

AMENDED IN SENATE MAY 7, 2013
AMENDED IN SENATE APRIL 29, 2013

SENATE BILL

No. 243

Introduced by Senator Wyland

February 12, 2013

An act to amend ~~Section~~ *Sections 4999.20 and 4999.46* of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 243, as amended, Wyland. Professional clinical counselors.

Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of professional clinical counselors by the Board of Behavioral Sciences. *Existing law requires an applicant for licensure as a professional clinical counselor, in order to qualify to take the licensure examination, to obtain supervised clinical mental health experience, including not less than 1,750 hours of direct counseling, as specified, with individuals or groups.* Existing law also provides that professional clinical counseling does not include the assessment or treatment of couples or families unless the clinical counselor has completed specified training and education in addition to the minimum training and education required for licensure.

This bill would permit an applicant for licensure as a professional clinical counselor, in order to qualify to take the licensure examination, to obtain his or her direct counseling experience by providing direct counseling, as specified, to individuals, groups, couples, or families. The bill would ~~instead~~ also provide that professional clinical counseling does not include the assessment or treatment of couples or families unless the clinical counselor has completed specified training and education.

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

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

- 1 SECTION 1. Section 4999.20 of the Business and Professions
2 Code is amended to read:
3 4999.20. (a) (1) “Professional clinical counseling” means the
4 application of counseling interventions and psychotherapeutic
5 techniques to identify and remediate cognitive, mental, and
6 emotional issues, including personal growth, adjustment to
7 disability, crisis intervention, and psychosocial and environmental
8 problems. “Professional clinical counseling” includes conducting
9 assessments for the purpose of establishing counseling goals and
10 objectives to empower individuals to deal adequately with life
11 situations, reduce stress, experience growth, change behavior, and
12 make well-informed, rational decisions.
13 (2) “Professional clinical counseling” is focused exclusively on
14 the application of counseling interventions and psychotherapeutic
15 techniques for the purposes of improving mental health, and is not
16 intended to capture other, nonclinical forms of counseling for the
17 purposes of licensure. For purposes of this paragraph, “nonclinical”
18 means nonmental health.
19 (3) “Professional clinical counseling” does not include the
20 assessment or treatment of couples or families unless the
21 professional clinical counselor has completed all of the following
22 training and education:
23 (A) One of the following:
24 (i) Six semester units or nine quarter units specifically focused
25 on the theory and application of marriage and family therapy.
26 (ii) A named specialization or emphasis area on the qualifying
27 degree in marriage and family therapy; marital and family therapy;
28 marriage, family, and child counseling; or couple and family
29 therapy.
30 (B) No less than 500 hours of documented supervised experience
31 working directly with couples, families, or children.
32 (C) A minimum of six hours of continuing education specific
33 to marriage and family therapy, completed in each license renewal
34 cycle.

1 (4) “Professional clinical counseling” does not include the
2 provision of clinical social work services.

3 (b) “Counseling interventions and psychotherapeutic techniques”
4 means the application of cognitive, affective, verbal or nonverbal,
5 systemic or holistic counseling strategies that include principles
6 of development, wellness, and maladjustment that reflect a
7 pluralistic society. These interventions and techniques are
8 specifically implemented in the context of a professional clinical
9 counseling relationship and use a variety of counseling theories
10 and approaches.

11 (c) “Assessment” means selecting, administering, scoring, and
12 interpreting tests, instruments, and other tools and methods
13 designed to measure an individual’s attitudes, abilities, aptitudes,
14 achievements, interests, personal characteristics, disabilities, and
15 mental, emotional, and behavioral concerns and development and
16 the use of methods and techniques for understanding human
17 behavior in relation to coping with, adapting to, or ameliorating
18 changing life situations, as part of the counseling process.
19 “Assessment” shall not include the use of projective techniques
20 in the assessment of personality, individually administered
21 intelligence tests, neuropsychological testing, or utilization of a
22 battery of three or more tests to determine the presence of
23 psychosis, dementia, amnesia, cognitive impairment, or criminal
24 behavior.

25 (d) Professional clinical counselors shall refer clients to other
26 licensed health care professionals when they identify issues beyond
27 their own scope of education, training, and experience.

28 *SEC. 2. Section 4999.46 of the Business and Professions Code,*
29 *as amended by Section 65 of Chapter 799 of the Statutes of 2012,*
30 *is amended to read:*

31 4999.46. (a) To qualify for the licensure examination specified
32 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
33 shall complete clinical mental health experience under the general
34 supervision of an approved supervisor as defined in Section
35 4999.12.

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

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

1 (2) Not less than 1,750 hours of direct counseling with
2 ~~individuals or groups~~ *individuals, groups, couples, or families* in
3 a setting described in Section 4999.44 using a variety of
4 psychotherapeutic techniques and recognized counseling
5 interventions within the scope of practice of licensed professional
6 clinical counselors.

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

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

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

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

16 (A) Direct supervisor contact.

17 (B) Client centered advocacy.

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

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

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

28 (d) An applicant shall register with the board as an intern in
29 order to be credited for postdegree hours of experience toward
30 licensure. Postdegree hours of experience shall be credited toward
31 licensure, provided that the applicant applies for intern registration
32 within 90 days of the granting of the qualifying degree and is
33 registered as an intern by the board.

34 (e) All applicants and interns shall be at all times under the
35 supervision of a supervisor who shall be responsible for ensuring
36 that the extent, kind, and quality of counseling performed is
37 consistent with the training and experience of the person being
38 supervised, and who shall be responsible to the board for
39 compliance with all laws, rules, and regulations governing the
40 practice of professional clinical counseling.

1 (f) Experience obtained under the supervision of a spouse or
2 relative by blood or marriage shall not be credited toward the
3 required hours of supervised experience. Experience obtained
4 under the supervision of a supervisor with whom the applicant has
5 had or currently has a personal, professional, or business
6 relationship that undermines the authority or effectiveness of the
7 supervision shall not be credited toward the required hours of
8 supervised experience.

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

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

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

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

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

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