Board within the Department of Consumer Affairs until January 1, 2026.
- 2) Specifies the composition of the Board and authorizes the Board to employ an Executive Officer, until January 1, 2026. (Business and Professions Code (BPC) §§4990, 4990.04)

This Bill:

Amendments Sponsored by the Author:

- 1) Extends the operation of the Board until January 1, 2030. (BPC §§4990)
- 2) Officially names the LMFT practice act the "Marriage and Family Therapist Practice Act" and makes technical changes to reflect this throughout the bill as needed. (BPC §4980(a))
- 3) Changes references to correctly reference the "Clinical Social Worker Practice Act" instead of the "Social Work Licensing Law." (BPC §§4980.01(a))
- 4) Places technical amendments regarding any potential future repeal of §4990 in a separate section (BPC §§4990, 4990.01)
- 5) Also serves as the sunset bill for the Board of Psychology, extending that board's sunset date and making various amendment to its practice act. (BPC §§2902-2999.101)

Amendments Sponsored by the Board:

1. Technical and/or Nonsubstantive Amendments

The Board approved several technical or nonsubstantive amendments needed to clarify or clean up its current practice acts. They are as follows:

- Amendments related to the enforcement statute of limitations in the LMFT Practice Act.
- Amendments to clarify the required supervision ratio for associate clinical social workers.
- Amendments to make the definition of “advertising” consistent across the practice acts.
- Amendments to clarify supervision requirements for professional clinical counselor trainees.
- Amendments clarifying W-2 form requirements for applicants.
- Amendments to make the unprofessional conduct provision for telehealth consistent across the practice acts.
- Amendments to clarify degree program certification requirements for LMFT applicants.

The Board approved these proposed amendments at its September 20, 2024 and November 15, 2024 meetings.

2. Statutory Amendments to Potentially Allow Adoption of the Association of Marital and Family Therapy Regulatory Boards’ (AMFTRB) Marital and Family Therapy National Examination as the Clinical Examination via Regulations

(Note: These amendments are not yet included in the bill, but the Senate Committee on Business, Professions and Economic Development has indicated they are discussing adding them as future amendments.)

This proposal would give the Board the option to designate the AMFTRB Marital and Family Therapy National Exam as the clinical exam approved for LMFT licensure through regulations.

The Board approved these amendments at its September 20, 2024 meeting.

3. Sunseting Statutory Provisions

This proposal would delete or extend the sunset dates for two provisions of the Board’s practice acts that sunset on January 1, 2026:

- Allowance of supervision via videoconferencing in all settings. (Deletes the sunset date.)
- Temporary practice allowance. (Extends the sunset date until January 1, 2030.)

The Board approved this proposal at its September 20, 2024 meeting.

4. Licensing Requirements for Licensed Educational Psychologists

This proposal makes amendments to BPC §4989.20, which is the section of the LEP Practice Act that specifies the requirements for LEP licensure. The proposed amendments fall into three categories:

- Specifying experience requirements in greater detail.
- Clarifying experience requirements for in-state versus out-of-state school psychologists.
- Adding an age limit to a passing score on the LEP exam.

The Board approved this proposal at its September 20, 2024 and November 15, 2024 meetings.

5. Amendments to Retired License Statute

This proposal includes the following amendments to the Board's retired license statute:

- Instead of requiring one's license either be current and active or inactive to retire it, the proposal instead requires a license to be current and active, inactive, or expired within the past 3 years (this timeframe was chosen because an expired license is renewable for 3 years, after which it is cancelled). Permitting a license that has been expired for up to 3 years to be retired removes the barrier of requiring someone who had let their license expire from having to pay to reactivate it (to either active or inactive status) simply to then retire it.
- Clarifies the meaning of "subject to disciplinary action." A licensee retiring their license must not be subject to disciplinary action, but that term is undefined.
- Specifies what information needs to be provided to the Board in the application to retire a license and in the application to restore a retired license to active status.
- Specifies the professional title that a retired licensee is permitted to use.

- Restricts a retired licensee to reactivating their license only once.
- Corrects a reference to fingerprint submission requirements.
- Specifies that the continuing education required to restore a retired license must have been taken within the past 2 years and must include at least 6 hours in the subject of California law and ethics.
- Clarifies that a license that has been retired for 3 or more years cannot be restored, and that a new license must be applied for to resume practice.

The Board approved this proposal at its February 28, 2025 meeting.

Comment:

- 1) Background.** In 1994, the legislature enacted the “sunset review” process, which permits the periodic review of the need for licensing and regulation of a profession and the effectiveness of the administration of the law by the licensing board. The Joint Legislative Sunset Review Committee (Joint Committee) was tasked with performing the sunset reviews. The sunset review process was in part built on an assumption in law that if a board is operating poorly and lesser measures have been ineffective in rectifying the problems, the board should be allowed to sunset.

Boards undergo a sunset review after a predetermined number of years. Boards up for sunset review submit a report to the Joint Committee, and a hearing is scheduled with the Joint Committee to discuss the report and any recommendations of the Joint Committee. If it was determined that a board should not continue to regulate the profession, the board would sunset. Boards within the Department of Consumer Affairs (DCA) that have been required to sunset became a bureau under DCA, reporting directly to the DCA Director.

The last time the Board underwent sunset review was in 2020-2021. (In 2020, the scheduled sunset was partially delayed due to the COVID-19 State of Emergency.) In 2021, the Board’s sunset date was extended four years, to January 1, 2026.

- 2) BPC §4980.04.** BPC §4980.04, which is not currently being amended by this bill, states that Chapter 13 of the Business and Professions Code is to be cited as the “Licensed Marriage and Family Therapist Act.”

However, this bill is making an amendment in BPC §4980(a) to state that Chapter 13 is to be cited as the “Marriage and Family Therapist Practice Act.”

Staff does not have a preference which exact citation is used, or where it is located, however, the name of the practice act should be consistent in all places in law where it is cited.

3) **BPC §4990.04.** The bill correctly changes the sunset date in BPC §4990. However, there is also a sunset date in BPC [§4990.04\(f\)](#) that was missed. This sunset date should also be adjusted, consistent with §4990.

4) **Board-Sponsored Amendments.** The majority of the Board's sponsored amendments were amended into the bill last week. There are a few drafting errors in the language, and staff is in the process of working with the Senate Business and Professions Committee on corrections so that the language in the bill matches the Board-approved language.

One set of Board approved amendments have not been added to the bill yet. The amendments allowing the Board the option to designate the AMFTRB Marital and Family Therapy National Exam as the clinical exam approved for LMFT licensure through regulations is still being discussed by the Business and Professions Committee.

5) **Recommended Action.** The Board should consider taking a "support" position on the author-sponsored amendment to extending the Board's sunset date to January 1, 2030 (BPC §4990). The Board should also direct staff to work with the Business and Professions Committee to ensure the following:

- That the same sunset date is also added into BPC §4990.04.
- That the LMFT license type's practice act is consistently named throughout the law.

Board staff will continue working with the staff for the Senate Business and Professions Committee on the bill's Board-sponsored amendments.

6) **Previous Legislation.**

- SB 801 (Chapter 647, Statutes of 2021) extended the Board's sunset date from January 1, 2022 until January 1, 2026.
- SB 1474 (Chapter 312, Statutes of 2020) extended the Board's sunset date from January 1, 2021 until January 1, 2022.
- AB 2191 (Chapter 458, Statutes of 2016) extended the Board's sunset date from January 1, 2017 until January 1, 2021.
- SB 1236 (Chapter 332, Statutes of 2012) extended the Board's sunset date from January 1, 2013 until January 1, 2017.
- SB 294 (Chapter 695, Statutes of 2010) extended the Board's sunset date from January 1, 2011 until January 1, 2013.

7) Support and Opposition.

Support:

- None at this time.

Opposition:

- None at this time.

8) History.

05/01/25 Read second time and amended. Re-referred to Com. on APPR.
04/30/25 From committee: Do pass as amended and re-refer to Com. on APPR.
(Ayes 11. Noes 0.) (April 28).
03/18/25 Set for hearing April 28.
03/12/25 Referred to Com. on B. P. & E.D.
02/24/25 Read first time.
02/24/25 From printer. May be acted upon on or after March 24.
02/21/25 Introduced. To Com. on RLS. for assignment. To print.

Introduced by Senator Ashby

February 21, 2025

An act to amend Sections 2902, 2903, 2908, 2920, 2936, 2952, 2960.6, 2961, 2964.3, 2987, 2999.101, 4980, 4980.01, 4980.03, 4980.11, 4980.38, 4980.43.3, 4982, 4984.41, 4989.20, 4989.45, 4989.49, 4989.54, 4990, 4992.2, and 4999.12 of 4992.3, 4996.16.1, 4996.23.1, 4996.23.2, 4999.12, 4999.23, 4999.46.2, 4999.46.3, and 4999.113 of, to add Sections 2920.2 and 4990.01 to, to repeal Section 4982.05 of, and to repeal and add Sections 2964.5, 2964.6, 2966, 2985, and 2986 of, the Business and Professions Code, relating to healing arts.

legislative counsel's digest

SB 775, as amended, Ashby. *Board of Psychology and Board of Behavioral Sciences.*

(1) Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate psychologists and the practice of psychology. Existing law repeals the provision establishing the board on January 1, 2026.

This bill would extend operation of the board to January 1, 2030.

Existing law establishes qualifications for registration as a psychological testing technician, including proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program in psychology or in education with a field of specialization in educational psychology, counseling psychology, or school psychology. Existing law also establishes various fees relating to the licensure and regulation of the practice of psychology.

This bill would expand the list of authorized areas of study for registration as a psychological testing technician to include neuroscience, cognitive science, or behavioral science, and would specify that the board shall make the final determination as to whether a degree or degree program meets the educational requirements. The bill would establish a fee of \$25 to add or change a supervisor for a psychological testing technician.

Existing law provides that a psychologist's license shall be suspended automatically during any time the holder of the license is incarcerated after conviction of a felony, and provides for the continued suspension of the license if, after a hearing, it is determined in the hearing that the felony for which the licensee was convicted is substantially related to the qualifications, functions, or duties of a licensee. Existing law requires any discipline ordered to cease if the conviction is overturned on appeal.

This bill would revise and recast those provisions, including authorizing the board to decline to set aside the suspension when it appears to be in the interest of justice to do so. The bill would revise and recast provisions relating to suspended, revoked, and surrendered licenses and obtaining a new license after a license is void after not being renewed within 3 years. The bill would make various technical and other changes to the Psychology Licensing Law, including defining the terms "license," "licensee," and "client."

~~Existing~~

(2) Existing law establishes the Board of Behavioral Sciences in the Department of Consumer Affairs to regulate licensees under the Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act. Existing law defines "advertising" in each of those acts. Existing law repeals the provision establishing the board on January 1, 2026, and thereby renders the board subject to review by the appropriate policy committees of the Legislature. 2026. Existing law, until January 1, 2026, authorizes a person who holds a license in another jurisdiction of the United States as a marriage and family therapist, a clinical social worker, or a professional clinical counselor to provide those services in this state for a period not to exceed 30 days.

~~This bill would make technical and other changes to those definitions and would state the intent of the Legislature to evaluate the Board of Behavioral Sciences through the joint legislative sunset review oversight~~

~~process and to subsequently include in the bill recommendations produced through that process.~~ extend the date of the operation of the board to January 1, 2030, and would extend the date on which the provision authorizing a person who is licensed out-of-state as a marriage and family therapist, a clinical social worker, or professional clinical counselor to practice in this state to January 1, 2030. The bill would entitle the provisions providing for the licensure and regulation of marriage and family therapists as the Marriage and Family Therapist Practice Act.

Existing law requires certain applicants for registration or licensure as a marriage and family therapist who completed graduate study on or before December 31, 2018, to submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and associated coursework includes certain instruction in alcoholism and other chemical substance dependency and in spousal or partner abuse assessment, detection, and intervention.

This bill would delete that requirement.

Existing law requires an applicant for licensure or registration as a professional clinical counselor to obtain a degree in a program that includes a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups. Existing law requires a professional clinical counselor trainee to receive an average of at least one hour of direct supervisor contact for every 5 hours of direct clinical counseling performed each week and specifies that not more than 6 hours of supervision shall be credited during any single week.

This bill would delete the provision limiting the number of hours of supervision credited in a single week to 6 hours.

Existing law requires an applicant for licensure as a marriage and family therapist, clinical social worker, or licensed professional clinical counselor to provide copies of tax returns for each year of experience claimed for purposes of satisfying the experience requirement for licensure.

This bill would require an applicant to provide the board with a copy of the applicant's most recent pay stub for experience gained during a tax year that has not ended by the date the application for licensure is received.

Existing law requires the board to issue a retired license to a marriage and family therapist, licensed educational psychologist, or licensed

professional clinical counselor upon satisfaction of specified requirements.

The bill would revise the requirements for the issuance of a retired license, including submitting a statement under penalty of perjury that, among other things, the information provided on the application is true and correct. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would revise the education, experience, and other qualifications required for licensure as an educational psychologist.

The bill would make various technical and other changes to the Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to evaluate the~~
 2 ~~Board of Behavioral Sciences through the joint legislative sunset~~
 3 ~~review oversight process and to subsequently include in this bill~~
 4 ~~recommendations produced through that process.~~

5 ~~SECTION 1. Section 2902 of the Business and Professions~~
 6 ~~Code is amended to read:~~

7 ~~2902. As used in this chapter, unless the context clearly requires~~
 8 ~~otherwise and except as in this chapter expressly otherwise~~
 9 ~~provided—For purposes of this chapter, the following definitions~~
 10 ~~apply:~~

11 ~~(a) “Licensed psychologist” means an individual to whom a~~
 12 ~~license has been issued pursuant to the provisions of this chapter,~~
 13 ~~which license is in force and has not been suspended or revoked.~~

14 ~~(b) “License” means a psychologist license or a registration~~
 15 ~~issued by the board.~~

1 (c) “Licensee” means a licensed psychologist or a registered
2 psychological associate regulated by the board.

3 (d) “Client” means a patient or recipient of psychological
4 services.

5 ~~(b)~~

6 (e) “Board” means the Board of Psychology.

7 ~~(e)~~

8 (f) A person represents ~~himself or herself~~ *themselves* to be a
9 psychologist when the person holds ~~himself or herself~~ *themselves*
10 out to the public by any title or description of services incorporating
11 the words “psychology,” “psychological,” “psychologist,”
12 “psychology consultation,” “psychology consultant,”
13 “psychometry,” “psychometrics” ~~—or—~~ “psychometrist,”
14 “psychotherapy,” or “psychotherapist,” ~~“psychoanalysis,” or~~
15 ~~“psychoanalyst,”~~ or when the person holds ~~himself or herself~~
16 *themselves* out to be trained, experienced, or an expert in the field
17 of psychology.

18 ~~(d)~~

19 (g) “Accredited,” as used with reference to academic institutions,
20 means the University of California, the California State University,
21 or an institution that is accredited by a national or an applicable
22 regional accrediting agency recognized by the United States
23 Department of Education.

24 ~~(e)~~

25 (h) “Approved,” as used with reference to academic institutions,
26 means an institution having “approval to operate”, as defined in
27 Section 94718 of the Education Code.

28 *SEC. 2. Section 2903 of the Business and Professions Code is*
29 *amended to read:*

30 2903. (a) No person may engage in the practice of psychology,
31 or represent ~~himself or herself~~ *themselves* to be a psychologist,
32 without a license granted under this chapter, except as otherwise
33 provided in this chapter. The practice of psychology is defined as
34 rendering or offering to render to individuals, groups,
35 organizations, or the public any psychological service involving
36 the application of psychological principles, methods, and
37 procedures of understanding, predicting, and influencing behavior,
38 such as the principles pertaining to learning, perception, motivation,
39 emotions, and interpersonal relationships; and the methods and
40 procedures of interviewing, counseling, psychotherapy, behavior

1 modification, and hypnosis; and of constructing, administering,
2 and interpreting tests of mental abilities, aptitudes, interests,
3 attitudes, personality characteristics, emotions, and motivations.

4 (b) The application of these principles and methods includes,
5 but is not restricted ~~to~~ to, assessment, diagnosis, prevention,
6 treatment, and intervention to increase effective functioning of
7 individuals, groups, and organizations.

8 (c) Psychotherapy within the meaning of this chapter means the
9 use of psychological methods in a professional relationship to
10 assist a person or persons to acquire greater human effectiveness
11 or to modify feelings, conditions, attitudes, and behaviors that are
12 emotionally, intellectually, or socially ineffectual or maladaptive.

13 *SEC. 3. Section 2908 of the Business and Professions Code is*
14 *amended to read:*

15 2908. Nothing in this chapter shall be construed to prevent
16 qualified members of other recognized professional groups licensed
17 to practice in the State of California, such as, but not limited to,
18 physicians, clinical social workers, educational psychologists,
19 marriage and family therapists, licensed professional clinical
20 counselors, optometrists, psychiatric technicians, or registered
21 nurses, or attorneys admitted to the State Bar of California, or
22 persons utilizing hypnotic techniques by referral from persons
23 licensed to practice medicine, dentistry, or psychology, or persons
24 utilizing hypnotic techniques which offer avocational or vocational
25 self-improvement and do not offer therapy for emotional or mental
26 disorders, or duly ordained members of the recognized clergy, *as*
27 *defined in Section 15610.19 of the Welfare and Institutions Code,*
28 *or duly ordained religious practitioners from doing work of a*
29 *psychological nature consistent with the laws governing their*
30 *respective professions, provided they do not hold themselves out*
31 *to the public by any title or description of services incorporating*
32 *the words “psychological,” “psychologist,” “psychology,”*
33 *“psychometrist,” “psychometrics,” or “psychometry,” or that they*
34 *do not state or imply that they are licensed to practice psychology;*
35 *except that persons licensed under Chapter 13.5 (commencing*
36 *with Section 4989.10) of Division 2 may hold themselves out to*
37 *the public as licensed educational psychologists.*

38 *SEC. 4. Section 2920 of the Business and Professions Code is*
39 *amended to read:*

2920. (a) The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2026, 2030, and as of that date is repealed.

~~(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.~~

SEC. 5. Section 2920.2 is added to the Business and Professions Code, to read:

2920.2. Notwithstanding any other law, the repeal of Section 2920 renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 6. Section 2936 of the Business and Professions Code is amended to read:

2936. The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychology. The board shall establish as its standards of ethical conduct relating to the practice of psychology, the “Ethical Principles of Psychologists and Code of Conduct” published by the American Psychological Association (APA). ~~Those standards shall be applied by the board~~ The board shall apply those standards as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.

~~To facilitate help consumers in receiving~~ receive appropriate psychological services, all licensees ~~and registrants shall be required to~~ shall post, in a conspicuous location in their principal psychological business office, if any, and in their informed consent agreement a notice ~~which~~ that reads as follows:

“NOTICE TO CONSUMERS: The Department of Consumer Affairs’s Board of Psychology receives and responds to questions and complaints regarding the practice of psychology. If you have questions or complaints, you may contact the board by email at bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov, by calling 1-866-503-3221, or by writing to the following address:

Board of Psychology
1625 North Market Boulevard, Suite 215 N-215

1 Sacramento, California 95834”

2
3 *SEC. 7. Section 2952 of the Business and Professions Code is*
4 *amended to read:*

5 2952. (a) Each person to whom registration is granted under
6 the provisions of this ~~chapter~~ *article* shall pay into the Psychology
7 Fund a fee to be fixed by the board at a sum of one hundred fifty
8 dollars (\$150).

9 (b) The registration shall expire after two years. The registration
10 may be renewed biennially at a fee fixed by the board at a sum not
11 in excess of seventy-five dollars (\$75). Students seeking to renew
12 their registration shall present to the board evidence of their
13 continuing student status.

14 (c) The money in the Psychology Fund shall be used for the
15 administration of this chapter. Any moneys within the Contingent
16 Fund of the Medical Board of California collected pursuant to
17 Section 2529.5 as it read before the enactment of the statute that
18 added this ~~section~~, *section* shall be deposited in the Psychology
19 Fund.

20 (d) The board may employ, subject to civil service regulations,
21 whatever additional clerical assistance is necessary for the
22 administration of this article.

23 *SEC. 8. Section 2960.6 of the Business and Professions Code*
24 *is amended to read:*

25 2960.6. The board may deny any application for, or may
26 suspend or revoke a license ~~or registration~~ issued under this chapter
27 for, ~~any~~ *either* of the following:

28 (a) The revocation, suspension, or other disciplinary ~~action~~
29 ~~imposed by another state or country~~ *action, including the equivalent*
30 *action of another jurisdiction's licensing agency*, on a license,
31 certificate, or registration issued by that ~~state or country~~ *jurisdiction*
32 to practice psychology shall constitute grounds for disciplinary
33 action for unprofessional conduct against that licensee ~~or registrant~~
34 in this state. A certified copy of the decision or judgment of the
35 other ~~state or country~~ *jurisdiction* shall be conclusive evidence of
36 that action.

37 (b) The revocation, suspension, or other disciplinary action by
38 any board established in this division, or the equivalent action of
39 another ~~state's or country's~~ *jurisdiction's* licensing agency, of the
40 license of a healing arts practitioner shall constitute grounds for

1 disciplinary action against that licensee ~~or registrant~~ under this
2 chapter. The grounds for the action shall be substantially related
3 to the qualifications, functions, or duties of a ~~psychologist or~~
4 ~~psychological assistant~~. licensee. A certified copy of the decision
5 or judgment shall be conclusive evidence of that action.

6 *SEC. 9. Section 2961 of the Business and Professions Code is*
7 *amended to read:*

8 2961. ~~The~~ After a hearing pursuant to Section 2965, the board
9 may deny an application ~~for, or issue for a license, issue a license~~
10 subject to terms and conditions, ~~or suspend or suspend~~, revoke, or
11 impose probationary conditions upon, a ~~license or registration after~~
12 ~~a hearing as provided in Section 2965.~~ license.

13 *SEC. 10. Section 2964.3 of the Business and Professions Code*
14 *is amended to read:*

15 2964.3. Any person required to register as a sex offender
16 pursuant to Section 290 of the Penal Code, is not eligible for
17 licensure ~~or registration~~ by the board.

18 *SEC. 11. Section 2964.5 of the Business and Professions Code*
19 *is repealed.*

20 ~~2964.5. The board at its discretion may require any licensee~~
21 ~~placed on probation or whose license is suspended, to obtain~~
22 ~~additional professional training, to pass an examination upon the~~
23 ~~completion of that training, and to pay the necessary examination~~
24 ~~fee. The examination may be written or oral or both, and may~~
25 ~~include a practical or clinical examination.~~

26 *SEC. 12. Section 2964.5 is added to the Business and*
27 *Professions Code, to read:*

28 2964.5. The board may require any licensee it places on
29 probation or whose license it suspends to obtain additional
30 continuing professional development, to pass an examination as
31 specified in Section 2941, or both.

32 *SEC. 13. Section 2964.6 of the Business and Professions Code*
33 *is repealed.*

34 ~~2964.6. An administrative disciplinary decision that imposes~~
35 ~~terms of probation may include, among other things, a requirement~~
36 ~~that the licensee who is being placed on probation pay the monetary~~
37 ~~costs associated with monitoring the probation.~~

38 *SEC. 14. Section 2964.6 is added to the Business and*
39 *Professions Code, to read:*

1 2964.6. The board may require any licensee it places on
2 probation to pay the monetary costs associated with probation.

3 SEC. 15. Section 2966 of the Business and Professions Code
4 is repealed.

5 2966. ~~(a) A psychologist's license shall be suspended~~
6 ~~automatically during any time that the holder of the license is~~
7 ~~incarcerated after conviction of a felony, regardless of whether the~~
8 ~~conviction has been appealed. The board shall, immediately upon~~
9 ~~receipt of the certified copy of the record of conviction, determine~~
10 ~~whether the license of the psychologist has been automatically~~
11 ~~suspended by virtue of the psychologist's incarceration, and if so,~~
12 ~~the duration of that suspension. The board shall notify the~~
13 ~~psychologist of the license suspension and of the right to elect to~~
14 ~~have the issue of penalty heard as provided in this section.~~

15 ~~(b) Upon receipt of the certified copy of the record of conviction,~~
16 ~~if after a hearing it is determined therefrom that the felony of which~~
17 ~~the licensee was convicted was substantially related to the~~
18 ~~qualifications, functions, or duties of a psychologist, the board~~
19 ~~shall suspend the license until the time for appeal has elapsed, if~~
20 ~~an appeal has not been taken, or until the judgment of conviction~~
21 ~~has been affirmed on appeal or has otherwise become final, and~~
22 ~~until further order of the board. The issue of substantial relationship~~
23 ~~shall be heard by an administrative law judge sitting alone or with~~
24 ~~a panel of the board, in the discretion of the board.~~

25 ~~(c) Notwithstanding subdivision (b), a conviction of any crime~~
26 ~~referred to in Section 187, 261, 288, or former Section 262, of the~~
27 ~~Penal Code shall be conclusively presumed to be substantially~~
28 ~~related to the qualifications, functions, or duties of a psychologist~~
29 ~~and a hearing shall not be held on this issue. Upon its own motion~~
30 ~~or for good cause shown, the board may decline to impose or may~~
31 ~~set aside the suspension when it appears to be in the interest of~~
32 ~~justice to do so, with due regard to maintaining the integrity of~~
33 ~~and confidence in the psychology profession.~~

34 ~~(d) (1) Discipline or the denial of the license may be ordered~~
35 ~~in accordance with Section 2961, or the board may order the denial~~
36 ~~of the license when the time for appeal has elapsed, the judgment~~
37 ~~of conviction has been affirmed on appeal, or an order granting~~
38 ~~probation is made suspending the imposition of sentence,~~
39 ~~irrespective of a subsequent order under Section 1203.4 of the~~
40 ~~Penal Code allowing the person to withdraw a plea of guilty and~~

1 to enter a plea of not guilty, setting aside the verdict of guilty, or
2 dismissing the accusation, complaint, information, or indictment.

3 (2) ~~The issue of penalty shall be heard by an administrative law
4 judge sitting alone or with a panel of the board, in the discretion
5 of the board. The hearing shall not be commenced until the
6 judgment of conviction has become final or, irrespective of a
7 subsequent order under Section 1203.4 of the Penal Code, an order
8 granting probation has been made suspending the imposition of
9 sentence; except that a licensee may, at the licensee's option, elect
10 to have the issue of penalty decided before those time periods have
11 elapsed. Where the licensee so elects, the issue of penalty shall be
12 heard in the manner described in this section at the hearing to
13 determine whether the conviction was substantially related to the
14 qualifications, functions, or duties of a psychologist. If the
15 conviction of a licensee who has made this election is overturned
16 on appeal, any discipline ordered pursuant to this section shall
17 automatically cease. This subdivision does not prohibit the board
18 from pursuing disciplinary action based on any cause other than
19 the overturned conviction.~~

20 ~~(e) The record of the proceedings resulting in the conviction,
21 including a transcript of the testimony therein, may be received in
22 evidence.~~

23 *SEC. 16. Section 2966 is added to the Business and Professions
24 Code, to read:*

25 *2966. (a) Notwithstanding any other law, if a licensee is
26 incarcerated due to conviction of a felony, regardless of whether
27 the conviction has been appealed, their license is automatically
28 suspended during the period of incarceration.*

29 *(b) The board shall, immediately upon receipt of a certified
30 copy of the licensee's conviction, determine whether their license
31 has been automatically suspended due to incarceration, and notify
32 the licensee of the suspension and of the licensee's right to a
33 hearing on any board order of discipline or denial, as described
34 in subdivision (e).*

35 *(c) Unless the conviction is for an offense specified in
36 subdivision (d), the board shall hold a hearing to determine if the
37 felony conviction is substantially related to the qualifications,
38 functions, or duties of a licensee. At the discretion of the board,
39 the hearing shall be held by an administrative law judge sitting
40 alone or with a panel of the board. The record of the proceedings*

1 resulting in the conviction, including a transcript of the testimony,
2 shall be received in evidence.

3 (d) A conviction of any crime specified in Section 187, 261, or
4 288 of, or former Section 262 of, the Penal Code shall be
5 conclusively presumed to be substantially related to the
6 qualifications, functions, or duties of a psychologist and a hearing
7 shall not be held pursuant to subdivision (c).

8 (e) If the hearing in subdivision (c) determines that the
9 conviction is substantially related to the qualifications, functions,
10 or duties of the licensee, then the license shall remain suspended
11 until either the time for appeal has elapsed if no appeal has been
12 taken, or the judgment of conviction has been affirmed on appeal
13 or has otherwise become final, and until further order of the board.

14 (f) The board may order discipline or deny a license in
15 accordance with Section 2961 if any of the following occur:

16 (1) The time for appeal has elapsed.

17 (2) The judgment of conviction has been affirmed on appeal.

18 (3) A court order granting probation suspends the sentence,
19 regardless of a subsequent order under Section 1203.4 of the Penal
20 Code allowing the person to withdraw a plea of guilty and to enter
21 a plea of not guilty, setting aside the verdict of guilty, or dismissing
22 the accusation, complaint, information, or indictment.

23 (4) The licensee elects to have the issue heard before any of the
24 events specified in paragraphs (1), (2), or (3) occur. If the licensee
25 elects to have the issue heard, the issue of penalty shall be heard
26 at the hearing specified in subdivision (c).

27 (g) If the conviction is overturned on appeal, any discipline
28 ordered pursuant to this section shall automatically cease. Nothing
29 in this subdivision prohibits the board from pursuing disciplinary
30 action based on a cause other than the overturned conviction.

31 (h) Upon its own motion or for good cause shown, the board
32 may decline to set aside the suspension when it appears to be in
33 the interest of justice to do so, with due regard to maintaining the
34 integrity of and confidence in the psychology profession.

35 SEC. 17. Section 2985 of the Business and Professions Code
36 is repealed.

37 ~~2985. A suspended license is subject to expiration and shall~~
38 ~~be renewed as provided in this article, but such renewal does not~~
39 ~~entitle the licensee, while the license remains suspended, and until~~
40 ~~it is reinstated, to engage in the licensed activity, or in any other~~

1 activity or conduct in violation of the order or judgment by which
2 the license was suspended.

3 A license revoked on disciplinary grounds is subject to expiration
4 as provided in this article, but it may not be renewed. If it is
5 reinstated after its expiration, the licensee, as a condition to
6 reinstatement, shall pay a reinstatement fee in an amount equal to
7 the renewal fee in effect on the last preceding regular renewal date
8 before the date on which it is reinstated, plus the delinquency fee,
9 if any, accrued at the time of its revocation.

10 SEC. 18. Section 2985 is added to the Business and Professions
11 Code, to read:

12 2985. (a) A suspended license is subject to expiration and
13 shall be renewed as provided in this article. While the license
14 remains suspended, renewal does not entitle the licensee to engage
15 in the practice of psychology.

16 (b) A revoked or surrendered license is not subject to expiration
17 and may not be renewed. If the license is reinstated, the licensee
18 shall pay the renewal fee in effect on the date on which the license
19 is reinstated, plus the delinquency fee, if any, accrued at the time
20 the license was revoked.

21 SEC. 19. Section 2986 of the Business and Professions Code
22 is repealed.

23 2986. A person who fails to renew his or her license within the
24 three years after its expiration may not renew it, and it may not be
25 restored, reissued, or reinstated thereafter, but that person may
26 apply for and obtain a new license if he or she meets the
27 requirements of this chapter provided that he or she:

28 (a) Has not committed any acts or crimes constituting grounds
29 for denial of licensure.

30 (b) Establishes to the satisfaction of the board that with due
31 regard for the public interest, he or she is qualified to practice
32 psychology.

33 (c) Pays all of the fees that would be required if application for
34 licensure was being made for the first time.

35 The board may provide for the waiver or refund of all or any
36 part of an examination fee in those cases in which a license is
37 issued without examination pursuant to this section.

38 SEC. 20. Section 2986 is added to the Business and Professions
39 Code, to read:

1 2986. *A psychology license is void if it is not renewed within*
2 *three years from the expiration date. Once void, the board shall*
3 *not restore or reissue that license. The person who held that license*
4 *may apply for and obtain a new license if they meet the*
5 *requirements of this chapter provided that they satisfy all of the*
6 *following:*

7 (a) *They have not committed any acts or crimes constituting*
8 *grounds for denial of a license.*

9 (b) *They establish to the satisfaction of the board that they are*
10 *qualified to practice psychology.*

11 (c) *They pay all required fees.*

12 SEC. 21. *Section 2987 of the Business and Professions Code*
13 *is amended to read:*

14 2987. The amount of the fees prescribed by this chapter shall
15 be determined by the board, and shall be as follows:

16 (a) The application fee for a psychologist shall be two hundred
17 thirty-six dollars (\$236).

18 (b) The examination and reexamination fees for the examinations
19 shall be the actual cost to the board of developing, purchasing, and
20 grading of each examination, plus the actual cost to the board of
21 administering each examination.

22 (c) The application fee for the California Psychology Law and
23 Ethics Examination (CPLÉE) shall be one hundred twenty-seven
24 dollars (\$127).

25 (d) The initial license fee for a psychologist shall be two hundred
26 thirty-one dollars (\$231).

27 (e) The biennial renewal fee for a psychologist shall be seven
28 hundred ninety-five dollars (\$795). The board may adopt
29 regulations to set the fee at a higher amount, up to a maximum of
30 one thousand one hundred dollars (\$1,100).

31 (f) The application fee for registration as a registered
32 psychological associate under Section 2913 shall be four hundred
33 twenty-four dollars (\$424).

34 (g) The annual renewal fee for registration of a psychological
35 associate shall be two hundred twenty-four dollars (\$224). The
36 board may adopt regulations to set the fee at a higher amount, up
37 to a maximum of four hundred dollars (\$400).

38 (h) The duplicate license or registration fee is five dollars (\$5).

(i) The delinquency fee is 50 percent of the renewal fee for each license type, not to exceed three hundred ninety-seven dollars and fifty cents (\$397.50).

(j) The endorsement fee is five dollars (\$5).

(k) The file transfer fee is ten dollars (\$10).

(l) The registration fee for a psychological testing technician shall be seventy-five dollars (\$75).

(m) The annual renewal fee for a psychological testing technician is seventy-five dollars (\$75).

(n) *The fee to add or change a supervisor for a psychological testing technician is twenty-five dollars (\$25).*

~~(n)~~

(o) The fee for Fingerprint Hard Card Processing for Out of State Applicants shall be one hundred eighty-four dollars (\$184). Applicants shall also pay the actual cost to the board of processing the fingerprint hard card with the Department of Justice and Federal Bureau of Investigation.

~~(o)~~

(p) The fee for a psychological associate to add or change their supervisor shall be two hundred ten dollars (\$210). The fee shall be the actual cost to the board of processing the addition or change.

~~(p)~~

(q) Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

SEC. 22. Section 2999.101 of the Business and Professions Code is amended to read:

2999.101. To register as a psychological testing technician, a person shall submit the following to the board:

(a) An application that includes the following information:

(1) The applicant's name, identification, and contact information.

(2) The applicant's supervisor's name, license number, and contact information.

(3) Attestation under penalty of perjury that the information provided on the application is true and correct.

(b) (1) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, in either any of the following subjects:

(1) ~~Psychology.~~

1 (A) *Psychology, including any field of specialization.*

2 ~~(2)~~

3 (B) Education, with the field of specialization in educational
4 psychology, counseling psychology, or school psychology.

5 (C) *Neuroscience, cognitive science, or behavioral science,*
6 *including any field of specialization.*

7 (2) *The board shall make the final determination as to whether*
8 *a degree or degree program meets the requirements of this*
9 *subdivision.*

10 (c) (1) Proof of completion of a minimum of 80 hours total of
11 education and training relating to psychological or
12 neuropsychological test administration and scoring that includes
13 the following:

14 (A) At least 20 hours of direct observation, including at least
15 10 hours of direct observation of a licensed psychologist
16 administering and scoring tests, and at least 10 hours of direct
17 observation of either a licensed psychologist or registered
18 psychological testing technician administering and scoring tests.

19 (B) At least 40 hours of administering and scoring tests in the
20 presence of a licensed psychologist.

21 (C) At least 20 hours of education on topics including law and
22 ethics, confidentiality, and best practices for test administration
23 and scoring.

24 (2) Education and training may be obtained by doing any
25 combination of the following:

26 (A) Participating in individual or group instruction provided by
27 a licensed psychologist.

28 (B) Engaging in independent learning directed by a licensed
29 psychologist.

30 (C) Completing graduate-level coursework at a regionally
31 accredited university, college, or professional school.

32 (D) Taking continuing education courses from organizations
33 with board approval pursuant to Section 2915.

34 (3) Nothing in this chapter shall prevent a person engaged in
35 gaining the experience required by this subdivision from
36 administering and scoring psychological and neuropsychological
37 tests.

38 (d) The registration fee for a psychological testing technician
39 as specified in Section 2987.

(e) Electronic fingerprint image scans for a state- and federal-level criminal offender record information search conducted through the Department of Justice.

SEC. 23. Section 4980 of the Business and Professions Code is amended to read:

4980. (a) This chapter constitutes, and may be cited as, the Marriage and Family Therapist Practice Act.

~~(a)~~

(b) (1) Many California families and many individual Californians are experiencing difficulty and distress and are in need of wise, competent, caring, compassionate, and effective counseling in order to enable them to improve and maintain healthy family relationships.

(2) Healthy individuals and healthy families and healthy relationships are inherently beneficial and crucial to a healthy society and are our most precious and valuable natural resource. Licensed marriage and family therapists provide a crucial support for the well-being of the people and the State of California.

~~(b)~~

(c) A person shall not engage in the practice of marriage and family therapy, as defined by Section 4980.02, unless the person holds a valid license as a marriage and family therapist pursuant to this chapter.

~~(c)~~

(d) Except as provided in subdivision ~~(d)~~, (e), a person shall not do either of the following without a license obtained pursuant to this chapter.

(1) Advertise that the person performs the services of a marriage, family, child, domestic, or marital consultant.

(2) Use the titles listed in paragraph (1) or any similar titles, including the letters “L.M.F.T.,” “M.F.T.,” or “M.F.C.C.,” or another name, word, initial, or symbol in connection with or following the person’s name to imply that the person performs the services suggested by those titles.

~~(d)~~

(e) (1) A person licensed under Article 4 (commencing with Section 4996) of Chapter 14 or under Chapter 6.6 (commencing with Section 2900) may engage in the practice of marriage and family therapy and advertise that the person practices marriage and family therapy.

(2) A person described in paragraph (1) shall not advertise that the person holds the marriage and family therapist's license, including by using the letters "L.M.F.T.," "M.F.T.," or "M.F.C.C.," or another name, word, initial, or symbol in connection with or following the person's name to imply licensure as a marriage and family therapist, unless the person is licensed pursuant to this chapter.

SEC. 24. Section 4980.01 of the Business and Professions Code is amended to read:

4980.01. (a) This chapter shall not be construed to constrict, limit, or withdraw the Medical Practice Act, the ~~Social Work Licensing Law~~, *Clinical Social Worker Practice Act*, the Nursing Practice Act, the Licensed Professional Clinical Counselor Act, or the Psychology Licensing Law.

(b) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of their pastoral or professional duties, or to any person who is admitted to practice law in the state, or a physician and surgeon who provides counseling services as part of their professional practice.

(c) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable if both of the following apply:

(1) The work of the employee or volunteer is performed under the oversight and direction of the entity.

(2) (A) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services or as soon as practicably possible thereafter, a notice written in at least 12-point type that is in substantially the following form:

NOTICE TO CLIENTS

The ~~Name~~ (name of office or unit) of the ~~Name~~ (name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered practitioner providing services at ~~Name~~ (name of agency). To file a complaint, contact ~~Telephone~~ (telephone number, email address, internet website, or mailing address of agency).

The Board of Behavioral Sciences receives and responds to complaints regarding services provided by individuals licensed

1 and registered by the board. If you have a complaint and are unsure
2 if your practitioner is licensed or registered, please contact the
3 Board of Behavioral Sciences at 916-574-7830 for assistance or
4 utilize the board's online license verification feature by visiting
5 www.bbs.ca.gov.

6
7 (B) The delivery of the notice described in subparagraph (A)
8 to the client shall be documented.

9 (d) A marriage and family therapist licensed under this chapter
10 is a licentiate for purposes of paragraph (2) of subdivision (a) of
11 Section 805, and thus is a health care provider subject to the
12 provisions of Section 2290.5 pursuant to subdivision (b) of that
13 section.

14 (e) Notwithstanding subdivisions (b) and (c), all persons
15 registered as associates or licensed under this chapter shall not be
16 exempt from this chapter or the jurisdiction of the board.

17 ~~SEC. 2.~~

18 *SEC. 25.* Section 4980.03 of the Business and Professions Code
19 is amended to read:

20 4980.03. (a) "Board," as used in this chapter, means the Board
21 of Behavioral Sciences.

22 (b) "Associate," as used in this chapter, means an unlicensed
23 person who has earned a master's or doctoral degree qualifying
24 the person for licensure and is registered with the board as an
25 associate.

26 (c) "Trainee," as used in this chapter, means an unlicensed
27 person who is currently enrolled in a master's or doctoral degree
28 program, as specified in Sections 4980.36 and 4980.37, that is
29 designed to qualify the person for licensure under this chapter, and
30 who has completed no less than 12 semester units or 18 quarter
31 units of coursework in any qualifying degree program.

32 (d) "Applicant for licensure," as used in this chapter, means an
33 unlicensed person who has completed the required education and
34 required hours of supervised experience for licensure.

35 (e) "Advertising," as used in this chapter, includes, but is not
36 limited to, any public communication, as defined in subdivision
37 (a) of Section 651, the issuance of any card, sign, or device to any
38 person, or the causing, permitting, or allowing of any sign or
39 marking on, or in, any building or structure, or in any newspaper,
40 magazine, directory, or any printed matter whatsoever, with or

1 without any limiting qualification. Signs within religious buildings
2 or notices in bulletins from a religious organization mailed to a
3 congregation are not advertising within the meaning of this chapter.

4 (f) “Experience,” as used in this chapter, means experience in
5 interpersonal relationships, psychotherapy, marriage and family
6 therapy, direct clinical counseling, and nonclinical practice that
7 satisfies the requirements for licensure as a marriage and family
8 therapist.

9 (g) “Supervisor,” as used in this chapter, means an individual
10 who meets all of the following requirements:

11 (1) Has held an active license for at least two years within the
12 five-year period immediately preceding any supervision as any of
13 the following:

14 (A) A licensed professional clinical counselor, licensed marriage
15 and family therapist, psychologist licensed pursuant to Chapter
16 6.6 (commencing with Section 2900), licensed clinical social
17 worker, licensed educational psychologist, or equivalent
18 out-of-state license. A licensed educational psychologist may only
19 supervise the provision of educationally related mental health
20 services that are consistent with the scope of practice of an
21 educational psychologist, as specified in Section 4989.14.

22 (B) A physician and surgeon who is certified in psychiatry by
23 the American Board of Psychiatry and Neurology or an out-of-state
24 licensed physician and surgeon who is certified in psychiatry by
25 the American Board of Psychiatry and Neurology.

26 (2) For at least two years within the five-year period immediately
27 preceding any supervision, has practiced psychotherapy, provided
28 psychological counseling pursuant to paragraph (5) of subdivision
29 (a) of Section 4989.14, or provided direct clinical supervision of
30 psychotherapy performed by marriage and family therapist trainees,
31 associate marriage and family therapists, associate professional
32 clinical counselors, or associate clinical social workers. Supervision
33 of psychotherapy performed by a social work intern or a
34 professional clinical counselor trainee shall be accepted if the
35 supervision provided is substantially equivalent to the supervision
36 required for registrants.

37 (3) Has received training in supervision as specified in this
38 chapter and by regulation.

39 (4) Has not provided therapeutic services to the supervisee.

1 (5) Has and maintains a current and active license that is not
2 under suspension or probation as one of the following:

3 (A) A marriage and family therapist, professional clinical
4 counselor, clinical social worker, or licensed educational
5 psychologist, issued by the board.

6 (B) A psychologist licensed pursuant to Chapter 6.6
7 (commencing with Section 2900).

8 (C) A physician and surgeon who is certified in psychiatry by
9 the American Board of Psychiatry and Neurology.

10 (6) Is not a spouse, domestic partner, or relative of the
11 supervisee.

12 (7) Does not currently have or previously had a personal,
13 professional, or business relationship with the supervisee that
14 undermines the authority or effectiveness of the supervision.

15 (h) “Client centered advocacy,” as used in this chapter, includes,
16 but is not limited to, researching, identifying, and accessing
17 resources, or other activities, related to obtaining or providing
18 services and supports for clients or groups of clients receiving
19 psychotherapy or counseling services.

20 (i) “Accredited,” as used in this chapter, means a school, college,
21 or university accredited by either the Commission on Accreditation
22 for Marriage and Family Therapy Education or a regional or
23 national institutional accrediting agency that is recognized by the
24 United States Department of Education.

25 (j) “Approved,” as used in this chapter, means a school, college,
26 or university that possessed unconditional approval by the Bureau
27 for Private Postsecondary Education at the time of the applicant’s
28 graduation from the school, college, or university.

29 *SEC. 26. Section 4980.11 of the Business and Professions Code*
30 *is amended to read:*

31 4980.11. (a) Notwithstanding Section 4980, a person who
32 holds a license in another jurisdiction of the United States as a
33 marriage and family therapist may provide marriage and family
34 therapy services in this state for a period not to exceed 30
35 consecutive days in any calendar year, if all of the following
36 conditions are met:

37 (1) The license from another jurisdiction is at the highest level
38 for independent clinical practice in the jurisdiction in which the
39 license was granted.

1 (2) The license from another jurisdiction is current, active, and
2 unrestricted.

3 (3) The client is located in California during the time the person
4 seeks to provide care in California.

5 (4) The client is a current client of the person and has an
6 established, ongoing client-provider relationship with the person
7 at the time the client became located in California.

8 (5) The person informs the client of the limited timeframe of
9 the services and that the person is not licensed in California.

10 (6) The person provides the client with the Board of Behavioral
11 Sciences' internet website address.

12 (7) The person informs the client of the jurisdiction in which
13 the person is licensed and the type of license held and provides
14 the client with the person's license number.

15 (b) A person who intends to provide marriage and family therapy
16 services pursuant to this section shall provide the board with all
17 of the following information before providing services:

18 (1) The name under which the person is licensed in another
19 jurisdiction, the person's mailing address, the person's phone
20 number, the person's social security number or individual taxpayer
21 identification number, and the person's electronic mailing address,
22 if the person has an electronic mailing address.

23 (2) The jurisdiction in which the person is licensed, the type of
24 license held, and the license number.

25 (3) The date on which the person will begin providing marriage
26 and family therapy services to the person's client in California.

27 (c) A person who provides services pursuant to this section is
28 deemed to have agreed to practicing under the jurisdiction of the
29 board and to be bound by the laws of this state.

30 (d) This section does not apply to any person licensed by the
31 board whose license has been suspended or revoked.

32 (e) This section shall remain in effect only until January 1, ~~2026,~~
33 ~~2030~~, and as of that date is repealed.

34 *SEC. 27. Section 4980.38 of the Business and Professions Code*
35 *is amended to read:*

36 4980.38. (a) Each educational institution preparing applicants
37 to qualify for registration or licensure shall notify each of its
38 students by means of its public documents or otherwise in writing
39 that its degree program is designed to meet the requirements of

Section 4980.36 or 4980.37, and shall certify to the board that it has so notified its students.

(b) An applicant for registration or licensure shall submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and any associated coursework completed by the applicant does one of the following:

(1) Meets all of the requirements set forth in Section 4980.36.

(2) Meets all of the requirements set forth in Section ~~4980.37~~ and paragraphs (4) and (5) of subdivision (a) of Section ~~4980.41~~ 4980.37.

SEC. 28. *Section 4980.43.3 of the Business and Professions Code is amended to read:*

4980.43.3. (a) A trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4980.02, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the W-2 tax forms for each year of experience claimed. *For experience gained during a tax year that has not ended by the date the associate's application for licensure is received by the board, the associate shall provide the board with a copy of their most recent pay stub.*

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from the associate's employer verifying the associate's status as a volunteer during the dates the experience was gained.

(b) (1) A trainee shall not perform services in a private practice or a professional corporation. A trainee may be credited with supervised experience completed in a setting that meets all of the following:

(A) Is not a private practice or professional corporation.

(B) Lawfully and regularly provides mental health counseling or psychotherapy.

1 (C) Provides oversight to ensure that the trainee's work at the
2 setting meets the experience and supervision requirements in this
3 chapter and is within the scope of practice for the profession, as
4 defined in Section 4980.02.

5 (2) Only experience gained in the position for which the trainee
6 volunteers or is employed shall qualify as supervised experience.

7 (c) (1) An associate may be credited with supervised experience
8 completed in any setting that meets both of the following:

9 (A) Lawfully and regularly provides mental health counseling
10 or psychotherapy.

11 (B) Provides oversight to ensure that the associate's work at the
12 setting meets the experience and supervision requirements in this
13 chapter and is within the scope of practice for the profession, as
14 defined in Section 4980.02.

15 (2) Only experience gained in the position for which the
16 associate volunteers or is employed shall qualify as supervised
17 experience.

18 (3) An applicant for registration as an associate shall not be
19 employed or volunteer in a private practice or professional
20 corporation until the applicant has been issued an associate
21 registration by the board.

22 (d) Any experience obtained under the supervision of a spouse,
23 relative, or domestic partner shall not be credited toward the
24 required hours of supervised experience. Any experience obtained
25 under the supervision of a supervisor with whom the applicant has
26 had or currently has a personal, professional, or business
27 relationship that undermines the authority or effectiveness of the
28 supervision shall not be credited toward the required hours of
29 supervised experience.

30 (e) A trainee, associate, or applicant for licensure shall not
31 receive any remuneration from patients or clients and shall only
32 be paid by their employer, if an employee.

33 (f) A trainee, associate, or applicant for licensure shall have no
34 proprietary interest in their employer's business and shall not lease
35 or rent space, pay for furnishings, equipment, or supplies, or in
36 any other way pay for the obligations of their employer.

37 (g) A trainee, associate, or applicant for licensure who provides
38 voluntary services in any lawful work setting and who only receives
39 reimbursement for expenses actually incurred shall be considered
40 an employee. The board may audit an applicant for licensure who

1 receives reimbursement for expenses and the applicant for licensure
2 shall have the burden of demonstrating that the payment received
3 was for reimbursement of expenses actually incurred.

4 (h) A trainee, associate, or applicant for licensure who receives
5 a stipend or educational loan repayment from a program designed
6 to encourage demographically underrepresented groups to enter
7 the profession or to improve recruitment and retention in
8 underserved regions or settings shall be considered an employee.
9 The board may audit an applicant who receives a stipend or
10 educational loan repayment and the applicant shall have the burden
11 of demonstrating that the payment received was for the specified
12 purposes.

13 (i) An associate or a trainee may provide services via telehealth
14 that are in the scope of practice outlined in this chapter.

15 (j) Each educational institution preparing applicants pursuant
16 to this chapter shall consider requiring, and shall encourage, its
17 students to undergo individual, marital, conjoint, family, or group
18 counseling or psychotherapy, as appropriate. Each supervisor shall
19 consider, advise, and encourage the supervisor's associates and
20 trainees regarding the advisability of undertaking individual,
21 marital, conjoint, family, or group counseling or psychotherapy,
22 as appropriate. Insofar as it is deemed appropriate and is desired
23 by the applicant, educational institutions and supervisors are
24 encouraged to assist the applicant to locate counseling or
25 psychotherapy at a reasonable cost.

26 *SEC. 29. Section 4982 of the Business and Professions Code*
27 *is amended to read:*

28 4982. The board may deny a license or registration or may
29 suspend or revoke the license or registration of a licensee or
30 registrant if the licensee or registrant has been guilty of
31 unprofessional conduct. Unprofessional conduct includes, but is
32 not limited to, the following:

33 (a) The conviction of a crime substantially related to the
34 qualifications, functions, or duties of a licensee or registrant under
35 this chapter. The record of conviction shall be conclusive evidence
36 only of the fact that the conviction occurred. The board may inquire
37 into the circumstances surrounding the commission of the crime
38 in order to fix the degree of discipline or to determine if the
39 conviction is substantially related to the qualifications, functions,
40 or duties of a licensee or registrant under this chapter. A conviction

1 has the same meaning as defined in Section 7.5. The board may
2 order any license or registration suspended or revoked, or may
3 decline to issue a license or registration when the time for appeal
4 has elapsed, or the judgment of conviction has been affirmed on
5 appeal, or, when an order granting probation is made suspending
6 the imposition of sentence. All actions pursuant to this subdivision
7 shall be taken pursuant to Division 1.5 (commencing with Section
8 475).

9 (b) Securing a license or registration by fraud, deceit, or
10 misrepresentation on any application for licensure or registration
11 submitted to the board, whether engaged in by an applicant for a
12 license or registration, or by a licensee in support of any application
13 for licensure or registration.

14 (c) Administering to ~~themselves~~ *themselves* any controlled
15 substance or using of any of the dangerous drugs specified in
16 Section 4022, or of any alcoholic beverage to the extent, or in a
17 manner, as to be dangerous or injurious to the person applying for
18 a registration or license or holding a registration or license under
19 this chapter, or to any other person, or to the public, or, to the
20 extent that the use impairs the ability of the person applying for
21 or holding a registration or license to conduct with safety to the
22 public the practice authorized by the registration or license. The
23 board shall deny an application for a registration or license or
24 revoke the license or registration of any person, other than one
25 who is licensed as a physician and surgeon, who uses or offers to
26 use drugs in the course of performing marriage and family therapy
27 services.

28 (d) Gross negligence or incompetence in the performance of
29 marriage and family therapy.

30 (e) Violating, attempting to violate, or conspiring to violate any
31 of the provisions of this chapter or any regulation adopted by the
32 board.

33 (f) Misrepresentation as to the type or status of a license or
34 registration held by the licensee or registrant or otherwise
35 misrepresenting or permitting misrepresentation of the licensee's
36 or registrant's education, professional qualifications, or professional
37 affiliations to any person or entity.

38 (g) Impersonation of another by any licensee, registrant, or
39 applicant for a license or registration, or, in the case of a licensee

1 or registrant, allowing any other person to use the licensee's or
2 registrant's license or registration.

3 (h) Aiding or abetting, or employing, directly or indirectly, any
4 unlicensed or unregistered person to engage in conduct for which
5 a license or registration is required under this chapter.

6 (i) Intentionally or recklessly causing physical or emotional
7 harm to any client.

8 (j) The commission of any dishonest, corrupt, or fraudulent act
9 substantially related to the qualifications, functions, or duties of a
10 licensee or registrant.

11 (k) Engaging in sexual relations with a client, or a former client
12 within two years following termination of therapy, soliciting sexual
13 relations with a client, or committing an act of sexual abuse, or
14 sexual misconduct with a client, or committing an act punishable
15 as a sexually related crime, if that act or solicitation is substantially
16 related to the qualifications, functions, or duties of a marriage and
17 family therapist.

18 (l) Performing, or holding oneself out as being able to perform,
19 or offering to perform, or permitting any trainee, registered
20 associate, or applicant for licensure under supervision to perform,
21 any professional services beyond the scope of the license authorized
22 by this chapter.

23 (m) Failure to maintain confidentiality, except as otherwise
24 required or permitted by law, of all information that has been
25 received from a client in confidence during the course of treatment
26 and all information about the client that is obtained from tests or
27 other means.

28 (n) Prior to the commencement of treatment, failing to disclose
29 to the client or prospective client the fee to be charged for the
30 professional services, or the basis upon which that fee will be
31 computed.

32 (o) Paying, accepting, or soliciting any consideration,
33 compensation, or remuneration, whether monetary or otherwise,
34 for the referral of professional clients. All consideration,
35 compensation, or remuneration shall be in relation to professional
36 counseling services actually provided by the licensee. This
37 subdivision does not prevent collaboration among two or more
38 licensees in a case or cases. However, a fee shall not be charged
39 for that collaboration, except when disclosure of the fee has been
40 made in compliance with subdivision (n).

1 (p) Advertising in a manner that is false, fraudulent, misleading,
2 or deceptive, as defined in Section 651.

3 (q) Reproduction or description in public, or in any publication
4 subject to general public distribution, of any psychological test or
5 other assessment device, the value of which depends in whole or
6 in part on the naivete of the subject, in ways that might invalidate
7 the test or device.

8 (r) Any conduct in the supervision of any registered associate,
9 trainee, or applicant for licensure by any licensee that violates this
10 chapter or any rules or regulations adopted by the board.

11 (s) Performing or holding oneself out as being able to perform
12 mental health services beyond the scope of one's competence, as
13 established by one's education, training, or experience. This
14 subdivision shall not be construed to expand the scope of the
15 license authorized by this chapter.

16 (t) Permitting a trainee, registered associate, or applicant for
17 licensure under one's supervision or control to perform, or
18 permitting the trainee, registered associate, or applicant for
19 licensure to hold ~~themselves~~ out as competent to perform,
20 mental health services beyond the trainee's, registered associate's,
21 or applicant for licensure's level of education, training, or
22 experience.

23 (u) The violation of any statute or regulation governing the
24 gaining and supervision of experience required by this chapter.

25 (v) Failure to keep records consistent with sound clinical
26 judgment, the standards of the profession, and the nature of the
27 services being rendered.

28 (w) Failure to comply with the child abuse reporting
29 requirements of Section 11166 of the Penal Code.

30 (x) Failure to comply with the elder and dependent adult abuse
31 reporting requirements of Section 15630 of the Welfare and
32 Institutions Code.

33 (y) Willful violation of Chapter 1 (commencing with Section
34 123100) of Part 1 of Division 106 of the Health and Safety Code.

35 (z) Failure to comply with ~~Section 2290.5~~ *the procedures set*
36 *forth in Section 2290.5 when delivering health care via telehealth.*

37 (aa) (1) Engaging in an act described in Section 261, 286, 287,
38 or 289 of, or former Section 288a of, the Penal Code with a minor
39 or an act described in Section 288 or 288.5 of the Penal Code
40 regardless of whether the act occurred prior to or after the time the

1 registration or license was issued by the board. An act described
2 in this subdivision occurring prior to the effective date of this
3 subdivision shall constitute unprofessional conduct and shall
4 subject the licensee to refusal, suspension, or revocation of a license
5 under this section.

6 (2) The Legislature hereby finds and declares that protection of
7 the public, and in particular minors, from sexual misconduct by a
8 licensee is a compelling governmental interest, and that the ability
9 to suspend or revoke a license for sexual conduct with a minor
10 occurring prior to the effective date of this section is equally
11 important to protecting the public as is the ability to refuse a license
12 for sexual conduct with a minor occurring prior to the effective
13 date of this section.

14 (ab) Engaging in any conduct that subverts or attempts to subvert
15 any licensing examination or the administration of an examination
16 as described in Section 123.

17 *SEC. 30. Section 4982.05 of the Business and Professions Code*
18 *is repealed.*

19 ~~4982.05. (a) Except as provided in subdivisions (b), (c), and~~
20 ~~(e), any accusation filed against a licensee pursuant to Section~~
21 ~~11503 of the Government Code shall be filed within three years~~
22 ~~from the date the board discovers the alleged act or omission that~~
23 ~~is the basis for disciplinary action, or within seven years from the~~
24 ~~date the alleged act or omission that is the basis for disciplinary~~
25 ~~action occurred, whichever occurs first.~~

26 ~~(b) An accusation filed against a licensee pursuant to Section~~
27 ~~11503 of the Government Code alleging the procurement of a~~
28 ~~license by fraud or misrepresentation is not subject to the~~
29 ~~limitations set forth in subdivision (a).~~

30 ~~(c) The limitation provided for by subdivision (a) shall be tolled~~
31 ~~for the length of time required to obtain compliance when a report~~
32 ~~required to be filed by the licensee or registrant with the board~~
33 ~~pursuant to Article 11 (commencing with Section 800) of Chapter~~
34 ~~1 is not filed in a timely fashion.~~

35 ~~(d) If an alleged act or omission involves a minor, the seven-year~~
36 ~~limitations period provided for by subdivision (a) and the 10-year~~
37 ~~limitations period provided for by subdivision (e) shall be tolled~~
38 ~~until the minor reaches the age of majority.~~

39 ~~(e) An accusation filed against a licensee pursuant to Section~~
40 ~~11503 of the Government Code alleging sexual misconduct shall~~

1 ~~be filed within three years after the board discovers the act or~~
2 ~~omission alleged as the grounds for disciplinary action, or within~~
3 ~~10 years after the act or omission alleged as the grounds for~~
4 ~~disciplinary action occurs, whichever occurs first. This subdivision~~
5 ~~shall apply to a complaint alleging sexual misconduct received by~~
6 ~~the board on and after January 1, 2002.~~

7 ~~(f) The limitations period provided by subdivision (a) shall be~~
8 ~~tolled during any period if material evidence necessary for~~
9 ~~prosecuting or determining whether a disciplinary action would~~
10 ~~be appropriate is unavailable to the board due to an ongoing~~
11 ~~criminal investigation.~~

12 ~~(g) For purposes of this section, “discovers” means the later of~~
13 ~~the occurrence of any of the following with respect to each act or~~
14 ~~omission alleged as the basis for disciplinary action:~~

15 ~~(1) The date the board received a complaint or report describing~~
16 ~~the act or omission.~~

17 ~~(2) The date, subsequent to the original complaint or report, on~~
18 ~~which the board became aware of any additional acts or omissions~~
19 ~~alleged as the basis for disciplinary action against the same~~
20 ~~individual.~~

21 ~~(3) The date the board receives from the complainant a written~~
22 ~~release of information pertaining to the complainant’s diagnosis~~
23 ~~and treatment.~~

24 *SEC. 31. Section 4984.41 of the Business and Professions Code*
25 *is amended to read:*

26 4984.41. (a) (1) The board shall issue, upon *submission of a*
27 *completed application as prescribed by this section* and payment
28 of the fee fixed by this chapter, a retired license to a marriage and
29 family therapist who holds a license that is current and active or
30 a license that is inactive, and whose license is not suspended,
31 revoked, or otherwise punitively restricted by the board or subject
32 to disciplinary action under this chapter.

33 (2) *A marriage and family therapist license that has expired*
34 *shall be issued a retired license by the board upon submission of*
35 *a completed application as prescribed by this section and payment*
36 *of the fee fixed by this chapter if all of the following requirements*
37 *are met:*

38 (A) *The license expired within three years from the date of the*
39 *board’s receipt of a completed application.*

(B) Immediately preceding the license expiration, and after the license expiration, the license was not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(3) For purposes of this section, “subject to disciplinary action” shall mean that the licensee had an unsatisfied cost recovery, fine or restitution order; an accusation or petition to revoke probation that has been served on the licensee alleging violations of their probation or the chapter; or an unresolved complaint or investigation pending with the board.

(b) To apply for a retired license, the applicant shall submit a completed application to the board providing all of the following information:

(1) Full name as filed with the board.

(2) Board license type, license number, and expiration date.

(3) Date of birth.

(4) Social security number or individual taxpayer identification number.

(5) A statement signed under penalty of perjury that the information provided on the application is true and correct, that the applicant understands that the holder of a retired license may not engage in any activity for which the active license was issued, and that the applicant hereby requests their license to be changed to retired status.

~~(b)~~

(c) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active marriage and family therapist license is required.

(d) The holder of a retired license shall utilize their professional title only with the unabbreviated word “retired” directly preceding or directly following the professional title.

~~(e)~~

(e) The holder of a retired license shall not be required to renew that license.

~~(d)~~

(f) The holder of a retired license may apply to restore to active status ~~his or her~~ their license to practice marriage and family therapy if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements: date the application to restore the retired license is

1 received by the board. A retired license may be restored to active
2 status one time only. To restore a retired license to active status,
3 the applicant shall meet all of the following requirements:

4 (1) Submit a completed application to the board containing all
5 of the following information:

6 (A) Full name as filed with the board.

7 (B) Original board license type and original license number
8 and expiration date.

9 (C) Date of birth.

10 (D) Social security number or individual taxpayer identification
11 number.

12 (E) Whether they have been convicted, as defined in Section
13 490, of a misdemeanor or felony, or whether any disciplinary
14 action has been taken in any regulatory or licensing board in this
15 or any other state subsequent to the issuance of a retired license.

16 (F) A statement signed under penalty of perjury that the
17 information provided on the application is true and correct, that
18 the applicant did not engage in any activity for which an active
19 license is required while the license was in retired status, and that
20 the applicant hereby requests their license to be changed to
21 “active” status.

22 ~~(1)~~

23 (2) Has not committed an act or crime constituting grounds for
24 denial of licensure.

25 ~~(2)~~

26 (3) Pays the renewal fee required by this chapter.

27 ~~(3)~~

28 (4) Completes the required continuing education as specified
29 in Section 4980.54.

30 ~~(4)~~

31 (5) Complies with the fingerprint submission requirements
32 established by the board in regulation in Section 144.

33 ~~(e) An applicant requesting to restore his or her license pursuant~~
34 ~~to subdivision (d), whose license was issued in accordance with~~
35 ~~this section less than one year from the date of the application,~~
36 ~~shall complete 18 hours of continuing education as specified in~~
37 ~~Section 4980.54.~~

38 ~~(f) An applicant requesting to restore his or her license pursuant~~
39 ~~to subdivision (d), whose license was issued in accordance with~~
40 ~~this section one or more years from the date of the application,~~

1 ~~shall complete 36 hours of continuing education as specified in~~
2 ~~Section 4980.54.~~

3 ~~(g) The holder of a retired license may apply to restore to active~~
4 ~~status his or her license to practice marriage and family therapy if~~
5 ~~that retired license was issued three or more years prior to the~~
6 ~~application date, and the applicant meets all of the following~~
7 ~~requirements:~~

8 *(g) An applicant requesting to restore their license pursuant to*
9 *subdivision (f) whose retired license was issued in accordance*
10 *with this section less than one year from the date the application*
11 *to restore the retired license is received by the board shall complete*
12 *18 hours of continuing education taken within the two years prior*
13 *to the date the application to restore the retired license is received*
14 *by the board. This coursework shall include a minimum of six*
15 *hours in the subject of California law and ethics.*

16 *(h) An applicant requesting to restore their license pursuant to*
17 *subdivision (f) whose retired license was issued in accordance*
18 *with this section one or more years from the date the application*
19 *to restore the retired license is received by the board shall complete*
20 *36 hours of continuing education taken within the two years prior*
21 *to the date the application to restore the retired license is received*
22 *by the board. This coursework shall include a minimum of six*
23 *hours in the subject of California law and ethics.*

24 *(i) A retired license that was issued three or more years prior*
25 *shall not be restored. The holder of the retired license may apply*
26 *for and obtain a new license if all of the following criteria are*
27 *satisfied:*

28 *(1) Has not committed an act or crime constituting grounds for*
29 *denial of licensure.*

30 *(2) Applies for licensure and pays the fee required by this*
31 *chapter.*

32 *(3) Passes the examinations required for licensure.*

33 *(4) Complies with the fingerprint submission requirements*
34 *established by the board in regulation in Section 144.*

35 *SEC. 32. Section 4989.20 of the Business and Professions Code*
36 *is amended to read:*

37 *4989.20. (a) The board may issue a license as an educational*
38 *psychologist if the applicant satisfies, with proof satisfactory to*
39 *the board, the following requirements:*

(1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent by the board. This degree shall be obtained from an educational institution approved by the board according to the regulations adopted under this chapter.

(2) Attainment of 18 years of age.

(3) Is not subject to denial of licensure pursuant to Section 480.

~~(4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.~~

~~(5) Two years of full time, or the equivalent to full time, experience as a credentialed school psychologist in the public schools. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.~~

~~(6) One of the following:~~

~~(A) One year of supervised professional experience in an accredited school psychology program.~~

~~(B) In addition to the requirements of paragraph (5), one year of full time, or the equivalent to full time, experience as a credentialed school psychologist in the public schools obtained under the direction of a licensed educational psychologist or a licensed psychologist.~~

~~(7) Passage of an examination specified by the board.~~

~~(4) Successful completion of 60 semester units or 90 quarter units of postgraduate study in pupil personnel services.~~

~~(5) Two school terms of full-time, or the equivalent to full-time, experience as a licensed or credentialed school psychologist in the public schools or in another school setting as specified in regulations. The experience shall be gained over a period of at least two school terms. The applicant shall not be credited with experience obtained more than six years immediately preceding the date on which the application for licensure was received by the board.~~

~~(6) If the experience required by paragraph (5) was completed while holding a California credential in a school located in California, completion of one of the following:~~

~~(A) A minimum of 1,200 hours of supervised professional experience in an accredited school psychology program.~~

~~(B) One school term of full-time, or the equivalent to full-time, experience as a California credentialed school psychologist in the~~

1 *California public schools, or in another school setting as specified*
2 *in regulations, obtained under the direction of a*
3 *California-licensed educational psychologist. The applicant shall*
4 *not be credited with experience obtained more than six years*
5 *immediately preceding the date on which the application for*
6 *licensure was received by the board.*

7 *(7) If the experience required by paragraph (5) was not*
8 *completed while holding a California credential in a school located*
9 *in California, completion of one of the following:*

10 *(A) A minimum of 1,200 hours of supervised professional*
11 *experience gained in California in an accredited school psychology*
12 *program, gained no more than six years immediately preceding*
13 *the date on which the application for licensure was received by*
14 *the board.*

15 *(B) One school term of full-time, or the equivalent to full-time,*
16 *experience as a California credentialed school psychologist in the*
17 *California public schools, or in another school setting as specified*
18 *in regulations, obtained under the direction of a California licensed*
19 *educational psychologist or a California licensed psychologist.*
20 *The experience shall be gained over a period of at least one school*
21 *term. The applicant shall not be credited with experience obtained*
22 *more than six years immediately preceding the date on which the*
23 *application for licensure was received by the board.*

24 *(8) Passage of the licensed educational psychologist written*
25 *examination administered by the board. A passing score on this*
26 *examination shall be accepted by the board for a period of seven*
27 *years from the date the examination was taken.*

28 *(b) For purposes of this section, the following definitions apply:*

29 *(1) "Full time" means the days or hours of creditable service*
30 *the employer requires to be performed by the employee in a school*
31 *term under their collective bargaining agreement or employment*
32 *agreement. It shall consist of a minimum of 175 days, or 1,050*
33 *hours, per school term.*

34 *(2) "Equivalent to full time" means the days or hours of*
35 *creditable service that a person who is employed on a part-time*
36 *basis would be required to perform in a school term if they were*
37 *employed full time in that part-time position.*

38 *(3) "School term" means a minimum period of 35 weeks*
39 *beginning the first day and ending the last day creditable service*
40 *is required to be performed by a member employed on a full-time*

1 basis, excluding any period that has been excluded pursuant to a
2 publicly available written contractual agreement. The school term
3 shall also be the same for an individual who is not employed on
4 a full-time basis who is performing the same duties as a member
5 employed on a full-time basis.

6 SEC. 33. Section 4989.45 of the Business and Professions Code
7 is amended to read:

8 4989.45. (a) (1) The board shall issue, upon submission of a
9 completed application as prescribed by this section and payment
10 of the fee fixed by this chapter, a retired license to a licensed
11 educational psychologist who holds a license that is current and
12 active or a license that is inactive, and whose license is not
13 suspended, revoked, or otherwise punitively restricted by the board
14 or subject to disciplinary action under this chapter.

15 (2) A licensed educational psychologist license that has expired
16 shall be issued a retired license by the board upon submission of
17 a completed application as prescribed by this section and payment
18 of the fee fixed by this chapter if all of the following requirements
19 are met:

20 (A) The license expired within three years from the date of the
21 board's receipt of a completed application.

22 (B) Immediately preceding the license expiration, and after the
23 license expiration, the license was not suspended, revoked, or
24 otherwise punitively restricted by the board or subject to
25 disciplinary action under this chapter.

26 (3) For purposes of this section, "subject to disciplinary action"
27 shall mean that the licensee had an unsatisfied cost recovery, fine
28 or restitution order, an accusation or petition to revoke probation
29 that has been served on the licensee alleging violations of their
30 probation or the chapter, or an unresolved complaint or
31 investigation pending with the board.

32 (b) To apply for a retired license, the applicant shall submit a
33 completed application to the board providing all of the following
34 information:

35 (1) Full name as filed with the board.

36 (2) Board license type, license number, and expiration date.

37 (3) Date of birth.

38 (4) Social security number or individual taxpayer identification
39 number.

(5) A statement signed under penalty of perjury that the information provided on the application is true and correct, that the applicant understands that the holder of a retired license may not engage in any activity for which the active license was issued, and that the applicant hereby requests their license to be changed to retired status.

~~(b)~~

(c) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active educational psychologist license is required.

(d) The holder of a retired license shall utilize their professional title only with the unabbreviated word “retired” directly preceding or directly following the professional title.

~~(e)~~

(e) The holder of a retired license shall not be required to renew that license.

~~(d)~~

(f) The holder of a retired license may apply to restore to active status ~~his or her~~ their license to practice educational psychology if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements: date the application to restore the retired license is received by the board. A retired license may be restored to active status one time only. To restore a retired license to active status, the applicant shall meet all of the following requirements:

(1) Submit a completed application to the board containing all of the following information:

(A) Full name as filed with the board.

(B) Original board license type and original license number and expiration date.

(C) Date of birth.

(D) Social security number or individual taxpayer identification number.

(E) Whether they have been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken in any regulatory or licensing board in this or any other state subsequent to the issuance of a retired license.

(F) A statement signed under penalty of perjury that the information provided on the application is true and correct, that the applicant did not engage in any activity for which an active

1 *license is required while the license was in retired status, and that*
2 *the applicant hereby requests their license to be changed to*
3 *“active” status.*

4 ~~(1)~~

5 (2) Has not committed an act or crime constituting grounds for
6 denial of licensure.

7 ~~(2)~~

8 (3) Pays the renewal fee fixed by this chapter.

9 ~~(3)~~

10 (4) Completes the required continuing education as specified
11 in Section 4989.34.

12 ~~(4)~~

13 (5) Complies with the fingerprint submission requirements
14 established by the board in regulation in Section 144.

15 ~~(e) An applicant requesting to restore his or her license pursuant~~
16 ~~to subdivision (d), whose license was issued in accordance with~~
17 ~~this section less than one year from the date of the application,~~
18 ~~shall complete 18 hours of continuing education as specified in~~
19 ~~Section 4989.34.~~

20 ~~(f) An applicant requesting to restore his or her license pursuant~~
21 ~~to subdivision (d), whose license was issued in accordance with~~
22 ~~this section one or more years from the date of application, shall~~
23 ~~complete 36 hours of continuing education as specified in Section~~
24 ~~4989.34.~~

25 ~~(g) The holder of a retired license may apply to restore to active~~
26 ~~status his or her license to practice educational psychology if that~~
27 ~~retired license was issued three or more years prior to the~~
28 ~~application date, and the applicant meets all of the following~~
29 ~~requirements:~~

30 ~~(g) An applicant requesting to restore their license pursuant to~~
31 ~~subdivision (f) whose retired license was issued in accordance~~
32 ~~with this section less than one year from the date the application~~
33 ~~to restore the retired license is received by the board shall complete~~
34 ~~18 hours of continuing education taken within the two years prior~~
35 ~~to the date the application to restore the retired license is received~~
36 ~~by the board. This coursework shall include a minimum of six~~
37 ~~hours in the subject of California law and ethics.~~

38 ~~(h) An applicant requesting to restore their license pursuant to~~
39 ~~subdivision (f) whose retired license was issued in accordance~~
40 ~~with this section one or more years from the date the application~~

1 *to restore the retired license is received by the board shall complete*
2 *36 hours of continuing education taken within the two years prior*
3 *to the date the application to restore the retired license is received*
4 *by the board. This coursework shall include a minimum of six*
5 *hours in the subject of California law and ethics.*

6 *(i) A retired license that was issued three or more years prior*
7 *shall not be restored. The holder of the retired license may apply*
8 *for and obtain a new license if all of the following criteria are*
9 *satisfied:*

10 (1) Has not committed an act or crime constituting grounds for
11 denial of licensure.

12 (2) Applies for licensure and pays the required fee.

13 (3) Passes the examinations required for licensure.

14 (4) Complies with the fingerprint submission requirements
15 established by the board in regulation in Section 144.

16 ~~SEC. 3.~~

17 *SEC. 34.* Section 4989.49 of the Business and Professions Code
18 is amended to read:

19 4989.49. “Advertising,” as used in this chapter, includes, but
20 is not limited to, any public communication as defined in
21 subdivision (a) of Section 651, the issuance of any card, sign, or
22 device to any person, or the causing, permitting, or allowing of
23 any sign or marking on, or in, any building or structure, or in any
24 newspaper, magazine, or directory, or any printed matter
25 whatsoever, with or without any limiting qualification. Signs within
26 religious buildings or notices in bulletins from a religious
27 organization mailed to a congregation are not advertising within
28 the meaning of this chapter.

29 *SEC. 35.* Section 4989.54 of the Business and Professions Code
30 is amended to read:

31 4989.54. The board may deny a license or may suspend or
32 revoke the license of a licensee if the person has been guilty of
33 unprofessional conduct. Unprofessional conduct includes, but is
34 not limited to, the following:

35 (a) Conviction of a crime substantially related to the
36 qualifications, functions, and duties of an educational psychologist.

37 (1) The record of conviction shall be conclusive evidence only
38 of the fact that the conviction occurred.

39 (2) The board may inquire into the circumstances surrounding
40 the commission of the crime in order to fix the degree of discipline

1 or to determine if the conviction is substantially related to the
2 qualifications, functions, or duties of a licensee under this chapter.

3 (3) A conviction has the same meaning as defined in Section
4 7.5.

5 (4) The board may order a license suspended or revoked, or
6 may decline to issue a license when the time for appeal has elapsed,
7 or the judgment of conviction has been affirmed on appeal, or
8 when an order granting probation is made suspending the
9 imposition of sentence. All actions pursuant to this subdivision
10 shall be taken pursuant to Division 1.5 (commencing with Section
11 475).

12 (b) Securing a license by fraud, deceit, or misrepresentation on
13 an application for licensure submitted to the board, whether
14 engaged in by an applicant for a license or by a licensee in support
15 of an application for licensure.

16 (c) Administering to themselves a controlled substance or using
17 any of the dangerous drugs specified in Section 4022 or an
18 alcoholic beverage to the extent, or in a manner, as to be dangerous
19 or injurious to themselves or to any other person or to the public
20 or to the extent that the use impairs their ability to safely perform
21 the functions authorized by the license. The board shall deny an
22 application for a license or revoke the license of any person, other
23 than one who is licensed as a physician and surgeon, who uses or
24 offers to use drugs in the course of performing educational
25 psychology.

26 (d) Failure to comply with the ~~consent provisions in Section~~
27 ~~2290.5. procedures set forth in Section 2290.5 when delivering~~
28 ~~health care via telehealth.~~

29 (e) Advertising in a manner that is false, fraudulent, misleading,
30 or deceptive, as defined in Section 651.

31 (f) Violating, attempting to violate, or conspiring to violate any
32 of the provisions of this chapter or any regulation adopted by the
33 board.

34 (g) Commission of any dishonest, corrupt, or fraudulent act
35 substantially related to the qualifications, functions, or duties of a
36 licensee.

37 (h) Denial of licensure, revocation, suspension, restriction, or
38 any other disciplinary action imposed by another state or territory
39 or possession of the United States or by any other governmental
40 agency, on a license, certificate, or registration to practice

1 educational psychology or any other healing art. A certified copy
2 of the disciplinary action, decision, or judgment shall be conclusive
3 evidence of that action.

4 (i) Revocation, suspension, or restriction by the board of a
5 license, certificate, or registration to practice as an educational
6 psychologist, a clinical social worker, professional clinical
7 counselor, or marriage and family therapist.

8 (j) Failure to keep records consistent with sound clinical
9 judgment, the standards of the profession, and the nature of the
10 services being rendered.

11 (k) Gross negligence or incompetence in the practice of
12 educational psychology.

13 (l) Misrepresentation as to the type or status of a license held
14 by the licensee or otherwise misrepresenting or permitting
15 misrepresentation of the licensee's education, professional
16 qualifications, or professional affiliations to any person or entity.

17 (m) Intentionally or recklessly causing physical or emotional
18 harm to any client.

19 (n) Engaging in sexual relations with a client or a former client
20 within two years following termination of professional services,
21 soliciting sexual relations with a client, or committing an act of
22 sexual abuse or sexual misconduct with a client or committing an
23 act punishable as a sexually related crime, if that act or solicitation
24 is substantially related to the qualifications, functions, or duties of
25 a licensed educational psychologist.

26 (o) Before the commencement of treatment, failing to disclose
27 to the client or prospective client the fee to be charged for the
28 professional services or the basis upon which that fee will be
29 computed.

30 (p) Paying, accepting, or soliciting any consideration,
31 compensation, or remuneration, whether monetary or otherwise,
32 for the referral of professional clients.

33 (q) Failing to maintain confidentiality, except as otherwise
34 required or permitted by law, of all information that has been
35 received from a client in confidence during the course of treatment
36 and all information about the client that is obtained from tests or
37 other means.

38 (r) Performing, holding oneself out as being able to perform,
39 offering to perform, or permitting any unlicensed person under
40 supervision to perform, any professional services beyond the scope

1 of the license authorized by this chapter or beyond the person's
2 field or fields of competence as established by the person's
3 education, training, or experience. For purposes of this subdivision,
4 "unlicensed person" includes, but is not limited to, an applicant
5 for licensure, an associate, an intern, or a trainee under the ~~Licensed~~
6 Marriage and Family Therapist *Practice* Act (Chapter 13
7 (commencing with Section 4980)), the Clinical Social Worker
8 Practice Act (Chapter 14 (commencing with Section 4991)), or
9 the Licensed Professional Clinical Counselor Act (Chapter 16
10 (commencing with Section 4999.10)).

11 (s) Reproducing or describing in public, or in any publication
12 subject to general public distribution, any psychological test or
13 other assessment device the value of which depends in whole or
14 in part on the naivete of the subject in ways that might invalidate
15 the test or device. An educational psychologist shall limit access
16 to the test or device to persons with professional interests who can
17 be expected to safeguard its use.

18 (t) Aiding or abetting an unlicensed person to engage in conduct
19 requiring a license under this chapter.

20 (u) When employed by another person or agency, encouraging,
21 either orally or in writing, the employer's or agency's clientele to
22 utilize the person's private practice for further counseling without
23 the approval of the employing agency or administration.

24 (v) Failing to comply with the child abuse reporting
25 requirements of Section 11166 of the Penal Code.

26 (w) Failing to comply with the elder and adult dependent abuse
27 reporting requirements of Section 15630 of the Welfare and
28 Institutions Code.

29 (x) Willful violation of Chapter 1 (commencing with Section
30 123100) of Part 1 of Division 106 of the Health and Safety Code.

31 (y) (1) Engaging in an act described in Section 261, 286, 287,
32 or 289 of, or former Section 288a of, the Penal Code with a minor
33 or an act described in Section 288 or 288.5 of the Penal Code
34 regardless of whether the act occurred prior to or after the time the
35 registration or license was issued by the board. An act described
36 in this subdivision occurring prior to the effective date of this
37 subdivision shall constitute unprofessional conduct and shall
38 subject the licensee to refusal, suspension, or revocation of a license
39 under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(z) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

(aa) Impersonation of another by any licensee or applicant for a license, or, in the case of a licensee, allowing any other person to use the person's license.

(ab) Permitting an unlicensed person under the licensee's supervision or control to perform, or permitting that person to hold themselves out as competent to perform, mental health services beyond the unlicensed person's level of education, training, or experience. For purposes of this subdivision, "unlicensed person" is defined in subdivision (r).

(ac) The violation of any statute or regulation governing the gaining and supervision of experience of an unlicensed person, including an unlicensed person identified in subdivision (ab), by a licensee that violates this chapter, the ~~Licensed~~ Marriage and Family Therapist *Practice* Act (Chapter 13 (commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)), or any rules or regulations adopted by the board pursuant to those provisions. For purposes of this subdivision, "unlicensed person" is defined in subdivision (r).

(ad) The violation of any statute or regulation governing the gaining and supervision of experience of an unlicensed person required by the ~~Licensed~~ Marriage and Family Therapist *Practice* Act (Chapter 13 (commencing with Section 4980)), the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)), or the Licensed Professional Clinical Counselor Act (Chapter 16 (commencing with Section 4999.10)).

SEC. 36. Section 4990 of the Business and Professions Code is amended to read:

1 4990. (a) There is in the Department of Consumer Affairs, a
2 Board of Behavioral Sciences that consists of the following
3 members:

- 4 (1) Two state licensed clinical social workers.
- 5 (2) One state licensed educational psychologist.
- 6 (3) Two state licensed marriage and family therapists.
- 7 (4) One state licensed professional clinical counselor.
- 8 (5) Seven public members.

9 (b) Each member, except the seven public members, shall have
10 at least two years of experience in their profession.

11 (c) Each member shall reside in the State of California.

12 (d) The Governor shall appoint five of the public members and
13 the six licensed members with the advice and consent of the Senate.
14 The Senate Committee on Rules and the Speaker of the Assembly
15 shall each appoint a public member.

16 (e) Each member of the board shall be appointed for a term of
17 four years. A member appointed by the Senate Committee on Rules
18 or the Speaker of the Assembly shall hold office until the
19 appointment and qualification of their successor or until one year
20 from the expiration date of the term for which they were appointed,
21 whichever first occurs. Pursuant to Section 1774 of the Government
22 Code, a member appointed by the Governor shall hold office until
23 the appointment and qualification of their successor or until 60
24 days from the expiration date of the term for which they were
25 appointed, whichever first occurs.

26 (f) A vacancy on the board shall be filled by appointment for
27 the unexpired term by the authority who appointed the member
28 whose membership was vacated.

29 (g) Not later than the first of June of each calendar year, the
30 board shall elect a chairperson and a vice chairperson from its
31 membership.

32 (h) Each member of the board shall receive a per diem and
33 reimbursement of expenses as provided in Section 103.

34 (i) This section shall remain in effect only until January 1, 2026,
35 2030, and as of that date is repealed.

36 ~~(j) Notwithstanding any other provision of law, the repeal of~~
37 ~~this section renders the board subject to review by the appropriate~~
38 ~~policy committees of the Legislature.~~

39 *SEC. 37. Section 4990.01 is added to the Business and*
40 *Professions Code, to read:*

1 4990.01. *Notwithstanding any other provision of law, the repeal*
2 *of Section 4990 renders the board subject to review by the*
3 *appropriate policy committees of the Legislature.*

4 ~~SEC. 4.~~

5 SEC. 38. Section 4992.2 of the Business and Professions Code
6 is amended to read:

7 4992.2. “Advertising,” as used in this chapter, includes, but is
8 not limited to, any public communication as defined in subdivision
9 (a) of Section 651, the issuance of any card, sign, or device to any
10 person, or the causing, permitting, or allowing of any sign or
11 marking on, or in, any building or structure, or in any newspaper,
12 magazine, or directory, or any printed matter whatsoever, with or
13 without any limiting qualification. Signs within religious buildings
14 or notices in bulletins from a religious organization mailed to a
15 congregation are not advertising within the meaning of this chapter.

16 SEC. 39. *Section 4992.3 of the Business and Professions Code*
17 *is amended to read:*

18 4992.3. The board may deny a license or a registration, or may
19 suspend or revoke the license or registration of a licensee or
20 registrant if the licensee or registrant has been guilty of
21 unprofessional conduct. Unprofessional conduct includes, but is
22 not limited to, the following:

23 (a) The conviction of a crime substantially related to the
24 qualifications, functions, or duties of a licensee or registrant under
25 this chapter. The record of conviction shall be conclusive evidence
26 only of the fact that the conviction occurred. The board may inquire
27 into the circumstances surrounding the commission of the crime
28 in order to fix the degree of discipline or to determine if the
29 conviction is substantially related to the qualifications, functions,
30 or duties of a licensee or registrant under this chapter. A conviction
31 has the same meaning as defined in Section 7.5. The board may
32 order any license or registration suspended or revoked, or may
33 decline to issue a license or registration when the time for appeal
34 has elapsed, or the judgment of conviction has been affirmed on
35 appeal, or, when an order granting probation is made suspending
36 the imposition of sentence. All actions pursuant to this subdivision
37 shall be taken pursuant to Division 1.5 (commencing with Section
38 475).

39 (b) Securing a license or registration by fraud, deceit, or
40 misrepresentation on any application for licensure or registration

1 submitted to the board, whether engaged in by an applicant for a
2 license or registration, or by a licensee in support of any application
3 for licensure or registration.

4 (c) Administering to—~~themselves~~ *themselves* any controlled
5 substance or using any of the dangerous drugs specified in Section
6 4022 or any alcoholic beverage to the extent, or in a manner, as
7 to be dangerous or injurious to the person applying for a
8 registration or license or holding a registration or license under
9 this chapter, or to any other person, or to the public, or, to the
10 extent that the use impairs the ability of the person applying for
11 or holding a registration or license to conduct with safety to the
12 public the practice authorized by the registration or license. The
13 board shall deny an application for a registration or license or
14 revoke the license or registration of any person who uses or offers
15 to use drugs in the course of performing clinical social work. This
16 provision does not apply to any person also licensed as a physician
17 and surgeon under Chapter 5 (commencing with Section 2000) or
18 the Osteopathic Act who lawfully prescribes drugs to a patient
19 under the person's care.

20 (d) Incompetence in the performance of clinical social work.

21 (e) An act or omission that falls sufficiently below the standard
22 of conduct of the profession as to constitute an act of gross
23 negligence.

24 (f) Violating, attempting to violate, or conspiring to violate this
25 chapter or any regulation adopted by the board.

26 (g) Misrepresentation as to the type or status of a license or
27 registration held by the licensee or registrant or otherwise
28 misrepresenting or permitting misrepresentation of the licensee's
29 or registrant's education, professional qualifications, or professional
30 affiliations to any person or entity. For purposes of this subdivision,
31 this misrepresentation includes, but is not limited to,
32 misrepresentation of the person's qualifications as an adoption
33 service provider pursuant to Section 8502 of the Family Code.

34 (h) Impersonation of another by any licensee, registrant, or
35 applicant for a license or registration, or, in the case of a licensee
36 or registrant, allowing any other person to use the licensee's or
37 registrant's license or registration.

38 (i) Aiding or abetting, or employing, directly or indirectly, any
39 unlicensed or unregistered person to engage in conduct for which
40 a license or registration is required under this chapter.

1 (j) Intentionally or recklessly causing physical or emotional
2 harm to any client.

3 (k) The commission of any dishonest, corrupt, or fraudulent act
4 substantially related to the qualifications, functions, or duties of a
5 licensee or registrant.

6 (l) Engaging in sexual relations with a client or with a former
7 client within two years from the termination date of therapy with
8 the client, soliciting sexual relations with a client, or committing
9 an act of sexual abuse, or sexual misconduct with a client, or
10 committing an act punishable as a sexually related crime, if that
11 act or solicitation is substantially related to the qualifications,
12 functions, or duties of a clinical social worker.

13 (m) Performing, or holding oneself out as being able to perform,
14 or offering to perform or permitting, any registered associate,
15 trainee, or applicant for licensure under supervision to perform
16 any professional services beyond the scope of the license authorized
17 by this chapter.

18 (n) Failure to maintain confidentiality, except as otherwise
19 required or permitted by law, of all information that has been
20 received from a client in confidence during the course of treatment
21 and all information about the client that is obtained from tests or
22 other means.

23 (o) Prior to the commencement of treatment, failing to disclose
24 to the client or prospective client the fee to be charged for the
25 professional services, or the basis upon which that fee will be
26 computed.

27 (p) Paying, accepting, or soliciting any consideration,
28 compensation, or remuneration, whether monetary or otherwise,
29 for the referral of professional clients. All consideration,
30 compensation, or remuneration shall be in relation to professional
31 counseling services actually provided by the licensee. This
32 subdivision does not prevent collaboration among two or more
33 licensees in a case or cases. However, no fee shall be charged for
34 that collaboration, except when disclosure of the fee has been made
35 in compliance with subdivision (o).

36 (q) Advertising in a manner that is false, fraudulent, misleading,
37 or deceptive, as defined in Section 651.

38 (r) Reproduction or description in public, or in any publication
39 subject to general public distribution, of any psychological test or
40 other assessment device, the value of which depends in whole or

1 in part on the naivete of the subject, in ways that might invalidate
2 the test or device. A licensee shall limit access to that test or device
3 to persons with professional interest who are expected to safeguard
4 its use.

5 (s) Any conduct in the supervision of any registered associate,
6 trainee, or applicant for licensure by any licensee that violates this
7 chapter or any rules or regulations adopted by the board.

8 (t) Performing or holding oneself out as being able to perform
9 mental health services beyond the scope of one's competence, as
10 established by one's education, training, or experience. This
11 subdivision shall not be construed to expand the scope of the
12 license authorized by this chapter.

13 (u) Permitting an applicant for licensure, trainee, or registrant
14 under one's supervision or control to perform, or permitting the
15 supervisee to hold ~~themselves~~ *themselves* out as competent to
16 perform, mental health services beyond the supervisee's level of
17 education, training, or experience.

18 (v) The violation of any law governing the gaining or
19 supervision of experience required by this chapter.

20 (w) Failure to keep records consistent with sound clinical
21 judgment, the standards of the profession, and the nature of the
22 services being rendered.

23 (x) Failure to comply with the child abuse reporting
24 requirements of Section 11166 of the Penal Code.

25 (y) Failure to comply with the elder and dependent adult abuse
26 reporting requirements of Section 15630 of the Welfare and
27 Institutions Code.

28 (z) Willful violation of Chapter 1 (commencing with Section
29 123100) of Part 1 of Division 106 of the Health and Safety Code.

30 (aa) Failure to comply with ~~Section 2290.5.~~ *the procedures set*
31 *forth in Section 2290.5 when delivering health care via telehealth.*

32 (ab) (1) Engaging in an act described in Section 261, 286, 287,
33 or 289 of, or former Section 288a of, the Penal Code with a minor
34 or an act described in Section 288 or 288.5 of the Penal Code
35 regardless of whether the act occurred prior to or after the time the
36 registration or license was issued by the board. An act described
37 in this subdivision occurring prior to the effective date of this
38 subdivision shall constitute unprofessional conduct and shall
39 subject the licensee to refusal, suspension, or revocation of a license
40 under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(ac) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

SEC. 40. Section 4996.16.1 of the Business and Professions Code is amended to read:

4996.16.1. (a) Notwithstanding Section 4996, a person who holds a license in another jurisdiction of the United States as a clinical social worker may provide clinical social work services in this state for a period not to exceed 30 consecutive days in any calendar year, if all of the following conditions are met:

(1) The license from another jurisdiction is at the highest level for independent clinical practice in the jurisdiction in which the license was granted.

(2) The license from another jurisdiction is current, active, and unrestricted.

(3) The client is located in California during the time the person seeks to provide care in California.

(4) The client is a current client of the person and has an established, ongoing client-provider relationship with the person at the time the client became located in California.

(5) The person informs the client of the limited timeframe of the services and that the person is not licensed in California.

(6) The person provides the client with the Board of Behavioral Sciences' internet website address.

(7) The person informs the client of the jurisdiction in which the person is licensed and the type of license held and provides the client with the person's license number.

(b) A person who intends to provide clinical social work services pursuant to this section shall provide the board with all of the following information before providing services:

(1) The name under which the person is licensed in another jurisdiction, the person's mailing address, the person's phone

1 number, the person's social security number or individual taxpayer
2 identification number, and the person's electronic mailing address,
3 if the person has an electronic mailing address.

4 (2) The jurisdiction in which the person is licensed, the type of
5 license held, and the license number.

6 (3) The date on which the person will begin providing clinical
7 social work services to the person's client in California.

8 (c) A person who provides services pursuant to this section is
9 deemed to have agreed to practicing under the jurisdiction of the
10 board and to be bound by the laws of this state.

11 (d) This section does not apply to any person licensed by the
12 board whose license has been suspended or revoked.

13 (e) This section shall remain in effect only until January 1, 2026,
14 2030, and as of that date is repealed.

15 *SEC. 41. Section 4996.23.1 of the Business and Professions*
16 *Code, as amended by Section 9 of Chapter 160 of the Statutes of*
17 *2024, is amended to read:*

18 4996.23.1. (a) Except for experience gained by attending
19 workshops, seminars, training sessions, or conferences, as
20 described in paragraph (3) of subdivision (d) of Section 4996.23,
21 direct supervisor contact shall occur as follows:

22 (1) Supervision shall include at least one hour of direct
23 supervisor contact each week for which experience is credited in
24 each work setting.

25 (2) An associate gaining experience who performs more than
26 10 hours of ~~direct clinical counseling~~ *services pursuant to*
27 *paragraph (2) of subdivision (d) of Section 4996.23* in a week in
28 any setting shall receive at least one additional hour of direct
29 supervisor contact for that setting.

30 (b) For purposes of this chapter, "one hour of direct supervisor
31 contact" means any of the following:

32 (1) Individual supervision, which means one hour of face-to-face
33 contact between one supervisor and one person receiving
34 supervision for providing clinical mental health services.

35 (2) Triadic supervision, which means one hour of face-to-face
36 contact between one supervisor and two persons receiving
37 supervision for providing clinical mental health services.

38 (3) Group supervision, which means two hours of face-to-face
39 contact between one supervisor and no more than eight persons
40 receiving supervision for providing clinical mental health services.

1 Segments of group supervision may be split into no less than one
2 continuous hour. A supervisor shall ensure that the amount and
3 degree of supervision is appropriate for each person in the group.

4 (c) Direct supervisor contact shall occur within the same week
5 as the hours claimed.

6 (d) Of the 104 weeks of required supervision, 52 weeks shall
7 be individual supervision, triadic supervision, or a combination of
8 both.

9 (e) Of the 52 weeks of required individual or triadic supervision,
10 no less than 13 weeks shall be supervised by a licensed clinical
11 social worker.

12 (f) Alternative supervision may be arranged during a
13 supervisor's vacation or sick leave if the alternative supervision
14 meets the requirements of this chapter.

15 (g) Notwithstanding subdivision (b), a supervisee working in
16 an exempt setting described in Section 4996.14 may obtain the
17 required weekly direct supervisor contact via two-way, real-time
18 videoconferencing. The supervisor shall be responsible for ensuring
19 compliance with state and federal laws relating to confidentiality
20 of patient health information.

21 (h) Notwithstanding any other law, once the required number
22 of experience hours are gained, an associate clinical social worker
23 or applicant for licensure shall receive a minimum of one hour of
24 direct supervisor contact per week for each practice setting in
25 which direct clinical counseling is performed. Once the required
26 number of experience hours are gained, further supervision for
27 nonclinical practice, as described in paragraph (3) of subdivision
28 (d) of Section 4996.23, shall be at the supervisor's discretion.

29 (i) This section shall become operative on January 1, 2026.

30 *SEC. 42. Section 4996.23.2 of the Business and Professions*
31 *Code is amended to read:*

32 4996.23.2. (a) An associate clinical social worker or applicant
33 for licensure shall only perform mental health and related services
34 as an employee or as a volunteer, not as an independent contractor.
35 The requirements of this chapter regarding hours of experience
36 and supervision shall apply equally to employees and volunteers.
37 An associate or applicant for licensure shall not perform any
38 services or gain any experience within the scope of practice of the
39 profession, as defined in Section 4996.9, as an independent

1 contractor. While an associate may be either a paid employee or
2 a volunteer, employers are encouraged to provide fair remuneration.

3 (1) If employed, an associate shall provide the board, upon
4 application for licensure, with copies of the corresponding W-2
5 tax forms for each year of experience claimed. *For experience*
6 *gained during a tax year that has not ended by the date the*
7 *associate's application for licensure is received by the board, the*
8 *associate shall provide the board with a copy of their most recent*
9 *pay stub.*

10 (2) If volunteering, an associate shall provide the board, upon
11 application for licensure, with a letter from their employer verifying
12 the associate's status as a volunteer during the dates the experience
13 was gained.

14 (b) Employment in a private practice or professional corporation
15 shall not commence until the applicant has been registered as an
16 associate clinical social worker.

17 (c) Experience shall only be gained in a setting that meets both
18 of the following:

19 (1) Lawfully and regularly provides clinical social work, mental
20 health counseling, or psychotherapy.

21 (2) Provides oversight to ensure that the associate's work at the
22 setting meets the experience and supervision requirements set forth
23 in this chapter and is within the scope of practice for the profession
24 as defined in Section 4996.9.

25 (d) Only experience gained in the position for which the
26 associate clinical social worker volunteers or is employed shall
27 qualify as supervised experience.

28 (e) Any experience obtained under the supervision of a spouse
29 or relative by blood or marriage shall not be credited toward the
30 required hours of supervised experience. Any experience obtained
31 under the supervision of a supervisor with whom the applicant has
32 had or currently has a personal, professional, or business
33 relationship that undermines the authority or effectiveness of the
34 supervision shall not be credited toward the required hours of
35 supervised experience.

36 (f) An associate clinical social worker or applicant for licensure
37 who provides voluntary services in any lawful work setting and
38 who only receives reimbursement for expenses actually incurred
39 shall be considered an employee. The board may audit an applicant
40 for licensure who receives reimbursement for expenses and the

applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(g) An associate clinical social worker or applicant for licensure who receives a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession or to improve recruitment and retention in underserved regions or settings shall be considered an employee. The board may audit an applicant who receives a stipend or educational loan repayment and the applicant shall have the burden of demonstrating that the payments received were for the specified purposes.

(h) An associate or applicant for licensure shall not receive any remuneration from patients or clients and shall only be paid by their employer, if an employee.

(i) An associate or applicant for licensure shall have no proprietary interest in their employer's business and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employer.

(j) An associate may provide services via telehealth that are in the scope of practice as outlined in this chapter.

(k) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage their supervisees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate counseling or psychotherapy at a reasonable cost.

~~SEC. 5.~~

SEC. 43. Section 4999.12 of the Business and Professions Code is amended to read:

4999.12. For purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Behavioral Sciences.

(b) "Accredited" means a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

1 (c) “Approved” means a school, college, or university that
2 possessed unconditional approval by the Bureau for Private
3 Postsecondary Education at the time of the applicant’s graduation
4 from the school, college, or university.

5 (d) “Applicant for licensure” means an unlicensed person who
6 has completed the required education and required hours of
7 supervised experience for licensure.

8 (e) “Licensed professional clinical counselor” or “LPCC” means
9 a person licensed under this chapter to practice professional clinical
10 counseling, as defined in Section 4999.20.

11 (f) “Associate” means an unlicensed person who meets the
12 requirements of Section 4999.42 and is registered with the board.

13 (g) “Clinical counselor trainee” means an unlicensed person
14 who is currently enrolled in a master’s or doctoral degree program,
15 as specified in Section 4999.32 or 4999.33, that is designed to
16 qualify the person for licensure and who has completed no less
17 than 12 semester units or 18 quarter units of coursework in any
18 qualifying degree program.

19 (h) “Supervisor” means an individual who meets all of the
20 following requirements:

21 (1) Has held an active license for at least two years within the
22 five-year period immediately preceding any supervision as either:

23 (A) A licensed professional clinical counselor, licensed marriage
24 and family therapist, psychologist licensed pursuant to Chapter
25 6.6 (commencing with Section 2900), licensed clinical social
26 worker, licensed educational psychologist, or equivalent
27 out-of-state license. A licensed educational psychologist may only
28 supervise the provision of educationally related mental health
29 services that are consistent with the scope of practice of an
30 educational psychologist, as specified in Section 4989.14.

31 (B) A physician and surgeon who is certified in psychiatry by
32 the American Board of Psychiatry and Neurology, or an out-of-state
33 licensed physician and surgeon who is certified in psychiatry by
34 the American Board of Psychiatry and Neurology.

35 (2) For at least two years within the five-year period immediately
36 preceding any supervision, has practiced psychotherapy, provided
37 psychological counseling pursuant to paragraph (5) of subdivision
38 (a) of Section 4989.14, or provided direct clinical supervision of
39 psychotherapy performed by marriage and family therapist trainees,
40 associate marriage and family therapists, associate professional

1 clinical counselors, or associate clinical social workers. Supervision
2 of psychotherapy performed by a social work intern or a
3 professional clinical counselor trainee shall be accepted if the
4 supervision provided is substantially equivalent to the supervision
5 required for registrants.

6 (3) Has received training in supervision as specified in this
7 chapter and by regulation.

8 (4) Has not provided therapeutic services to the supervisee.

9 (5) Has and maintains a current and active license that is not
10 under suspension or probation as one of the following:

11 (A) A marriage and family therapist, professional clinical
12 counselor, clinical social worker, or licensed educational
13 psychologist issued by the board.

14 (B) A psychologist licensed pursuant to Chapter 6.6
15 (commencing with Section 2900).

16 (C) A physician and surgeon who is certified in psychiatry by
17 the American Board of Psychiatry and Neurology.

18 (6) Is not a spouse, domestic partner, or relative of the
19 supervisee.

20 (7) Does not currently have or previously had a personal,
21 professional, or business relationship with the supervisee that
22 undermines the authority or effectiveness of the supervision.

23 (i) “Client centered advocacy” includes, but is not limited to,
24 researching, identifying, and accessing resources, or other activities,
25 related to obtaining or providing services and supports for clients
26 or groups of clients receiving psychotherapy or counseling services.

27 (j) “Advertising,” as used in this chapter, includes, but is not
28 limited to, any public communication as defined in subdivision
29 (a) of Section 651, the issuance of any card, sign, or device to any
30 person, or the causing, permitting, or allowing of any sign or
31 marking on, or in, any building or structure, or in any newspaper,
32 magazine, or directory, or any printed matter whatsoever, with or
33 without any limiting qualification. Signs within religious buildings
34 or notices in bulletins from a religious organization mailed to a
35 congregation are not advertising within the meaning of this chapter.

36 (k) “Referral” means evaluating and identifying the needs of a
37 client to determine whether it is advisable to refer the client to
38 other specialists, informing the client of that judgment, and
39 communicating that determination as requested or deemed
40 appropriate to referral sources.

1 (l) “Research” means a systematic effort to collect, analyze, and
2 interpret quantitative and qualitative data that describes how social
3 characteristics, behavior, emotion, cognitions, disabilities, mental
4 disorders, and interpersonal transactions among individuals and
5 organizations interact.

6 (m) “Supervision” means responsibility for, and control of, the
7 quality of mental health and related services provided by the
8 supervisee. Consultation or peer discussion shall not be considered
9 supervision and shall not qualify as supervised experience.
10 Supervision includes, but is not limited to, all of the following:

11 (1) Ensuring the extent, kind, and quality of counseling
12 performed is consistent with the education, training, and experience
13 of the supervisee.

14 (2) Monitoring and evaluating the supervisee’s assessment,
15 diagnosis, and treatment decisions and providing regular feedback.

16 (3) Monitoring and evaluating the supervisee’s ability to provide
17 services at the site or sites where the supervisee is practicing and
18 to the particular clientele being served.

19 (4) Monitoring and addressing clinical dynamics, including, but
20 not limited to, countertransference-, intrapsychic-, interpersonal-,
21 or trauma-related issues that may affect the supervisory or the
22 practitioner-patient relationship.

23 (5) Ensuring the supervisee’s compliance with laws and
24 regulations governing the practice of licensed professional clinical
25 counseling.

26 (6) Reviewing the supervisee’s progress notes, process notes,
27 and other patient treatment records, as deemed appropriate by the
28 supervisor.

29 (7) With the client’s written consent, providing direct
30 observation or review of audio or video recordings of the
31 supervisee’s counseling or therapy, as deemed appropriate by the
32 supervisor.

33 (n) “Clinical setting” means any setting that meets both of the
34 following requirements:

35 (1) Lawfully and regularly provides mental health counseling
36 or psychotherapy.

37 (2) Provides oversight to ensure that the associate’s work meets
38 the experience and supervision requirements set forth in this
39 chapter and in regulation and is within the scope of practice of the
40 profession.

1 *SEC. 44. Section 4999.23 of the Business and Professions Code*
2 *is amended to read:*

3 4999.23. (a) Notwithstanding Section 4999.30, a person who
4 holds a license in another jurisdiction of the United States as a
5 professional clinical counselor may provide professional clinical
6 counseling services in this state for a period not to exceed 30
7 consecutive days in any calendar year, if all of the following
8 conditions are met:

9 (1) The license from another jurisdiction is at the highest level
10 for independent clinical practice in the jurisdiction in which the
11 license was granted.

12 (2) The license from another jurisdiction is current, active, and
13 unrestricted.

14 (3) The client is located in California during the time the person
15 seeks to provide care in California.

16 (4) The client is a current client of the person and has an
17 established, ongoing client-provider relationship with the person
18 at the time the client became located in California.

19 (5) The person informs the client of the limited timeframe of
20 the services and that the person is not licensed in California.

21 (6) The person provides the client with the Board of Behavioral
22 Sciences' internet website address.

23 (7) The person informs the client of the jurisdiction in which
24 the person is licensed and the type of license held and provides
25 the client with the person's license number.

26 (b) A person who intends to provide professional clinical
27 counseling services pursuant to this section shall provide the board
28 with all of the following information before providing services:

29 (1) The name under which the person is licensed in another
30 jurisdiction, the person's mailing address, the person's phone
31 number, the person's social security number or individual taxpayer
32 identification number, and the person's electronic mailing address,
33 if the person has an electronic mailing address.

34 (2) The jurisdiction in which the person is licensed, the type of
35 license held, and the license number.

36 (3) The date on which the person will begin providing
37 professional clinical counseling services to the person's client in
38 California.

(c) A person who provides services pursuant to this section is deemed to have agreed to practicing under the jurisdiction of the board and to be bound by the laws of this state.

(d) This section does not apply to any person licensed by the board whose license has been suspended or revoked.

(e) This section shall remain in effect only until January 1, 2026, 2030, and as of that date is repealed.

SEC. 45. Section 4999.46.2 of the Business and Professions Code, as amended by Section 15 of Chapter 160 of the Statutes of 2024, is amended to read:

4999.46.2. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (4) of subdivision (c) of Section 4999.46, direct supervisor contact shall occur as follows:

(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. ~~For experience gained after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.~~

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual supervision, triadic supervision, or group supervision, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one person receiving supervision for providing clinical mental health services.

1 (2) Triadic supervision, which means one hour of face-to-face
2 contact between one supervisor and two persons receiving
3 supervision for providing clinical mental health services.

4 (3) Group supervision, which means two hours of face-to-face
5 contact between one supervisor and no more than eight persons
6 receiving supervision for providing clinical mental health services.
7 Segments of group supervision may be split into no less than one
8 continuous hour. The supervisor shall ensure that the amount and
9 degree of supervision is appropriate for each person in the group.

10 (c) Direct supervisor contact shall occur within the same week
11 as the hours claimed.

12 (d) Alternative supervision may be arranged during a
13 supervisor's vacation or sick leave if the alternative supervision
14 meets the requirements in this chapter.

15 (e) Notwithstanding subdivision (b), a supervisee working in
16 an exempt setting described in Section 4999.22 may obtain the
17 required weekly direct supervisor contact via two-way, real-time
18 videoconferencing. The supervisor shall be responsible for ensuring
19 compliance with federal and state laws relating to confidentiality
20 of patient health information.

21 (f) Notwithstanding any other law, once the required number
22 of experience hours are gained, associates and applicants for
23 licensure shall receive a minimum of one hour of direct supervisor
24 contact per week for each practice setting in which direct clinical
25 counseling is performed. Once the required number of experience
26 hours are gained, further supervision for nonclinical practice, as
27 defined in paragraph (4) of subdivision (c) of Section 4999.46,
28 shall be at the supervisor's discretion.

29 (g) This section shall become operative on January 1, 2026.

30 *SEC. 46. Section 4999.46.3 of the Business and Professions*
31 *Code is amended to read:*

32 4999.46.3. (a) A clinical counselor trainee, associate, or
33 applicant for licensure shall only perform mental health and related
34 services as an employee or volunteer, and not as an independent
35 contractor. The requirements of this chapter regarding hours of
36 experience and supervision shall apply equally to employees and
37 volunteers. A clinical counselor trainee, associate, or applicant for
38 licensure shall not perform any services or gain any experience
39 within the scope of practice of the profession, as defined in Section
40 4999.20, as an independent contractor. While an associate may be

1 either a paid employee or a volunteer, employers are encouraged
2 to provide fair remuneration.

3 (1) If employed, an associate shall provide the board, upon
4 application for licensure, with copies of the corresponding W-2
5 tax forms for each year of experience claimed. *For experience*
6 *gained during a tax year that has not ended by the date the*
7 *associate's application for licensure is received by the board, the*
8 *associate shall provide the board with a copy of their most recent*
9 *pay stub.*

10 (2) If volunteering, an associate shall provide the board, upon
11 application for licensure, with a letter from their employer verifying
12 the associate's status as a volunteer during the dates the experience
13 was gained.

14 (b) A clinical counselor trainee shall not perform services in a
15 private practice or professional corporation.

16 (c) A trainee shall complete the required predegree supervised
17 practicum or field study experience in a setting that meets all of
18 the following requirements:

19 (1) Is not a private practice or a professional corporation.

20 (2) Lawfully and regularly provides mental health counseling
21 or psychotherapy.

22 (3) Provides oversight to ensure that the clinical counselor
23 trainee's work at the setting meets the experience and supervision
24 requirements in this chapter and is within the scope of practice of
25 the profession, as defined in Section 4999.20.

26 (4) Only experience gained in the position for which the clinical
27 counselor trainee volunteers or is employed shall qualify as
28 supervised practicum or field study experience.

29 (d) (1) An associate may be credited with supervised experience
30 completed in any setting that meets both of the following:

31 (A) Lawfully and regularly provides mental health counseling
32 or psychotherapy.

33 (B) Provides oversight to ensure that the associate's work at the
34 setting meets the experience and supervision requirements in this
35 chapter and is within the scope of practice for the profession, as
36 defined in Section 4999.20.

37 (2) Only experience gained in the position for which the
38 associate volunteers or is employed shall qualify as supervised
39 experience.

1 (3) An applicant for registration as an associate shall not be
2 employed or volunteer in a private practice or professional
3 corporation until they have been issued an associate registration
4 by the board.

5 (e) Any experience obtained under the supervision of a spouse,
6 relative, or domestic partner shall not be credited toward the
7 required hours of supervised experience. Any experience obtained
8 under the supervision of a supervisor with whom the applicant has
9 had or currently has a personal, professional, or business
10 relationship that undermines the authority or effectiveness of the
11 supervision shall not be credited toward the required hours of
12 supervised experience.

13 (f) A clinical counselor trainee, associate, or applicant for
14 licensure shall not receive any remuneration from patients or clients
15 and shall only be paid by their employer, if an employee.

16 (g) A clinical counselor trainee, associate, or applicant for
17 licensure shall have no proprietary interest in their employer's
18 business and shall not lease or rent space, pay for furnishings,
19 equipment, or supplies, or in any other way pay for the obligations
20 of their employer.

21 (h) A clinical counselor trainee, associate, or applicant for
22 licensure who provides voluntary services in any lawful work
23 setting and who only receives reimbursement for expenses actually
24 incurred shall be considered an employee. The board may audit
25 an applicant for licensure who receives reimbursement for expenses
26 and the applicant for licensure shall have the burden of
27 demonstrating that the payments received were for reimbursement
28 of expenses actually incurred.

29 (i) A clinical counselor trainee, associate, or applicant for
30 licensure who receives a stipend or educational loan repayment
31 from a program designed to encourage demographically
32 underrepresented groups to enter the profession or to improve
33 recruitment and retention in underserved regions or settings shall
34 be considered an employee. The board may audit an applicant who
35 receives a stipend or educational loan repayment and the applicant
36 shall have the burden of demonstrating that the payments were for
37 the specified purposes.

38 (j) A clinical counselor trainee or associate may provide services
39 via telehealth that are in the scope of practice outlined in this
40 chapter.

(k) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage their associates and trainees regarding the advisability of undertaking individual, marital, conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, educational institutions and supervisors are encouraged to assist the applicant to locate that counseling or psychotherapy at a reasonable cost.

SEC. 47. Section 4999.113 of the Business and Professions Code is amended to read:

4999.113. (a) (1) The board shall issue, upon submission of a completed application as prescribed by this section and payment of the fee fixed by this chapter, a retired license to a professional clinical counselor who holds a license that is current and active or a license that is inactive, and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(2) A professional clinical counselor license that has expired shall be issued a retired license by the board upon submission of a completed application as prescribed by this section and payment of the fee fixed by this chapter if all of the following requirements are met:

(A) The license expired within three years from the date of the board's receipt of a completed application.

(B) Immediately preceding the license expiration, and after the license expiration, the license was not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(3) For purposes of this section, "subject to disciplinary action" shall mean that the licensee had an unsatisfied cost recovery, fine or restitution order, an accusation or petition to revoke probation that has been served on the licensee alleging violations of their probation or the chapter, or an unresolved complaint or investigation pending with the board.

(b) To apply for a retired license, the applicant shall submit a completed application to the board providing all of the following information:

(1) Full name as filed with the board.

(2) Board license type, license number, and expiration date.

(3) Date of birth.

(4) Social security number or individual taxpayer identification number.

(5) A statement signed under penalty of perjury that the information provided on the application is true and correct, that the applicant understands that the holder of a retired license may not engage in any activity for which the active license was issued, and that the applicant hereby requests their license to be changed to retired status.

~~(b)~~

(c) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active professional clinical counselor license is required.

(d) The holder of a retired license shall utilize their professional title only with the unabbreviated word “retired” directly preceding or directly following the professional title.

~~(e)~~

(e) The holder of a retired license shall not be required to renew that license.

~~(d)~~

(f) The holder of a retired license may apply to restore to active status ~~his or her~~ their license to practice professional clinical counseling if that retired license was issued less than three years prior to the application date, and the applicant meets all of the following requirements: date the application to restore the retired license is received by the board. A retired license may be restored to active status one time only. To restore a retired license to active status, the applicant shall meet all of the following requirements:

(1) Submit a completed application to the board containing all of the following information:

(A) Full name as filed with the board.

(B) Original board license type and original license number and expiration date.

(C) Date of birth.

(D) Social security number or individual taxpayer identification number.

(E) Whether they have been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary

1 *action has been taken in any regulatory or licensing board in this*
2 *or any other state subsequent to the issuance of a retired license.*

3 *(F) A statement signed under penalty of perjury that the*
4 *information provided on the application is true and correct, that*
5 *the applicant did not engage in any activity for which an active*
6 *license is required while the license was in retired status, and that*
7 *the applicant hereby requests their license to be changed to*
8 *“active” status.*

9 ~~(1)~~
10 (2) Has not committed an act or crime constituting grounds for
11 denial of licensure.

12 ~~(2)~~
13 (3) Pays the required renewal fee.

14 ~~(3)~~
15 (4) Completes the required continuing education as specified
16 in Section 4999.76.

17 ~~(4)~~
18 (5) Complies with the fingerprint submission requirements
19 established by the board in regulation in Section 144.

20 ~~(e) An applicant requesting to restore his or her license pursuant~~
21 ~~to subdivision (d), whose license was issued in accordance with~~
22 ~~this section less than one year from the date of the application,~~
23 ~~shall complete 18 hours of continuing education as specified in~~
24 ~~Section 4999.76.~~

25 ~~(f) An applicant requesting to restore his or her license pursuant~~
26 ~~to subdivision (d), whose license was issued in accordance with~~
27 ~~this section one or more years from the date of application, shall~~
28 ~~complete 36 hours of continuing education as specified in Section~~
29 ~~4999.76.~~

30 ~~(g) The holder of a retired license may apply to restore to active~~
31 ~~status his or her license to practice professional clinical counseling~~
32 ~~if that retired license was issued three or more years prior to the~~
33 ~~application date, and the applicant meets all of the following~~
34 ~~requirements:~~

35 *(g) An applicant requesting to restore their license pursuant to*
36 *subdivision (f) whose retired license was issued in accordance*
37 *with this section less than one year from the date the application*
38 *to restore the retired license is received by the board shall complete*
39 *18 hours of continuing education taken within the two years prior*
40 *to the date the application to restore the retired license is received*

1 *by the board. This coursework shall include a minimum of six*
2 *hours in the subject of California law and ethics.*

3 *(h) An applicant requesting to restore their license pursuant to*
4 *subdivision (f) whose retired license was issued in accordance*
5 *with this section one or more years from the date the application*
6 *to restore the retired license is received by the board shall complete*
7 *36 hours of continuing education taken within the two years prior*
8 *to the date the application to restore the retired license is received*
9 *by the board. This coursework shall include a minimum of six*
10 *hours in the subject of California law and ethics.*

11 *(i) A retired license that was issued three or more years prior*
12 *shall not be restored. The holder of the retired license may apply*
13 *for and obtain a new license if all of the following criteria are*
14 *satisfied:*

15 *(1) Has not committed an act or crime constituting grounds for*
16 *denial of licensure.*

17 *(2) Applies for licensure and pays the required fees.*

18 *(3) Passes the examinations required for licensure.*

19 *(4) Complies with the fingerprint submission requirements*
20 *established by the board in regulation in Section 144.*

21 *SEC. 48. No reimbursement is required by this act pursuant*
22 *to Section 6 of Article XIII B of the California Constitution because*
23 *the only costs that may be incurred by a local agency or school*
24 *district will be incurred because this act creates a new crime or*
25 *infraction, eliminates a crime or infraction, or changes the penalty*
26 *for a crime or infraction, within the meaning of Section 17556 of*
27 *the Government Code, or changes the definition of a crime within*
28 *the meaning of Section 6 of Article XIII B of the California*
29 *Constitution.*