

Introduced by Senators Wyland and Steinberg

February 27, 2009

An act to amend Sections 728, 805, and 4990 of, to add Chapter 16 (commencing with Section 4999.10) to Division 2 of, and to repeal Sections 4999.32, 4999.56, 4999.58, and 4999.101 of, the Business and Professions Code, and to amend Section 11165.7 of the Penal Code, relating to professional clinical counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 788, as introduced, Wyland. Licensed professional clinical counselors.

(1) Existing law provides for the licensure and regulation of marriage and family therapists and clinical social workers by the Board of Behavioral Sciences, in the Department of Consumer Affairs. Under existing law, the board consists of 11 members.

This bill would provide for the licensure, registration, and regulation of licensed professional clinical counselors and interns by the board and would add 4 additional members to the board, to be appointed by the Governor. The bill would enact various provisions concerning the practice of licensed professional clinical counselors, interns, and counselor trainees, including, but not limited to, practice requirements, and enforcement specifications. The bill would authorize the board to begin accepting applications for intern registration on January 1, 2011, and for professional clinical counselor licensure on January 1, 2012, but would authorize the board to issue licenses to individuals meeting certain criteria who apply between January 1, 2011, and June 30, 2011. The bill would authorize the board to impose specified fees on licensed professional clinical counselors and interns which would be deposited in the Behavioral Sciences Fund to carry out the provisions of the bill.

The bill would require that the startup costs of the program be funded by a loan from the Behavioral Sciences Fund, upon appropriation by the Legislature. The bill would provide that a violation of its provisions is a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

(2) Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of up to \$1,000, or by both that imprisonment and fine.

This bill would add licensed professional clinical counselors, counselor trainees, and unlicensed professional clinical counselor interns to the list of individuals who are mandated reporters. By imposing the reporting requirement on a new class of persons, the violation of which would be a crime, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 728 of the Business and Professions Code
2 is amended to read:
3 728. (a) Any psychotherapist or employer of a psychotherapist
4 who becomes aware through a patient that the patient had alleged
5 sexual intercourse or alleged sexual contact with a previous
6 psychotherapist during the course of a prior treatment, shall provide
7 to the patient a brochure promulgated by the department that
8 delineates the rights of, and remedies for, patients who have been
9 involved sexually with their psychotherapist. Further, the
10 psychotherapist or employer shall discuss with the patient the
11 brochure prepared by the department.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

(1) “Psychotherapist” means a physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy, a psychologist, a clinical social worker, a marriage and family therapist, *a licensed professional clinical counselor*, a psychological assistant, *a marriage and family therapist registered intern or trainee, an intern or trainee as specified in Chapter 16 (commencing with Section 4999.10)*, or an associate clinical social worker.

(2) “Sexual contact” means the touching of an intimate part of another person.

(3) “Intimate part” and “touching” have the same meaning as defined in subdivisions (f) and (d), respectively, of Section 243.4 of the Penal Code.

(4) “The course of a prior treatment” means the period of time during which a patient first commences treatment for services that a psychotherapist is authorized to provide under his or her scope of practice, or that the psychotherapist represents to the patient as being within his or her scope of practice, until the psychotherapist-patient relationship is terminated.

SEC. 2. Section 805 of the Business and Professions Code is amended to read:

805. (a) As used in this section, the following terms have the following definitions:

(1) “Peer review body” includes:

(A) A medical or professional staff of any health care facility or clinic licensed under Division 2 (commencing with Section 1200) of the Health and Safety Code or of a facility certified to participate in the federal Medicare Program as an ambulatory surgical center.

(B) A health care service plan registered under Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code or a disability insurer that contracts with licentiates to provide services at alternative rates of payment pursuant to Section 10133 of the Insurance Code.

(C) Any medical, psychological, marriage and family therapy, social work, *licensed professional clinical counseling*, dental, or

1 podiatric professional society having as members at least 25 percent
2 of the eligible licentiates in the area in which it functions (which
3 must include at least one county), which is not organized for profit
4 and which has been determined to be exempt from taxes pursuant
5 to Section 23701 of the Revenue and Taxation Code.

6 (D) A committee organized by any entity consisting of or
7 employing more than 25 licentiates of the same class that functions
8 for the purpose of reviewing the quality of professional care
9 provided by members or employees of that entity.

10 (2) "Licentiate" means a physician and surgeon, doctor of
11 podiatric medicine, clinical psychologist, marriage and family
12 therapist, clinical social worker, *licensed professional clinical*
13 *counselor*, or dentist. "Licentiate" also includes a person authorized
14 to practice medicine pursuant to Section 2113.

15 (3) "Agency" means the relevant state licensing agency having
16 regulatory jurisdiction over the licentiates listed in paragraph (2).

17 (4) "Staff privileges" means any arrangement under which a
18 licentiate is allowed to practice in or provide care for patients in
19 a health facility. Those arrangements shall include, but are not
20 limited to, full staff privileges, active staff privileges, limited staff
21 privileges, auxiliary staff privileges, provisional staff privileges,
22 temporary staff privileges, courtesy staff privileges, locum tenens
23 arrangements, and contractual arrangements to provide professional
24 services, including, but not limited to, arrangements to provide
25 outpatient services.

26 (5) "Denial or termination of staff privileges, membership, or
27 employment" includes failure or refusal to renew a contract or to
28 renew, extend, or reestablish any staff privileges, if the action is
29 based on medical disciplinary cause or reason.

30 (6) "Medical disciplinary cause or reason" means that aspect
31 of a licentiate's competence or professional conduct that is
32 reasonably likely to be detrimental to patient safety or to the
33 delivery of patient care.

34 (7) "805 report" means the written report required under
35 subdivision (b).

36 (b) The chief of staff of a medical or professional staff or other
37 chief executive officer, medical director, or administrator of any
38 peer review body and the chief executive officer or administrator
39 of any licensed health care facility or clinic shall file an 805 report
40 with the relevant agency within 15 days after the effective date of

1 any of the following that occur as a result of an action of a peer
2 review body:

3 (1) A licentiate's application for staff privileges or membership
4 is denied or rejected for a medical disciplinary cause or reason.

5 (2) A licentiate's membership, staff privileges, or employment
6 is terminated or revoked for a medical disciplinary cause or reason.

7 (3) Restrictions are imposed, or voluntarily accepted, on staff
8 privileges, membership, or employment for a cumulative total of
9 30 days or more for any 12-month period, for a medical disciplinary
10 cause or reason.

11 (c) The chief of staff of a medical or professional staff or other
12 chief executive officer, medical director, or administrator of any
13 peer review body and the chief executive officer or administrator
14 of any licensed health care facility or clinic shall file an 805 report
15 with the relevant agency within 15 days after any of the following
16 occur after notice of either an impending investigation or the denial
17 or rejection of the application for a medical disciplinary cause or
18 reason:

19 (1) Resignation or leave of absence from membership, staff, or
20 employment.

21 (2) The withdrawal or abandonment of a licentiate's application
22 for staff privileges or membership.

23 (3) The request for renewal of those privileges or membership
24 is withdrawn or abandoned.

25 (d) For purposes of filing an 805 report, the signature of at least
26 one of the individuals indicated in subdivision (b) or (c) on the
27 completed form shall constitute compliance with the requirement
28 to file the report.

29 (e) An 805 report shall also be filed within 15 days following
30 the imposition of summary suspension of staff privileges,
31 membership, or employment, if the summary suspension remains
32 in effect for a period in excess of 14 days.

33 (f) A copy of the 805 report, and a notice advising the licentiate
34 of his or her right to submit additional statements or other
35 information pursuant to Section 800, shall be sent by the peer
36 review body to the licentiate named in the report.

37 The information to be reported in an 805 report shall include the
38 name and license number of the licentiate involved, a description
39 of the facts and circumstances of the medical disciplinary cause

1 or reason, and any other relevant information deemed appropriate
2 by the reporter.

3 A supplemental report shall also be made within 30 days
4 following the date the licentiate is deemed to have satisfied any
5 terms, conditions, or sanctions imposed as disciplinary action by
6 the reporting peer review body. In performing its dissemination
7 functions required by Section 805.5, the agency shall include a
8 copy of a supplemental report, if any, whenever it furnishes a copy
9 of the original 805 report.

10 If another peer review body is required to file an 805 report, a
11 health care service plan is not required to file a separate report
12 with respect to action attributable to the same medical disciplinary
13 cause or reason. If the Medical Board of California or a licensing
14 agency of another state revokes or suspends, without a stay, the
15 license of a physician and surgeon, a peer review body is not
16 required to file an 805 report when it takes an action as a result of
17 the revocation or suspension.

18 (g) The reporting required by this section shall not act as a
19 waiver of confidentiality of medical records and committee reports.
20 The information reported or disclosed shall be kept confidential
21 except as provided in subdivision (c) of Section 800 and Sections
22 803.1 and 2027, provided that a copy of the report containing the
23 information required by this section may be disclosed as required
24 by Section 805.5 with respect to reports received on or after
25 January 1, 1976.

26 (h) The Medical Board of California, the Osteopathic Medical
27 Board of California, and the Dental Board of California shall
28 disclose reports as required by Section 805.5.

29 (i) An 805 report shall be maintained by an agency for
30 dissemination purposes for a period of three years after receipt.

31 (j) No person shall incur any civil or criminal liability as the
32 result of making any report required by this section.

33 (k) A willful failure to file an 805 report by any person who is
34 designated or otherwise required by law to file an 805 report is
35 punishable by a fine not to exceed one hundred thousand dollars
36 (\$100,000) per violation. The fine may be imposed in any civil or
37 administrative action or proceeding brought by or on behalf of any
38 agency having regulatory jurisdiction over the person regarding
39 whom the report was or should have been filed. If the person who
40 is designated or otherwise required to file an 805 report is a

1 licensed physician and surgeon, the action or proceeding shall be
2 brought by the Medical Board of California. The fine shall be paid
3 to that agency but not expended until appropriated by the
4 Legislature. A violation of this subdivision may constitute
5 unprofessional conduct by the licentiate. A person who is alleged
6 to have violated this subdivision may assert any defense available
7 at law. As used in this subdivision, “willful” means a voluntary
8 and intentional violation of a known legal duty.

9 (l) Except as otherwise provided in subdivision (k), any failure
10 by the administrator of any peer review body, the chief executive
11 officer or administrator of any health care facility, or any person
12 who is designated or otherwise required by law to file an 805
13 report, shall be punishable by a fine that under no circumstances
14 shall exceed fifty thousand dollars (\$50,000) per violation. The
15 fine may be imposed in any civil or administrative action or
16 proceeding brought by or on behalf of any agency having
17 regulatory jurisdiction over the person regarding whom the report
18 was or should have been filed. If the person who is designated or
19 otherwise required to file an 805 report is a licensed physician and
20 surgeon, the action or proceeding shall be brought by the Medical
21 Board of California. The fine shall be paid to that agency but not
22 expended until appropriated by the Legislature. The amount of the
23 fine imposed, not exceeding fifty thousand dollars (\$50,000) per
24 violation, shall be proportional to the severity of the failure to
25 report and shall differ based upon written findings, including
26 whether the failure to file caused harm to a patient or created a
27 risk to patient safety; whether the administrator of any peer review
28 body, the chief executive officer or administrator of any health
29 care facility, or any person who is designated or otherwise required
30 by law to file an 805 report exercised due diligence despite the
31 failure to file or whether they knew or should have known that an
32 805 report would not be filed; and whether there has been a prior
33 failure to file an 805 report. The amount of the fine imposed may
34 also differ based on whether a health care facility is a small or
35 rural hospital as defined in Section 124840 of the Health and Safety
36 Code.

37 (m) A health care service plan registered under Chapter 2.2
38 (commencing with Section 1340) of Division 2 of the Health and
39 Safety Code or a disability insurer that negotiates and enters into
40 a contract with licentiates to provide services at alternative rates

1 of payment pursuant to Section 10133 of the Insurance Code, when
2 determining participation with the plan or insurer, shall evaluate,
3 on a case-by-case basis, licentiates who are the subject of an 805
4 report, and not automatically exclude or deselect these licentiates.

5 SEC. 3. Section 4990 of the Business and Professions Code is
6 amended to read:

7 4990. (a) There is in the Department of Consumer Affairs, a
8 Board of Behavioral Sciences that consists of ~~11~~ 15 members
9 composed as follows:

- 10 (1) Two state licensed clinical social workers.
- 11 (2) One state licensed educational psychologist.
- 12 (3) Two state licensed marriage and family therapists.
- 13 (4) *Two licensed professional clinical counselors.*
- 14 ~~(4) Six~~
- 15 (5) *Eight* public members.

16 (b) Each member, except the ~~six~~ *eight* public members, shall
17 have at least two years of experience in his or her profession.

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

19 (d) The Governor shall appoint ~~four~~ *six* of the public members
20 and the ~~five~~ *seven* licensed members with the advice and consent
21 of the Senate. The Senate Committee on Rules and the Speaker of
22 the Assembly shall each appoint a public member.

23 (e) Each member of the board shall be appointed for a term of
24 four years. A member appointed by the Speaker of the Assembly
25 or the Senate Committee on Rules shall hold office until the
26 appointment and qualification of his or her successor or until one
27 year from the expiration date of the term for which he or she was
28 appointed, whichever first occurs. Pursuant to Section 1774 of the
29 Government Code, a member appointed by the Governor shall
30 hold office until the appointment and qualification of his or her
31 successor or until 60 days from the expiration date of the term for
32 which he or she was appointed, whichever first occurs.

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

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

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

1 (i) This section shall remain in effect only until January 1, 2011,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2011, deletes or extends that date.

4 SEC. 4. Chapter 16 (commencing with Section 4999.10) is
5 added to Division 2 of the Business and Professions Code, to read:

6
7 CHAPTER 16. LICENSED PROFESSIONAL CLINICAL COUNSELORS

8
9 Article 1. Administration

10
11 4999.10. This chapter constitutes, and may be cited as, the
12 Licensed Professional Clinical Counselor Act.

13 4999.12. For purposes of this chapter, the following terms have
14 the following meanings:

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

16 (b) "Accredited" means a school, college, or university
17 accredited by the Western Association of Schools and Colleges,
18 or its equivalent regional accrediting association.

19 (c) "Approved" means a school, college, or university that
20 possessed unconditional approval by the Bureau for Private
21 Postsecondary and Vocational Education at the time of the
22 applicant's graduation from the school, college, or university.

23 (d) "Applicant" means an unlicensed person who has completed
24 a master's or doctoral degree program, as specified in Section
25 4999.32 or 4999.33, as applicable, and whose application for
26 registration as an intern is pending or who is in the examination
27 process, or an unlicensed person who has completed the
28 requirements for licensure specified in this chapter, is no longer
29 registered with the board as an intern, and is currently in the
30 examination process.

31 (e) "Licensed professional clinical counselor" or "LPCC" means
32 a person licensed under this chapter to practice professional clinical
33 counseling, as defined in Section 4999.20.

34 (f) "Intern" means an unlicensed person who meets the
35 requirements of Section 4999.42 and is registered with the board.

36 (g) "Counselor trainee" means an unlicensed person who is
37 currently enrolled in a master's or doctoral degree program, as
38 specified in Section 4999.32 or 4999.33, as applicable, that is
39 designed to qualify him or her for licensure under this chapter, and

1 who has completed no less than 12 semester units or 18 quarter
2 units of coursework in any qualifying degree program.

3 (h) “Approved supervisor” means an individual who meets the
4 following requirements:

5 (1) Has documented two years of clinical experience as a
6 licensed professional clinical counselor, licensed marriage and
7 family therapist, licensed clinical psychologist, licensed clinical
8 social worker, or licensed physician and surgeon who is certified
9 in psychiatry by the American Board of Psychiatry and Neurology.

10 (2) Has received professional training in supervision.

11 (3) Has not provided therapeutic services to the counselor trainee
12 or intern.

13 (4) Has a current and valid license that is not under suspension
14 or probation.

15 (i) “Professional enrichment activities” includes the following:

16 (1) Workshops, seminars, training sessions, or conferences
17 directly related to professional clinical counseling attended by the
18 applicant and approved by the applicant’s supervisor.

19 (2) Participation by the applicant in group, marital or conjoint,
20 family, or individual psychotherapy by an appropriately licensed
21 professional.

22 (j) “Advertising” or “advertise” includes, but is not limited to,
23 the issuance of any card, sign, or device to any person, or the
24 causing, permitting, or allowing of any sign or marking on, or in,
25 any building or structure, or in any newspaper or magazine or in
26 any directory, or any printed matter whatsoever, with or without
27 any limiting qualification. It also includes business solicitations
28 communicated by radio or television broadcasting. Signs within
29 church buildings or notices in church bulletins mailed to a
30 congregation shall not be construed as advertising within the
31 meaning of this chapter.

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

37 (l) “Research” means a systematic effort to collect, analyze, and
38 interpret quantitative and qualitative data that describes how social
39 characteristics, behavior, emotion, cognitions, disabilities, mental

1 disorders, and interpersonal transactions among individuals and
2 organizations interact.

3 (m) “Supervision” includes the following:

4 (1) Ensuring that the extent, kind, and quality of counseling
5 performed is consistent with the education, training, and experience
6 of the person being supervised.

7 (2) Reviewing client or patient records, monitoring and
8 evaluating assessment, diagnosis, and treatment decisions of the
9 counselor trainee.

10 (3) Monitoring and evaluating the ability of the intern or
11 counselor trainee to provide services to the particular clientele at
12 the site or sites where he or she will be practicing.

13 (4) Ensuring compliance with laws and regulations governing
14 the practice of licensed professional clinical counseling.

15 (5) That amount of direct observation, or review of audio or
16 videotapes of counseling or therapy, as deemed appropriate by the
17 supervisor.

18 4999.14. The board shall do all of the following:

19 (a) Communicate information about its activities, the
20 requirements and qualifications for licensure, and the practice of
21 professional clinical counseling to the relevant educational
22 institutions, supervisors, professional associations, applicants,
23 counselor trainees, interns, and the public.

24 (b) Develop policies and procedures to assist educational
25 institutions in meeting the educational qualifications of Sections
26 4999.32 and 4999.33.

27
28 Article 2. Scope of Practice
29

30 4999.20. (a) Professional clinical counseling means the
31 application of counseling interventions and psychotherapeutic
32 techniques to identify and remediate behavioral, cognitive, mental,
33 and emotional issues, including personal growth, adjustment to
34 disability, crisis intervention, and psychosocial and environmental
35 problems. Professional clinical counseling includes conducting
36 assessments for the purpose of establishing treatment goals and
37 objectives to empower individuals to deal adequately with life
38 situations, reduce stress, experience growth, and make
39 well-informed, rational decisions.

(b) “Counseling interventions and psychotherapeutic techniques” means the application of cognitive, affective, behavioral, verbal or nonverbal, systemic or holistic counseling strategies that include principles of development, wellness, and pathology that reflect a pluralistic society. These interventions and techniques are specifically implemented in the context of a professional clinical counseling relationship and use a variety of counseling theories and approaches.

(c) “Assessment” means selecting, administering, scoring, and interpreting tests, instruments, and other tools and methods designed to measure an individual’s attitudes, abilities, aptitudes, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral concerns and development and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or ameliorating changing life situations, as part of the counseling process. “Assessment” shall not include the use of projective techniques in the assessment of personality, individually administered intelligence tests, neuropsychological testing, or utilization of a battery of three or more tests to determine the presence of psychosis, dementia, amnesia, cognitive impairment, or criminal behavior.

(d) Professional clinical counselors shall refer clients to other licensed health care professionals when they identify issues beyond their own scope of education, training, and experience.

4999.22. (a) Nothing in this chapter shall prevent qualified persons from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, these qualified persons shall not hold themselves out to the public by any title or description of services incorporating the words “licensed professional clinical counselor” and shall not state that they are licensed to practice professional clinical counseling, unless they are otherwise licensed to provide professional clinical counseling services.

(b) Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Marriage and Family Therapy licensing laws.

1 (c) This chapter shall not apply to any priest, rabbi, or minister
2 of the gospel of any religious denomination who performs
3 counseling services as part of his or her pastoral or professional
4 duties, or to any person who is admitted to practice law in this
5 state, or who is licensed to practice medicine, who provides
6 counseling services as part of his or her professional practice.

7 (d) This chapter shall not apply to an employee of a
8 governmental entity or of a school, college, or university, or of an
9 institution both nonprofit and charitable, if his or her practice is
10 performed solely under the supervision of the entity, school, or
11 organization by which he or she is employed, and if he or she
12 performs those functions as part of the position for which he or
13 she is employed.

14 (e) All persons registered as interns or licensed under this
15 chapter shall not be exempt from this chapter or the jurisdiction
16 of the board.

17 4999.24. Nothing in this chapter shall restrict or prevent
18 activities of a psychotherapeutic or counseling nature on the part
19 of persons employed by accredited or state-approved academic
20 institutions, public schools, government agencies, or nonprofit
21 institutions engaged in the training of graduate students or
22 counselor trainees pursuing a course of study leading to a degree
23 that qualifies for professional clinical counselor licensure at an
24 accredited or state-approved college or university, or working in
25 a recognized training program, provided that these activities and
26 services constitute a part of a supervised course of study and that
27 those persons are designated by a title such as “counselor trainee”
28 or other title clearly indicating the training status appropriate to
29 the level of training.

30 31 Article 3. Licensure

32
33 4999.30. Except as otherwise provided in this chapter, a person
34 shall not practice or advertise the performance of professional
35 clinical counseling services without a license issued by the board,
36 and shall pay the license fee required by this chapter.

37 4999.32. (a) This section shall apply to applicants for licensure
38 or registration who begin graduate study before August 1, 2012,
39 and complete that study on or before December 31, 2018. Those

1 applicants may alternatively qualify under paragraph (2) of
2 subdivision (a) of Section 4999.33.

3 (b) To qualify for a license or registration, applicants shall
4 possess a master's or doctoral degree that is counseling or
5 psychotherapy in content and that meets the requirements of this
6 section, obtained from an accredited or approved institution, as
7 defined in Section 4999.12. For purposes of this subdivision, a
8 degree is "counseling or psychotherapy in content" if it contains
9 the supervised practicum or field study experience described in
10 paragraph (3) of subdivision (c) and, except as provided in
11 subdivision (d), the coursework in the core content areas listed in
12 subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision
13 (c).

14 (c) The degree described in subdivision (b) shall contain not
15 less than 48 graduate semester or 72 graduate quarter units of
16 instruction, which shall, except as provided in subdivision (d),
17 include all of the following:

18 (1) The equivalent of at least three semester units or four and
19 one-half quarter units of graduate study in each of following core
20 content areas:

21 (A) Counseling and psychotherapeutic theories and techniques,
22 including the counseling process in a multicultural society, an
23 orientation to wellness and prevention, counseling theories to assist
24 in selection of appropriate counseling interventions, models of
25 counseling consistent with current professional research and
26 practice, development of a personal model of counseling, and
27 multidisciplinary responses to crises, emergencies, and disasters.

28 (B) Human growth and development across the lifespan,
29 including normal and abnormal behavior and an understanding of
30 developmental crises, disability, psychopathology, and situational
31 and environmental factors that affect both normal and abnormal
32 behavior.

33 (C) Career development theories and techniques, including
34 career development decisionmaking models and interrelationships
35 among and between work, family, and other life roles and factors,
36 including the role of multicultural issues in career development.

37 (D) Group counseling theories and techniques, including
38 principles of group dynamics, group process components,
39 developmental stage theories, therapeutic factors of group work,
40 group leadership styles and approaches, pertinent research and

1 literature, group counseling methods, and evaluation of
2 effectiveness.

3 (E) Assessment, appraisal, and testing of individuals, including
4 basic concepts of standardized and nonstandardized testing and
5 other assessment techniques, norm-referenced and
6 criterion-referenced assessment, statistic concepts, social and
7 cultural factors related to assessment and evaluation of individuals
8 and groups, and ethical strategies for selecting, administering, and
9 interpreting assessment instruments and techniques in counseling.

10 (F) Multicultural counseling theories and techniques, including
11 counselors' roles in developing cultural self-awareness, identity
12 development, promoting cultural social justice, individual and
13 community strategies for working with and advocating for diverse
14 populations, and counselors' roles in eliminating biases and
15 prejudices, and processes of intentional and unintentional
16 oppression and discrimination.

17 (G) Principles of the diagnostic process, including differential
18 diagnosis, and the use of current diagnostic tools, such as the
19 current edition of the Diagnostic and Statistical Manual, the impact
20 of co-occurring substance use disorders on medical psychological
21 disorders, established diagnostic criteria for mental or emotional
22 disorders, and the treatment modalities and placement criteria
23 within the continuum of care.

24 (H) Research and evaluation, including studies that provide an
25 understanding of research methods, statistical analysis, the use of
26 research to inform evidence-based practice, the importance of
27 research in advancing the profession of counseling, and statistical
28 methods used in conducting research, needs assessment, and
29 program evaluation.

30 (I) Professional orientation, ethics, and law in counseling,
31 including professional ethical standards and legal considerations,
32 licensing law and process, regulatory laws that delineate the
33 profession's scope of practice, counselor-client privilege,
34 confidentiality, the client dangerous to self or others, treatment of
35 minors with or without parental consent, relationship between
36 practitioner's sense of self and human values, functions and
37 relationships with other human service providers, strategies for
38 collaboration, and advocacy processes needed to address
39 institutional and social barriers that impede access, equity, and
40 success for clients.

(2) A minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent, in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Other recognized counseling interventions.

(I) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) (1) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy the requirements by successfully completing postmaster's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

(e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an intern:

(1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.

1 (2) A minimum of 10 contact hours of training or coursework
2 in human sexuality as specified in Section 25, and any regulations
3 promulgated thereunder.

4 (3) A two semester unit or three quarter unit survey course in
5 psychopharmacology.

6 (4) A minimum of 15 contact hours of instruction in spousal or
7 partner abuse assessment, detection, and intervention strategies,
8 including knowledge of community resources, cultural factors,
9 and same gender abuse dynamics.

10 (5) A minimum of seven contact hours of training or coursework
11 in child abuse assessment and reporting as specified in Section 28
12 and any regulations adopted thereunder.

13 (6) A minimum of 18 contact hours of instruction in California
14 law and professional ethics for professional clinical counselors.
15 When coursework in a master's or doctoral degree program is
16 acquired to satisfy this requirement, it shall be considered as part
17 of the 48 semester unit or 72 quarter unit requirement in
18 subdivision (c).

19 (7) A minimum of 10 contact hours of instruction in aging and
20 long-term care, which may include, but is not limited to, the
21 biological, social, and psychological aspects of aging.

22 (8) A minimum of 15 contact hours of instruction in crisis or
23 trauma counseling, including multidisciplinary responses to crises,
24 emergencies, or disasters, and brief, intermediate, and long-term
25 approaches.

26 (f) This section shall remain in effect only until January 1, 2019,
27 and as of that date is repealed, unless a later enacted statute that
28 is enacted before January 1, 2019, deletes or extends that date.

29 4999.33. (a) This section shall apply to the following:

30 (1) Applicants for licensure or registration who begin graduate
31 study before August 1, 2012, and do not complete that study on
32 or before December 31, 2018.

33 (2) Applicants for licensure or registration who begin graduate
34 study before August 1, 2012, and who graduate from a degree
35 program that meets the requirements of this section.

36 (3) Applicants for licensure or registration who begin graduate
37 study on or after August 1, 2012.

38 (b) To qualify for a license or registration, applicants shall
39 possess a master's or doctoral degree that is counseling or
40 psychotherapy in content and that meets the requirements of this

1 section, obtained from an accredited or approved institution, as
2 defined in Section 4999.12. For purposes of this subdivision, a
3 degree is “counseling or psychotherapy in content” if it contains
4 the supervised practicum or field study experience described in
5 paragraph (3) of subdivision (c) and, except as provided in
6 subdivision (f), the coursework in the core content areas listed in
7 subparagraphs (A) to (M), inclusive, of paragraph (1) of
8 subdivision (c).

9 (c) The degree described in subdivision (b) shall contain not
10 less than 60 graduate semester or 90 graduate quarter units of
11 instruction, which shall, except as provided in subdivision (f),
12 include all of the following:

13 (1) The equivalent of at least three semester units or four and
14 one-half quarter units of graduate study in all of the following core
15 content areas:

16 (A) Counseling and psychotherapeutic theories and techniques,
17 including the counseling process in a multicultural society, an
18 orientation to wellness and prevention, counseling theories to assist
19 in selection of appropriate counseling interventions, models of
20 counseling consistent with current professional research and
21 practice, development of a personal model of counseling, and
22 multidisciplinary responses to crises, emergencies, and disasters.

23 (B) Human growth and development across the lifespan,
24 including normal and abnormal behavior and an understanding of
25 developmental crises, disability, psychopathology, and situational
26 and environmental factors that affect both normal and abnormal
27 behavior.

28 (C) Career development theories and techniques, including
29 career development decisionmaking models and interrelationships
30 among and between work, family and other life roles and factors,
31 including the role of multicultural issues in career development.

32 (D) Group counseling theories and techniques, including
33 principles of group dynamics, group process components, group
34 developmental stage theories, therapeutic factors of group work,
35 group leadership styles and approaches, pertinent research and
36 literature, group counseling methods, and evaluation of
37 effectiveness.

38 (E) Assessment, appraisal, and testing of individuals, including
39 basic concepts of standardized and nonstandardized testing and
40 other assessment techniques, norm-referenced and

1 criterion-referenced assessment, statistic concepts, social and
2 cultural factors related to assessment and evaluation of individuals
3 and groups, and ethical strategies for selecting, administering, and
4 interpreting assessment instruments and techniques in counseling.

5 (F) Multicultural counseling theories and techniques, including
6 counselors' roles in developing cultural self-awareness, identity
7 development, promoting cultural social justice, individual and
8 community strategies for working with and advocating for diverse
9 populations, and counselors' roles in eliminating biases and
10 prejudices, and processes of intentional and unintentional
11 oppression and discrimination.

12 (G) Principles of the diagnostic process, including differential
13 diagnosis, and the use of current diagnostic tools, such as the
14 current edition of the Diagnostic and Statistical Manual, the impact
15 of co-occurring substance use disorders on medical psychological
16 disorders, established diagnostic criteria for mental or emotional
17 disorders, and the treatment modalities and placement criteria
18 within the continuum of care.

19 (H) Research and evaluation, including studies that provide an
20 understanding of research methods, statistical analysis, the use of
21 research to inform evidence-based practice, the importance of
22 research in advancing the profession of counseling, and statistical
23 methods used in conducting research, needs assessment, and
24 program evaluation.

25 (I) Professional orientation, ethics, and law in counseling,
26 including professional ethical standards and legal considerations,
27 licensing law and process, regulatory laws that delineate the
28 profession's scope of practice, counselor-client privilege,
29 confidentiality, the client dangerous to self or others, treatment of
30 minors with or without parental consent, relationship between
31 practitioner's sense of self and human values, functions and
32 relationships with other human service providers, strategies for
33 collaboration, and advocacy processes needed to address
34 institutional and social barriers that impede access, equity, and
35 success for clients.

36 (J) Psychopharmacology, including the biological bases of
37 behavior, basic classifications, indications, and contraindications
38 of commonly prescribed psychopharmacological medications so
39 that appropriate referrals can be made for medication evaluations
40 and so that the side effects of those medications can be identified.

1 (K) Addictions counseling, including substance abuse,
2 co-occurring disorders, and addiction, major approaches to
3 identification, evaluation, treatment, and prevention of substance
4 abuse and addiction, legal and medical aspects of substance abuse,
5 populations at risk, the role of support persons, support systems,
6 and community resources.

7 (L) Crisis or trauma counseling, including crisis theory;
8 multidisciplinary responses to crises, emergencies, or disasters;
9 cognitive, affective, behavioral, and neurological effects associated
10 with trauma; brief, intermediate and long-term approaches; and
11 assessment strategies for clients in crisis and principles of
12 intervention for individuals with mental or emotional disorders
13 during times of crisis, emergency, or disaster.

14 (M) Advanced counseling and psychotherapeutic theories and
15 techniques, including the application of counseling constructs,
16 assessment and treatment planning, clinical interventions,
17 therapeutic relationships, psychopathology, or other clinical topics.

18 (2) Fifteen semester units or 22.5 quarter units of advanced
19 coursework and experience to develop knowledge of specific
20 treatment issues or special populations.

21 (3) Not less than six semester units or nine quarter units of
22 supervised practicum or field study experience, or the equivalent,
23 in a clinical setting that provides a range of professional clinical
24 counseling experience, including the following:

25 (A) Applied psychotherapeutic techniques.

26 (B) Assessment.

27 (C) Diagnosis.

28 (D) Prognosis.

29 (E) Treatment.

30 (F) Issues of development, adjustment, and maladjustment.

31 (G) Health and wellness promotion.

32 (H) Professional writing including documentation of services,
33 treatment plans, and progress notes.

34 (I) How to find and use resources.

35 (J) Other recognized counseling interventions.

36 (K) A minimum of 280 hours of face-to-face supervised clinical
37 experience counseling individuals, families, or groups.

38 (d) The 60 graduate semester units or 90 graduate quarter units
39 of instruction required pursuant to subdivision (c) shall, in addition

1 to meeting the requirements of subdivision (c), include instruction
2 in all of the following:

3 (1) The understanding of human behavior within the social
4 context of socioeconomic status and other contextual issues
5 affecting social position.

6 (2) The understanding of human behavior within the social
7 context of a representative variety of the cultures found within
8 California.

9 (3) Cultural competency and sensitivity, including a familiarity
10 with the racial, cultural, linguistic, and ethnic backgrounds of
11 persons living in California.

12 (4) An understanding of the effects of socioeconomic status on
13 treatment and available resources.

14 (5) Multicultural development and cross-cultural interaction,
15 including experiences of race, ethnicity, class, spirituality, sexual
16 orientation, gender, and disability and their incorporation into the
17 psychotherapeutic process.

18 (6) Case management, systems of care for the severely mentally
19 ill, public and private services for the severely mentally ill,
20 community resources for victims of abuse, disaster and trauma
21 response, advocacy for the severely mentally ill and collaborative
22 treatment. The instruction required in this paragraph may be
23 provided either in credit level coursework or through extension
24 programs offered by the degree-granting institution.

25 (7) Human sexuality, including the study of the physiological,
26 psychological, and social cultural variables associated with sexual
27 behavior, gender identity, and the assessment and treatment of
28 psychosexual dysfunction.

29 (8) Spousal or partner abuse assessment, detection, intervention
30 strategies, and same-gender abuse dynamics.

31 (9) Child abuse assessment and reporting.

32 (10) Aging and long-term care, including biological, social,
33 cognitive, and psychological aspects of aging.

34 (e) A degree program that qualifies for licensure under this
35 section shall do all of the following:

36 (1) Integrate the principles of mental health recovery-oriented
37 care and methods of service delivery in recovery-oriented practice
38 environments.

39 (2) Integrate an understanding of various cultures and the social
40 and psychological implications of socioeconomic position.

(3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(f) (1) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy the requirements by successfully completing postmaster's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

4999.34. A counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:

(a) Lawfully and regularly provides mental health counseling and psychotherapy.

(b) Provides oversight to ensure that the counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.

(c) Is not a private practice.

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

4999.36. (a) A counselor trainee may perform activities and services provided that the activities and services constitute part of the counselor trainee's supervised course of study and that the person is designated by the title "counselor trainee."

(b) All practicum and field study hours gained as a counselor trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision

1 shall be provided. The agreement shall provide for regular progress
2 reports and evaluations of the student's performance at the site.

3 (c) If an applicant has gained practicum and field study hours
4 while enrolled in an institution other than the one that confers the
5 qualifying degree, it shall be the applicant's responsibility to
6 provide to the board satisfactory evidence that those practicum
7 and field study hours were gained in compliance with this section.

8 (d) A counselor trainee shall inform each client or patient, prior
9 to performing any professional services, that he or she is unlicensed
10 and under supervision.

11 (e) No hours earned while a counselor trainee may count toward
12 the 3,000 hours of postdegree internship hours.

13 (f) A counselor trainee shall receive an average of at least one
14 hour of direct supervisor contact for every five hours of client
15 contact in each setting. For purposes of this subdivision, "one hour
16 of direct supervisor contact" means one hour of face-to-face contact
17 on an individual basis or two hours of face-to-face contact in a
18 group of not more than eight persons in segments lasting no less
19 than one continuous hour.

20 4999.40. (a) Each educational institution preparing applicants
21 to qualify for licensure shall notify each of its students by means
22 of its public documents or otherwise in writing that its degree
23 program is designed to meet the requirements of Section 4999.32
24 or 4999.33 and shall certify to the board that it has so notified its
25 students.

26 (b) An applicant trained at an educational institution outside the
27 United States shall demonstrate to the satisfaction of the board
28 that he or she possesses a qualifying degree that is equivalent to a
29 degree earned from an institution of higher education that is
30 accredited or approved. These applicants shall provide the board
31 with a comprehensive evaluation of the degree performed by a
32 foreign credential evaluation service that is a member of the
33 National Association of Credential Evaluation Services and shall
34 provide any other documentation the board deems necessary.

35 4999.42. (a) To qualify for registration as an intern, an
36 applicant shall have all of the following qualifications:

37 (1) The applicant shall have earned a master's or doctoral degree
38 as specified in Section 4999.32 or 4999.33, as applicable. An
39 applicant whose education qualifies him or her under Section

1 4999.32 shall also have completed the coursework or training
2 specified in subdivision (e) of Section 4999.32.

3 (2) The applicant shall not have committed acts or crimes
4 constituting grounds for denial of licensure under Section 480.

5 (3) The board shall not issue a registration to any person who
6 has been convicted of a crime in this or another state or in a
7 territory of the United States that involves sexual abuse of children
8 or who is required to register pursuant to Section 290 of the Penal
9 Code or the equivalent in another state or territory.

10 (b) The board shall begin accepting applications for intern
11 registration on January 1, 2011.

12 4999.44. An intern may be credited with supervised experience
13 completed in any setting that meets all of the following
14 requirements:

15 (a) Lawfully and regularly provides mental health counseling
16 or psychotherapy.

17 (b) Provides oversight to ensure that the intern's work at the
18 setting meets the experience and supervision requirements set forth
19 in this chapter and is within the scope of practice for the profession
20 as specified in Article 2 (commencing with Section 4999.20).

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

23 (d) An intern shall not be employed or volunteer in a private
24 practice until registered as an intern.

25 4999.45. An intern employed under this chapter shall:

26 (a) Not perform any duties, except for those services provided
27 as a counselor trainee, until registered as an intern.

28 (b) Not be employed or volunteer in a private practice until
29 registered as an intern.

30 (c) Inform each client prior to performing any professional
31 services that he or she is unlicensed and under supervision.

32 (d) File for renewal annually for a maximum of five years after
33 initial registration with the board.

34 (e) Cease continued employment as an intern after six years
35 unless the requirements of subdivision (f) are met.

36 (f) When no further renewals are possible, an applicant may
37 apply for and obtain a new intern registration if the applicant meets
38 the educational requirements for registration in effect at the time
39 of the application for a new intern registration. An applicant issued
40 a subsequent intern registration pursuant to this subdivision may

1 be employed or volunteer in any allowable work setting except
2 private practice.

3 4999.46. (a) Each applicant for licensure shall complete
4 clinical mental health experience under the general supervision of
5 an approved supervisor as defined in Section 4999.12.

6 (b) The experience shall include the following:

7 (1) A minimum of 3,000 postdegree hours of supervised clinical
8 mental health experience related to the practice of professional
9 clinical counseling, performed over a period of not less than two
10 years (104 weeks) which shall include:

11 (A) Not more than 40 hours in any seven consecutive days.

12 (B) Not less than 1,750 hours of direct counseling with
13 individuals or groups in a clinical mental health counseling setting
14 using a variety of psychotherapeutic techniques and recognized
15 counseling interventions within the scope of practice of licensed
16 professional clinical counselors.

17 (C) Not less than 150 hours of clinical experience in a hospital
18 or community mental health setting.

19 (D) Not more than 1,000 hours of direct supervisor contact and
20 professional enrichment activities.

21 (E) Not more than 500 hours of experience providing group
22 therapy or group counseling.

23 (F) Not more than 250 hours of experience administering and
24 evaluating psychological tests of counselees, writing clinical
25 reports, writing progress notes, or writing process notes.

26 (G) Not more than 250 hours of experience providing counseling
27 or crisis counseling on the telephone.

28 (H) No hours of clinical mental health experience may be gained
29 more than six years prior to the date the application for licensure
30 was filed.

31 (c) An applicant shall register with the board as an intern in
32 order to be credited for postdegree hours of experience toward
33 licensure. Postdegree hours of experience shall be credited toward
34 licensure, provided that the applicant applies for intern registration
35 within 90 days of the granting of the qualifying degree and is
36 registered as an intern by the board.

37 (d) All applicants and interns shall be at all times under the
38 supervision of a supervisor who shall be responsible for ensuring
39 that the extent, kind, and quality of counseling performed is
40 consistent with the training and experience of the person being

1 supervised, and who shall be responsible to the board for
2 compliance with all laws, rules, and regulations governing the
3 practice of professional clinical counseling. At no time shall a
4 supervisor supervise more than two interns.

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

8 (1) No more than five hours of supervision, whether individual
9 or group, shall be credited during any single week.

10 (2) An intern shall receive an average of at least one hour of
11 direct supervisor contact for every 10 hours of client contact in
12 each setting.

13 (3) For purposes of this section, “one hour of direct supervisor
14 contact” means one hour of face-to-face contact on an individual
15 basis or two hours of face-to-face contact in a group of not more
16 than eight persons in segments lasting no less than one continuous
17 hour.

18 (4) An intern working in a governmental entity, a school, a
19 college, or a university, or an institution that is both nonprofit and
20 charitable, may obtain up to 30 hours of the required weekly direct
21 supervisor contact via two-way, real-time videoconferencing. The
22 supervisor shall be responsible for ensuring that client
23 confidentiality is upheld.

24 4999.47. (a) Counselor trainees, interns, and applicants shall
25 perform services as an employee or as a volunteer, not as an
26 independent contractor.

27 The requirements of this chapter regarding gaining hours of
28 clinical mental health experience and supervision are applicable
29 equally to employees and volunteers.

30 (b) Counselor trainees, interns, and applicants shall not receive
31 any remuneration from patients or clients, and shall only be paid
32 by their employers.

33 (c) While an intern may be either a paid employee or a volunteer,
34 employers are encouraged to provide fair remuneration.

35 (d) Counselor trainees, interns, and applicants who provide
36 voluntary services or other services, and who receive no more than
37 a total, from all work settings, of five hundred dollars (\$500) per
38 month as reimbursement for expenses actually incurred by those
39 counselor trainees, interns, and applicants for services rendered in

1 any lawful work setting other than a private practice shall be
2 considered an employee and not an independent contractor.

3 (e) The board may audit an intern or applicant who receives
4 reimbursement for expenses and the intern or applicant shall have
5 the burden of demonstrating that the payments received were for
6 reimbursement of expenses actually incurred.

7 (f) Counselor trainees, interns, and applicants shall only perform
8 services at the place where their employer regularly conducts
9 business and services, which may include other locations, as long
10 as the services are performed under the direction and control of
11 the employer and supervisor in compliance with the laws and
12 regulations pertaining to supervision. Counselor trainees, interns,
13 and applicants shall have no proprietary interest in the employer's
14 business.

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

26 4999.48. The board shall adopt regulations regarding the
27 supervision of interns which may include, but not be limited to,
28 the following:

29 (a) Supervisor qualifications.

30 (b) Continuing education requirements of supervisors.

31 (c) Registration or licensing of supervisors, or both.

32 (d) General responsibilities of supervisors.

33 (e) The board's authority in cases of noncompliance or gross
34 or repeated negligence by supervisors.

35 4999.50. (a) The board may issue a professional clinical
36 counselor license to any person who meets all of the following
37 requirements:

38 (1) He or she has received a master's or doctoral degree
39 described in Section 4999.32 or 4999.33, as applicable.

1 (2) He or she has completed 3,000 hours of supervised
2 experience in the practice of professional clinical counseling as
3 provided in Section 4999.46.

4 (3) He or she provides evidence of a passing score, as
5 determined by the board, on examinations approved by the board.

6 (b) An applicant who has satisfied the requirements of this
7 chapter shall be issued a license as a professional clinical counselor
8 in the form that the board may deem appropriate.

9 (c) The board shall begin accepting applications for licensure
10 on January 1, 2012.

11 4999.51. Every applicant for a license as a professional clinical
12 counselor shall meet the board's regulatory requirements for
13 professional clinical counselor licensure, including the following:

14 (a) The applicant has not committed acts or crimes constituting
15 grounds for denial of licensure under Section 480.

16 (b) The board shall not issue a license to any person who has
17 been convicted of a crime in this or another state or in a territory
18 of the United States that involves sexual abuse of children or who
19 is required to register pursuant to Section 290 of the Penal Code
20 or the equivalent in another state or territory.

21 (c) The applicant has successfully passed a state and federal
22 level criminal offender record information search conducted
23 through the Department of Justice, as follows:

24 (1) The board shall direct applicants to electronically submit to
25 the Department of Justice fingerprint images and related
26 information required by the Department of Justice for the purpose
27 of obtaining information as to the existence and content of a record
28 of state and federal level convictions and arrests and information
29 as to the existence and content of a record of state or federal level
30 arrests for which the Department of Justice establishes that the
31 person is free on bail or on his or her own recognizance pending
32 trial or appeal.

33 (2) The Department of Justice shall forward the fingerprint
34 images and related information received pursuant to paragraph (1)
35 to the Federal Bureau of Investigation and request a federal
36 summary for criminal history information.

37 (3) The Department of Justice shall review the information
38 returned from the Federal Bureau of Investigation and compile
39 and disseminate a response to the board pursuant to paragraph (1)
40 of subdivision (p) of Section 11105 of the Penal Code.

1 (4) The board shall request from the Department of Justice
2 subsequent arrest notification service, pursuant to Section 11105.2
3 of the Penal Code, for each person who submitted information
4 pursuant to paragraph (1).

5 (5) The Department of Justice shall charge a fee sufficient to
6 cover the cost of processing the request described in this section.

7 4999.52. (a) Except as provided in Sections 4999.54 and
8 4999.56, every applicant for a license as a professional clinical
9 counselor shall be examined by the board. The board shall examine
10 the candidate with regard to his or her knowledge and professional
11 skills and his or her judgment in the utilization of appropriate
12 techniques and methods.

13 (b) The examinations shall be given at least twice a year at a
14 time and place and under supervision as the board may determine.

15 (c) (1) It is the intent of the Legislature that national licensing
16 examinations, such as the National Counselor Examination for
17 Licensure and Certification (NCE) and the National Clinical Mental
18 Health Counselor Examination (NCMHCE), be evaluated by the
19 board as requirements for licensure as a professional clinical
20 counselor.

21 (2) The board shall evaluate various national examinations in
22 order to determine whether they meet the prevailing standards for
23 the validation and use of licensing and certification tests in
24 California.

25 (3) The Department of Consumer Affairs' Office of Examination
26 Resources shall review the occupational analysis that was used for
27 developing the national examinations in order to determine if it
28 adequately describes the licensing group and adequately determines
29 the tasks, knowledge, skills, and abilities the licensed professional
30 clinical counselor would need to perform the functions under this
31 chapter.

32 (4) Examinations shall measure knowledge and abilities
33 demonstrably important to the safe, effective practice of the
34 profession.

35 (5) If national examinations do not meet the standards specified
36 in paragraph (2), then the board may develop and require a
37 supplemental examination in addition to national examinations.
38 Under these circumstances, national examinations, as well as a
39 supplemental examination developed by the board, are required

1 for licensure as a professional clinical counselor pursuant to
2 paragraph (3) of subdivision (a) of Section 4999.50 and this section.

3 (6) The licensing examinations shall also incorporate a
4 California jurisprudence and ethics examination element that is
5 acceptable to the board, or, as an alternative, the board may develop
6 a separate California jurisprudence and ethics examination.

7 (d) The board shall not deny any applicant who has submitted
8 a complete application for examination admission to the licensure
9 examinations required by this section if the applicant meets the
10 educational and experience requirements of this chapter, and has
11 not committed any acts or engaged in any conduct that would
12 constitute grounds to deny licensure.

13 (e) The board shall not deny any applicant whose application
14 for licensure is complete, admission to the examinations, nor shall
15 the board postpone or delay any applicant's examinations or delay
16 informing the candidate of the results of the examinations, solely
17 upon the receipt by the board of a complaint alleging acts or
18 conduct that would constitute grounds to deny licensure.

19 (f) If an applicant for examination is the subject of a complaint
20 or is under board investigation for acts or conduct that, if proven
21 to be true, would constitute grounds for the board to deny licensure,
22 the board shall permit the applicant to take the examinations, but
23 may notify the applicant that licensure will not be granted pending
24 completion of the investigation.

25 (g) Notwithstanding Section 135, the board may deny any
26 applicant who has previously failed an examination permission to
27 retake that examination pending completion of the investigation
28 of any complaints against the applicant.

29 (h) Nothing in this section shall prohibit the board from denying
30 an applicant admission to any examination, withholding the results,
31 or refusing to issue a license to any applicant when an accusation
32 or statement of issues has been filed against the applicant pursuant
33 to Section 11503 or 11504 of the Government Code, respectively,
34 or the applicant has been denied in accordance with subdivision
35 (b) of Section 485.

36 (i) Notwithstanding any other provision of law, the board may
37 destroy all examination materials two years following the date of
38 an examination.

39 4999.54. Notwithstanding Section 4999.50, the board may
40 issue a license to any person who submits an application for a

1 license between January 1, 2011, and June 30, 2011, provided that
2 all documentation is submitted within 12 months of the board's
3 evaluation of the application, and provided he or she meets one of
4 the following sets of criteria:

5 (a) He or she meets all of the following requirements:

6 (1) Has a master's or doctoral degree from a school, college, or
7 university as specified in Section 4999.32, that is counseling or
8 psychotherapy in content. If the person's degree does not include
9 all the graduate coursework in all nine core content areas as
10 required by paragraph (1) of subdivision (c) of Section 4999.32,
11 a person shall provide documentation that he or she has completed
12 the required coursework prior to licensure pursuant to this chapter.
13 A qualifying degree must include the supervised practicum or field
14 study experience as required in paragraph (3) of subdivision (c)
15 of Section 4999.32.

16 (A) A counselor educator whose degree contains at least seven
17 of the nine required core content areas shall be given credit for
18 coursework not contained in the degree if the counselor educator
19 provides documentation that he or she has taught the equivalent
20 of the required core content areas in a graduate program in
21 counseling or a related area.

22 (B) Degrees issued prior to 1996 shall include a minimum of
23 30 semester units or 45 quarter units and at least six of the nine
24 required core content areas specified in paragraph (1) of subdivision
25 (c) of Section 4999.32. The total number of units shall be no less
26 than 48 semester units or 72 quarter units.

27 (C) Degrees issued in 1996 and after shall include a minimum
28 of 48 semester units or 72 quarter units and at least seven of the
29 nine core areas specified in paragraph (1) of subdivision (c) of
30 Section 4999.32.

31 (2) Has completed all of the coursework or training specified
32 in subdivision (e) of Section 4999.32.

33 (3) Has at least two years, full-time or the equivalent, postdegree
34 counseling experience, that includes at least 1,700 hours of
35 experience in a clinical setting supervised by a licensed marriage
36 and family therapist, a licensed clinical social worker, a licensed
37 psychologist, a licensed physician and surgeon specializing in
38 psychiatry, or a master's level counselor or therapist who is
39 certified by a national certifying or registering organization,
40 including, but not limited to, the National Board for Certified

1 Counselors or the Commission on Rehabilitation Counselor
2 Certification.

3 (4) Has a passing score on the following examinations:

4 (A) The National Counselor Examination for Licensure and
5 Certification or the Certified Rehabilitation Counselor
6 Examination.

7 (B) The National Clinical Mental Health Counselor
8 Examination.

9 (C) A California jurisprudence and ethics examination, when
10 developed by the board.

11 (b) Is currently licensed as a marriage and family therapist in
12 the State of California, meets the coursework requirements
13 described in paragraph (1) of subdivision (a), and meets at least
14 one of the following requirements:

15 (1) Has a passing score on the examinations described in
16 paragraph (4) of subdivision (a).

17 (2) Has passed the standard written examination described in
18 subdivision (c) of Section 4980.50 and either the oral examination
19 or the clinical vignette written examination described in subdivision
20 (g) of Section 4980.40.

21 (3) Has passed any other equivalent examinations acceptable
22 to the board.

23 (c) Is currently licensed as a clinical social worker in the State
24 of California, meets the coursework requirements described in
25 paragraph (1) of subdivision (a), and meets at least one of the
26 following requirements:

27 (1) Has a passing score on the examinations described in
28 paragraph (4) of subdivision (a).

29 (2) Has passed the standard written examination and the clinical
30 vignette written examination required pursuant to Article 4
31 (commencing with Section 4996).

32 (3) Has passed any other equivalent examinations acceptable
33 to the board.

34 4999.56. (a) A license issued under subdivision (a) of Section
35 4999.54 shall be valid for six years from the issuance date of the
36 initial license provided that the license is annually renewed during
37 that period pursuant to Section 4999.101. After this six-year period,
38 it shall be canceled unless the licensee does both of the following
39 within the next renewal period:

40 (1) Obtains a licensure renewal as provided in Section 4999.101.

1 (2) Passes the examinations required for licensure on or after
2 January 1, 2012, as set forth in Section 4999.52, or documents that
3 he or she has already passed those examinations.

4 (b) Upon failure to meet the requirements set forth in this
5 section, a license issued pursuant to subdivision (a) of Section
6 4999.54 shall be canceled and the person shall be required to meet
7 the requirements listed in Section 4999.50 to obtain a new license.

8 (c) This section shall remain in effect only until January 1, 2018,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2018, deletes or extends that date.

11 4999.58. (a) This section applies to persons who apply for
12 licensure between January 1, 2012, and December 31, 2013,
13 inclusive.

14 (b) The board may issue a license to a person who, at the time
15 of application, has held for at least two years, a valid license as a
16 professional clinical counselor, or an equivalent title, in another
17 jurisdiction of the United States, if the education and supervised
18 experience requirements are substantially the equivalent of this
19 chapter, the person complies with subdivision (b) of Section
20 4999.40, if applicable, the person successfully completes the
21 examinations required by the board pursuant to paragraph (3) of
22 subdivision (a) of Section 4999.50, and the person pays the required
23 fees.

24 (c) Experience gained outside of California shall be accepted
25 toward the licensure requirements if it is substantially equivalent
26 to that required by this chapter and if the applicant has gained a
27 minimum of 250 hours of supervised clinical experience in direct
28 counseling within California while registered as an intern with the
29 board. The board shall consider hours of experience obtained in
30 another state during the six-year period immediately preceding the
31 applicant's initial licensure by that state as a licensed professional
32 clinical counselor.

33 (d) Education gained while residing outside of California shall
34 be accepted toward the licensure requirements if it is substantially
35 equivalent to the education requirements of this chapter, if the
36 applicant has completed the training or coursework required under
37 subdivision (e) of Section 4999.32, and if the applicant completes,
38 in addition to the course described in subparagraph (I) of paragraph
39 (1) of subdivision (c) of Section 4999.32, an 18-hour course in
40 California law and professional ethics that includes, but is not

1 limited to, instruction in advertising, scope of practice, scope of
2 competence, treatment of minors, confidentiality, dangerous clients,
3 psychotherapist-client privilege, recordkeeping, client access to
4 records, the Health Insurance Portability and Accountability Act,
5 dual relationships, child abuse, elder and dependent adult abuse,
6 online therapy, insurance reimbursement, civil liability, disciplinary
7 actions and unprofessional conduct, ethics complaints and ethical
8 standards, termination of therapy, standards of care, relevant family
9 law, and therapist disclosures to clients.

10 (e) For purposes of this section, the board may, in its discretion,
11 accept education as substantially equivalent if the applicant's
12 education meets the requirements of Section 4999.32. If the
13 applicant's degree does not contain the content or the overall units
14 required by Section 4999.32, the board may, in its discretion, accept
15 the applicant's education as substantially equivalent if the following
16 criteria are satisfied:

17 (1) The applicant's degree contains the required number of
18 practicum units under paragraph (3) of subdivision (c) of Section
19 4999.32.

20 (2) The applicant remediates his or her specific deficiency by
21 completing the course content and units required by Section
22 4999.32.

23 (3) The applicant's degree otherwise complies with this section.

24 (f) This section shall become inoperative on January 1, 2014,
25 and as of that date is repealed, unless a later enacted statute, which
26 is enacted before January 1, 2014, deletes or extends that date.

27 4999.60. (a) This section applies to persons who are licensed
28 outside of California and apply for licensure on or after January
29 1, 2014.

30 (b) The board may issue a license to a person who, at the time
31 of submitting an application for a license pursuant to this chapter,
32 holds a valid license as a professional clinical counselor, or an
33 equivalent title, in another jurisdiction of the United States if all
34 of the following conditions are satisfied:

35 (1) The applicant's education is substantially equivalent, as
36 defined in Section 4999.62.

37 (2) The applicant complies with subdivision (b) of Section
38 4999.40, if applicable.

39 (3) The applicant's supervised experience is substantially
40 equivalent to that required for a license under this chapter. The

board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above.

(4) The applicant passes the examinations required to obtain a license under this chapter.

4999.61. (a) This section applies to persons who apply for licensure or registration on or after January 1, 2014, and who do not hold a license as described in Section 4999.60.

(b) The board shall accept education gained while residing outside of California for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4999.62, and the applicant complies with subdivision (b) of Section 4999.40, if applicable.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter.

4999.62. (a) This section applies to persons who apply for licensure or registration on or after January 1, 2014.

(b) For purposes of Sections 4999.60 and 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, 48 semester or 72 quarter units, including, but not limited to, both of the following:

(A) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face counseling.

(B) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(2) The applicant completes any units and course content requirements under Section 4999.33 not already completed in his or her education.

(3) The applicant completes credit level coursework from a degree-granting institution that provides all of the following:

(A) Instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery model practice environments.

1 (B) An understanding of various California cultures and the
2 social and psychological implications of socioeconomic position.

3 (C) Structured meeting with various consumers and family
4 members of consumers of mental health services to enhance
5 understanding of their experience of mental illness, treatment, and
6 recovery.

7 (D) Instruction in behavioral addiction and co-occurring
8 substance abuse and mental health disorders, as specified in
9 subparagraph (K) of paragraph (1) of subdivision (c) of Section
10 4999.33.

11 (4) The applicant completes, in addition to the course described
12 in subparagraph (I) of paragraph (1) of subdivision (c) of Section
13 4999.33, an 18-hour course in California law and professional
14 ethics that includes, but is not limited to, instruction in advertising,
15 scope of practice, scope of competence, treatment of minors,
16 confidentiality, dangerous clients, psychotherapist-client privilege,
17 recordkeeping, client access to records, the Health Insurance
18 Portability and Accountability Act, dual relationships, child abuse,
19 elder and dependent adult abuse, online therapy, insurance
20 reimbursement, civil liability, disciplinary actions and
21 unprofessional conduct, ethics complaints and ethical standards,
22 termination of therapy, standards of care, relevant family law, and
23 therapist disclosures to clients.

24 Article 4. Practice Requirements

25 4999.70. A licensee shall display his or her license in a
26 conspicuous place in his or her primary place of practice.

27 4999.72. Any licensed professional clinical counselor who
28 conducts a private practice under a fictitious business name shall
29 not use any name that is false, misleading, or deceptive, and shall
30 inform the patient, prior to the commencement of treatment, the
31 name and license designation of the owner or owners of the
32 practice.

33 4999.74. Licensed professional clinical counselors shall provide
34 to each client accurate information about the counseling
35 relationship and the counseling process.

36 4999.76. (a) (1) Except as provided in paragraph (2) and
37 subdivision (c), the board shall not renew any license pursuant to
38 this chapter unless the applicant certifies to the board, on a form
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1 prescribed by the board, that he or she has completed not less than
2 36 hours of approved continuing education in or relevant to the
3 field of professional clinical counseling in the preceding two years,
4 as determined by the board.

5 (2) Except as provided in subdivision (c), the board shall not
6 renew a license issued pursuant to subdivision (a) of Section
7 4999.54 unless the applicant certifies to the board, on a form
8 prescribed by the board, that he or she has completed not less than
9 18 hours of approved continuing education in or relevant to the
10 field of professional clinical counseling in the preceding year, as
11 determined by the board. This paragraph shall become inoperative
12 on January 1, 2018.

13 (b) The board shall have the right to audit the records of any
14 applicant to verify the completion of the continuing education
15 requirement. Applicants shall maintain records of completed
16 continuing education coursework for a minimum of two years and
17 shall make these records available to the board for auditing
18 purposes upon request.

19 (c) The board may establish exceptions from the continuing
20 education requirement of this section for good cause, as defined
21 by the board.

22 (d) The continuing education shall be obtained from one of the
23 following sources:

24 (1) A school, college, or university that is accredited or
25 approved, as defined in Section 4999.12. Nothing in this paragraph
26 shall be construed as requiring coursework to be offered as part
27 of a regular degree program.

28 (2) Other continuing education providers, including, but not
29 limited to, a professional clinical counseling association, a licensed
30 health facility, a governmental entity, a continuing education unit
31 of a four-year institution of higher learning that is accredited or
32 approved, or a mental health professional association, approved
33 by the board.

34 (e) The board shall establish, by regulation, a procedure for
35 approving providers of continuing education courses, and all
36 providers of continuing education, as described in paragraphs (1)
37 and (2) of subdivision (d), shall adhere to procedures established
38 by the board. The board may revoke or deny the right of a provider
39 to offer continuing education coursework pursuant to this section

1 for failure to comply with the requirements of this section or any
2 regulation adopted pursuant to this section.

3 (f) Training, education, and coursework by approved providers
4 shall incorporate one or more of the following:

5 (1) Aspects of the discipline that are fundamental to the
6 understanding or the practice of professional clinical counseling.

7 (2) Significant recent developments in the discipline of
8 professional clinical counseling.

9 (3) Aspects of other disciplines that enhance the understanding
10 or the practice of professional clinical counseling.

11 (g) A system of continuing education for licensed professional
12 clinical counselors shall include courses directly related to the
13 diagnosis, assessment, and treatment of the client population being
14 served.

15 (h) The board shall, by regulation, fund the administration of
16 this section through continuing education provider fees to be
17 deposited in the Behavioral Sciences Fund. The fees related to the
18 administration of this section shall be sufficient to meet, but shall
19 not exceed, the costs of administering the corresponding provisions
20 of this section. For the purposes of this subdivision, a provider of
21 continuing education as described in paragraph (1) of subdivision
22 (d) shall be deemed to be an approved provider.

23 (i) The continuing education requirements of this section shall
24 fully comply with the guidelines for mandatory continuing
25 education established by the Department of Consumer Affairs
26 pursuant to Section 166.

27 28 Article 5. Enforcement 29

30 4999.80. In order to carry out the provisions of this chapter,
31 the board shall do all of the following:

32 (a) Enforce laws designed to protect the public from
33 incompetent, unethical, or unprofessional practitioners.

34 (b) Investigate complaints concerning the conduct of any
35 licensed professional clinical counselor.

36 (c) Revoke, suspend, or fail to renew a license that it has
37 authority to issue for just cause, as enumerated in rules and
38 regulations of the board. The board may deny, suspend, or revoke
39 any license granted under this chapter pursuant to Section 480,
40 481, 484, 496, 498, or 499.

1 4999.82. It shall be unlawful for any person to engage in any
2 of the following acts:

3 (a) Engage in the practice of professional clinical counseling,
4 as defined in Section 4999.20, without first having complied with
5 the provisions of this chapter and without holding a valid license
6 as required by this chapter.

7 (b) Represent himself or herself by the title “licensed
8 professional clinical counselor,” “LPCC,” “licensed clinical
9 counselor,” or “professional clinical counselor” without being duly
10 licensed according to the provisions of this chapter.

11 (c) Make any use of any title, words, letters, or abbreviations,
12 that may reasonably be confused with a designation provided by
13 this chapter to denote a standard of professional or occupational
14 competence without being duly licensed.

15 (d) Materially refuse to furnish the board information or records
16 required or requested pursuant to this chapter.

17 4999.84. It is the intent of the Legislature that any
18 communication made by a person to a licensed professional clinical
19 counselor in the course of professional services shall be deemed
20 a privileged communication.

21 4999.86. Any person who violates any of the provisions of this
22 chapter is guilty of a misdemeanor punishable by imprisonment
23 in the county jail not exceeding six months, or by a fine not
24 exceeding two thousand five hundred dollars (\$2,500), or by both
25 that fine and imprisonment.

26 4999.88. In addition to other proceedings provided in this
27 chapter, whenever any person has engaged, or is about to engage,
28 in any acts or practices that constitute, or will constitute, an offense
29 against this chapter, the superior court in and for the county
30 wherein the acts or practices take place, or are about to take place,
31 may issue an injunction, or other appropriate order, restraining
32 such conduct on application of the board, the Attorney General,
33 or the district attorney of the county.

34 The proceedings under this section shall be governed by Chapter
35 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
36 of Civil Procedure.

37 4999.90. The board may refuse to issue any registration or
38 license, or may suspend or revoke the registration or license of
39 any intern or licensed professional clinical counselor, if the
40 applicant, licensee, or registrant has been guilty of unprofessional

1 conduct. Unprofessional conduct includes, but is not limited to,
2 the following:

3 (a) The conviction of a crime substantially related to the
4 qualifications, functions, or duties of a licensee or registrant under
5 this chapter. The record of conviction shall be conclusive evidence
6 only of the fact that the conviction occurred. The board may inquire
7 into the circumstances surrounding the commission of the crime
8 in order to fix the degree of discipline or to determine if the
9 conviction is substantially related to the qualifications, functions,
10 or duties of a licensee or registrant under this chapter. A plea or
11 verdict of guilty or a conviction following a plea of nolo contendere
12 made to a charge substantially related to the qualifications,
13 functions, or duties of a licensee or registrant under this chapter
14 shall be deemed to be a conviction within the meaning of this
15 section. The board may order any license or registration suspended
16 or revoked, or may decline to issue a license or registration when
17 the time for appeal has elapsed, or the judgment of conviction has
18 been affirmed on appeal, or, when an order granting probation is
19 made suspending the imposition of sentence, irrespective of a
20 subsequent order under Section 1203.4 of the Penal Code allowing
21 the person to withdraw a plea of guilty and enter a plea of not
22 guilty, or setting aside the verdict of guilty, or dismissing the
23 accusation, information, or indictment.

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

29 (c) Administering to himself or herself any controlled substance
30 or using any of the dangerous drugs specified in Section 4022, or
31 any alcoholic beverage to the extent, or in a manner, as to be
32 dangerous or injurious to the person applying for a registration or
33 license or holding a registration or license under this chapter, or
34 to any other person, or to the public, or, to the extent that the use
35 impairs the ability of the person applying for or holding a
36 registration or license to conduct with safety to the public the
37 practice authorized by the registration or license, or the conviction
38 of more than one misdemeanor or any felony involving the use,
39 consumption, or self-administration of any of the substances
40 referred to in this subdivision, or any combination thereof. The

1 board shall deny an application for a registration or license or
2 revoke the license or registration of any person, other than one
3 who is licensed as a physician and surgeon, who uses or offers to
4 use drugs in the course of performing licensed professional clinical
5 counseling services.

6 (d) Gross negligence or incompetence in the performance of
7 licensed professional clinical counseling services.

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

11 (f) Misrepresentation as to the type or status of a license or
12 registration held by the person, or otherwise misrepresenting or
13 permitting misrepresentation of his or her education, professional
14 qualifications, or professional affiliations to any person or entity.

15 (g) Impersonation of another by any licensee, registrant, or
16 applicant for a license or registration, or, in the case of a licensee
17 or registrant, allowing any other person to use his or her license
18 or registration.

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

22 (i) Intentionally or recklessly causing physical or emotional
23 harm to any client.

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

27 (k) Engaging in sexual relations with a client, or a former client
28 within two years following termination of therapy, soliciting sexual
29 relations with a client, or committing an act of sexual abuse, or
30 sexual misconduct with a client, or committing an act punishable
31 as a sexually related crime, if that act or solicitation is substantially
32 related to the qualifications, functions, or duties of a licensed
33 professional clinical counselor.

34 (l) Performing, or holding oneself out as being able to perform,
35 or offering to perform, or permitting any counselor trainee or intern
36 under supervision to perform, any professional services beyond
37 the scope of the license authorized by this chapter.

38 (m) Failure to maintain confidentiality, except as otherwise
39 required or permitted by law, of all information that has been
40 received from a client in confidence during the course of treatment

1 and all information about the client which is obtained from tests
2 or other means.

3 (n) Prior to the commencement of treatment, failing to disclose
4 to the client or prospective client the fee to be charged for the
5 professional services, or the basis upon which that fee will be
6 computed.

7 (o) Paying, accepting, or soliciting any consideration,
8 compensation, or remuneration, whether monetary or otherwise,
9 for the referral of professional clients. All consideration,
10 compensation, or remuneration shall be in relation to professional
11 clinical counseling services actually provided by the licensee.
12 Nothing in this subdivision shall prevent collaboration among two
13 or more licensees in a case or cases. However, no fee shall be
14 charged for that collaboration, except when disclosure of the fee
15 has been made in compliance with subdivision (n).

16 (p) Advertising in a manner that is false, misleading, or
17 deceptive.

18 (q) Reproduction or description in public, or in any publication
19 subject to general public distribution, of any psychological test or
20 other assessment device, the value of which depends in whole or
21 in part on the naivete of the subject, in ways that might invalidate
22 the test or device.

23 (r) Any conduct in the supervision of any intern or counselor
24 trainee by any licensee that violates this chapter or any rules or
25 regulations adopted by the board.

26 (s) Performing or holding oneself out as being able to perform
27 professional services beyond the scope of one's competence, as
28 established by one's education, training, or experience. This
29 subdivision shall not be construed to expand the scope of the
30 license authorized by this chapter.

31 (t) Permitting a counselor trainee or intern under one's
32 supervision or control to perform, or permitting the counselor
33 trainee or intern to hold himself or herself out as competent to
34 perform, professional services beyond the counselor trainee's or
35 intern's level of education, training, or experience.

36 (u) The violation of any statute or regulation of the standards
37 of the profession, and the nature of the services being rendered,
38 governing the gaining and supervision of experience required by
39 this chapter.

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

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

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

9 (y) Repeated acts of negligence.

10 (z) (1) Engaging in an act described in Section 261, 286, 288a,
11 or 289 of the Penal Code with a minor or an act described in
12 Section 288 or 288.5 of the Penal Code regardless of whether the
13 act occurred prior to or after the time the registration or license
14 was issued by the board. An act described in this subdivision
15 occurring prior to the effective date of this subdivision shall
16 constitute unprofessional conduct and shall subject the licensee to
17 refusal, suspension, or revocation of a license under this section.

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

26 Article 6. Revenue

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29 4999.100. (a) An intern registration shall expire one year from
30 the last day of the month in which it was issued.

31 (b) To renew a registration, the registrant shall, on or before the
32 expiration date of the registration, do the following:

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

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

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

1 4999.101. (a) A license issued under subdivision (a) of Section
2 4999.54 shall expire one year from the last day of the month during
3 which it was issued.

4 (b) To renew an unexpired license described in subdivision (a),
5 the licensee, on or before the expiration date of the license, shall
6 do all of the following:

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

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

9 (3) Certify compliance with the continuing education
10 requirements set forth in Section 4999.76.

11 (4) Notify the board whether he or she has been convicted, as
12 defined in Section 490, of a misdemeanor or felony, or whether
13 any disciplinary action has been taken by any regulatory or
14 licensing board in this or any other state, subsequent to the
15 licensee's last renewal.

16 (c) The board shall begin accepting applications for licensure
17 renewal on January 1, 2012.

18 (d) If a license issued under subdivision (a) of Section 4999.54
19 is not renewed on or before the expiration date of the license, the
20 license shall be canceled and the person shall be required to meet
21 the requirements set forth in Section 4999.50 in order to obtain a
22 new license.

23 (e) This section shall remain in effect only until January 1, 2018,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2018, deletes or extends that date.

26 4999.102. (a) Licenses issued under Section 4999.50,
27 subdivision (b) or (c) of Section 4999.54, subdivision (b) of Section
28 4999.58, or Section 4999.60 and, on and after January 1, 2018,
29 licenses issued under subdivision (a) of Section 4999.54 shall
30 expire no more than 24 months after the issue date. The expiration
31 date of the original license shall be set by the board.

32 (b) To renew an unexpired license described in subdivision (a),
33 the licensee, on or before the expiration date of the license, shall
34 do all of the following:

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

36 (2) Pay a two-year renewal fee prescribed by the board.

37 (3) Certify compliance with the continuing education
38 requirements set forth in Section 4999.76.

39 (4) Notify the board whether he or she has been convicted, as
40 defined in Section 490, of a misdemeanor or felony, or whether

1 any disciplinary action has been taken by any regulatory or
2 licensing board in this or any other state, subsequent to the
3 licensee's last renewal.

4 4999.104. Licenses issued under Section 4999.50, subdivision
5 (b) or (c) of Section 4999.54, subdivision (b) of Section 4999.58,
6 or Section 4999.60 and, on and after January 1, 2018, licenses
7 issued under subdivision (a) of Section 4999.54 that have expired
8 may be renewed at any time within three years of expiration. To
9 renew an expired license described in this section, the licensee
10 shall do all of the following:

11 (a) File an application for renewal on a form prescribed by the
12 board.

13 (b) Pay all fees that would have been paid if the license had not
14 become delinquent.

15 (c) Pay all delinquency fees.

16 (d) Certify compliance with the continuing education
17 requirements set forth in Section 4999.76.

18 (e) Notify the board whether he or she has been convicted, as
19 defined in Section 490, of a misdemeanor or felony, or whether
20 any disciplinary action has been taken by any regulatory or
21 licensing board in this or any other state, subsequent to the
22 licensee's last renewal.

23 4999.106. A license that is not renewed within three years after
24 its expiration may not be renewed, restored, reinstated, or reissued,
25 except that a former licensee may apply for and obtain a new
26 license if he or she complies with all of the following:

27 (a) No fact, circumstance, or condition exists that, if the license
28 were issued, would justify its revocation or suspension.

29 (b) He or she takes and passes the current examinations required
30 for licensing.

31 (c) He or she submits an application for initial licensure.

32 4999.108. A suspended license is subject to expiration and
33 shall be renewed as provided in this article, but that renewal does
34 not entitle the licensee, while it remains suspended and until it is
35 reinstated, to engage in the activity to which the license relates, or
36 in any other activity or conduct in violation of the order or
37 judgment by which it was suspended.

38 4999.110. A revoked license is subject to expiration as provided
39 in this article, but it may not be renewed. If it is reinstated after its
40 expiration, the licensee shall, as a condition precedent to its

1 reinstatement, pay a reinstatement fee in an amount equal to the
2 renewal fee in effect on the last regular renewal date before the
3 date on which it is reinstated, plus the delinquency fee, if any,
4 accrued at the time of its revocation.

5 4999.112. (a) A licensed professional clinical counselor may
6 apply to the board to request that his or her license be placed on
7 inactive status. A licensee who holds an inactive license shall do
8 all of the following:

- 9 (1) Pay a biennial fee of one-half of the active renewal fee.
10 (2) Be exempt from continuing education requirements.
11 (3) Not engage in the practice of professional clinical counseling
12 in this state.
13 (4) Otherwise be subject to this chapter.

14 (b) A licensee on inactive status may have his or her license
15 reactivated by complying with all of the following:

- 16 (1) Submitting a request to the board.
17 (2) Certifying that he or she has not committed any acts or
18 crimes constituting grounds for denial of licensure.
19 (3) Paying the remaining one-half of the renewal fee.
20 (4) Completing the following continuing education requirements:
21 (A) Eighteen hours of continuing education is required within
22 the two years preceding the date of the request for reactivation if
23 the license will expire less than one year from the date of the
24 request for reactivation.

25 (B) Thirty-six hours of continuing education is required within
26 the two years preceding the date of the request for reactivation if
27 the license will expire more than one year from the date of the
28 request for reactivation.

29 4999.114. The board shall report each month to the Controller
30 the amount and source of all revenue received pursuant to this
31 chapter and at the same time deposit the entire amount thereof in
32 the State Treasury for credit to the Behavioral Sciences Fund.

33 4999.116. (a) The moneys credited to the Behavioral Sciences
34 Fund under Section 4999.114 shall, upon appropriation by the
35 Legislature, be used for the purposes of carrying out and enforcing
36 the provisions of this chapter.

37 (b) The board shall keep records that will reasonably ensure
38 that funds expended in the administration of each licensing or
39 registration category bear a reasonable relation to the revenue

1 derived from each category, and shall so notify the department no
2 later than May 31 of each year.

3 (c) Surpluses, if any, may be used in a way so as to bear a
4 reasonable relation to the revenue derived from each category, and
5 may include, but not be limited to, expenditures for education and
6 research related to each of the licensing or registration categories.

7 4999.118. A licensee or registrant shall give written notice to
8 the board of a name change within 30 days after each change,
9 giving both the old and new names. A copy of the legal document
10 authorizing the name change, such as a court order or marriage
11 certificate, shall be submitted with the notice.

12 4999.120. The board shall assess fees for the application for
13 and the issuance and renewal of licenses and for the registration
14 of interns to cover administrative and operating expenses of the
15 board related to this chapter. Fees assessed pursuant to this section
16 shall not exceed the following:

17 (a) The fee for the application for an initial license shall be up
18 to one hundred eighty dollars (\$180).

19 (b) The fee for the jurisprudence and ethics examination required
20 by Section 4999.54 shall be up to one hundred dollars (\$100).

21 (c) The fee for the written examination shall be up to two
22 hundred fifty dollars (\$250).

23 (d) The fee for the issuance of an initial license shall be up to
24 two hundred dollars (\$200).

25 (e) The fee for annual renewal of licenses issued pursuant to
26 Section 4999.54 shall be up to one hundred fifty dollars (\$150).

27 (f) The fee for annual renewal of an intern registration shall be
28 up to one hundred dollars (\$100).

29 (g) The fee for two-year renewal of licenses shall be up to two
30 hundred dollars (\$200).

31 4999.122. The professional clinical counselor licensing program
32 shall be supported from fees assessed to applicants, interns, and
33 licensees. Startup funds to implement this program shall be derived,
34 as a loan, from the reserve fund of the Board of Behavioral
35 Sciences, subject to an appropriation by the Legislature in the
36 annual Budget Act. The board shall not implement this chapter
37 until funds have been appropriated.

38 SEC. 5. Section 11165.7 of the Penal Code is amended to read:

39 11165.7. (a) As used in this article, “mandated reporter” is
40 defined as any of the following:

- 1 (1) A teacher.
- 2 (2) An instructional aide.
- 3 (3) A teacher's aide or teacher's assistant employed by any
- 4 public or private school.
- 5 (4) A classified employee of any public school.
- 6 (5) An administrative officer or supervisor of child welfare and
- 7 attendance, or a certificated pupil personnel employee of any public
- 8 or private school.
- 9 (6) An administrator of a public or private day camp.
- 10 (7) An administrator or employee of a public or private youth
- 11 center, youth recreation program, or youth organization.
- 12 (8) An administrator or employee of a public or private
- 13 organization whose duties require direct contact and supervision
- 14 of children.
- 15 (9) Any employee of a county office of education or the State
- 16 Department of Education, whose duties bring the employee into
- 17 contact with children on a regular basis.
- 18 (10) A licensee, an administrator, or an employee of a licensed
- 19 community care or child day care facility.
- 20 (11) A Head Start program teacher.
- 21 (12) A licensing worker or licensing evaluator employed by a
- 22 licensing agency as defined in Section 11165.11.
- 23 (13) A public assistance worker.
- 24 (14) An employee of a child care institution, including, but not
- 25 limited to, foster parents, group home personnel, and personnel of
- 26 residential care facilities.
- 27 (15) A social worker, probation officer, or parole officer.
- 28 (16) An employee of a school district police or security
- 29 department.
- 30 (17) Any person who is an administrator or presenter of, or a
- 31 counselor in, a child abuse prevention program in any public or
- 32 private school.
- 33 (18) A district attorney investigator, inspector, or local child
- 34 support agency caseworker unless the investigator, inspector, or
- 35 caseworker is working with an attorney appointed pursuant to
- 36 Section 317 of the Welfare and Institutions Code to represent a
- 37 minor.
- 38 (19) A peace officer, as defined in Chapter 4.5 (commencing
- 39 with Section 830) of Title 3 of Part 2, who is not otherwise
- 40 described in this section.

1 (20) A firefighter, except for volunteer firefighters.

2 (21) A physician, surgeon, psychiatrist, psychologist, dentist,
3 resident, intern, podiatrist, chiropractor, licensed nurse, dental
4 hygienist, optometrist, marriage, family and child counselor,
5 clinical social worker, or any other person who is currently licensed
6 under Division 2 (commencing with Section 500) of the Business
7 and Professions Code.

8 (22) Any emergency medical technician I or II, paramedic, or
9 other person certified pursuant to Division 2.5 (commencing with
10 Section 1797) of the Health and Safety Code.

11 (23) A psychological assistant registered pursuant to Section
12 2913 of the Business and Professions Code.

13 (24) A marriage, family, and child therapist trainee, as defined
14 in subdivision (c) of Section 4980.03 of the Business and
15 Professions Code.

16 (25) An unlicensed marriage, family, and child therapist intern
17 registered under Section 4980.44 of the Business and Professions
18 Code.

19 (26) A state or county public health employee who treats a minor
20 for venereal disease or any other condition.

21 (27) A coroner.

22 (28) A medical examiner, or any other person who performs
23 autopsies.

24 (29) A commercial film and photographic print processor, as
25 specified in subdivision (e) of Section 11166. As used in this
26 article, “commercial film and photographic print processor” means
27 any person who develops exposed photographic film into negatives,
28 slides, or prints, or who makes prints from negatives or slides, for
29 compensation. The term includes any employee of such a person;
30 it does not include a person who develops film or makes prints for
31 a public agency.

32 (30) A child visitation monitor. As used in this article, “child
33 visitation monitor” means any person who, for financial
34 compensation, acts as monitor of a visit between a child and any
35 other person when the monitoring of that visit has been ordered
36 by a court of law.

37 (31) An animal control officer or humane society officer. For
38 the purposes of this article, the following terms have the following
39 meanings:

1 (A) “Animal control officer” means any person employed by a
2 city, county, or city and county for the purpose of enforcing animal
3 control laws or regulations.

4 (B) “Humane society officer” means any person appointed or
5 employed by a public or private entity as a humane officer who is
6 qualified pursuant to Section 14502 or 14503 of the Corporations
7 Code.

8 (32) A clergy member, as specified in subdivision (d) of Section
9 11166. As used in this article, “clergy member” means a priest,
10 minister, rabbi, religious practitioner, or similar functionary of a
11 church, temple, or recognized denomination or organization.

12 (33) Any custodian of records of a clergy member, as specified
13 in this section and subdivision (d) of Section 11166.

14 (34) Any employee of any police department, county sheriff’s
15 department, county probation department, or county welfare
16 department.

17 (35) An employee or volunteer of a Court Appointed Special
18 Advocate program, as defined in Rule 1424 of the California Rules
19 of Court.

20 (36) A custodial officer as defined in Section 831.5.

21 (37) Any person providing services to a minor child under
22 Section 12300 or 12300.1 of the Welfare and Institutions Code.

23 (38) An alcohol and drug counselor. As used in this article, an
24 “alcohol and drug counselor” is a person providing counseling,
25 therapy, or other clinical services for a state licensed or certified
26 drug, alcohol, or drug and alcohol treatment program. However,
27 alcohol or drug abuse, or both alcohol and drug abuse, is not in
28 and of itself a sufficient basis for reporting child abuse or neglect.

29 (39) *A licensed professional clinical counselor, as defined in*
30 *Section 4999.12 of the Business and Professions Code.*

31 (40) *A counselor trainee, as defined in subdivision (g) of Section*
32 *4999.12 of the Business and Professions Code.*

33 (41) *An unlicensed professional clinical counselor intern*
34 *registered pursuant to Section 4999.42 of the Business and*
35 *Professions Code.*

36 (b) Except as provided in paragraph (35) of subdivision (a),
37 volunteers of public or private organizations whose duties require
38 direct contact with and supervision of children are not mandated
39 reporters but are encouraged to obtain training in the identification
40 and reporting of child abuse and neglect and are further encouraged

1 to report known or suspected instances of child abuse or neglect
2 to an agency specified in Section 11165.9.

3 (c) Employers are strongly encouraged to provide their
4 employees who are mandated reporters with training in the duties
5 imposed by this article. This training shall include training in child
6 abuse and neglect identification and training in child abuse and
7 neglect reporting. Whether or not employers provide their
8 employees with training in child abuse and neglect identification
9 and reporting, the employers shall provide their employees who
10 are mandated reporters with the statement required pursuant to
11 subdivision (a) of Section 11166.5.

12 (d) School districts that do not train their employees specified
13 in subdivision (a) in the duties of mandated reporters under the
14 child abuse reporting laws shall report to the State Department of
15 Education the reasons why this training is not provided.

16 (e) Unless otherwise specifically provided, the absence of
17 training shall not excuse a mandated reporter from the duties
18 imposed by this article.

19 (f) Public and private organizations are encouraged to provide
20 their volunteers whose duties require direct contact with and
21 supervision of children with training in the identification and
22 reporting of child abuse and neglect.

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