Board of Behavioral Sciences

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Gavin Newsom, Governor, State of California | Business and Consumer Services Agency | Department of Consumer Affairs

MEMORANDUM

DATE	October 19, 2026
TO	Board Members
FROM	Rosanne Helms, Legislative Manager
SUBJECT	Proposed Legislation: 2027 Omnibus Bill

Each year, staff reviews the Board's statutes to determine if technical, minor or non-substantive amendments are needed. Typically, such amendments are placed in an omnibus bill that the Legislature runs each year.

Staff has identified amendments that the Board may wish to include.

1. **Amend Business and Professions Code (BPC) §§4984.01, 4996.28, 4999.100: Clarification of Private Practice Prohibition. (Attachment A)**

   Background: Current law states that an applicant with a subsequent associate registration number cannot be employed or volunteer in a private practice.

   However, this statement has caused confusion, because it does not explicitly state that working in a professional corporation is also prohibited. The law as written is technically correct, because the Board's statute defines a professional corporation as a type of private practice. However, staff believes that an amendment would provide greater clarity.

   Recommendation: Amend the above-listed sections to state that an associate with a subsequent associate registration number cannot be employed or volunteer in a private practice or a professional corporation.

2. **Amend BPC §4980.42: Defining Enrollment in a Practicum Course. (Attachment B)**

   Background: Currently, statute requires MFT trainees to be enrolled in a practicum course in order to counsel clients, with certain specified exceptions for holiday break or summer break. However, the law does not specify whether "enrolled in a practicum course" means that the trainee is simply registered for the course, or whether the course is actively in session. The intent of the law is that the trainee be actively attending the course, but as written, the law can cause trainee and educator confusion about whether a trainee being registered for an upcoming practicum course counts as being enrolled in practicum.

   Policy and Advocacy Committee Amendment: At its September 17, 2026 meeting, the Policy and Advocacy Committee (Committee) discussed this proposal. It was suggested

that it may also be helpful to amend the law to require the practicum course to be passed in order for hours gained during it to count toward licensure. Staff was directed to work with CAMFT and stakeholders to fine tune the proposal further.

Staff reached out to CAMFT and stakeholders for their feedback. Some educators expressed concern with requiring passage of the practicum course to count hours, noting that there may be instances where the practicum course is not passed, but the school still is comfortable with allowing the hours to count. They requested time to discuss with their colleagues further. Therefore, that piece of the proposal is not included in today's amendments.

Recommendation: Amend the LMFT statute to specify that "enrolled in a practicum course" means participation in a practicum course that is actively in session, with instruction and faculty oversight underway, and clarify that registration in a practicum course alone does not constitute enrollment.

3. Amend BPC §4980.43.2, 4996.23.1, 4999.46.2: Group Supervision Clarification. (Attachment C)

Background: Applicants for LMFT, LCSW, and LPCC licensure are permitted to obtain some of their required supervision hours as group supervision. The law defines group supervision as two hours of face-to-face contact between a supervisor and no more than 8 persons receiving supervision for providing clinical mental health services.

The law also states that a supervisor shall ensure that the amount and degree of supervision is appropriate for each person in the group. A concern has been raised that as written, this could be interpreted to mean that the supervisor has the ultimate authority to decide whether a supervisee receives the full two hours of required group supervision.

That is not the case; all supervisees must receive two hours of group supervision, and the law does not permit the supervisor discretion here. Requiring the supervisor to ensure appropriate supervision for all supervisees is intended to reinforce that every member of the group must receive attention and guidance, and that no one should be overlooked or receive substantially less support than others.

Policy and Advocacy Committee Amendment: At its September 17, 2026 meeting, the Policy and Advocacy Committee (Committee) recommended that the proposed amendment be changed slightly. The language had been drafted to require the supervisor to ensure the group supervision provides "sufficient guidance" to support each participant's development and competency. The Committee recommended striking the word "sufficient," as it is unclear exactly what "sufficient guidance" entails. This amendment has been made.

Recommendation: Strike the sentence "A supervisor shall ensure that the amount and degree of supervision is appropriate for each person in the group," and instead say "The

supervisor shall ensure that the group supervision provides guidance to support each participant's development and competency while maintaining the required two hours."

4. Amend BPC §4989.20 Required LEP Experience Gained Out-of-State (Attachment D)

Background: LEP statute was recently amended, via SB 775 (Chapter 787, Statutes of 2025), to add a clear pathway to licensure for applicants who have gained some of their required experience for licensure out-of-state.

The pathway specifies what additional experience is necessary for applicants who have obtained their required two school terms as a credentialed school psychologist in-state, versus what is necessary for applicants who have gained the required two school terms out-of-state. However, it does not provide an option for an individual who has gained a mix of this required experience both in-state and out-of-state.

The intent of the law is that if the required two school terms were not completed in-state, the additional required experience must be completed in California, to ensure that all applicants are familiar with the specific laws and requirements within the California school system. Therefore, if any of the required two school terms is completed out-of-state, the applicant should follow the out-of-state pathway for their additional required experience.

Recommendation: Amend BPC 4989.20(a)(7), which is the out-of-state pathway, to specify that if any of the required two school terms as a credentialed school psychologist is gained outside of California, then the applicant needs to follow the out-of-state pathway for their additional required experience.

5. Delete BPC §4989.54(ad): LEP Unprofessional Conduct Supervision Provision (Attachment E)

Background: BPC §4989.54 specifies the unprofessional conduct provisions for the LEP practice act.

Subdivisions (ac) and (ad) pertain to supervision violations. These sections were added via AB 1651 (Chapter 321, Statutes of 2019), which added LEPs as allowable supervisors of the Board's AMFT, ASW, and APCC registration types. (Previously, LEPs had not been allowed to supervise the Board's associates.)

Subdivisions (ac) and (ad) are very similar, with (ac) already encompassing the content of (ad).

Recommendation: Delete 4989.54(ad), as its content is already included in subdivision (ac).

6. Amend BPC §4990.07: Email Address Requirement. (Attachment F)

Background: Current law requires Board applicants, registrants, and licensees who have an e-mail address to provide it to the Board and to notify the Board of any changes to that address. The address is confidential and not subject to public disclosure.

As technology continues to advance, email has become an essential tool for the Board to efficiently communicate law changes and issues affecting applicants, registrants, and licensees. Recently, other DCA Boards, including Medical Board (BPC §2021) and the Board of Vocational Nursing (BPC §2872.3) have made provision of an email address mandatory.

Recommendation: Amend BPC §4990.07 to require applicants, registrants, and licensees to provide the Board with an email address, making the requirement mandatory rather than optional.

7. Amend Evidence Code (EC) §1010: Inclusion of Social Work Interns, and Update Supervision References. (Attachment G)

Background: Evidence Code (EC) §1010 defines the term "psychotherapist" for purposes of defining the psychotherapist-patient privilege.

Although the definition of "psychotherapist" includes marriage and family therapy (MFT) and professional clinical counselor (PCC) trainees, it does not include social work interns. Staff believes social work interns should also be included.

Additionally, several referenced definitions to who may supervise the Board's associates and trainees are incorrect or outdated. For associate marriage and family therapists (AMFTs), associate clinical social workers (ASWs), MFT trainees, and associate professional clinical counselors (APCCs), staff believes the definition of a supervisor in law should be referenced so that all requirements to be a supervisor of these pre-licensees are captured, rather than just listing acceptable license types.

A license is not required for supervisors of PCC trainees, and therefore the language specifying supervision license types for them has been removed.

Note: EC §1010 does not include licensed educational psychologists (LEPs). However, LEPs are included separately in EC §1010.5. This section is also shown in ***Attachment G*** *for reference purposes.*

Recommendation: Add social work interns to the definition of "psychotherapist" in the section. Reference the definition of "supervisor" in law for AMFTs, ASWs, MFT trainees, and APCCs. Remove incorrect language requiring specific supervisor license types for PCC trainees.

Policy and Advocacy Committee Discussion

At its September 17, 2026 meeting, the Policy and Advocacy Committee reviewed and discussed the proposal. It directed staff to make the changes discussed in Items 2 and 3 above (**Attachments B** and **C**), and to bring the entire proposal to the Board for consideration as a legislative proposal.

Recommendation

Conduct an open discussion about the proposed amendments in **Attachments A** through **G**. Direct staff to make any discussed changes, and any non-substantive changes, and to pursue as a legislative proposal.

Attachments

Attachment A: Amend Business and Professions Code (BPC) §§4984.01, 4996.28, 4999.100: Clarification of Private Practice Prohibition

Attachment B: Amend BPC §4980.42: Defining Enrollment in a Practicum Course

Attachment C: Amend BPC §4980.43.2, 4996.23.1, 4999.46.2: Group Supervision Clarification

Attachment D: Amend BPC §§4989.20 Required LEP Experience Gained Out-of-State

Attachment E: Delete BPC §4989.54(ad): LEP Unprofessional Conduct Supervision Provision

Attachment F: Amend BPC §4990.07: Email Address Requirement

Attachment G: Amend Evidence Code (EC) §1010: Inclusion of Social Work Interns, and Update Supervision References

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ATTACHMENT A
AMEND BPC §§4984.01, 4996.28, 4999.100
CLARIFICATION OF PRIVATE PRACTICE PROHIBITION

AMEND BPC §4984.01. *(Contains AB 1598 Amendments)*

(a) The associate marriage and family therapist registration shall expire one year from the last day of the month in which it was issued.

(b) To renew the registration, subject to the additional limitations imposed by subdivision (d), the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether they have been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against them by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

(4) Certify under penalty of perjury their compliance with the continuing education requirements set forth in Section 4980.54.

(c) An expired registration may be renewed by completing all of the actions described in paragraphs (1) to (4), inclusive, of subdivision (b).

(d) The registration may be renewed a maximum of six times. No registration shall be renewed or reinstated beyond seven years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for a subsequent associate registration number and has passed the California law and ethics examination no more than seven years prior to the board's receipt of the application for the subsequent associate registration number.

(e) An applicant who is issued a subsequent associate registration number pursuant to subdivision (d) shall not be employed or volunteer in a private practice or a professional corporation.

(f) Notwithstanding subdivision (e), an applicant applying for or who currently holds a subsequent associate registration number may request that the board grant them a one-time, two-consecutive-year hardship extension to allow them to be employed or

volunteer at one private practice or professional corporation employer with their subsequent associate registration number in accordance with the following:

(1) An associate shall not be issued more than one extension.

(2) The extension is only valid for the one private practice or professional corporation employer for which it is requested.

(3) Work for the employer shall not commence or continue until the extension is approved by the board.

(4) The application shall be jointly signed under penalty of perjury and dated by the associate, the supervisor, and, if the supervisor is not employed by the supervisee's employer or is a volunteer, a representative of the employer.

(5) The board shall grant the extension provided that the application is signed, all information required is provided, and good cause is demonstrated. The application shall contain all of the following:

(A) The date the extension is needed to commence or continue work for the employer.

(B) The name of the employer where the associate will be gaining hours.

(C) An attestation that the employer is a private practice or a professional corporation.

(D) The name, license type, and license number of the current supervisor.

(E) A showing of good cause for the applicant being unable to complete the licensure process within seven years. Good cause may include, but is not limited to, extended medical leave, family caregiving responsibilities, difficulties finding employment, or circumstances beyond the applicant's control.

(F) A description of the plan for the associate to gain the needed hours toward licensure during the two-year extension period.

AMEND BPC §4996.28. ***(Contains AB 1598 Amendments)***

(a) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. To renew a registration, subject to the additional limitations imposed by subdivision (c), the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether they have been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken by a regulatory or licensing board in this or any other state, subsequent to the last renewal of the registration.

(4) Certify under penalty of perjury their compliance with the continuing education requirements set forth in Section 4996.22.

(b) An expired registration may be renewed by completing all of the actions described in paragraphs (1) to (4), inclusive, of subdivision (a).

(c) A registration as an associate clinical social worker may be renewed a maximum of six times. No registration shall be renewed or reinstated beyond seven years from the last day of the month during which the registration was issued, regardless of whether the registration has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate clinical social worker registration number if the applicant meets all requirements for registration in effect at the time of their application for a subsequent associate clinical social worker registration number and has passed the California law and ethics examination pursuant to Section 4992.09 no more than seven years prior to the board's receipt of the application for the subsequent associate registration number.

(d) An applicant issued a subsequent associate registration number pursuant to subdivision (c) shall not be employed or volunteer in a private practice or a professional corporation.

(e) Notwithstanding subdivision (d), an applicant applying for or who currently holds a subsequent associate registration number may request that the board grant them a one-time, two-consecutive-year hardship extension to allow them to be employed or volunteer at one private practice or professional corporation employer with their subsequent associate registration number in accordance with the following:

(1) An associate shall not be issued more than one extension.

(2) The extension is only valid for the one private practice or professional corporation employer for which it is requested.

(3) Work for the employer shall not commence or continue until the extension is approved by the board.

(4) The application shall be jointly signed under penalty of perjury and dated by the associate, the supervisor, and, if the supervisor is not employed by the supervisee's employer or is a volunteer, a representative of the employer.

(5) The board shall grant the extension provided that the application is signed, all information required is provided, and good cause is demonstrated. The application shall contain all of the following:

(A) The date the extension is needed to commence or continue work for the employer.

(B) The name of the employer where the associate will be gaining hours.

(C) An attestation that the employer is a private practice or a professional corporation.

(D) The name, license type, and license number of the current supervisor.

(E) A showing of good cause for the applicant being unable to complete the licensure process within seven years. Good cause may include, but is not limited to, extended medical leave, family caregiving responsibilities, difficulties finding employment, or circumstances beyond the applicant's control.

(F) A description of the plan for the associate to gain the needed hours toward licensure during the two-year extension period.

AMEND BPC §4999.100. ***(Contains AB 1598 Amendments)***

(a) An associate registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration subject to the additional limitations imposed by subdivision (d), the registrant, on or before the expiration date of the registration, shall do the following:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether they have been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

(4) Certify under penalty of perjury their compliance with the continuing education requirements set forth in Section 4999.76.

(c) An expired registration may be renewed by completing all of the actions described in paragraphs (1) to (4), inclusive, of subdivision (b).

(d) The associate registration may be renewed a maximum of six times. Registration shall not be renewed or reinstated beyond seven years from the last day of the month

during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for a subsequent associate registration number and has passed the California law and ethics examination described in Section 4999.53 no more than seven years prior to the board's receipt of the application for the subsequent registration number.

(e) An applicant who is issued a subsequent associate registration number pursuant to subdivision (d) shall not be employed or volunteer in a private practice or a professional corporation.

(f) Notwithstanding subdivision (e), an applicant applying for or who currently holds a subsequent associate registration number may request that the board grant them a one-time, two-consecutive-year hardship extension to allow them to be employed or volunteer at one private practice or professional corporation employer with their subsequent associate registration number in accordance with the following:

(1) An associate shall not be issued more than one extension.

(2) The extension is only valid for the one private practice or professional corporation employer for which it is requested.

(3) Work for the employer shall not commence or continue until the extension is approved by the board.

(4) The application shall be jointly signed under penalty of perjury and dated by the associate, the supervisor, and, if the supervisor is not employed by the supervisee's employer or is a volunteer, a representative of the employer.

(5) The board shall grant the extension provided that the application is signed, all information required is provided, and good cause is demonstrated. The application shall contain all of the following:

(A) The date the extension is needed to commence or continue work for the employer.

(B) The name of the employer where the associate will be gaining hours.

(C) An attestation that the employer is a private practice or a professional corporation.

(D) The name, license type, and license number of the current supervisor.

(E) A showing of good cause for the applicant being unable to complete the licensure process within seven years. Good cause may include, but is not limited to, extended medical leave, family caregiving responsibilities, difficulties finding employment, or circumstances beyond the applicant's control.

(F) A description of the plan for the associate to gain the needed hours toward licensure during the two-year extension period.

ATTACHMENT B
AMEND BPC §4980.42
DEFINING ENROLLMENT IN A PRACTICUM COURSE

AMEND BPC §4980.42.

(a) Trainees performing services in any work setting specified in Section 4980.43.3 may perform those activities and services as a trainee, provided that the activities and services constitute part of the trainee's supervised course of study and that the person is designated by the title "trainee."

(b) Trainees subject to Section 4980.37 may gain hours of experience and counsel clients outside of the required practicum. This subdivision shall apply to hours of experience gained and client counseling provided on and after January 1, 2012.

(c) (1) Trainees subject to Section 4980.36 may gain hours of experience outside of the required practicum but must be enrolled in a practicum course to counsel clients. Trainees subject to Section 4980.36 may counsel clients while not enrolled in a practicum course if the period of lapsed enrollment is less than 90 calendar days, and if that period is immediately preceded by enrollment in a practicum course and immediately followed by enrollment in a practicum course or completion of the degree program.

(2) For purposes of this chapter, "enrolled in a practicum course" means participation in a practicum course that is actively in session, with instruction and faculty oversight underway. Registration in a practicum course alone does not constitute enrollment.

(d) All hours of experience gained pursuant to subdivisions (b) and (c) shall be subject to the other requirements of this chapter.

(e) All hours of experience gained as a trainee shall be coordinated between the school and the site where the hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site. If an applicant has gained hours of experience while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those hours of trainee experience were gained in compliance with this section.

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ATTACHMENT C
AMEND BPC §§4980.43.2, 4996.23.1, 4999.46.2
GROUP SUPERVISION CLARIFICATION

AMEND BPC §4980.43.2. *(Contains SB 1445 Amendments)*

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (10) of subdivision (c) of Section 4980.43, 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 on or 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 on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, 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) (1) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(A) 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.

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

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

the group supervision provides guidance to support each participant's development and competency while maintaining the required two hours.

(2) For purposes of this subdivision, "face-to-face contact" means in-person contact, contact via two-way, real-time videoconferencing, or some combination of these.

(c) The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(d) (1) If supervision is conducted via two-way, real-time videoconferencing, the supervisor shall, within 60 days of the commencement of that supervision, conduct a meeting with the supervisee to assess the appropriateness of using videoconferencing for supervision. This assessment shall include, but is not limited to, the abilities of the supervisee, the preferences of both the supervisee and supervisor, and the privacy of the locations of the supervisee and supervisor while supervision is conducted.

(2) The supervisor shall document the results of the assessment made pursuant to paragraph (1), and shall not utilize supervision via two-way, real-time videoconferencing if their assessment finds it is not appropriate.

(e) Direct supervisor contact shall occur within the same week as the hours claimed.

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

(g) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (10) of subdivision (c) of Section 4980.43, shall be at the supervisor's discretion.

AMEND BPC §4996.23.1. ***(Contains SB 1445 Amendments)***

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

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

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

(b) (1) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(A) 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.

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

(C) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight persons receiving supervision for providing clinical mental health services. Segments of group supervision may be split into no less than one continuous hour. ~~A supervisor shall ensure that the amount and degree of supervision is appropriate for each person in the group.~~ The supervisor shall ensure that the group supervision provides guidance to support each participant’s development and competency while maintaining the required two hours.

(2) For purposes of this subdivision, “face-to-face contact” means in-person contact, contact via two-way, real-time videoconferencing, or some combination of these.

(c) The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(d) (1) If supervision is conducted via two-way, real-time videoconferencing, the supervisor shall, within 60 days of the commencement of that supervision, conduct a meeting with the supervisee to assess the appropriateness of using videoconferencing for supervision. This assessment shall include, but is not limited to, the abilities of the supervisee, the preferences of both the supervisee and supervisor, and the privacy of the locations of the supervisee and supervisor while supervision is conducted.

(2) The supervisor shall document the results of the assessment made pursuant to paragraph (1), and shall not utilize supervision via two-way, real-time videoconferencing if their assessment finds it is not appropriate.

(e) Direct supervisor contact shall occur within the same week as the hours claimed.

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

(g) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.
(h) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements of this chapter.
(i) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as described in paragraph (3) of subdivision (d) of Section 4996.23, shall be at the supervisor's discretion.

AMEND BPC §4999.46.2. (*Contains SB 1445 Amendments)*

(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.

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

(A) 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.

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

(C) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight persons receiving supervision for providing clinical mental health services. Segments of group supervision may be split into no less than one continuous hour. ~~The supervisor shall ensure that the amount and degree of supervision is appropriate for each person in the group.~~ The supervisor shall ensure that the group supervision provides guidance to support each participant's development and competency while maintaining the required two hours.

(2) For purposes of this subdivision, "face-to-face contact" means in-person contact, contact via two-way, real-time videoconferencing, or some combination of these.

(c) The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(d) (1) If supervision is conducted via two-way, real-time videoconferencing, the supervisor shall, within 60 days of the commencement of that supervision, conduct a meeting with the supervisee to assess the appropriateness of using videoconferencing for supervision. This assessment shall include, but is not limited to, the abilities of the supervisee, the preferences of both the supervisee and supervisor, and the privacy of the locations of the supervisee and supervisor while supervision is conducted.

(2) The supervisor shall document the results of the assessment made pursuant to paragraph (1), and shall not utilize supervision via two-way, real-time videoconferencing if their assessment finds it is not appropriate.

(e) Direct supervisor contact shall occur within the same week as the hours claimed.

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

(g) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of

direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (4) of subdivision (c) of Section 4999.46, shall be at the supervisor's discretion.

ATTACHMENT D
AMEND BPC §4989.20
REQUIRED LEP EXPERIENCE GAINED OUT-OF-STATE

AMEND BPC §4989.20. ***(Includes AB 1598 Amendments)***

(a) The board may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to 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 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 seven 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 California public schools, or in another school setting as specified in regulations, obtained under the direction of a California-licensed educational psychologist. The experience shall be gained over a period of at least one school term. The applicant shall not be credited with experience obtained more than seven years immediately preceding the date on which the application for licensure was received by the board.

(7) If any of the experience required by paragraph (5) was not 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 gained in California in an accredited school psychology program, gained no more than seven years immediately preceding the date on which the application for licensure was received by the board.

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

(8) Passage of the licensed educational psychologist written examination administered by the board. This examination shall be passed no more than seven years prior to the board's receipt of the application for initial license issuance.

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

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

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

(3) "School term" means a minimum period of 35 weeks beginning the first day and ending the last day creditable service is required to be performed by a member employed on a full-time basis, excluding any period that has been excluded pursuant to a publicly available written contractual agreement. The school term shall also be the same for an individual who is not employed on a full-time basis who is performing the same duties as a member employed on a full-time basis.

ATTACHMENT E
DELETE BPC §4989.54(ad)
LEP UNPROFESSIONAL CONDUCT SUPERVISION PROVISION

AMEND BPC §4989.54.

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

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

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

(2) The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee under this chapter.

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

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

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

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

(d) Failure to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.

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

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

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

(h) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States or by any other governmental agency, on a license, certificate, or registration to practice educational psychology or any other healing art. A certified copy of the disciplinary action, decision, or judgment shall be conclusive evidence of that action.

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

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

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

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

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

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

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

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

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

(r) Performing, holding oneself out as being able to perform, offering to perform, or permitting any unlicensed person under supervision to perform, any professional services beyond the scope of the license authorized by this chapter or beyond the person's field or fields of competence as established by the person's education, training, or experience. For purposes of this subdivision, "unlicensed person" includes, but is not limited to, an applicant for licensure, an associate, an intern, or a trainee under 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)).

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

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

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

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

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

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

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

ATTACHMENT F
AMEND BPC §4990.07
EMAIL ADDRESS REQUIREMENT

AMEND BPC §4990.07

(a) An applicant, registrant, or licensee ~~who has an electronic mail address~~ shall provide the board with ~~that~~ their electronic mail address ~~no later than July 1, 2022~~. The electronic mail address shall be considered confidential and not subject to public disclosure.

(b) An applicant, registrant, and licensee shall provide to the board any and all changes to their electronic mail address no later than 30 calendar days after the changes have occurred.

(c) The board shall, with each renewal application, remind licensees and registrants of their obligation to report and keep current their electronic mail address with the board.

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ATTACHMENT G
AMEND EVIDENCE CODE §1010
INCLUSION OF SOCIAL WORK INTERNS, AND UPDATE SUPERVISION REFERENCES

AMEND EVIDENCE CODE §1010.

As used in this article, “psychotherapist” means a person who is, or is reasonably believed by the patient to be:

(a) A person authorized to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of their time to the practice of psychiatry.

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(c) A person licensed as a clinical social worker under Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code, when they are engaged in applied psychotherapy of a nonmedical nature.

(d) A person who is serving as a school psychologist and holds a credential authorizing that service issued by the state.

(e) A person licensed as a marriage and family therapist under Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(f) A person registered as a registered psychological associate who is under the supervision of a licensed psychologist as required by Section 2913 of the Business and Professions Code, or a person registered as an associate marriage and family therapist who is under the supervision ~~of a licensed marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, or a licensed physician and surgeon certified in psychiatry, as specified in Section 4980.44 of the Business and Professions Code.~~ of a supervisor meeting the requirements specified in subdivision (g) of Section 4980.03 of the Business and Professions Code.

(g) A person registered as an associate clinical social worker who is under ~~supervision as specified in Section 4996.23 of the Business and Professions Code.~~the supervision of a supervisor meeting the requirements specified in subdivision (a) of Section 4996.20 of the Business and Professions Code.

(h) A psychological intern as defined in Section 2911 of the Business and Professions Code who is under the primary supervision of a licensed psychologist.

(i) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, who is fulfilling their supervised practicum required by subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 of, or subdivision (c) of Section 4980.37 of, the Business and Professions Code and is ~~supervised by a licensed psychologist, a board certified psychiatrist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional clinical counselor.~~ under the supervision of a supervisor meeting the requirements specified in subdivision (g) of Section 4980.03 of the Business and Professions Code.

(j) A person licensed as a registered nurse pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, who possesses a master's degree in psychiatric-mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing.

(k) An advanced practice registered nurse who is certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions Code and who participates in expert clinical practice in the specialty of psychiatric-mental health nursing.

(l) A person rendering mental health treatment or counseling services as authorized pursuant to Section 6924 of the Family Code.

(m) A person licensed as a professional clinical counselor under Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(n) A person registered as an associate professional clinical counselor who is under the supervision of a ~~licensed professional clinical counselor, a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon certified in psychiatry, as specified in Sections 4999.42 to 4999.48, inclusive, of the Business and Professions Code.~~ supervisor meeting the requirements specified in subdivision (h) of Section 4999.12 of the Business and Professions Code.

(o) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code, who is fulfilling their supervised practicum required by paragraph (3) of subdivision (c) of Section 4999.32 of, or paragraph (3) of subdivision (c) of Section 4999.33 of, the Business and Professions Code., ~~and is supervised by a licensed psychologist, a board-certified psychiatrist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional clinical counselor.~~

(p) A social work intern, as defined in Section 4996.15 of the Business and Professions Code.

EVIDENCE CODE §1010.5.

A communication between a patient and an educational psychologist, licensed under Chapter 13.5 (commencing with Section 4989.10) of Division 2 of the Business and Professions Code, shall be privileged to the same extent, and subject to the same limitations, as a communication between a patient and a psychotherapist described in subdivisions (c), (d), and (e) of Section 1010.