

ASSEMBLY BILL

No. 2435

Introduced by Assembly Member Bonnie Lowenthal

February 19, 2010

An act to amend Sections 28, 4980.37, 4980.39, and 4980.43 of the Business and Professions Code, relating to elder and dependent adult abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2435, as introduced, Bonnie Lowenthal. Elder and dependent adult abuse.

(1) Existing law provides for the licensing and regulation of psychologists, clinical social workers, and marriage and family therapists. Existing law requires a person applying for licensure in these professions to have completed specified coursework or training in child abuse assessment and reporting from certain types of institutions.

This bill, on and after January 1, 2012, would expand the required coursework or training to additionally cover elder and dependent adult abuse assessment and reporting.

(2) Existing law, with respect to marriage and family therapists, requires an applicant for licensure or registration to possess a doctor's or master's degree in various disciplines, including marriage, family, and child counseling, relative to applicants who begin graduate study before August 1, 2012, and complete that study on or before December 31, 2008.

This bill would instead refer to marriage, family, older adult, and child counseling.

(3) Existing law requires an applicant for licensure as a marriage and family therapist under (2) to complete a minimum of 10 contact hours

of coursework in aging and long-term care, which may include the biological, social, and psychological aspects of aging.

This bill would require the coursework to include instruction on the assessment and reporting of elder and dependent adult abuse and neglect, and associated treatment.

(4) Existing law requires an applicant for licensure as a marriage and family counselor, prior to applying for a licensure examination, to complete certain experience, including, among other things, not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

This bill would include diagnosing and treating older adults within this experience requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 28 of the Business and Professions Code
2 is amended to read:

3 28. The Legislature finds that there is a need to ensure that
4 professionals of the healing arts who have demonstrable contact
5 with ~~child abuse victims, potential child abuse victims, and child~~
6 ~~abusers and potential child abusers~~ *victims and potential victims*
7 *of child, elder, and dependent adult abuse, and abusers and*
8 *potential abusers of children, elders, and dependent adults* are
9 provided with adequate and appropriate training regarding the
10 assessment and reporting of child, *elder, and dependent adult* abuse
11 which will ameliorate, reduce, and eliminate the trauma of ~~child~~
12 abuse and neglect and ensure the reporting of ~~child~~ abuse in a
13 timely manner to prevent additional occurrences.

14 The Board of Psychology and the Board of Behavioral Sciences
15 shall establish required training in the ~~area of child abuse~~
16 *above-referenced areas of assessment and reporting* for all persons
17 applying for initial licensure and renewal of a license as a
18 psychologist, clinical social worker, or marriage and family
19 therapist ~~on or after January 1, 1987~~. This training shall be required
20 one time only for all persons applying for initial licensure or for
21 licensure renewal ~~on or after January 1, 1987~~. *With respect to elder*
22 *and dependent adult abuse, the requirement for training shall*
23 *apply on and after January 1, 2012.*

1 All persons applying for initial licensure and renewal of a license
2 as a psychologist, clinical social worker, or marriage and family
3 therapist ~~on or after January 1, 1987~~, shall, in addition to all other
4 requirements for licensure or renewal, have completed coursework
5 or training in ~~child abuse~~ *the above-referenced areas of assessment*
6 ~~and reporting which~~ *that* meets the requirements of this section,
7 including detailed knowledge of ~~Section 11165 Article 2.5~~
8 *(commencing with Section 11164) of Chapter 2 of Title 1 of Part*
9 *4 of the Penal Code. With respect to elder and dependent adult*
10 *abuse, the requirement shall apply on and after January 1, 2012.*
11 The training shall meet all of the following requirements:
12 ~~(a) Be completed after January 1, 1983.~~
13 ~~(b)~~
14 (a) Be obtained from one of the following sources:
15 (1) An accredited or approved educational institution, as defined
16 in Sections 2902, 4980.36, 4980.37, and 4996.18, including
17 extension courses offered by those institutions.
18 (2) A continuing education provider approved by the responsible
19 board.
20 (3) A course sponsored or offered by a professional association
21 or a local, county, or state department of health or mental health
22 for continuing education and approved by the responsible board.
23 ~~(c)~~
24 (b) Have a minimum of seven contact hours.
25 ~~(d)~~
26 (c) Include the study of the assessment and method of reporting
27 of sexual assault, neglect, severe neglect, general neglect, willful
28 cruelty or unjustifiable punishment, corporal punishment or injury,
29 and abuse in out-of-home care. The training shall also include
30 physical and behavioral indicators of abuse, crisis counseling
31 techniques, community resources, rights and responsibilities of
32 reporting, consequences of failure to report, caring for ~~a child's~~
33 *the needs of a child, elder, or dependent adult* after a report is
34 made, sensitivity to previously abused children and adults, and
35 implications and methods of treatment for children and adults.
36 ~~(e)~~
37 (d) An applicant shall provide the appropriate board with
38 documentation of completion of the required child, *elder, and*
39 *dependent adult* abuse training.

1 The Board of Psychology and the Board of Behavioral Sciences
2 shall exempt an applicant who applies for an exemption from the
3 requirements of this section and who shows to the satisfaction of
4 the board that there would be no need for the training in his or her
5 practice because of the nature of that practice.

6 It is the intent of the Legislature that a person licensed as a
7 psychologist, clinical social worker, or marriage and family
8 therapist have minimal but appropriate training in the areas of
9 child, *elder, and dependent adult* abuse assessment and reporting.
10 It is not intended that by solely complying with the requirements
11 of this section, a practitioner is fully trained in the subject of
12 treatment of child, *elder, and dependent adult* abuse victims and
13 abusers.

14 ~~(f) This section shall become operative on January 1, 1997.~~

15 SEC. 2. Section 4980.37 of the Business and Professions Code
16 is amended to read:

17 4980.37. (a) This section shall apply to applicants for licensure
18 or registration who begin graduate study before August 1, 2012,
19 and complete that study on or before December 31, 2018. Those
20 applicants may alternatively qualify under paragraph (2) of
21 subdivision (a) of Section 4980.36.

22 (b) To qualify for a license or registration, applicants shall
23 possess a doctor’s or master’s degree in marriage, family, *older*
24 *adult*, and child counseling, marriage and family therapy,
25 psychology, clinical psychology, counseling psychology, or
26 counseling with an emphasis in either marriage, family, and child
27 counseling or marriage and family therapy, obtained from a school,
28 college, or university accredited by a regional accrediting agency
29 recognized by the United States Department of Education or
30 approved by the Bureau for Private Postsecondary and Vocational
31 Education. The board has the authority to make the final
32 determination as to whether a degree meets all requirements,
33 including, but not limited to, course requirements, regardless of
34 accreditation or approval. In order to qualify for licensure pursuant
35 to this section, a doctor’s or master’s degree program shall be a
36 single, integrated program primarily designed to train marriage
37 and family therapists and shall contain no less than 48 semester
38 or 72 quarter units of instruction. This instruction shall include no
39 less than 12 semester units or 18 quarter units of coursework in
40 the areas of marriage, family, and child counseling, and marital

1 and family systems approaches to treatment. The coursework shall
2 include all of the following areas:

3 (1) The salient theories of a variety of psychotherapeutic
4 orientations directly related to marriage and family therapy, and
5 marital and family systems approaches to treatment.

6 (2) Theories of marriage and family therapy and how they can
7 be utilized in order to intervene therapeutically with couples,
8 families, adults, children, and groups.

9 (3) Developmental issues and life events from infancy to old
10 age and their effect on individuals, couples, and family
11 relationships. This may include coursework that focuses on specific
12 family life events and the psychological, psychotherapeutic, and
13 health implications that arise within couples and families,
14 including, but not limited to, childbirth, child rearing, childhood,
15 adolescence, adulthood, marriage, divorce, blended families,
16 stepparenting, *abuse and neglect of older and dependent adults*,
17 and geropsychology.

18 (4) A variety of approaches to the treatment of children.

19 The board shall, by regulation, set forth the subjects of instruction
20 required in this subdivision.

21 (c) (1) In addition to the 12 semester or 18 quarter units of
22 coursework specified in subdivision (b), the doctor's or master's
23 degree program shall contain not less than six semester or nine
24 quarter units of supervised practicum in applied psychotherapeutic
25 technique, assessments, diagnosis, prognosis, and treatment of
26 premarital, couple, family, and child relationships, including
27 dysfunctions, healthy functioning, health promotion, and illness
28 prevention, in a supervised clinical placement that provides
29 supervised fieldwork experience within the scope of practice of a
30 marriage and family therapist.

31 (2) For applicants who enrolled in a degree program on or after
32 January 1, 1995, the practicum shall include a minimum of 150
33 hours of face-to-face experience counseling individuals, couples,
34 families, or groups.

35 (3) The practicum hours shall be considered as part of the 48
36 semester or 72 quarter unit requirement.

37 (d) As an alternative to meeting the qualifications specified in
38 subdivision (b), the board shall accept as equivalent degrees those
39 master's or doctor's degrees granted by educational institutions

1 whose degree program is approved by the Commission on
2 Accreditation for Marriage and Family Therapy Education.

3 (e) In order to provide an integrated course of study and
4 appropriate professional training, while allowing for innovation
5 and individuality in the education of marriage and family therapists,
6 a degree program that meets the educational qualifications for
7 licensure or registration under this section shall do all of the
8 following:

9 (1) Provide an integrated course of study that trains students
10 generally in the diagnosis, assessment, prognosis, and treatment
11 of mental disorders.

12 (2) Prepare students to be familiar with the broad range of
13 matters that may arise within marriage and family relationships.

14 (3) Train students specifically in the application of marriage
15 and family relationship counseling principles and methods.

16 (4) Encourage students to develop those personal qualities that
17 are intimately related to the counseling situation such as integrity,
18 sensitivity, flexibility, insight, compassion, and personal presence.

19 (5) Teach students a variety of effective psychotherapeutic
20 techniques and modalities that may be utilized to improve, restore,
21 or maintain healthy individual, couple, and family relationships.

22 (6) Permit an emphasis or specialization that may address any
23 one or more of the unique and complex array of human problems,
24 symptoms, and needs of Californians served by marriage and
25 family therapists.

26 (7) Prepare students to be familiar with cross-cultural mores
27 and values, including a familiarity with the wide range of racial
28 and ethnic backgrounds common among California's population,
29 including, but not limited to, Blacks, Hispanics, Asians, and Native
30 Americans.

31 (f) Educational institutions are encouraged to design the
32 practicum required by this section to include marriage and family
33 therapy experience in low-income and multicultural mental health
34 settings.

35 (g) This section shall remain in effect only until January 1, 2019,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2019, deletes or extends that date.

38 SEC. 3. Section 4980.39 of the Business and Professions Code
39 is amended to read:

1 4980.39. (a) An applicant for licensure whose education
2 qualifies him or her under Section 4980.37 shall complete, as a
3 condition of licensure, a minimum of 10 contact hours of
4 coursework in aging and long-term care, which may include, but
5 is not limited to, the biological, social, and psychological aspects
6 of aging. *This coursework shall include instruction on the*
7 *assessment and reporting of, as well as treatment related to, elder*
8 *and dependent adult abuse and neglect.*

9 (b) Coursework taken in fulfillment of other educational
10 requirements for licensure pursuant to this chapter, or in a separate
11 course of study, may, at the discretion of the board, fulfill the
12 requirements of this section.

13 (c) In order to satisfy the coursework requirement of this section,
14 the applicant shall submit to the board a certification from the chief
15 academic officer of the educational institution from which the
16 applicant graduated stating that the coursework required by this
17 section is included within the institution's required curriculum for
18 graduation, or within the coursework, that was completed by the
19 applicant.

20 (d) The board shall not issue a license to the applicant until the
21 applicant has met the requirements of this section.

22 (e) This section shall remain in effect only until January 1, 2019,
23 and as of that date is repealed, unless a later enacted statute, that
24 is enacted before January 1, 2019, deletes or extends that date.

25 SEC. 4. Section 4980.43 of the Business and Professions Code
26 is amended to read:

27 4980.43. (a) Prior to applying for licensure examinations, each
28 applicant shall complete experience that shall comply with the
29 following:

30 (1) A minimum of 3,000 hours completed during a period of at
31 least 104 weeks.

32 (2) Not more than 40 hours in any seven consecutive days.

33 (3) Not less than 1,700 hours of supervised experience
34 completed subsequent to the granting of the qualifying master's
35 or doctor's degree.

36 (4) Not more than 1,300 hours of supervised experience obtained
37 prior to completing a master's or doctor's degree.

38 The applicant shall not be credited with more than 750 hours of
39 counseling and direct supervisor contact prior to completing the
40 master's or doctor's degree.

1 (5) No hours of experience may be gained prior to completing
2 either 12 semester units or 18 quarter units of graduate instruction
3 and becoming a trainee except for personal psychotherapy.

4 (6) No hours of experience gained more than six years prior to
5 the date the application for examination eligibility was filed, except
6 that up to 500 hours of clinical experience gained in the supervised
7 practicum required by subdivision (c) of Section 4980.37 and
8 subparagraph (B) of paragraph (1) of subdivision (d) of Section
9 4980.36 shall be exempt from this six-year requirement.

10 (7) Not more than a combined total of 1,250 hours of experience
11 in the following:

12 (A) Direct supervisor contact.

13 (B) Professional enrichment activities. For purposes of this
14 chapter, “professional enrichment activities” include the following:

15 (i) Workshops, seminars, training sessions, or conferences
16 directly related to marriage and family therapy attended by the
17 applicant that are approved by the applicant’s supervisor. An
18 applicant shall have no more than 250 hours of verified attendance
19 at these workshops, seminars, training sessions, or conferences.

20 (ii) Participation by the applicant in personal psychotherapy,
21 which includes group, marital or conjoint, family, or individual
22 psychotherapy by an appropriately licensed professional. An
23 applicant shall have no more than 100 hours of participation in
24 personal psychotherapy. The applicant shall be credited with three
25 hours of experience for each hour of personal psychotherapy.

26 (C) Client centered advocacy.

27 (8) Not more than 500 hours of experience providing group
28 therapy or group counseling.

29 (9) Not more than 250 hours of experience administering and
30 evaluating psychological tests, writing clinical reports, writing
31 progress notes, or writing process notes.

32 (10) Not less than 500 total hours of experience in diagnosing
33 and treating couples, families, *older adults*, and children. For the
34 first 150 hours of treating couples and families in conjoint therapy,
35 the applicant shall be credited with two hours of experience for
36 each hour of therapy provided.

37 (11) Not more than 375 hours of experience providing personal
38 psychotherapy, crisis counseling, or other counseling services via
39 telemedicine in accordance with Section 2290.5.

1 (b) All applicants, trainees, and registrants shall be at all times
2 under the supervision of a supervisor who shall be responsible for
3 ensuring that the extent, kind, and quality of counseling performed
4 is consistent with the training and experience of the person being
5 supervised, and who shall be responsible to the board for
6 compliance with all laws, rules, and regulations governing the
7 practice of marriage and family therapy. Supervised experience
8 shall be gained by interns and trainees either as an employee or as
9 a volunteer. The requirements of this chapter regarding gaining
10 hours of experience and supervision are applicable equally to
11 employees and volunteers. Experience shall not be gained by
12 interns or trainees as an independent contractor.

13 (1) If employed, an intern shall provide the board with copies
14 of the corresponding W-2 tax forms for each year of experience
15 claimed upon application for licensure.

16 (2) If volunteering, an intern shall provide the board with a letter
17 from his or her employer verifying the intern's employment as a
18 volunteer upon application for licensure.

19 (c) Supervision shall include at least one hour of direct
20 supervisor contact in each week for which experience is credited
21 in each work setting, as specified:

22 (1) A trainee shall receive an average of at least one hour of
23 direct supervisor contact for every five hours of client contact in
24 each setting.

25 (2) An individual supervised after being granted a qualifying
26 degree shall receive at least one additional hour of direct supervisor
27 contact for every week in which more than 10 hours of client
28 contact is gained in each setting. No more than five hours of
29 supervision, whether individual or group, shall be credited during
30 any single week.

31 (3) For purposes of this section, "one hour of direct supervisor
32 contact" means one hour per week of face-to-face contact on an
33 individual basis or two hours per week of face-to-face contact in
34 a group.

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

37 (5) Direct supervisor contact provided in a group shall be
38 provided in a group of not more than eight supervisees and in
39 segments lasting no less than one continuous hour.

1 (6) Notwithstanding paragraph (3), an intern working in a
2 governmental entity, a school, a college, or a university, or an
3 institution that is both nonprofit and charitable may obtain the
4 required weekly direct supervisor contact via two-way, real-time
5 videoconferencing. The supervisor shall be responsible for ensuring
6 that client confidentiality is upheld.

7 (7) All experience gained by a trainee shall be monitored by the
8 supervisor as specified by regulation.

9 (d) (1) A trainee may be credited with supervised experience
10 completed in any setting that meets all of the following:

11 (A) Lawfully and regularly provides mental health counseling
12 or psychotherapy.

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

17 (C) Is not a private practice owned by a licensed marriage and
18 family therapist, a licensed psychologist, a licensed clinical social
19 worker, a licensed physician and surgeon, or a professional
20 corporation of any of those licensed professions.

21 (2) Experience may be gained by the trainee solely as part of
22 the position for which the trainee volunteers or is employed.

23 (e) (1) An intern may be credited with supervised experience
24 completed in any setting that meets both of the following:

25 (A) Lawfully and regularly provides mental health counseling
26 or psychotherapy.

27 (B) Provides oversight to ensure that the intern's work at the
28 setting meets the experience and supervision requirements set forth
29 in this chapter and is within the scope of practice for the profession
30 as defined in Section 4980.02.

31 (2) An applicant shall not be employed or volunteer in a private
32 practice, as defined in subparagraph (C) of paragraph (1) of
33 subdivision (d), until registered as an intern.

34 (3) While an intern may be either a paid employee or a
35 volunteer, employers are encouraged to provide fair remuneration
36 to interns.

37 (4) Except for periods of time during a supervisor's vacation or
38 sick leave, an intern who is employed or volunteering in private
39 practice shall be under the direct supervision of a licensee that has
40 satisfied the requirements of subdivision (g) of Section 4980.03.

1 The supervising licensee shall either be employed by and practice
2 at the same site as the intern's employer, or shall be an owner or
3 shareholder of the private practice. Alternative supervision may
4 be arranged during a supervisor's vacation or sick leave if the
5 supervision meets the requirements of this section.

6 (5) Experience may be gained by the intern solely as part of the
7 position for which the intern volunteers or is employed.

8 (f) Except as provided in subdivision (g), all persons shall
9 register with the board as an intern in order to be credited for
10 postdegree hours of supervised experience gained toward licensure.

11 (g) Except when employed in a private practice setting, all
12 postdegree hours of experience shall be credited toward licensure
13 so long as the applicant applies for the intern registration within
14 90 days of the granting of the qualifying master's or doctor's
15 degree and is thereafter granted the intern registration by the board.

16 (h) Trainees, interns, and applicants shall not receive any
17 remuneration from patients or clients, and shall only be paid by
18 their employers.

19 (i) Trainees, interns, and applicants shall only perform services
20 at the place where their employers regularly conduct business,
21 which may include performing services at other locations, so long
22 as the services are performed under the direction and control of
23 their employer and supervisor, and in compliance with the laws
24 and regulations pertaining to supervision. Trainees and interns
25 shall have no proprietary interest in their employers' businesses
26 and shall not lease or rent space, pay for furnishings, equipment
27 or supplies, or in any other way pay for the obligations of their
28 employers.

29 (j) Trainees, interns, or applicants who provide volunteered
30 services or other services, and who receive no more than a total,
31 from all work settings, of five hundred dollars (\$500) per month
32 as reimbursement for expenses actually incurred by those trainees,
33 interns, or applicants for services rendered in any lawful work
34 setting other than a private practice shall be considered an
35 employee and not an independent contractor. The board may audit
36 applicants who receive reimbursement for expenses, and the
37 applicants shall have the burden of demonstrating that the payments
38 received were for reimbursement of expenses actually incurred.

39 (k) Each educational institution preparing applicants for
40 licensure pursuant to this chapter shall consider requiring, and

1 shall encourage, its students to undergo individual, marital or
2 conjoint, family, or group counseling or psychotherapy, as
3 appropriate. Each supervisor shall consider, advise, and encourage
4 his or her interns and trainees regarding the advisability of
5 undertaking individual, marital or conjoint, family, or group
6 counseling or psychotherapy, as appropriate. Insofar as it is deemed
7 appropriate and is desired by the applicant, the educational
8 institution and supervisors are encouraged to assist the applicant
9 in locating that counseling or psychotherapy at a reasonable cost.

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