

AMENDED IN ASSEMBLY AUGUST 6, 2012

AMENDED IN ASSEMBLY JUNE 28, 2012

AMENDED IN ASSEMBLY JUNE 20, 2012

AMENDED IN ASSEMBLY JUNE 12, 2012

AMENDED IN SENATE APRIL 16, 2012

SENATE BILL

No. 1575

Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Strickland, Vargas, and Wyland)

March 12, 2012

An act to amend Sections 1640, 1715.5, 1934, 1950.5, 2021, 2064, 2184, 2220, 2424, 2516, 2518, 2570.13, 2904.5, 3057.5, 3742, 3750, 3750.5, 4209, 4980.04, 4980.34, 4980.397, 4980.398, 4980.399, 4980.40, 4980.43, 4980.44, 4980.48, 4980.50, 4980.78, 4980.80, 4984.01, 4984.4, 4984.7, 4984.72, 4989.16, 4989.42, 4992.05, 4992.07, 4992.09, 4992.1, 4996.1, 4996.3, 4996.4, 4996.6, 4996.28, 4999.22, 4999.32, 4999.45, 4999.46, 4999.50, 4999.52, 4999.53, 4999.55, 4999.57, 4999.58, 4999.59, 4999.62, 4999.63, 4999.64, 4999.76, 4999.90, 4999.100, 4999.106, and 4999.120 of, to add Sections 719, 1902.2, ~~1942~~, 1958.1, and 4300.1 to, and to repeal Section 1909.5 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1575, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

(1) Under existing federal law, licensed health professionals employed by a tribal health program are required to be exempt, if licensed in any state, from the licensing requirements of the state in which the tribal health program performs specified services. A tribal health program is defined as an Indian tribe or tribal organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Indian Health Service.

Existing law provides for the licensure and regulation of health care practitioners by various healing arts boards within the Department of Consumer Affairs.

This bill would codify that federal requirement by specifying that a person who is licensed as a health care practitioner in any other state and is employed by a tribal health program is exempt from this state's licensing requirements with respect to acts authorized under the person's license where the tribal health program performs specified services.

(1)

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California within the Department of Consumer Affairs. Existing law establishes the Dental Hygiene Committee of California under the jurisdiction of the board and provides for the licensure and regulation of the practice of dental hygienists by the committee.

This bill would require dental hygienists, upon initial licensure and renewal, to report their employment status to the committee and would require that information to be posted on the committee's Internet Web site. ~~This bill would also require an approved dental hygiene education program to register extramural dental facilities, as defined, with the committee.~~

Existing law provides that a dental hygienist may have his or her license suspended or revoked by the board for committing acts of unprofessional conduct, as defined.

This bill would include within the definition of unprofessional conduct the aiding or abetting of the unlicensed or unlawful practice of dental hygiene.

Existing law authorizes the committee to deny an application for licensure or to revoke or suspend a license for specified reasons.

This bill would require the committee to deny a license or renewal of a license to any person who is required by law to register as a sex offender.

Existing law authorizes the Dental Board of California to issue a special permit to persons meeting certain requirements, including furnishing satisfactory evidence of having graduated from a dental college.

This bill would allow that requirement to also be met through completion of an accredited advanced education program.

The bill would delete obsolete references.

(2)

(3) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under existing law, the board issues a physician and surgeon's certificate to a licensed physician and surgeon. Existing law provides for the licensure and regulation of the practice of podiatric medicine by the California Board of Podiatric Medicine within the Medical Board of California.

Existing law requires the Medical Board of California and the California Board of Podiatric Medicine to provide written notification by certified mail to any physician and surgeon or podiatrist who does not renew his or her license within 60 days of expiration.

This bill would require the Medical Board of California and the California Board of Podiatric Medicine to provide that written notification either by certified mail or by electronic mail if requested by the licensee. The bill would require the Medical Board of California to annually send an electronic notice to all licensees and applicants requesting confirmation that his or her electronic mail address is current.

Existing law authorizes the Medical Board of California to take action against all persons guilty of violating the Medical Practice Act. Existing law requires the Medical Board of California to enforce and administer various disciplinary provisions as to physician and surgeon certificate holders.

This bill would specify that those certificate holders include those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders.

(3)

(4) Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensure and regulation of the practice of licensed

midwifery by the Medical Board of California. A violation of the act is a crime. Under existing law, these licenses are subject to biennial renewal that includes the payment of a specified fee and the completion of specified continuing education.

This bill would exempt a licensee from those renewal requirements if the licensee has applied to the board and has been issued a retired status license. The bill would prohibit the holder of a retired status license from engaging in the practice of midwifery. Because a violation of that prohibition would constitute a crime, the bill would impose a state-mandated local program.

~~(4)~~

(5) Existing law, the Occupational Therapy Practice Act, requires the California Board of Occupational Therapy to ensure proper supervision of occupational therapy assistants and aides. An aide is required to be supervised by an occupational therapist.

This bill would also provide for an aide to be supervised by an occupational therapy assistant.

~~(5)~~

(6) Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law provides that a licensed psychologist is a health care practitioner for purposes of specified telehealth provisions that concern the delivery of health care via information and communication technologies.

This bill would instead provide that a licensed psychologist is a health care provider subject to those telehealth provisions.

~~(6)~~

(7) Existing law, the Respiratory Care Practice Act, provides for the licensure and regulation of the practice of respiratory care by the Respiratory Care Board of California.

Under existing law, during the period of any clinical training, a student respiratory care practitioner is required to be under the direct supervision, as defined, of a person holding a valid and current license.

This bill would require such a student to be under the direct supervision of a person with a valid, current, and unrestricted license.

Existing law authorizes the board to order the denial, suspension, or revocation of, or the imposition of probationary conditions upon, a license for specified causes including a pattern of substandard care.

This bill would expand that provision to also include negligence in the licensee's practice as a respiratory care practitioner, or in any

capacity as a health care worker, consultant, supervisor, manager or health facility owner, or as a party responsible for the care of another.

Existing law authorizes the board to deny, suspend, place on probation, or revoke the license of any applicant or licenseholder who has obtained, possessed, used, or administered to himself or herself, or furnished or administered to another, any controlled substances or dangerous drug, except as directed by a specified health care provider.

This bill would also make illegally possessing any associated paraphernalia a ground for the denial, suspension, placing on probation, or revocation of a license.

(7)

(8) Existing law, the Pharmacy Law, provides for the California State Board of Pharmacy within the Department of Consumer Affairs, to license and regulate the practice of pharmacy.

Existing law authorizes the board to suspend or revoke a license if the holder has been convicted of certain crimes or has engaged in unprofessional conduct, as specified.

This bill would modify the practice requirements applicable to intern pharmacists. The bill would also provide that the board continues to have jurisdiction in a disciplinary action against a licensee, even if the license is expired, canceled, forfeited, suspended, revoked, placed on retired status, or voluntarily surrendered.

(8)

(9) Under existing law, the Board of Behavioral Sciences is responsible for the licensure and regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors.

Under existing law, a license that is not renewed within 3 years after its expiration may not be renewed. However, the former licensee is authorized to apply for and obtain a new license if certain requirements are met, including, but not limited to, passing one or more current licensing examinations, as specified and submitting certain fees.

This bill would additionally require a former licensee to comply with the fingerprint requirements established by board regulation or as directed by the board. The bill would make other technical and clarifying changes.

Existing law makes various changes to the licensing and associated examination requirements for marriage and family therapists, clinical social workers, and professional clinical counselors, effective January 1, 2013.

This bill would delay the implementation of these and other related changes until January 1, 2014.

(9)

(10) Existing law, the Marriage and Family Therapist Act, with respect to applicants for licensure or registration by reciprocity or for those applicants who obtained education or experience outside of California that apply on and after January 1, 2014, existing law provides that education is substantially equivalent if certain requirements are met, including the completion of a course in California law and professional ethics.

This bill would require that course to be 18 hours in length.

For persons who apply for licensure between January 1, 2010, and December 31, 2013, existing law authorizes the board to issue a license to a person who holds a valid license from another state if certain requirements are met, including the completion of specified coursework or training. Existing law provides that an applicant who completed a specified course in law and professional ethics is required to complete an 18-hour course in California law and professional ethics.

This bill would instead specify that an 18-hour course in California law and professional ethics is only required if the above specified course in law and professional ethics does not meet certain requirements. The bill would make other technical changes to those provisions.

The bill would rename the act as the Licensed Marriage and Family Therapist Act.

(10)

(11) Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of the practice of professional clinical counseling by the Board of Behavioral Sciences.

Under existing law, to qualify for registration, an intern applicant is required to meet certain qualifications. With respect to applicants for registration who began graduate study before August 1, 2012, and complete study on or before December 31, 2018, an applicant is required to complete a minimum of 18 contact hours of instruction in California law and professional ethics prior to registration as an intern.

This bill would describe the content of that instruction for professional clinical counselors.

Existing law authorizes the board to refuse to issue any registration or license, or to suspend or revoke the registration or license of any intern or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct that

includes, but is not limited to, the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof.

This bill would delete the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of specified substances, or any combination thereof, from the list of what constitutes professional conduct. The bill would make it unprofessional conduct to willfully violate specified provisions governing patient access to health care records.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes to certain provisions proposed by AB 1733, SB 1183, and SB 1527 if one or more of those bills is also enacted and this bill is chaptered last.

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

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

1 SECTION 1. Section 719 is added to the Business and
2 Professions Code, to read:
3 719. (a) A person who possesses a current, valid license as a
4 health care practitioner in any other state and is employed by a
5 tribal health program, as defined in Section 1603 of Title 25 of
6 the United States Code, shall be exempt from any licensing
7 requirement described in this division with respect to acts
8 authorized under the person’s license where the tribal health
9 program performs the services described in the contract or
10 compact of the tribal health program under the Indian
11 Self-Determination and Education Assistance Act (25 U.S.C. Sec.
12 450 et seq.).
13 (b) For purposes of this section, “health care practitioner”
14 means any person who engages in acts that are the subject of
15 licensure or regulation under the law of any other state.

1 SECTION 1.

2 SEC. 2. Section 1640 of the Business and Professions Code is
3 amended to read:

4 1640. Any person meeting all the following eligibility
5 requirements may apply for a special permit:

6 (a) Furnishing satisfactory evidence of having a pending contract
7 with a California dental college approved by the board as a
8 full-time professor, an associate professor, or an assistant professor.

9 (b) Furnishing satisfactory evidence of having graduated from
10 a dental college approved by the board, or of having completed
11 an advanced education program accredited by either the
12 Commission on Dental Accreditation of the American Dental
13 Association or a national accrediting body approved by the board.

14 (c) Furnishing satisfactory evidence of having been certified as
15 a diplomate of a specialty board or, in lieu thereof, establishing
16 his or her qualifications to take a specialty board examination or
17 furnishing satisfactory evidence of having completed an advanced
18 educational program in a discipline from a dental college approved
19 by the board.

20 (d) Furnishing satisfactory evidence of successfully completing
21 an examination in California law and ethics developed and
22 administered by the board.

23 (e) Paying a fee for applications as provided by this chapter.

24 ~~SEC. 2.~~

25 SEC. 3. Section 1715.5 of the Business and Professions Code
26 is amended to read:

27 1715.5. (a) A licensee shall, upon his or her initial licensure
28 and any subsequent application for renewal, report the completion
29 of any advanced educational program accredited by the Committee
30 on Dental Accreditation in a dental specialty recognized by the
31 American Dental Association.

32 (b) The licensee shall also report, upon his or her initial licensure
33 and any subsequent application for renewal, the practice or
34 employment status of the licensee, designated as one of the
35 following:

36 (1) Full-time practice or employment in a dental practice of 32
37 hours per week or more in California. This reporting requirement
38 shall also apply to a dental auxiliary licensee.

39 (2) Full-time practice or employment in a dental practice outside
40 of California.

1 (3) Part-time practice or employment in a dental practice for
2 less than 32 hours per week in California.

3 (4) Dental administrative employment that does not include
4 direct patient care, as may further be defined by the board.

5 (5) Retired.

6 (6) Other practice or employment status, as may be further
7 defined by the board.

8 (c) Information collected pursuant to subdivision (b) shall be
9 posted on the Internet Web site of the board.

10 (d) (1) A licensee may report, in his or her application for
11 renewal, and the board shall collect, information regarding the
12 licensee's cultural background and foreign language proficiency.

13 (2) Information collected pursuant to this subdivision shall be
14 aggregated on an annual basis, based on categories utilized by the
15 board in the collection of the data, into both statewide totals and
16 ZIP Code of primary practice or employment location totals.

17 (3) Aggregated information under this subdivision shall be
18 compiled annually, and reported on the Internet Web site of the
19 board on or before July 1 of each year.

20 ~~SEC. 3.~~

21 *SEC. 4.* Section 1902.2 is added to the Business and Professions
22 Code, to read:

23 1902.2. (a) A licensee shall report, upon his or her initial
24 licensure and any subsequent application for renewal or inactive
25 license, the practice or employment status of the licensee,
26 designated as one of the following:

27 (1) Full-time practice or employment in a dental or dental
28 hygiene practice of 32 hours per week or more in California.

29 (2) Full-time practice or employment in a dental or dental
30 hygiene practice of 32 hours or more outside of California.

31 (3) Part-time practice or employment in a dental or dental
32 hygiene practice for less than 32 hours per week in California.

33 (4) Part-time practice or employment in a dental or dental
34 hygiene practice for less than 32 hours per week outside of
35 California.

36 (5) Dental hygiene administrative employment that does not
37 include direct patient care, as may be further defined by the
38 committee.

39 (6) Retired.

1 (7) Other practice or employment status, as may be further
2 defined by the committee.

3 (b) Information collected pursuant to subdivision (a) shall be
4 posted on the Internet Web site of the committee.

5 (c) (1) A licensee may report on his or her application for
6 renewal, and the committee, as appropriate, shall collect,
7 information regarding the licensee's cultural background and
8 foreign language proficiency.

9 (2) Information collected pursuant to this subdivision shall be
10 aggregated on an annual basis, based on categories utilized by the
11 committee in the collection of the data, into both statewide totals
12 and ZIP Code of primary practice or employment location totals.

13 (3) Aggregated information under this subdivision shall be
14 compiled annually, and reported on the Internet Web site of the
15 committee as appropriate, on or before July 1 of each year.

16 (d) It is the intent of the Legislature to utilize moneys in the
17 State Dental Hygiene Fund to pay any cost incurred by the
18 committee in implementing this section.

19 ~~SEC. 4.~~

20 ~~SEC. 5.~~ Section 1909.5 of the Business and Professions Code
21 is repealed.

22 ~~SEC. 5.~~

23 ~~SEC. 6.~~ Section 1934 of the Business and Professions Code is
24 amended to read:

25 1934. A licensee who changes his or her physical address of
26 record or email address shall notify the committee within 30 days
27 of the change. A licensee who changes his or her legal name shall
28 provide the committee with documentation of the change within
29 10 days.

30 ~~SEC. 6.~~ Section 1942 is added to the Business and Professions
31 Code, to read:

32 1942. (a) As used in this section "extramural dental facility"
33 means any clinical facility employed by an approved dental hygiene
34 educational program for instruction in dental hygiene that exists
35 outside or beyond the walls, boundaries, or precincts of the primary
36 campus of the approved program and in which dental hygiene
37 services are rendered.

38 (b) An approved dental hygiene educational program shall
39 register extramural dental facilities with the committee. The
40 registration shall be accompanied by information supplied by the

1 dental hygiene program pertaining to faculty supervision, scope
2 of treatment to be rendered, name and location of the facility, date
3 operation will commence, discipline of which such instruction is
4 a part, and a brief description of the equipment and facilities
5 available. That information shall be supplemented by a copy of
6 the agreement between the approved dental hygiene educational
7 program or parent university and the affiliated institution
8 establishing the contractual relationship. Any change in the
9 information provided to the committee shall be communicated to
10 the committee.

11 SEC. 7. Section 1950.5 of the Business and Professions Code
12 is amended to read:

13 1950.5. Unprofessional conduct by a person licensed under
14 this article is defined as, but is not limited to, any one of the
15 following:

16 (a) The obtaining of any fee by fraud or misrepresentation.

17 (b) The aiding or abetting of any unlicensed person to practice
18 dentistry or dental hygiene.

19 (c) The aiding or abetting of a licensed person to practice
20 dentistry or dental hygiene unlawfully.

21 (d) The committing of any act or acts of sexual abuse,
22 misconduct, or relations with a patient that are substantially related
23 to the practice of dental hygiene.

24 (e) The use of any false, assumed, or fictitious name, either as
25 an individual, firm, corporation, or otherwise, or any name other
26 than the name under which he or she is licensed to practice, in
27 advertising or in any other manner indicating that he or she is
28 practicing or will practice dentistry, except that name as is specified
29 in a valid permit issued pursuant to Section 1962.

30 (f) The practice of accepting or receiving any commission or
31 the rebating in any form or manner of fees for professional services,
32 radiographs, prescriptions, or other services or articles supplied to
33 patients.

34 (g) The making use by the licensee or any agent of the licensee
35 of any advertising statements of a character tending to deceive or
36 mislead the public.

37 (h) The advertising of either professional superiority or the
38 advertising of performance of professional services in a superior
39 manner. This subdivision shall not prohibit advertising permitted
40 by subdivision (h) of Section 651.

- 1 (i) The employing or the making use of solicitors.
- 2 (j) Advertising in violation of Section 651.
- 3 (k) Advertising to guarantee any dental hygiene service, or to
4 perform any dental hygiene procedure painlessly. This subdivision
5 shall not prohibit advertising permitted by Section 651.
- 6 (l) The violation of any of the provisions of this division.
- 7 (m) The permitting of any person to operate dental radiographic
8 equipment who has not met the requirements to do so, as
9 determined by the committee.
- 10 (n) The clearly excessive administering of drugs or treatment,
11 or the clearly excessive use of treatment procedures, or the clearly
12 excessive use of treatment facilities, as determined by the
13 customary practice and standards of the dental hygiene profession.
14 Any person who violates this subdivision is guilty of a
15 misdemeanor and shall be punished by a fine of not less than one
16 hundred dollars (\$100) or more than six hundred dollars (\$600),
17 or by imprisonment for a term of not less than 60 days or more
18 than 180 days, or by both a fine and imprisonment.
- 19 (o) The use of threats or harassment against any patient or
20 licensee for providing evidence in any possible or actual
21 disciplinary action, or other legal action; or the discharge of an
22 employee primarily based on the employee's attempt to comply
23 with the provisions of this chapter or to aid in the compliance.
- 24 (p) Suspension or revocation of a license issued, or discipline
25 imposed, by another state or territory on grounds that would be
26 the basis of discipline in this state.
- 27 (q) The alteration of a patient's record with intent to deceive.
- 28 (r) Unsanitary or unsafe office conditions, as determined by the
29 customary practice and standards of the dental hygiene profession.
- 30 (s) The abandonment of the patient by the licensee, without
31 written notice to the patient that treatment is to be discontinued
32 and before the patient has ample opportunity to secure the services
33 of another registered dental hygienist, registered dental hygienist
34 in alternative practice, or registered dental hygienist in extended
35 functions and provided the health of the patient is not jeopardized.
- 36 (t) The willful misrepresentation of facts relating to a
37 disciplinary action to the patients of a disciplined licensee.
- 38 (u) Use of fraud in the procurement of any license issued
39 pursuant to this article.

1 (v) Any action or conduct that would have warranted the denial
2 of the license.

3 (w) The aiding or abetting of a registered dental hygienist,
4 registered dental hygienist in alternative practice, or registered
5 dental hygienist in extended functions to practice dental hygiene
6 in a negligent or incompetent manner.

7 (x) The failure to report to the committee in writing within seven
8 days any of the following: (1) the death of his or her patient during
9 the performance of any dental hygiene procedure; (2) the discovery
10 of the death of a patient whose death is related to a dental hygiene
11 procedure performed by him or her; or (3) except for a scheduled
12 hospitalization, the removal to a hospital or emergency center for
13 medical treatment for a period exceeding 24 hours of any patient
14 as a result of dental or dental hygiene treatment. Upon receipt of
15 a report pursuant to this subdivision, the committee may conduct
16 an inspection of the dental hygiene practice office if the committee
17 finds that it is necessary.

18 (y) A registered dental hygienist, registered dental hygienist in
19 alternative practice, or registered dental hygienist in extended
20 functions shall report to the committee all deaths occurring in his
21 or her practice with a copy sent to the dental board if the death
22 occurred while working as an employee in a dental office. A dentist
23 shall report to the dental board all deaths occurring in his or her
24 practice with a copy sent to the committee if the death was the
25 result of treatment by a registered dental hygienist, registered dental
26 hygienist in alternative practice, or registered dental hygienist in
27 extended functions.

28 SEC. 8. Section 1958.1 is added to the Business and Professions
29 Code, to read:

30 1958.1. (a) Notwithstanding any other law, with regard to an
31 individual who is required to register as a sex offender pursuant
32 to Section 290 of the Penal Code, or the equivalent in another state
33 or territory, under military law, or under federal law, all of the
34 following shall apply:

35 (1) The committee shall deny an application by the individual
36 for licensure pursuant to this article.

37 (2) If the individual is licensed under this article, the committee
38 shall promptly revoke the license of the individual. The committee
39 shall not stay the revocation nor place the license on probation.

1 (3) The committee shall not reinstate or reissue the individual's
2 licensure under this article. The committee shall not issue a stay
3 of license denial and place the license on probation.

4 (b) This section shall not apply to any of the following:

5 (1) An individual who has been relieved under Section 290.5
6 of the Penal Code of his or her duty to register as a sex offender,
7 or whose duty to register has otherwise been formally terminated
8 under California law or the law of the jurisdiction that requires his
9 or her registration as a sex offender.

10 (2) An individual who is required to register as a sex offender
11 pursuant to Section 290 of the Penal Code solely because of a
12 misdemeanor conviction under Section 314 of the Penal Code.
13 However, nothing in this paragraph shall prohibit the committee
14 from exercising its discretion to discipline a licensee under other
15 provisions of state law based upon the licensee's conviction under
16 Section 314 of the Penal Code.

17 (3) Any administrative adjudication proceeding under Chapter
18 5 (commencing with Section 11500) of Part 1 of Division 3 of
19 Title 2 of the Government Code that is fully adjudicated prior to
20 January 1, 2013. A petition for reinstatement of a revoked or
21 surrendered license shall be considered a new proceeding for
22 purposes of this paragraph, and the prohibition against reinstating
23 a license to an individual who is required to register as a sex
24 offender shall be applicable.

25 SEC. 9. Section 2021 of the Business and Professions Code is
26 amended to read:

27 2021. (a) If the board publishes a directory pursuant to Section
28 112, it may require persons licensed pursuant to this chapter to
29 furnish any information as it may deem necessary to enable it to
30 compile the directory.

31 (b) Each licensee shall report to the board each and every change
32 of address within 30 days after each change, giving both the old
33 and new address. If an address reported to the board at the time of
34 application for licensure or subsequently is a post office box, the
35 applicant shall also provide the board with a street address. If
36 another address is the licensee's address of record, he or she may
37 request that the second address not be disclosed to the public.

38 (c) Each licensee shall report to the board each and every change
39 of name within 30 days after each change, giving both the old and
40 new names.

1 (d) The board shall annually send an electronic notice to each
2 applicant and licensee who has chosen to receive correspondence
3 via electronic mail that requests confirmation from the applicant
4 or licensee that his or her electronic mail address is current. An
5 applicant or licensee that does not confirm his or her electronic
6 mail address shall receive correspondence at a mailing address
7 provided pursuant to subdivision (b).

8 SEC. 10. Section 2064 of the Business and Professions Code
9 is amended to read:

10 2064. Nothing in this chapter shall be construed to prevent a
11 regularly matriculated student undertaking a course of professional
12 instruction in an approved medical school, or to prevent a foreign
13 medical student who is enrolled in an approved medical school or
14 clinical training program in this state, or to prevent students
15 enrolled in a program of supervised clinical training under the
16 direction of an approved medical school pursuant to Section 2104,
17 from engaging in the practice of medicine whenever and wherever
18 prescribed as a part of his or her course of study.

19 SEC. 11. Section 2184 of the Business and Professions Code
20 is amended to read:

21 2184. (a) Each applicant shall obtain on the written
22 examination a passing score, established by the board pursuant to
23 Section 2177.

24 (b) (1) Passing scores on each step of the United States Medical
25 Licensing Examination shall be valid for a period of 10 years from
26 the month of the examination for purposes of qualification for
27 licensure in California.

28 (2) The period of validity provided for in paragraph (1) may be
29 extended by the board for any of the following:

30 (A) For good cause.

31 (B) For time spent in a postgraduate training program, including,
32 but not limited to, residency training, clinical training, fellowship
33 training, remedial or refresher training, or other training that is
34 intended to maintain or improve medical skills.

35 (C) For an applicant who is a physician and surgeon in another
36 state or a Canadian province who is currently and actively
37 practicing medicine in that state or province.

38 (3) Upon expiration of the 10-year period plus any extension
39 granted by the board under paragraph (2), the applicant shall pass
40 the Special Purpose Examination of the Federation of State Medical

1 Boards or a clinical competency written examination determined
2 by the board to be equivalent.

3 SEC. 12. Section 2220 of the Business and Professions Code
4 is amended to read:

5 2220. Except as otherwise provided by law, the board may
6 take action against all persons guilty of violating this chapter. The
7 board shall enforce and administer this article as to physician and
8 surgeon certificate holders, including those who hold certificates
9 that do not permit them to practice medicine, such as, but not
10 limited to, retired, inactive, or disabled status certificate holders,
11 and the board shall have all the powers granted in this chapter for
12 these purposes including, but not limited to:

13 (a) Investigating complaints from the public, from other
14 licensees, from health care facilities, or from the board that a
15 physician and surgeon may be guilty of unprofessional conduct.
16 The board shall investigate the circumstances underlying a report
17 received pursuant to Section 805 or 805.01 within 30 days to
18 determine if an interim suspension order or temporary restraining
19 order should be issued. The board shall otherwise provide timely
20 disposition of the reports received pursuant to Section 805 and
21 Section 805.01.

22 (b) Investigating the circumstances of practice of any physician
23 and surgeon where there have been any judgments, settlements,
24 or arbitration awards requiring the physician and surgeon or his
25 or her professional liability insurer to pay an amount in damages
26 in excess of a cumulative total of thirty thousand dollars (\$30,000)
27 with respect to any claim that injury or damage was proximately
28 caused by the physician's and surgeon's error, negligence, or
29 omission.

30 (c) Investigating the nature and causes of injuries from cases
31 which shall be reported of a high number of judgments, settlements,
32 or arbitration awards against a physician and surgeon.

33 SEC. 13. Section 2424 of the Business and Professions Code
34 is amended to read:

35 2424. (a) The board or the California Board of Podiatric
36 Medicine, as the case may be, shall notify in writing either by
37 certified mail, return receipt requested, or by electronic mail if
38 requested by the licensee, any physician and surgeon or any
39 podiatrist who does not renew his or her license within 60 days
40 from its date of expiration.

1 (b) Notwithstanding Section 163.5, any such licensee who does
2 not renew his or her expired license within 90 days of its date of
3 expiration shall pay all the following fees:

4 (1) The renewal fee in effect at the time of renewal.

5 (2) A penalty fee equal to 50 percent of the renewal fee.

6 (3) The delinquency fee required by Section 2435 or 2499.5, as
7 the case may be.

8 (c) Notwithstanding any other provision of law, the renewal of
9 any expired physician's and surgeon's or podiatrist's license within
10 six months from its date of expiration shall be retroactive to the
11 date of expiration of that license. The division or board, for good
12 cause, may waive the 50 percent penalty fee and may extend
13 retroactivity up to two years from the expiration date of any such
14 license.

15 SEC. 14. Section 2516 of the Business and Professions Code
16 is amended to read:

17 2516. (a) Each licensed midwife who assists, or supervises a
18 student midwife in assisting, in childbirth that occurs in an
19 out-of-hospital setting shall annually report to the Office of
20 Statewide Health Planning and Development. The report shall be
21 submitted no later than March 30, with the first report due in March
22 2008, for the prior calendar year, in a form specified by the board
23 and shall contain all of the following:

24 (1) The midwife's name and license number.

25 (2) The calendar year being reported.

26 (3) The following information with regard to cases in California
27 in which the midwife, or the student midwife supervised by the
28 midwife, assisted during the previous year when the intended place
29 of birth at the onset of care was an out-of-hospital setting:

30 (A) The total number of clients served as primary caregiver at
31 the onset of care.

32 (B) The total number of clients served with collaborative care
33 available through, or given by, a licensed physician and surgeon.

34 (C) The total number of clients served under the supervision of
35 a licensed physician and surgeon.

36 (D) The number by county of live births attended as primary
37 caregiver.

38 (E) The number, by county, of cases of fetal demise, infant
39 deaths, and maternal deaths attended as primary caregiver at the
40 discovery of the demise or death.

- 1 (F) The number of women whose primary care was transferred
2 to another health care practitioner during the antepartum period,
3 and the reason for each transfer.
- 4 (G) The number, reason, and outcome for each elective hospital
5 transfer during the intrapartum or postpartum period.
- 6 (H) The number, reason, and outcome for each urgent or
7 emergency transport of an expectant mother in the antepartum
8 period.
- 9 (I) The number, reason, and outcome for each urgent or
10 emergency transport of an infant or mother during the intrapartum
11 or immediate postpartum period.
- 12 (J) The number of planned out-of-hospital births at the onset of
13 labor and the number of births completed in an out-of-hospital
14 setting.
- 15 (K) The number of planned out-of-hospital births completed in
16 an out-of-hospital setting that were any of the following:
- 17 (i) Twin births.
18 (ii) Multiple births other than twin births.
19 (iii) Breech births.
20 (iv) Vaginal births after the performance of a cesarean section.
- 21 (L) A brief description of any complications resulting in the
22 morbidity or mortality of a mother or a neonate.
- 23 (M) Any other information prescribed by the board in
24 regulations.
- 25 (b) The Office of Statewide Health Planning and Development
26 shall maintain the confidentiality of the information submitted
27 pursuant to this section, and shall not permit any law enforcement
28 or regulatory agency to inspect or have copies made of the contents
29 of any reports submitted pursuant to subdivision (a) for any
30 purpose, including, but not limited to, investigations for licensing,
31 certification, or regulatory purposes.
- 32 (c) The office shall report to the board, by April 30, those
33 licensees who have met the requirements of subdivision (a) for
34 that year.
- 35 (d) The board shall send a written notice of noncompliance to
36 each licensee who fails to meet the reporting requirement of
37 subdivision (a). Failure to comply with subdivision (a) will result
38 in the midwife being unable to renew his or her license without
39 first submitting the requisite data to the Office of Statewide Health
40 Planning and Development for the year for which that data was

1 missing or incomplete. The board shall not take any other action
2 against the licensee for failure to comply with subdivision (a).

3 (e) The board, in consultation with the office and the Midwifery
4 Advisory Council, shall devise a coding system related to data
5 elements that require coding in order to assist in both effective
6 reporting and the aggregation of data pursuant to subdivision (f).
7 The office shall utilize this coding system in its processing of
8 information collected for purposes of subdivision (f).

9 (f) The office shall report the aggregate information collected
10 pursuant to this section to the board by July 30 of each year. The
11 board shall include this information in its annual report to the
12 Legislature.

13 (g) Notwithstanding any other provision of law, a violation of
14 this section shall not be a crime.

15 SEC. 15. Section 2518 of the Business and Professions Code
16 is amended to read:

17 2518. (a) Licenses issued pursuant to this article shall be
18 renewable every two years upon payment of the fee prescribed by
19 Section 2520 and submission of documentation that the
20 licenseholder has completed 36 hours of continuing education in
21 areas that fall within the scope of the practice of midwifery, as
22 specified by the board.

23 (b) Each license not renewed shall expire, but may be reinstated
24 within five years from the expiration upon payment of the
25 prescribed fee and upon submission of proof of the applicant's
26 qualifications as the board may require.

27 (c) A licensee is exempt from the payment of the renewal fee
28 required by Section 2520 and the requirement for continuing
29 education if the licensee has applied to the board for, and been
30 issued, a retired status license. The holder of a retired status license
31 may not engage in the practice of midwifery.

32 SEC. 16. Section 2570.13 of the Business and Professions
33 Code is amended to read:

34 2570.13. (a) Consistent with this section, subdivisions (a), (b),
35 and (c) of Section 2570.2, and accepted professional standards,
36 the board shall adopt rules necessary to assure appropriate
37 supervision of occupational therapy assistants and aides.

38 (b) An occupational therapy assistant may practice only under
39 the supervision of an occupational therapist who is authorized to
40 practice occupational therapy in this state.

1 (c) An aide providing delegated, client-related supportive
2 services shall require continuous and direct supervision by an
3 occupational therapist or occupational therapy assistant.

4 SEC. 17. Section 2904.5 of the Business and Professions Code
5 is amended to read:

6 2904.5. A psychologist licensed under this chapter is a licentiate
7 for purposes of paragraph (2) of subdivision (a) of Section 805,
8 and thus is a health care provider subject to the provisions of
9 Section 2290.5.

10 SEC. 18. Section 3057.5 of the Business and Professions Code
11 is amended to read:

12 3057.5. Notwithstanding any other provision of this chapter,
13 the board shall permit a graduate of a foreign university who meets
14 all of the following requirements to take the examinations for a
15 certificate of registration as an optometrist:

16 (a) Is over the age of 18 years.

17 (b) Is not subject to denial of a certificate under Section 480.

18 (c) Has a degree as a doctor of optometry issued by a university
19 located outside of the United States.

20 SEC. 19. Section 3742 of the Business and Professions Code
21 is amended to read:

22 3742. During the period of any clinical training, a student
23 respiratory care practitioner shall be under the direct supervision
24 of a person holding a valid, current, and unrestricted license issued
25 under this chapter. “Under the direct supervision” means assigned
26 to a respiratory care practitioner who is on duty and immediately
27 available in the assigned patient care area.

28 SEC. 20. Section 3750 of the Business and Professions Code
29 is amended to read:

30 3750. The board may order the denial, suspension, or revocation
31 of, or the imposition of probationary conditions upon, a license
32 issued under this chapter, for any of the following causes:

33 (a) Advertising in violation of Section 651 or Section 17500.

34 (b) Fraud in the procurement of any license under this chapter.

35 (c) Knowingly employing unlicensed persons who present
36 themselves as licensed respiratory care practitioners.

37 (d) Conviction of a crime that substantially relates to the
38 qualifications, functions, or duties of a respiratory care practitioner.

39 The record of conviction or a certified copy thereof shall be
40 conclusive evidence of the conviction.

- 1 (e) Impersonating or acting as a proxy for an applicant in any
2 examination given under this chapter.
- 3 (f) Negligence in his or her practice as a respiratory care
4 practitioner.
- 5 (g) Conviction of a violation of any of the provisions of this
6 chapter or of any provision of Division 2 (commencing with
7 Section 500), or violating, or attempting to violate, directly or
8 indirectly, or assisting in or abetting the violation of, or conspiring
9 to violate any provision or term of this chapter or of any provision
10 of Division 2 (commencing with Section 500).
- 11 (h) The aiding or abetting of any person to violate this chapter
12 or any regulations duly adopted under this chapter.
- 13 (i) The aiding or abetting of any person to engage in the unlawful
14 practice of respiratory care.
- 15 (j) The commission of any fraudulent, dishonest, or corrupt act
16 which is substantially related to the qualifications, functions, or
17 duties of a respiratory care practitioner.
- 18 (k) Falsifying, or making grossly incorrect, grossly inconsistent,
19 or unintelligible entries in any patient, hospital, or other record.
- 20 (l) Changing the prescription of a physician and surgeon, or
21 falsifying verbal or written orders for treatment or a diagnostic
22 regime received, whether or not that action resulted in actual patient
23 harm.
- 24 (m) Denial, suspension, or revocation of any license to practice
25 by another agency, state, or territory of the United States for any
26 act or omission that would constitute grounds for the denial,
27 suspension, or revocation of a license in this state.
- 28 (n) Except for good cause, the knowing failure to protect patients
29 by failing to follow infection control guidelines of the board,
30 thereby risking transmission of bloodborne infectious diseases
31 from licensee to patient, from patient to patient, and from patient
32 to licensee. In administering this subdivision, the board shall
33 consider referencing the standards, regulations, and guidelines of
34 the State Department of Health Services developed pursuant to
35 Section 1250.11 of the Health and Safety Code and the standards,
36 regulations, and guidelines pursuant to the California Occupational
37 Safety and Health Act of 1973 (Part 1 (commencing with Section
38 6300) of Division 5 of the Labor Code) for preventing the
39 transmission of HIV, hepatitis B, and other bloodborne pathogens
40 in health care settings. As necessary, the board shall consult with

1 the California Medical Board, the Board of Podiatric Medicine,
2 the Board of Dental Examiners, the Board of Registered Nursing,
3 and the Board of Vocational Nursing and Psychiatric Technicians,
4 to encourage appropriate consistency in the implementation of this
5 subdivision.

6 The board shall seek to ensure that licensees are informed of the
7 responsibility of licensees and others to follow infection control
8 guidelines, and of the most recent scientifically recognized
9 safeguards for minimizing the risk of transmission of bloodborne
10 infectious diseases.

11 (o) Incompetence in his or her practice as a respiratory care
12 practitioner.

13 (p) A pattern of substandard care or negligence in his or her
14 practice as a respiratory care practitioner, or in any capacity as a
15 health care worker, consultant, supervisor, manager or health
16 facility owner, or as a party responsible for the care of another.

17 SEC. 21. Section 3750.5 of the Business and Professions Code
18 is amended to read:

19 3750.5. In addition to any other grounds specified in this
20 chapter, the board may deny, suspend, place on probation, or
21 revoke the license of any applicant or licenseholder who has done
22 any of the following:

23 (a) Obtained, possessed, used, or administered to himself or
24 herself in violation of law, or furnished or administered to another,
25 any controlled substances as defined in Division 10 (commencing
26 with Section 11000) of the Health and Safety Code, or any
27 dangerous drug as defined in Article 2 (commencing with Section
28 4015) of Chapter 9, except as directed by a licensed physician and
29 surgeon, dentist, podiatrist, or other authorized health care provider,
30 or illegally possessed any associated paraphernalia.

31 (b) Used any controlled substance as defined in Division 10
32 (commencing with Section 11000) of the Health and Safety Code,
33 or any dangerous drug as defined in Article 2 (commencing with
34 Section 4015) of Chapter 9 of this code, or alcoholic beverages,
35 to an extent or in a manner dangerous or injurious to himself or
36 herself, or to others, or that impaired his or her ability to conduct
37 with safety the practice authorized by his or her license.

38 (c) Applied for employment or worked in any health care
39 profession or environment while under the influence of alcohol.

1 (d) Been convicted of a criminal offense involving the
2 consumption or self-administration of any of the substances
3 described in subdivisions (a) and (b), or the possession of, or
4 falsification of a record pertaining to, the substances described in
5 subdivision (a), in which event the record of the conviction is
6 conclusive evidence thereof.

7 (e) Been committed or confined by a court of competent
8 jurisdiction for intemperate use of or addiction to the use of any
9 of the substances described in subdivisions (a), (b), and (c), in
10 which event the court order of commitment or confinement is
11 prima facie evidence of that commitment or confinement.

12 (f) Falsified, or made grossly incorrect, grossly inconsistent, or
13 unintelligible entries in any hospital, patient, or other record
14 pertaining to the substances described in subdivision (a).

15 SEC. 22. Section 4209 of the Business and Professions Code
16 is amended to read:

17 4209. (a) (1) An intern pharmacist shall complete 1,500 hours
18 of pharmacy practice before applying for the pharmacist licensure
19 examination.

20 (2) This pharmacy practice shall comply with the Standards of
21 Curriculum established by the Accreditation Council for Pharmacy
22 Education or with regulations adopted by the board.

23 (b) An intern pharmacist shall submit proof of his or her
24 experience on board-approved affidavits, or another form specified
25 by the board, which shall be certified under penalty of perjury by
26 a pharmacist under whose supervision such experience was
27 obtained or by the pharmacist-in-charge at the pharmacy while the
28 pharmacist intern obtained the experience. Intern hours earned in
29 another state may be certified by the licensing agency of that state
30 to document proof of those hours.

31 (c) An applicant for the examination who has been licensed as
32 a pharmacist in any state for at least one year, as certified by the
33 licensing agency of that state, may submit this certification to
34 satisfy the required 1,500 hours of intern experience, provided that
35 the applicant has obtained a minimum of 900 hours of pharmacy
36 practice experience in a pharmacy as a pharmacist. Certification
37 of an applicant's licensure in another state shall be submitted in
38 writing and signed, under oath, by a duly authorized official of the
39 state in which the license is held.

1 SEC. 23. Section 4300.1 is added to the Business and
2 Professions Code, to read:

3 4300.1. The expiration, cancellation, forfeiture, or suspension
4 of a board-issued license by operation of law or by order or
5 decision of the board or a court of law, the placement of a license
6 on a retired status, or the voluntary surrender of a license by a
7 licensee shall not deprive the board of jurisdiction to commence
8 or proceed with any investigation of, or action or disciplinary
9 proceeding against, the licensee or to render a decision suspending
10 or revoking the license.

11 SEC. 24. Section 4980.04 of the Business and Professions
12 Code is amended to read:

13 4980.04. This chapter shall be known and may be cited as the
14 Licensed Marriage and Family Therapist Act.

15 SEC. 25. Section 4980.34 of the Business and Professions
16 Code is amended to read:

17 4980.34. It is the intent of the Legislature that the board employ
18 its resources for each and all of the following functions:

19 (a) The licensing of marriage and family therapists, clinical
20 social workers, professional clinical counselors, and educational
21 psychologists.

22 (b) The development and administration of licensing
23 examinations and examination procedures, as specified, consistent
24 with prevailing standards for the validation and use of licensing
25 and certification tests. Examinations shall measure knowledge and
26 abilities demonstrably important to the safe, effective practice of
27 the profession.

28 (c) Enforcement of laws designed to protect the public from
29 incompetent, unethical, or unprofessional practitioners.

30 (d) Consumer education.

31 SEC. 26. Section 4980.397 of the Business and Professions
32 Code is amended to read:

33 4980.397. (a) Effective January 1, 2014, an applicant for
34 licensure as a marriage and family therapist shall pass the following
35 two examinations as prescribed by the board:

36 (1) A California law and ethics examination.

37 (2) A clinical examination.

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

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

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

4 (2) Completion of all education requirements.

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

6 (d) This section shall become operative on January 1, 2014.

7 SEC. 27. Section 4980.398 of the Business and Professions
8 Code is amended to read:

9 4980.398. (a) Each applicant who had previously taken and
10 passed the standard written examination but had not passed the
11 clinical vignette examination shall also obtain a passing score on
12 the clinical examination in order to be eligible for licensure.

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

17 (c) An applicant who had obtained eligibility for the standard
18 written examination shall take the California law and ethics
19 examination and the clinical examination.

20 (d) This section shall become operative on January 1, 2014.

21 SEC. 28. Section 4980.399 of the Business and Professions
22 Code is amended to read:

23 4980.399. (a) Except as provided in subdivision (a) of Section
24 4980.398, each applicant and registrant shall obtain a passing score
25 on a board-administered California law and ethics examination in
26 order to qualify for licensure.

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

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

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

1 renewal period. The 12-hour law and ethics course required by the
2 section shall be taken through a board-approved continuing
3 education provider, a county, state or governmental entity, or a
4 college or university.

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

8 (f) This section shall become operative on January 1, 2014.

9 SEC. 29. Section 4980.40 of the Business and Professions
10 Code, as amended by Section 5 of Chapter 387 of the Statutes of
11 2011, is amended to read:

12 4980.40. To qualify for a license, an applicant shall have all
13 of the following qualifications:

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

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

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

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

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

31 (f) This section shall remain in effect only until January 1, 2014,
32 and as of that date is repealed, unless a later enacted statute, that
33 is enacted before January 1, 2014, deletes or extends that date.

34 SEC. 30. Section 4980.40 of the Business and Professions
35 Code, as added by Section 6 of Chapter 387 of the Statutes of
36 2011, is amended to read:

37 4980.40. To qualify for a license, an applicant shall have all
38 of the following qualifications:

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

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

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

4 (d) Effective January 1, 2014, successfully pass a California
5 law and ethics examination and a clinical examination. An
6 applicant who has successfully passed a previously administered
7 written examination may be subsequently required to take and pass
8 another written examination.

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

16 (f) This section shall become operative on January 1, 2014.

17 SEC. 31. Section 4980.43 of the Business and Professions
18 Code is amended to read:

19 4980.43. (a) Prior to applying for licensure examinations, each
20 applicant shall complete experience that shall comply with the
21 following:

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

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

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

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

30 The applicant shall not be credited with more than 750 hours of
31 counseling and direct supervisor contact prior to completing the
32 master's or doctoral degree.

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

36 (6) No hours of experience may be gained more than six years
37 prior to the date the application for examination eligibility was
38 filed, except that up to 500 hours of clinical experience gained in
39 the supervised practicum required by subdivision (c) of Section

1 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
2 of Section 4980.36 shall be exempt from this six-year requirement.

3 (7) Not more than a combined total of 1,000 hours of experience
4 in the following:

5 (A) Direct supervisor contact.

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

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

13 (ii) Participation by the applicant in personal psychotherapy,
14 which includes group, marital or conjoint, family, or individual
15 psychotherapy by an appropriately licensed professional. An
16 applicant shall have no more than 100 hours of participation in
17 personal psychotherapy. The applicant shall be credited with three
18 hours of experience for each hour of personal psychotherapy.

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

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

23 (A) Experience administering and evaluating psychological
24 tests, writing clinical reports, writing progress notes, or writing
25 process notes.

26 (B) Client centered advocacy.

27 (10) Not less than 500 total hours of experience in diagnosing
28 and treating couples, families, and children. For up to 150 hours
29 of treating couples and families in conjoint therapy, the applicant
30 shall be credited with two hours of experience for each hour of
31 therapy provided.

32 (11) Not more than 375 hours of experience providing personal
33 psychotherapy, crisis counseling, or other counseling services via
34 telehealth in accordance with Section 2290.5.

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

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

1 (b) All applicants, trainees, and registrants shall be at all times
2 under the supervision of a supervisor who shall be responsible for
3 ensuring that the extent, kind, and quality of counseling performed
4 is consistent with the training and experience of the person being
5 supervised, and who shall be responsible to the board for
6 compliance with all laws, rules, and regulations governing the
7 practice of marriage and family therapy. Supervised experience
8 shall be gained by interns and trainees either as an employee or as
9 a volunteer. The requirements of this chapter regarding gaining
10 hours of experience and supervision are applicable equally to
11 employees and volunteers. Experience shall not be gained by
12 interns or trainees as an independent contractor.

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

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

19 (c) Except for experience gained pursuant to subparagraph (B)
20 of paragraph (7) of subdivision (a), supervision shall include at
21 least one hour of direct supervisor contact in each week for which
22 experience is credited in each work setting, as specified:

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

26 (2) An individual supervised after being granted a qualifying
27 degree shall receive at least one additional hour of direct supervisor
28 contact for every week in which more than 10 hours of client
29 contact is gained in each setting. No more than five hours of
30 supervision, whether individual or group, shall be credited during
31 any single week.

32 (3) For purposes of this section, "one hour of direct supervisor
33 contact" means one hour per week of face-to-face contact on an
34 individual basis or two hours per week of face-to-face contact in
35 a group.

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

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

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

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

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

11 (A) Lawfully and regularly provides mental health counseling
12 or psychotherapy.

13 (B) Provides oversight to ensure that the trainee's work at the
14 setting meets the experience and supervision requirements set forth
15 in this chapter and is within the scope of practice for the profession
16 as defined in Section 4980.02.

17 (C) Is not a private practice owned by a licensed marriage and
18 family therapist, a licensed psychologist, a licensed clinical social
19 worker, a licensed physician and surgeon, or a professional
20 corporation of any of those licensed professions.

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

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

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

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

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

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

37 (4) Except for periods of time during a supervisor's vacation or
38 sick leave, an intern who is employed or volunteering in private
39 practice shall be under the direct supervision of a licensee that has
40 satisfied the requirements of subdivision (g) of Section 4980.03.

1 The supervising licensee shall either be employed by and practice
2 at the same site as the intern’s employer, or shall be an owner or
3 shareholder of the private practice. Alternative supervision may
4 be arranged during a supervisor’s vacation or sick leave if the
5 supervision meets the requirements of this section.

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

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

11 (g) Except when employed in a private practice setting, all
12 postdegree hours of experience shall be credited toward licensure
13 so long as the applicant applies for the intern registration within
14 90 days of the granting of the qualifying master’s or doctoral
15 degree and is thereafter granted the intern registration by the board.

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

19 (i) Trainees, interns, and applicants shall only perform services
20 at the place where their employers regularly conduct business,
21 which may include performing services at other locations, so long
22 as the services are performed under the direction and control of
23 their employer and supervisor, and in compliance with the laws
24 and regulations pertaining to supervision. Trainees and interns
25 shall have no proprietary interest in their employers’ businesses
26 and shall not lease or rent space, pay for furnishings, equipment
27 or supplies, or in any other way pay for the obligations of their
28 employers.

29 (j) Trainees, interns, or applicants who provide volunteered
30 services or other services, and who receive no more than a total,
31 from all work settings, of five hundred dollars (\$500) per month
32 as reimbursement for expenses actually incurred by those trainees,
33 interns, or applicants for services rendered in any lawful work
34 setting other than a private practice shall be considered an
35 employee and not an independent contractor. The board may audit
36 applicants who receive reimbursement for expenses, and the
37 applicants shall have the burden of demonstrating that the payments
38 received were for reimbursement of expenses actually incurred.

39 (k) Each educational institution preparing applicants for
40 licensure pursuant to this chapter shall consider requiring, and

1 shall encourage, its students to undergo individual, marital or
2 conjoint, family, or group counseling or psychotherapy, as
3 appropriate. Each supervisor shall consider, advise, and encourage
4 his or her interns and trainees regarding the advisability of
5 undertaking individual, marital or conjoint, family, or group
6 counseling or psychotherapy, as appropriate. Insofar as it is deemed
7 appropriate and is desired by the applicant, the educational
8 institution and supervisors are encouraged to assist the applicant
9 in locating that counseling or psychotherapy at a reasonable cost.

10 SEC. 32. Section 4980.44 of the Business and Professions
11 Code is amended to read:

12 4980.44. An unlicensed marriage and family therapist intern
13 employed under this chapter shall comply with the following
14 requirements:

15 (a) Possess, at a minimum, a master's degree as specified in
16 Section 4980.36 or 4980.37, as applicable.

17 (b) Register with the board prior to performing any duties,
18 except as otherwise provided in subdivision (g) of Section 4980.43.

19 (c) Prior to performing any professional services, inform each
20 client or patient that he or she is an unlicensed marriage and family
21 therapist registered intern, provide his or her registration number
22 and the name of his or her employer, and indicate whether he or
23 she is under the supervision of a licensed marriage and family
24 therapist, licensed clinical social worker, licensed professional
25 clinical counselor, licensed psychologist, or a licensed physician
26 and surgeon certified in psychiatry by the American Board of
27 Psychiatry and Neurology.

28 (d) (1) Any advertisement by or on behalf of a marriage and
29 family therapist registered intern shall include, at a minimum, all
30 of the following information:

31 (A) That he or she is a marriage and family therapist registered
32 intern.

33 (B) The intern's registration number.

34 (C) The name of his or her employer.

35 (D) That he or she is supervised by a licensed person.

36 (2) The abbreviation "MFTI" shall not be used in an
37 advertisement unless the title "marriage and family therapist
38 registered intern" appears in the advertisement.

39 SEC. 33. Section 4980.48 of the Business and Professions
40 Code is amended to read:

1 4980.48. (a) A trainee shall, prior to performing any
2 professional services, inform each client or patient that he or she
3 is an unlicensed marriage and family therapist trainee, provide the
4 name of his or her employer, and indicate whether he or she is
5 under the supervision of a licensed marriage and family therapist,
6 a licensed clinical social worker, a licensed professional clinical
7 counselor, a licensed psychologist, or a licensed physician certified
8 in psychiatry by the American Board of Psychiatry and Neurology.

9 (b) Any person that advertises services performed by a trainee
10 shall include the trainee's name, the supervisor's license
11 designation or abbreviation, and the supervisor's license number.

12 (c) Any advertisement by or on behalf of a marriage and family
13 therapist trainee shall include, at a minimum, all of the following
14 information:

15 (1) That he or she is a marriage and family therapist trainee.

16 (2) The name of his or her employer.

17 (3) That he or she is supervised by a licensed person.

18 SEC. 34. Section 4980.50 of the Business and Professions
19 Code, as amended by Section 7 of Chapter 387 of the Statutes of
20 2011, is amended to read:

21 4980.50. (a) Every applicant who meets the educational and
22 experience requirements and applies for a license as a marriage
23 and family therapist shall be examined by the board. The
24 examinations shall be as set forth in subdivision (d) of Section
25 4980.40. The examinations shall be given at least twice a year at
26 a time and place and under supervision as the board may determine.
27 The board shall examine the candidate with regard to his or her
28 knowledge and professional skills and his or her judgment in the
29 utilization of appropriate techniques and methods.

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

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

1 receipt by the board of a complaint alleging acts or conduct that
2 would constitute grounds to deny licensure.

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

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

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

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

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

32 (i) This section shall remain in effect only until January 1, 2014,
33 and as of that date is repealed, unless a later enacted statute, that
34 is enacted before January 1, 2014, deletes or extends that date.

35 SEC. 35. Section 4980.50 of the Business and Professions
36 Code, as added by Section 8 of Chapter 387 of the Statutes of
37 2011, is amended to read:

38 4980.50. Effective January 1, 2014, the following shall apply:

39 (a) Every applicant who meets the educational and experience
40 requirements and applies for a license as a marriage and family

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

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

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

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

29 (e) Notwithstanding Section 135, the board may deny any
30 applicant who has previously failed either the California law and
31 ethics examination or the clinical examination permission to retake
32 either examination pending completion of the investigation of any
33 complaints against the applicant. Nothing in this section shall
34 prohibit the board from denying an applicant admission to any
35 examination, withholding the results, or refusing to issue a license
36 to any applicant when an accusation or statement of issues has
37 been filed against the applicant pursuant to Sections 11503 and
38 11504 of the Government Code, respectively, or the applicant has
39 been denied in accordance with subdivision (b) of Section 485.

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

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

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

13 (i) This section shall become operative on January 1, 2014.

14 SEC. 36. Section 4980.78 of the Business and Professions
15 Code is amended to read:

16 4980.78. (a) This section applies to persons who apply for
17 licensure or registration on or after January 1, 2014.

18 (b) For purposes of Sections 4980.72 and 4980.74, education
19 is substantially equivalent if all of the following requirements are
20 met:

21 (1) The degree is obtained from a school, college, or university
22 accredited by an accrediting agency recognized by the United
23 States Department of Education and consists of, at a minimum, 48
24 semester or 72 quarter units, including, but not limited to, both of
25 the following:

26 (A) Six semester or nine quarter units of practicum, including,
27 but not limited to, a minimum of 150 hours of face-to-face
28 counseling.

29 (B) Twelve semester or 18 quarter units in the areas of marriage,
30 family, and child counseling and marital and family systems
31 approaches to treatment, as specified in subparagraph (A) of
32 paragraph (1) of subdivision (d) of Section 4980.36.

33 (2) The applicant completes any units and course content
34 requirements under subdivision (d) of Section 4980.36 not already
35 completed in his or her education.

36 (3) The applicant completes credit level coursework from a
37 degree-granting institution that provides all of the following:

38 (A) Instruction regarding the principles of mental health
39 recovery-oriented care and methods of service delivery in recovery
40 model practice environments.

1 (B) An understanding of various California cultures and the
2 social and psychological implications of socioeconomic position.

3 (C) Structured meeting with various consumers and family
4 members of consumers of mental health services to enhance
5 understanding of their experience of mental illness, treatment, and
6 recovery.

7 (D) Instruction in addiction and co-occurring substance abuse
8 and mental health disorders, as specified in subparagraph (I) of
9 paragraph (2) of subdivision (d) of Section 4980.36.

10 (4) The applicant completes an 18-hour course in California
11 law and professional ethics. The content of the course shall include,
12 but not be limited to, advertising, scope of practice, scope of
13 competence, treatment of minors, confidentiality, dangerous
14 patients, psychotherapist-patient privilege, recordkeeping, patient
15 access to records, state and federal laws relating to confidentiality
16 of patient health information, dual relationships, child abuse, elder
17 and dependent adult abuse, online therapy, insurance
18 reimbursement, civil liability, disciplinary actions and
19 unprofessional conduct, ethics complaints and ethical standards,
20 termination of therapy, standards of care, relevant family law,
21 therapist disclosures to patients, differences in legal and ethical
22 standards in different types of work settings, and licensing law
23 and licensing process.

24 (5) The applicant's degree title need not be identical to that
25 required by subdivision (b) of Section 4980.36.

26 SEC. 37. Section 4980.80 of the Business and Professions
27 Code is amended to read:

28 4980.80. (a) This section applies to persons who apply for
29 licensure between January 1, 2010, and December 31, 2013,
30 inclusive.

31 (b) The board may issue a license to a person who, at the time
32 of application, holds a valid license issued by a board of marriage
33 counselor examiners, marriage therapist examiners, or
34 corresponding authority of any state, if all of the following
35 requirements are satisfied:

36 (1) The person has held that license for at least two years
37 immediately preceding the date of application.

38 (2) The education and supervised experience requirements are
39 substantially the equivalent of this chapter.

40 (3) The person complies with Section 4980.76, if applicable.

1 (4) The person successfully completes the board administered
2 licensing examinations as specified by subdivision (d) of Section
3 4980.40 and pays the fees specified.

4 (5) The person completes all of the following coursework or
5 training:

6 (A) (i) An applicant who completed a two semester or three
7 quarter unit course in law and professional ethics for marriage and
8 family therapists that does not meet the requirements of Section
9 4980.41 as part of his or her qualifying degree shall complete an
10 18-hour course in California law and professional ethics that
11 includes, but is not limited to, the following subjects: advertising,
12 scope of practice, scope of competence, treatment of minors,
13 confidentiality, dangerous patients, psychotherapist-patient
14 privilege, recordkeeping, patient access to records, state and federal
15 laws relating to the confidentiality of patient health information,
16 dual relationships, child abuse, elder and dependent adult abuse,
17 online therapy, insurance reimbursement, civil liability, disciplinary
18 actions and unprofessional conduct, ethics complaints and ethical
19 standards, termination of therapy, standards of care, relevant family
20 law, and therapist disclosures to patients.

21 (ii) An applicant who has not completed a two semester or three
22 quarter unit course in law and professional ethics for marriage and
23 family therapists that included areas of study as specified in Section
24 4980.41 as part of his or her qualifying degree, shall complete a
25 two semester or three quarter unit course in California law and
26 professional ethics that includes, at minimum, the areas of study
27 specified in Section 4980.41.

28 (B) A minimum of seven contact hours of training or coursework
29 in child abuse assessment and reporting as specified in Section 28
30 and any regulations promulgated thereunder.

31 (C) A minimum of 10 contact hours of training or coursework
32 in human sexuality as specified in Section 25 and any regulations
33 promulgated thereunder.

34 (D) A minimum of 15 contact hours of training or coursework
35 in alcoholism and other chemical substance dependency as
36 specified by regulation.

37 (E) (i) Instruction in spousal or partner abuse assessment,
38 detection, and intervention. This instruction may be taken either
39 in fulfillment of other requirements for licensure or in a separate
40 course.

1 (ii) A minimum of 15 contact hours of coursework or training
2 in spousal or partner abuse assessment, detection, and intervention
3 strategies.

4 (F) A minimum of a two semester or three quarter unit survey
5 course in psychological testing. This course may be taken either
6 in fulfillment of other requirements for licensure or in a separate
7 course.

8 (G) A minimum of a two semester or three quarter unit survey
9 course in psychopharmacology. This course may be taken either
10 in fulfillment of other requirements for licensure or in a separate
11 course.

12 (H) With respect to human sexuality, alcoholism and other
13 chemical substance dependency, spousal or partner abuse
14 assessment, detection, and intervention, psychological testing, and
15 psychopharmacology, the board may accept training or coursework
16 acquired out of state.

17 (c) This section shall remain in effect only until January 1, 2014,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2014, deletes or extends that date.

20 SEC. 38. Section 4984.01 of the Business and Professions
21 Code, as amended by Section 9 of Chapter 387 of the Statutes of
22 2011, is amended to read:

23 4984.01. (a) The marriage and family therapist intern
24 registration shall expire one year from the last day of the month
25 in which it was issued.

26 (b) To renew the registration, the registrant shall, on or before
27 the expiration date of the registration, complete all of the following
28 actions:

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

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

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

36 (c) The registration may be renewed a maximum of five times.
37 No registration shall be renewed or reinstated beyond six years
38 from the last day of the month during which it was issued,
39 regardless of whether it has been revoked. When no further
40 renewals are possible, an applicant may apply for and obtain a new

1 intern registration if the applicant meets the educational
2 requirements for registration in effect at the time of the application
3 for a new intern registration. An applicant who is issued a
4 subsequent intern registration pursuant to this subdivision may be
5 employed or volunteer in any allowable work setting except private
6 practice.

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

10 SEC. 39. Section 4984.01 of the Business and Professions
11 Code, as added by Section 10 of Chapter 387 of the Statutes of
12 2011, is amended to read:

13 4984.01. (a) The marriage and family therapist intern
14 registration shall expire one year from the last day of the month
15 in which it was issued.

16 (b) To renew the registration, the registrant shall, on or before
17 the expiration date of the registration, complete all of the following
18 actions:

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

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

21 (3) Participate in the California law and ethics examination
22 pursuant to Section 4980.399 each year until successful completion
23 of this examination.

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

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

1 (d) This section shall become operative on January 1, 2014.

2 SEC. 40. Section 4984.4 of the Business and Professions Code
3 is amended to read:

4 4984.4. A license that is not renewed within three years after
5 its expiration may not be renewed, restored, reinstated, or reissued;
6 however, the former licensee may apply for and obtain a new
7 license if the following criteria are satisfied:

8 (a) No fact, circumstance, or condition exists that, if the license
9 were issued, would constitute grounds for its revocation or
10 suspension.

11 (b) He or she submits an application for examination eligibility
12 and the fee for that application.

13 (c) He or she takes and passes the current licensing
14 examinations.

15 (d) He or she submits the fee for initial license issuance.

16 (e) He or she complies with the fingerprint requirements
17 established by board regulation.

18 SEC. 41. Section 4984.7 of the Business and Professions Code,
19 as amended by Section 11 of Chapter 387 of the Statutes of 2011,
20 is amended to read:

21 4984.7. (a) The board shall assess the following fees relating
22 to the licensure of marriage and family therapists:

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

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

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

29 (4) The fee for the standard written examination shall be one
30 hundred dollars (\$100). The fee for the clinical vignette
31 examination shall be one hundred dollars (\$100).

32 (A) An applicant who fails to appear for an examination, after
33 having been scheduled to take the examination, shall forfeit the
34 examination fee.

35 (B) The amount of the examination fees shall be based on the
36 actual cost to the board of developing, purchasing, and grading
37 each examination and the actual cost to the board of administering
38 each examination. The examination fees shall be adjusted
39 periodically by regulation to reflect the actual costs incurred by
40 the board.

1 (5) The fee for rescoring an examination shall be twenty dollars
2 (\$20).

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

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

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

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

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

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

16 (12) The fee for issuance of a retired license shall be forty dollars
17 (\$40).

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

21 (c) This section shall remain in effect only until January 1, 2014,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2014, deletes or extends that date.

24 SEC. 42. Section 4984.7 of the Business and Professions Code,
25 as added by Section 12 of Chapter 387 of the Statutes of 2011, is
26 amended to read:

27 4984.7. (a) The board shall assess the following fees relating
28 to the licensure of marriage and family therapists:

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

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

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

35 (4) The fee for the clinical examination shall be one hundred
36 dollars (\$100). The fee for the California law and ethics
37 examination shall be one hundred dollars (\$100).

38 (A) An applicant who fails to appear for an examination, after
39 having been scheduled to take the examination, shall forfeit the
40 examination fee.

1 (B) The amount of the examination fees shall be based on the
2 actual cost to the board of developing, purchasing, and grading
3 each examination and the actual cost to the board of administering
4 each examination. The examination fees shall be adjusted
5 periodically by regulation to reflect the actual costs incurred by
6 the board.

7 (5) The fee for rescoring an examination shall be twenty dollars
8 (\$20).

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

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

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

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

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

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

22 (12) The fee for issuance of a retired license shall be forty dollars
23 (\$40).

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

27 (c) This section shall become operative on January 1, 2014.

28 SEC. 43. Section 4984.72 of the Business and Professions
29 Code, as amended by Section 13 of Chapter 387 of the Statutes of
30 2011, is amended to read:

31 4984.72. (a) An applicant who fails a standard or clinical
32 vignette written examination may, within one year from the
33 notification date of that failure, retake the examination as regularly
34 scheduled without further application upon payment of the fee for
35 the examination. Thereafter, the applicant shall not be eligible for
36 further examination until he or she files a new application, meets
37 all requirements in effect on the date of application, and pays all
38 required fees.

1 (b) This section shall remain in effect only until January 1, 2014,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2014, deletes or extends that date.

4 SEC. 44. Section 4984.72 of the Business and Professions
5 Code, as added by Section 14 of Chapter 387 of the Statutes of
6 2011, is amended to read:

7 4984.72. (a) Effective January 1, 2014, an applicant who fails
8 the clinical examination may, within one year from the notification
9 date of that failure, retake the examination as regularly scheduled
10 without further application upon payment of the fee for the
11 examination. Thereafter, the applicant shall not be eligible for
12 further examination until he or she files a new application, meets
13 all requirements in effect on the date of application, and pays all
14 required fees.

15 (b) This section shall become operative on January 1, 2014.

16 SEC. 45. Section 4989.16 of the Business and Professions
17 Code is amended to read:

18 4989.16. (a) A person appropriately credentialed by the
19 Commission on Teacher Credentialing may perform the functions
20 authorized by that credential in a public school without a license
21 issued under this chapter by the board.

22 (b) Nothing in this chapter shall be construed to constrict, limit,
23 or withdraw the Medical Practice Act (Chapter 5 (commencing
24 with Section 2000)), the Nursing Practice Act (Chapter 6
25 (commencing with Section 2700)), the Psychology Licensing Law
26 (Chapter 6.6 (commencing with Section 2900)), the Licensed
27 Marriage and Family Therapist Practice Act (Chapter 13
28 (commencing with Section 4980)), or the Clinical Social Worker
29 Practice Act (Chapter 14 (commencing with Section 4991)).

30 SEC. 46. Section 4989.42 of the Business and Professions
31 Code is amended to read:

32 4989.42. A license that is not renewed within three years after
33 its expiration may not be renewed, restored, reinstated, or reissued
34 thereafter. A former licensee may apply for a new license if he or
35 she satisfies all of the following requirements:

36 (a) No fact, circumstance, or condition exists that, if the license
37 were issued, would constitute grounds for its revocation or
38 suspension.

39 (b) Payment of the fees that would be required if he or she were
40 applying for a license for the first time.

- 1 (c) Passage of the current licensure examination.
- 2 (d) He or she complies with the fingerprint requirements
- 3 established by board regulation.

4 SEC. 47. Section 4992.05 of the Business and Professions
5 Code is amended to read:

6 4992.05. (a) Effective January 1, 2014, an applicant for
7 licensure as a clinical social worker shall pass the following two
8 examinations as prescribed by the board:

- 9 (1) A California law and ethics examination.
- 10 (2) A clinical examination.
- 11 (b) Upon registration with the board, an associate social worker
- 12 registrant shall, within the first year of registration, take an
- 13 examination on California law and ethics.

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

- 16 (1) Completion of all education requirements.
- 17 (2) Passage of the California law and ethics examination.
- 18 (3) Completion of all required supervised work experience.

19 (d) This section shall become operative on January 1, 2014.
20 SEC. 48. Section 4992.07 of the Business and Professions

21 Code is amended to read:
22 4992.07. (a) An applicant who had previously taken and passed
23 the standard written examination but had not passed the clinical
24 vignette examination shall also obtain a passing score on the
25 clinical examination in order to be eligible for licensure.

26 (b) An applicant who had previously failed to obtain a passing
27 score on the standard written examination shall obtain a passing
28 score on the California law and ethics examination and the clinical
29 examination.

30 (c) An applicant who had obtained eligibility for the standard
31 written examination shall take the California law and ethics
32 examination and the clinical examination.

33 (d) This section shall become operative on January 1, 2014.

34 SEC. 49. Section 4992.09 of the Business and Professions
35 Code is amended to read:

36 4992.09. (a) Except as provided in subdivision (a) of Section
37 4992.07, an applicant and registrant shall obtain a passing score
38 on a board-administered California law and ethics examination in
39 order to qualify for licensure.

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

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

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

19 (e) The board shall not issue a subsequent registration number
20 unless the registrant has passed the California law and ethics
21 examination.

22 (f) This section shall become operative on January 1, 2014.

23 SEC. 50. Section 4992.1 of the Business and Professions Code,
24 as amended by Section 18 of Chapter 387 of the Statutes of 2011,
25 is amended to read:

26 4992.1. (a) Only individuals who have the qualifications
27 prescribed by the board under this chapter are eligible to take the
28 examination.

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

31 (c) Notwithstanding any other provision of law, the board may
32 destroy all examination materials two years following the date of
33 an examination.

34 (d) The board shall not deny any applicant, whose application
35 for licensure is complete, admission to the standard written
36 examination, nor shall the board postpone or delay any applicant's
37 standard written examination or delay informing the candidate of
38 the results of the standard written examination, solely upon the
39 receipt by the board of a complaint alleging acts or conduct that
40 would constitute grounds to deny licensure.

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

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

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

24 (h) This section shall remain in effect only until January 1, 2014,
25 and as of that date is repealed, unless a later enacted statute, that
26 is enacted before January 1, 2014, deletes or extends that date.

27 SEC. 51. Section 4992.1 of the Business and Professions Code,
28 as added by Section 19 of Chapter 387 of the Statutes of 2011, is
29 amended to read:

30 4992.1. (a) Only individuals who have the qualifications
31 prescribed by the board under this chapter are eligible to take an
32 examination under this chapter.

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

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

38 (d) The board shall not deny any applicant, whose application
39 for licensure is complete, admission to the clinical examination,
40 nor shall the board postpone or delay any applicant's clinical

1 examination or delay informing the candidate of the results of the
2 clinical examination, solely upon the receipt by the board of a
3 complaint alleging acts or conduct that would constitute grounds
4 to deny licensure.

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

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

24 (g) Effective January 1, 2014, no applicant shall be eligible to
25 participate in the clinical examination if he or she fails to obtain
26 a passing score on the clinical examination within seven years
27 from his or her initial attempt, unless he or she takes and obtains
28 a passing score on the current version of the California law and
29 ethics examination.

30 (h) This section shall become operative on January 1, 2014.

31 *SEC. 51.5. Section 4992.1 of the Business and Professions*
32 *Code, as added by Section 19 of Chapter 387 of the Statutes of*
33 *2011, is amended to read:*

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

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

1 (c) Notwithstanding any other provision of law, the board may
2 destroy all examination materials two years following the date of
3 an examination.

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

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

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

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

36 (h) *A passing score on the clinical examination shall be accepted*
37 *by the board for a period of seven years from the date the*
38 *examination was taken.*

39 ~~(h)~~

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

1 SEC. 52. Section 4996.1 of the Business and Professions Code,
2 as amended by Section 21 of Chapter 387 of the Statutes of 2011,
3 is amended to read:

4 4996.1. (a) The board shall issue a clinical social worker
5 license to each applicant who qualifies pursuant to this article and
6 successfully passes a board-administered written or oral
7 examination or both examinations. An applicant who has
8 successfully passed a previously administered written examination
9 may be subsequently required to take and pass another written
10 examination.

11 (b) This section shall remain in effect only until January 1, 2014,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2014, deletes or extends that date.

14 SEC. 53. Section 4996.1 of the Business and Professions Code,
15 as added by Section 22 of Chapter 387 of the Statutes of 2011, is
16 amended to read:

17 4996.1. (a) Effective January 1, 2014, the board shall issue a
18 clinical social worker license to each applicant who qualifies
19 pursuant to this article and who successfully passes a California
20 law and ethics examination and a clinical examination. An
21 applicant who has successfully passed a previously administered
22 written examination may be subsequently required to take and pass
23 another written examination.

24 (b) This section shall become operative on January 1, 2014.

25 SEC. 54. Section 4996.3 of the Business and Professions Code,
26 as amended by Section 24 of Chapter 387 of the Statutes of 2011,
27 is amended to read:

28 4996.3. (a) The board shall assess the following fees relating
29 to the licensure of clinical social workers:

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

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

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

36 (4) The fee for the standard written examination shall be a
37 maximum of one hundred fifty dollars (\$150). The fee for the
38 clinical vignette examination shall be one hundred dollars (\$100).

1 (A) An applicant who fails to appear for an examination, after
2 having been scheduled to take the examination, shall forfeit the
3 examination fees.

4 (B) The amount of the examination fees shall be based on the
5 actual cost to the board of developing, purchasing, and grading
6 each examination and the actual cost to the board of administering
7 each examination. The written examination fees shall be adjusted
8 periodically by regulation to reflect the actual costs incurred by
9 the board.

10 (5) The fee for rescoring an examination shall be twenty dollars
11 (\$20).

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

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

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

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

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

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

25 (12) The fee for issuance of a retired license shall be forty dollars
26 (\$40).

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

30 (c) This section shall remain in effect only until January 1, 2014,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2014, deletes or extends that date.

33 SEC. 55. Section 4996.3 of the Business and Professions Code,
34 as added by Section 25 of Chapter 387 of the Statutes of 2011, is
35 amended to read:

36 4996.3. (a) The board shall assess the following fees relating
37 to the licensure of clinical social workers:

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

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

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

5 (4) The fee for the clinical examination shall be one hundred
6 dollars (\$100). The fee for the California law and ethics
7 examination shall be one hundred dollars (\$100).

8 (A) An applicant who fails to appear for an examination, after
9 having been scheduled to take the examination, shall forfeit the
10 examination fees.

11 (B) The amount of the examination fees shall be based on the
12 actual cost to the board of developing, purchasing, and grading
13 each examination and the actual cost to the board of administering
14 each examination. The written examination fees shall be adjusted
15 periodically by regulation to reflect the actual costs incurred by
16 the board.

17 (5) The fee for rescoring an examination shall be twenty dollars
18 (\$20).

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

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

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

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

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

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

32 (12) The fee for issuance of a retired license shall be forty dollars
33 (\$40).

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

37 (c) This section shall become operative on January 1, 2014.

38 SEC. 56. Section 4996.4 of the Business and Professions Code,
39 as amended by Section 28 of Chapter 387 of the Statutes of 2011,
40 is amended to read:

1 4996.4. (a) An applicant who fails a standard or clinical
2 vignette written examination may, within one year from the
3 notification date of failure, retake that examination as regularly
4 scheduled, without further application, upon payment of the
5 required examination fees. Thereafter, the applicant shall not be
6 eligible for further examination until he or she files a new
7 application, meets all current requirements, and pays all required
8 fees.

9 (b) This section shall remain in effect only until January 1, 2014,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2014, deletes or extends that date.

12 SEC. 57. Section 4996.4 of the Business and Professions Code,
13 as added by Section 29 of Chapter 387 of the Statutes of 2011, is
14 amended to read:

15 4996.4. (a) Effective January 1, 2014, an applicant who fails
16 the clinical examination may, within one year from the notification
17 date of failure, retake that examination as regularly scheduled,
18 without further application, upon payment of the required
19 examination fees. Thereafter, the applicant shall not be eligible
20 for further examination until he or she files a new application,
21 meets all current requirements, and pays all required fees.

22 (b) This section shall become operative on January 1, 2014.

23 SEC. 58. Section 4996.6 of the Business and Professions Code
24 is amended to read:

25 4996.6. (a) Licenses issued under this chapter shall expire no
26 more than 24 months after the issue date. The expiration date of
27 the original license shall be set by the board.

28 (b) To renew an unexpired license, the licensee shall, on or
29 before the expiration date of the license, complete the following
30 actions:

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

32 (2) Pay a two-year renewal fee prescribed by the board.

33 (3) Certify compliance with the continuing education
34 requirements set forth in Section 4996.22.

35 (4) Notify the board whether he or she has been convicted, as
36 defined in Section 490, of a misdemeanor or felony, or whether
37 any disciplinary action has been taken by any regulatory or
38 licensing board in this or any other state, subsequent to the
39 licensee's last renewal.

1 (c) To renew an expired license within three years of its
2 expiration, the licensee shall, as a condition precedent to renewal,
3 complete all of the actions described in subdivision (b) and pay a
4 delinquency fee.

5 (d) A license that is not renewed within three years after its
6 expiration may not be renewed, restored, reinstated, or reissued
7 thereafter; however, the former licensee may apply for and obtain
8 a new license if he or she satisfies all of the following requirements:

9 (1) No fact, circumstance, or condition exists that, if the license
10 were issued, would justify its revocation or suspension.

11 (2) He or she submits an application for examination eligibility.

12 (3) He or she takes and passes the current licensing
13 examinations.

14 (4) He or she submits the fees for examination eligibility and
15 for initial license issuance.

16 (5) He or she complies with the fingerprint requirements
17 established by board regulation.

18 SEC. 59. Section 4996.28 of the Business and Professions
19 Code is amended to read:

20 4996.28. (a) Registration as an associate clinical social worker
21 shall expire one year from the last day of the month during which
22 it was issued. To renew a registration, the registrant shall, on or
23 before the expiration date of the registration, complete all of the
24 following 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 by a regulatory or licensing
30 board in this or any other state, subsequent to the last renewal of
31 the registration.

32 (4) On and after January 1, 2014, obtain a passing score on the
33 California law and ethics examination pursuant to Section 4992.09.

34 (b) A registration as an associate clinical social worker may be
35 renewed a maximum of five times. When no further renewals are
36 possible, an applicant may apply for and obtain a new associate
37 clinical social worker registration if the applicant meets all
38 requirements for registration in effect at the time of his or her
39 application for a new associate clinical social worker registration.
40 An applicant issued a subsequent associate registration pursuant

1 to this subdivision may be employed or volunteer in any allowable
2 work setting except private practice.

3 SEC. 60. Section 4999.22 of the Business and Professions
4 Code is amended to read:

5 4999.22. (a) Nothing in this chapter shall prevent qualified
6 persons from doing work of a psychosocial nature consistent with
7 the standards and ethics of their respective professions. However,
8 these qualified persons shall not hold themselves out to the public
9 by any title or description of services incorporating the words
10 “licensed professional clinical counselor” and shall not state that
11 they are licensed to practice professional clinical counseling, unless
12 they are otherwise licensed to provide professional clinical
13 counseling services.

14 (b) Nothing in this chapter shall be construed to constrict, limit,
15 or withdraw provisions of the Medical Practice Act, the Clinical
16 Social Worker Practice Act, the Nursing Practice Act, the
17 Psychology Licensing Law, or the Licensed Marriage and Family
18 Therapist Act.

19 (c) This chapter shall not apply to any priest, rabbi, or minister
20 of the gospel of any religious denomination who performs
21 counseling services as part of his or her pastoral or professional
22 duties, or to any person who is admitted to practice law in this
23 state, or who is licensed to practice medicine, who provides
24 counseling services as part of his or her professional practice.

25 (d) This chapter shall not apply to an employee of a
26 governmental entity or a school, college, or university, or of an
27 institution both nonprofit and charitable, if his or her practice is
28 performed solely under the supervision of the entity, school,
29 college, university, or institution by which he or she is employed,
30 and if he or she performs those functions as part of the position
31 for which he or she is employed.

32 (e) All persons registered as interns or licensed under this
33 chapter shall not be exempt from this chapter or the jurisdiction
34 of the board.

35 SEC. 61. Section 4999.32 of the Business and Professions
36 Code is amended to read:

37 4999.32. (a) This section shall apply to applicants for
38 examination eligibility or registration who begin graduate study
39 before August 1, 2012, and complete that study on or before

1 December 31, 2018. Those applicants may alternatively qualify
2 under paragraph (2) of subdivision (a) of Section 4999.33.

3 (b) To qualify for examination eligibility or registration,
4 applicants shall possess a master's or doctoral degree that is
5 counseling or psychotherapy in content and that meets the
6 requirements of this section, obtained from an accredited or
7 approved institution, as defined in Section 4999.12. For purposes
8 of this subdivision, a degree is "counseling or psychotherapy in
9 content" if it contains the supervised practicum or field study
10 experience described in paragraph (3) of subdivision (c) and, except
11 as provided in subdivision (d), the coursework in the core content
12 areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1)
13 of subdivision (c).

14 (c) The degree described in subdivision (b) shall contain not
15 less than 48 graduate semester or 72 graduate quarter units of
16 instruction, which shall, except as provided in subdivision (d),
17 include all of the following:

18 (1) The equivalent of at least three semester units or four and
19 one-half quarter units of graduate study in each of following core
20 content areas:

21 (A) Counseling and psychotherapeutic theories and techniques,
22 including the counseling process in a multicultural society, an
23 orientation to wellness and prevention, counseling theories to assist
24 in selection of appropriate counseling interventions, models of
25 counseling consistent with current professional research and
26 practice, development of a personal model of counseling, and
27 multidisciplinary responses to crises, emergencies, and disasters.

28 (B) Human growth and development across the lifespan,
29 including normal and abnormal behavior and an understanding of
30 developmental crises, disability, psychopathology, and situational
31 and environmental factors that affect both normal and abnormal
32 behavior.

33 (C) Career development theories and techniques, including
34 career development decisionmaking models and interrelationships
35 among and between work, family, and other life roles and factors,
36 including the role of multicultural issues in career development.

37 (D) Group counseling theories and techniques, including
38 principles of group dynamics, group process components,
39 developmental stage theories, therapeutic factors of group work,
40 group leadership styles and approaches, pertinent research and

1 literature, group counseling methods, and evaluation of
2 effectiveness.

3 (E) Assessment, appraisal, and testing of individuals, including
4 basic concepts of standardized and nonstandardized testing and
5 other assessment techniques, norm-referenced and
6 criterion-referenced assessment, statistical concepts, social and
7 cultural factors related to assessment and evaluation of individuals
8 and groups, and ethical strategies for selecting, administering, and
9 interpreting assessment instruments and techniques in counseling.

10 (F) Multicultural counseling theories and techniques, including
11 counselors' roles in developing cultural self-awareness, identity
12 development, promoting cultural social justice, individual and
13 community strategies for working with and advocating for diverse
14 populations, and counselors' roles in eliminating biases and
15 prejudices, and processes of intentional and unintentional
16 oppression and discrimination.

17 (G) Principles of the diagnostic process, including differential
18 diagnosis, and the use of current diagnostic tools, such as the
19 current edition of the Diagnostic and Statistical Manual, the impact
20 of co-occurring substance use disorders or medical psychological
21 disorders, established diagnostic criteria for mental or emotional
22 disorders, and the treatment modalities and placement criteria
23 within the continuum of care.

24 (H) Research and evaluation, including studies that provide an
25 understanding of research methods, statistical analysis, the use of
26 research to inform evidence-based practice, the importance of
27 research in advancing the profession of counseling, and statistical
28 methods used in conducting research, needs assessment, and
29 program evaluation.

30 (I) Professional orientation, ethics, and law in counseling,
31 including professional ethical standards and legal considerations,
32 licensing law and process, regulatory laws that delineate the
33 profession's scope of practice, counselor-client privilege,
34 confidentiality, the client dangerous to self or others, treatment of
35 minors with or without parental consent, relationship between
36 practitioner's sense of self and human values, functions and
37 relationships with other human service providers, strategies for
38 collaboration, and advocacy processes needed to address
39 institutional and social barriers that impede access, equity, and
40 success for clients.

1 (2) In addition to the course requirements described in paragraph
2 (1), a minimum of 12 semester units or 18 quarter units of advanced
3 coursework to develop knowledge of specific treatment issues,
4 special populations, application of counseling constructs,
5 assessment and treatment planning, clinical interventions,
6 therapeutic relationships, psychopathology, or other clinical topics.

7 (3) Not less than six semester units or nine quarter units of
8 supervised practicum or field study experience, or the equivalent,
9 in a clinical setting that provides a range of professional clinical
10 counseling experience, including the following:

11 (A) Applied psychotherapeutic techniques.

12 (B) Assessment.

13 (C) Diagnosis.

14 (D) Prognosis.

15 (E) Treatment.

16 (F) Issues of development, adjustment, and maladjustment.

17 (G) Health and wellness promotion.

18 (H) Other recognized counseling interventions.

19 (I) A minimum of 150 hours of face-to-face supervised clinical
20 experience counseling individuals, families, or groups.

21 (d) (1) An applicant whose degree is deficient in no more than
22 two of the required areas of study listed in subparagraphs (A) to
23 (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those
24 deficiencies by successfully completing post-master's or
25 postdoctoral degree coursework at an accredited or approved
26 institution, as defined in Section 4999.12.

27 (2) Coursework taken to meet deficiencies in the required areas
28 of study listed in subparagraphs (A) to (I), inclusive, of paragraph
29 (1) of subdivision (c) shall be the equivalent of three semester units
30 or four and one-half quarter units of study.

31 (3) The board shall make the final determination as to whether
32 a degree meets all requirements, including, but not limited to,
33 course requirements, regardless of accreditation.

34 (e) In addition to the degree described in this section, or as part
35 of that degree, an applicant shall complete the following
36 coursework or training prior to registration as an intern:

37 (1) A minimum of 15 contact hours of instruction in alcoholism
38 and other chemical substance abuse dependency, as specified by
39 regulation.

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

4 (3) A two semester unit or three quarter unit survey course in
5 psychopharmacology.

6 (4) A minimum of 15 contact hours of instruction in spousal or
7 partner abuse assessment, detection, and intervention strategies,
8 including knowledge of community resources, cultural factors,
9 and same gender abuse dynamics.

10 (5) A minimum of seven contact hours of training or coursework
11 in child abuse assessment and reporting as specified in Section 28
12 and any regulations adopted thereunder.

13 (6) A minimum of 18 contact hours of instruction in California
14 law and professional ethics for professional clinical counselors
15 that includes, but is not limited to, instruction in advertising, scope
16 of practice, scope of competence, treatment of minors,
17 confidentiality, dangerous clients, psychotherapist-client privilege,
18 recordkeeping, client access to records, dual relationships, child
19 abuse, elder and dependent adult abuse, online therapy, insurance
20 reimbursement, civil liability, disciplinary actions and
21 unprofessional conduct, ethics complaints and ethical standards,
22 termination of therapy, standards of care, relevant family law,
23 therapist disclosures to clients, and state and federal laws related
24 to confidentiality of patient health information. When coursework
25 in a master's or doctoral degree program is acquired to satisfy this
26 requirement, it shall be considered as part of the 48 semester unit
27 or 72 quarter unit requirement in subdivision (c).

28 (7) A minimum of 10 contact hours of instruction in aging and
29 long-term care, which may include, but is not limited to, the
30 biological, social, and psychological aspects of aging. On and after
31 January 1, 2012, this coursework shall include instruction on the
32 assessment and reporting of, as well as treatment related to, elder
33 and dependent adult abuse and neglect.

34 (8) A minimum of 15 contact hours of instruction in crisis or
35 trauma counseling, including multidisciplinary responses to crises,
36 emergencies, or disasters, and brief, intermediate, and long-term
37 approaches.

38 (f) This section shall remain in effect only until January 1, 2019,
39 and as of that date is repealed, unless a later enacted statute that
40 is enacted before January 1, 2019, deletes or extends that date.

1 SEC. 62. Section 4999.45 of the Business and Professions
2 Code, as amended by Section 32 of Chapter 387 of the Statutes of
3 2011, is amended to read:

4 4999.45. An intern employed under this chapter shall:

5 (a) Not perform any duties, except for those services provided
6 as a clinical counselor trainee, until registered as an intern.

7 (b) Not be employed or volunteer in a private practice until
8 registered as an intern.

9 (c) Inform each client prior to performing any professional
10 services that he or she is unlicensed and under supervision.

11 (d) Renew annually for a maximum of five years after initial
12 registration with the board.

13 (e) When no further renewals are possible, an applicant may
14 apply for and obtain a new intern registration if the applicant meets
15 the educational requirements for registration in effect at the time
16 of the application for a new intern registration. An applicant issued
17 a subsequent intern registration pursuant to this subdivision may
18 be employed or volunteer in any allowable work setting except
19 private practice.

20 (f) This section shall remain in effect only until January 1, 2014,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2014, deletes or extends that date.

23 SEC. 63. Section 4999.45 of the Business and Professions
24 Code, as added by Section 33 of Chapter 387 of the Statutes of
25 2011, is amended to read:

26 4999.45. (a) An intern employed under this chapter shall:

27 (1) Not perform any duties, except for those services provided
28 as a clinical counselor trainee, until registered as an intern.

29 (2) Not be employed or volunteer in a private practice until
30 registered as an intern.

31 (3) Inform each client prior to performing any professional
32 services that he or she is unlicensed and under supervision.

33 (4) Renew annually for a maximum of five years after initial
34 registration with the board.

35 (b) When no further renewals are possible, an applicant may
36 apply for and obtain a new intern registration if the applicant meets
37 the educational requirements for registration in effect at the time
38 of the application for a new intern registration and has passed the
39 California law and ethics examination described in Section
40 4999.53. An applicant issued a subsequent intern registration

1 pursuant to this subdivision may be employed or volunteer in any
2 allowable work setting except private practice.

3 (c) This section shall become operative on January 1, 2014.

4 SEC. 64. Section 4999.46 of the Business and Professions
5 Code, as amended by Section 34 of Chapter 387 of the Statutes of
6 2011, is amended to read:

7 4999.46. (a) To qualify for the licensure examinations specified
8 in subdivision (c) of Section 4999.52, applicants shall complete
9 clinical mental health experience under the general supervision of
10 an approved supervisor as defined in Section 4999.12.

11 (b) The experience shall include a minimum of 3,000 postdegree
12 hours of supervised clinical mental health experience related to
13 the practice of professional clinical counseling, performed over a
14 period of not less than two years (104 weeks), which shall include:

15 (1) Not more than 40 hours in any seven consecutive days.

16 (2) Not less than 1,750 hours of direct counseling with
17 individuals or groups in a setting described in Section 4999.44
18 using a variety of psychotherapeutic techniques and recognized
19 counseling interventions within the scope of practice of licensed
20 professional clinical counselors.

21 (3) Not more than 500 hours of experience providing group
22 therapy or group counseling.

23 (4) Not more than 250 hours of experience providing counseling
24 or crisis counseling on the telephone.

25 (5) Not less than 150 hours of clinical experience in a hospital
26 or community mental health setting, as defined in Section 1820 of
27 Title 16 of the California Code of Regulations.

28 (6) Not more than a combined total of 1,250 hours of experience
29 in the following related activities:

30 (A) Direct supervisor contact.

31 (B) Client centered advocacy.

32 (C) Not more than 250 hours of experience administering tests
33 and evaluating psychological tests of clients, writing clinical
34 reports, writing progress notes, or writing process notes.

35 (D) Not more than 250 hours of verified attendance at
36 workshops, training sessions, or conferences directly related to
37 professional clinical counseling that are approved by the applicant's
38 supervisor.

1 (c) No hours of clinical mental health experience may be gained
2 more than six years prior to the date the application for examination
3 eligibility was filed.

4 (d) An applicant shall register with the board as an intern in
5 order to be credited for postdegree hours of experience toward
6 licensure. Postdegree hours of experience shall be credited toward
7 licensure, provided that the applicant applies for intern registration
8 within 90 days of the granting of the qualifying degree and is
9 registered as an intern by the board.

10 (e) All applicants and interns shall be at all times under the
11 supervision of a supervisor who shall be responsible for ensuring
12 that the extent, kind, and quality of counseling performed is
13 consistent with the training and experience of the person being
14 supervised, and who shall be responsible to the board for
15 compliance with all laws, rules, and regulations governing the
16 practice of professional clinical counseling.

17 (f) Experience obtained under the supervision of a spouse or
18 relative by blood or marriage shall not be credited toward the
19 required hours of supervised experience. Experience obtained
20 under the supervision of a supervisor with whom the applicant has
21 had or currently has a personal, professional, or business
22 relationship that undermines the authority or effectiveness of the
23 supervision shall not be credited toward the required hours of
24 supervised experience.

25 (g) Supervision shall include at least one hour of direct
26 supervisor contact in each week for which experience is credited
27 in each work setting.

28 (1) No more than five hours of supervision, whether individual
29 or group, shall be credited during any single week.

30 (2) An intern shall receive at least one additional hour of direct
31 supervisor contact for every week in which more than 10 hours of
32 face-to-face psychotherapy is performed in each setting in which
33 experience is gained.

34 (3) For purposes of this section, “one hour of direct supervisor
35 contact” means one hour of face-to-face contact on an individual
36 basis or two hours of face-to-face contact in a group of not more
37 than eight persons in segments lasting no less than one continuous
38 hour.

39 (4) Notwithstanding paragraph (3), an intern working in a
40 governmental entity, a school, a college, or a university, or an

1 institution that is both nonprofit and charitable, may obtain the
2 required weekly direct supervisor contact via two-way, real-time
3 videoconferencing. The supervisor shall be responsible for ensuring
4 that client confidentiality is upheld.

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

8 SEC. 65. Section 4999.46 of the Business and Professions
9 Code, as added by Section 35 of Chapter 387 of the Statutes of
10 2011, is amended to read:

11 4999.46. (a) To qualify for the licensure examination specified
12 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
13 shall complete clinical mental health experience under the general
14 supervision of an approved supervisor as defined in Section
15 4999.12.

16 (b) The experience shall include a minimum of 3,000 postdegree
17 hours of supervised clinical mental health experience related to
18 the practice of professional clinical counseling, performed over a
19 period of not less than two years (104 weeks), which shall include:

20 (1) Not more than 40 hours in any seven consecutive days.

21 (2) Not less than 1,750 hours of direct counseling with
22 individuals or groups in a setting described in Section 4999.44
23 using a variety of psychotherapeutic techniques and recognized
24 counseling interventions within the scope of practice of licensed
25 professional clinical counselors.

26 (3) Not more than 500 hours of experience providing group
27 therapy or group counseling.

28 (4) Not more than 250 hours of experience providing counseling
29 or crisis counseling on the telephone.

30 (5) Not less than 150 hours of clinical experience in a hospital
31 or community mental health setting, as defined in Section 1820 of
32 Title 16 of the California Code of Regulations.

33 (6) Not more than a combined total of 1,250 hours of experience
34 in the following related activities:

35 (A) Direct supervisor contact.

36 (B) Client centered advocacy.

37 (C) Not more than 250 hours of experience administering tests
38 and evaluating psychological tests of clients, writing clinical
39 reports, writing progress notes, or writing process notes.

1 (D) Not more than 250 hours of verified attendance at
2 workshops, training sessions, or conferences directly related to
3 professional clinical counseling that are approved by the applicant's
4 supervisor.

5 (c) No hours of clinical mental health experience may be gained
6 more than six years prior to the date the application for examination
7 eligibility was filed.

8 (d) An applicant shall register with the board as an intern in
9 order to be credited for postdegree hours of experience toward
10 licensure. Postdegree hours of experience shall be credited toward
11 licensure, provided that the applicant applies for intern registration
12 within 90 days of the granting of the qualifying degree and is
13 registered as an intern by the board.

14 (e) All applicants and interns shall be at all times under the
15 supervision of a supervisor who shall be responsible for ensuring
16 that the extent, kind, and quality of counseling performed is
17 consistent with the training and experience of the person being
18 supervised, and who shall be responsible to the board for
19 compliance with all laws, rules, and regulations governing the
20 practice of professional clinical counseling.

21 (f) Experience obtained under the supervision of a spouse or
22 relative by blood or marriage shall not be credited toward the
23 required hours of supervised experience. Experience obtained
24 under the supervision of a supervisor with whom the applicant has
25 had or currently has a personal, professional, or business
26 relationship that undermines the authority or effectiveness of the
27 supervision shall not be credited toward the required hours of
28 supervised experience.

29 (g) Supervision shall include at least one hour of direct
30 supervisor contact in each week for which experience is credited
31 in each work setting.

32 (1) No more than five hours of supervision, whether individual
33 or group, shall be credited during any single week.

34 (2) An intern shall receive at least one additional hour of direct
35 supervisor contact for every week in which more than 10 hours of
36 face-to-face psychotherapy is performed in each setting in which
37 experience is gained.

38 (3) For purposes of this section, "one hour of direct supervisor
39 contact" means one hour of face-to-face contact on an individual
40 basis or two hours of face-to-face contact in a group of not more

1 than eight persons in segments lasting no less than one continuous
2 hour.

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

9 (h) This section shall become operative on January 1, 2014.

10 SEC. 66. Section 4999.50 of the Business and Professions
11 Code, as amended by Section 36 of Chapter 387 of the Statutes of
12 2011, is amended to read:

13 4999.50. (a) The board may issue a professional clinical
14 counselor license to any person who meets all of the following
15 requirements:

16 (1) He or she has received a master's or doctoral degree
17 described in Section 4999.32 or 4999.33, as applicable.

18 (2) He or she has completed at least 3,000 hours of supervised
19 experience in the practice of professional clinical counseling as
20 provided in Section 4999.46.

21 (3) He or she provides evidence of a passing score, as
22 determined by the board, on examinations designated by the board
23 pursuant to Section 4999.52.

24 (b) An applicant who has satisfied the requirements of this
25 chapter shall be issued a license as a professional clinical counselor
26 in the form that the board may deem appropriate.

27 (c) The board shall begin accepting applications for examination
28 eligibility on January 1, 2012.

29 (d) This section shall remain in effect only until January 1, 2014,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2014, deletes or extends that date.

32 SEC. 67. Section 4999.50 of the Business and Professions
33 Code, as added by Section 37 of Chapter 387 of the Statutes of
34 2011, is amended to read:

35 4999.50. (a) The board may issue a professional clinical
36 counselor license to any person who meets all of the following
37 requirements:

38 (1) He or she has received a master's or doctoral degree
39 described in Section 4999.32 or 4999.33, as applicable.

1 (2) He or she has completed at least 3,000 hours of supervised
2 experience in the practice of professional clinical counseling as
3 provided in Section 4999.46.

4 (3) He or she provides evidence of a passing score, as
5 determined by the board, on the examinations designated in Section
6 4999.53.

7 (b) An applicant who has satisfied the requirements of this
8 chapter shall be issued a license as a professional clinical counselor
9 in the form that the board may deem appropriate.

10 (c) This section shall become operative on January 1, 2014.

11 SEC. 68. Section 4999.52 of the Business and Professions
12 Code, as amended by Section 38 of Chapter 387 of the Statutes of
13 2011, is amended to read:

14 4999.52. (a) Except as provided in Sections 4999.54 and
15 4999.56, every applicant for a license as a professional clinical
16 counselor shall be examined by the board. The board shall examine
17 the candidate with regard to his or her knowledge and professional
18 skills and his or her judgment in the utilization of appropriate
19 techniques and 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) (1) It is the intent of the Legislature that national licensing
23 examinations, such as the National Counselor Examination for
24 Licensure and Certification (NCE) and the National Clinical Mental
25 Health Counselor Examination (NCMHCE), be evaluated by the
26 board as requirements for licensure as a professional clinical
27 counselor.

28 (2) The board shall evaluate various national examinations in
29 order to determine whether they meet the prevailing standards for
30 the validation and use of licensing and certification tests in
31 California.

32 (3) The Department of Consumer Affairs' Office of Professional
33 Examination Services shall review the occupational analysis that
34 was used for developing the national examinations in order to
35 determine if it adequately describes the licensing group and
36 adequately determines the tasks, knowledge, skills, and abilities
37 the licensed professional clinical counselor would need to perform
38 the functions under this chapter.

1 (4) Examinations shall measure knowledge and abilities
2 demonstrably important to the safe, effective practice of the
3 profession.

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

7 (A) The national examinations plus one or more
8 board-developed examinations.

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

10 (6) 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, 2014,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2014, deletes or extends that date.

9 *SEC. 68.5. Section 4999.52 of the Business and Professions*
10 *Code, as amended by Section 38 of Chapter 387 of the Statutes of*
11 *2011, is amended to read:*

12 4999.52. (a) Except as provided in ~~Sections 4999.54 and~~
13 ~~4999.56~~ Section 4999.54, every applicant for a license as a
14 professional clinical counselor shall be examined by the board.
15 The board shall examine the candidate with regard to his or her
16 knowledge and professional skills and his or her judgment in the
17 utilization of appropriate techniques and methods.

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

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

26 (2) The board shall evaluate various national examinations in
27 order to determine whether they meet the prevailing standards for
28 the validation and use of licensing and certification tests in
29 California.

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

37 (4) Examinations shall measure knowledge and abilities
38 demonstrably important to the safe, effective practice of the
39 profession.

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

4 (A) The national examinations plus one or more
5 board-developed examinations.

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

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

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

15 ~~(6)~~

16 (8) The licensing examinations shall also incorporate a
17 California law and ethics examination element that is acceptable
18 to the board, or, as an alternative, the board may develop a separate
19 California law and ethics examination.

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

26 (e) The board shall not deny any applicant whose application
27 for licensure is complete admission to the examinations, nor shall
28 the board postpone or delay any applicant's examinations or delay
29 informing the candidate of the results of the examinations, solely
30 upon the receipt by the board of a complaint alleging acts or
31 conduct that would constitute grounds to deny licensure.

32 (f) If an applicant for examination is the subject of a complaint
33 or is under board investigation for acts or conduct that, if proven
34 to be true, would constitute grounds for the board to deny licensure,
35 the board shall permit the applicant to take the examinations, but
36 may notify the applicant that licensure will not be granted pending
37 completion of the investigation.

38 (g) Notwithstanding Section 135, the board may deny any
39 applicant who has previously failed an examination permission to

1 retake that examination pending completion of the investigation
2 of any complaints against the applicant.

3 (h) Nothing in this section shall prohibit the board from denying
4 an applicant admission to any examination, withholding the results,
5 or refusing to issue a license to any applicant when an accusation
6 or statement of issues has been filed against the applicant pursuant
7 to Section 11503 or 11504 of the Government Code, respectively,
8 or the application has been denied in accordance with subdivision
9 (b) of Section 485.

10 (i) Notwithstanding any other provision of law, the board may
11 destroy all examination materials two years following the date of
12 an examination.

13 (j) This section shall remain in effect only until January 1, ~~2013~~
14 ~~2014~~, and as of that date is repealed, unless a later enacted statute,
15 that is enacted before January 1, ~~2013~~ ~~2014~~, deletes or extends
16 that date.

17 SEC. 69. Section 4999.52 of the Business and Professions
18 Code, as added by Section 39 of Chapter 387 of the Statutes of
19 2011, is amended to read:

20 4999.52. (a) Except as provided in Sections 4999.54 and
21 4999.56, every applicant for a license as a professional clinical
22 counselor shall be examined by the board. The board shall examine
23 the candidate with regard to his or her knowledge and professional
24 skills and his or her judgment in the utilization of appropriate
25 techniques and methods.

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

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

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

1 (e) If an applicant for the examination specified by paragraph
2 (2) of subdivision (a) of Section 4999.53, who has passed the
3 California law and ethics examination, is the subject of a complaint
4 or is under board investigation for acts or conduct that, if proven
5 to be true, would constitute grounds for the board to deny licensure,
6 the board shall permit the applicant to take this examination, but
7 may notify the applicant that licensure will not be granted pending
8 completion of the investigation.

9 (f) Notwithstanding Section 135, the board may deny any
10 applicant who has previously failed either the California law and
11 ethics examination, or the examination specified by paragraph (2)
12 of subdivision (a) of Section 4999.53, permission to retake either
13 examination pending completion of the investigation of any
14 complaints against the applicant.

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

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

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

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

36 (k) The provisions of this section shall become operative on
37 January 1, 2014.

38 *SEC. 69.5. Section 4999.52 of the Business and Professions*
39 *Code, as added by Section 39 of Chapter 387 of the Statutes of*
40 *2011, is amended to read:*

1 4999.52. (a) Except as provided in ~~Sections 4999.54 and~~
2 ~~4999.56~~ *Section 4999.54*, every applicant for a license as a
3 professional clinical counselor shall be examined by the board.
4 The board shall examine the candidate with regard to his or her
5 knowledge and professional skills and his or her judgment in the
6 utilization of appropriate techniques and methods.

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

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

15 (d) The board shall not deny any applicant whose application
16 for licensure is complete admission to the examinations specified
17 by paragraph (2) of subdivision (a) of Section 4999.53, nor shall
18 the board postpone or delay this examination for any applicant or
19 delay informing the candidate of the results of this examination,
20 solely upon the receipt by the board of a complaint alleging acts
21 or conduct that would constitute grounds to deny licensure.

22 (e) If an applicant for the examination specified by paragraph
23 (2) of subdivision (a) of Section 4999.53, who has passed the
24 California law and ethics examination, is the subject of a complaint
25 or is under board investigation for acts or conduct that, if proven
26 to be true, would constitute grounds for the board to deny licensure,
27 the board shall permit the applicant to take this examination, but
28 may notify the applicant that licensure will not be granted pending
29 completion of the investigation.

30 (f) Notwithstanding Section 135, the board may deny any
31 applicant who has previously failed either the California law and
32 ethics examination, or the examination specified by paragraph (2)
33 of subdivision (a) of Section 4999.53, permission to retake either
34 examination pending completion of the investigation of any
35 complaints against the applicant.

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

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

9 (j) *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 (j)

13 (k) No applicant shall be eligible to participate in the
14 examination specified by paragraph (2) of subdivision (a) of
15 Section 4999.53, if he or she fails to obtain a passing score on this
16 examination within seven years from his or her initial attempt. If
17 the applicant fails to obtain a passing score within seven years of
18 initial attempt, he or she shall obtain a passing score on the current
19 version of the California law and ethics examination in order to
20 be eligible to retake this examination.

21 (k)

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

24 SEC. 70. Section 4999.53 of the Business and Professions
25 Code is amended to read:

26 4999.53. (a) Effective January 1, 2014, a clinical counselor
27 intern applying for licensure as a clinical counselor shall pass the
28 following examinations as prescribed by the board:

29 (1) A California law and ethics examination.

30 (2) A clinical examination administered by the board, or the
31 National Clinical Mental Health Counselor Examination if the
32 board finds that this examination meets the prevailing standards
33 for validation and use of the licensing and certification tests in
34 California.

35 (b) Upon registration with the board, a clinical counselor intern
36 shall, within the first year of registration, take an examination on
37 California law and ethics.

38 (c) A registrant may take the clinical examination or the National
39 Clinical Mental Health Counselor Examination, as established by

1 the board through regulation, only upon meeting all of the
2 following requirements:

- 3 (1) Completion of all required supervised work experience.
- 4 (2) Completion of all education requirements.
- 5 (3) Passage of the California law and ethics examination.
- 6 (d) This section shall become operative on January 1, 2014.

7 SEC. 71. Section 4999.55 of the Business and Professions
8 Code is amended to read:

9 4999.55. (a) Each applicant and registrant shall obtain a
10 passing score on a board-administered California law and ethics
11 examination in order to qualify for licensure.

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

15 (c) If an applicant fails the California law and ethics exam, he
16 or she may retake the examination, upon payment of the required
17 fees, without further application, except as provided in subdivision

18 (d).

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

30 (e) The board shall not issue a subsequent registration number
31 unless the registrant has passed the California law and ethics
32 examination.

33 (f) This section shall become operative January 1, 2014.

34 SEC. 72. Section 4999.57 of the Business and Professions
35 Code is amended to read:

36 4999.57. (a) This section applies to a person who applies for
37 examination eligibility or registration between January 1, 2011,
38 and December 31, 2013, inclusive, who does not hold a license
39 described in subdivision (a) of Section 4999.58.

1 (b) Experience gained outside of California shall be accepted
2 toward the licensure requirements if it is substantially equivalent
3 to that required by this chapter, if the applicant complies with
4 Section 4999.40, if applicable, and if the applicant has gained a
5 minimum of 250 hours of supervised experience in direct
6 counseling within California while registered as an intern with the
7 board.

8 (c) Education gained while residing outside of California shall
9 be accepted toward the licensure requirements if it is substantially
10 equivalent to the education requirements of this chapter, and if the
11 applicant has completed the training or coursework required under
12 subdivision (e) of Section 4999.32, which includes, in addition to
13 the course described in subparagraph (I) of paragraph (1) of
14 subdivision (c) of Section 4999.32, an 18-hour course in California
15 law and professional ethics for professional clinical counselors.

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

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

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

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

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

33 SEC. 73. Section 4999.58 of the Business and Professions
34 Code is amended to read:

35 4999.58. (a) This section applies to a person who applies for
36 examination eligibility between January 1, 2011, and December
37 31, 2013, inclusive, and who meets both of the following
38 requirements:

39 (1) At the time of application, holds a valid license as a
40 professional clinical counselor, or other counseling license that

1 allows the applicant to independently provide clinical mental health
2 services, in another jurisdiction of the United States.

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

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

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

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

12 (3) The person successfully completes the examinations required
13 by the board pursuant to paragraph (3) of subdivision (a) of Section
14 4999.50.

15 (4) The person pays the required fees.

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

22 (d) Education gained while residing outside of California shall
23 be accepted toward the licensure requirements if it is substantially
24 equivalent to the education requirements of this chapter, and if the
25 applicant has completed the training or coursework required under
26 subdivision (e) of Section 4999.32, which includes, in addition to
27 the course described in subparagraph (I) of paragraph (1) of
28 subdivision (c) of Section 4999.32, an 18-hour course in California
29 law and professional ethics for professional clinical counselors.

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

37 (1) The applicant's degree contains the required number of
38 practicum units under paragraph (3) of subdivision (c) of Section
39 4999.32.

1 (2) The applicant remediates his or her specific deficiency by
2 completing the course content and units required by Section
3 4999.32.

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

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

8 *SEC. 73.5. Section 4999.58 of the Business and Professions*
9 *Code is amended to read:*

10 4999.58. (a) This section applies to a person who applies for
11 examination eligibility between January 1, 2011, and December
12 31, 2013, inclusive, and who meets both of the following
13 requirements:

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

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

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

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

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

27 (3) The person successfully completes the examinations required
28 by the board pursuant to paragraph (3) of subdivision (a) of Section
29 4999.50. *An applicant who obtained his or her license or*
30 *registration under another jurisdiction by taking a national*
31 *examination that is required by the board may apply for licensure*
32 *with the board without retaking that examination if both of the*
33 *following conditions are met:*

34 (A) *The applicant obtained a passing score on the national*
35 *licensing examination that is required by the board.*

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

1 (4) The person pays the required fees.

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

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

26 (e) For purposes of this section, the board may, in its discretion,
27 accept education as substantially equivalent if the applicant's
28 education meets the requirements of Section 4999.32. If the
29 applicant's degree does not contain the content or the overall units
30 required by Section 4999.32, the board may, in its discretion, accept
31 the applicant's education as substantially equivalent if the following
32 criteria are satisfied:

33 (1) The applicant's degree contains the required number of
34 practicum units under paragraph (3) of subdivision (c) of Section
35 4999.32.

36 (2) The applicant remediates his or her specific deficiency by
37 completing the course content and units required by Section
38 4999.32.

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

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

4 SEC. 74. Section 4999.59 of the Business and Professions
5 Code is amended to read:

6 4999.59. (a) This section applies to a person who applies for
7 examination eligibility or registration between January 1, 2011,
8 and December 31, 2013, inclusive, who meets both of the following
9 requirements:

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

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

14 (b) Experience gained outside of California shall be accepted
15 toward the licensure requirements if it is substantially equivalent
16 to that required by this chapter, if the applicant complies with
17 Section 4999.40, if applicable, and if the applicant has gained a
18 minimum of 250 hours of supervised experience in direct
19 counseling within California while registered as an intern with the
20 board. The board shall consider hours of experience obtained in
21 another state during the six-year period immediately preceding the
22 applicant's initial licensure in that state as a professional clinical
23 counselor.

24 (c) Education gained while residing outside of California shall
25 be accepted toward the licensure requirements if it is substantially
26 equivalent to the education requirements of this chapter, and if the
27 applicant has completed the training or coursework required under
28 subdivision (e) of Section 4999.32, which includes, in addition to
29 the course described in subparagraph (I) of paragraph (1) of
30 subdivision (c) of Section 4999.32, an 18-hour course in California
31 law and professional ethics for professional clinical counselors.

32 (d) For purposes of this section, the board may, in its discretion,
33 accept education as substantially equivalent if the applicant's
34 education meets the requirements of Section 4999.32. If the
35 applicant's degree does not contain the content or the overall units
36 required by Section 4999.32, the board may, in its discretion, accept
37 the applicant's education as substantially equivalent if the following
38 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) This section shall become inoperative on January 1, 2014,
9 and as of that date is repealed, unless a later enacted statute, which
10 is enacted before January 1, 2014, deletes or extends that date.

11 *SEC. 74.5. Section 4999.59 of the Business and Professions*
12 *Code is amended to read:*

13 4999.59. (a) This section applies to a person who applies for
14 examination eligibility or registration between January 1, 2011,
15 and December 31, 2013, inclusive, who meets both of the following
16 requirements:

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

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

21 (b) Experience gained outside of California shall be accepted
22 toward the licensure requirements if it is substantially equivalent
23 to that required by this chapter, if the applicant complies with
24 Section 4999.40, if applicable, and if the applicant has gained a
25 minimum of 250 hours of supervised experience in direct
26 counseling within California while registered as an intern with the
27 board. The board shall consider hours of experience obtained in
28 another state during the six-year period immediately preceding the
29 applicant's initial licensure in that state as a professional clinical
30 counselor.

31 (c) Education gained while residing outside of California shall
32 be accepted toward the licensure requirements if it is substantially
33 equivalent to the education requirements of this chapter, *and* if the
34 applicant has completed the training or coursework required under
35 subdivision (e) of Section 4999.32, ~~and if the applicant completes,~~
36 *which includes,* in addition to the course described in subparagraph
37 (I) of paragraph (1) of subdivision (c) of Section 4999.32, an
38 18-hour course in California law and professional ethics ~~that~~
39 ~~includes, but is not limited to, instruction in advertising, scope of~~
40 ~~practice, scope of competence, treatment of minors, confidentiality,~~

1 ~~dangerous clients, psychotherapist-client privilege, recordkeeping,~~
2 ~~client access to records, the Health Insurance Portability and~~
3 ~~Accountability Act, dual relationships, child abuse, elder and~~
4 ~~dependent adult abuse, online therapy, insurance reimbursement,~~
5 ~~civil liability, disciplinary actions and unprofessional conduct,~~
6 ~~ethics complaints and ethical standards, termination of therapy,~~
7 ~~standards of care, relevant family law, and therapist disclosures~~
8 ~~to clients for professional clinical counselors.~~

9 (d) For purposes of this section, the board may, in its discretion,
10 accept education as substantially equivalent if the applicant's
11 education meets the requirements of Section 4999.32. If the
12 applicant's degree does not contain the content or the overall units
13 required by Section 4999.32, the board may, in its discretion, accept
14 the applicant's education as substantially equivalent if the following
15 criteria are satisfied:

16 (1) The applicant's degree contains the required number of
17 practicum units under paragraph (3) of subdivision (c) of Section
18 4999.32.

19 (2) The applicant remediates his or her specific deficiency by
20 completing the course content and units required by Section
21 4999.32.

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

23 (e) *An applicant who obtained his or her license or registration*
24 *under another jurisdiction by taking a national examination that*
25 *is required by the board may apply for licensure with the board*
26 *without retaking that examination if both of the following*
27 *conditions are met:*

28 (1) *The applicant obtained a passing score on the national*
29 *licensing examination that is required by the board.*

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

35 (e)

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

39 SEC. 75. Section 4999.62 of the Business and Professions
40 Code is amended to read:

1 4999.62. (a) This section applies to persons who apply for
2 examination eligibility or registration on or after January 1, 2014.

3 (b) For purposes of Sections 4999.60 and 4999.61, education
4 is substantially equivalent if all of the following requirements are
5 met:

6 (1) The degree is obtained from an accredited or approved
7 institution, as defined in Section 4999.12, and consists of, at a
8 minimum, 48 semester or 72 quarter units, including, but not
9 limited to, both of the following:

10 (A) Six semester or nine quarter units of practicum, including,
11 but not limited to, a minimum of 280 hours of face-to-face
12 counseling.

13 (B) The required areas of study listed in subparagraphs (A) to
14 (M), inclusive, of paragraph (1) of subdivision (c) of Section
15 4999.33.

16 (2) The applicant completes any units and course content
17 requirements under Section 4999.33 not already completed in his
18 or her education.

19 (3) The applicant completes credit level coursework from a
20 degree-granting institution that provides all of the following:

21 (A) Instruction regarding the principles of mental health
22 recovery-oriented care and methods of service delivery in recovery
23 model practice environments.

24 (B) An understanding of various California cultures and the
25 social and psychological implications of socioeconomic position.

26 (C) Structured meeting with various consumers and family
27 members of consumers of mental health services to enhance
28 understanding of their experience of mental illness, treatment, and
29 recovery.

30 (D) Instruction in behavioral addiction and co-occurring
31 substance abuse and mental health disorders, as specified in
32 subparagraph (K) of paragraph (1) of subdivision (c) of Section
33 4999.33.

34 (4) The applicant completes, in addition to the course described
35 in subparagraph (I) of paragraph (1) of subdivision (c) of Section
36 4999.33, an 18-hour course in California law and professional
37 ethics that includes, but is not limited to, instruction in advertising,
38 scope of practice, scope of competence, treatment of minors,
39 confidentiality, dangerous clients, psychotherapist-client privilege,
40 recordkeeping, client access to records, state and federal laws

1 relating to confidentiality of patient health information, dual
2 relationships, child abuse, elder and dependent adult abuse, online
3 therapy, insurance reimbursement, civil liability, disciplinary
4 actions and unprofessional conduct, ethics complaints and ethical
5 standards, termination of therapy, standards of care, relevant family
6 law, and therapist disclosures to clients.

7 SEC. 76. Section 4999.63 of the Business and Professions
8 Code is amended to read:

9 4999.63. (a) For applicants who submit an application for a
10 license on or before January 1, 2014, a valid passing score on the
11 examination referenced in subdivision (c) of Section 4999.52 shall
12 have been obtained less than seven years prior to the application
13 date.

14 (b) For applicants who submit an application for a license on
15 and after January 1, 2014, a valid passing score on the examination
16 referenced in paragraph (2) of subdivision (a) of Section 4999.53
17 shall have been obtained less than seven years prior to the
18 application date.

19 SEC. 77. Section 4999.64 of the Business and Professions
20 Code is amended to read:

21 4999.64. (a) Effective January 1, 2014, an applicant who fails
22 the examination specified in paragraph (2) of subdivision (a) of
23 Section 4999.53 may, within one year from the notification date
24 of that failure, retake the examination as regularly scheduled
25 without further application upon payment of the fee for the
26 examination. Thereafter, the applicant shall not be eligible for
27 further examination until he or she files a new application, meets
28 all requirements in effect on the date of application, and pays all
29 required fees.

30 (b) This section shall become operative on January 1, 2014.

31 SEC. 78. Section 4999.76 of the Business and Professions
32 Code is amended to read:

33 4999.76. (a) Except as provided in subdivision (c), the board
34 shall not renew any license pursuant to this chapter unless the
35 applicant certifies to the board, on a form prescribed by the board,
36 that he or she has completed not less than 36 hours of approved
37 continuing education in or relevant to the field of professional
38 clinical counseling in the preceding two years, as determined by
39 the board.

1 (b) The board shall have the right to audit the records of any
2 applicant to verify the completion of the continuing education
3 requirement. Applicants shall maintain records of completed
4 continuing education coursework for a minimum of two years and
5 shall make these records available to the board for auditing
6 purposes upon request.

7 (c) The board may establish exceptions from the continuing
8 education requirement of this section for good cause, as defined
9 by the board.

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

12 (1) A school, college, or university that is accredited or
13 approved, as defined in Section 4999.12. Nothing in this paragraph
14 shall be construed as requiring coursework to be offered as part
15 of a regular degree program.

16 (2) Other continuing education providers, including, but not
17 limited to, a professional clinical counseling association, a licensed
18 health facility, a governmental entity, a continuing education unit
19 of a four-year institution of higher learning that is accredited or
20 approved, or a mental health professional association, approved
21 by the board.

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

30 (f) Training, education, and coursework by approved providers
31 shall incorporate one or more of the following:

32 (1) Aspects of the discipline that are fundamental to the
33 understanding or the practice of professional clinical counseling.

34 (2) Significant recent developments in the discipline of
35 professional clinical counseling.

36 (3) Aspects of other disciplines that enhance the understanding
37 or the practice of professional clinical counseling.

38 (g) A system of continuing education for licensed professional
39 clinical counselors shall include courses directly related to the

1 diagnosis, assessment, and treatment of the client population being
2 served.

3 (h) The board shall, by regulation, fund the administration of
4 this section through continuing education provider fees to be
5 deposited in the Behavioral Sciences Fund. The fees related to the
6 administration of this section shall be sufficient to meet, but shall
7 not exceed, the costs of administering the corresponding provisions
8 of this section. For the purposes of this subdivision, a provider of
9 continuing education as described in paragraph (1) of subdivision
10 (d) shall be deemed to be an approved provider.

11 (i) The continuing education requirements of this section shall
12 fully comply with the guidelines for mandatory continuing
13 education established by the Department of Consumer Affairs
14 pursuant to Section 166.

15 *SEC. 78.5. Section 4999.76 of the Business and Professions*
16 *Code is amended to read:*

17 4999.76. (a) ~~(1)~~ Except as provided in ~~paragraph (2)~~ and
18 subdivision (c), the board shall not renew any license pursuant to
19 this chapter unless the applicant certifies to the board, on a form
20 prescribed by the board, that he or she has completed not less than
21 36 hours of approved continuing education in or relevant to the
22 field of professional clinical counseling in the preceding two years,
23 as determined by the board.

24 ~~(2) Except as provided in subdivision (c), the board shall not~~
25 ~~renew a license issued pursuant to paragraph (1) of subdivision~~
26 ~~(a) of Section 4999.54 unless the applicant certifies to the board,~~
27 ~~on a form prescribed by the board, that he or she has completed~~
28 ~~not less than 18 hours of approved continuing education in or~~
29 ~~relevant to the field of professional clinical counseling in the~~
30 ~~preceding year, as determined by the board. This paragraph shall~~
31 ~~become inoperative on January 1, 2018.~~

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

38 (c) The board may establish exceptions from the continuing
39 education requirement of this section for good cause, as defined
40 by the board.

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

3 (1) A school, college, or university that is accredited or
4 approved, as defined in Section 4999.12. Nothing in this paragraph
5 shall be construed as requiring coursework to be offered as part
6 of a regular degree program.

7 (2) Other continuing education ~~providers~~, *providers that are*
8 *approved by accrediting organizations*, including, but not limited
9 to, a professional clinical counseling association, a licensed health
10 facility, a governmental entity, a continuing education unit of a
11 four-year institution of higher learning that is accredited or
12 approved, or a mental health professional ~~association~~, *approved*
13 *by the board association*.

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

22 ~~(f)~~

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

25 (1) Aspects of the discipline that are fundamental to the
26 understanding or the practice of professional clinical counseling.

27 (2) Significant recent developments in the discipline of
28 professional clinical counseling.

29 (3) Aspects of other disciplines that enhance the understanding
30 or the practice of professional clinical counseling.

31 ~~(g)~~

32 (f) A system of continuing education for licensed professional
33 clinical counselors shall include courses directly related to the
34 diagnosis, assessment, and treatment of the client population being
35 served.

36 ~~(h)~~

37 (g) The board shall, by regulation, fund the administration of
38 this section through continuing education provider fees to be
39 deposited in the Behavioral Sciences Fund. The fees related to the
40 administration of this section shall be sufficient to meet, but shall

1 not exceed, the costs of administering the corresponding provisions
2 of this section. For the purposes of this subdivision, a provider of
3 continuing education as described in ~~paragraph~~ *paragraphs* (1)
4 *and* (2) of subdivision (d) shall be deemed to be an approved
5 provider.

6 (i)

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

11 SEC. 79. Section 4999.90 of the Business and Professions
12 Code is amended to read:

13 4999.90. The board may refuse to issue any registration or
14 license, or may suspend or revoke the registration or license of
15 any intern or licensed professional clinical counselor, if the
16 applicant, licensee, or registrant has been guilty of unprofessional
17 conduct. Unprofessional conduct includes, but is not limited to,
18 the following:

19 (a) The conviction of a crime substantially related to the
20 qualifications, functions, or duties of a licensee or registrant under
21 this chapter. The record of conviction shall be conclusive evidence
22 only of the fact that the conviction occurred. The board may inquire
23 into the circumstances surrounding the commission of the crime
24 in order to fix the degree of discipline or to determine if the
25 conviction is substantially related to the qualifications, functions,
26 or duties of a licensee or registrant under this chapter. A plea or
27 verdict of guilty or a conviction following a plea of *nolo contendere*
28 made to a charge substantially related to the qualifications,
29 functions, or duties of a licensee or registrant under this chapter
30 shall be deemed to be a conviction within the meaning of this
31 section. The board may order any license or registration suspended
32 or revoked, or may decline to issue a license or registration when
33 the time for appeal has elapsed, or the judgment of conviction has
34 been affirmed on appeal, or, when an order granting probation is
35 made suspending the imposition of sentence, irrespective of a
36 subsequent order under Section 1203.4 of the Penal Code allowing
37 the person to withdraw a plea of guilty and enter a plea of not
38 guilty, or setting aside the verdict of guilty, or dismissing the
39 accusation, information, or indictment.

- 1 (b) Securing a license or registration by fraud, deceit, or
2 misrepresentation on any application for licensure or registration
3 submitted to the board, whether engaged in by an applicant for a
4 license or registration, or by a licensee in support of any application
5 for licensure or registration.
- 6 (c) Administering to himself or herself any controlled substance
7 or using any of the dangerous drugs specified in Section 4022, or
8 any alcoholic beverage to the extent, or in a manner, as to be
9 dangerous or injurious to the person applying for a registration or
10 license or holding a registration or license under this chapter, or
11 to any other person, or to the public, or, to the extent that the use
12 impairs the ability of the person applying for or holding a
13 registration or license to conduct with safety to the public the
14 practice authorized by the registration or license. The board shall
15 deny an application for a registration or license or revoke the
16 license or registration of any person, other than one who is licensed
17 as a physician and surgeon, who uses or offers to use drugs in the
18 course of performing licensed professional clinical counseling
19 services.
- 20 (d) Gross negligence or incompetence in the performance of
21 licensed professional clinical counseling services.
- 22 (e) Violating, attempting to violate, or conspiring to violate any
23 of the provisions of this chapter or any regulation adopted by the
24 board.
- 25 (f) Misrepresentation as to the type or status of a license or
26 registration held by the person, or otherwise misrepresenting or
27 permitting misrepresentation of his or her education, professional
28 qualifications, or professional affiliations to any person or entity.
- 29 (g) Impersonation of another by any licensee, registrant, or
30 applicant for a license or registration, or, in the case of a licensee
31 or registrant, allowing any other person to use his or her license
32 or registration.
- 33 (h) Aiding or abetting, or employing, directly or indirectly, any
34 unlicensed or unregistered person to engage in conduct for which
35 a license or registration is required under this chapter.
- 36 (i) Intentionally or recklessly causing physical or emotional
37 harm to any client.
- 38 (j) The commission of any dishonest, corrupt, or fraudulent act
39 substantially related to the qualifications, functions, or duties of a
40 licensee or registrant.

1 (k) Engaging in sexual relations with a client, or a former client
2 within two years following termination of therapy, soliciting sexual
3 relations with a client, or committing an act of sexual abuse, or
4 sexual misconduct with a client, or committing an act punishable
5 as a sexually related crime, if that act or solicitation is substantially
6 related to the qualifications, functions, or duties of a licensed
7 professional clinical counselor.

8 (l) Performing, or holding oneself out as being able to perform,
9 or offering to perform, or permitting any trainee, applicant, or
10 registrant under supervision to perform, any professional services
11 beyond the scope of the license authorized by this chapter.

12 (m) Failure to maintain confidentiality, except as otherwise
13 required or permitted by law, of all information that has been
14 received from a client in confidence during the course of treatment
15 and all information about the client which is obtained from tests
16 or other means.

17 (n) Prior to the commencement of treatment, failing to disclose
18 to the client or prospective client the fee to be charged for the
19 professional services, or the basis upon which that fee will be
20 computed.

21 (o) Paying, accepting, or soliciting any consideration,
22 compensation, or remuneration, whether monetary or otherwise,
23 for the referral of professional clients. All consideration,
24 compensation, or remuneration shall be in relation to professional
25 clinical counseling services actually provided by the licensee.
26 Nothing in this subdivision shall prevent collaboration among two
27 or more licensees in a case or cases. However, no fee shall be
28 charged for that collaboration, except when disclosure of the fee
29 has been made in compliance with subdivision (n).

30 (p) Advertising in a manner that is false, fraudulent, misleading,
31 or deceptive, as defined in Section 651.

32 (q) Reproduction or description in public, or in any publication
33 subject to general public distribution, of any psychological test or
34 other assessment device, the value of which depends in whole or
35 in part on the naivete of the subject, in ways that might invalidate
36 the test or device.

37 (r) Any conduct in the supervision of a registered intern,
38 associate clinical social worker, or clinical counselor trainee by
39 any licensee that violates this chapter or any rules or regulations
40 adopted by the board.

1 (s) Performing or holding oneself out as being able to perform
2 professional services beyond the scope of one's competence, as
3 established by one's education, training, or experience. This
4 subdivision shall not be construed to expand the scope of the
5 license authorized by this chapter.

6 (t) Permitting a clinical counselor trainee or intern under one's
7 supervision or control to perform, or permitting the clinical
8 counselor trainee or intern to hold himself or herself out as
9 competent to perform, professional services beyond the clinical
10 counselor trainee's or intern's level of education, training, or
11 experience.

12 (u) The violation of any statute or regulation of the standards
13 of the profession, and the nature of the services being rendered,
14 governing the gaining and supervision of experience required by
15 this chapter.

16 (v) Failure to keep records consistent with sound clinical
17 judgment, the standards of the profession, and the nature of the
18 services being rendered.

19 (w) Failure to comply with the child abuse reporting
20 requirements of Section 11166 of the Penal Code.

21 (x) Failing to comply with the elder and dependent adult abuse
22 reporting requirements of Section 15630 of the Welfare and
23 Institutions Code.

24 (y) Repeated acts of negligence.

25 (z) (1) Engaging in an act described in Section 261, 286, 288a,
26 or 289 of the Penal Code with a minor or an act described in
27 Section 288 or 288.5 of the Penal Code regardless of whether the
28 act occurred prior to or after the time the registration or license
29 was issued by the board. An act described in this subdivision
30 occurring prior to the effective date of this subdivision shall
31 constitute unprofessional conduct and shall subject the licensee to
32 refusal, suspension, or revocation of a license under this section.

33 (2) The Legislature hereby finds and declares that protection of
34 the public, and in particular minors, from sexual misconduct by a
35 licensee is a compelling governmental interest, and that the ability
36 to suspend or revoke a license for sexual conduct with a minor
37 occurring prior to the effective date of this section is equally
38 important to protecting the public as is the ability to refuse a license
39 for sexual conduct with a minor occurring prior to the effective
40 date of this section.

1 (aa) Engaging in any conduct that subverts or attempts to subvert
2 any licensing examination or the administration of an examination
3 as described in Section 123.

4 (ab) Revocation, suspension, or restriction by the board of a
5 license, certificate, or registration to practice as a professional
6 clinical counselor, clinical social worker, educational psychologist,
7 or marriage and family therapist.

8 (ac) Failing to comply with the procedures set forth in Section
9 2290.5 when delivering health care via telemedicine.

10 (ad) Willful violation of Chapter 1 (commencing with Section
11 123100) of Part 1 of Division 106 of the Health and Safety Code.

12 *SEC. 79.5. Section 4999.90 of the Business and Professions*
13 *Code is amended to read:*

14 4999.90. The board may refuse to issue any registration or
15 license, or may suspend or revoke the registration or license of
16 any intern or licensed professional clinical counselor, if the
17 applicant, licensee, or registrant has been guilty of unprofessional
18 conduct. Unprofessional conduct includes, but is not limited to,
19 the following:

20 (a) The conviction of a crime substantially related to the
21 qualifications, functions, or duties of a licensee or registrant under
22 this chapter. The record of conviction shall be conclusive evidence
23 only of the fact that the conviction occurred. The board may inquire
24 into the circumstances surrounding the commission of the crime
25 in order to fix the degree of discipline or to determine if the
26 conviction is substantially related to the qualifications, functions,
27 or duties of a licensee or registrant under this chapter. A plea or
28 verdict of guilty or a conviction following a plea of nolo contendere
29 made to a charge substantially related to the qualifications,
30 functions, or duties of a licensee or registrant under this chapter
31 shall be deemed to be a conviction within the meaning of this
32 section. The board may order any license or registration suspended
33 or revoked, or may decline to issue a license or registration when
34 the time for appeal has elapsed, or the judgment of conviction has
35 been affirmed on appeal, or, when an order granting probation is
36 made suspending the imposition of sentence, irrespective of a
37 subsequent order under Section 1203.4 of the Penal Code allowing
38 the person to withdraw a plea of guilty and enter a plea of not
39 guilty, or setting aside the verdict of guilty, or dismissing the
40 accusation, information, or indictment.

1 (b) Securing a license or registration by fraud, deceit, or
2 misrepresentation on any application for licensure or registration
3 submitted to the board, whether engaged in by an applicant for a
4 license or registration, or by a licensee in support of any application
5 for licensure or registration.

6 (c) Administering to himself or herself any controlled substance
7 or using any of the dangerous drugs specified in Section 4022, or
8 any alcoholic beverage to the extent, or in a manner, as to be
9 dangerous or injurious to the person applying for a registration or
10 license or holding a registration or license under this chapter, or
11 to any other person, or to the public, or, to the extent that the use
12 impairs the ability of the person applying for or holding a
13 registration or license to conduct with safety to the public the
14 practice authorized by the registration or license, ~~or the conviction~~
15 ~~of more than one misdemeanor or any felony involving the use,~~
16 ~~consumption, or self-administration of any of the substances~~
17 ~~referred to in this subdivision, or any combination thereof~~ license.
18 The board shall deny an application for a registration or license or
19 revoke the license or registration of any person, other than one
20 who is licensed as a physician and surgeon, who uses or offers to
21 use drugs in the course of performing licensed professional clinical
22 counseling services.

23 (d) Gross negligence or incompetence in the performance of
24 licensed professional clinical counseling services.

25 (e) Violating, attempting to violate, or conspiring to violate any
26 of the provisions of this chapter or any regulation adopted by the
27 board.

28 (f) Misrepresentation as to the type or status of a license or
29 registration held by the person, or otherwise misrepresenting or
30 permitting misrepresentation of his or her education, professional
31 qualifications, or professional affiliations to any person or entity.

32 (g) Impersonation of another by any licensee, registrant, or
33 applicant for a license or registration, or, in the case of a licensee
34 or registrant, allowing any other person to use his or her license
35 or registration.

36 (h) Aiding or abetting, or employing, directly or indirectly, any
37 unlicensed or unregistered person to engage in conduct for which
38 a license or registration is required under this chapter.

39 (i) Intentionally or recklessly causing physical or emotional
40 harm to any client.

1 (j) The commission of any dishonest, corrupt, or fraudulent act
2 substantially related to the qualifications, functions, or duties of a
3 licensee or registrant.

4 (k) Engaging in sexual relations with a client, or a former client
5 within two years following termination of therapy, soliciting sexual
6 relations with a client, or committing an act of sexual abuse, or
7 sexual misconduct with a client, or committing an act punishable
8 as a sexually related crime, if that act or solicitation is substantially
9 related to the qualifications, functions, or duties of a licensed
10 professional clinical counselor.

11 (l) Performing, or holding oneself out as being able to perform,
12 or offering to perform, or permitting any ~~clinical counselor trainee~~
13 ~~or intern~~ *trainee, applicant, or registrant* under supervision to
14 perform, any professional services beyond the scope of the license
15 authorized by this chapter.

16 (m) Failure to maintain confidentiality, except as otherwise
17 required or permitted by law, of all information that has been
18 received from a client in confidence during the course of treatment
19 and all information about the client which is obtained from tests
20 or other means.

21 (n) Prior to the commencement of treatment, failing to disclose
22 to the client or prospective client the fee to be charged for the
23 professional services, or the basis upon which that fee will be
24 computed.

25 (o) Paying, accepting, or soliciting any consideration,
26 compensation, or remuneration, whether monetary or otherwise,
27 for the referral of professional clients. All consideration,
28 compensation, or remuneration shall be in relation to professional
29 clinical counseling services actually provided by the licensee.
30 Nothing in this subdivision shall prevent collaboration among two
31 or more licensees in a case or cases. However, no fee shall be
32 charged for that collaboration, except when disclosure of the fee
33 has been made in compliance with subdivision (n).

34 (p) Advertising in a manner that is false, fraudulent, misleading,
35 or deceptive, as defined in Section 651.

36 (q) Reproduction or description in public, or in any publication
37 subject to general public distribution, of any psychological test or
38 other assessment device, the value of which depends in whole or
39 in part on the naivete of the subject, in ways that might invalidate
40 the test or device.

1 (r) Any conduct in the supervision of a registered intern,
2 associate clinical social worker, or clinical counselor trainee by
3 any licensee that violates this chapter or any rules or regulations
4 adopted by the board.

5 (s) Performing or holding oneself out as being able to perform
6 professional services beyond the scope of one's competence, as
7 established by one's education, training, or experience. This
8 subdivision shall not be construed to expand the scope of the
9 license authorized by this chapter.

10 (t) Permitting a clinical counselor trainee or intern under one's
11 supervision or control to perform, or permitting the clinical
12 counselor trainee or intern to hold himself or herself out as
13 competent to perform, professional services beyond the clinical
14 counselor trainee's or intern's level of education, training, or
15 experience.

16 (u) The violation of any statute or regulation of the standards
17 of the profession, and the nature of the services being rendered,
18 governing the gaining and supervision of experience required by
19 this chapter.

20 (v) Failure to keep records consistent with sound clinical
21 judgment, the standards of the profession, and the nature of the
22 services being rendered.

23 (w) Failure to comply with the child abuse reporting
24 requirements of Section 11166 of the Penal Code.

25 (x) Failing to comply with the elder and dependent adult abuse
26 reporting requirements of Section 15630 of the Welfare and
27 Institutions Code.

28 (y) Repeated acts of negligence.

29 (z) (1) Engaging in an act described in Section 261, 286, 288a,
30 or 289 of the Penal Code with a minor or an act described in
31 Section 288 or 288.5 of the Penal Code regardless of whether the
32 act occurred prior to or after the time the registration or license
33 was issued by the board. An act described in this subdivision
34 occurring prior to the effective date of this subdivision shall
35 constitute unprofessional conduct and shall subject the licensee to
36 refusal, suspension, or revocation of a license under this section.

37 (2) The Legislature hereby finds and declares that protection of
38 the public, and in particular minors, from sexual misconduct by a
39 licensee is a compelling governmental interest, and that the ability
40 to suspend or revoke a license for sexual conduct with a minor

1 occurring prior to the effective date of this section is equally
2 important to protecting the public as is the ability to refuse a license
3 for sexual conduct with a minor occurring prior to the effective
4 date of this section.

5 (aa) Engaging in any conduct that subverts or attempts to subvert
6 any licensing examination or the administration of an examination
7 as described in Section 123.

8 (ab) Revocation, suspension, or restriction by the board of a
9 license, certificate, or registration to practice as a professional
10 clinical counselor, clinical social worker, educational psychologist,
11 or marriage and family therapist.

12 (ac) Failing to comply with the procedures set forth in Section
13 2290.5 when delivering health care via ~~telemedicine~~ *telehealth*.

14 (ad) *Willful violation of Chapter 1 (commencing with Section*
15 *123100) of Part 1 of Division 106 of the Health and Safety Code.*

16 SEC. 80. Section 4999.100 of the Business and Professions
17 Code, as amended by Section 44 of Chapter 387 of the Statutes of
18 2011, is amended to read:

19 4999.100. (a) An intern registration shall expire one year from
20 the last day of the month in which it was issued.

21 (b) To renew a registration, the registrant shall, on or before the
22 expiration date of the registration, do the following:

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

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

25 (3) Notify the board whether he or she has been convicted, as
26 defined in Section 490, of a misdemeanor or felony, or whether
27 any disciplinary action has been taken by any regulatory or
28 licensing board in this or any other state, subsequent to the
29 registrant's last renewal.

30 (c) This section shall remain in effect only until January 1, 2014,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2014, deletes or extends that date.

33 SEC. 81. Section 4999.100 of the Business and Professions
34 Code, as added by Section 45 of Chapter 387 of the Statutes of
35 2011, is amended to read:

36 4999.100. (a) An intern registration shall expire one year from
37 the last day of the month in which it was issued.

38 (b) To renew a registration, the registrant shall, on or before the
39 expiration date of the registration, do the following:

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

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

2 (3) Notify the board whether he or she has been convicted, as
3 defined in Section 490, of a misdemeanor or felony, or whether
4 any disciplinary action has been taken by any regulatory or
5 licensing board in this or any other state, subsequent to the
6 registrant's last renewal.

7 (4) Participate in the California law and ethics examination
8 pursuant to Section 4999.53 each year until successful completion
9 of this examination.

10 (c) The intern registration may be renewed a maximum of five
11 times. No registration shall be renewed or reinstated beyond six
12 years from the last day of the month during which it was issued,
13 regardless of whether it has been revoked. When no further
14 renewals are possible, an applicant may apply for and obtain a new
15 intern registration if the applicant meets the educational
16 requirements for registration in effect at the time of the application
17 for a new intern registration and has passed the California law and
18 ethics examination described in Section 4999.53. An applicant
19 who is issued a subsequent intern registration pursuant to this
20 subdivision may be employed or volunteer in any allowable work
21 setting except private practice.

22 (d) This section shall become operative on January 1, 2014.

23 SEC. 82. Section 4999.106 of the Business and Professions
24 Code is amended to read:

25 4999.106. A license that is not renewed within three years after
26 its expiration may not be renewed, restored, reinstated, or reissued,
27 except that a former licensee may apply for and obtain a new
28 license if he or she complies with all of the following:

29 (a) No fact, circumstance, or condition exists that, if the license
30 were issued, would justify its revocation or suspension.

31 (b) He or she takes and passes the current examinations required
32 for licensing.

33 (c) He or she submits an application for initial licensure.

34 (d) He or she meets the requirements pursuant to Section
35 4999.51.

36 SEC. 83. Section 4999.120 of the Business and Professions
37 Code is amended to read:

38 4999.120. The board shall assess fees for the application for
39 and the issuance and renewal of licenses and for the registration
40 of interns to cover administrative and operating expenses of the

1 board related to this chapter. Fees assessed pursuant to this section
2 shall not exceed the following:

3 (a) The fee for the application for examination eligibility shall
4 be up to two hundred fifty dollars (\$250).

5 (b) The fee for the application for intern registration shall be up
6 to one hundred fifty dollars (\$150).

7 (c) The fee for the application for licensure shall be up to one
8 hundred eighty dollars (\$180).

9 (d) The fee for the board-administered clinical examination, if
10 the board chooses to adopt this examination in regulations, shall
11 be up to two hundred fifty dollars (\$250).

12 (e) The fee for the law and ethics examination shall be up to
13 one hundred fifty dollars (\$150).

14 (f) The fee for the examination described in subdivision (b) of
15 Section 4999.54 shall be up to one hundred dollars (\$100).

16 (g) The fee for the issuance of a license shall be up to two
17 hundred fifty dollars (\$250).

18 (h) The fee for annual renewal of an intern registration shall be
19 up to one hundred fifty dollars (\$150).

20 (i) The fee for two-year renewal of licenses shall be up to two
21 hundred fifty dollars (\$250).

22 (j) The fee for issuance of a retired license shall be forty dollars
23 (\$40).

24 (k) The fee for rescoring an examination shall be twenty dollars
25 (\$20).

26 (l) The fee for issuance of a replacement license or registration
27 shall be twenty dollars (\$20).

28 (m) The fee for issuance of a certificate or letter of good standing
29 shall be twenty-five dollars (\$25).

30 *SEC. 84. (a) Section 51.5 of this bill incorporates amendments*
31 *to Section 4992.1 of the Business and Professions Code, as added*
32 *by Section 19 of Chapter 387 of the Statutes of 2011, proposed by*
33 *both this bill and Senate Bill 1527. It shall only become operative*
34 *if (1) both bills are enacted and become effective on or before*
35 *January 1, 2013, (2) each bill amends Section 4992.1 of the*
36 *Business and Professions Code, as added by Section 19 of Chapter*
37 *387 of the Statutes of 2011, and (3) this bill is enacted after Senate*
38 *Bill 1527, in which case Section 51 of this bill shall not become*
39 *operative.*

1 (b) Section 68.5 of this bill incorporates amendments to Section
2 4999.52 of the Business and Professions Code, as amended by
3 Section 38 of Chapter 387 of the Statutes of 2011, proposed by
4 both this bill and Senate Bill 1527. It shall only become operative
5 if (1) both bills are enacted and become effective on or before
6 January 1, 2013, (2) each bill amends Section 4999.52 of the
7 Business and Professions Code, as amended by Section 38 of
8 Chapter 387 of the Statutes of 2011, and (3) this bill is enacted
9 after Senate Bill 1527, in which case Section 68 of this bill shall
10 not become operative.

11 (c) Section 69.5 of this bill incorporates amendments to Section
12 4999.52 of the Business and Professions Code, as amended by
13 Section 39 of Chapter 387 of the Statutes of 2011, proposed by
14 both this bill and Senate Bill 1527. It shall only become operative
15 if (1) both bills are enacted and become effective on or before
16 January 1, 2013, (2) each bill amends Section 4999.52 of the
17 Business and Professions Code, as amended by Section 39 of
18 Chapter 387 of the Statutes of 2011, and (3) this bill is enacted
19 after Senate Bill 1527, in which case Section 69 of this bill shall
20 not become operative.

21 (d) Section 73.5 of this bill incorporates amendments to Section
22 4999.58 of the Business and Professions Code proposed by both
23 this bill and Senate Bill 1527. It shall only become operative if (1)
24 both bills are enacted and become effective on or before January
25 1, 2013, (2) each bill amends Section 4999.58 of the Business and
26 Professions Code, and (3) this bill is enacted after Senate Bill
27 1527, in which case Section 73 of this bill shall not become
28 operative.

29 (e) Section 74.5 of this bill incorporates amendments to Section
30 4999.59 of the Business and Professions Code proposed by both
31 this bill and Senate Bill 1527. It shall only become operative if (1)
32 both bills are enacted and become effective on or before January
33 1, 2013, (2) each bill amends Section 4999.59 of the Business and
34 Professions Code, and (3) this bill is enacted after Senate Bill
35 1527, in which case Section 74 of this bill shall not become
36 operative.

37 (f) Section 78.5 of this bill incorporates amendments to Section
38 4999.76 of the Business and Professions Code proposed by both
39 this bill and Senate Bill 1183. It shall only become operative if (1)
40 both bills are enacted and become effective on or before January

1 1, 2013, (2) each bill amends Section 4999.76 of the Business and
2 Professions Code, and (3) this bill is enacted after Senate Bill
3 1183, in which case Section 78 of this bill shall not become
4 operative.

5 (g) Section 79.5 of this bill incorporates amendments to Section
6 4999.90 of the Business and Professions Code proposed by both
7 this bill and Assembly Bill 1733. It shall only become operative if
8 (1) both bills are enacted and become effective on or before
9 January 1, 2013, (2) each bill amends Section 4999.90 of the
10 Business and Professions Code, and (3) this bill is enacted after
11 Assembly Bill 1733, in which case Section 79 of this bill shall not
12 become operative.

13 ~~SEC. 84.~~

14 SEC. 85. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.