

AMENDED IN SENATE MARCH 21, 2011

**SENATE BILL**

**No. 363**

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**Introduced by Senator Emmerson**

February 15, 2011

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An act to amend Sections ~~4980.36 and 4980.42~~ 4980.01, 4980.03, 4980.36, 4980.42, and 4980.43 of the Business and Professions Code, relating to marriage and family therapists.

LEGISLATIVE COUNSEL'S DIGEST

SB 363, as amended, 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 *and hours of experience relating to client centered advocacy, as defined*. 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. *The bill would reduce the maximum number of hours that may be gained by engaging in client centered advocacy, as specified.*

*Existing law requires an applicant for licensure as a marriage and family therapist to complete a specified number of hours of supervised*

*experience. For those purposes, existing law requires the supervision of a marriage and family therapy intern or trainee by a supervisor, defined as, among other things, a person who has been licensed for at least 2 years as a marriage and family therapist, licensed clinical social worker, licensed psychologist, or licensed physician certified in psychiatry.*

*This bill would authorize a licensed professional clinical counselor to act as a supervisor of a marriage and family therapy intern or trainee if he or she meets additional training and education requirements, as specified.*

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

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

- 1     SECTION 1. Section 4980.01 of the Business and Professions  
2     Code is amended to read:  
3     4980.01. (a) Nothing in this chapter shall be construed to  
4     constrict, limit, or withdraw the Medical Practice Act, the Social  
5     Work Licensing Law, the Nursing Practice Act, *the Licensed*  
6     *Professional Clinical Counselor Act*, or the Psychology Licensing  
7     Act.  
8     (b) This chapter shall not apply to any priest, rabbi, or minister  
9     of the gospel of any religious denomination when performing  
10    counseling services as part of his or her pastoral or professional  
11    duties, or to any person who is admitted to practice law in the state,  
12    or who is licensed to practice medicine, when providing counseling  
13    services as part of his or her professional practice.  
14    (c) (1) This chapter shall not apply to an employee working in  
15    any of the following settings if his or her work is performed solely  
16    under the supervision of the employer:  
17    (A) A governmental entity.  
18    (B) A school, college, or university.  
19    (C) An institution that is both nonprofit and charitable.  
20    (2) This chapter shall not apply to a volunteer working in any  
21    of the settings described in paragraph (1) if his or her work is  
22    performed solely under the supervision of the entity, school, or  
23    institution.  
24    (d) A marriage and family therapist licensed under this chapter  
25    is a licentiate for purposes of paragraph (2) of subdivision (a) of

1 Section 805, and thus is a health care practitioner subject to the  
2 provisions of Section 2290.5 pursuant to subdivision (b) of that  
3 section.

4 (e) Notwithstanding subdivisions (b) and (c), all persons  
5 registered as interns or licensed under this chapter shall not be  
6 exempt from this chapter or the jurisdiction of the board.

7 *SEC. 2. Section 4980.03 of the Business and Professions Code*  
8 *is amended to read:*

9 4980.03. (a) “Board,” as used in this chapter, means the Board  
10 of Behavioral Sciences.

11 (b) “Intern,” as used in this chapter, means an unlicensed person  
12 who has earned his or her master’s or doctor’s degree qualifying  
13 him or her for licensure and is registered with the board.

14 (c) “Trainee,” as used in this chapter, means an unlicensed  
15 person who is currently enrolled in a master’s or doctor’s degree  
16 program, as specified in Sections 4980.36 and 4980.37, that is  
17 designed to qualify him or her for licensure under this chapter, and  
18 who has completed no less than 12 semester units or 18 quarter  
19 units of coursework in any qualifying degree program.

20 (d) “Applicant,” as used in this chapter, means an unlicensed  
21 person who has completed a master’s or doctoral degree program,  
22 as specified in Sections 4980.36 and 4980.37, and whose  
23 application for registration as an intern is pending, or an unlicensed  
24 person who has completed the requirements for licensure as  
25 specified in this chapter, is no longer registered with the board as  
26 an intern, and is currently in the examination process.

27 (e) “Advertise,” as used in this chapter, includes, but is not  
28 limited to, any public communication, as defined in subdivision  
29 (a) of Section 651, the issuance of any card, sign, or device to any  
30 person, or the causing, permitting, or allowing of any sign or  
31 marking on, or in, any building or structure, or in any newspaper  
32 or magazine or in any directory, or any printed matter whatsoever,  
33 with or without any limiting qualification. Signs within religious  
34 buildings or notices in church bulletins mailed to a congregation  
35 shall not be construed as advertising within the meaning of this  
36 chapter.

37 (f) “Experience,” as used in this chapter, means experience in  
38 interpersonal relationships, psychotherapy, marriage and family  
39 therapy, and professional enrichment activities that satisfies the

1 requirement for licensure as a marriage and family therapist  
2 pursuant to Section 4980.40.

3 (g) “Supervisor,” as used in this chapter, means an individual  
4 who meets all of the following requirements:

5 (1) Has been licensed by a state regulatory agency for at least  
6 two years as a marriage and family therapist, licensed clinical  
7 social worker, *licensed professional clinical counselor*, licensed  
8 psychologist, or licensed physician certified in psychiatry by the  
9 American Board of Psychiatry and Neurology.

10 (2) *If a licensed professional clinical counselor, the individual*  
11 *shall meet the additional training and education requirements*  
12 *specified in paragraph (3) of subdivision (a) of Section 4999.20.*

13 ~~(2)~~

14 (3) Has not provided therapeutic services to the trainee or intern.

15 ~~(3)~~

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

18 ~~(4)~~

19 (5) Complies with supervision requirements established by this  
20 chapter and by board regulations.

21 (h) “Client centered advocacy,” as used in this chapter, includes,  
22 but is not limited to, researching, identifying, and accessing  
23 resources, or other activities, related to obtaining or providing  
24 services and supports for clients or groups of clients receiving  
25 psychotherapy or counseling services.

26 **SECTION 1.**

27 *SEC. 3.* Section 4980.36 of the Business and Professions Code  
28 is amended to read:

29 4980.36. (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 doctor’s or master’s degree meeting the requirements of  
40 this section in marriage, family, and child counseling, marriage

1 and family therapy, psychology, clinical psychology, counseling  
2 psychology, or counseling with an emphasis in either marriage,  
3 family, and child counseling or marriage and family therapy,  
4 obtained from a school, college, or university approved by the  
5 Bureau for Private Postsecondary and Vocational Education or  
6 accredited by either the Commission on the Accreditation of  
7 Marriage and Family Therapy Education or a regional accrediting  
8 agency recognized by the United States Department of Education.  
9 The board has the authority to make the final determination as to  
10 whether a degree meets all requirements, including, but not limited  
11 to, course requirements, regardless of accreditation or approval.

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

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

15 (A) Marriage and family therapy principles.

16 (B) The principles of mental health recovery-oriented care and  
17 methods of service delivery in recovery-oriented practice  
18 environments, among others.

19 (C) An understanding of various cultures and the social and  
20 psychological implications of socioeconomic position, and an  
21 understanding of how poverty and social stress impact an  
22 individual's mental health and recovery.

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

25 (3) Encourage students to develop the personal qualities that  
26 are intimately related to effective practice, including, but not  
27 limited to, integrity, sensitivity, flexibility, insight, compassion,  
28 and personal presence.

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

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

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

40 (1) Both of the following:

1 (A) No less than 12 semester or 18 quarter units of coursework  
2 in theories, principles, and methods of a variety of  
3 psychotherapeutic orientations directly related to marriage and  
4 family therapy and marital and family systems approaches to  
5 treatment and how these theories can be applied therapeutically  
6 with individuals, couples, families, adults, including elder adults,  
7 children, adolescents, and groups to improve, restore, or maintain  
8 healthy relationships.

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

10 (i) A minimum of six semester or nine quarter units of practicum  
11 in a supervised clinical placement that provides supervised  
12 fieldwork experience.

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

17 (iii) A student must be enrolled in a practicum course while  
18 counseling clients, except as specified in subdivision (c) of Section  
19 4980.42.

20 (iv) The practicum shall provide training in all of the following  
21 areas:

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

23 (II) Assessment, diagnosis, and prognosis.

24 (III) Treatment of individuals and premarital, couple, family,  
25 and child relationships, including trauma and abuse, dysfunctions,  
26 healthy functioning, health promotion, illness prevention, and  
27 working with families.

28 (IV) Professional writing, including documentation of services,  
29 treatment plans, and progress notes.

30 (V) How to connect people with resources that deliver the  
31 quality of services and support needed in the community.

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

36 (2) Instruction in all of the following:

37 (A) Diagnosis, assessment, prognosis, and treatment of mental  
38 disorders, including severe mental disorders, evidence-based  
39 practices, psychological testing, psychopharmacology, and

1 promising mental health practices that are evaluated in peer  
2 reviewed literature.

3 (B) Developmental issues from infancy to old age, including  
4 instruction in all of the following areas:

5 (i) The effects of developmental issues on individuals, couples,  
6 and family relationships.

7 (ii) The psychological, psychotherapeutic, and health  
8 implications of developmental issues and their effects.

9 (iii) Aging and its biological, social, cognitive, and  
10 psychological aspects.

11 (iv) A variety of cultural understandings of human development.

12 (v) The understanding of human behavior within the social  
13 context of socioeconomic status and other contextual issues  
14 affecting social position.

15 (vi) The understanding of human behavior within the social  
16 context of a representative variety of the cultures found within  
17 California.

18 (vii) The understanding of the impact that personal and social  
19 insecurity, social stress, low educational levels, inadequate housing,  
20 and malnutrition have on human development.

21 (C) The broad range of matters and life events that may arise  
22 within marriage and family relationships and within a variety of  
23 California cultures, including instruction in all of the following:

24 (i) Child and adult abuse assessment and reporting.

25 (ii) Spousal or partner abuse assessment, detection, intervention  
26 strategies, and same-gender abuse dynamics.

27 (iii) Cultural factors relevant to abuse of partners and family  
28 members.

29 (iv) Childbirth, child rearing, parenting, and stepparenting.

30 (v) Marriage, divorce, and blended families.

31 (vi) Long-term care.

32 (vii) End of life and grief.

33 (viii) Poverty and deprivation.

34 (ix) Financial and social stress.

35 (x) Effects of trauma.

36 (xi) The psychological, psychotherapeutic, community, and  
37 health implications of the matters and life events described in  
38 clauses (i) to (x), inclusive.

- 1 (D) Cultural competency and sensitivity, including a familiarity  
2 with the racial, cultural, linguistic, and ethnic backgrounds of  
3 persons living in California.
- 4 (E) Multicultural development and cross-cultural interaction,  
5 including experiences of race, ethnicity, class, spirituality, sexual  
6 orientation, gender, and disability, and their incorporation into the  
7 psychotherapeutic process.
- 8 (F) The effects of socioeconomic status on treatment and  
9 available resources.
- 10 (G) Resilience, including the personal and community qualities  
11 that enable persons to cope with adversity, trauma, tragedy, threats,  
12 or other stresses.
- 13 (H) Human sexuality, including the study of physiological,  
14 psychological, and social cultural variables associated with sexual  
15 behavior and gender identity, and the assessment and treatment of  
16 psychosexual dysfunction.
- 17 (I) Substance use disorders, co-occurring disorders, and  
18 addiction, including, but not limited to, instruction in all of the  
19 following:
- 20 (i) The definition of substance use disorders, co-occurring  
21 disorders, and addiction. For purposes of this subparagraph,  
22 “co-occurring disorders” means a mental illness and substance  
23 abuse diagnosis occurring simultaneously in an individual.
- 24 (ii) Medical aspects of substance use disorders and co-occurring  
25 disorders.
- 26 (iii) The effects of psychoactive drug use.
- 27 (iv) Current theories of the etiology of substance abuse and  
28 addiction.
- 29 (v) The role of persons and systems that support or compound  
30 substance abuse and addiction.
- 31 (vi) Major approaches to identification, evaluation, and treatment  
32 of substance use disorders, co-occurring disorders, and addiction,  
33 including, but not limited to, best practices.
- 34 (vii) Legal aspects of substance abuse.
- 35 (viii) Populations at risk with regard to substance use disorders  
36 and co-occurring disorders.
- 37 (ix) Community resources offering screening, assessment,  
38 treatment, and followup for the affected person and family.
- 39 (x) Recognition of substance use disorders, co-occurring  
40 disorders, and addiction, and appropriate referral.

1 (xi) The prevention of substance use disorders and addiction.  
2 (J) California law and professional ethics for marriage and  
3 family therapists, including instruction in all of the following areas  
4 of study:

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

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

11 (iii) The current legal patterns and trends in the mental health  
12 professions.

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

16 (v) A recognition and exploration of the relationship between  
17 a practitioner's sense of self and human values and his or her  
18 professional behavior and ethics.

19 (vi) Differences in legal and ethical standards for different types  
20 of work settings.

21 (vii) Licensing law and licensing process.

22 (e) The degree described in subdivision (b) shall, in addition to  
23 meeting the requirements of subdivision (d), include instruction  
24 in case management, systems of care for the severely mentally ill,  
25 public and private services and supports available for the severely  
26 mentally ill, community resources for persons with mental illness  
27 and for victims of abuse, disaster and trauma response, advocacy  
28 for the severely mentally ill, and collaborative treatment. This  
29 instruction may be provided either in credit level coursework or  
30 through extension programs offered by the degree-granting  
31 institution.

32 (f) The changes made to law by this section are intended to  
33 improve the educational qualifications for licensure in order to  
34 better prepare future licentiates for practice, and are not intended  
35 to expand or restrict the scope of practice for marriage and family  
36 therapists.

37 ~~SEC. 2.~~

38 *SEC. 4.* Section 4980.42 of the Business and Professions Code  
39 is amended to read:

1 4980.42. (a) Trainees performing services in any work setting  
2 specified in subdivision (e) of Section 4980.43 may perform those  
3 activities and services as a trainee, provided that the activities and  
4 services constitute part of the trainee's supervised course of study  
5 and that the person is designated by the title "trainee."

6 (b) Trainees may gain hours of experience outside the required  
7 practicum but must be enrolled in a practicum course to counsel  
8 clients, as set forth ~~on subparagraph (iii) of paragraph (B) in clause~~  
9 *(iii) of subparagraph (B) of paragraph (1) of subdivision (d) of*  
10 Section 4980.36, except as provided in subdivision (c).

11 (c) Trainees may counsel clients while not enrolled in a  
12 practicum course if the period of lapsed enrollment is less than 45  
13 calendar days.

14 (d) All hours of experience gained pursuant to subdivisions (b)  
15 and (c) shall be subject to the requirements of subdivision (b) and  
16 to the other requirements of this chapter.

17 (e) On and after January 1, 1995, all hours of experience gained  
18 as a trainee shall be coordinated between the school and the site  
19 where the hours are being accrued. The school shall approve each  
20 site and shall have a written agreement with each site that details  
21 each party's responsibilities, including the methods by which  
22 supervision shall be provided. The agreement shall provide for  
23 regular progress reports and evaluations of the student's  
24 performance at the site. If an applicant has gained hours of  
25 experience while enrolled in an institution other than the one that  
26 confers the qualifying degree, it shall be the applicant's  
27 responsibility to provide to the board satisfactory evidence that  
28 those hours of trainee experience were gained in compliance with  
29 this section.

30 *SEC. 5. Section 4980.43 of the Business and Professions Code*  
31 *is amended to read:*

32 4980.43. (a) Prior to applying for licensure examinations, each  
33 applicant shall complete experience that shall comply with the  
34 following:

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

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

38 (3) Not less than 1,700 hours of supervised experience  
39 completed subsequent to the granting of the qualifying master's  
40 or doctoral degree.

1 (4) Not more than 1,300 hours of supervised experience obtained  
2 prior to completing a master’s or doctoral degree.

3 The applicant shall not be credited with more than 750 hours of  
4 counseling and direct supervisor contact prior to completing the  
5 master’s or doctoral degree.

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

9 (6) No hours of experience may be gained more than six years  
10 prior to the date the application for examination eligibility was  
11 filed, except that up to 500 hours of clinical experience gained in  
12 the supervised practicum required by subdivision (c) of Section  
13 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)  
14 of Section 4980.36 shall be exempt from this six-year requirement.

15 (7) Not more than a combined total of ~~1,250~~ 1,000 hours of  
16 experience in the following:

17 (A) Direct supervisor contact.

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

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

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

31 ~~(C) Client centered advocacy.~~

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

34 ~~(9) Not more than 250 hours of experience~~

35 (9) *For all hours gained on or after January 1, 2012, not more*  
36 *than 500 hours of experience in the following:*

37 (A) *Experience* administering and evaluating psychological  
38 tests, writing clinical reports, writing progress notes, or writing  
39 process notes.

40 (B) *Client centered advocacy.*

1 (10) Not less than 500 total hours of experience in diagnosing  
2 and treating couples, families, and children. For up to 150 hours  
3 of treating couples and families in conjoint therapy, the applicant  
4 shall be credited with two hours of experience for each hour of  
5 therapy provided.

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

9 (12) It is anticipated and encouraged that hours of experience  
10 will include working with elders and dependent adults who have  
11 physical or mental limitations that restrict their ability to carry out  
12 normal activities or protect their rights.

13 This subdivision shall only apply to hours gained on and after  
14 January 1, 2010.

15 (b) All applicants, trainees, and registrants shall be at all times  
16 under the supervision of a supervisor who shall be responsible for  
17 ensuring that the extent, kind, and quality of counseling performed  
18 is consistent with the training and experience of the person being  
19 supervised, and who shall be responsible to the board for  
20 compliance with all laws, rules, and regulations governing the  
21 practice of marriage and family therapy. Supervised experience  
22 shall be gained by interns and trainees either as an employee or as  
23 a volunteer. The requirements of this chapter regarding gaining  
24 hours of experience and supervision are applicable equally to  
25 employees and volunteers. Experience shall not be gained by  
26 interns or trainees as an independent contractor.

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

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

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

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

39 (2) An individual supervised after being granted a qualifying  
40 degree shall receive at least one additional hour of direct supervisor

1 contact for every week in which more than 10 hours of client  
2 contact is gained in each setting. No more than five hours of  
3 supervision, whether individual or group, shall be credited during  
4 any single week.

5 (3) For purposes of this section, “one hour of direct supervisor  
6 contact” means one hour per week of face-to-face contact on an  
7 individual basis or two hours per week of face-to-face contact in  
8 a group.

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

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

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

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

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

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

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

30 (C) Is not a private practice owned by a licensed marriage and  
31 family therapist, a licensed psychologist, a licensed clinical social  
32 worker, a licensed physician and surgeon, or a professional  
33 corporation of any of those licensed professions.

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

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

38 (A) Lawfully and regularly provides mental health counseling  
39 or psychotherapy.

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

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

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

11 (4) Except for periods of time during a supervisor's vacation or  
12 sick leave, an intern who is employed or volunteering in private  
13 practice shall be under the direct supervision of a licensee that has  
14 satisfied the requirements of subdivision (g) of Section 4980.03.  
15 The supervising licensee shall either be employed by and practice  
16 at the same site as the intern's employer, or shall be an owner or  
17 shareholder of the private practice. Alternative supervision may  
18 be arranged during a supervisor's vacation or sick leave if the  
19 supervision meets the requirements of this section.

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

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

25 (g) Except when employed in a private practice setting, all  
26 postdegree hours of experience shall be credited toward licensure  
27 so long as the applicant applies for the intern registration within  
28 90 days of the granting of the qualifying master's or doctoral  
29 degree and is thereafter granted the intern registration by the board.

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

33 (i) Trainees, interns, and applicants shall only perform services  
34 at the place where their employers regularly conduct business,  
35 which may include performing services at other locations, so long  
36 as the services are performed under the direction and control of  
37 their employer and supervisor, and in compliance with the laws  
38 and regulations pertaining to supervision. Trainees and interns  
39 shall have no proprietary interest in their employers' businesses  
40 and shall not lease or rent space, pay for furnishings, equipment

1 or supplies, or in any other way pay for the obligations of their  
2 employers.

3 (j) Trainees, interns, or applicants who provide volunteered  
4 services or other services, and who receive no more than a total,  
5 from all work settings, of five hundred dollars (\$500) per month  
6 as reimbursement for expenses actually incurred by those trainees,  
7 interns, or applicants for services rendered in any lawful work  
8 setting other than a private practice shall be considered an  
9 employee and not an independent contractor. The board may audit  
10 applicants who receive reimbursement for expenses, and the  
11 applicants shall have the burden of demonstrating that the payments  
12 received were for reimbursement of expenses actually incurred.

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

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