

Introduced by Senator Emmerson

February 15, 2011

An act to amend Sections 4980.36 and 4980.42 of the Business and Professions Code, relating to marriage and family therapists.

LEGISLATIVE COUNSEL'S DIGEST

SB 363, as introduced, Emmerson. Marriage and family therapists.

Existing law provides for the licensing and regulation of marriage and family therapists by the Board of Behavioral Sciences. Existing law specifies the education required for licensure, which includes a requirement for a practicum that involves direct client contact. Existing law authorizes trainees to perform activities and services in certain work settings provided that these constitute part of the trainee's supervised course of study and the person is designated as a trainee. Existing law also authorizes trainees to gain hours of experience outside the required practicum under certain conditions, but requires trainees who gain experience outside the required practicum to be enrolled in a practicum in order to counsel clients.

This bill would provide that trainees may also counsel clients while not enrolled in a practicum if the period of lapsed enrollment is less than 45 calendar days.

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

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

- 1 SECTION 1. Section 4980.36 of the Business and Professions
- 2 Code is amended to read:
- 3 4980.36. (a) This section shall apply to the following:

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

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

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

9 (b) To qualify for a license or registration, applicants shall
10 possess a doctor's or master's degree meeting the requirements of
11 this section in marriage, family, and child counseling, marriage
12 and family therapy, psychology, clinical psychology, counseling
13 psychology, or counseling with an emphasis in either marriage,
14 family, and child counseling or marriage and family therapy,
15 obtained from a school, college, or university approved by the
16 Bureau for Private Postsecondary and Vocational Education or
17 accredited by either the Commission on the Accreditation of
18 Marriage and Family Therapy Education or a regional accrediting
19 agency recognized by the United States Department of Education.
20 The board has the authority to make the final determination as to
21 whether a degree meets all requirements, including, but not limited
22 to, course requirements, regardless of accreditation or approval.

23 (c) A doctor's or master's degree program that qualifies for
24 licensure or registration shall do the following:

25 (1) Integrate all of the following throughout its curriculum:

26 (A) Marriage and family therapy principles.

27 (B) The principles of mental health recovery-oriented care and
28 methods of service delivery in recovery-oriented practice
29 environments, among others.

30 (C) An understanding of various cultures and the social and
31 psychological implications of socioeconomic position, and an
32 understanding of how poverty and social stress impact an
33 individual's mental health and recovery.

34 (2) Allow for innovation and individuality in the education of
35 marriage and family therapists.

36 (3) Encourage students to develop the personal qualities that
37 are intimately related to effective practice, including, but not
38 limited to, integrity, sensitivity, flexibility, insight, compassion,
39 and personal presence.

1 (4) Permit an emphasis or specialization that may address any
2 one or more of the unique and complex array of human problems,
3 symptoms, and needs of Californians served by marriage and
4 family therapists.

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

9 (d) The degree described in subdivision (b) shall contain no less
10 than 60 semester or 90 quarter units of instruction that includes,
11 but is not limited to, the following requirements:

12 (1) Both of the following:

13 (A) No less than 12 semester or 18 quarter units of coursework
14 in theories, principles, and methods of a variety of
15 psychotherapeutic orientations directly related to marriage and
16 family therapy and marital and family systems approaches to
17 treatment and how these theories can be applied therapeutically
18 with individuals, couples, families, adults, including elder adults,
19 children, adolescents, and groups to improve, restore, or maintain
20 healthy relationships.

21 (B) Practicum that involves direct client contact, as follows:

22 (i) A minimum of six semester or nine quarter units of practicum
23 in a supervised clinical placement that provides supervised
24 fieldwork experience.

25 (ii) A minimum of 225 hours of face-to-face experience
26 counseling individuals, couples, families, or groups. Up to 75 of
27 those hours may be gained performing client centered advocacy,
28 as defined in Section 4980.03.

29 (iii) A student must be enrolled in a practicum course while
30 counseling clients, *except as specified in subdivision (c) of Section*
31 *4980.42.*

32 (iv) The practicum shall provide training in all of the following
33 areas:

34 (I) Applied use of theory and psychotherapeutic techniques.

35 (II) Assessment, diagnosis, and prognosis.

36 (III) Treatment of individuals and premarital, couple, family,
37 and child relationships, including trauma and abuse, dysfunctions,
38 healthy functioning, health promotion, illness prevention, and
39 working with families.

- 1 (IV) Professional writing, including documentation of services,
2 treatment plans, and progress notes.
- 3 (V) How to connect people with resources that deliver the
4 quality of services and support needed in the community.
- 5 (v) Educational institutions are encouraged to design the
6 practicum required by this subparagraph to include marriage and
7 family therapy experience in low-income and multicultural mental
8 health settings.
- 9 (2) Instruction in all of the following:
- 10 (A) Diagnosis, assessment, prognosis, and treatment of mental
11 disorders, including severe mental disorders, evidence-based
12 practices, psychological testing, psychopharmacology, and
13 promising mental health practices that are evaluated in peer
14 reviewed literature.
- 15 (B) Developmental issues from infancy to old age, including
16 instruction in all of the following areas:
- 17 (i) The effects of developmental issues on individuals, couples,
18 and family relationships.
- 19 (ii) The psychological, psychotherapeutic, and health
20 implications of developmental issues and their effects.
- 21 (iii) Aging and its biological, social, cognitive, and
22 psychological aspects.
- 23 (iv) A variety of cultural understandings of human development.
- 24 (v) The understanding of human behavior within the social
25 context of socioeconomic status and other contextual issues
26 affecting social position.
- 27 (vi) The understanding of human behavior within the social
28 context of a representative variety of the cultures found within
29 California.
- 30 (vii) The understanding of the impact that personal and social
31 insecurity, social stress, low educational levels, inadequate housing,
32 and malnutrition have on human development.
- 33 (C) The broad range of matters and life events that may arise
34 within marriage and family relationships and within a variety of
35 California cultures, including instruction in all of the following:
- 36 (i) Child and adult abuse assessment and reporting.
- 37 (ii) Spousal or partner abuse assessment, detection, intervention
38 strategies, and same-gender abuse dynamics.
- 39 (iii) Cultural factors relevant to abuse of partners and family
40 members.

- 1 (iv) Childbirth, child rearing, parenting, and stepparenting.
- 2 (v) Marriage, divorce, and blended families.
- 3 (vi) Long-term care.
- 4 (vii) End of life and grief.
- 5 (viii) Poverty and deprivation.
- 6 (ix) Financial and social stress.
- 7 (x) Effects of trauma.
- 8 (xi) The psychological, psychotherapeutic, community, and
- 9 health implications of the matters and life events described in
- 10 clauses (i) to (x), inclusive.
- 11 (D) Cultural competency and sensitivity, including a familiarity
- 12 with the racial, cultural, linguistic, and ethnic backgrounds of
- 13 persons living in California.
- 14 (E) 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 (F) The effects of socioeconomic status on treatment and
- 19 available resources.
- 20 (G) Resilience, including the personal and community qualities
- 21 that enable persons to cope with adversity, trauma, tragedy, threats,
- 22 or other stresses.
- 23 (H) Human sexuality, including the study of physiological,
- 24 psychological, and social cultural variables associated with sexual
- 25 behavior and gender identity, and the assessment and treatment of
- 26 psychosexual dysfunction.
- 27 (I) Substance use disorders, co-occurring disorders, and
- 28 addiction, including, but not limited to, instruction in all of the
- 29 following:
 - 30 (i) The definition of substance use disorders, co-occurring
 - 31 disorders, and addiction. For purposes of this subparagraph,
 - 32 “co-occurring disorders” means a mental illness and substance
 - 33 abuse diagnosis occurring simultaneously in an individual.
 - 34 (ii) Medical aspects of substance use disorders and co-occurring
 - 35 disorders.
 - 36 (iii) The effects of psychoactive drug use.
 - 37 (iv) Current theories of the etiology of substance abuse and
 - 38 addiction.
 - 39 (v) The role of persons and systems that support or compound
 - 40 substance abuse and addiction.

- 1 (vi) Major approaches to identification, evaluation, and treatment
- 2 of substance use disorders, co-occurring disorders, and addiction,
- 3 including, but not limited to, best practices.
- 4 (vii) Legal aspects of substance abuse.
- 5 (viii) Populations at risk with regard to substance use disorders
- 6 and co-occurring disorders.
- 7 (ix) Community resources offering screening, assessment,
- 8 treatment, and followup for the affected person and family.
- 9 (x) Recognition of substance use disorders, co-occurring
- 10 disorders, and addiction, and appropriate referral.
- 11 (xi) The prevention of substance use disorders and addiction.
- 12 (J) California law and professional ethics for marriage and
- 13 family therapists, including instruction in all of the following areas
- 14 of study:
- 15 (i) Contemporary professional ethics and statutory, regulatory,
- 16 and decisional laws that delineate the scope of practice of marriage
- 17 and family therapy.
- 18 (ii) The therapeutic, clinical, and practical considerations
- 19 involved in the legal and ethical practice of marriage and family
- 20 therapy, including, but not limited to, family law.
- 21 (iii) The current legal patterns and trends in the mental health
- 22 professions.
- 23 (iv) The psychotherapist-patient privilege, confidentiality, the
- 24 patient dangerous to self or others, and the treatment of minors
- 25 with and without parental consent.
- 26 (v) A recognition and exploration of the relationship between
- 27 a practitioner's sense of self and human values and his or her
- 28 professional behavior and ethics.
- 29 (vi) Differences in legal and ethical standards for different types
- 30 of work settings.
- 31 (vii) Licensing law and licensing process.
- 32 (e) The degree described in subdivision (b) shall, in addition to
- 33 meeting the requirements of subdivision (d), include instruction
- 34 in case management, systems of care for the severely mentally ill,
- 35 public and private services and supports available for the severely
- 36 mentally ill, community resources for persons with mental illness
- 37 and for victims of abuse, disaster and trauma response, advocacy
- 38 for the severely mentally ill, and collaborative treatment. This
- 39 instruction may be provided either in credit level coursework or

1 through extension programs offered by the degree-granting
2 institution.

3 (f) The changes made to law by this section are intended to
4 improve the educational qualifications for licensure in order to
5 better prepare future licentiates for practice, and are not intended
6 to expand or restrict the scope of practice for marriage and family
7 therapists.

8 SEC. 2. Section 4980.42 of the Business and Professions Code
9 is amended to read:

10 4980.42. (a) Trainees performing services in any work setting
11 specified in subdivision (e) of Section 4980.43 may perform those
12 activities and services as a trainee, provided that the activities and
13 services constitute part of the trainee's supervised course of study
14 and that the person is designated by the title "trainee." ~~Trainees~~

15 (b) *Trainees* may gain hours of experience outside the required
16 practicum *but must be enrolled in a practicum course to counsel*
17 *clients, as set forth on subparagraph (iii) of paragraph (B) of*
18 *subdivision (d) of Section 4980.36, except as provided in*
19 *subdivision (c).* ~~Those~~

20 (c) *Trainees may counsel clients while not enrolled in a*
21 *practicum course if the period of lapsed enrollment is less than*
22 *45 calendar days.*

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

26 ~~(b)~~

27 (e) On and after January 1, 1995, all hours of experience gained
28 as a trainee shall be coordinated between the school and the site
29 where the hours are being accrued. The school shall approve each
30 site and shall have a written agreement with each site that details
31 each party's responsibilities, including the methods by which
32 supervision shall be provided. The agreement shall provide for
33 regular progress reports and evaluations of the student's
34 performance at the site. If an applicant has gained hours of
35 experience while enrolled in an institution other than the one that
36 confers the qualifying degree, it shall be the applicant's
37 responsibility to provide to the board satisfactory evidence that

- 1 those hours of trainee experience were gained in compliance with
- 2 this section.

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