

AMENDED IN ASSEMBLY JUNE 6, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1527

Introduced by Senator Negrete McLeod

February 24, 2012

An act to amend Sections 4980.50, 4980.72, 4992.1, 4996.18, 4999.52, 4999.58, 4999.59, and 4999.60 of, to amend and repeal Section 4996.17 of, and to repeal Section 4999.63 of, the Business and Professions Code, relating to the Board of Behavioral Sciences.

LEGISLATIVE COUNSEL'S DIGEST

SB 1527, as amended, Negrete McLeod. Board of Behavioral Sciences: licensing.

Existing

(1) *Existing* law, the Marriage and Family Therapist Act, provides for the ~~licensing~~ *licensure* and regulation of marriage and family therapists by the Board of Behavioral Sciences. Existing law *also* authorizes the board to issue a license to a person who holds a license from another jurisdiction under certain conditions, including a requirement for the person to pass the examinations otherwise required of an applicant.

This bill would require the licensee from another jurisdiction to be in good standing. The bill would require the person *from another jurisdiction* to pass the California law and ethics examination, but would exempt the person from the clinical examination if the person has previously obtained a passing score on an examination accepted by the board, as provided by a regulation adopted by the board. The bill would, *commencing January 1, 2014*, provide that a passing score on the clinical

examination shall be accepted by the board for a period of 7 years after the examination date.

~~Existing~~

(2) *Existing* law, the Clinical Social Worker Practice Act, provides for the licensure and regulation of social workers by the Board of Behavioral Sciences. Existing law requires the board to issue a clinical social worker license to each applicant from another state who satisfies specified educational and other requirements and successfully passes examinations administered by the board.

This bill would *commencing January 1, 2014*, exempt an applicant licensed by another jurisdiction from the clinical examination if the person has previously obtained a passing score on an examination accepted by the board, pursuant to a regulation adopted by the board. The bill would, *commencing January 1, 2014*, provide that a passing score on the clinical examination shall be accepted by the board for a period of 7 years after the examination date. The bill would add the requirement that, *commencing January 1, 2014*, in order for the board to issue a clinical social worker license to an applicant ~~from~~ *licensed by another state or with experience gained in another state*, the applicant shall also complete an 18-hour course in California law and professional ethics, as specified. The bill would repeal related provisions made obsolete by the repeal of Section 4996.1 of the Business and Professions Code, as added by Section 4 of AB 2167 of the 2009–10 Regular Session.

Existing law requires a person who wishes to be credited with experience toward license requirements to register with the board as an associate clinical social worker. Existing law requires an applicant for registration to satisfy certain requirements.

This bill would, *commencing January 1, 2014*, add the requirement for completion of training or coursework, *which may be embedded in more than one course*, in California law and professional ethics, as specified.

~~Existing~~

(3) *Existing* law, the Licensed Professional Clinical Counselor Act, provides for ~~licensing~~ *the licensure* and regulation of professional clinical counselors by the Board of Behavioral Sciences. *Existing law, until January 1, 2013, requires every applicant for a license as a professional clinical counselor to be examined by the board and requires the board to evaluate various national licensing examinations and other examinations, as necessary, for use as requirements for licensure.*

Existing law authorizes the board to issue a license to a person who holds a license from another jurisdiction under certain conditions, including a requirement for the person to pass the examinations otherwise required of an applicant.

This bill would *extend those examination evaluation provisions to January 1, 2014, and would additionally specify that, whichever examination the board decides to require for licensure, a passing score on such examination shall be accepted by the board for a period of 7 years from the date the examination was taken. The bill would exempt the person with a license from another jurisdiction from the clinical specified examination if the person has previously obtained a passing score on an examination accepted by the board, as provided by a regulation adopted by the board that is currently required by the board.* The bill would, *commencing January 1, 2014*, provide that a passing score on the clinical examination, *as described below*, shall be accepted by the board for a period of 7 years after the examination date.

(4) Commencing January 1, 2013, existing law for the practice areas of marriage and family therapy, social work, and professional clinical counselors, requires applicants for a license to pass a clinical examination and a California law and ethics examination, subject to specified fees.

This bill would instead make those examination requirements operative on January 1, 2014.

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 4980.50 of the Business and Professions
2 Code, as added by Section 8 of Chapter 387 of the Statutes of
3 2011, is amended to read:
4 4980.50. Effective January 1, ~~2013~~ 2014, the following shall
5 apply:
6 (a) Every applicant who meets the educational and experience
7 requirements and applies for a license as a marriage and family
8 therapist shall be examined by the board. The examinations shall
9 be as set forth in subdivision (d) of Section 4980.40. The
10 examinations shall be given at least twice a year at a time and place
11 and under supervision as the board may determine. The board shall
12 examine the candidate with regard to his or her knowledge and

1 professional skills and his or her judgment in the utilization of
2 appropriate techniques and methods.

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

9 (c) The board shall not deny any applicant, whose application
10 for licensure is complete, admission to the clinical examination,
11 nor shall the board postpone or delay any applicant's clinical
12 examination or delay informing the candidate of the results of the
13 clinical examination, solely upon the receipt by the board of a
14 complaint alleging acts or conduct that would constitute grounds
15 to deny licensure.

16 (d) If an applicant for examination who has passed the California
17 law and ethics examination is the subject of a complaint or is under
18 board investigation for acts or conduct that, if proven to be true,
19 would constitute grounds for the board to deny licensure, the board
20 shall permit the applicant to take the clinical examination for
21 licensure, but may withhold the results of the examination or notify
22 the applicant that licensure will not be granted pending completion
23 of the investigation.

24 (e) Notwithstanding Section 135, the board may deny any
25 applicant who has previously failed either the California law and
26 ethics examination or the clinical examination permission to retake
27 either examination pending completion of the investigation of any
28 complaints against the applicant. Nothing in this section shall
29 prohibit the board from denying an applicant admission to any
30 examination, withholding the results, or refusing to issue a license
31 to any applicant when an accusation or statement of issues has
32 been filed against the applicant pursuant to Sections 11503 and
33 11504 of the Government Code, respectively, or the applicant has
34 been denied in accordance with subdivision (b) of Section 485.

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

38 (g) Effective January 1, ~~2013~~ 2014, no applicant shall be eligible
39 to participate in the clinical examination if he or she fails to obtain
40 a passing score on the clinical examination within seven years

1 from his or her initial attempt, unless he or she takes and obtains
2 a passing score on the current version of the California law and
3 ethics examination.

4 (h) A passing score on the clinical examination shall be accepted
5 by the board for a period of seven years from the date the
6 examination was taken.

7 (i) An applicant who has qualified pursuant to this chapter shall
8 be issued a license as a marriage and family therapist in the form
9 that the board may deem appropriate.

10 (j) This section shall become operative on January 1, ~~2013~~ 2014.

11 SEC. 2. Section 4980.72 of the Business and Professions Code
12 is amended to read:

13 4980.72. (a) This section applies to persons who are licensed
14 outside of California and apply for licensure on or after January
15 1, 2014.

16 (b) The board may issue a license to a person who, at the time
17 of submitting an application for a license pursuant to this chapter,
18 holds a valid license in good standing issued by a board of marriage
19 counselor examiners, board of marriage and family therapists, or
20 corresponding authority, of any state or country, if all of the
21 following conditions are satisfied:

22 (1) The applicant's education is substantially equivalent, as
23 defined in Section 4980.78. The applicant's degree title need not
24 be identical to that required by Section 4980.36 or 4980.37.

25 (2) The applicant complies with Section 4980.76, if applicable.

26 (3) The applicant's supervised experience is substantially
27 equivalent to that required for a license under this chapter. The
28 board shall consider hours of experience obtained outside of
29 California during the six-year period immediately preceding the
30 date the applicant initially obtained the license described above.

31 (4) The applicant passes the California law and ethics
32 examination.

33 (5) The applicant passes a clinical examination designated by
34 the board. An applicant who obtained his or her license or
35 registration under another jurisdiction may apply for licensure with
36 the board without taking the clinical examination if both of the
37 following conditions are met:

38 (A) The applicant obtained a passing score on the licensing
39 examination set forth in regulation as accepted by the board.

1 (B) The applicant's license or registration in that jurisdiction is
2 in good standing at the time of his or her application and has not
3 been revoked, suspended, surrendered, denied, or otherwise
4 restricted or encumbered as a result of any disciplinary proceeding
5 brought by the licensing authority of that jurisdiction.

6 SEC. 3. Section 4992.1 of the Business and Professions Code,
7 as added by Section 19 of Chapter 387 of the Statutes of 2011, is
8 amended to read:

9 4992.1. (a) Only individuals who have the qualifications
10 prescribed by the board under this chapter are eligible to take an
11 examination under this chapter.

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

14 (c) Notwithstanding any other provision of law, the board may
15 destroy all examination materials two years following the date of
16 an examination.

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

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

32 (f) Notwithstanding Section 135, the board may deny any
33 applicant who has previously failed either the California law and
34 ethics examination or the clinical examination permission to retake
35 either examination pending completion of the investigation of any
36 complaint against the applicant. Nothing in this section shall
37 prohibit the board from denying an applicant admission to any
38 examination, withholding the results, or refusing to issue a license
39 to any applicant when an accusation or statement of issues has
40 been filed against the applicant pursuant to Section 11503 or 11504

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

3 (g) Effective January 1, ~~2013~~ 2014, no applicant shall be eligible
4 to participate in the clinical examination if he or she fails to obtain
5 a passing score on the clinical examination within seven years
6 from his or her initial attempt, unless he or she takes and obtains
7 a passing score on the current version of the California law and
8 ethics examination.

9 (h) A passing score on the clinical examination shall be accepted
10 by the board for a period of seven years from the date the
11 examination was taken.

12 (i) This section shall become operative on January 1, ~~2013~~ 2014.

13 SEC. 4. Section 4996.17 of the Business and Professions Code,
14 as amended by Section 53.5 of Chapter 653 of the Statutes of 2010,
15 is amended to read:

16 4996.17. (a) (1) Experience gained outside of California shall
17 be accepted toward the licensure requirements if it is substantially
18 the equivalent of the requirements of this chapter.

19 (2) *Commencing January 1, 2014, an applicant with experience*
20 *gained outside of California shall complete an 18-hour course in*
21 *California law and professional ethics. The content of the course*
22 *shall include, but not be limited to, the following: advertising,*
23 *scope of practice, scope of competence, treatment of minors,*
24 *confidentiality, dangerous patients, psychotherapist-patient*
25 *privilege, recordkeeping, patient access to records, state and*
26 *federal laws related to confidentiality of patient health information,*
27 *dual relationships, child abuse, elder and dependent adult abuse,*
28 *online therapy, insurance reimbursement, civil liability,*
29 *disciplinary actions and unprofessional conduct, ethics complaints*
30 *and ethical standards, termination of therapy, standards of care,*
31 *relevant family law, therapist disclosures to patients, differences*
32 *in legal and ethical standards in different types of work settings,*
33 *and licensing law and process.*

34 (b) The board may issue a license to any person who, at the time
35 of application, holds a valid active clinical social work license
36 issued by a board of clinical social work examiners or
37 corresponding authority of any state, if the person passes, or has
38 passed, the licensing examinations as specified in Section 4996.1
39 and pays the required fees. Issuance of the license is conditioned
40 upon all of the following:

1 (1) The applicant has supervised experience that is substantially
2 the equivalent of that required by this chapter. If the applicant has
3 less than 3,200 hours of qualifying supervised experience, time
4 actively licensed as a clinical social worker shall be accepted at a
5 rate of 100 hours per month up to a maximum of 1,200 hours.

6 (2) Completion of the following coursework or training in or
7 out of this state:

8 (A) A minimum of seven contact hours of training or coursework
9 in child abuse assessment and reporting as specified in Section 28,
10 and any regulations promulgated thereunder.

11 (B) A minimum of 10 contact hours of training or coursework
12 in human sexuality as specified in Section 25, and any regulations
13 promulgated thereunder.

14 (C) A minimum of 15 contact hours of training or coursework
15 in alcoholism and other chemical substance dependency, as
16 specified by regulation.

17 (D) A minimum of 15 contact hours of coursework or training
18 in spousal or partner abuse assessment, detection, and intervention
19 strategies.

20 (3) Commencing January 1, ~~2013~~ 2014, completion of an
21 18-hour course in California law and professional ethics. The
22 content of the course shall include, but not be limited to, the
23 following: advertising, scope of practice, scope of competence,
24 treatment of minors, confidentiality, dangerous patients,
25 psychotherapist-patient privilege, recordkeeping, patient access
26 to records, state and federal laws related to confidentiality of patient
27 health information, dual relationships, child abuse, elder and
28 dependent adult abuse, online therapy, insurance reimbursement,
29 civil liability, disciplinary actions and unprofessional conduct,
30 ethics complaints and ethical standards, termination of therapy,
31 standards of care, relevant family law, therapist disclosures to
32 patients, differences in legal and ethical standards in different types
33 of work settings, and licensing law and process.

34 (4) The applicant's license is not suspended, revoked, restricted,
35 sanctioned, or voluntarily surrendered in any state.

36 (5) The applicant is not currently under investigation in any
37 other state, and has not been charged with an offense for any act
38 substantially related to the practice of social work by any public
39 agency, entered into any consent agreement or been subject to an
40 administrative decision that contains conditions placed by an

1 agency upon an applicant’s professional conduct or practice,
2 including any voluntary surrender of license, or been the subject
3 of an adverse judgment resulting from the practice of social work
4 that the board determines constitutes evidence of a pattern of
5 incompetence or negligence.

6 (6) The applicant shall provide a certification from each state
7 where he or she holds a license pertaining to licensure, disciplinary
8 action, and complaints pending.

9 (7) The applicant is not subject to denial of licensure under
10 Section 480, 4992.3, 4992.35, or 4992.36.

11 (c) The board may issue a license to any person who, at the time
12 of application, holds a valid, active clinical social work license
13 issued by a board of clinical social work examiners or a
14 corresponding authority of any state, if the person has held that
15 license for at least four years immediately preceding the date of
16 application, the person passes, or has passed, the licensing
17 examinations as specified in Section 4996.1, and the person pays
18 the required fees. Issuance of the license is conditioned upon all
19 of the following:

20 (1) Completion of the following coursework or training in or
21 out of state:

22 (A) A minimum of seven contact hours of training or coursework
23 in child abuse assessment and reporting as specified in Section 28,
24 and any regulations promulgated thereunder.

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

28 (C) A minimum of 15 contact hours of training or coursework
29 in alcoholism and other chemical substance dependency, as
30 specified by regulation.

31 (D) A minimum of 15 contact hours of coursework or training
32 in spousal or partner abuse assessment, detection, and intervention
33 strategies.

34 (2) Commencing January 1, ~~2013~~ 2014, completion of an
35 18-hour course in California law and professional ethics. The
36 content of the course shall include, but not be limited to, the
37 following: advertising, scope of practice, scope of competence,
38 treatment of minors, confidentiality, dangerous patients,
39 psychotherapist-patient privilege, recordkeeping, patient access
40 to records, state and federal laws related to confidentiality of patient

1 health information, dual relationships, child abuse, elder and
2 dependent adult abuse, online therapy, insurance reimbursement,
3 civil liability, disciplinary actions and unprofessional conduct,
4 ethics complaints and ethical standards, termination of therapy,
5 standards of care, relevant family law, therapist disclosures to
6 patients, differences in legal and ethical standards in different types
7 of work settings, and licensing law and process.

8 (3) The applicant has been licensed as a clinical social worker
9 continuously for a minimum of four years prior to the date of
10 application.

11 (4) The applicant's license is not suspended, revoked, restricted,
12 sanctioned, or voluntarily surrendered in any state.

13 (5) The applicant is not currently under investigation in any
14 other state, and has not been charged with an offense for any act
15 substantially related to the practice of social work by any public
16 agency, entered into any consent agreement or been subject to an
17 administrative decision that contains conditions placed by an
18 agency upon an applicant's professional conduct or practice,
19 including any voluntary surrender of license, or been the subject
20 of an adverse judgment resulting from the practice of social work
21 that the board determines constitutes evidence of a pattern of
22 incompetence or negligence.

23 (6) The applicant provides a certification from each state where
24 he or she holds a license pertaining to licensure, disciplinary action,
25 and complaints pending.

26 (7) The applicant is not subject to denial of licensure under
27 Section 480, 4992.3, 4992.35, or 4992.36.

28 (d) ~~An~~ *Commencing January 1, 2014, an* applicant who obtained
29 his or her license or registration under another jurisdiction may
30 apply for licensure with the board without taking the clinical
31 examination specified in Section 4996.1 if the applicant obtained
32 a passing score on the licensing examination set forth in regulation
33 as accepted by the board.

34 SEC. 5. Section 4996.17 of the Business and Professions Code,
35 as added by Section 10 of Chapter 546 of the Statutes of 2010, is
36 repealed.

37 SEC. 6. Section 4996.17 of the Business and Professions Code,
38 as added by Section 53.7 of Chapter 653 of the Statutes of 2010,
39 is repealed.

1 SEC. 7. Section 4996.18 of the Business and Professions Code
2 is amended to read:

3 4996.18. (a) A person who wishes to be credited with
4 experience toward licensure requirements shall register with the
5 board as an associate clinical social worker prior to obtaining that
6 experience. The application shall be made on a form prescribed
7 by the board.

8 (b) An applicant for registration shall satisfy the following
9 requirements:

10 (1) Possess a master's degree from an accredited school or
11 department of social work.

12 (2) Have committed no crimes or acts constituting grounds for
13 denial of licensure under Section 480.

14 (3) Commencing January 1, ~~2013~~ 2014, have completed training
15 or coursework, *which may be embedded within more than one*
16 *course*, in California law and professional ethics for clinical social
17 workers, including instruction in all of the following areas of study:

18 (A) Contemporary professional ethics and statutes, regulations,
19 and court decisions that delineate the scope of practice of clinical
20 social work.

21 (B) The therapeutic, clinical, and practical considerations
22 involved in the legal and ethical practice of clinical social work,
23 including, but not limited to, family law.

24 (C) The current legal patterns and trends in the mental health
25 professions.

26 (D) The psychotherapist-patient privilege, confidentiality,
27 dangerous patients, and the treatment of minors with and without
28 parental consent.

29 (E) A recognition and exploration of the relationship between
30 a practitioner's sense of self and human values, and his or her
31 professional behavior and ethics.

32 (F) Differences in legal and ethical standards for different types
33 of work settings.

34 (G) Licensing law and process.

35 (c) An applicant who possesses a master's degree from a school
36 or department of social work that is a candidate for accreditation
37 by the Commission on Accreditation of the Council on Social
38 Work Education shall be eligible, and shall be required, to register
39 as an associate clinical social worker in order to gain experience
40 toward licensure if the applicant has not committed any crimes or

1 acts that constitute grounds for denial of licensure under Section
2 480. That applicant shall not, however, be eligible for examination
3 until the school or department of social work has received
4 accreditation by the Commission on Accreditation of the Council
5 on Social Work Education.

6 (d) Any experience obtained under the supervision of a spouse
7 or relative by blood or marriage shall not be credited toward the
8 required hours of supervised experience. Any experience obtained
9 under the supervision of a supervisor with whom the applicant has
10 a personal relationship that undermines the authority or
11 effectiveness of the supervision shall not be credited toward the
12 required hours of supervised experience.

13 (e) An applicant who possesses a master's degree from an
14 accredited school or department of social work shall be able to
15 apply experience the applicant obtained during the time the
16 accredited school or department was in candidacy status by the
17 Commission on Accreditation of the Council on Social Work
18 Education toward the licensure requirements, if the experience
19 meets the requirements of Section 4996.23. This subdivision shall
20 apply retroactively to persons who possess a master's degree from
21 an accredited school or department of social work and who
22 obtained experience during the time the accredited school or
23 department was in candidacy status by the Commission on
24 Accreditation of the Council on Social Work Education.

25 (f) An applicant for registration or licensure trained in an
26 educational institution outside the United States shall demonstrate
27 to the satisfaction of the board that he or she possesses a master's
28 of social work degree that is equivalent to a master's degree issued
29 from a school or department of social work that is accredited by
30 the Commission on Accreditation of the Council on Social Work
31 Education. These applicants shall provide the board with a
32 comprehensive evaluation of the degree and shall provide any
33 other documentation the board deems necessary. The board has
34 the authority to make the final determination as to whether a degree
35 meets all requirements, including, but not limited to, course
36 requirements regardless of evaluation or accreditation.

37 (g) A registrant shall not provide clinical social work services
38 to the public for a fee, monetary or otherwise, except as an
39 employee.

1 (h) A registrant shall inform each client or patient prior to
2 performing any professional services that he or she is unlicensed
3 and is under the supervision of a licensed professional.

4 *SEC. 8. Section 4999.52 of the Business and Professions Code,*
5 *as amended by Section 38 of Chapter 387 of the Statutes of 2011,*
6 *is amended to read:*

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

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

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

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

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

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

35 (5) If national examinations do not meet the standards specified
36 in paragraph (2), the board may require a passing score on either
37 of the following:

38 (A) The national examinations plus one or more
39 board-developed examinations.

40 (B) One or more board-developed examinations.

1 (6) *If the board decides to require a national examination*
2 *specified in paragraph (1), a passing score on this examination*
3 *shall be accepted by the board for a period of seven years from*
4 *the date the examination was taken.*

5 (7) *If the board decides to require the examinations specified*
6 *in paragraph (5), a passing score on these examinations shall be*
7 *accepted by the board for a period of seven years from the date*
8 *the examination was taken.*

9 ~~(6)~~

10 (8) The licensing examinations shall also incorporate a
11 California law and ethics examination element that is acceptable
12 to the board, or, as an alternative, the board may develop a separate
13 California law and ethics examination.

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

20 (e) The board shall not deny any applicant whose application
21 for licensure is complete admission to the examinations, nor shall
22 the board postpone or delay any applicant's examinations or delay
23 informing the candidate of the results of the examinations, solely
24 upon the receipt by the board of a complaint alleging acts or
25 conduct that would constitute grounds to deny licensure.

26 (f) If an applicant for examination is the subject of a complaint
27 or is under board investigation for acts or conduct that, if proven
28 to be true, would constitute grounds for the board to deny licensure,
29 the board shall permit the applicant to take the examinations, but
30 may notify the applicant that licensure will not be granted pending
31 completion of the investigation.

32 (g) Notwithstanding Section 135, the board may deny any
33 applicant who has previously failed an examination permission to
34 retake that examination pending completion of the investigation
35 of any complaints against the applicant.

36 (h) Nothing in this section shall prohibit the board from denying
37 an applicant admission to any examination, withholding the results,
38 or refusing to issue a license to any applicant when an accusation
39 or statement of issues has been filed against the applicant pursuant
40 to Section 11503 or 11504 of the Government Code, respectively,

1 or the application has been denied in accordance with subdivision
2 (b) of Section 485.

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

6 (j) This section shall remain in effect only until January 1, ~~2013~~
7 2014, and as of that date is repealed, unless a later enacted statute,
8 that is enacted before January 1, ~~2013~~ 2014, deletes or extends
9 that date.

10 ~~SEC. 8.~~

11 *SEC. 9.* Section 4999.52 of the Business and Professions Code,
12 as added by Section 39 of Chapter 387 of the Statutes of 2011, is
13 amended to read:

14 4999.52. (a) Except as provided in Section 4999.54, every
15 applicant for a license as a professional clinical counselor shall be
16 examined by the board. The board shall examine the candidate
17 with regard to his or her knowledge and professional skills and his
18 or her judgment in the utilization of appropriate techniques and
19 methods.

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

22 (c) The board shall not deny any applicant who has submitted
23 a complete application for examination admission to the licensure
24 examinations required by this section if the applicant meets the
25 educational and experience requirements of this chapter, and has
26 not committed any acts or engaged in any conduct that would
27 constitute grounds to deny licensure.

28 (d) The board shall not deny any applicant whose application
29 for licensure is complete admission to the examinations specified
30 by paragraph (2) of subdivision (a) of Section 4999.53, nor shall
31 the board postpone or delay this examination for any applicant or
32 delay informing the candidate of the results of this examination,
33 solely upon the receipt by the board of a complaint alleging acts
34 or conduct that would constitute grounds to deny licensure.

35 (e) If an applicant for the examination specified by paragraph
36 (2) of subdivision (a) of Section 4999.53, who has passed the
37 California law and ethics examination, is the subject of a complaint
38 or is under board investigation for acts or conduct that, if proven
39 to be true, would constitute grounds for the board to deny licensure,
40 the board shall permit the applicant to take this examination, but

1 may notify the applicant that licensure will not be granted pending
2 completion of the investigation.

3 (f) Notwithstanding Section 135, the board may deny any
4 applicant who has previously failed either the California law and
5 ethics examination, or the examination specified by paragraph (2)
6 of subdivision (a) of Section 4999.53, permission to retake either
7 examination pending completion of the investigation of any
8 complaints against the applicant.

9 (g) Nothing in this section shall prohibit the board from denying
10 an applicant admission to any examination, withholding the results,
11 or refusing to issue a license to any applicant when an accusation
12 or statement of issues has been filed against the applicant pursuant
13 to Section 11503 or 11504 of the Government Code, respectively,
14 or the application has been denied in accordance with subdivision
15 (b) of Section 485.

16 (h) Notwithstanding any other provision of law, the board may
17 destroy all examination materials two years following the date of
18 an examination.

19 (i) On and after January 1, ~~2013~~ 2014, the examination specified
20 by paragraph (2) of subdivision (a) of Section 4999.53 shall be
21 passed within seven years of an applicant's initial attempt.

22 (j) A passing score on the clinical examination shall be accepted
23 by the board for a period of seven years from the date the
24 examination was taken.

25 (k) No applicant shall be eligible to participate in the
26 examination specified by paragraph (2) of subdivision (a) of
27 Section 4999.53, if he or she fails to obtain a passing score on this
28 examination within seven years from his or her initial attempt. If
29 the applicant fails to obtain a passing score within seven years of
30 initial attempt, he or she shall obtain a passing score on the current
31 version of the California law and ethics examination in order to
32 be eligible to retake this examination.

33 (l) The provisions of this section shall become operative on
34 January 1, ~~2013~~ 2014.

35 ~~SEC. 9.~~

36 *SEC. 10.* Section 4999.58 of the Business and Professions Code
37 is amended to read:

38 4999.58. (a) This section applies to a person who applies for
39 examination eligibility between January 1, 2011, and December

1 31, 2013, inclusive, and who meets both of the following
2 requirements:

3 (1) At the time of application, holds a valid license as a
4 professional clinical counselor, or other counseling license that
5 allows the applicant to independently provide clinical mental health
6 services, in another jurisdiction of the United States.

7 (2) Has held the license described in paragraph (1) for at least
8 two years immediately preceding the date of application.

9 (b) The board may issue a license to a person described in
10 subdivision (a) if all of the following requirements are satisfied:

11 (1) The education and supervised experience requirements of
12 the other jurisdiction are substantially the equivalent of this chapter,
13 as described in subdivision (e) and in Section 4999.46.

14 (2) The person complies with subdivision (b) of Section 4999.40,
15 if applicable.

16 (3) The person successfully completes the examinations required
17 by the board pursuant to paragraph (3) of subdivision (a) of Section
18 4999.50. An applicant who obtained his or her license or
19 registration under another jurisdiction *by taking a national*
20 *examination that is required by the board* may apply for licensure
21 with the board without ~~taking the clinical~~ *retaking that* examination
22 if both of the following conditions are met:

23 (A) The applicant obtained a passing score on the *national*
24 *licensing examination set forth in regulation as accepted that is*
25 *required* by the board.

26 (B) The applicant's license or registration in that jurisdiction is
27 in good standing at the time of his or her application and has not
28 been revoked, suspended, surrendered, denied, or otherwise
29 restricted or encumbered as a result of any disciplinary proceeding
30 brought by the licensing authority of that jurisdiction.

31 (4) The person pays the required fees.

32 (c) Experience gained outside of California shall be accepted
33 toward the licensure requirements if it is substantially equivalent
34 to that required by this chapter. The board shall consider hours of
35 experience obtained in another state during the six-year period
36 immediately preceding the applicant's initial licensure by that state
37 as a licensed professional clinical counselor.

38 (d) Education gained while residing outside of California shall
39 be accepted toward the licensure requirements if it is substantially
40 equivalent to the education requirements of this chapter, if the

1 applicant has completed the training or coursework required under
2 subdivision (e) of Section 4999.32, and if the applicant completes,
3 in addition to the course described in subparagraph (I) of paragraph
4 (1) of subdivision (c) of Section 4999.32, an 18-hour course in
5 California law and professional ethics that includes, but is not
6 limited to, instruction in advertising, scope of practice, scope of
7 competence, treatment of minors, confidentiality, dangerous clients,
8 psychotherapist-client privilege, recordkeeping, client access to
9 records, ~~state and federal laws related to confidentiality of patient~~
10 ~~health information~~ *the Health Insurance Portability and*
11 *Accountability Act*, dual relationships, child abuse, elder and
12 dependent adult abuse, online therapy, insurance reimbursement,
13 civil liability, disciplinary actions and unprofessional conduct,
14 ethics complaints and ethical standards, termination of therapy,
15 standards of care, relevant family law, and therapist disclosures
16 to clients.

17 (e) For purposes of this section, the board may, in its discretion,
18 accept education as substantially equivalent if the applicant's
19 education meets the requirements of Section 4999.32. If the
20 applicant's degree does not contain the content or the overall units
21 required by Section 4999.32, the board may, in its discretion, accept
22 the applicant's education as substantially equivalent if the following
23 criteria are satisfied:

24 (1) The applicant's degree contains the required number of
25 practicum units under paragraph (3) of subdivision (c) of Section
26 4999.32.

27 (2) The applicant remediates his or her specific deficiency by
28 completing the course content and units required by Section
29 4999.32.

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

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

34 ~~SEC. 10.~~

35 *SEC. 11.* Section 4999.59 of the Business and Professions Code
36 is amended to read:

37 4999.59. (a) This section applies to a person who applies for
38 examination eligibility or registration between January 1, 2011,
39 and December 31, 2013, inclusive, who meets both of the following
40 requirements:

1 (1) At the time of application, holds a valid license described
2 in paragraph (1) of subdivision (a) of Section 4999.58.

3 (2) Has held the license described in paragraph (1) for less than
4 two years immediately preceding the date of application.

5 (b) Experience gained outside of California shall be accepted
6 toward the licensure requirements if it is substantially equivalent
7 to that required by this chapter, if the applicant complies with
8 Section 4999.40, if applicable, and if the applicant has gained a
9 minimum of 250 hours of supervised experience in direct
10 counseling within California while registered as an intern with the
11 board. The board shall consider hours of experience obtained in
12 another state during the six-year period immediately preceding the
13 applicant's initial licensure in that state as a professional clinical
14 counselor.

15 (c) Education gained while residing outside of California shall
16 be accepted toward the licensure requirements if it is substantially
17 equivalent to the education requirements of this chapter, if the
18 applicant has completed the training or coursework required under
19 subdivision (e) of Section 4999.32, and if the applicant completes,
20 in addition to the course described in subparagraph (I) of paragraph
21 (1) of subdivision (c) of Section 4999.32, an 18-hour course in
22 California law and professional ethics that includes, but is not
23 limited to, instruction in advertising, scope of practice, scope of
24 competence, treatment of minors, confidentiality, dangerous clients,
25 psychotherapist-client privilege, recordkeeping, client access to
26 records, ~~state and federal laws related to confidentiality of patient~~
27 ~~health information~~ *the Health Insurance Portability and*
28 *Accountability Act*, dual relationships, child abuse, elder and
29 dependent adult abuse, online therapy, insurance reimbursement,
30 civil liability, disciplinary actions and unprofessional conduct,
31 ethics complaints and ethical standards, termination of therapy,
32 standards of care, relevant family law, and therapist disclosures
33 to clients.

34 (d) For purposes of this section, the board may, in its discretion,
35 accept education as substantially equivalent if the applicant's
36 education meets the requirements of Section 4999.32. If the
37 applicant's degree does not contain the content or the overall units
38 required by Section 4999.32, the board may, in its discretion, accept
39 the applicant's education as substantially equivalent if the following
40 criteria are satisfied:

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

4 (2) The applicant remediates his or her specific deficiency by
5 completing the course content and units required by Section
6 4999.32.

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

8 (e) An applicant who obtained his or her license or registration
9 under another jurisdiction *by taking a national examination that*
10 *is required by the board* may apply for licensure with the board
11 without ~~taking the clinical~~ *retaking that* examination if both of the
12 following conditions are met:

13 (1) The applicant obtained a passing score on the *national*
14 *licensing examination set forth in regulation as accepted that is*
15 *required* by the board.

16 (2) The applicant's license or registration in that jurisdiction is
17 in good standing at the time of his or her application and has not
18 been revoked, suspended, surrendered, denied, or otherwise
19 restricted or encumbered as a result of any disciplinary proceeding
20 brought by the licensing authority of that jurisdiction.

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

24 ~~SEC. 11.~~

25 *SEC. 12.* Section 4999.60 of the Business and Professions Code
26 is amended to read:

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

30 (b) The board may issue a license to a person who, at the time
31 of submitting an application for a license pursuant to this chapter,
32 holds a valid license as a professional clinical counselor, or other
33 counseling license that allows the applicant to independently
34 provide clinical mental health services, in another jurisdiction of
35 the United States if all of the following conditions are satisfied:

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

38 (2) The applicant complies with subdivision (b) of Section
39 4999.40, if applicable.

1 (3) The applicant's supervised experience is substantially
2 equivalent to that required for a license under this chapter. The
3 board shall consider hours of experience obtained outside of
4 California during the six-year period immediately preceding the
5 date the applicant initially obtained the license described above.

6 (4) The applicant passes the examinations required to obtain a
7 license under this chapter. An applicant who obtained his or her
8 license or registration under another jurisdiction may apply for
9 licensure with the board without taking the clinical examination
10 if both of the following conditions are met:

11 (A) The applicant obtained a passing score on the licensing
12 examination set forth in regulation as accepted by the board.

13 (B) The applicant's license or registration in that jurisdiction is
14 in good standing at the time of his or her application and has not
15 been revoked, suspended, surrendered, denied, or otherwise
16 restricted or encumbered as a result of any disciplinary proceeding
17 brought by the licensing authority of that jurisdiction.

18 ~~SEC. 12.~~

19 *SEC. 13.* Section 4999.63 of the Business and Professions Code
20 is repealed.