

AMENDED IN SENATE MAY 5, 2011

SENATE BILL

No. 704

Introduced by Senator Negrete McLeod

February 18, 2011

An act to amend Section 4996.28 of, to amend, add, and repeal Sections 4992.1, 4996.1, 4996.3, and 4996.4 of, to amend, repeal, and add Sections 4980.40, 4980.50, 4984.01, 4984.7, and 4984.72 of, and to add Sections 4980.397, 4980.398, 4980.399, 4992.05, 4992.07, and 4992.09 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 704, as amended, Negrete McLeod. Healing arts: licensees: Board of Behavioral Sciences.

Existing law provides for the licensure and regulation of marriage and family therapists and marriage and family therapist interns *and trainees* by the Board of Behavioral Sciences. Existing law requires the issuance of a license to practice marriage and family therapy to qualified applicants, *as defined*, who pass a board-administered written or oral examination or, under specified circumstances, a clinical vignette written examination. Existing law also provides for the licensure and regulation of social workers by the Board of Behavioral Sciences. Existing law requires each applicant to be examined by the board and, on and after January 1, 2014, upon a specified determination by the board, requires the issuance of a license to each applicant or registrant meeting specified requirements who successfully passes the Association of Social Work Boards Clinical Level Examination administered by the Association of Social Work Boards and a separate California jurisprudence and ethics examination incorporated or developed and administered by the board.

This bill would repeal those provisions that would have become operative on January 1, 2014. The bill would instead, for the practice areas of marriage and family therapy and social work, revise and recast provisions related to examinations to require, on and after January 1, 2013, the passage of specified clinical examinations and a California law and ethics examination, subject to specified fees. The bill would require applicants for licensure to retake the law and ethics examination under certain circumstances. The bill would, on and after January 1, 2013, require marriage and family therapist interns and associate clinical social workers to take the law and ethics examination, subject to specified fees. The bill would authorize the board to adopt the Association of Social Work Boards Clinical Level Examination as the clinical examination for social workers, upon a specified determination.

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

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

1 *SECTION 1. It is the intent of the Legislature that the Board*
 2 *of Behavioral Sciences expedite its efforts to evaluate the*
 3 *Association of Social Work Boards Clinical Level Examination*
 4 *administered by the Association of Social Work Boards as a*
 5 *requirement for licensure as a clinical social worker and, if the*
 6 *board finds that this examination meets the prevailing standards*
 7 *for validation and use of licensing and certification tests in*
 8 *California, establish by regulation that this examination is to be*
 9 *used as the clinical examination.*

10 ~~SECTION 1.~~

11 *SEC. 2.* Section 4980.397 is added to the Business and
 12 Professions Code, to read:

13 4980.397. (a) Effective January 1, 2013, an applicant for
 14 licensure as a marriage and family therapist shall pass the following
 15 two examinations as prescribed by the board:

16 (1) A California law and ethics examination.

17 (2) A clinical examination.

18 (b) Upon registration with the board, a marriage and family
 19 therapist intern shall, within the first year of registration, take an
 20 examination on California law and ethics.

21 (c) A registrant may take the clinical examination only upon
 22 meeting all of the following requirements:

1 (1) Completion of all required supervised work experience.

2 (2) Completion of all education requirements.

3 (3) Passage of the California law and ethics examination.

4 (d) This section shall become operative on January 1, 2013.

5 ~~SEC. 2.~~

6 *SEC. 3.* Section 4980.398 is added to the Business and
7 Professions Code, to read:

8 4980.398. (a) Each applicant who had previously taken and
9 passed the standard written examination shall also obtain a passing
10 score on the clinical examination in order to be eligible for
11 licensure.

12 (b) An applicant who had previously failed to obtain a passing
13 score on the standard written examination shall obtain a passing
14 score on the California law and ethics examination and the clinical
15 examination.

16 (c) An applicant who had previously failed to obtain a passing
17 score on the clinical vignette examination shall obtain a passing
18 score on the clinical examination.

19 (d) An applicant who had obtained eligibility for the standard
20 written examination shall take the California law and ethics
21 examination and the clinical examination.

22 (e) This section shall become operative on January 1, 2013.

23 ~~SEC. 3.~~

24 *SEC. 4.* Section 4980.399 is added to the Business and
25 Professions Code, to read:

26 4980.399. (a) Each applicant and registrant shall obtain a
27 passing score on a board-administered California law and ethics
28 examination in order to qualify for licensure.

29 (b) A registrant shall participate in a board-administered
30 California law and ethics examination prior to his or her registration
31 renewal.

32 (c) If an applicant fails the California law and ethics
33 examination, he or she may retake the examination, upon payment
34 of the required fees, without further application except as provided
35 in subdivision (d).

36 (d) If a registrant fails to obtain a passing score on the California
37 law and ethics examination described in subdivision (a) within his
38 or her first renewal period on or after the operative date of this
39 section, he or she shall complete, at a minimum, a 12-hour course
40 in California law and ethics in order to be eligible to participate

1 in the California law and ethics examination. Registrants shall only
2 take the 12-hour California law and ethics course once during a
3 renewal period. The 12-hour law and ethics course required by the
4 section shall be taken through a board-approved continuing
5 education provider, a county, state or governmental entity, or a
6 college or university.

7 (e) The board shall not issue a subsequent registration number
8 unless the registrant has passed the California law and ethics
9 examination.

10 (f) This section shall become operative on January 1, 2013.

11 ~~SEC. 4.~~

12 *SEC. 5.* Section 4980.40 of the Business and Professions Code
13 is amended to read:

14 4980.40. To qualify for a license, an applicant shall have all
15 of the following qualifications:

16 (a) Meet the educational requirements of Section 4980.36 or
17 both Sections 4980.37 and 4980.41, as applicable.

18 (b) Be at least 18 years of age.

19 (c) Have at least two years of experience that meet the
20 requirements of Section 4980.43.

21 (d) Pass a board administered written or oral examination or
22 both types of examinations, except that an applicant who passed
23 a written examination and who has not taken and passed an oral
24 examination shall instead be required to take and pass a clinical
25 vignette written examination.

26 (e) Not have committed acts or crimes constituting grounds for
27 denial of licensure under Section 480. The board shall not issue a
28 registration or license to any person who has been convicted of a
29 crime in this or another state or in a territory of the United States
30 that involves sexual abuse of children or who is required to register
31 pursuant to Section 290 of the Penal Code or the equivalent in
32 another state or territory.

33 (f) This section shall remain in effect only until January 1, 2013,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2013, deletes or extends that date.

36 ~~SEC. 5.~~

37 *SEC. 6.* Section 4980.40 is added to the Business and
38 Professions Code, to read:

39 4980.40. To qualify for a license, an applicant shall have all
40 the following qualifications:

1 (a) Meet the educational requirements of Section 4980.36 or
2 both Sections 4980.37 and 4980.41, as applicable.

3 (b) Be at least 18 years of age.

4 (c) Have at least two years of experience that meet the
5 requirements of Section 4980.43.

6 (d) Effective January 1, 2013, successfully pass a California
7 law and ethics examination and a clinical examination. An
8 applicant who has successfully passed a previously administered
9 written examination may be subsequently required to take and pass
10 another written examination.

11 (e) Not have committed acts or crimes constituting grounds for
12 denial of licensure under Section 480. The board shall not issue a
13 registration or license to any person who has been convicted of a
14 crime in this or another state or in a territory of the United States
15 that involves sexual abuse of children or who is required to register
16 pursuant to Section 290 of the Penal Code or the equivalent in
17 another state or territory.

18 (f) This section shall become operative on January 1, 2013.

19 ~~SEC. 6.~~

20 *SEC. 7.* Section 4980.50 of the Business and Professions Code
21 is amended to read:

22 4980.50. (a) Every applicant who meets the educational and
23 experience requirements and applies for a license as a marriage
24 and family therapist shall be examined by the board. The
25 examinations shall be as set forth in subdivision (d) of Section
26 4980.40. The examinations shall be given at least twice a year at
27 a time and place and under supervision as the board may determine.
28 The board shall examine the candidate with regard to his or her
29 knowledge and professional skills and his or her judgment in the
30 utilization of appropriate techniques and methods.

31 (b) The board shall not deny any applicant, who has submitted
32 a complete application for examination, admission to the licensure
33 examinations required by this section if the applicant meets the
34 educational and experience requirements of this chapter, and has
35 not committed any acts or engaged in any conduct that would
36 constitute grounds to deny licensure.

37 (c) The board shall not deny any applicant, whose application
38 for licensure is complete, admission to the standard written
39 examination, nor shall the board postpone or delay any applicant's
40 standard written examination or delay informing the candidate of

1 the results of the standard written examination, solely upon the
2 receipt by the board of a complaint alleging acts or conduct that
3 would constitute grounds to deny licensure.

4 (d) If an applicant for examination who has passed the standard
5 written examination is the subject of a complaint or is under board
6 investigation for acts or conduct that, if proven to be true, would
7 constitute grounds for the board to deny licensure, the board shall
8 permit the applicant to take the clinical vignette written
9 examination for licensure, but may withhold the results of the
10 examination or notify the applicant that licensure will not be
11 granted pending completion of the investigation.

12 (e) Notwithstanding Section 135, the board may deny any
13 applicant who has previously failed either the standard written or
14 clinical vignette written examination permission to retake either
15 examination pending completion of the investigation of any
16 complaints against the applicant. Nothing in this section shall
17 prohibit the board from denying an applicant admission to any
18 examination, withholding the results, or refusing to issue a license
19 to any applicant when an accusation or statement of issues has
20 been filed against the applicant pursuant to Sections 11503 and
21 11504 of the Government Code, respectively, or the applicant has
22 been denied in accordance with subdivision (b) of Section 485.

23 (f) Notwithstanding any other provision of law, the board may
24 destroy all examination materials two years following the date of
25 an examination.

26 (g) On or after January 1, 2002, no applicant shall be eligible
27 to participate in a clinical vignette written examination if his or
28 her passing score on the standard written examination occurred
29 more than seven years before.

30 (h) An applicant who has qualified pursuant to this chapter shall
31 be issued a license as a marriage and family therapist in the form
32 that the board may deem appropriate.

33 (i) This section shall remain in effect only until January 1, 2013,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2013, deletes or extends that date.

36 ~~SEC. 7.~~

37 SEC. 8. Section 4980.50 is added to the Business and
38 Professions Code, to read:

39 4980.50. Effective January 1, 2013, the following shall apply:

1 (a) Every applicant who meets the educational and experience
2 requirements and applies for a license as a marriage and family
3 therapist shall be examined by the board. The examinations shall
4 be as set forth in subdivision (d) of Section 4980.40. The
5 examinations shall be given at least twice a year at a time and place
6 and under supervision as the board may determine. The board shall
7 examine the candidate with regard to his or her knowledge and
8 professional skills and his or her judgment in the utilization of
9 appropriate techniques and methods.

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

16 (c) The board shall not deny any applicant, whose application
17 for licensure is complete, admission to the clinical examination,
18 nor shall the board postpone or delay any applicant's clinical
19 examination or delay informing the candidate of the results of the
20 clinical examination, solely upon the receipt by the board of a
21 complaint alleging acts or conduct that would constitute grounds
22 to deny licensure.

23 (d) If an applicant for examination who has passed the California
24 law and ethics examination is the subject of a complaint or is under
25 board investigation for acts or conduct that, if proven to be true,
26 would constitute grounds for the board to deny licensure, the board
27 shall permit the applicant to take the clinical examination for
28 licensure, but may withhold the results of the examination or notify
29 the applicant that licensure will not be granted pending completion
30 of the investigation.

31 (e) Notwithstanding Section 135, the board may deny any
32 applicant who has previously failed either the California law and
33 ethics examination or the clinical examination permission to retake
34 either examination pending completion of the investigation of any
35 complaints against the applicant. Nothing in this section shall
36 prohibit the board from denying an applicant admission to any
37 examination, withholding the results, or refusing to issue a license
38 to any applicant when an accusation or statement of issues has
39 been filed against the applicant pursuant to Sections 11503 and

1 11504 of the Government Code, respectively, or the applicant has
2 been denied in accordance with subdivision (b) of Section 485.

3 (f) Notwithstanding any other provision of law, the board may
4 destroy all examination materials two years following the date of
5 an examination.

6 (g) Effective January 1, 2013, no applicant shall be eligible to
7 participate in the clinical examination if he or she fails to obtain
8 a passing score on the clinical examination within seven years
9 from his or her initial attempt, unless he or she takes and obtains
10 a passing score on the current version of the California law and
11 ethics examination.

12 (h) An applicant who has qualified pursuant to this chapter shall
13 be issued a license as a marriage and family therapist in the form
14 that the board may deem appropriate.

15 (i) This section shall become operative on January 1, 2013.

16 ~~SEC. 8.~~

17 *SEC. 9.* Section 4984.01 of the Business and Professions Code
18 is amended to read:

19 4984.01. (a) The marriage and family therapist intern
20 registration shall expire one year from the last day of the month
21 in which it was issued.

22 (b) To renew the registration, the registrant shall, on or before
23 the expiration date of the registration, complete all of the following
24 actions:

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

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

27 (3) Notify the board whether he or she has been convicted, as
28 defined in Section 490, of a misdemeanor or felony, and whether
29 any disciplinary action has been taken against him or her by a
30 regulatory or licensing board in this or any other state subsequent
31 to the last renewal of the registration.

32 (c) The registration may be renewed a maximum of five times.
33 No registration shall be renewed or reinstated beyond six years
34 from the last day of the month during which it was issued,
35 regardless of whether it has been revoked. When no further
36 renewals are possible, an applicant may apply for and obtain a new
37 intern registration if the applicant meets the educational
38 requirements for registration in effect at the time of the application
39 for a new intern registration. An applicant who is issued a
40 subsequent intern registration pursuant to this subdivision may be

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

3 (d) This section shall remain in effect only until January 1, 2013,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2013, deletes or extends that date.

6 ~~SEC. 9.~~

7 *SEC. 10.* Section 4984.01 is added to the Business and
8 Professions Code, to read:

9 4984.01. (a) The marriage and family therapist intern
10 registration shall expire one year from the last day of the month
11 in which it was issued.

12 (b) To renew the registration, the registrant shall, on or before
13 the expiration date of the registration, complete all of the following
14 actions:

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

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

17 (3) Participate in the California law and ethics examination
18 pursuant to Section 4980.399 each year until successful completion
19 of this examination.

20 (4) Notify the board whether he or she has been convicted, as
21 defined in Section 490, of a misdemeanor or felony, and whether
22 any disciplinary action has been taken against him or her by a
23 regulatory or licensing board in this or any other state subsequent
24 to the last renewal of the registration.

25 (c) The registration may be renewed a maximum of five times.
26 No registration shall be renewed or reinstated beyond six years
27 from the last day of the month during which it was issued,
28 regardless of whether it has been revoked. When no further
29 renewals are possible, an applicant may apply for and obtain a new
30 intern registration if the applicant meets the educational
31 requirements for registration in effect at the time of the application
32 for a new intern registration and has passed the California law and
33 ethics examination described in Section 4980.399. An applicant
34 who is issued a subsequent intern registration pursuant to this
35 subdivision may be employed or volunteer in any allowable work
36 setting except private practice.

37 (d) This section shall become operative on January 1, 2013.

38 ~~SEC. 10.~~

39 *SEC. 11.* Section 4984.7 of the Business and Professions Code
40 is amended to read:

1 4984.7. (a) The board shall assess the following fees relating
2 to the licensure of marriage and family therapists:
3 (1) The application fee for an intern registration shall be
4 seventy-five dollars (\$75).
5 (2) The renewal fee for an intern registration shall be
6 seventy-five dollars (\$75).
7 (3) The fee for the application for examination eligibility shall
8 be one hundred dollars (\$100).
9 (4) The fee for the standard written examination shall be one
10 hundred dollars (\$100). The fee for the clinical vignette
11 examination shall be one hundred dollars (\$100).
12 (A) An applicant who fails to appear for an examination, after
13 having been scheduled to take the examination, shall forfeit the
14 examination fee.
15 (B) The amount of the examination fees shall be based on the
16 actual cost to the board of developing, purchasing, and grading
17 each examination and the actual cost to the board of administering
18 each examination. The examination fees shall be adjusted
19 periodically by regulation to reflect the actual costs incurred by
20 the board.
21 (5) The fee for rescoring an examination shall be twenty dollars
22 (\$20).
23 (6) The fee for issuance of an initial license shall be a maximum
24 of one hundred eighty dollars (\$180).
25 (7) The fee for license renewal shall be a maximum of one
26 hundred eighty dollars (\$180).
27 (8) The fee for inactive license renewal shall be a maximum of
28 ninety dollars (\$90).
29 (9) The renewal delinquency fee shall be a maximum of ninety
30 dollars (\$90). A person who permits his or her license to expire is
31 subject to the delinquency fee.
32 (10) The fee for issuance of a replacement registration, license,
33 or certificate shall be twenty dollars (\$20).
34 (11) The fee for issuance of a certificate or letter of good
35 standing shall be twenty-five dollars (\$25).
36 (12) The fee for issuance of a retired license shall be forty dollars
37 (\$40).
38 (b) With regard to license, examination, and other fees, the
39 board shall establish fee amounts at or below the maximum
40 amounts specified in this chapter.

1 (c) This section shall remain in effect only until January 1, 2013,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2013, deletes or extends that date.

4 ~~SEC. 11.~~

5 *SEC. 12.* Section 4984.7 is added to the Business and
6 Professions Code, to read:

7 4984.7. (a) The board shall assess the following fees relating
8 to the licensure of marriage and family therapists:

9 (1) The application fee for an intern registration shall be
10 seventy-five dollars (\$75).

11 (2) The renewal fee for an intern registration shall be
12 seventy-five dollars (\$75).

13 (3) The fee for the application for examination eligibility shall
14 be one hundred dollars (\$100).

15 (4) The fee for the clinical examination shall be one hundred
16 dollars (\$100). The fee for the California law and ethics
17 examination shall be one hundred dollars (\$100).

18 (A) An applicant who fails to appear for an examination, after
19 having been scheduled to take the examination, shall forfeit the
20 examination fee.

21 (B) The amount of the examination fees shall be based on the
22 actual cost to the board of developing, purchasing, and grading
23 each examination and the actual cost to the board of administering
24 each examination. The examination fees shall be adjusted
25 periodically by regulation to reflect the actual costs incurred by
26 the board.

27 (5) The fee for rescoring an examination shall be twenty dollars
28 (\$20).

29 (6) The fee for issuance of an initial license shall be a maximum
30 of one hundred eighty dollars (\$180).

31 (7) The fee for license renewal shall be a maximum of one
32 hundred eighty dollars (\$180).

33 (8) The fee for inactive license renewal shall be a maximum of
34 ninety dollars (\$90).

35 (9) The renewal delinquency fee shall be a maximum of ninety
36 dollars (\$90). A person who permits his or her license to expire is
37 subject to the delinquency fee.

38 (10) The fee for issuance of a replacement registration, license,
39 or certificate shall be twenty dollars (\$20).

1 (11) The fee for issuance of a certificate or letter of good
2 standing shall be twenty-five dollars (\$25).

3 (12) The fee for issuance of a retired license shall be forty dollars
4 (\$40).

5 (b) With regard to license, examination, and other fees, the
6 board shall establish fee amounts at or below the maximum
7 amounts specified in this chapter.

8 (c) This section shall become operative on January 1, 2013.

9 ~~SEC. 12.~~

10 *SEC. 13.* Section 4984.72 of the Business and Professions Code
11 is amended to read:

12 4984.72. (a) An applicant who fails a standard or clinical
13 vignette written examination may, within one year from the
14 notification date of that failure, retake the examination as regularly
15 scheduled without further application upon payment of the fee for
16 the examination. Thereafter, the applicant shall not be eligible for
17 further examination until he or she files a new application, meets
18 all requirements in effect on the date of application, and pays all
19 required fees.

20 (b) This section shall remain in effect only until January 1, 2013,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2013, deletes or extends that date.

23 ~~SEC. 13.~~

24 *SEC. 14.* Section 4984.72 is added to the Business and
25 Professions Code, to read:

26 4984.72. (a) Effective January 1, 2013, an applicant who fails
27 the clinical examination may, within one year from the notification
28 date of that failure, retake the examination as regularly scheduled
29 without further application upon payment of the fee for the
30 examination. Thereafter, the applicant shall not be eligible for
31 further examination until he or she files a new application, meets
32 all requirements in effect on the date of application, and pays all
33 required fees.

34 (b) This section shall become operative on January 1, 2013.

35 ~~SEC. 14.~~

36 *SEC. 15.* Section 4992.05 is added to the Business and
37 Professions Code, to read:

38 4992.05. (a) Effective January 1, 2013, an applicant for
39 licensure as a clinical social worker shall pass the following two
40 examinations as prescribed by the board:

- 1 (1) A California law and ethics examination.
- 2 (2) A clinical examination.
- 3 (b) Upon registration with the board, an associate social worker
- 4 registrant shall, within the first year of registration, take an
- 5 examination on California law and ethics.
- 6 (c) A registrant may take the clinical examination only upon
- 7 meeting all of the following requirements:
- 8 (1) Completion of all education requirements.
- 9 (2) Passage of the California law and ethics examination.
- 10 (3) Completion of all required supervised work experience.
- 11 ~~(d) It is the intent of the Legislature that the national licensing~~
- 12 ~~examination, the Association of Social Work Boards Clinical Level~~
- 13 ~~Examination administered by the Association of Social Work~~
- 14 ~~Boards, be evaluated by the board as a requirement for licensure~~
- 15 ~~as a clinical social worker. If the board finds that this examination~~
- 16 ~~meets the prevailing standards for validation and use of the~~
- 17 ~~licensing and certification tests in California, the board may~~
- 18 ~~establish by regulation that this examination is to be used as the~~
- 19 ~~clinical examination.~~
- 20 (e)
- 21 (d) This section shall become operative on January 1, 2013.
- 22 ~~SEC. 15.~~
- 23 *SEC. 16.* Section 4992.07 is added to the Business and
- 24 Professions Code, to read:
- 25 4992.07. (a) An applicant who had previously taken and passed
- 26 the standard written examination shall also obtain a passing score
- 27 on the clinical examination in order to be eligible for licensure.
- 28 (b) An applicant who had previously failed to obtain a passing
- 29 score on the standard written examination shall obtain a passing
- 30 score on the California law and ethics examination and the clinical
- 31 examination.
- 32 (c) An applicant who had previously failed to obtain a passing
- 33 score on the clinical vignette examination shall obtain a passing
- 34 score on the clinical examination.
- 35 (d) An applicant who had obtained eligibility for the standard
- 36 written examination shall take the California law and ethics
- 37 examination and the clinical examination.
- 38 (e) This section shall become operative on January 1, 2013.

1 ~~SEC. 16.~~

2 *SEC. 17.* Section 4992.09 is added to the Business and
3 Professions Code, to read:

4 4992.09. (a) An applicant and registrant shall obtain a passing
5 score on a board-administered California law and ethics
6 examination in order to qualify for licensure.

7 (b) A registrant shall participate in a board-administered
8 California law and ethics examination prior to his or her registration
9 renewal.

10 (c) If an applicant fails the California law and ethics
11 examination, he or she may retake the examination, upon payment
12 of the required fees, without further application except for as
13 provided in subdivision (d).

14 (d) If a registrant fails to obtain a passing score on the California
15 law and ethics examination described in subdivision (a) within his
16 or her first renewal period on or after the operative date of this
17 section, he or she shall complete, at a minimum, a 12-hour course
18 in California law and ethics in order to be eligible to participate
19 in the California law and ethics examination. Registrants shall only
20 take the 12-hour California law and ethics course once during a
21 renewal period. The 12-hour law and ethics course required by the
22 section shall be taken through a board-approved continuing
23 education provider, a county, state or governmental entity, or a
24 college or university.

25 (e) The board shall not issue a subsequent registration number
26 unless the registrant has passed the California law and ethics
27 examination.

28 (f) This section shall become operative on January 1, 2013.

29 ~~SEC. 17.~~

30 *SEC. 18.* Section 4992.1 of the Business and Professions Code,
31 as amended by Section 1 of Chapter 546 of the Statutes of 2010,
32 is amended to read:

33 4992.1. (a) Only individuals who have the qualifications
34 prescribed by the board under this chapter are eligible to take the
35 examination.

36 (b) Every applicant who is issued a clinical social worker license
37 shall be examined by the board.

38 (c) Notwithstanding any other provision of law, the board may
39 destroy all examination materials two years following the date of
40 an examination.

1 (d) The board shall not deny any applicant, whose application
2 for licensure is complete, admission to the standard written
3 examination, nor shall the board postpone or delay any applicant's
4 standard written examination or delay informing the candidate of
5 the results of the standard written examination, solely upon the
6 receipt by the board of a complaint alleging acts or conduct that
7 would constitute grounds to deny licensure.

8 (e) If an applicant for examination who has passed the standard
9 written examination is the subject of a complaint or is under board
10 investigation for acts or conduct that, if proven to be true, would
11 constitute grounds for the board to deny licensure, the board shall
12 permit the applicant to take the clinical vignette written
13 examination for licensure, but may withhold the results of the
14 examination or notify the applicant that licensure will not be
15 granted pending completion of the investigation.

16 (f) Notwithstanding Section 135, the board may deny any
17 applicant who has previously failed either the standard written or
18 clinical vignette written examination permission to retake either
19 examination pending completion of the investigation of any
20 complaint against the applicant. Nothing in this section shall
21 prohibit the board from denying an applicant admission to any
22 examination, withholding the results, or refusing to issue a license
23 to any applicant when an accusation or statement of issues has
24 been filed against the applicant pursuant to Section 11503 or 11504
25 of the Government Code, or the applicant has been denied in
26 accordance with subdivision (b) of Section 485.

27 (g) On or after January 1, 2002, no applicant shall be eligible
28 to participate in a clinical vignette written examination if his or
29 her passing score on the standard written examination occurred
30 more than seven years before.

31 (h) This section shall remain in effect only until January 1, 2013,
32 and as of that date is repealed, unless a later enacted statute, that
33 is enacted before January 1, 2013, deletes or extends that date.

34 ~~SEC. 18.~~

35 *SEC. 19.* Section 4992.1 is added to the Business and
36 Professions Code, to read:

37 4992.1. (a) Only individuals who have the qualifications
38 prescribed by the board under this chapter are eligible to take an
39 examination under this chapter.

- 1 (b) Every applicant who is issued a clinical social worker license
2 shall be examined by the board.
- 3 (c) Notwithstanding any other provision of law, the board may
4 destroy all examination materials two years following the date of
5 an examination.
- 6 (d) The board shall not deny any applicant, whose application
7 for licensure is complete, admission to the clinical examination,
8 nor shall the board postpone or delay any applicant’s clinical
9 examination or delay informing the candidate of the results of the
10 clinical examination, solely upon the receipt by the board of a
11 complaint alleging acts or conduct that would constitute grounds
12 to deny licensure.
- 13 (e) If an applicant for examination who has passed the California
14 law and ethics examination is the subject of a complaint or is under
15 board investigation for acts or conduct that, if proven to be true,
16 would constitute grounds for the board to deny licensure, the board
17 shall permit the applicant to take the clinical examination for
18 licensure, but may withhold the results of the examination or notify
19 the applicant that licensure will not be granted pending completion
20 of the investigation.
- 21 (f) Notwithstanding Section 135, the board may deny any
22 applicant who has previously failed either the California law and
23 ethics examination or the clinical examination permission to retake
24 either examination pending completion of the investigation of any
25 complaint against the applicant. Nothing in this section shall
26 prohibit the board from denying an applicant admission to any
27 examination, withholding the results, or refusing to issue a license
28 to any applicant when an accusation or statement of issues has
29 been filed against the applicant pursuant to Section 11503 or 11504
30 of the Government Code, or the applicant has been denied in
31 accordance with subdivision (b) of Section 485.
- 32 (g) Effective January 1, 2013, no applicant shall be eligible to
33 participate in the clinical examination if he or she fails to obtain
34 a passing score on the clinical examination within seven years
35 from his or her initial attempt, unless he or she takes and obtains
36 a passing score on the current version of the California law and
37 ethics examination.
- 38 (h) This section shall become operative on January 1, 2013.

1 ~~SEC. 19.~~

2 *SEC. 20.* Section 4992.1 of the Business and Professions Code,
3 as added by Section 2 of Chapter 546 of the Statutes of 2010, is
4 repealed.

5 ~~SEC. 20.~~

6 *SEC. 21.* Section 4996.1 of the Business and Professions Code,
7 as amended by Section 3 of Chapter 546 of the Statutes of 2010,
8 is amended to read:

9 4996.1. (a) The board shall issue a clinical social worker
10 license to each applicant who qualifies pursuant to this article and
11 successfully passes a board-administered written or oral
12 examination or both examinations. An applicant who has
13 successfully passed a previously administered written examination
14 may be subsequently required to take and pass another written
15 examination.

16 (b) This section shall remain in effect only until January 1, 2013,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before January 1, 2013, deletes or extends that date.

19 ~~SEC. 21.~~

20 *SEC. 22.* Section 4996.1 is added to the Business and
21 Professions Code, to read:

22 4996.1. (a) Effective January 1, 2013, the board shall issue a
23 clinical social worker license to each applicant who qualifies
24 pursuant to this article and who successfully passes a California
25 law and ethics examination and a clinical examination. An
26 applicant who has successfully passed a previously administered
27 written examination may be subsequently required to take and pass
28 another written examination.

29 (b) This section shall become operative on January 1, 2013.

30 ~~SEC. 22.~~

31 *SEC. 23.* Section 4996.1 of the Business and Professions Code,
32 as added by Section 4 of Chapter 546 of the Statutes of 2010, is
33 repealed.

34 ~~SEC. 23.~~

35 *SEC. 24.* Section 4996.3 of the Business and Professions Code,
36 as amended by Section 5.3 of Chapter 548 of the Statutes of 2010,
37 is amended to read:

38 4996.3. (a) The board shall assess the following fees relating
39 to the licensure of clinical social workers:

- 1 (1) The application fee for registration as an associate clinical
2 social worker shall be seventy-five dollars (\$75).
- 3 (2) The fee for renewal of an associate clinical social worker
4 registration shall be seventy-five dollars (\$75).
- 5 (3) The fee for application for examination eligibility shall be
6 one hundred dollars (\$100).
- 7 (4) The fee for the standard written examination shall be a
8 maximum of one hundred fifty dollars (\$150). The fee for the
9 clinical vignette examination shall be one hundred dollars (\$100).
- 10 (A) An applicant who fails to appear for an examination, after
11 having been scheduled to take the examination, shall forfeit the
12 examination fees.
- 13 (B) The amount of the examination fees shall be based on the
14 actual cost to the board of developing, purchasing, and grading
15 each examination and the actual cost to the board of administering
16 each examination. The written examination fees shall be adjusted
17 periodically by regulation to reflect the actual costs incurred by
18 the board.
- 19 (5) The fee for rescoring an examination shall be twenty dollars
20 (\$20).
- 21 (6) The fee for issuance of an initial license shall be a maximum
22 of one hundred fifty-five dollars (\$155).
- 23 (7) The fee for license renewal shall be a maximum of one
24 hundred fifty-five dollars (\$155).
- 25 (8) The fee for inactive license renewal shall be a maximum of
26 seventy-seven dollars and fifty cents (\$77.50).
- 27 (9) The renewal delinquency fee shall be seventy-five dollars
28 (\$75). A person who permits his or her license to expire is subject
29 to the delinquency fee.
- 30 (10) The fee for issuance of a replacement registration, license,
31 or certificate shall be twenty dollars (\$20).
- 32 (11) The fee for issuance of a certificate or letter of good
33 standing shall be twenty-five dollars (\$25).
- 34 (12) The fee for issuance of a retired license shall be forty dollars
35 (\$40).
- 36 (b) With regard to license, examination, and other fees, the
37 board shall establish fee amounts at or below the maximum
38 amounts specified in this chapter.

1 (c) This section shall remain in effect only until January 1, 2013,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2013, deletes or extends that date.

4 ~~SEC. 24.~~

5 *SEC. 25.* Section 4996.3 is added to the Business and
6 Professions Code, to read:

7 4996.3. (a) The board shall assess the following fees relating
8 to the licensure of clinical social workers:

9 (1) The application fee for registration as an associate clinical
10 social worker shall be seventy-five dollars (\$75).

11 (2) The fee for renewal of an associate clinical social worker
12 registration shall be seventy-five dollars (\$75).

13 (3) The fee for application for examination eligibility shall be
14 one hundred dollars (\$100).

15 (4) The fee for the clinical examination shall be one hundred
16 dollars (\$100). The fee for the California law and ethics
17 examination shall be one hundred dollars (\$100).

18 (A) An applicant who fails to appear for an examination, after
19 having been scheduled to take the examination, shall forfeit the
20 examination fees.

21 (B) The amount of the examination fees shall be based on the
22 actual cost to the board of developing, purchasing, and grading
23 each examination and the actual cost to the board of administering
24 each examination. The written examination fees shall be adjusted
25 periodically by regulation to reflect the actual costs incurred by
26 the board.

27 (5) The fee for rescoring an examination shall be twenty dollars
28 (\$20).

29 (6) The fee for issuance of an initial license shall be a maximum
30 of one hundred fifty-five dollars (\$155).

31 (7) The fee for license renewal shall be a maximum of one
32 hundred fifty-five dollars (\$155).

33 (8) The fee for inactive license renewal shall be a maximum of
34 seventy-seven dollars and fifty cents (\$77.50).

35 (9) The renewal delinquency fee shall be seventy-five dollars
36 (\$75). A person who permits his or her license to expire is subject
37 to the delinquency fee.

38 (10) The fee for issuance of a replacement registration, license,
39 or certificate shall be twenty dollars (\$20).

1 (11) The fee for issuance of a certificate or letter of good
2 standing shall be twenty-five dollars (\$25).

3 (12) The fee for issuance of a retired license shall be forty dollars
4 (\$40).

5 (b) With regard to license, examination, and other fees, the
6 board shall establish fee amounts at or below the maximum
7 amounts specified in this chapter.

8 (c) This section shall become operative on January 1, 2013.

9 ~~SEC. 25.~~

10 *SEC. 26.* Section 4996.3 of the Business and Professions Code,
11 as added by Section 6 of Chapter 546 of the Statutes of 2010, is
12 repealed.

13 ~~SEC. 26.~~

14 *SEC. 27.* Section 4996.3 of the Business and Professions Code,
15 as added by Section 5.6 of Chapter 548 of the Statutes of 2010, is
16 repealed.

17 ~~SEC. 27.~~

18 *SEC. 28.* Section 4996.4 of the Business and Professions Code,
19 as amended by Section 7 of Chapter 546 of the Statutes of 2010,
20 is amended to read:

21 4996.4. (a) An applicant who fails a standard or clinical
22 vignette written examination may, within one year from the
23 notification date of failure, retake that examination as regularly
24 scheduled, without further application, upon payment of the
25 required examination fees. Thereafter, the applicant shall not be
26 eligible for further examination until he or she files a new
27 application, meets all current requirements, and pays all required
28 fees.

29 (b) This section shall remain in effect only until January 1, 2013,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2013, deletes or extends that date.

32 ~~SEC. 28.~~

33 *SEC. 29.* Section 4996.4 is added to the Business and
34 Professions Code, to read:

35 4996.4. (a) Effective January 1, 2013, an applicant who fails
36 the clinical examination may, within one year from the notification
37 date of failure, retake that examination as regularly scheduled,
38 without further application, upon payment of the required
39 examination fees. Thereafter, the applicant shall not be eligible

1 for further examination until he or she files a new application,
2 meets all current requirements, and pays all required fees.

3 (b) This section shall become operative on January 1, 2013.

4 ~~SEC. 29.~~

5 *SEC. 30.* Section 4996.4 of the Business and Professions Code,
6 as added by Section 8 of Chapter 546 of the Statutes of 2010, is
7 repealed.

8 ~~SEC. 30.~~

9 *SEC. 31.* Section 4996.28 of the Business and Professions Code
10 is amended to read:

11 4996.28. (a) Registration as an associate clinical social worker
12 shall expire one year from the last day of the month during which
13 it was issued. To renew a registration, the registrant shall, on or
14 before the expiration date of the registration, complete all of the
15 following actions:

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

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

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

23 (4) On and after January 1, 2013, obtain a passing score on the
24 California law and ethics examination pursuant to Section 4992.09.

25 (b) A registration as an associate clinical social worker may be
26 renewed a maximum of five times. When no further renewals are
27 possible, an applicant may apply for and obtain a new associate
28 clinical social worker registration if the applicant meets all
29 requirements for registration in effect at the time of his or her
30 application for a new associate clinical social worker registration.
31 An applicant issued a subsequent associate registration pursuant
32 to this subdivision may be employed or volunteer in any allowable
33 work setting except private practice.