TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 18. BOARD OF BEHAVIORAL SCIENCES

FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Continuing Education; Exams; Renewals

Section(s) Affected: Sections 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3, and 1887.12 of Division 18 of Title 16 of the California Code of Regulations (CCR).

Updated Information:

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows.

The 45-day public comment period began on December 5, 2025 and ended on January 20, 2026. The Board of Behavioral Sciences (Board) received and written comments during each of the three public comment periods noticed as described below. The comments received as well as the responses to those comments are summarized in the "Objections or Recommendations/Responses" section below. The Board considered the comments received during the original 45-day public comment period at its February 20, 2026 meeting and authorized modified text changes as indicated in the next section.

First Modified Text

On its own motion and in response to some of the written comments received (see comments "accepted"), the Board made changes to the noticed proposed regulations as described in excerpts from the amended sections of the regulations below. Modifications are shown in <u>double underline</u> for additions and ~~double strikethrough~~ for deletions. For a complete copy of the CCR sections affected, please review the Modified Text noticed by the Board on March 12, 2026

<u>Section 1887.1:</u>

(a) ~~Except as provided in section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours~~

~~of continuing education credit as set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code.~~As a condition of renewal, on or before the expiration date of their license or within three years after its expiration date ("delinquent"), a licensee shall submit a completed renewal application as prescribed by this subsection, ~~and~~ the renewal fee required by section 1816, and if delinquent, a delinquency fee that is one-half of the renewal fee required by section 1816. "Submit" shall mean delivery by mail or in person at the board's current physical address listed on its website or through the board's online portal accessible through the board's website. A "completed renewal application" shall include all of the following:

(b) As a condition of renewal, on or before the expiration date of their registration or within five years from their initial expiration date in compliance with sections 4984.01, 4996.28 or 4999.100 of the Code (as applicable), a registrant shall submit a completed renewal application as prescribed by this subsection and the renewal fee required by section 1816. "Submit" shall mean delivery by mail or in person at the board's current physical address listed on its website or through the board's online portal accessible through the board's website. A "completed renewal application" shall include all of the following:

(1) The legal name of the registrant. An individual must apply using their full legal name: (Last Name) (First Name) (Middle Name) and/or (Suffix).

(2) Registration type ("AMFT" for Associate Marriage and Family Therapist, "ASW" for Associate Clinical Social Worker, or "APCC" for Associate Professional Clinical Counselor), registration number and expiration date.

(3) For registrants renewing online through the board's website, the registrant shall provide their individual National Provider Identifier, if they have one.

(4) Proof of participation or successful completion of the California law and ethics examination as specified in sections 1822.51, 1829.2 or 1877.2, as applicable.

(5) A statement indicating whether the registrant, since their last renewal, has been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or felony in the United States and its territories or a foreign country. For the purposes of this paragraph, convictions expunged or dismissed under sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code (or equivalent non-California law) must be disclosed. For the purposes of this paragraph "conviction" does not include any of the following:

(A) Offenses that were adjudicated in the juvenile court.

(B) Charges dismissed under section 1000.3 of the Penal Code.

(C) Convictions under California Health and Safety Code section 11357, or section 11360(b) which are two years old or older.

(D) Traffic citations or infractions for which a fine of $500 or less was imposed.

NOTE: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.

Reference: Sections 141, 4980.54, 4980.399, 4984, 4984.01, 4984.1, 4984.7, ~~4980.399,~~ 4982, 4989.32, 4989.34, 4989.36, 4989.54, 4989.68, 4992.09, 4992.3, 4996.6, 4996.22, 4996.28, 4999.55, 4999.76, ~~and~~ 4999.90, 4999.100~~,~~ ~~and~~ 4999.102, 4999.104 and 4999.120, Business and Professions Code.

Section 1887.2:

(c) The board shall grant a temporary waiver of continuing education if the licensee can provide evidence, as specified in subsections (d) and (e) below, that one of the following occurred:

(1) For at least one year during the licensee's current license renewal period, the licensee had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code that did both of the following:

(A) ~~Substantially l~~Limited one or more major life activities as defined in Section 12926 of the Government Code and verified by the documentation required in subsection (d), and

(B) Caused the licensee's earned income, whether earned as an employee, independent contractor, or while self-employed, to drop below the substantial gainful activity amount for non-blind individuals during that year, as set forth by the Social Security Administration per section 404.1574(b)(2) of the Social Security Act.

(2) For at least one year during the licensee's current license renewal period, the licensee was the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A “total physical or mental disability” means that the family member is both unable to work and unable to perform activities of daily living without substantial assistance, such as eating, bathing, dressing, housework, shopping, or meal preparation.

Forms Incorporated by Reference into Section 1887.2:

Request for Temporary Continuing Education (CE) Waiver (Information and Instructions page):

Who Qualifies for a Temporary CE Waiver?

You may qualify for a temporary CE waiver if, for at least one year during your current license renewal period, you had one of the following:

- A physical or mental disability or medical condition that ~~substantially~~ limited one or more major life activities as described in Section 12926 of the Government Code and caused your earned income to drop below the substantial gainful activity amount for non-blind individuals during that year, as defined by the Social

Security Administration (see https://www.ssa.gov/oact/cola/sga.html); OR

- You were the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A "total physical or mental disability" means that the family member is both unable to work and unable to perform activities of daily living without substantial assistance, such as eating, bathing, dressing, housework, shopping, or meal preparation.

Request for Temporary Continuing Education (CE) Waiver (Licensee Application):

2. Did your condition(s) ~~substantially~~ limit your ability to perform one or more major life activities for at least one year during your current renewal cycle (for definitions of "limits" and "major life activities", please review Government Code section 12926)? ☐ Yes ☐ No

Verification of Disability of Medical Condition:

~~(~~Please type or print clearly in ink.~~)~~ Please see CCR, title 16, section 1887.2 for further information.

2. Did the condition(s) ~~substantially~~ limit the individual's ability to perform one or more major life activities (for definitions of "limits" and "major life activities", please review Government Code section 12926)? ☐ Yes ☐ No

Section 1887.3

(a) For the purposes of this section, "California law and ethics" includes training in any of the law and professional ethics coursework subjects specified in sections 4980.72, 4980.78, 4980.81, 4996.17.1, 4996.17.2, 4999.60 and 4999.62 of the Code, as applicable.

(~~m~~n) A licensee may earn up to six (6) hours of continuing education credit through attendance at open sessions of California Board of Behavioral Sciences board meetings, virtually or in person, for the renewal cycle during which the meeting(s) occurred. Committee meetings shall not qualify for this activity.

(1) Continuing education credit shall be credited on an hour-for-hour basis with one hour credited for each full hour spent in attendance at a meeting.

(2) To receive credit, the licensee shall maintain a record of attendance including date of the Board meeting~~, name of meeting,~~ and number of full hours attended. In addition, the licensee shall do the following:

(A) For a meeting attended in person, the licensee shall sign in and out on the provided attendance sheet, providing their full name and license number as

on record with the board, and indicating the time of arrival and time of departure.

(B) For a meeting held through a virtual, internet-based application (Webex or similar online meeting or videoconferencing platform), the licensee shall sign into the meeting using their full name and email address as on record with the Board.

(3) Watching a recording of a past board ~~or committee~~ meeting shall not count toward continuing education.

(4) A petitioner seeking the reinstatement of a revoked license or early termination of probation may not earn any continuing education credit for attending a board meeting on the same day in which said petitioner's hearing is conducted.

(5) The continuing education hours earned by attending opens sessions of a California Board of Behavioral Sciences board meeting shall not be used to satisfy the law and ethics portion of the continuing education requirements for licensees or registrants specified in subsections (c) or (e), as applicable, or used to satisfy any supervision training or coursework requirements for supervisors specified in sections 1821.3, 1834, or 1871, but shall count toward the 36-hour continuing education requirement.

(~~n~~o) A licensee who provides direct supervision of a marriage and family therapist trainee or associate marriage and family therapist who is gaining experience under section 4980.43 of the Code, an associate clinical social worker who is gaining experience under section 4996.2 of the Code, or an associate professional clinical counselor who is gaining experience under section 4999.46 of the Code, shall be credited with up to ~~18~~ 6 hours of continuing education for the renewal cycle during which the supervision was provided in accordance with this subsection. However, credits gained for supervision pursuant to this subsection shall not be used to satisfy any supervision training or coursework requirements for supervisors specified in sections 1821.3, 1834, or 1871, but shall count toward the 36-hour continuing education requirement.

(1) For the purposes of calculating hours earned, one hour of continuing education will be credited for each full hour of supervision, up to a maximum of ~~18~~ 6 hours credited per renewal cycle.

(2) Licensees shall maintain a written record of this activity that includes all of the following: the dates of supervision, number of hours of supervision provided, and a copy of the supervisee's signed supervision agreement with the licensee pursuant to section 1820(c), 1833(c) or 1869(c), as applicable.

In addition, numbering changes were made to accommodate the changes.

On February 20, 2026, the Board delegated to the Executive Officer the authority to

adopt the proposed modified text, as written, if no adverse comments were received and delegated to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file.

The Board issued a Notice of Modified Text on March 12, 2026 to make these changes, and that public comment period closed on March 27, 2026. Comments received during the second 15-day comment period as well as the responses to those comments are summarized in the "Objections or Recommendations/Responses" section below. The Board considered the comments at its meeting on May 8, 2026.

A summary of the comments received, along with the Board's responses, is included below.

Second Modified Text

On its own motion and in response to some of the comments received (see comments "accepted"), the Board made changes to the noticed proposed regulations as shown in the relevant excerpts shown below. Modifications are shown in *italicized* *double underline* for additions and *italicized* ~~*double strikethrough*~~ for deletions. For a complete copy of the CCR sections affected, please review the Modified Text noticed by the Board on May 14, 2026.

Section 1887.3:

(~~n~~o) A licensee who provides direct supervision of a marriage and family therapist trainee or associate marriage and family therapist who is gaining experience under section 4980.43 of the Code, an associate clinical social worker who is gaining experience under section 4996.2 of the Code, or an associate professional clinical counselor who is gaining experience under section 4999.46 of the Code, shall be credited with up to 18 6 hours of continuing education for the renewal cycle during which the supervision was provided in accordance with this subsection. However, credits gained for supervision pursuant to this subsection shall not be used to satisfy *the law and ethics portion of the continuing education requirements for licensees specified in subsection (e) or* any supervision training or coursework requirements for supervisors specified in sections 1821.3, 1834, or 1871, but shall count toward the 36-hour continuing education requirement.

(1) For the purposes of calculating hours earned, one hour of continuing education will be credited for each full hour of supervision, up to a maximum of 18 6 hours credited per renewal cycle.

(2) Licensees shall maintain a written record of this activity that includes all of the following: the dates of supervision, number of hours of supervision provided, and a copy of the supervisee's signed supervision agreement with the licensee pursuant to section

1820(c), 1833(c) or 1869(c), as applicable.

The Board issued a Notice of Second Modified Text on May 14, 2026 to make these changes, and that public comment period closed on May 29, 2026.

A summary of the comment received is included below. The Board declined to make any changes in response to this comment as it did not pertain to the second modified text that was noticed on May 14, 2026.

On May 8, 2026, the Board delegated to the Executive Officer the authority to adopt the proposed second modified regulation text, as written (in Attachment A of the meeting materials), if the Board did not receive any objections or adverse recommendations specifically directed at the modified text, the notice, or to the procedures followed by the Board in proposing or adopting this action; and, delegated to the Executive Officer the authority to make any technical or nonsubstantive changes that may be required in completing the rulemaking file. Since the comment received on the Second Modified Text did not pertain to the second modified text, the notice or to the procedures followed by the Board in proposing or adopting this action, the Board has adopted the text approved on May 8, 2026.

OBJECTIONS OR RECOMMENDATIONS/RESPONSES

Summary and Response to Comments Received During 45- Day Public Comment Period

Shanti Ezrine, MPA, State Government Affairs Associate and Cathy Atkins, JD, Deputy Executive Director on behalf of the California Association of Marriage and Family Therapists (CAMFT)

In an email to the Board received on January 20, 2026, titled “CAMFT Written Comments to BBS Continuing Education, Exams and Renewals Pending Regulations”, CAMFT provided five comments regarding the proposed regulatory action, each of which serve as a separate comment. They are as follows:

COMMENT 1: “Defining “Substantially limited one or more life activities”:
California Code of Regulations (CCR) Section 1887.2 defines “totally physical or mental disability” for an immediate family member but does not define “substantially limited one or more life activities” for the licensee. In contrast, the Americans with Disabilities Act (ADA), at 28 Code of Federal Regulations (CFR) Section 35.108, defines “substantially limits one or more life activities” broadly to encompass a wide range of physical and mental limitations that impact major activities of daily living. A lack of a clear definition risks a narrow interpretation in determining whether a licensee’s condition meets this standard. CAMFT requests the BBS to consider defining what constitutes “substantially limited one or more life activities” in regulations or via a FAQ document to ensure clear

understanding and fair application for licensees."

Board Response: The Board accepted this comment for the following reasons and made modifications to the proposed regulatory language as noted above. 28 CFR section 35.108(a)(1)(i) of the ADA defines a disability as "a physical or mental impairment that substantially limits one or more of the **major** life activities of such individual …" (emphasis added.) California law at Government Code section 12926 under the California Fair Employment and Housing Act (FEHA) has been amended to remove the requirement that the limitation be "substantial" to qualify as a disability or protected medical condition and instead only requires an individual to be "limited" in performing a major life activity.

Under FEHA, a mental or physical disability or health condition limits a major life activity if it makes achieving a major life activity "difficult" and defines a "major life activity" to broadly include physical, mental, and social activities and working. (Gov. Code, §§ 12926 (i), (j), and (m). The Board's regulation is being amended to reflect these changes that have already been made to California law since the Americans with Disabilities Act (ADA) contains a "savings clause" (specifically 42 U.S.C. § 12201(b)) that explicitly allows state and local laws to provide greater protection for individuals with disabilities. Therefore, California law prevails with regards to interpretation of the terminology used in the Board's regulations. Edits include changes to the regulatory text at CCR section 1887.2 and related forms to address these issues and make these conforming changes including:

> "(c) The board shall grant a temporary waiver of continuing education if the licensee can provide evidence, as specified in subsections (d) and (e) below, that one of the following occurred:
>
> (1) For at least one year during the licensee's current license renewal period, the licensee had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code that did both of the following:
>
> (A) ~~Substantially l~~Limited one or more major life activities as defined in Section 12926 of the Government Code and verified by the documentation required in subsection (d) . . . "

COMMENT 2: "Timing Barriers for Temporary CE Waiver in Cases of Sudden Disability or Illness: CCR Section 1887.2 requires that requests for a temporary waiver of CE requirements be submitted at least 60 days prior to the license expiration date. CAMFT hears and is aware of situations from members who experience sudden and significant physical or mental health conditions that prevent them from completing the required CE hours before their license expiration date. In these cases, licensees may be unable to meet the 60-day advance submission requirement due to the unexpected nature of the medical condition. CAMFT requests the BBS to consider allowing exceptions for licensees who fall under these circumstances."

Board Response: The Board declined to make any changes due to this comment for the

following reasons. In the Board's experience, this existing 60-day timeframe is necessary to allow staff to adequately review and investigate these waiver submissions and for the applicants to address deficiencies prior to their licenses expiring. Further, this comment is not directed to the proposed changes noticed for this current rulemaking proposal or to the processes or procedures the Board used in adopting this proposed regulation.

COMMENT 3: "Does Specifying "California Law and Ethics" Exclude Federal Content: The proposed amendments would add "California" before "law and ethics" to clarify that coursework must address standards specific to California. CAMFT seeks clarification on the BBS's intent regarding this specification. Is the specification intended to exclude coursework on federal laws that may be relevant to a California-licensed therapist's practice/profession, such as HIPAA and Medicare regulations? If the intent is not to exclude relevant federal laws, but rather to ensure the required six hours focus on laws and ethics applicable to California practice, CAMFT requests that the language be clarified accordingly. For example: "*Any person renewing a license shall complete a minimum of six (6) hours of continuing education in the subject of California law and ethics, which may include federal laws that are applicable to California licensees, for each renewal period*."

Board Response: The Board accepted this comment and made changes to regulatory language as follows. "California Law and Ethics" includes all laws applicable to California practitioners, including federal laws as explained in the out-of-state licensee (reciprocity) coursework requirements in BPC sections 4980.72, 4980.78, 4980.81, 4996.17.1, 4996.17.2, 4999.60 and 4999.62. In the interest of avoiding confusion for licensees and registrants, the Board approved the following adoption of new subsection (a) of section 1887.3:

> (a) For the purposes of this section, "California law and ethics" includes training in any of the law and professional ethics coursework subjects specified in Sections 4980.72, 4980.78, 4980.81, 4996.17.1, 4996.17.2, 4999.60 and 4999.62 of the Code, as applicable.

The Board believes these amendments fulfill CAMFT's request to ensure the language provides clearer guidance to practitioners as the above-referenced statutes include a comprehensive list of what the Board considers California law and professional ethics coursework, including the following:

> California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, **state and federal laws** relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of

therapy, standards of care, relevant family law, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and the licensing process. (Emphasis added.) (BPC sections 4980.72(d), 4980.78(b)(2), 4996.17.1(d)(1), 4996.17.2(d)(2)(F), 4999.60(a)(4)(A) and 4999.62(b)(D)(ii).)

AND

(A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values and their professional behavior and ethics.

(F) The application of legal and ethical standards in different types of work settings.

(G) Licensing law and licensing process. (BPC section 4980.81(b)(8).)

COMMENT 4: "Concern Regarding CE Credit for Attendance at BBS Meetings: The proposed amendments would permit licensees to earn up to six hours of CE credit through attendance at BBS Board or committee meetings. While we acknowledge that this change may increase stakeholder participation in BBS meetings, we have concerns about whether all meeting content would consistently provide the quality of educational content that meets CE standards as outlined in CCR Section 1887.4.0. Not all BBS Board and committee content address subject matter related to direct or indirect client care. For example, agenda items in the newly established Outreach & Education Committee typically include social media outreach strategies or newsletter development. This differs significantly from agenda items in the Policy & Advocacy Committee, which regularly addresses laws, regulations, and policy issues that directly impact clinical practice. Additionally, clarification is needed regarding how the Board would monitor and verify meaningful engagement and participation by attendees who participate virtually. CAMFT requests the BBS to consider these factors before implementing this new CE-eligible activity to ensure that quality CE content standards are maintained.

Board Response: The Board accepted the comment, in part, relating to concerns that committee meeting attendance may not consistently provide the quality of educational content that meets CE standards as outlined in CCR section 1887.4.0 and has made conforming changes to the regulatory language. While CCR section 1887.4.0 applies to CE courses only and thus does not apply to allowable non-CE course activities, the

Board agrees that some committee meetings may not provide learning opportunities relevant to licensee practice and therefore may not fulfill the intended purpose of continuing education. To ensure relevant learning opportunities, the Board proposes to limit such hours to be earned via Board meeting attendance only and not allow committee meetings to count toward CE. While the Policy and Advocacy Committee does discuss laws and policy that affect licensee practice, Board meetings provide greater consistency in this type of content, resulting in greater and more consistent learning opportunities.

The Board declined to make any changes regarding the commenter's concern about the Board's ability to ensure meaningful engagement and participation by attendees. Staff considered various options and determined that the proposed method would adequately ensure the licensee was present at the meeting, including maintaining a record indicating time of arrival and departure.

COMMENT 5: "Concerns Regarding CE Credit for Supervisory Experience: The proposed amendments would permit licensees who provide direct supervision to a trainee or associate to earn up to 18 hours of CE credit. We recognize that supervisors play a critical role in training and guiding the next generation of therapists and, accordingly, believe supervisors should be held to a high professional standard. It is imperative that supervisors remain current on applicable laws, ethics, and developments in the profession. Although providing supervision does offer some inherent educational value through professional engagement with associates and trainees, it does not replace the structural learning and content review provided through formal CE coursework. While we support allowing CE credit for supervisory activities, CAMFT requests the BBS to consider reducing the maximum allowable hours from 18 to six. A limit of six hours for this activity would also be consistent with other Board-provided activities that may be counted toward CEs. Additionally, CAMFT seeks clarification that CE credit earned through supervisory experience would not overlap with the existing requirements for six hours of law and ethics and that supervisors complete six hours of supervision-specific CE during each renewal cycle."

Board Response: The Board accepted this comment. While the Board also recognizes the learning opportunities inherent in providing supervision, the number of hours allowed could have a negative impact on a licensee's ability to learn about important updates in the profession. Thus, the Board approved an amendment to subsection (o) of section 1887.3 to limit the number of hours that may be earned via supervision to six (6) hours overall. The Board also approved adding language clarifying that CE credit earned through supervisory experience will not count toward the six hours of law and ethics required of licensees each renewal cycle as specified in subsection (e) of 1887.3, nor the six hours of supervision-specific CE required of supervisors each renewal cycle as specified in sections 1821.3, 1834 or 1871 of the Board's regulations. While the Board recognizes the learning opportunities inherent in providing supervision, the intent of requiring supervision-specific CE training or coursework is to ensure that licensees learn about important updates regarding the legal and ethical requirements, as well as

updates regarding the provision of supervision.

Robin Andersen, LMFT

In an email to the Board received on January 20, 2026, titled “Comments Regarding Proposed changes”, the commenter expressed the following opposition to proposed changes to subsection (n) of section 1887.3, which would allow 18 hours of CE credit for a licensee providing supervision of experience toward licensure, as follows:

> “I am vehemently opposed to providing continuing education credit for this type of activity for two following reasons:
>
> The BBS would only be requiring proof that a supervision meeting occurred (section (n)(2) of the proposed language), and not that the clinical supervisor learned anything or performed any meaningful work in the course of providing supervision. There would not be any accountability or oversight, nor a post-supervision meeting evaluation, reflection paper, or test of any kind, to ensure that "a form of systematic learning" took place (e.g., by a continuing education provider or BBS representative) as defined in § 1887.
>
> The BBS would be allowing half of the required continuing education credits (18 out of 36) for the clinical supervisor's renewal cycle to be gained simply by performing their work duties. While clinical supervisors undoubtedly learn a lot in the course of being clinical supervisors, this means that hypothetically, a clinical supervisor could perform 18 hours of supervision, attend a 6-hour CE course on supervision, and attend a 6-hour CE course of laws and ethics, thus only requiring 6 remaining hours of continuing education on other topics. I do not believe it is in the profession's best interest to encourage narrowing the scope of learning experiences that a licensee would be exposed to over the course of a 2-year period.”

Board Response: The Board accepted this comment, in part, regarding the commenter’s concern that the number of hours proposed to be allowed for providing supervision may narrow the scope of learning experiences that a licensee would be exposed to since half their CE could be earned via providing supervision instead of actual courses. While the Board recognizes the learning opportunities inherent in providing supervision, the number of hours allowed could have a negative impact on a licensee’s ability to learn about important updates in the profession. Thus, the Board approved an amendment subsection (g) of section 1887.3 to limit the number of hours that may be earned via supervision, to six (6) hours.

The Board declined to make any changes in response to the concern regarding accepting supervision as an allowable activity without ensuring that a form of systematic learning took place as defined in section 1887 and essentially recommending that no credit be given for this activity at all. Subsection (a) of section 1887 defines a continuing education “course” as a form of systematic learning and does not pertain to non-CE course activities. The intended learning experience is through a supervisor’s preparation

for providing their supervisee with learning experiences. Requiring an evaluation, reflection paper or test would hold these licensees to a higher standard than what is required by the Board for any other acceptable CE activity, including courses.

Kent Campbell, LMFT

In an email to the Board received on December 23, 2025, titled “Public Comment on Proposed Section 1887.3 (Continuing Education Credit for Specified Activities)”, the commenter expressed the following concerns regarding proposed changes to subsections (m) and (n) of CCR section 1887.3:

“Regarding Subdivision (n) – CE Credit for Providing Supervision
As a licensee who supervises associate therapists in a group practice setting, I recognize the professional growth that occurs through the supervisory relationship. Engaging with supervisees' clinical questions and reviewing their cases does sharpen one's thinking. However, I have significant reservations about allowing up to 18 hours of supervision to count toward continuing education requirements. My concern is this: supervision draws primarily upon existing knowledge and clinical frameworks. Continuing education, by contrast, should challenge licensees to engage with new research, unfamiliar treatment modalities, and perspectives beyond their current expertise. The educational value of these two activities is fundamentally different. This provision may inadvertently reduce supervisors' incentive to pursue formal continuing education that introduces genuinely new material. Supervisees benefit most from supervisors who are continually expanding their clinical knowledge—not from supervisors who have found an administratively convenient path to fulfilling CE requirements through work they are already performing.

Regarding Subdivision (m) – CE Credit for Attending Board Meetings
The Board's intention to increase licensee engagement in its processes is commendable. However, attendance at a meeting—even one covering important regulatory matters—does not constitute the kind of structured educational experience that continuing education is designed to provide. There is no formal curriculum, no assessment of learning, and no requirement to integrate the material into clinical practice. The explicit exclusion of recorded meetings from eligibility raises a telling question: if the educational content of these meetings warrants CE credit, why should the format of attendance matter? This exclusion suggests the provision is designed to incentivize physical or virtual presence rather than to promote genuine learning.

Cumulative Impact
Taken together, these provisions would permit a licensee to satisfy up to 24 hours—two-thirds of the total CE requirement—through activities that do not involve engagement with new clinical research or treatment approaches. This represents a significant departure from the fundamental purpose of continuing education: ensuring that licensees remain current in their knowledge and skills in order to protect the public. I respectfully urge the Board to reconsider these provisions or, at minimum, to substantially reduce the number of hours that may be earned through these activities.”

Board Response: The Board accepted the comments, in part, regarding the commenter's concern that the number of allowable hours for non-CE course activities, including the provision of supervision and meeting attendance, may impact a licensee's learning about new research, unfamiliar treatment modalities, and perspectives beyond their current expertise since most of their CE could be earned via these activities instead of actual courses. While the Board recognizes the learning opportunities provided via supervision and meeting attendance, the number of hours allowed could have a negative impact on a licensee's ability to learn about important updates in the profession. Thus, the Board approved an amendment to subsection (o) of section 1887.3 to limit the number of hours that may be earned via supervision and meeting attendance, to six (6) hours each. The Board rejected the portion of the comment that implies that no credit be given for this activity at all for this type of activity for the reasons set forth above in the response to comments submitted by Robin Andersen, LMFT.

The Board accepted the portion of the comments with regard to attendance at committee meetings for the same reasons provided in response to Comment No. 4 for Shanti Ezrine's comments on the same issue, and modified the text to address these concerns. The Board declined to make any further changes in response to the commenter's concern regarding accepting meeting attendance as an allowable activity in general without ensuring that learning takes place. The intended learning opportunity at full board meetings relates to how the Board functions, keeping abreast of changes in the profession, and increasing general engagement with the Board. In the Board's experience meeting attendance would allow multiple opportunities throughout the meeting for engagement and learning through opportunities for public comment and participation.

The Board declined to make any changes in response to the commenter's question about the implications of excluding recorded meetings, the Board believes requiring a licensee to attend the live meeting increases the potential for active, synchronous-type learning and engagement.

Berenice D. Rosillo, LMFT

In an email to the Board received on January 9, 2026, titled "Comments concerning the proposed rulemaking action", the commenter expressed the following concerns regarding proposed addition of subsection (n) of section 1887.3:

"As a clinical supervisor, I find the proposed change concerning. Licensed Marriage and Family Therapists have an ethical obligation to remain current in their knowledge and competencies, an obligation that is often fulfilled through continuing education requirements. I am concerned that decreasing these requirements may lead some supervisors to discontinue pursuing additional education, become professionally stagnant, and ultimately provide a lower quality of supervision to trainees and associates. In the current political and social climate, ongoing education -- particularly

for those who serve as mentors and supervisors in our field—is paramount. In my view, reducing educational requirements runs counter to our ethical mandates and may result in supervisors becoming disconnected from advances in our field.

With respect to the statement that the proposed change "may increase the number of licensees willing to provide supervision," I believe that reducing administrative burdens would be a more effective strategy. For example, eliminating or streamlining the multiple forms currently required of supervisors could meaningfully decrease barriers to providing supervision. Additionally, the recent permanent allowance of supervision via teleconference represents a significant and positive step toward increasing the availability of supervisors.

If I may humbly offer an additional thought, I would recommend that the BBS create a centralized section to post announcements for practicum sites in need of supervisors, particularly in rural or underserved areas. I would be open to expanding my supervision services to other regions if I were more aware of where such needs exist.

My final comment pertains to the statement that supervision is "considered an ongoing learning opportunity for the supervisor." While I agree that learning is bidirectional, supervision is fundamentally a learning experience for the supervisee. As such, I do not believe this characterization accurately reflects the primary purpose or responsibility inherent in the supervisory role.

Board Response: The Board accepted the comments, in part, expressing concern that allowing 18 hours of supervision to count toward CE each renewal cycle may result in limiting a licensee's learning about advances in the field (resulting in professional stagnation and lower quality supervision) since fewer hours of coursework would be required for those who claim these hours, and, supervision is fundamentally a learning experience for the supervisee (therefore this proposal mischaracterizes the supervisory role). The Board accepted in part and rejected in part these comments for the reasons provided in Comment No. 5 above from Shanti Ezrine. Nevertheless, while the Board recognizes that supervision inherently provides learning opportunities for the supervisor, the number of hours overall proposed to be allowed could have a negative impact on a licensee's ability to learn about important updates in the profession. Thus, the Board approved an amendment to subsection (o) of section 1887.3 to limit the number of hours that may be earned via supervision to six (6) hours.

While the Board appreciates the commenter's suggestions regarding reducing administrative burdens for supervisors by eliminating or streamlining the multiple forms currently required of supervisors or creating a centralized section to post announcements for practicum sites in need of supervisors, the Board declined to make any changes in response to those suggestions as they are not directed to the proposed changes noticed for this current rulemaking proposal or to the processes or procedures the Board used in adopting this proposed regulation.

Curt Widhalm, LMFT

In an email to the Board received on December 12, 2025, titled “Comment on Proposed BBS Regulations on Continuing Education and Exams”, which included an attachment containing identical content as the email, the commenter provided two comments in regard to the proposed regulatory action, expressing the concerns regarding proposed amendments to section 1822.51 and the addition of subsections (m) and (n) of section 1887.3. Each of these serve as a separate comment, and are as follows:

COMMENT 1: Concerns Regarding Proposed Section 1822.51 (Examination Administration)

I have a minor technical concern regarding the proposed amendment to **Section 1822.51,** which inserts the vendor name “Pearson Vue” into the regulation regarding the examination administrator. It is unusual for a state regulation to explicitly encode a specific vendor's name. A more flexible and standard approach would be to use a broader term such as "the examination administrator" or "the examination vendor."

Encoding a specific company into the regulation could have several unintended consequences, primarily by creating a procedural and legislative barrier should the Board need to change vendors in the future due to contractual, performance, or financial reasons. Amending a regulation to change a vendor name is an unnecessary administrative hurdle that could delay operational transitions. I respectfully request the Board to consider revising this language to ensure regulatory flexibility for future administrative decisions.

Board Response: The Board declined to make any changes due to this comment as the name of the vendor is necessary to provide exam candidates with appropriate notice of the actual vendor contracted by the Board for exam administration and to comply with the California Administrative Procedure Act’s “clarity” standard, which requires regulations to be written or displayed so that the meaning of the regulations will be easily understood by those persons directly affected by them (Gov. Code, 11349(c)). According to rules adopted by the Office of Administrative Law (OAL), a regulation is presumed to not comply with this “clarity” standard if “the regulation can, on its face, be reasonably and logically interpreted to have more than one meaning…” (Cal.Code.Regs., tit. 1, § 16(a)(1).)

This proposal resolves ambiguity regarding who the Board’s vendor is and their specific requirements for administering the Board’s examination. Further, this is consistent with regulatory changes made by other agencies and approved by OAL as meeting the “clarity” standard (see e.g., regulations for the Dental Board of California at California Code of Regulations, title 16, section 1006 identifying PSI as their vendor). While a change in exam vendors could delay operational transitions due to necessary regulation changes pertaining to the vendor, the Board would account for the length of time necessary for a regulatory change to move through the process when planning for the transition. Should the need to change exam vendors occur in an emergency situation, the Board would pursue the emergency rulemaking process which has a much faster

time frame.

COMMENT 2: Concerns Regarding Proposed Section 1887.3 (Continuing Education Credit for Specified Activities)
I have several concerns regarding the proposed changes to CCR Section 1887.3, which outlines continuing education (CE) course requirements and credits for specified activities.

1. Proposed Subdivision (m) – Attending Board Meetings
I appreciate the Board's intention with proposed subdivision (m), which would allow licensees to earn CE credit for attending Board meetings. This is a commendable effort to encourage professional engagement and stakeholder involvement in the Board's processes and relevant law. However, I believe the rigor of this activity does not align with the standard expectation for patient-care focused CE that directs providers toward new and emerging treatments. If the content discussed in the meetings is deemed critical for professional competency, I encourage the Board to explore mechanisms for licensees to earn credit for watching recorded meetings. This modification would greatly enhance access for many stakeholders who are unable to take time off work to attend meetings in real-time, aligning the Board's educational goals with the practical realities of working professionals.

2. Proposed Subdivision (n) – Providing Supervision
My greatest concern lies with the proposed subdivision (n), which permits licensees to earn up to 18 hours of general CE credit for providing clinical supervision. While I support the goal of encouraging more licensees to become supervisors and recognize the learning that occurs in a supervisory role, granting full CE credit for this activity does not meet the same rigorous educational standards as acting as an instructor in a formally approved CE course or a university setting.
Furthermore, there is a risk that this proposal may have an unintended, counter-productive effect. Preliminary feedback from colleagues suggests that licensees who are already supervisors may simply utilize these hours instead of pursuing outside, client-centered continuing education. This substitution could inadvertently reduce the supervisor's exposure to new research, innovative treatment modalities, and emerging best practices, thereby slowing the professional development of both the supervisor and their supervisees. I urge the Board to reconsider granting CE credits for providing supervision as the benefits granted by this proposal do not seem great enough to encourage people to become supervisors in the first place, and they do not outweigh the potential negative unintended consequences of further education by those that are already supervising.

Finally, if the Board does decide to proceed with the proposed regulation, I would like to point out that it is unclear on whether these CE credits for supervision would count toward the licensee's mandatory supervision-specific CE hours. The Board's Notice of Proposed Regulatory Action implies a potential overlap by stating, "...current regulations require supervisors to fulfill 15 hours of training or coursework, as specified." To

maintain the integrity of the supervision-specific requirements, I urge the Board to clarify if these hours satisfy the supervision-specific CE mandate or if they are intended solely for general CE.

3. Cumulative Impact
Coupled together, the allowance for attending Board meetings (up to 6 hours) and providing supervision (up to 18 hours), along with other activities, could allow a licensee to acquire up to 36 hours of their required CE entirely through activities that are not directly focused on client-centered treatment or emerging best practices. This could compromise the core mission of Continuing Education to ensure that licensees stay current with the latest developments in patient care to protect the public.
In conclusion, I respectfully request the Board to reconsider the language in proposed Section 1822.51 and to further review the implications of the CE credits granted in proposed subdivisions (m) and (n) of Section 1887.3, focusing on educational rigor and client-care outcomes."

Board Response: The Board accepted, in part, the comment expressing concern that the number of allowable hours for non-CE course activities, including the provision of supervision and meeting attendance, may hinder licensees in their professional development, including staying current with new research, innovative treatment modalities and emerging best practices since most of their CE could be earned via these activities instead of actual courses. While the Board recognizes the learning opportunities inherent in providing supervision and meeting attendance, the number of hours allowed could have a negative impact on a licensee's ability to learn about important updates in the profession. Thus, the Board approved amendment to subsection (o) of section 1887.3 to limit the number of hours that may be earned via supervision and meeting attendance to six (6) hours each.

In response to the commenter's request to clarify whether CE credits for supervision would count toward the licensee's mandatory supervision-specific CE hours, the Board approved an amendment adding language clarifying that CE credit earned through supervisory experience would not count toward the training or coursework required of supervisors specified in sections 1821.3, 1834 or 1871 of the Board's regulations. While the Board recognizes the learning opportunities inherent in providing supervision, the intent of requiring supervision-specific CE training or coursework is to ensure that licensees learn about important updates regarding the provision of supervision.

The Board declined to make any changes in response to the comment expressing concern about excluding viewing of recorded meetings from counting toward CE. The Board believes requiring a licensee to attend live meetings for CE credit increases the potential for learning and engagement.

Kathleen Hawks, LMFT

In an email received on December 9, 2025 titled "RE: Question", the commenter asked whether the proposed language in subsection (a)(4)(D) of section 1887.1, which defines

"conviction" for the purposes of required disclosure at license renewal, should include traffic citations or infractions for which a fine of $500 or more was imposed as opposed to the current language which specifies "$500 or less". The commenter is concerned that the Board may be inundated with fix-it tickets and the like instead of more severe concerns.

Board Response: The Board rejected this comment and declined to make any changes due to this comment. This comment appears to be a misunderstanding, as the last sentence of subsection (a)(4) states, "For the purposes of this paragraph "conviction" does **not** include any of the following:" *(emphasis added)*. Subsection (a)(4)(D) then states "Traffic citations or infractions for which a fine of $500 or less was imposed". This means that only traffic citations or infractions for which a fine of $500 or more was imposed are considered a "conviction" for the purposes of this section.

COMMENTS RECEIVED DURING THE 15-DAY MODIFIED TEXT PUBLIC COMMENT PERIOD (March 12, 2026 to March 27, 2026)

Shanti Ezrine, MPA, State Government Affairs Associate and Cathy Atkins, JD, Deputy Executive Director on behalf of the California Association of Marriage and Family Therapists (CAMFT)

In an email to the Board received on March 27, 2026, titled "CAMFT Written Comments to Modified Proposed CE; Exams; Renewals Regulations", CAMFT provided the comment summarized below:

The commenter indicates that they appreciate the modifications made to the proposed regulations, including defining "limited one or more major life activities," clarifying that "California Law and Ethics" encompasses all laws applicable to California practitioners, including federal laws, limiting CE credit for attendance at BBS meetings to Board meetings only, and reducing the number of CE credits that may be earned through supervision to six. The commenter also provided the following adverse comment.

"We offer one additional comment to the modified text for consideration in the Final Rulemaking, specifically regarding the added language clarifying that CE hours earned via supervision shall not be used to satisfy supervision training or coursework requirements for supervisors. As drafted, the modified text does not address whether CE credit earned through supervision may overlap with the existing six-hour law and ethics requirement. We respectfully request clarification as to whether the Board intends to allow the six hours of CE credit earned through supervision to count toward the law and ethics requirement. For example, if a supervisor provides supervision that substantively addresses a pre-licensee's legal obligations, such as mandated reporting of child abuse, could those hours qualify toward satisfying the law and ethics CE requirement?

If this is not the Board's intent, we recommend that the language be further clarified to explicitly state that CE hours earned via supervision may not be used to satisfy the law

and ethics requirement. We are concerned that, absent clarification similar to the language adopted for CE hours earned through attendance at BBS Board meetings, supervisors could reasonably interpret the regulation to allow those six CE hours earned through supervision to count towards the law and ethics requirement."

Board Response: The Board acknowledged the favorable feedback on the modified text and accepts the adverse comment regarding clarifying whether the Board intends to allow the six hours of CE credit earned through supervision to count toward the law and ethics CE requirement. Law and ethics requirements exist to ensure every licensee receives consistent, structured and current instruction on legal obligations. Supervision varies by supervisor, setting, and cases and therefore would not be suitable to count towards satisfaction of the law and ethics CE requirements. While the provision of supervision involves deliberate and systematic planning to design, organize, and facilitate learning experiences that support a supervisee's professional growth, skill development, and competency attainment, including in the area of law and ethics, requiring all licensees to take six hours of actual coursework in law and ethics helps to ensure they have an understanding of new legal requirements and ethical considerations and how to apply them in practice. As a result, the Board approved the following italicized change to subsection (o) of section 1887.3:

> However, credits gained for supervision pursuant to this subsection shall not be used to satisfy *the law and ethics portion of the continuing education requirements for licensees specified in subsection (e) or* any supervision training or coursework requirements for supervisors specified in sections 1821.3, 1834, or 1871, but shall count toward the 36-hour continuing education requirement.

Anna Palid

In an email to the Board received on March 12, 2026, titled "Fwd: Modified Text of Proposed Regulatory Change – Continuing Education, Exams and Renewals", Anna Palid provided the comment summarized below:

"I could not find how to comment on pending regulations being reviewed, pertaining to CE, Exams and renewals. See attached. I think when people give birth, they should qualify for waivers and should be included in section below (note highlighted language):

REQUEST FOR TEMPORARY CONTINUING EDUCATION (CE) WAIVER:
INSTRUCTIONS AND INFORMATION IMPORTANT:

- Registrants are ineligible to apply for a good cause waiver. This form should be used only for licensees seeking a temporary waiver of their CE requirements in accordance with Title 16, California Code of Regulations section 1887.2.
- The board must receive your request for CE waiver and verification of disability at least sixty (60) days PRIOR to the expiration date of your license in order for the

waiver to be considered. Otherwise, your request will be denied. Allow 30 days for processing.

The 6-hour Law and Ethics CE course required for each renewal CANNOT BE WAIVED. You must complete this course before renewing.

Who Qualifies for a Temporary CE Waiver?

You may qualify for a temporary CE waiver if, for at least one year during your current License renewal period, you had one of the following:

- A physical or mental disability or medical condition that substantially limited one or more life activities and caused your earned income to drop below the substantial gainful activity amount for non-blind individuals during that year, as defined by the Social Security Administration (see https://www.ssa.gov/oact/cola/sga.html); OR
- You were the primary caregiver for an immediate family member, including a new baby, a domestic partner, who had a total physical or mental disability. A "total physical or mental disability" means that the family member is both unable to work and unable to perform activities of daily living without substantial assistance, such as eating, bathing, dressing, housework, shopping, or meal preparation."

Board Response: The Board rejected these comments and declined to make any changes due to these comments as the comments did not pertain to the modified text. However, the Board would like to note that existing language authorizes a licensee to qualify for a waiver if a licensee has a physical or mental disability that limits one or major life activities or the licensee is the primary caregiver for a "new baby" who has a total physical or mental disability" as noted above and in CCR section 1887.2. Further, the Board acknowledges receipt of the concerns about the commenter's difficulty determining how to comment on the Board's pending regulations but declines to make any further changes. The Board's Notice of Proposed Regulatory Action was posted, mailed and emailed to individuals required to receive notice in compliance with Government Code sections 11346.4 and 11340.85 and provides instructions on how to submit a public comment, and the Board did in fact receive and respond to this comment as noted here.

Rachel Michaelsen

In an email to the Board received on March 13, 2026, titled "Public comment CE Changes", Rachel Michaelsen provided the comment summarized below:

"After reading about the proposed changes to continuing ed requirements I wanted to share two thoughts:

1). What is the purpose of continuing and for licensed professionals? In my mind, it is to keep people up-to-date and learning new skills to provide high-quality service to the people that we serve. What you have proposed does not actually help with that.

2) I don't think you're going to get more supervisors by offering reduced CEs. And, in fact, I'm concerned about the quality of supervision you're going to get as supervisors will be getting less continuing education. I suggest you consider another way of incentivizing licensed professionals to supervise. For example, paying a certain amount of money towards continuing ed courses. We're finding other funds to pay them to provide supervision. I imagine you'll say that there isn't money for this, but I encourage you to think outside the box.

Furthermore, I suggest you find another way of incentivizing licensees to attend your meetings or provide you with feedback as again I don't think attending meetings meets the goal of the continuing educational requirements.

On a final note, I just want to encourage you to think about the purpose of continuing ed versus the other goals that you're trying to reach. They're not in alignment and it's actually pretty disturbing to me that you would encourage people to get less training to meet other needs of the profession I'm someone who teaches lots of continuing education classes, particularly in the Title IV-E realm and I know people need more continuing Ed and high-quality continuing ed. I know this from the types of questions I'm getting and from the not always excellent responses to vignettes and other questions I provide."

Board Response: The Board rejected these comments, which appear to generally recommend not granting continuing education credit for supervision or meeting attendance based upon the commenter's belief that credit for such activity would not "keep people up-to-date and learning new skills", that the quality of supervision would be adversely affected since supervisors "will be getting less continuing education", that the proposal would encourage people to get less training to meet other needs of the profession, and in their experience people need more CE and "high-quality continuing ed."

The Board declined to make any changes due to these comments. At its meeting on February 20, 2026, the Board responded to several similar comments expressing concern that the number of allowable hours for non-CE course activities, including the provision of supervision and meeting attendance, may have a negative impact on a licensee's ability to learn about important updates in the profession if maintained at the originally proposed 18-hour allowable credit for supervision and the proposed 6-hour credit requirement for Board meeting and committee meeting attendance. At that meeting the Board recognized the learning opportunities provided via supervision and meeting attendance and decided to keep those provisions, but eliminated credit for Committee meeting attendance and reduced the number of CE hours that could be earned for providing supervision from 18 hours to 6 hours due to concerns expressed by commenters.

Upon review, the Board still believes based on its experience that the deliberate and

systematic planning a supervisor undertakes to design, organize, and facilitate learning experiences that support a supervisee's professional growth, skill development, and competency attainment should be recognized as continuing education and credited as such. Similarly, Board meeting attendance supports a licensee's learning about current issues in the profession, new research, and perspectives beyond their current expertise and should be recognized as an educational opportunity. With these Board-approved modifications, the Board has balanced the regulated communities' concerns about professionals staying current using traditional learning methods with its goal of recognizing diverse learning opportunities by limiting these activities to 6 hours of CE credit.

The commenter also recommended that the Board consider another way of incentivizing licensed professionals to supervise. For example, paying a certain amount of money towards continuing ed courses or finding other funds to pay licensees to provide supervision. The Board is not authorized by law to "incentivize" licensees to provide supervision as recommended by this commenter. As a result, the Board rejected this comment and declined to make any changes in response to this comment.

(K'Ailsa) Kaye-Ailsa Rowan, M.A., LMFT

In an email to the Board received on March 13, 2026, titled "Comments on Proposed CE Disability Waiver Form DCA BBS 37A-636", K'Ailsa Rowan provided the comment summarized below:

Comment: "I am writing to comment on the proposed CE Disability Waiver form (https://www.bbs.ca.gov/pdf/forms/ce_exemption_med_pt.pdf). I am glad to see the regulation and form updated to clarify which licensed medical professionals are accepted. When someone needs a waiver due to caring for a family member, it is possible that the family member is incapacitated and cannot, themselves, sign to waive their medical privacy. I did not see any reference to this situation in the proposed regulation or on the proposed form. There should be clear instructions on how an authorized representative can sign the form on behalf of the family member when the family member is incapacitated."

Board Response: The Board acknowledged the favorable feedback on the modified text and rejected the adverse comment regarding amending the waiver form and declined to make any changes due to this comment. The comment did not pertain to the modified text. However, the Board clarified that in such a situation, the licensee would be directed to consult with the incapacitated family members' healthcare provider regarding who could sign on their behalf to authorize the requested information (e.g., agent holding a durable power of attorney).

COMMENTS RECEIVED DURING THE 15-DAY SECOND MODIFIED TEXT PUBLIC COMMENT PERIOD (May 14, 2026 to May 29, 2026)

Dr. Lisa Wenninger, LPCC 14315, Founder and Executive Director, Resonant Equity, Inc.

Comment: "In light of the Board's current regulatory review process, I wanted to raise a related concern regarding administration and enforcement of an existing requirement covered in the Notice of Second Modified Text. In the second modification, the requirement is at § 1887.3. (d) which is the 7-hour HIV/AIDS course required at time of first license renewal. My advocacy today is intended to bring attention to what appears to be a discrepancy in enforcement. For transparency, our nonprofit has developed courses for licensees to meet BBS requirements including this one, and I am aware of the optics of that overlap. I also understand that this HIV/AIDS training is a DCA level requirement for all Boards within its jurisdiction, so there may be limited opportunity for change within the BBS. However, I wanted to share these anecdotes about my experience with this requirement:

1) This does not seem to be a widely known BBS training requirement. Very very few within my professional network have ever heard of it, whether associates, newly-licensed clinicians, or clinicians who have been licensed for years. I am active in multiple MFT and counseling networks and communities in California, and am typically met with shock and even disbelief that the requirement exists when I have mentioned it. To my knowledge, it is also not routinely covered within our graduate programs in California, which may further contribute to low awareness among licensees.

2) I went through my first LPCC renewal last July (2025) on BreEZe. The renewal process did not ask me whether I had fulfilled this requirement. It asked about the 36 CE hours, the 6 hour suicide requirement, and the 3 hour telehealth requirement, but was silent on the HIV/AIDS requirement. I had been worried about this requirement and had delayed renewing until almost the last day because I was still finishing my HIV/AIDS course, so was a little surprised it never asked - so much so, that I made a printout of the screen, which is attached. I also do not recall seeing any reminders of this requirement in that renewal cycle, though of course I could have missed them.

I'm guessing that the Board's CE audit processes do track when this requirement is met for those licensees who are selected for review. However if the license holders are generally unaware of the requirement, and the Board is not checking universally on compliance at time it is due, then this creates an arbitrary compliance condition that is unjust. Only those who are accidentally aware of it are likely to comply.

I am simultaneously conflicted about Board-level CE requirements based on how burdensome they are to licensees. I actually wish there were fewer hurdles to licensure in California, in order to better support those with more limited resources to become therapists here. So it pains me to ask for more enforcement. Simultaneously: A 7-hour course is a *significant* investment of time for a licensee to make on one subject. I can

think of numerous other topics that I wish the BBS would ask the profession to focus on for that much training time. However I also believe that policies should be applied fairly.

All that being said: HIV/AIDS definitely deserves attention within mental health, perhaps now more than ever based on the paradox that advancements in antiretroviral treatment have hugely improved clinical outcomes, resulting in longer lifespans and improved quality of life for people living with HIV/AIDS. This has resulted in this disease getting very little media attention these days. Yet people living with HIV/AIDS are highly stigmatized, discrimination in the medical system and society is significant, and the disease disproportionately affects individuals holding marginalized and multiply marginalized identities. Women of color and trans women are particularly impacted. And of course, AIDS can affect anyone. The virus does not discriminate on who it infects. Mental health clinicians do need to know about this, especially as risks to Californians from the AIDS virus are likely to increase due to policy changes at the federal level of this country. So it's hard to argue that the course requirement should be dropped.

I appreciate the complexities of this situation. I am not taking a position here on whether the requirement should be strengthened, reduced, or removed. My concern is that the current approach appears to create uneven awareness and inconsistent compliance among licensees, particularly due to the lack of enforcement messaging at the time of first renewal in BreEZe. My hope is simply that requirements affecting licensees are communicated and operationalized consistently."

Dr. Wenninger also include screen shots of the LPCC License Renewal Application's "Introduction" section which describes continuing education requirements.

Response: This comment was not considered by the Board as it did not pertain to the second modified text, the notice or to the processes or procedures followed by the Board in proposing or adopting this action.

LOCAL MANDATE

The proposed mandate does not impose a mandate on local agencies or school districts.

SMALL BUSINESS IMPACT

The Board has determined that the proposed regulations will not affect small businesses. Adopting this regulation adds registrants into the existing CE requirements to mirror pertinent licensee requirements, allows other types of healthcare professionals to verify a disability or medical condition for a CE waiver request; and allows certain types of activities to count toward a licensee's CE.

While this proposal provides additional pathways to accrue CE hourly credits by attending Board meetings (up to 6 hours) and by serving as supervisor (up to 6 hours),

the Board does not anticipate significant economic impacts to individuals or CE providers because: 1) free or low-cost CE courses are readily available, and 2) current regulations require supervisors to fulfill 15 hours of training or coursework, as specified.

As a result, the Board does not anticipate any measurable cost savings to individuals opting for these additional pathways or decreased tuition fee revenues for CE providers.

This proposal also sets forth currently existing procedures pertaining to the examination, as well as currently existing procedures relating to license and registration renewal. Because these procedures are currently in place, no impacts are anticipated.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board as part of public comments received or at the Board's meetings would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. All recommendations provided during this rulemaking were considered by the Board and accepted or rejected as discussed above.

INCORPORATION BY REFERENCE

Current regulation incorporates by reference into 16 CCR Section 1887.2 the following two forms: "Request for Temporary Continuing Education (CE) Waiver -- Licensee Application," Form No. 37A-635 and "Request for Temporary Continuing Education (CE) Waiver -- Verification of Disability or Medical Condition," Form No. 37A-636, last revised in August of 2022 (8/22). This proposal would add a new additional form identifier to each form "DCA BBS," update the revision date of these documents (the Office of Administrative Law (OAL) to insert new revision date) and update the form content in accordance with existing laws and regulations and the current needs of the Board to establish a uniform system for handling requests for waivers of continuing education for affected licensees. These forms are incorporated by reference as they are too lengthy and cumbersome to be included in the CCR. These documents were made available to the public and were posted on the Board's website.