

AMENDED IN SENATE APRIL 12, 2012

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1183

Introduced by Senator Lieu

February 22, 2012

An act to amend ~~Section~~ *Sections 4980.54 and 4996.22* of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1183, as amended, Lieu. ~~Marriage and family therapists: continuing education.~~ *Marriage and family therapists: clinical social workers: continuing education.*

Existing law provides for the licensure and regulation of marriage and family therapists *and clinical social workers* by the Board of Behavioral Sciences and imposes continuing education requirements for license renewal. *Existing law specifies that certain accredited schools shall be deemed to be approved continuing education providers for these licensees.* Existing law requires the board to approve *other* continuing education providers and authorizes the board to revoke or deny the right of a ~~provider those providers~~ to offer coursework if ~~the provider fails they fail~~ to comply with specified requirements.

This bill would ~~prohibit training regarding sexual orientation change efforts from being included in the approved continuing education coursework~~ *require continuing education providers other than accredited educational institutions and certain other institutions to be approved by an accrediting organization, and would delete the requirement for the board to approve or revoke those providers. The bill would make other conforming changes.*

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

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

1 SECTION 1. Section 4980.54 of the Business and Professions
 2 Code is amended to read:

3 4980.54. (a) The Legislature recognizes that the education and
 4 experience requirements in this chapter constitute only minimal
 5 requirements to assure that an applicant is prepared and qualified
 6 to take the licensure examinations as specified in subdivision (d)
 7 of Section 4980.40 and, if he or she passes those examinations, to
 8 begin practice.

9 (b) In order to continuously improve the competence of licensed
 10 marriage and family therapists and as a model for all
 11 psychotherapeutic professions, the Legislature encourages all
 12 licensees to regularly engage in continuing education related to
 13 the profession or scope of practice as defined in this chapter.

14 (c) Except as provided in subdivision (e), the board shall not
 15 renew any license pursuant to this chapter unless the applicant
 16 certifies to the board, on a form prescribed by the board, that he
 17 or she has completed not less than 36 hours of approved continuing
 18 education in or relevant to the field of marriage and family therapy
 19 in the preceding two years, as determined by the board.

20 (d) The board shall have the right to audit the records of any
 21 applicant to verify the completion of the continuing education
 22 requirement. Applicants shall maintain records of completion of
 23 required continuing education coursework for a minimum of two
 24 years and shall make these records available to the board for
 25 auditing purposes upon request.

26 (e) The board may establish exceptions from the continuing
 27 education requirements of this section for good cause, as defined
 28 by the board.

29 (f) The continuing education shall be obtained from one of the
 30 following sources:

31 (1) An accredited ~~school or state-approved school~~ *educational*
 32 *institution* that meets the requirements set forth in Section 4980.36
 33 or 4980.37. Nothing in this paragraph shall be construed as
 34 requiring coursework to be offered as part of a regular degree
 35 program.

1 (2) Other continuing education providers *that are approved by*
2 *accrediting organizations*, including, but not limited to, a
3 professional marriage and family therapist association, a licensed
4 health facility, a governmental entity, a continuing education unit
5 of an accredited four-year institution of higher learning, or a mental
6 health professional association, ~~approved by the board.~~

7 ~~(g) The board shall establish, by regulation, a procedure for~~
8 ~~approving providers of continuing education courses, and all~~
9 ~~providers of continuing education, as described in paragraphs (1)~~
10 ~~and (2) of subdivision (f), shall adhere to procedures established~~
11 ~~by the board. The board may revoke or deny the right of a provider~~
12 ~~to offer continuing education coursework pursuant to this section~~
13 ~~for failure to comply with the requirements of this section or any~~
14 ~~regulation adopted pursuant to this section.~~

15 ~~(h)~~

16 (g) Training, education, and coursework by approved providers
17 shall incorporate one or more of the following:

18 (1) Aspects of the discipline that are fundamental to the
19 understanding or the practice of marriage and family therapy.

20 (2) Aspects of the discipline of marriage and family therapy in
21 which significant recent developments have occurred.

22 (3) Aspects of other disciplines that enhance the understanding
23 or the practice of marriage and family therapy.

24 ~~(i) Training, education, or coursework by approved continuing~~
25 ~~education providers shall not include sexual orientation change~~
26 ~~efforts. For purposes of this subdivision, sexual orientation change~~
27 ~~efforts, also known as conversion therapy or reparative therapy,~~
28 ~~means practices aimed at changing an individual's sexual~~
29 ~~orientation.~~

30 ~~(j)~~

31 (h) A system of continuing education for licensed marriage and
32 family therapists shall include courses directly related to the
33 diagnosis, assessment, and treatment of the client population being
34 served.

35 ~~(k)~~

36 (i) The board shall, by regulation, fund the administration of
37 this section through continuing education provider fees to be
38 deposited in the Behavioral Sciences Fund. The fees related to the
39 administration of this section shall be sufficient to meet, but shall
40 not exceed, the costs of administering the corresponding provisions

1 of this section. For purposes of this subdivision, a provider of
2 continuing education as described in ~~paragraph~~ paragraphs (1)
3 and (2) of subdivision (f) shall be deemed to be an approved
4 provider.

5 ~~(f)~~

6 (j) The continuing education requirements of this section shall
7 comply fully with the guidelines for mandatory continuing
8 education established by the Department of Consumer Affairs
9 pursuant to Section 166.

10 *SEC. 2. Section 4996.22 of the Business and Professions Code*
11 *is amended to read:*

12 4996.22. (a) (1) Except as provided in subdivision (c), the
13 board shall not renew any license pursuant to this chapter unless
14 the applicant certifies to the board, on a form prescribed by the
15 board, that he or she has completed not less than 36 hours of
16 approved continuing education in or relevant to the field of social
17 work in the preceding two years, as determined by the board.

18 (2) The board shall not renew any license of an applicant who
19 began graduate study prior to January 1, 2004, pursuant to this
20 chapter unless the applicant certifies to the board that during the
21 applicant's first renewal period after the operative date of this
22 section, he or she completed a continuing education course in
23 spousal or partner abuse assessment, detection, and intervention
24 strategies, including community resources, cultural factors, and
25 same gender abuse dynamics. On and after January 1, 2005, the
26 course shall consist of not less than seven hours of training.
27 Equivalent courses in spousal or partner abuse assessment,
28 detection, and intervention strategies taken prior to the operative
29 date of this section or proof of equivalent teaching or practice
30 experience may be submitted to the board and at its discretion,
31 may be accepted in satisfaction of this requirement. Continuing
32 education courses taken pursuant to this paragraph shall be applied
33 to the 36 hours of approved continuing education required under
34 paragraph (1).

35 (b) The board shall have the right to audit the records of any
36 applicant to verify the completion of the continuing education
37 requirement. Applicants shall maintain records of completion of
38 required continuing education coursework for a minimum of two
39 years and shall make these records available to the board for
40 auditing purposes upon request.

1 (c) The board may establish exceptions from the continuing
2 education requirement of this section for good cause as defined
3 by the board.

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

6 (1) An accredited school of social work, as defined in Section
7 4991.2, or a school or department of social work that is a candidate
8 for accreditation by the Commission on Accreditation of the
9 Council on Social Work Education. Nothing in this paragraph shall
10 be construed as requiring coursework to be offered as part of a
11 regular degree program.

12 (2) Other continuing education providers *that are approved by*
13 *accrediting organizations*, including, but not limited to, a
14 professional social work association, a licensed health facility, a
15 governmental entity, a continuing education unit of an accredited
16 four-year institution of higher learning, and a mental health
17 professional association, ~~approved by the board.~~

18 ~~(e) The board shall establish, by regulation, a procedure for~~
19 ~~approving providers of continuing education courses, and all~~
20 ~~providers of continuing education, as described in paragraphs (1)~~
21 ~~and (2) of subdivision (d), shall adhere to the procedures~~
22 ~~established by the board. The board may revoke or deny the right~~
23 ~~of a provider to offer continuing education coursework pursuant~~
24 ~~to this section for failure to comply with the requirements of this~~
25 ~~section or any regulation adopted pursuant to this section.~~

26 ~~(f)~~

27 (e) Training, education, and coursework by approved providers
28 shall incorporate one or more of the following:

29 (1) Aspects of the discipline that are fundamental to the
30 understanding, or the practice, of social work.

31 (2) Aspects of the social work discipline in which significant
32 recent developments have occurred.

33 (3) Aspects of other related disciplines that enhance the
34 understanding, or the practice, of social work.

35 ~~(g)~~

36 (f) A system of continuing education for licensed clinical social
37 workers shall include courses directly related to the diagnosis,
38 assessment, and treatment of the client population being served.

39 ~~(h)~~

1 (g) The continuing education requirements of this section shall
2 comply fully with the guidelines for mandatory continuing
3 education established by the Department of Consumer Affairs
4 pursuant to Section 166.

5 (i)

6 (h) The board may adopt regulations as necessary to implement
7 this section.

8 (j)

9 (i) The board shall, by regulation, fund the administration of
10 this section through continuing education provider fees to be
11 deposited in the Behavioral Science Examiners Fund. The fees
12 related to the administration of this section shall be sufficient to
13 meet, but shall not exceed, the costs of administering the
14 corresponding provisions of this section. For purposes of this
15 subdivision, a provider of continuing education as described in
16 ~~paragraph~~ paragraphs (1) and (2) of subdivision (d) shall be
17 deemed to be an approved provider.