

Assembly Bill No. 1113

CHAPTER 135

An act to amend Section 5068.5 of the Penal Code, relating to prisoners.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1113, Bonnie Lowenthal. Prisoners: professional mental health providers: marriage and family therapists.

Existing law requires any person employed or under contract to provide mental health diagnostic or treatment or other mental health services in the state correctional system to be a physician and surgeon, psychologist, or other health professional, licensed to practice in this state, except as specified. This licensure requirement may be waived in order for a person to gain qualifying experience for licensure as a psychologist or clinical social worker in this state.

This bill would also authorize the waiver for a person to gain qualifying experience for licensure as a marriage and family therapist. The bill would provide that a person gaining qualifying experience for licensure as a marriage and family therapist is limited to working within his or her scope of practice.

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

SECTION 1. Section 5068.5 of the Penal Code is amended to read:

5068.5. (a) Notwithstanding any other law, except as provided in subdivision (b), any person employed or under contract to provide diagnostic, treatment, or other mental health services in the state or to supervise or provide consultation on these services in the state correctional system shall be a physician and surgeon, a psychologist, or other health professional, licensed to practice in this state.

(b) Notwithstanding Section 5068 or Section 704 of the Welfare and Institutions Code, the following persons are exempt from the requirements of subdivision (a), so long as they continue in employment in the same class and in the same department:

(1) Persons employed on January 1, 1985, as psychologists to provide diagnostic or treatment services including those persons on authorized leave but not including intermittent personnel.

(2) Persons employed on January 1, 1989, to supervise or provide consultation on the diagnostic or treatment services including persons on authorized leave but not including intermittent personnel.

(c) The requirements of subdivision (a) may be waived in order for a person to gain qualifying experience for licensure as a psychologist, clinical social worker, or marriage and family therapist in this state in accordance with Section 1277 of the Health and Safety Code. A person gaining qualifying experience for licensure as a marriage and family therapist is limited to working within his or her scope of practice.