

AMENDED IN ASSEMBLY JUNE 14, 2013

AMENDED IN SENATE APRIL 23, 2013

**SENATE BILL**

**No. 821**

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**Introduced by Committee on Business, Professions and Economic Development (Senators ~~Price~~ *Lieu* (Chair), Block, Corbett, Emmerson, Galgiani, Hernandez, Hill, Padilla, Wyland, and Yee)**

March 20, 2013

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An act to amend Sections 1613, 1915, 1926.2, 3024, 3025, 3040, 3041.2, 3051, 3057.5, 3077, 3093, 3098, 3103, 3106, 3107, 3109, 3163, 4053, ~~4107, 4980.36~~, 4107, 4980.36, 4980.397, 4980.398, 4980.399, 4980.40, 4980.43, 4980.50, 4980.72, 4984.01, 4984.7, 4984.72, 4989.68, 4992.05, 4992.07, 4992.09, 4992.1, 4996.1, 4996.3, 4996.4, 4996.9, 4996.17, 4996.18, 4996.23, 4996.28, 4999.20, ~~4999.33~~, 4999.33, 4999.45, 4999.46, 4999.47, 4999.50, 4999.52, 4999.53, 4999.55, ~~and~~ 4999.60, 4999.64, and 4999.100 of, and to add Section 4021.5 to, the Business and Professions Code, and to amend Section 14132 of the Welfare and Institutions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 821, as amended, Committee on Business, Professions and Economic Development. Healing arts.

(1) Existing law, the Dental Practice Act, establishes the Dental Board of California, which was formerly known as the Board of Dental Examiners of California. Existing law requires the board to have and use a seal bearing its name. Existing law creates, within the jurisdiction of the board, a Dental Hygiene Committee of California, that is responsible for regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions.

This bill would amend those provisions to remove an obsolete reference to the former board and to make other technical changes.

(2) Existing law, the Optometry Practice Act, provides for the licensure and regulation of optometrists by the State Board of Optometry. That act refers to the authorization to practice optometry issued by the board as a certificate of registration.

This bill would instead refer to that authorization issued by the board as an optometrist license and would make other technical and conforming changes.

(3) Existing law, the Pharmacy Law, governs the business and practice of pharmacy in this state and establishes the California State Board of Pharmacy. Existing law prohibits the board from issuing more than one site license to a single premises except to issue a veterinary food-animal drug retailer license to a wholesaler or to issue a license for compound sterile injectable drugs to a pharmacy.

This bill would additionally authorize the board to issue more than one site license to a single premises to issue a centralized hospital packaging license. The bill would also establish a definition for the term “correctional pharmacy.”

Existing law authorizes the board to issue a license as a designated representative to provide supervision in a wholesaler or veterinary food-animal drug retailer. Existing law requires an individual to meet specified requirements to obtain and maintain a designated representative license, including a minimum of one year of paid work experience related to the distribution or dispensing of dangerous drugs or devices or meet certain prerequisites.

The bill would require the one year of paid work experience to obtain a designated representative license to be in a licensed pharmacy, or with a drug wholesaler, drug distributor, or drug manufacturer. The bill would also make related, technical changes.

(4) Existing law provides for the licensure and regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors by the Board of Behavioral Sciences. *Existing law makes various changes to the licensing and associated eligibility and examination requirements for marriage and family therapists, licensed clinical social workers, and licensed professional clinical counselors, effective January 1, 2014.*

*This bill would delay the implementation of these and other related changes until January 1, 2016.*

Existing law requires all persons applying for marriage and family therapist, *licensed clinical social worker*, or *licensed professional clinical counselor* licensure examinations to have specified hours of experience, not including experience gained by interns or trainees as independent contractors.

This bill would specify that experience shall not be gained by interns or trainees *or associates* for work performed as an independent contractor or reported on an IRS Form 1099.

Existing law also authorizes the board to issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country if certain conditions are met, considering hours of experience obtained outside of California during the 6-year period immediately preceding the date the applicant initially obtained the license.

This bill would instead require time actively licensed as a marriage and family therapist to be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours if the applicant has fewer than 3,000 hours of qualifying supervised experience.

Existing law establishes a \$75 delinquent renewal fee for a licensed educational psychologist and for clinical social workers.

This bill would instead specify that \$75 is the maximum delinquent renewal fee.

Existing law requires an applicant for registration as an associate clinical social worker to meet specified requirements. Existing law also defines the application of social work principles and methods.

This bill would additionally require that all applicants and registrants be at all times under the supervision of a supervisor responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who is responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work. The bill would also specify that the practice of clinical social work includes the use, application, and integration of the coursework and experience required.

Existing law requires a licensed professional clinical counselor, to qualify for a clinical examination for licensure, to complete clinical mental health experience, as specified, including not more than 250

hours of experience providing counseling or crisis counseling on the telephone.

This bill instead would require not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth.

(5) The bill would also make other technical, nonsubstantive changes.

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

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

- 1 SECTION 1. Section 1613 of the Business and Professions  
2 Code is amended to read:  
3 1613. The board shall have and use a seal bearing the name  
4 “Dental Board of California.”  
5 SEC. 2. Section 1915 of the Business and Professions Code is  
6 amended to read:  
7 1915. No person other than a registered dental hygienist,  
8 registered dental hygienist in alternative practice, or registered  
9 dental hygienist in extended functions or a licensed dentist may  
10 engage in the practice of dental hygiene or perform dental hygiene  
11 procedures on patients, including, but not limited to, supragingival  
12 and subgingival scaling, dental hygiene assessment, and treatment  
13 planning, except for the following persons:  
14 (a) A student enrolled in a dental or a dental hygiene school  
15 who is performing procedures as part of the regular curriculum of  
16 that program under the supervision of the faculty of that program.  
17 (b) A dental assistant acting in accordance with the rules of the  
18 dental board in performing the following procedures:  
19 (1) Applying nonaerosol and noncaustic topical agents.  
20 (2) Applying topical fluoride.  
21 (3) Taking impressions for bleaching trays.  
22 (c) A registered dental assistant acting in accordance with the  
23 rules of the dental board in performing the following procedures:  
24 (1) Polishing the coronal surfaces of teeth.  
25 (2) Applying bleaching agents.  
26 (3) Activating bleaching agents with a nonlaser light-curing  
27 device.  
28 (4) Applying pit and fissure sealants.

1 (d) A registered dental assistant in extended functions acting in  
2 accordance with the rules of the dental board in applying pit and  
3 fissure sealants.

4 (e) A registered dental hygienist, registered dental hygienist in  
5 alternative practice, or registered dental hygienist in extended  
6 functions licensed in another jurisdiction, performing a clinical  
7 demonstration for educational purposes.

8 SEC. 3. Section 1926.2 of the Business and Professions Code  
9 is amended to read:

10 1926.2. (a) Notwithstanding any other provision of law, a  
11 registered dental hygienist in alternative practice may operate one  
12 mobile dental hygiene clinic registered as a dental hygiene office  
13 or facility. The owner or operator of the mobile dental hygiene  
14 clinic or unit shall be registered and operated in accordance with  
15 regulations established by the committee, which regulations shall  
16 not be designed to prevent or lessen competition in service areas,  
17 and shall pay the fees described in Section 1944.

18 (b) A mobile service unit, as defined in subdivision (b) of  
19 Section 1765.105 of the Health and Safety Code, and a mobile  
20 unit operated by an entity that is exempt from licensure pursuant  
21 to subdivision (b), (c), or (h) of Section 1206 of the Health and  
22 Safety Code, are exempt from this article. Notwithstanding this  
23 exemption, the owner or operator of the mobile unit shall notify  
24 the committee within 60 days of the date on which dental hygiene  
25 services are first delivered in the mobile unit, or the date on which  
26 the mobile unit's application pursuant to Section 1765.130 of the  
27 Health and Safety Code is approved, whichever is earlier.

28 (c) A licensee practicing in a mobile unit described in  
29 subdivision (b) is not subject to subdivision (a) as to that mobile  
30 unit.

31 SEC. 4. Section 3024 of the Business and Professions Code is  
32 amended to read:

33 3024. The board may grant or refuse to grant an optometrist  
34 license as provided in this chapter and may revoke or suspend the  
35 license of any optometrist for any of the causes specified in this  
36 chapter.

37 It shall have the power to administer oaths and to take testimony  
38 in the exercise of these functions.

39 SEC. 5. Section 3025 of the Business and Professions Code is  
40 amended to read:

1 3025. The board may make and promulgate rules and  
2 regulations governing procedure of the board, the admission of  
3 applicants for examination for a license as an optometrist, and the  
4 practice of optometry. All of those rules and regulations shall be  
5 in accordance with and not inconsistent with the provisions of this  
6 chapter. The rules and regulations shall be adopted, amended, or  
7 repealed in accordance with the provisions of the Administrative  
8 Procedure Act.

9 SEC. 6. Section 3040 of the Business and Professions Code is  
10 amended to read:

11 3040. It is unlawful for a person to engage in the practice of  
12 optometry or to display a sign or in any other way to advertise or  
13 hold himself or herself out as an optometrist without having first  
14 obtained an optometrist license from the board under the provisions  
15 of this chapter or under the provisions of any former act relating  
16 to the practice of optometry. The practice of optometry includes  
17 the performing or controlling of any acts set forth in Section 3041.

18 In any prosecution for a violation of this section, the use of test  
19 cards, test lenses, or of trial frames is prima facie evidence of the  
20 practice of optometry.

21 SEC. 7. Section 3041.2 of the Business and Professions Code  
22 is amended to read:

23 3041.2. (a) The State Board of Optometry shall, by regulation,  
24 establish educational and examination requirements for licensure  
25 to ensure the competence of optometrists to practice pursuant to  
26 subdivision (a) of Section 3041. Satisfactory completion of the  
27 educational and examination requirements shall be a condition for  
28 the issuance of an original optometrist license under this chapter,  
29 on and after January 1, 1980. Only those optometrists who have  
30 successfully completed educational and examination requirements  
31 as determined by the State Board of Optometry shall be permitted  
32 the use of pharmaceutical agents specified by subdivision (a) of  
33 Section 3041.

34 (b) Nothing in this section shall authorize an optometrist issued  
35 an original optometrist license under this chapter before January  
36 1, 1996, to use or prescribe therapeutic pharmaceutical agents  
37 specified in subdivision (d) of Section 3041 without otherwise  
38 meeting the requirements of Section 3041.3.

39 SEC. 8. Section 3051 of the Business and Professions Code is  
40 amended to read:

1 3051. All applicants for examination for an optometrist license  
2 in accordance with the educational and examination requirements  
3 adopted pursuant to Section 3023.1 shall show the board by  
4 satisfactory evidence that he or she has received education in child  
5 abuse detection and the detection of alcoholism and other chemical  
6 substance dependency. This section shall apply only to applicants  
7 who matriculate in a school of optometry on or after September  
8 1, 1997.

9 SEC. 9. Section 3057.5 of the Business and Professions Code  
10 is amended to read:

11 3057.5. Notwithstanding any other provision of this chapter,  
12 the board shall permit a graduate of a foreign university who meets  
13 all of the following requirements to take the examinations for an  
14 optometrist license:

- 15 (a) Is over 18 years of age.
- 16 (b) Is not subject to denial of a license under Section 480.
- 17 (c) Has a degree as a doctor of optometry issued by a university  
18 located outside of the United States.

19 SEC. 10. Section 3077 of the Business and Professions Code  
20 is amended to read:

21 3077. As used in this section, “office” means any office or  
22 other place for the practice of optometry.

23 (a) No person, singly or in combination with others, may have  
24 an office unless he or she is licensed to practice optometry under  
25 this chapter.

26 (b) An optometrist, or two or more optometrists jointly, may  
27 have one office without obtaining a branch office license from the  
28 board.

29 (c) On and after October 1, 1959, no optometrist, and no two  
30 or more optometrists jointly, may have more than one office unless  
31 he or she or they comply with the provisions of this chapter as to  
32 an additional office. The additional office, for the purposes of this  
33 chapter, constitutes a branch office.

34 (d) Any optometrist who has, or any two or more optometrists,  
35 jointly, who have, a branch office prior to January 1, 1957, and  
36 who desire to continue the branch office on or after that date shall  
37 notify the board in writing of that desire in a manner prescribed  
38 by the board.

39 (e) On and after January 1, 1957, any optometrist, or any two  
40 or more optometrists, jointly, who desire to open a branch office

1 shall notify the board in writing in a manner prescribed by the  
2 board.

3 (f) On and after January 1, 1957, no branch office may be  
4 opened or operated without a branch office license. Branch office  
5 licenses shall be valid for the calendar year in or for which they  
6 are issued and shall be renewable on January 1 of each year  
7 thereafter. Branch office licenses shall be issued or renewed only  
8 upon the payment of the fee therefor prescribed by this chapter.

9 On or after October 1, 1959, no more than one branch office  
10 license shall be issued to any optometrist or to any two or more  
11 optometrists, jointly.

12 (g) Any failure to comply with the provisions of this chapter  
13 relating to branch offices or branch office licenses as to any branch  
14 office shall work the suspension of the optometrist license of each  
15 optometrist who, individually or with others, has a branch office.  
16 An optometrist license so suspended shall not be restored except  
17 upon compliance with those provisions and the payment of the fee  
18 prescribed by this chapter for restoration of a license after  
19 suspension for failure to comply with the provisions of this chapter  
20 relating to branch offices.

21 (h) The holder or holders of a branch office license shall pay  
22 the annual renewal fee therefor in the amount required by this  
23 chapter between the first day of January and the first day of  
24 February of each year. The failure to pay the fee in advance on or  
25 before February 1 of each year during the time it is in force shall  
26 ipso facto work the suspension of the branch office license. The  
27 license shall not be restored except upon written application and  
28 the payment of the penalty prescribed by this chapter, and, in  
29 addition, all delinquent branch office fees.

30 (i) Nothing in this chapter shall limit or authorize the board to  
31 limit the number of branch offices that are in operation on October  
32 1, 1959, and that conform to this chapter, nor prevent an  
33 optometrist from acquiring any branch office or offices of his or  
34 her parent. The sale after October 1, 1959, of any branch office  
35 shall terminate the privilege of operating the branch office, and  
36 no new branch office license shall be issued in place of the license  
37 issued for the branch office, unless the branch office is the only  
38 one operated by the optometrist or by two or more optometrists  
39 jointly.

1 Nothing in this chapter shall prevent an optometrist from owning,  
2 maintaining, or operating more than one branch office if he or she  
3 is in personal attendance at each of his or her offices 50 percent  
4 of the time during which the office is open for the practice of  
5 optometry.

6 (j) The board shall have the power to adopt, amend, and repeal  
7 rules and regulations to carry out the provisions of this section.

8 (k) Notwithstanding any other provision of this section, neither  
9 an optometrist nor an individual practice association shall be  
10 deemed to have an additional office solely by reason of the  
11 optometrist's participation in an individual practice association or  
12 the individual practice association's creation or operation. As used  
13 in this subdivision, the term "individual practice association" means  
14 an entity that meets all of the following requirements:

15 (1) Complies with the definition of an optometric corporation  
16 in Section 3160.

17 (2) Operates primarily for the purpose of securing contracts  
18 with health care service plans or other third-party payers that make  
19 available eye/vision services to enrollees or subscribers through a  
20 panel of optometrists.

21 (3) Contracts with optometrists to serve on the panel of  
22 optometrists, but does not obtain an ownership interest in, or  
23 otherwise exercise control over, the respective optometric practices  
24 of those optometrists on the panel.

25 Nothing in this subdivision shall be construed to exempt an  
26 optometrist who is a member of an individual practice association  
27 and who practices optometry in more than one physical location,  
28 from the requirement of obtaining a branch office license for each  
29 of those locations, as required by this section. However, an  
30 optometrist shall not be required to obtain a branch office license  
31 solely as a result of his or her participation in an individual practice  
32 association in which the members of the individual practice  
33 association practice optometry in a number of different locations,  
34 and each optometrist is listed as a member of that individual  
35 practice association.

36 SEC. 11. Section 3093 of the Business and Professions Code  
37 is amended to read:

38 3093. Before setting aside the revocation or suspension of any  
39 optometrist license, the board may require the applicant to pass

1 the regular examination given for applicants for an optometrist  
2 license.

3 SEC. 12. Section 3098 of the Business and Professions Code  
4 is amended to read:

5 3098. When the holder uses the title of “Doctor” or “Dr.” as a  
6 prefix to his or her name, without using the word “optometrist” as  
7 a suffix to his or her name or in connection with it, or, without  
8 holding a diploma from an accredited school of optometry, the  
9 letters “Opt. D.” or “O.D.” as a suffix to his or her name, it  
10 constitutes a cause to revoke or suspend his or her optometrist  
11 license.

12 SEC. 13. Section 3103 of the Business and Professions Code  
13 is amended to read:

14 3103. It is unlawful to include in any advertisement relating  
15 to the sale or disposition of goggles, sunglasses, colored glasses,  
16 or occupational eye-protective devices, any words or figures that  
17 advertise or have a tendency to advertise the practice of optometry.

18 This section does not prohibit the advertising of the practice of  
19 optometry by a licensed optometrist in the manner permitted by  
20 law.

21 SEC. 14. Section 3106 of the Business and Professions Code  
22 is amended to read:

23 3106. Knowingly making or signing any license, certificate,  
24 or other document directly or indirectly related to the practice of  
25 optometry that falsely represents the existence or nonexistence of  
26 a state of facts constitutes unprofessional conduct.

27 SEC. 15. Section 3107 of the Business and Professions Code  
28 is amended to read:

29 3107. It is unlawful to use or attempt to use any license or  
30 certificate issued by the board that has been purchased, fraudulently  
31 issued, counterfeited, or issued by mistake, as a valid license or  
32 certificate.

33 SEC. 16. Section 3109 of the Business and Professions Code  
34 is amended to read:

35 3109. Directly or indirectly accepting employment to practice  
36 optometry from any person not having a valid, unrevoked license  
37 as an optometrist or from any company or corporation constitutes  
38 unprofessional conduct. Except as provided in this chapter, no  
39 optometrist may, singly or jointly with others, be incorporated or  
40 become incorporated when the purpose or a purpose of the

1 corporation is to practice optometry or to conduct the practice of  
2 optometry.

3 The terms “accepting employment to practice optometry” as  
4 used in this section shall not be construed so as to prevent a  
5 licensed optometrist from practicing optometry upon an individual  
6 patient.

7 Notwithstanding the provisions of this section or the provisions  
8 of any other law, a licensed optometrist may be employed to  
9 practice optometry by a physician and surgeon who holds a license  
10 under this division and who practices in the specialty of  
11 ophthalmology or by a health care service plan pursuant to the  
12 provisions of Chapter 2.2 (commencing with Section 1340) of  
13 Division 2 of the Health and Safety Code.

14 SEC. 17. Section 3163 of the Business and Professions Code  
15 is amended to read:

16 3163. Except as provided in Section 3078, the name of an  
17 optometric corporation and any name or names under which it  
18 may be rendering professional services shall contain and be  
19 restricted to the name or the last name of one or more of the  
20 present, prospective, or former shareholders and shall include the  
21 words optometric corporation or wording or abbreviations denoting  
22 corporate existence, provided that the articles of incorporation  
23 shall be amended to delete the name of a former shareholder from  
24 the name of the corporation within two years from the date the  
25 former shareholder dies or otherwise ceases to be a shareholder.

26 SEC. 18. Section 4021.5 is added to the Business and  
27 Professions Code, to read:

28 4021.5. “Correctional pharmacy” means a pharmacy, licensed  
29 by the board, located within a state correctional facility for the  
30 purpose of providing pharmaceutical care to inmates of the state  
31 correctional facility.

32 SEC. 19. Section 4053 of the Business and Professions Code  
33 is amended to read:

34 4053. (a) Notwithstanding Section 4051, the board may issue  
35 a license as a designated representative to provide sufficient and  
36 qualified supervision in a wholesaler or veterinary food-animal  
37 drug retailer. The designated representative shall protect the public  
38 health and safety in the handling, storage, and shipment of  
39 dangerous drugs and dangerous devices in the wholesaler or  
40 veterinary food-animal drug retailer.

1 (b) An individual may apply for a designated representative  
2 license. In order to obtain and maintain that license, the individual  
3 shall meet all of the following requirements:

4 (1) He or she shall be a high school graduate or possess a general  
5 education development certificate equivalent.

6 (2) He or she shall have a minimum of one year of paid work  
7 experience in a licensed pharmacy, or with a drug wholesaler, drug  
8 distributor, or drug manufacturer, in the past three years, related  
9 to the distribution or dispensing of dangerous drugs or dangerous  
10 devices or meet all of the prerequisites to take the examination  
11 required for licensure as a pharmacist by the board.

12 (3) He or she shall complete a training program approved by  
13 the board that, at a minimum, addresses each of the following  
14 subjects:

15 (A) Knowledge and understanding of California law and federal  
16 law relating to the distribution of dangerous drugs and dangerous  
17 devices.

18 (B) Knowledge and understanding of California law and federal  
19 law relating to the distribution of controlled substances.

20 (C) Knowledge and understanding of quality control systems.

21 (D) Knowledge and understanding of the United States  
22 Pharmacopoeia standards relating to the safe storage and handling  
23 of drugs.

24 (E) Knowledge and understanding of prescription terminology,  
25 abbreviations, dosages and format.

26 (4) The board may, by regulation, require training programs to  
27 include additional material.

28 (5) The board may not issue a license as a designated  
29 representative until the applicant provides proof of completion of  
30 the required training to the board.

31 (c) The veterinary food-animal drug retailer or wholesaler shall  
32 not operate without a pharmacist or a designated representative  
33 on its premises.

34 (d) Only a pharmacist or a designated representative shall  
35 prepare and affix the label to veterinary food-animal drugs.

36 (e) Section 4051 shall not apply to any laboratory licensed under  
37 Section 351 of Title III of the Public Health Service Act (Public  
38 Law 78-410).

39 SEC. 20. Section 4107 of the Business and Professions Code  
40 is amended to read:

1 4107. (a) The board may not issue more than one site license  
2 to a single premises except as follows:

3 (1) To issue a veterinary food-animal drug retailer license to a  
4 wholesaler pursuant to Section 4196.

5 (2) To issue a license to compound sterile injectable drugs to a  
6 pharmacy pursuant to Section 4127.1.

7 (3) To issue a centralized hospital packaging license pursuant  
8 to Section 4128.

9 (b) For the purposes of this subdivision, “premises” means a  
10 location with its own address and an independent means of ingress  
11 and egress.

12 SEC. 21. Section 4980.36 of the Business and Professions  
13 Code is amended to read:

14 4980.36. (a) This section shall apply to the following:

15 (1) Applicants for licensure or registration who begin graduate  
16 study before August 1, 2012, and do not complete that study on  
17 or before December 31, 2018.

18 (2) Applicants for licensure or registration who begin graduate  
19 study before August 1, 2012, and who graduate from a degree  
20 program that meets the requirements of this section.

21 (3) Applicants for licensure or registration who begin graduate  
22 study on or after August 1, 2012.

23 (b) To qualify for a license or registration, applicants shall  
24 possess a doctoral or master’s degree meeting the requirements of  
25 this section in marriage, family, and child counseling, marriage  
26 and family therapy, couple and family therapy, psychology, clinical  
27 psychology, counseling psychology, or counseling with an  
28 emphasis in either marriage, family, and child counseling or  
29 marriage and family therapy, obtained from a school, college, or  
30 university approved by the Bureau for Private Postsecondary  
31 Education or accredited by either the Commission on Accreditation  
32 for Marriage and Family Therapy Education or a regional  
33 accrediting agency recognized by the United States Department  
34 of Education. The board has the authority to make the final  
35 determination as to whether a degree meets all requirements,  
36 including, but not limited to, course requirements, regardless of  
37 accreditation or approval.

38 (c) A doctoral or master’s degree program that qualifies for  
39 licensure or registration shall do the following:

40 (1) Integrate all of the following throughout its curriculum:

1 (A) Marriage and family therapy principles.

2 (B) The principles of mental health recovery-oriented care and  
3 methods of service delivery in recovery-oriented practice  
4 environments, among others.

5 (C) An understanding of various cultures and the social and  
6 psychological implications of socioeconomic position, and an  
7 understanding of how poverty and social stress impact an  
8 individual's mental health and recovery.

9 (2) Allow for innovation and individuality in the education of  
10 marriage and family therapists.

11 (3) Encourage students to develop the personal qualities that  
12 are intimately related to effective practice, including, but not  
13 limited to, integrity, sensitivity, flexibility, insight, compassion,  
14 and personal presence.

15 (4) Permit an emphasis or specialization that may address any  
16 one or more of the unique and complex array of human problems,  
17 symptoms, and needs of Californians served by marriage and  
18 family therapists.

19 (5) Provide students with the opportunity to meet with various  
20 consumers and family members of consumers of mental health  
21 services to enhance understanding of their experience of mental  
22 illness, treatment, and recovery.

23 (d) The degree described in subdivision (b) shall contain no less  
24 than 60 semester or 90 quarter units of instruction that includes,  
25 but is not limited to, the following requirements:

26 (1) Both of the following:

27 (A) No less than 12 semester or 18 quarter units of coursework  
28 in theories, principles, and methods of a variety of  
29 psychotherapeutic orientations directly related to marriage and  
30 family therapy and marital and family systems approaches to  
31 treatment and how these theories can be applied therapeutically  
32 with individuals, couples, families, adults, including elder adults,  
33 children, adolescents, and groups to improve, restore, or maintain  
34 healthy relationships.

35 (B) Practicum that involves direct client contact, as follows:

36 (i) A minimum of six semester or nine quarter units of practicum  
37 in a supervised clinical placement that provides supervised  
38 fieldwork experience.

39 (ii) A minimum of 150 hours of face-to-face experience  
40 counseling individuals, couples, families, or groups.

- 1 (iii) A student must be enrolled in a practicum course while  
2 counseling clients, except as specified in subdivision (c) of Section  
3 4980.42.
- 4 (iv) The practicum shall provide training in all of the following  
5 areas:
- 6 (I) Applied use of theory and psychotherapeutic techniques.
  - 7 (II) Assessment, diagnosis, and prognosis.
  - 8 (III) Treatment of individuals and premarital, couple, family,  
9 and child relationships, including trauma and abuse, dysfunctions,  
10 healthy functioning, health promotion, illness prevention, and  
11 working with families.
  - 12 (IV) Professional writing, including documentation of services,  
13 treatment plans, and progress notes.
  - 14 (V) How to connect people with resources that deliver the  
15 quality of services and support needed in the community.
- 16 (v) Educational institutions are encouraged to design the  
17 practicum required by this subparagraph to include marriage and  
18 family therapy experience in low income and multicultural mental  
19 health settings.
- 20 (vi) In addition to the 150 hours required in clause (ii), 75 hours  
21 of either of the following:
- 22 (I) Client centered advocacy, as defined in Section 4980.03.
  - 23 (II) Face-to-face experience counseling individuals, couples,  
24 families, or groups.
- 25 (2) Instruction in all of the following:
- 26 (A) Diagnosis, assessment, prognosis, and treatment of mental  
27 disorders, including severe mental disorders, evidence-based  
28 practices, psychological testing, psychopharmacology, and  
29 promising mental health practices that are evaluated in peer  
30 reviewed literature.
  - 31 (B) Developmental issues from infancy to old age, including  
32 instruction in all of the following areas:
    - 33 (i) The effects of developmental issues on individuals, couples,  
34 and family relationships.
    - 35 (ii) The psychological, psychotherapeutic, and health  
36 implications of developmental issues and their effects.
    - 37 (iii) Aging and its biological, social, cognitive, and  
38 psychological aspects.
    - 39 (iv) A variety of cultural understandings of human development.

- 1 (v) The understanding of human behavior within the social  
2 context of socioeconomic status and other contextual issues  
3 affecting social position.
- 4 (vi) The understanding of human behavior within the social  
5 context of a representative variety of the cultures found within  
6 California.
- 7 (vii) The understanding of the impact that personal and social  
8 insecurity, social stress, low educational levels, inadequate housing,  
9 and malnutrition have on human development.
- 10 (C) The broad range of matters and life events that may arise  
11 within marriage and family relationships and within a variety of  
12 California cultures, including instruction in all of the following:
- 13 (i) A minimum of seven contact hours of training or coursework  
14 in child abuse assessment and reporting as specified in Section 28,  
15 and any regulations promulgated thereunder.
- 16 (ii) Spousal or partner abuse assessment, detection, intervention  
17 strategies, and same gender abuse dynamics.
- 18 (iii) Cultural factors relevant to abuse of partners and family  
19 members.
- 20 (iv) Childbirth, child rearing, parenting, and stepparenting.
- 21 (v) Marriage, divorce, and blended families.
- 22 (vi) Long-term care.
- 23 (vii) End of life and grief.
- 24 (viii) Poverty and deprivation.
- 25 (ix) Financial and social stress.
- 26 (x) Effects of trauma.
- 27 (xi) The psychological, psychotherapeutic, community, and  
28 health implications of the matters and life events described in  
29 clauses (i) to (x), inclusive.
- 30 (D) Cultural competency and sensitivity, including a familiarity  
31 with the racial, cultural, linguistic, and ethnic backgrounds of  
32 persons living in California.
- 33 (E) Multicultural development and cross-cultural interaction,  
34 including experiences of race, ethnicity, class, spirituality, sexual  
35 orientation, gender, and disability, and their incorporation into the  
36 psychotherapeutic process.
- 37 (F) The effects of socioeconomic status on treatment and  
38 available resources.

1 (G) Resilience, including the personal and community qualities  
2 that enable persons to cope with adversity, trauma, tragedy, threats,  
3 or other stresses.

4 (H) Human sexuality, including the study of physiological,  
5 psychological, and social cultural variables associated with sexual  
6 behavior and gender identity, and the assessment and treatment of  
7 psychosexual dysfunction.

8 (I) Substance use disorders, co-occurring disorders, and  
9 addiction, including, but not limited to, instruction in all of the  
10 following:

11 (i) The definition of substance use disorders, co-occurring  
12 disorders, and addiction. For purposes of this subparagraph,  
13 “co-occurring disorders” means a mental illness and substance  
14 abuse diagnosis occurring simultaneously in an individual.

15 (ii) Medical aspects of substance use disorders and co-occurring  
16 disorders.

17 (iii) The effects of psychoactive drug use.

18 (iv) Current theories of the etiology of substance abuse and  
19 addiction.

20 (v) The role of persons and systems that support or compound  
21 substance abuse and addiction.

22 (vi) Major approaches to identification, evaluation, and treatment  
23 of substance use disorders, co-occurring disorders, and addiction,  
24 including, but not limited to, best practices.

25 (vii) Legal aspects of substance abuse.

26 (viii) Populations at risk with regard to substance use disorders  
27 and co-occurring disorders.

28 (ix) Community resources offering screening, assessment,  
29 treatment, and followup for the affected person and family.

30 (x) Recognition of substance use disorders, co-occurring  
31 disorders, and addiction, and appropriate referral.

32 (xi) The prevention of substance use disorders and addiction.

33 (J) California law and professional ethics for marriage and  
34 family therapists, including instruction in all of the following areas  
35 of study:

36 (i) Contemporary professional ethics and statutory, regulatory,  
37 and decisional laws that delineate the scope of practice of marriage  
38 and family therapy.

1 (ii) The therapeutic, clinical, and practical considerations  
2 involved in the legal and ethical practice of marriage and family  
3 therapy, including, but not limited to, family law.

4 (iii) The current legal patterns and trends in the mental health  
5 professions.

6 (iv) The psychotherapist-patient privilege, confidentiality, the  
7 patient dangerous to self or others, and the treatment of minors  
8 with and without parental consent.

9 (v) A recognition and exploration of the relationship between  
10 a practitioner's sense of self and human values and his or her  
11 professional behavior and ethics.

12 (vi) Differences in legal and ethical standards for different types  
13 of work settings.

14 (vii) Licensing law and licensing process.

15 (e) The degree described in subdivision (b) shall, in addition to  
16 meeting the requirements of subdivision (d), include instruction  
17 in case management, systems of care for the severely mentally ill,  
18 public and private services and supports available for the severely  
19 mentally ill, community resources for persons with mental illness  
20 and for victims of abuse, disaster and trauma response, advocacy  
21 for the severely mentally ill, and collaborative treatment. This  
22 instruction may be provided either in credit level coursework or  
23 through extension programs offered by the degree-granting  
24 institution.

25 (f) The changes made to law by this section are intended to  
26 improve the educational qualifications for licensure in order to  
27 better prepare future licentiates for practice, and are not intended  
28 to expand or restrict the scope of practice for marriage and family  
29 therapists.

30 *SEC. 22. Section 4980.397 of the Business and Professions*  
31 *Code is amended to read:*

32 4980.397. (a) Effective January 1, ~~2014~~, 2016, an applicant  
33 for licensure as a marriage and family therapist shall pass the  
34 following two examinations as prescribed by the board:

35 (1) A California law and ethics examination.

36 (2) A clinical examination.

37 (b) Upon registration with the board, a marriage and family  
38 therapist intern shall, within the first year of registration, take an  
39 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 2016.

8 *SEC. 23. Section 4980.398 of the Business and Professions*  
9 *Code is amended to read:*

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

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

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

21 (d) This section shall become operative on January 1, ~~2014~~.  
22 2016.

23 *SEC. 24. Section 4980.399 of the Business and Professions*  
24 *Code is amended to read:*

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

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

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

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

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

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

10 (f) This section shall become operative on January 1, ~~2014~~.  
11 2016.

12 *SEC. 25. Section 4980.40 of the Business and Professions*  
13 *Code, as amended by Section 29 of Chapter 799 of the Statutes of*  
14 *2012, is amended to read:*

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

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

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

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

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

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

34 (f) This section shall remain in effect only until January 1, ~~2014~~,  
35 2016, and as of that date is repealed, unless a later enacted statute,  
36 that is enacted before January 1, ~~2014~~, 2016, deletes or extends  
37 that date.

38 *SEC. 26. Section 4980.40 of the Business and Professions*  
39 *Code, as amended by Section 30 of Chapter 799 of the Statutes of*  
40 *2012, is amended to read:*

1 4980.40. To qualify for a license, an applicant shall have all  
2 of the following qualifications:

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

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

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

8 (d) Effective January 1, ~~2014~~, 2016, successfully pass a  
9 California law and ethics examination and a clinical examination.

10 An applicant who has successfully passed a previously  
11 administered written examination may be subsequently required  
12 to take and pass another written examination.

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

20 (f) This section shall become operative on January 1, ~~2014~~.  
21 2016.

22 ~~SEC. 22.~~

23 *SEC. 27.* Section 4980.43 of the Business and Professions Code  
24 is amended to read:

25 4980.43. (a) Prior to applying for licensure examinations, each  
26 applicant shall complete experience that shall comply with the  
27 following:

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

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

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

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

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

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

4 (6) No hours of experience may be gained more than six years  
5 prior to the date the application for examination eligibility was  
6 filed, except that up to 500 hours of clinical experience gained in  
7 the supervised practicum required by subdivision (c) of Section  
8 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)  
9 of Section 4980.36 shall be exempt from this six-year requirement.

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

12 (A) Direct supervisor contact.

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

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

20 (ii) Participation by the applicant in personal psychotherapy,  
21 which includes group, marital or conjoint, family, or individual  
22 psychotherapy by an appropriately licensed professional. An  
23 applicant shall have no more than 100 hours of participation in  
24 personal psychotherapy. The applicant shall be credited with three  
25 hours of experience for each hour of personal psychotherapy.

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

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

30 (A) Experience administering and evaluating psychological  
31 tests, writing clinical reports, writing progress notes, or writing  
32 process notes.

33 (B) Client centered advocacy.

34 (10) Not less than 500 total hours of experience in diagnosing  
35 and treating couples, families, and children. For up to 150 hours  
36 of treating couples and families in conjoint therapy, the applicant  
37 shall be credited with two hours of experience for each hour of  
38 therapy provided.

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

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

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

10 (b) All applicants, trainees, and registrants shall be at all times  
11 under the supervision of a supervisor who shall be responsible for  
12 ensuring that the extent, kind, and quality of counseling performed  
13 is 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 marriage and family therapy. Supervised experience  
17 shall be gained by interns and trainees only as an employee or as  
18 a volunteer. The requirements of this chapter regarding gaining  
19 hours of experience and supervision are applicable equally to  
20 employees and volunteers. Experience shall not be gained by  
21 interns or trainees for work performed as an independent contractor  
22 or reported on an IRS Form 1099.

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

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

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

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

36 (2) An individual supervised after being granted a qualifying  
37 degree shall receive at least one additional hour of direct supervisor  
38 contact for every week in which more than 10 hours of client  
39 contact is gained in each setting. No more than five hours of

1 supervision, whether individual or group, shall be credited during  
2 any single week.

3 (3) For purposes of this section, “one hour of direct supervisor  
4 contact” means one hour per week of face-to-face contact on an  
5 individual basis or two hours per week of face-to-face contact in  
6 a group.

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

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

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

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

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

22 (A) Lawfully and regularly provides mental health counseling  
23 or psychotherapy.

24 (B) Provides oversight to ensure that the trainee’s work at the  
25 setting meets the experience and supervision requirements set forth  
26 in this chapter and is within the scope of practice for the profession  
27 as defined in Section 4980.02.

28 (C) Is not a private practice owned by a licensed marriage and  
29 family therapist, a licensed psychologist, a licensed clinical social  
30 worker, a licensed physician and surgeon, or a professional  
31 corporation of any of those licensed professions.

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

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

36 (A) Lawfully and regularly provides mental health counseling  
37 or psychotherapy.

38 (B) Provides oversight to ensure that the intern’s work at the  
39 setting meets the experience and supervision requirements set forth

1 in this chapter and is within the scope of practice for the profession  
2 as defined in Section 4980.02.

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

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

9 (4) Except for periods of time during a supervisor's vacation or  
10 sick leave, an intern who is employed or volunteering in private  
11 practice shall be under the direct supervision of a licensee that has  
12 satisfied the requirements of subdivision (g) of Section 4980.03.  
13 The supervising licensee shall either be employed by and practice  
14 at the same site as the intern's employer, or shall be an owner or  
15 shareholder of the private practice. Alternative supervision may  
16 be arranged during a supervisor's vacation or sick leave if the  
17 supervision meets the requirements of this section.

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

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

23 (g) Except when employed in a private practice setting, all  
24 postdegree hours of experience shall be credited toward licensure  
25 so long as the applicant applies for the intern registration within  
26 90 days of the granting of the qualifying master's or doctoral  
27 degree and is thereafter granted the intern registration by the board.

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

31 (i) Trainees, interns, and applicants shall only perform services  
32 at the place where their employers regularly conduct business,  
33 which may include performing services at other locations, so long  
34 as the services are performed under the direction and control of  
35 their employer and supervisor, and in compliance with the laws  
36 and regulations pertaining to supervision. Trainees and interns  
37 shall have no proprietary interest in their employers' businesses  
38 and shall not lease or rent space, pay for furnishings, equipment,  
39 or supplies, or in any other way pay for the obligations of their  
40 employers.

1 (j) Trainees, interns, or applicants who provide volunteered  
2 services or other services, and who receive no more than a total,  
3 from all work settings, of five hundred dollars (\$500) per month  
4 as reimbursement for expenses actually incurred by those trainees,  
5 interns, or applicants for services rendered in any lawful work  
6 setting other than a private practice shall be considered an  
7 employee and not an independent contractor. The board may audit  
8 applicants who receive reimbursement for expenses, and the  
9 applicants shall have the burden of demonstrating that the payments  
10 received were for reimbursement of expenses actually incurred.

11 (k) Each educational institution preparing applicants for  
12 licensure pursuant to this chapter shall consider requiring, and  
13 shall encourage, its students to undergo individual, marital or  
14 conjoint, family, or group counseling or psychotherapy, as  
15 appropriate. Each supervisor shall consider, advise, and encourage  
16 his or her interns and trainees regarding the advisability of  
17 undertaking individual, marital or conjoint, family, or group  
18 counseling or psychotherapy, as appropriate. Insofar as it is deemed  
19 appropriate and is desired by the applicant, the educational  
20 institution and supervisors are encouraged to assist the applicant  
21 in locating that counseling or psychotherapy at a reasonable cost.

22 *SEC. 28. Section 4980.50 of the Business and Professions*  
23 *Code, as amended by Section 1 of Chapter 800 of the Statutes of*  
24 *2012, is amended to read:*

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

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

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

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

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

27 (f) Notwithstanding any other provision of law, the board may  
28 destroy all examination materials two years following the date of  
29 an examination.

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

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

37 (i) This section shall remain in effect only until January 1, ~~2014,~~  
38 ~~2016,~~ and as of that date is repealed, unless a later enacted statute,  
39 that is enacted before January 1, ~~2014,~~ ~~2016,~~ deletes or extends  
40 that date.

1     *SEC. 29. Section 4980.50 of the Business and Professions*  
2     *Code, as amended by Section 2 of Chapter 800 of the Statutes of*  
3     *2012, is amended to read:*

4     4980.50. Effective January 1, ~~2014~~, 2016, the following shall  
5     apply:

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

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

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

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

36    (e) Notwithstanding Section 135, the board may deny any  
37    applicant who has previously failed either the California law and  
38    ethics examination or the clinical examination permission to retake  
39    either examination pending completion of the investigation of any  
40    complaints against the applicant. Nothing in this section shall

1 prohibit the board from denying an applicant admission to any  
2 examination, withholding the results, or refusing to issue a license  
3 to any applicant when an accusation or statement of issues has  
4 been filed against the applicant pursuant to Sections 11503 and  
5 11504 of the Government Code, respectively, or the applicant has  
6 been denied in accordance with subdivision (b) of Section 485.

7 (f) Notwithstanding any other provision of law, the board may  
8 destroy all examination materials two years following the date of  
9 an examination.

10 (g) Effective January 1, ~~2014~~, 2016, no applicant shall be  
11 eligible to participate in the clinical examination if he or she fails  
12 to obtain a passing score on the clinical examination within seven  
13 years from his or her initial attempt, unless he or she takes and  
14 obtains a passing score on the current version of the California  
15 law and ethics examination.

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

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

22 (j) This section shall become operative on January 1, ~~2014~~.  
23 2016.

24 ~~SEC. 23.~~

25 *SEC. 30.* Section 4980.72 of the Business and Professions Code  
26 is amended to read:

27 4980.72. (a) This section applies to persons who are licensed  
28 outside of California and apply for licensure on or after January  
29 1, 2014.

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

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

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

1 (3) The applicant's supervised experience is substantially  
2 equivalent to that required for a license under this chapter. If the  
3 applicant has less than 3,000 hours of qualifying supervised  
4 experience, time actively licensed as a marriage and family  
5 therapist shall be accepted at a rate of 100 hours per month up to  
6 a maximum of 1,200 hours.

7 (4) The applicant passes the California law and ethics  
8 examination.

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

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

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

21 *SEC. 31. Section 4984.01 of the Business and Professions*  
22 *Code, as amended by Section 38 of Chapter 799 of the Statutes of*  
23 *2012, is amended to read:*

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

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

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

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

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

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

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

8 (d) This section shall remain in effect only until January 1, ~~2014~~,  
9 2016, and as of that date is repealed, unless a later enacted statute,  
10 that is enacted before January 1, ~~2014~~, 2016, deletes or extends  
11 that date.

12 *SEC. 32. Section 4984.01 of the Business and Professions*  
13 *Code, as amended by Section 39 of Chapter 799 of the Statutes of*  
14 *2012, is amended to read:*

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

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

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

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

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

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

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

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

3 (d) This section shall become operative on January 1, ~~2014~~.  
4 2016.

5 *SEC. 33. Section 4984.7 of the Business and Professions Code,*  
6 *as amended by Section 41 of Chapter 799 of the Statutes of 2012,*  
7 *is amended to read:*

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

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

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

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

16 (4) The fee for the standard written examination shall be one  
17 hundred dollars (\$100). The fee for the clinical vignette  
18 examination shall be one hundred dollars (\$100).

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

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

28 (5) The fee for rescoring an examination shall be twenty dollars  
29 (\$20).

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

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

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

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

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

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

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

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

8 (c) This section shall remain in effect only until January 1, ~~2014~~,  
9 2016, and as of that date is repealed, unless a later enacted statute,  
10 that is enacted before January 1, ~~2014~~, 2016, deletes or extends  
11 that date.

12 *SEC. 34. Section 4984.7 of the Business and Professions Code,*  
13 *as amended by Section 42 of Chapter 799 of the Statutes of 2012,*  
14 *is amended to read:*

15 4984.7. (a) The board shall assess the following fees relating  
16 to the licensure of marriage and family therapists:

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

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

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

23 (4) The fee for the clinical examination shall be one hundred  
24 dollars (\$100). The fee for the California law and ethics  
25 examination shall be one hundred dollars (\$100).

26 (A) An applicant who fails to appear for an examination, after  
27 having been scheduled to take the examination, shall forfeit the  
28 examination fee.

29 (B) The amount of the examination fees shall be based on the  
30 actual cost to the board of developing, purchasing, and grading  
31 each examination and the actual cost to the board of administering  
32 each examination. The examination fees shall be adjusted  
33 periodically by regulation to reflect the actual costs incurred by  
34 the board.

35 (5) The fee for rescoring an examination shall be twenty dollars  
36 (\$20).

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

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

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

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

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

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

10 (12) The fee for issuance of a retired license shall be forty dollars  
11 (\$40).

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

15 (c) This section shall become operative on January 1, ~~2014~~  
16 ~~2016~~.

17 *SEC. 35. Section 4984.72 of the Business and Professions*  
18 *Code, as amended by Section 43 of Chapter 799 of the Statutes of*  
19 *2012, is amended to read:*

20 4984.72. (a) An applicant who fails a standard or clinical  
21 vignette written examination may, within one year from the  
22 notification date of that failure, retake the examination as regularly  
23 scheduled without further application upon payment of the fee for  
24 the examination. Thereafter, the applicant shall not be eligible for  
25 further examination until he or she files a new application, meets  
26 all requirements in effect on the date of application, and pays all  
27 required fees.

28 (b) This section shall remain in effect only until January 1, ~~2014~~,  
29 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
30 that is enacted before January 1, ~~2014~~, ~~2016~~, deletes or extends  
31 that date.

32 *SEC. 36. Section 4984.72 of the Business and Professions*  
33 *Code, as amended by Section 44 of Chapter 799 of the Statutes of*  
34 *2012, is amended to read:*

35 4984.72. (a) Effective January 1, ~~2014~~, ~~2016~~, an applicant  
36 who fails the clinical examination may, within one year from the  
37 notification date of that failure, retake the examination as regularly  
38 scheduled without further application upon payment of the fee for  
39 the examination. Thereafter, the applicant shall not be eligible for  
40 further examination until he or she files a new application, meets

1 all requirements in effect on the date of application, and pays all  
2 required fees.

3 (b) This section shall become operative on January 1, ~~2014~~.  
4 ~~2016~~.

5 ~~SEC. 24.~~

6 *SEC. 37.* Section 4989.68 of the Business and Professions Code  
7 is amended to read:

8 4989.68. (a) The board shall assess the following fees relating  
9 to the licensure of educational psychologists:

10 (1) The application fee for examination eligibility shall be one  
11 hundred dollars (\$100).

12 (2) The fee for issuance of the initial license shall be a maximum  
13 amount of one hundred fifty dollars (\$150).

14 (3) The fee for license renewal shall be a maximum amount of  
15 one hundred fifty dollars (\$150).

16 (4) The delinquency fee shall be a maximum amount of  
17 seventy-five dollars (\$75). A person who permits his or her license  
18 to become delinquent may have it restored only upon payment of  
19 all the fees that he or she would have paid if the license had not  
20 become delinquent, plus the payment of any and all delinquency  
21 fees.

22 (5) The written examination fee shall be one hundred dollars  
23 (\$100). An applicant who fails to appear for an examination, once  
24 having been scheduled, shall forfeit any examination fees he or  
25 she paid.

26 (6) The fee for rescoring a written examination shall be twenty  
27 dollars (\$20).

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

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

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

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

37 *SEC. 38.* Section 4992.05 of the Business and Professions Code  
38 is amended to read:

1 4992.05. (a) Effective January 1, ~~2014~~, 2016, an applicant for  
2 licensure as a clinical social worker shall pass the following two  
3 examinations as prescribed by the board:

- 4 (1) A California law and ethics examination.
- 5 (2) A clinical examination.

6 (b) Upon registration with the board, an associate social worker  
7 registrant shall, within the first year of registration, take an  
8 examination on California law and ethics.

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

- 11 (1) Completion of all education requirements.
- 12 (2) Passage of the California law and ethics examination.
- 13 (3) Completion of all required supervised work experience.

14 (d) This section shall become operative on January 1, ~~2014~~.  
15 2016.

16 *SEC. 39. Section 4992.07 of the Business and Professions Code*  
17 *is amended to read:*

18 4992.07. (a) An applicant who had previously taken and passed  
19 the standard written examination but had not passed the clinical  
20 vignette examination shall also obtain a passing score on the  
21 clinical examination in order to be eligible for licensure.

22 (b) An applicant who had previously failed to obtain a passing  
23 score on the standard written examination shall obtain a passing  
24 score on the California law and ethics examination and the clinical  
25 examination.

26 (c) An applicant who had obtained eligibility for the standard  
27 written examination shall take the California law and ethics  
28 examination and the clinical examination.

29 (d) This section shall become operative on January 1, ~~2014~~.  
30 2016.

31 *SEC. 40. Section 4992.09 of the Business and Professions Code*  
32 *is amended to read:*

33 4992.09. (a) Except as provided in subdivision (a) of Section  
34 4992.07, an applicant and registrant shall obtain a passing score  
35 on a board-administered California law and ethics examination in  
36 order to qualify for licensure.

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

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

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

16 (e) The board shall not issue a subsequent registration number  
17 unless the registrant has passed the California law and ethics  
18 examination.

19 (f) This section shall become operative on January 1, ~~2014~~.  
20 2016.

21 *SEC. 41. Section 4992.1 of the Business and Professions Code,*  
22 *as amended by Section 4 of Chapter 800 of the Statutes of 2012,*  
23 *is amended to read:*

24 4992.1. (a) Only individuals who have the qualifications  
25 prescribed by the board under this chapter are eligible to take the  
26 examination.

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

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

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

39 (e) If an applicant for examination who has passed the standard  
40 written examination is the subject of a complaint or is under board

1 investigation for acts or conduct that, if proven to be true, would  
2 constitute grounds for the board to deny licensure, the board shall  
3 permit the applicant to take the clinical vignette written  
4 examination for licensure, but may withhold the results of the  
5 examination or notify the applicant that licensure will not be  
6 granted pending completion of the investigation.

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

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

22 (h) This section shall remain in effect only until January 1, ~~2014,~~  
23 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
24 that is enacted before January 1, ~~2014,~~ ~~2016~~, deletes or extends  
25 that date.

26 *SEC. 42. Section 4992.1 of the Business and Professions Code,*  
27 *as amended by Section 5 of Chapter 800 of the Statutes of 2012,*  
28 *is amended to read:*

29 4992.1. (a) Only individuals who have the qualifications  
30 prescribed by the board under this chapter are eligible to take an  
31 examination under this chapter.

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

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

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

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

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

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

23 (g) Effective January 1, ~~2014~~, 2016, no applicant shall be  
24 eligible to participate in the clinical examination if he or she fails  
25 to obtain a passing score on the clinical examination within seven  
26 years from his or her initial attempt, unless he or she takes and  
27 obtains a passing score on the current version of the California  
28 law and ethics examination.

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

32 (i) This section shall become operative on January 1, ~~2014~~.  
33 2016.

34 *SEC. 43. Section 4996.1 of the Business and Professions Code,*  
35 *as amended by Section 52 of Chapter 799 of the Statutes of 2012,*  
36 *is amended to read:*

37 4996.1. (a) The board shall issue a clinical social worker  
38 license to each applicant who qualifies pursuant to this article and  
39 successfully passes a board-administered written or oral  
40 examination or both examinations. An applicant who has

1 successfully passed a previously administered written examination  
2 may be subsequently required to take and pass another written  
3 examination.

4 (b) This section shall remain in effect only until January 1, ~~2014,~~  
5 2016, and as of that date is repealed, unless a later enacted statute,  
6 that is enacted before January 1, ~~2014,~~ 2016, deletes or extends  
7 that date.

8 *SEC. 44. Section 4996.1 of the Business and Professions Code,*  
9 *as amended by Section 53 of Chapter 799 of the Statutes of 2012,*  
10 *is amended to read:*

11 4996.1. (a) Effective January 1, ~~2014,~~ 2016, the board shall  
12 issue a clinical social worker license to each applicant who qualifies  
13 pursuant to this article and who successfully passes a California  
14 law and ethics examination and a clinical examination. An  
15 applicant who has successfully passed a previously administered  
16 written examination may be subsequently required to take and pass  
17 another written examination.

18 (b) This section shall become operative on January 1, ~~2014,~~  
19 2016.

20 *SEC. 45. Section 4996.3 of the Business and Professions Code,*  
21 *as amended by Section 54 of Chapter 799 of the Statutes of 2012,*  
22 *is amended to read:*

23 4996.3. (a) The board shall assess the following fees relating  
24 to the licensure of clinical social workers:

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

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

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

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

34 (A) An applicant who fails to appear for an examination, after  
35 having been scheduled to take the examination, shall forfeit the  
36 examination fees.

37 (B) The amount of the examination fees shall be based on the  
38 actual cost to the board of developing, purchasing, and grading  
39 each examination and the actual cost to the board of administering  
40 each examination. The written examination fees shall be adjusted

1 periodically by regulation to reflect the actual costs incurred by  
2 the board.

3 (5) The fee for rescoring an examination shall be twenty dollars  
4 (\$20).

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

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

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

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

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

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

18 (12) The fee for issuance of a retired license shall be forty dollars  
19 (\$40).

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

23 (c) This section shall remain in effect only until January 1, ~~2014~~  
24 *2016*, and as of that date is repealed, unless a later enacted statute,  
25 that is enacted before January 1, ~~2014~~ *2016*, deletes or extends  
26 that date.

27 ~~SEC. 25.~~

28 *SEC. 46.* Section 4996.3 of the Business and Professions Code,  
29 as amended by Section 55 of Chapter 799 of the Statutes of 2012,  
30 is amended to read:

31 4996.3. (a) The board shall assess the following fees relating  
32 to the licensure of clinical social workers:

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

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

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

1 (4) The fee for the clinical examination shall be one hundred  
2 dollars (\$100). The fee for the California law and ethics  
3 examination shall be one hundred dollars (\$100).

4 (A) An applicant who fails to appear for an examination, after  
5 having been scheduled to take the examination, shall forfeit the  
6 examination fees.

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

13 (5) The fee for rescoring an examination shall be twenty dollars  
14 (\$20).

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

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

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

21 (9) The renewal delinquency fee shall be a maximum of  
22 seventy-five dollars (\$75). A person who permits his or her license  
23 to expire is subject to the delinquency fee.

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

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

28 (12) The fee for issuance of a retired license shall be forty dollars  
29 (\$40).

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

33 (c) This section shall become operative on January 1, ~~2014~~.  
34 2016.

35 *SEC. 47. Section 4996.4 of the Business and Professions Code,*  
36 *as amended by Section 56 of Chapter 799 of the Statutes of 2012,*  
37 *is amended to read:*

38 4996.4. (a) An applicant who fails a standard or clinical  
39 vignette written examination may, within one year from the  
40 notification date of failure, retake that examination as regularly

1 scheduled, without further application, upon payment of the  
2 required examination fees. Thereafter, the applicant shall not be  
3 eligible for further examination until he or she files a new  
4 application, meets all current requirements, and pays all required  
5 fees.

6 (b) This section shall remain in effect only until January 1, ~~2014,~~  
7 2016, and as of that date is repealed, unless a later enacted statute,  
8 that is enacted before January 1, ~~2014,~~ 2016, deletes or extends  
9 that date.

10 *SEC. 48. Section 4996.4 of the Business and Professions Code,*  
11 *as amended by Section 57 of Chapter 799 of the Statutes of 2012,*  
12 *is amended to read:*

13 4996.4. (a) Effective January 1, ~~2014,~~ 2016, an applicant who  
14 fails the clinical examination may, within one year from the  
15 notification date of failure, retake that examination as regularly  
16 scheduled, without further application, upon payment of the  
17 required examination fees. Thereafter, the applicant shall not be  
18 eligible for further examination until he or she files a new  
19 application, meets all current requirements, and pays all required  
20 fees.

21 (b) This section shall become operative on January 1, ~~2014,~~  
22 2016.

23 ~~SEC. 26.~~

24 *SEC. 49. Section 4996.9 of the Business and Professions Code*  
25 *is amended to read:*

26 4996.9. The practice of clinical social work is defined as a  
27 service in which a special knowledge of social resources, human  
28 capabilities, and the part that unconscious motivation plays in  
29 determining behavior, is directed at helping people to achieve more  
30 adequate, satisfying, and productive social adjustments. The  
31 application of social work principles and methods includes, but is  
32 not restricted to, counseling and using applied psychotherapy of  
33 a nonmedical nature with individuals, families, or groups; providing  
34 information and referral services; providing or arranging for the  
35 provision of social services; explaining or interpreting the  
36 psychosocial aspects in the situations of individuals, families, or  
37 groups; helping communities to organize, to provide, or to improve  
38 social or health services; doing research related to social work;  
39 and the use, application, and integration of the coursework and  
40 experience required by Sections 4996.2 and 4996.23.

1 Psychotherapy, within the meaning of this chapter, is the use of  
2 psychosocial methods within a professional relationship, to assist  
3 the person or persons to achieve a better psychosocial adaptation,  
4 to acquire greater human realization of psychosocial potential and  
5 adaptation, and to modify internal and external conditions which  
6 affect individuals, groups, or communities in respect to behavior,  
7 emotions, and thinking, in respect to their intrapersonal and  
8 interpersonal processes.

9 *SEC. 50. Section 4996.17 of the Business and Professions Code*  
10 *is amended to read:*

11 4996.17. (a) (1) Experience gained outside of California shall  
12 be accepted toward the licensure requirements if it is substantially  
13 the equivalent of the requirements of this chapter.

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

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

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

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

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

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

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

12 (D) A minimum of 15 contact hours of coursework or training  
13 in spousal or partner abuse assessment, detection, and intervention  
14 strategies.

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

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

31 (5) The applicant is not currently under investigation in any  
32 other state, and has not been charged with an offense for any act  
33 substantially related to the practice of social work by any public  
34 agency, entered into any consent agreement or been subject to an  
35 administrative decision that contains conditions placed by an  
36 agency upon an applicant's professional conduct or practice,  
37 including any voluntary surrender of license, or been the subject  
38 of an adverse judgment resulting from the practice of social work  
39 that the board determines constitutes evidence of a pattern of  
40 incompetence or negligence.

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

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

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

15 (1) Completion of the following coursework or training in or  
16 out of state:

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

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

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

26 (D) A minimum of 15 contact hours of coursework or training  
27 in spousal or partner abuse assessment, detection, and intervention  
28 strategies.

29 (2) Commencing January 1, 2014, completion of an 18-hour  
30 course in California law and professional ethics. The content of  
31 the course shall include, but not be limited to, the following:  
32 advertising, scope of practice, scope of competence, treatment of  
33 minors, confidentiality, dangerous patients, psychotherapist-patient  
34 privilege, recordkeeping, patient access to records, state and federal  
35 laws related to confidentiality of patient health information, dual  
36 relationships, child abuse, elder and dependent adult abuse, online  
37 therapy, insurance reimbursement, civil liability, disciplinary  
38 actions and unprofessional conduct, ethics complaints and ethical  
39 standards, termination of therapy, standards of care, relevant family  
40 law, therapist disclosures to patients, differences in legal and ethical

1 standards in different types of work settings, and licensing law  
2 and process.

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

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

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

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

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

23 (d) Commencing January 1, ~~2014~~, 2016, an applicant who  
24 obtained his or her license or registration under another jurisdiction  
25 may apply for licensure with the board without taking the clinical  
26 examination specified in Section 4996.1 if the applicant obtained  
27 a passing score on the licensing examination set forth in regulation  
28 as accepted by the board.

29 ~~SEC. 27.~~

30 *SEC. 51.* Section 4996.18 of the Business and Professions Code  
31 is amended to read:

32 4996.18. (a) A person who wishes to be credited with  
33 experience toward licensure requirements shall register with the  
34 board as an associate clinical social worker prior to obtaining that  
35 experience. The application shall be made on a form prescribed  
36 by the board.

37 (b) An applicant for registration shall satisfy the following  
38 requirements:

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

- 1 (2) Have committed no crimes or acts constituting grounds for  
2 denial of licensure under Section 480.
- 3 (3) Commencing January 1, 2014, have completed training or  
4 coursework, which may be embedded within more than one course,  
5 in California law and professional ethics for clinical social workers,  
6 including instruction in all of the following areas of study:
- 7 (A) Contemporary professional ethics and statutes, regulations,  
8 and court decisions that delineate the scope of practice of clinical  
9 social work.
- 10 (B) The therapeutic, clinical, and practical considerations  
11 involved in the legal and ethical practice of clinical social work,  
12 including, but not limited to, family law.
- 13 (C) The current legal patterns and trends in the mental health  
14 professions.
- 15 (D) The psychotherapist-patient privilege, confidentiality,  
16 dangerous patients, and the treatment of minors with and without  
17 parental consent.
- 18 (E) A recognition and exploration of the relationship between  
19 a practitioner's sense of self and human values, and his or her  
20 professional behavior and ethics.
- 21 (F) Differences in legal and ethical standards for different types  
22 of work settings.
- 23 (G) Licensing law and process.
- 24 (c) An applicant who possesses a master's degree from a school  
25 or department of social work that is a candidate for accreditation  
26 by the Commission on Accreditation of the Council on Social  
27 Work Education shall be eligible, and shall be required, to register  
28 as an associate clinical social worker in order to gain experience  
29 toward licensure if the applicant has not committed any crimes or  
30 acts that constitute grounds for denial of licensure under Section  
31 480. That applicant shall not, however, be eligible for examination  
32 until the school or department of social work has received  
33 accreditation by the Commission on Accreditation of the Council  
34 on Social Work Education.
- 35 (d) All applicants and registrants shall be at all times under the  
36 supervision of a supervisor who shall be responsible for ensuring  
37 that the extent, kind, and quality of counseling performed is  
38 consistent with the training and experience of the person being  
39 supervised, and who shall be responsible to the board for

1 compliance with all laws, rules, and regulations governing the  
2 practice of clinical social work.

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

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

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

34 (h) A registrant shall not provide clinical social work services  
35 to the public for a fee, monetary or otherwise, except as an  
36 employee.

37 (i) A registrant shall inform each client or patient prior to  
38 performing any professional services that he or she is unlicensed  
39 and is under the supervision of a licensed professional.

1 ~~SEC. 28.~~

2 *SEC. 52.* Section 4996.23 of the Business and Professions Code  
3 is amended to read:

4 4996.23. The experience required by subdivision (c) of Section  
5 4996.2 shall meet the following criteria:

6 (a) All persons registered with the board on and after January  
7 1, 2002, shall have at least 3,200 hours of post-master's degree  
8 supervised experience providing clinical social work services as  
9 permitted by Section 4996.9. At least 1,700 hours shall be gained  
10 under the supervision of a licensed clinical social worker. The  
11 remaining required supervised experience may be gained under  
12 the supervision of a licensed mental health professional acceptable  
13 to the board as defined by a regulation adopted by the board. This  
14 experience shall consist of the following:

15 (1) A minimum of 2,000 hours in clinical psychosocial  
16 diagnosis, assessment, and treatment, including psychotherapy or  
17 counseling.

18 (2) A maximum of 1,200 hours in client centered advocacy,  
19 consultation, evaluation, and research.

20 (3) Of the 2,000 clinical hours required in paragraph (1), no less  
21 than 750 hours shall be face-to-face individual or group  
22 psychotherapy provided to clients in the context of clinical social  
23 work services.

24 (4) A minimum of two years of supervised experience is required  
25 to be obtained over a period of not less than 104 weeks and shall  
26 have been gained within the six years immediately preceding the  
27 date on which the application for licensure was filed.

28 (5) Experience shall not be credited for more than 40 hours in  
29 any week.

30 (b) "Supervision" means responsibility for, and control of, the  
31 quality of clinical social work services being provided.  
32 Consultation or peer discussion shall not be considered to be  
33 supervision.

34 (c) (1) Prior to the commencement of supervision, a supervisor  
35 shall comply with all requirements enumerated in Section 1870 of  
36 Title 16 of the California Code of Regulations and shall sign under  
37 penalty of perjury the "Responsibility Statement for Supervisors  
38 of an Associate Clinical Social Worker" form.

39 (2) Supervised experience shall include at least one hour of  
40 direct supervisor contact for a minimum of 104 weeks. For

1 purposes of this subdivision, “one hour of direct supervisor contact”  
2 means one hour per week of face-to-face contact on an individual  
3 basis or two hours of face-to-face contact in a group conducted  
4 within the same week as the hours claimed.

5 (3) An associate shall receive at least one additional hour of  
6 direct supervisor contact for every week in which more than 10  
7 hours of face-to-face psychotherapy is performed in each setting  
8 in which experience is gained. No more than five hours of  
9 supervision, whether individual or group, shall be credited during  
10 any single week.

11 (4) Group supervision shall be provided in a group of not more  
12 than eight supervisees and shall be provided in segments lasting  
13 no less than one continuous hour.

14 (5) Of the 104 weeks of required supervision, 52 weeks shall  
15 be individual supervision, and of the 52 weeks of required  
16 individual supervision, not less than 13 weeks shall be supervised  
17 by a licensed clinical social worker.

18 (6) Notwithstanding paragraph (2), an associate clinical social  
19 worker working for a governmental entity, school, college, or  
20 university, or an institution that is both a nonprofit and charitable  
21 institution, may obtain the required weekly direct supervisor  
22 contact via live two-way videoconferencing. The supervisor shall  
23 be responsible for ensuring that client confidentiality is preserved.

24 (d) The supervisor and the associate shall develop a supervisory  
25 plan that describes the goals and objectives of supervision. These  
26 goals shall include the ongoing assessment of strengths and  
27 limitations and the assurance of practice in accordance with the  
28 laws and regulations. The associate shall submit to the board the  
29 initial original supervisory plan upon application for licensure.

30 (e) Experience shall only be gained in a setting that meets both  
31 of the following:

32 (1) Lawfully and regularly provides clinical social work, mental  
33 health counseling, or psychotherapy.

34 (2) Provides oversight to ensure that the associate’s work at the  
35 setting meets the experience and supervision requirements set forth  
36 in this chapter and is within the scope of practice for the profession  
37 as defined in Section 4996.9.

38 (f) Experience shall not be gained until the applicant has been  
39 registered as an associate clinical social worker.

1 (g) Employment in a private practice as defined in subdivision  
2 (h) shall not commence until the applicant has been registered as  
3 an associate clinical social worker.

4 (h) A private practice setting is a setting that is owned by a  
5 licensed clinical social worker, a licensed marriage and family  
6 therapist, a licensed psychologist, a licensed physician and surgeon,  
7 or a professional corporation of any of those licensed professions.

8 (i) Experience shall not be gained by ~~interns or trainees~~ *an*  
9 *associate* for work performed as an independent contractor or  
10 reported on an IRS Form ~~1099.00~~ *1099*.

11 (j) If volunteering, the associate shall provide the board with a  
12 letter from his or her employer verifying his or her voluntary status  
13 upon application for licensure.

14 (k) If employed, the associate shall provide the board with copies  
15 of his or her W-2 tax forms for each year of experience claimed  
16 upon application for licensure.

17 (l) While an associate may be either a paid employee or  
18 volunteer, employers are encouraged to provide fair remuneration  
19 to associates.

20 (m) An associate shall not do the following:

21 (1) Receive any remuneration from patients or clients and shall  
22 only be paid by his or her employer.

23 (2) Have any proprietary interest in the employer's business.

24 (3) Lease or rent space, pay for furnishings, equipment, or  
25 supplies, or in any other way pay for the obligations of his or her  
26 employer.

27 (n) An associate, whether employed or volunteering, may obtain  
28 supervision from a person not employed by the associate's  
29 employer if that person has signed a written agreement with the  
30 employer to take supervisory responsibility for the associate's  
31 social work services.

32 (o) Notwithstanding any other provision of law, associates and  
33 applicants for examination shall receive a minimum of one hour  
34 of supervision per week for each setting in which he or she is  
35 working.

36 *SEC. 53. Section 4996.28 of the Business and Professions Code*  
37 *is amended to read:*

38 4996.28. (a) Registration as an associate clinical social worker  
39 shall expire one year from the last day of the month during which  
40 it was issued. To renew a registration, the registrant shall, on or

1 before the expiration date of the registration, complete all of the  
2 following actions:

- 3 (1) Apply for renewal on a form prescribed by the board.
- 4 (2) Pay a renewal fee prescribed by the board.
- 5 (3) Notify the board whether he or she has been convicted, as  
6 defined in Section 490, of a misdemeanor or felony, and whether  
7 any disciplinary action has been taken by a regulatory or licensing  
8 board in this or any other state, subsequent to the last renewal of  
9 the registration.
- 10 (4) On and after January 1, ~~2014~~, 2016, obtain a passing score  
11 on the California law and ethics examination pursuant to Section  
12 4992.09.

13 (b) A registration as an associate clinical social worker may be  
14 renewed a maximum of five times. When no further renewals are  
15 possible, an applicant may apply for and obtain a new associate  
16 clinical social worker registration if the applicant meets all  
17 requirements for registration in effect at the time of his or her  
18 application for a new associate clinical social worker registration.  
19 An applicant issued a subsequent associate registration pursuant  
20 to this subdivision may be employed or volunteer in any allowable  
21 work setting except private practice.

22 ~~SEC. 29.~~

23 *SEC. 54.* Section 4999.20 of the Business and Professions Code  
24 is amended to read:

25 4999.20. (a) (1) “Professional clinical counseling” means the  
26 application of counseling interventions and psychotherapeutic  
27 techniques to identify and remediate cognitive, mental, and  
28 emotional issues, including personal growth, adjustment to  
29 disability, crisis intervention, and psychosocial and environmental  
30 problems, and the use, application, and integration of the  
31 coursework and training required by Sections 4999.32 and 4999.33.  
32 “Professional clinical counseling” includes conducting assessments  
33 for the purpose of establishing counseling goals and objectives to  
34 empower individuals to deal adequately with life situations, reduce  
35 stress, experience growth, change behavior, and make  
36 well-informed, rational decisions.

37 (2) “Professional clinical counseling” is focused exclusively on  
38 the application of counseling interventions and psychotherapeutic  
39 techniques for the purposes of improving mental health, and is not  
40 intended to capture other, nonclinical forms of counseling for the

1 purposes of licensure. For purposes of this paragraph, “nonclinical”  
2 means nonmental health.

3 (3) “Professional clinical counseling” does not include the  
4 assessment or treatment of couples or families unless the  
5 professional clinical counselor has completed all of the following  
6 additional training and education, beyond the minimum training  
7 and education required for licensure:

8 (A) One of the following:

9 (i) Six semester units or nine quarter units specifically focused  
10 on the theory and application of marriage and family therapy.

11 (ii) A named specialization or emphasis area on the qualifying  
12 degree in marriage and family therapy; marital and family therapy;  
13 marriage, family, and child counseling; or couple and family  
14 therapy.

15 (B) No less than 500 hours of documented supervised experience  
16 working directly with couples, families, or children.

17 (C) A minimum of six hours of continuing education specific  
18 to marriage and family therapy, completed in each license renewal  
19 cycle.

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

22 (b) “Counseling interventions and psychotherapeutic techniques”  
23 means the application of cognitive, affective, verbal or nonverbal,  
24 systemic or holistic counseling strategies that include principles  
25 of development, wellness, and maladjustment that reflect a  
26 pluralistic society. These interventions and techniques are  
27 specifically implemented in the context of a professional clinical  
28 counseling relationship and use a variety of counseling theories  
29 and approaches.

30 (c) “Assessment” means selecting, administering, scoring, and  
31 interpreting tests, instruments, and other tools and methods  
32 designed to measure an individual’s attitudes, abilities, aptitudes,  
33 achievements, interests, personal characteristics, disabilities, and  
34 mental, emotional, and behavioral concerns and development and  
35 the use of methods and techniques for understanding human  
36 behavior in relation to coping with, adapting to, or ameliorating  
37 changing life situations, as part of the counseling process.  
38 “Assessment” shall not include the use of projective techniques  
39 in the assessment of personality, individually administered  
40 intelligence tests, neuropsychological testing, or utilization of a

1 battery of three or more tests to determine the presence of  
2 psychosis, dementia, amnesia, cognitive impairment, or criminal  
3 behavior.

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

7 ~~SEC. 30.~~

8 *SEC. 55.* Section 4999.33 of the Business and Professions Code  
9 is amended to read:

10 4999.33. (a) This section shall apply to the following:

11 (1) Applicants for examination eligibility or registration who  
12 begin graduate study before August 1, 2012, and do not complete  
13 that study on or before December 31, 2018.

14 (2) Applicants for examination eligibility or registration who  
15 begin graduate study before August 1, 2012, and who graduate  
16 from a degree program that meets the requirements of this section.

17 (3) Applicants for examination eligibility or registration who  
18 begin graduate study on or after August 1, 2012.

19 (b) To qualify for examination eligibility or registration,  
20 applicants shall possess a master's or doctoral degree that is  
21 counseling or psychotherapy in content and that meets the  
22 requirements of this section, obtained from an accredited or  
23 approved institution, as defined in Section 4999.12. For purposes  
24 of this subdivision, a degree is "counseling or psychotherapy in  
25 content" if it contains the supervised practicum or field study  
26 experience described in paragraph (3) of subdivision (c) and, except  
27 as provided in subdivision (f), the coursework in the core content  
28 areas listed in subparagraphs (A) to (M), inclusive, of paragraph  
29 (1) of subdivision (c).

30 (c) The degree described in subdivision (b) shall contain not  
31 less than 60 graduate semester or 90 graduate quarter units of  
32 instruction, which shall, except as provided in subdivision (f),  
33 include all of the following:

34 (1) The equivalent of at least three semester units or four and  
35 one-half quarter units of graduate study in all of the following core  
36 content areas:

37 (A) Counseling and psychotherapeutic theories and techniques,  
38 including the counseling process in a multicultural society, an  
39 orientation to wellness and prevention, counseling theories to assist  
40 in selection of appropriate counseling interventions, models of

1 counseling consistent with current professional research and  
2 practice, development of a personal model of counseling, and  
3 multidisciplinary responses to crises, emergencies, and disasters.

4 (B) Human growth and development across the lifespan,  
5 including normal and abnormal behavior and an understanding of  
6 developmental crises, disability, psychopathology, and situational  
7 and environmental factors that affect both normal and abnormal  
8 behavior.

9 (C) Career development theories and techniques, including  
10 career development decisionmaking models and interrelationships  
11 among and between work, family, and other life roles and factors,  
12 including the role of multicultural issues in career development.

13 (D) Group counseling theories and techniques, including  
14 principles of group dynamics, group process components, group  
15 developmental stage theories, therapeutic factors of group work,  
16 group leadership styles and approaches, pertinent research and  
17 literature, group counseling methods, and evaluation of  
18 effectiveness.

19 (E) Assessment, appraisal, and testing of individuals, including  
20 basic concepts of standardized and nonstandardized testing and  
21 other assessment techniques, norm-referenced and  
22 criterion-referenced assessment, statistical concepts, social and  
23 cultural factors related to assessment and evaluation of individuals  
24 and groups, and ethical strategies for selecting, administering, and  
25 interpreting assessment instruments and techniques in counseling.

26 (F) Multicultural counseling theories and techniques, including  
27 counselors' roles in developing cultural self-awareness, identity  
28 development, promoting cultural social justice, individual and  
29 community strategies for working with and advocating for diverse  
30 populations, and counselors' roles in eliminating biases and  
31 prejudices, and processes of intentional and unintentional  
32 oppression and discrimination.

33 (G) Principles of the diagnostic process, including differential  
34 diagnosis, and the use of current diagnostic tools, such as the  
35 current edition of the Diagnostic and Statistical Manual, the impact  
36 of co-occurring substance use disorders or medical psychological  
37 disorders, established diagnostic criteria for mental or emotional  
38 disorders, and the treatment modalities and placement criteria  
39 within the continuum of care.

1 (H) Research and evaluation, including studies that provide an  
2 understanding of research methods, statistical analysis, the use of  
3 research to inform evidence-based practice, the importance of  
4 research in advancing the profession of counseling, and statistical  
5 methods used in conducting research, needs assessment, and  
6 program evaluation.

7 (I) Professional orientation, ethics, and law in counseling,  
8 including California law and professional ethics for professional  
9 clinical counselors, professional ethical standards and legal  
10 considerations, licensing law and process, regulatory laws that  
11 delineate the profession's scope of practice, counselor-client  
12 privilege, confidentiality, the client dangerous to self or others,  
13 treatment of minors with or without parental consent, relationship  
14 between practitioner's sense of self and human values, functions  
15 and relationships with other human service providers, strategies  
16 for collaboration, and advocacy processes needed to address  
17 institutional and social barriers that impede access, equity, and  
18 success for clients.

19 (J) Psychopharmacology, including the biological bases of  
20 behavior, basic classifications, indications, and contraindications  
21 of commonly prescribed psychopharmacological medications so  
22 that appropriate referrals can be made for medication evaluations  
23 and so that the side effects of those medications can be identified.

24 (K) Addictions counseling, including substance abuse,  
25 co-occurring disorders, and addiction, major approaches to  
26 identification, evaluation, treatment, and prevention of substance  
27 abuse and addiction, legal and medical aspects of substance abuse,  
28 populations at risk, the role of support persons, support systems,  
29 and community resources.

30 (L) Crisis or trauma counseling, including crisis theory;  
31 multidisciplinary responses to crises, emergencies, or disasters;  
32 cognitive, affective, behavioral, and neurological effects associated  
33 with trauma; brief, intermediate, and long-term approaches; and  
34 assessment strategies for clients in crisis and principles of  
35 intervention for individuals with mental or emotional disorders  
36 during times of crisis, emergency, or disaster.

37 (M) Advanced counseling and psychotherapeutic theories and  
38 techniques, including the application of counseling constructs,  
39 assessment and treatment planning, clinical interventions,  
40 therapeutic relationships, psychopathology, or other clinical topics.

- 1 (2) In addition to the course requirements described in paragraph  
2 (1), 15 semester units or 22.5 quarter units of advanced coursework  
3 to develop knowledge of specific treatment issues or special  
4 populations.
- 5 (3) Not less than six semester units or nine quarter units of  
6 supervised practicum or field study experience, or the equivalent,  
7 in a clinical setting that provides a range of professional clinical  
8 counseling experience, including the following:
- 9 (A) Applied psychotherapeutic techniques.  
10 (B) Assessment.  
11 (C) Diagnosis.  
12 (D) Prognosis.  
13 (E) Treatment.  
14 (F) Issues of development, adjustment, and maladjustment.  
15 (G) Health and wellness promotion.  
16 (H) Professional writing including documentation of services,  
17 treatment plans, and progress notes.  
18 (I) How to find and use resources.  
19 (J) Other recognized counseling interventions.  
20 (K) A minimum of 280 hours of face-to-face supervised clinical  
21 experience counseling individuals, families, or groups.
- 22 (d) The 60 graduate semester units or 90 graduate quarter units  
23 of instruction required pursuant to subdivision (c) shall, in addition  
24 to meeting the requirements of subdivision (c), include instruction  
25 in all of the following:
- 26 (1) The understanding of human behavior within the social  
27 context of socioeconomic status and other contextual issues  
28 affecting social position.
- 29 (2) The understanding of human behavior within the social  
30 context of a representative variety of the cultures found within  
31 California.
- 32 (3) Cultural competency and sensitivity, including a familiarity  
33 with the racial, cultural, linguistic, and ethnic backgrounds of  
34 persons living in California.
- 35 (4) An understanding of the effects of socioeconomic status on  
36 treatment and available resources.
- 37 (5) Multicultural development and cross-cultural interaction,  
38 including experiences of race, ethnicity, class, spirituality, sexual  
39 orientation, gender, and disability and their incorporation into the  
40 psychotherapeutic process.

1 (6) Case management, systems of care for the severely mentally  
2 ill, public and private services for the severely mentally ill,  
3 community resources for victims of abuse, disaster and trauma  
4 response, advocacy for the severely mentally ill, and collaborative  
5 treatment. The instruction required in this paragraph may be  
6 provided either in credit level coursework or through extension  
7 programs offered by the degree-granting institution.

8 (7) Human sexuality, including the study of the physiological,  
9 psychological, and social cultural variables associated with sexual  
10 behavior, gender identity, and the assessment and treatment of  
11 psychosexual dysfunction.

12 (8) Spousal or partner abuse assessment, detection, intervention  
13 strategies, and same gender abuse dynamics.

14 (9) A minimum of seven contact hours of training or coursework  
15 in child abuse assessment and reporting, as specified in Section  
16 28, and any regulations promulgated thereunder.

17 (10) Aging and long-term care, including biological, social,  
18 cognitive, and psychological aspects of aging. This coursework  
19 shall include instruction on the assessment and reporting of, as  
20 well as treatment related to, elder and dependent adult abuse and  
21 neglect.

22 (e) A degree program that qualifies for licensure under this  
23 section shall do all of the following:

24 (1) Integrate the principles of mental health recovery-oriented  
25 care and methods of service delivery in recovery-oriented practice  
26 environments.

27 (2) Integrate an understanding of various cultures and the social  
28 and psychological implications of socioeconomic position.

29 (3) Provide the opportunity for students to meet with various  
30 consumers and family members of consumers of mental health  
31 services to enhance understanding of their experience of mental  
32 illness, treatment, and recovery.

33 (f) (1) An applicant whose degree is deficient in no more than  
34 three of the required areas of study listed in subparagraphs (A) to  
35 (M), inclusive, of paragraph (1) of subdivision (c) may satisfy  
36 those deficiencies by successfully completing post-master's or  
37 postdoctoral degree coursework at an accredited or approved  
38 institution, as defined in Section 4999.12.

39 (2) Coursework taken to meet deficiencies in the required areas  
40 of study listed in subparagraphs (A) to (M), inclusive, of paragraph

1 (1) of subdivision (c) shall be the equivalent of three semester units  
2 or four and one-half quarter units of study.

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

6 *SEC. 56. Section 4999.45 of the Business and Professions*  
7 *Code, as amended by Section 62 of Chapter 799 of the Statutes of*  
8 *2012, is amended to read:*

9 4999.45. An intern employed under this chapter shall:

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

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

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

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

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

25 (f) This section shall remain in effect only until January 1, ~~2014,~~  
26 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
27 that is enacted before January 1, ~~2014,~~ ~~2016~~, deletes or extends  
28 that date.

29 *SEC. 57. Section 4999.45 of the Business and Professions*  
30 *Code, as amended by Section 63 of Chapter 799 of the Statutes of*  
31 *2012, is amended to read:*

32 4999.45. (a) An intern employed under this chapter shall:

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

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

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

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

1 (b) When no further renewals are possible, an applicant may  
2 apply for and obtain a new intern registration if the applicant meets  
3 the educational requirements for registration in effect at the time  
4 of the application for a new intern registration and has passed the  
5 California law and ethics examination described in Section  
6 4999.53. An applicant issued a subsequent intern registration  
7 pursuant to this subdivision may be employed or volunteer in any  
8 allowable work setting except private practice.

9 (c) This section shall become operative on January 1, ~~2014~~.  
10 2016.

11 *SEC. 58. Section 4999.46 of the Business and Professions*  
12 *Code, as amended by Section 64 of Chapter 799 of the Statutes of*  
13 *2012, is amended to read:*

14 4999.46. (a) To qualify for the licensure examinations specified  
15 in subdivision (c) of Section 4999.52, applicants shall complete  
16 clinical mental health experience under the general supervision of  
17 an approved supervisor as defined in Section 4999.12.

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

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

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

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

30 (4) Not more than ~~250~~ 375 hours of experience providing  
31 ~~counseling or crisis counseling on the telephone.~~ *personal*  
32 *psychotherapy, crisis counseling, or other counseling services via*  
33 *telehealth in accordance with Section 2290.5.*

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

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

39 (A) Direct supervisor contact.

40 (B) Client centered advocacy.

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

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

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

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

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

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

32 (g) ~~Supervision~~—*Except for experience gained pursuant to*  
33 *subparagraph (D) of paragraph (6) of subdivision (b), supervision*  
34 *shall include at least one hour of direct supervisor contact in each*  
35 *week for which experience is credited in each work setting.*

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

38 (2) An intern shall receive at least one additional hour of direct  
39 supervisor contact for every week in which more than 10 hours of

1 face-to-face psychotherapy is performed in each setting in which  
2 experience is gained.

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

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

14 (h) This section shall remain in effect only until January 1, ~~2014,~~  
15 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
16 that is enacted before January 1, ~~2014,~~ ~~2016~~, deletes or extends  
17 that date.

18 ~~SEC. 31.~~

19 *SEC. 59.* Section 4999.46 of the Business and Professions  
20 Code, as amended by Section 65 of Chapter 799 of the Statutes of  
21 2012, is amended to read:

22 4999.46. (a) To qualify for the licensure examination specified  
23 by paragraph (2) of subdivision (a) of Section 4999.53, applicants  
24 shall complete clinical mental health experience under the general  
25 supervision of an approved supervisor as defined in Section  
26 4999.12.

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

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

32 (2) Not less than 1,750 hours of direct counseling with  
33 individuals or groups in a setting described in Section 4999.44  
34 using a variety of psychotherapeutic techniques and recognized  
35 counseling interventions within the scope of practice of licensed  
36 professional clinical counselors.

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

- 1 (4) Not more than 375 hours of experience providing personal  
2 psychotherapy, crisis counseling, or other counseling services via  
3 telehealth in accordance with Section 2290.5.
- 4 (5) Not less than 150 hours of clinical experience in a hospital  
5 or community mental health setting, as defined in Section 1820 of  
6 Title 16 of the California Code of Regulations.
- 7 (6) Not more than a combined total of 1,250 hours of experience  
8 in the following related activities:
- 9 (A) Direct supervisor contact.
- 10 (B) Client centered advocacy.
- 11 (C) Not more than 250 hours of experience administering tests  
12 and evaluating psychological tests of clients, writing clinical  
13 reports, writing progress notes, or writing process notes.
- 14 (D) Not more than 250 hours of verified attendance at  
15 workshops, seminars, training sessions, or conferences directly  
16 related to professional clinical counseling that are approved by the  
17 applicant's supervisor.
- 18 (c) No hours of clinical mental health experience may be gained  
19 more than six years prior to the date the application for examination  
20 eligibility was filed.
- 21 (d) An applicant shall register with the board as an intern in  
22 order to be credited for postdegree hours of experience toward  
23 licensure. Postdegree hours of experience shall be credited toward  
24 licensure, provided that the applicant applies for intern registration  
25 within 90 days of the granting of the qualifying degree and is  
26 registered as an intern by the board.
- 27 (e) All applicants and interns shall be at all times under the  
28 supervision of a supervisor who shall be responsible for ensuring  
29 that the extent, kind, and quality of counseling performed is  
30 consistent with the training and experience of the person being  
31 supervised, and who shall be responsible to the board for  
32 compliance with all laws, rules, and regulations governing the  
33 practice of professional clinical counseling.
- 34 (f) Experience obtained under the supervision of a spouse or  
35 relative by blood or marriage shall not be credited toward the  
36 required hours of supervised experience. Experience obtained  
37 under the supervision of a supervisor with whom the applicant has  
38 had or currently has a personal, professional, or business  
39 relationship that undermines the authority or effectiveness of the

1 supervision shall not be credited toward the required hours of  
2 supervised experience.

3 (g) Except for experience gained pursuant to subparagraph (D)  
4 of paragraph (6) of subdivision (b), supervision shall include at  
5 least one hour of direct supervisor contact in each week for which  
6 experience is credited in each work setting.

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

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

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

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

24 (h) This section shall become operative on January 1, ~~2014~~  
25 ~~2016~~.

26 ~~SEC. 32.~~

27 ~~SEC. 60.~~ Section 4999.47 of the Business and Professions Code  
28 is amended to read:

29 4999.47. (a) Clinical counselor trainees, interns, and applicants  
30 shall perform services only as an employee or as a volunteer.

31 The requirements of this chapter regarding gaining hours of  
32 clinical mental health experience and supervision are applicable  
33 equally to employees and volunteers. Experience shall not be  
34 gained by interns or trainees for work performed as an independent  
35 contractor or reported on an IRS Form 1099.

36 (1) If employed, a clinical counselor intern shall provide the  
37 board with copies of the corresponding W-2 tax forms for each  
38 year of experience claimed upon application for licensure as a  
39 professional clinical counselor.

1 (2) If volunteering, a clinical counselor intern shall provide the  
2 board with a letter from his or her employer verifying the intern's  
3 employment as a volunteer upon application for licensure as a  
4 professional clinical counselor.

5 (b) Clinical counselor trainees, interns, and applicants shall not  
6 receive any remuneration from patients or clients, and shall only  
7 be paid by their employers.

8 (c) While an intern may be either a paid employee or a volunteer,  
9 employers are encouraged to provide fair remuneration.

10 (d) Clinical counselor trainees, interns, and applicants who  
11 provide voluntary services or other services, and who receive no  
12 more than a total, from all work settings, of five hundred dollars  
13 (\$500) per month as reimbursement for expenses actually incurred  
14 by those clinical counselor trainees, interns, and applicants for  
15 services rendered in any lawful work setting other than a private  
16 practice shall be considered an employee and not an independent  
17 contractor.

18 (e) The board may audit an intern or applicant who receives  
19 reimbursement for expenses and the intern or applicant shall have  
20 the burden of demonstrating that the payments received were for  
21 reimbursement of expenses actually incurred.

22 (f) Clinical counselor trainees, interns, and applicants shall only  
23 perform services at the place where their employer regularly  
24 conducts business and services, which may include other locations,  
25 as long as the services are performed under the direction and  
26 control of the employer and supervisor in compliance with the  
27 laws and regulations pertaining to supervision. Clinical counselor  
28 trainees, interns, and applicants shall have no proprietary interest  
29 in the employer's business.

30 (g) Each educational institution preparing applicants for  
31 licensure pursuant to this chapter shall consider requiring, and  
32 shall encourage, its students to undergo individual, marital or  
33 conjoint, family, or group counseling or psychotherapy, as  
34 appropriate. Each supervisor shall consider, advise, and encourage  
35 his or her interns and clinical counselor trainees regarding the  
36 advisability of undertaking individual, marital or conjoint, family,  
37 or group counseling or psychotherapy, as appropriate. Insofar as  
38 it is deemed appropriate and is desired by the applicant, the  
39 educational institution and supervisors are encouraged to assist

1 the applicant in locating that counseling or psychotherapy at a  
2 reasonable cost.

3 *SEC. 61. Section 4999.50 of the Business and Professions*  
4 *Code, as amended by Section 66 of Chapter 799 of the Statutes of*  
5 *2012, is amended to read:*

6 4999.50. (a) The board may issue a professional clinical  
7 counselor license to any person who meets all of the following  
8 requirements:

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

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

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

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

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

22 (d) This section shall remain in effect only until January 1, ~~2014,~~  
23 ~~2016~~, and as of that date is repealed, unless a later enacted statute,  
24 that is enacted before January 1, ~~2014,~~ ~~2016~~, deletes or extends  
25 that date.

26 *SEC. 62. Section 4999.50 of the Business and Professions*  
27 *Code, as amended by Section 67 of Chapter 799 of the Statutes of*  
28 *2012, is amended to read:*

29 4999.50. (a) The board may issue a professional clinical  
30 counselor license to any person who meets all of the following  
31 requirements:

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

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

37 (3) He or she provides evidence of a passing score, as  
38 determined by the board, on the examinations designated in Section  
39 4999.53.

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

4 (c) This section shall become operative on January 1, ~~2014~~.  
5 2016.

6 *SEC. 63. Section 4999.52 of the Business and Professions*  
7 *Code, as amended by Section 10 of Chapter 800 of the Statutes of*  
8 *2012, is amended to read:*

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

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

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

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

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

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

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

1 (A) The national examinations plus one or more  
2 board-developed examinations.

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

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

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

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

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

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

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

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

38 (h) Nothing in this section shall prohibit the board from denying  
39 an applicant admission to any examination, withholding the results,  
40 or refusing to issue a license to any applicant when an accusation

1 or statement of issues has been filed against the applicant pursuant  
2 to Section 11503 or 11504 of the Government Code, respectively,  
3 or the application has been denied in accordance with subdivision  
4 (b) of Section 485.

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

8 (j) This section shall remain in effect only until January 1, ~~2014~~,  
9 2016, and as of that date is repealed, unless a later enacted statute,  
10 that is enacted before January 1, ~~2014~~, 2016, deletes or extends  
11 that date.

12 *SEC. 64. Section 4999.52 of the Business and Professions*  
13 *Code, as amended by Section 11 of Chapter 800 of the Statutes of*  
14 *2012, is amended to read:*

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

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

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

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

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

1 the board shall permit the applicant to take this examination, but  
2 may notify the applicant that licensure will not be granted pending  
3 completion of the investigation.

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

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

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

20 (i) On and after January 1, ~~2014~~, 2016, the examination specified  
21 by paragraph (2) of subdivision (a) of Section 4999.53 shall be  
22 passed within seven years of an applicant's initial attempt.

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

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

34 ~~(l) The provisions of this~~ This section shall become operative  
35 on January 1, ~~2014~~. 2016.

36 *SEC. 65. Section 4999.53 of the Business and Professions Code*  
37 *is amended to read:*

38 4999.53. (a) Effective January 1, ~~2014~~, 2016, a clinical  
39 counselor intern applying for licensure as a clinical counselor shall  
40 pass the following examinations as prescribed by the board:

1 (1) A California law and ethics examination.

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

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

10 (c) A registrant may take the clinical examination or the National  
11 Clinical Mental Health Counselor Examination, as established by  
12 the board through regulation, only upon meeting all of the  
13 following requirements:

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

15 (2) Completion of all education requirements.

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

17 (d) This section shall become operative on January 1, ~~2014~~.  
18 2016.

19 *SEC. 66. Section 4999.55 of the Business and Professions Code*  
20 *is amended to read:*

21 4999.55. (a) Each applicant and registrant shall obtain a  
22 passing score on a board-administered California law and ethics  
23 examination in order to qualify for licensure.

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

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

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

1 education provider, a county, state, or governmental entity, or a  
2 college or university.

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

6 (f) This section shall become operative January 1, ~~2014~~, 2016.

7 ~~SEC. 33.~~

8 *SEC. 67.* Section 4999.60 of the Business and Professions Code  
9 is amended to read:

10 4999.60. (a) This section applies to persons who are licensed  
11 outside of California and apply for examination eligibility on or  
12 after January 1, 2014.

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

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

21 (2) The applicant complies with subdivision (b) of Section  
22 4999.40, if applicable.

23 (3) The applicant's supervised experience is substantially  
24 equivalent to that required for a license under this chapter. If the  
25 applicant has less than 3,000 hours of qualifying supervised  
26 experience, time actively licensed as a professional clinical  
27 counselor shall be accepted at a rate of 100 hours per month up to  
28 a maximum of 1,200 hours.

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

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

36 (B) The applicant's license or registration in that jurisdiction is  
37 in good standing at the time of his or her application and has not  
38 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     *SEC. 68. Section 4999.64 of the Business and Professions Code*  
2     *is amended to read:*

3     4999.64. (a) Effective January 1, ~~2014~~, 2016, an applicant  
4     who fails the examination specified in paragraph (2) of subdivision  
5     (a) of Section 4999.53 may, within one year from the notification  
6     date of that failure, retake the examination as regularly scheduled  
7     without further application upon payment of the fee for the  
8     examination. Thereafter, the applicant shall not be eligible for  
9     further examination until he or she files a new application, meets  
10    all requirements in effect on the date of application, and pays all  
11    required fees.

12    (b) This section shall become operative on January 1, ~~2014~~.  
13    2016.

14    *SEC. 69. Section 4999.100 of the Business and Professions*  
15    *Code, as amended by Section 80 of Chapter 799 of the Statutes of*  
16    *2012, is amended to read:*

17    4999.100. (a) An intern registration shall expire one year from  
18    the last day of the month in which it was issued.

19    (b) To renew a registration, the registrant shall, on or before the  
20    expiration date of the registration, do the following:

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

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

23    (3) Notify the board whether he or she has been convicted, as  
24    defined in Section 490, of a misdemeanor or felony, or whether  
25    any disciplinary action has been taken by any regulatory or  
26    licensing board in this or any other state, subsequent to the  
27    registrant's last renewal.

28    (c) This section shall remain in effect only until January 1, ~~2014~~,  
29    2016, and as of that date is repealed, unless a later enacted statute,  
30    that is enacted before January 1, ~~2014~~, 2016, deletes or extends  
31    that date.

32    *SEC. 70. Section 4999.100 of the Business and Professions*  
33    *Code, as amended by Section 81 of Chapter 799 of the Statutes of*  
34    *2012, is amended to read:*

35    4999.100. (a) An intern registration shall expire one year from  
36    the last day of the month in which it was issued.

37    (b) To renew a registration, the registrant shall, on or before the  
38    expiration date of the registration, do the following:

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

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

1 (3) Notify the board whether he or she has been convicted, as  
2 defined in Section 490, of a misdemeanor or felony, or whether  
3 any disciplinary action has been taken by any regulatory or  
4 licensing board in this or any other state, subsequent to the  
5 registrant's last renewal.

6 (4) Participate in the California law and ethics examination  
7 pursuant to Section 4999.53 each year until successful completion  
8 of this examination.

9 (c) The intern registration may be renewed a maximum of five  
10 times. No registration shall be renewed or reinstated beyond six  
11 years from the last day of the month during which it was issued,  
12 regardless of whether it has been revoked. When no further  
13 renewals are possible, an applicant may apply for and obtain a new  
14 intern registration if the applicant meets the educational  
15 requirements for registration in effect at the time of the application  
16 for a new intern registration and has passed the California law and  
17 ethics examination described in Section 4999.53. An applicant  
18 who is issued a subsequent intern registration pursuant to this  
19 subdivision may be employed or volunteer in any allowable work  
20 setting except private practice.

21 (d) This section shall become operative on January 1, ~~2014~~.  
22 ~~2016~~.

23 ~~SEC. 34.~~

24 *SEC. 71.* Section 14132 of the Welfare and Institutions Code  
25 is amended to read:

26 14132. The following is the schedule of benefits under this  
27 chapter:

28 (a) Outpatient services are covered as follows:

29 Physician, hospital or clinic outpatient, surgical center,  
30 respiratory care, optometric, chiropractic, psychology, podiatric,  
31 occupational therapy, physical therapy, speech therapy, audiology,  
32 acupuncture to the extent federal matching funds are provided for  
33 acupuncture, and services of persons rendering treatment by prayer  
34 or healing by spiritual means in the practice of any church or  
35 religious denomination insofar as these can be encompassed by  
36 federal participation under an approved plan, subject to utilization  
37 controls.

38 (b) (1) Inpatient hospital services, including, but not limited  
39 to, physician and podiatric services, physical therapy and  
40 occupational therapy, are covered subject to utilization controls.

1 (2) For Medi-Cal fee-for-service beneficiaries, emergency  
2 services and care that are necessary for the treatment of an  
3 emergency medical condition and medical care directly related to  
4 the emergency medical condition. This paragraph shall not be  
5 construed to change the obligation of Medi-Cal managed care  
6 plans to provide emergency services and care. For the purposes of  
7 this paragraph, “emergency services and care” and “emergency  
8 medical condition” shall have the same meanings as those terms  
9 are defined in Section 1317.1 of the Health and Safety Code.

10 (c) Nursing facility services, subacute care services, and services  
11 provided by any category of intermediate care facility for the  
12 developmentally disabled, including podiatry, physician, nurse  
13 practitioner services, and prescribed drugs, as described in  
14 subdivision (d), are covered subject to utilization controls.  
15 Respiratory care, physical therapy, occupational therapy, speech  
16 therapy, and audiology services for patients in nursing facilities  
17 and any category of intermediate care facility for the  
18 developmentally disabled are covered subject to utilization controls.

19 (d) (1) Purchase of prescribed drugs is covered subject to the  
20 Medi-Cal List of Contract Drugs and utilization controls.

21 (2) Purchase of drugs used to treat erectile dysfunction or any  
22 off-label uses of those drugs are covered only to the extent that  
23 federal financial participation is available.

24 (3) (A) To the extent required by federal law, the purchase of  
25 outpatient prescribed drugs, for which the prescription is executed  
26 by a prescriber in written, nonelectronic form on or after April 1,  
27 2008, is covered only when executed on a tamper resistant  
28 prescription form. The implementation of this paragraph shall  
29 conform to the guidance issued by the federal Centers for Medicare  
30 and Medicaid Services but shall not conflict with state statutes on  
31 the characteristics of tamper resistant prescriptions for controlled  
32 substances, including Section 11162.1 of the Health and Safety  
33 Code. The department shall provide providers and beneficiaries  
34 with as much flexibility in implementing these rules as allowed  
35 by the federal government. The department shall notify and consult  
36 with appropriate stakeholders in implementing, interpreting, or  
37 making specific this paragraph.

38 (B) Notwithstanding Chapter 3.5 (commencing with Section  
39 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
40 the department may take the actions specified in subparagraph (A)

1 by means of a provider bulletin or notice, policy letter, or other  
2 similar instructions without taking regulatory action.

3 (4) (A) (i) For the purposes of this paragraph, nonlegend has  
4 the same meaning as defined in subdivision (a) of Section  
5 14105.45.

6 (ii) Nonlegend acetaminophen-containing products, with the  
7 exception of children’s acetaminophen-containing products,  
8 selected by the department are not covered benefits.

9 (iii) Nonlegend cough and cold products selected by the  
10 department are not covered benefits. This clause shall be  
11 implemented on the first day of the first calendar month following  
12 90 days after the effective date of the act that added this clause,  
13 or on the first day of the first calendar month following 60 days  
14 after the date the department secures all necessary federal approvals  
15 to implement this section, whichever is later.

16 (iv) Beneficiaries under the Early and Periodic Screening,  
17 Diagnosis, and Treatment Program shall be exempt from clauses  
18 (ii) and (iii).

19 (B) Notwithstanding Chapter 3.5 (commencing with Section  
20 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
21 the department may take the actions specified in subparagraph (A)  
22 by means of a provider bulletin or notice, policy letter, or other  
23 similar instruction without taking regulatory action.

24 (e) Outpatient dialysis services and home hemodialysis services,  
25 including physician services, medical supplies, drugs and  
26 equipment required for dialysis, are covered, subject to utilization  
27 controls.

28 (f) Anesthesiologist services when provided as part of an  
29 outpatient medical procedure, nurse anesthetist services when  
30 rendered in an inpatient or outpatient setting under conditions set  
31 forth by the director, outpatient laboratory services, and X-ray  
32 services are covered, subject to utilization controls. Nothing in  
33 this subdivision shall be construed to require prior authorization  
34 for anesthesiologist services provided as part of an outpatient  
35 medical procedure or for portable X-ray services in a nursing  
36 facility or any category of intermediate care facility for the  
37 developmentally disabled.

38 (g) Blood and blood derivatives are covered.

39 (h) (1) Emergency and essential diagnostic and restorative  
40 dental services, except for orthodontic, fixed bridgework, and

1 partial dentures that are not necessary for balance of a complete  
2 artificial denture, are covered, subject to utilization controls. The  
3 utilization controls shall allow emergency and essential diagnostic  
4 and restorative dental services and prostheses that are necessary  
5 to prevent a significant disability or to replace previously furnished  
6 prostheses which are lost or destroyed due to circumstances beyond  
7 the beneficiary's control. Notwithstanding the foregoing, the  
8 director may by regulation provide for certain fixed artificial  
9 dentures necessary for obtaining employment or for medical  
10 conditions that preclude the use of removable dental prostheses,  
11 and for orthodontic services in cleft palate deformities administered  
12 by the department's California Children Services Program.

13 (2) For persons 21 years of age or older, the services specified  
14 in paragraph (1) shall be provided subject to the following  
15 conditions:

16 (A) Periodontal treatment is not a benefit.

17 (B) Endodontic therapy is not a benefit except for vital  
18 pulpotomy.

19 (C) Laboratory processed crowns are not a benefit.

20 (D) Removable prosthetics shall be a benefit only for patients  
21 as a requirement for employment.

22 (E) The director may, by regulation, provide for the provision  
23 of fixed artificial dentures that are necessary for medical conditions  
24 that preclude the use of removable dental prostheses.

25 (F) Notwithstanding the conditions specified in subparagraphs  
26 (A) to (E), inclusive, the department may approve services for  
27 persons with special medical disorders subject to utilization review.

28 (3) Paragraph (2) shall become inoperative July 1, 1995.

29 (i) Medical transportation is covered, subject to utilization  
30 controls.

31 (j) Home health care services are covered, subject to utilization  
32 controls.

33 (k) Prosthetic and orthotic devices and eyeglasses are covered,  
34 subject to utilization controls. Utilization controls shall allow  
35 replacement of prosthetic and orthotic devices and eyeglasses  
36 necessary because of loss or destruction due to circumstances  
37 beyond the beneficiary's control. Frame styles for eyeglasses  
38 replaced pursuant to this subdivision shall not change more than  
39 once every two years, unless the department so directs.

1 Orthopedic and conventional shoes are covered when provided  
2 by a prosthetic and orthotic supplier on the prescription of a  
3 physician and when at least one of the shoes will be attached to a  
4 prosthesis or brace, subject to utilization controls. Modification  
5 of stock conventional or orthopedic shoes when medically  
6 indicated, is covered subject to utilization controls. When there is  
7 a clearly established medical need that cannot be satisfied by the  
8 modification of stock conventional or orthopedic shoes,  
9 custom-made orthopedic shoes are covered, subject to utilization  
10 controls.

11 Therapeutic shoes and inserts are covered when provided to  
12 beneficiaries with a diagnosis of diabetes, subject to utilization  
13 controls, to the extent that federal financial participation is  
14 available.

15 (l) Hearing aids are covered, subject to utilization controls.  
16 Utilization controls shall allow replacement of hearing aids  
17 necessary because of loss or destruction due to circumstances  
18 beyond the beneficiary's control.

19 (m) Durable medical equipment and medical supplies are  
20 covered, subject to utilization controls. The utilization controls  
21 shall allow the replacement of durable medical equipment and  
22 medical supplies when necessary because of loss or destruction  
23 due to circumstances beyond the beneficiary's control. The  
24 utilization controls shall allow authorization of durable medical  
25 equipment needed to assist a disabled beneficiary in caring for a  
26 child for whom the disabled beneficiary is a parent, stepparent,  
27 foster parent, or legal guardian, subject to the availability of federal  
28 financial participation. The department shall adopt emergency  
29 regulations to define and establish criteria for assistive durable  
30 medical equipment in accordance with the rulemaking provisions  
31 of the Administrative Procedure Act (Chapter 3.5 (commencing  
32 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
33 Government Code).

34 (n) Family planning services are covered, subject to utilization  
35 controls.

36 (o) Inpatient intensive rehabilitation hospital services, including  
37 respiratory rehabilitation services, in a general acute care hospital  
38 are covered, subject to utilization controls, when either of the  
39 following criteria are met:

- 1 (1) A patient with a permanent disability or severe impairment  
2 requires an inpatient intensive rehabilitation hospital program as  
3 described in Section 14064 to develop function beyond the limited  
4 amount that would occur in the normal course of recovery.
- 5 (2) A patient with a chronic or progressive disease requires an  
6 inpatient intensive rehabilitation hospital program as described in  
7 Section 14064 to maintain the patient's present functional level as  
8 long as possible.
- 9 (p) (1) Adult day health care is covered in accordance with  
10 Chapter 8.7 (commencing with Section 14520).
- 11 (2) Commencing 30 days after the effective date of the act that  
12 added this paragraph, and notwithstanding the number of days  
13 previously approved through a treatment authorization request,  
14 adult day health care is covered for a maximum of three days per  
15 week.
- 16 (3) As provided in accordance with paragraph (4), adult day  
17 health care is covered for a maximum of five days per week.
- 18 (4) As of the date that the director makes the declaration  
19 described in subdivision (g) of Section 14525.1, paragraph (2)  
20 shall become inoperative and paragraph (3) shall become operative.
- 21 (q) (1) Application of fluoride, or other appropriate fluoride  
22 treatment as defined by the department, and other prophylaxis  
23 treatment for children 17 years of age and under are covered.
- 24 (2) All dental hygiene services provided by a registered dental  
25 hygienist, registered dental hygienist in extended functions, and  
26 registered dental hygienist in alternative practice licensed pursuant  
27 to Sections 1753, 1917, 1918, and 1922 of the Business and  
28 Professions Code may be covered as long as they are within the  
29 scope of Denti-Cal benefits and they are necessary services  
30 provided by a registered dental hygienist, registered dental  
31 hygienist in extended functions, or registered dental hygienist in  
32 alternative practice.
- 33 (r) (1) Paramedic services performed by a city, county, or  
34 special district, or pursuant to a contract with a city, county, or  
35 special district, and pursuant to a program established under Article  
36 3 (commencing with Section 1480) of Chapter 2.5 of Division 2  
37 of the Health and Safety Code by a paramedic certified pursuant  
38 to that article, and consisting of defibrillation and those services  
39 specified in subdivision (3) of Section 1482 of the article.

1 (2) All providers enrolled under this subdivision shall satisfy  
2 all applicable statutory and regulatory requirements for becoming  
3 a Medi-Cal provider.

4 (3) This subdivision shall be implemented only to the extent  
5 funding is available under Section 14106.6.

6 (s) In-home medical care services are covered when medically  
7 appropriate and subject to utilization controls, for beneficiaries  
8 who would otherwise require care for an extended period of time  
9 in an acute care hospital at a cost higher than in-home medical  
10 care services. The director shall have the authority under this  
11 section to contract with organizations qualified to provide in-home  
12 medical care services to those persons. These services may be  
13 provided to patients placed in shared or congregate living  
14 arrangements, if a home setting is not medically appropriate or  
15 available to the beneficiary. As used in this section, “in-home  
16 medical care service” includes utility bills directly attributable to  
17 continuous, 24-hour operation of life-sustaining medical equipment,  
18 to the extent that federal financial participation is available.

19 As used in this subdivision, in-home medical care services  
20 include, but are not limited to:

21 (1) Level of care and cost of care evaluations.

22 (2) Expenses, directly attributable to home care activities, for  
23 materials.

24 (3) Physician fees for home visits.

25 (4) Expenses directly attributable to home care activities for  
26 shelter and modification to shelter.

27 (5) Expenses directly attributable to additional costs of special  
28 diets, including tube feeding.

29 (6) Medically related personal services.

30 (7) Home nursing education.

31 (8) Emergency maintenance repair.

32 (9) Home health agency personnel benefits which permit  
33 coverage of care during periods when regular personnel are on  
34 vacation or using sick leave.

35 (10) All services needed to maintain antiseptic conditions at  
36 stoma or shunt sites on the body.

37 (11) Emergency and nonemergency medical transportation.

38 (12) Medical supplies.

39 (13) Medical equipment, including, but not limited to, scales,  
40 gurneys, and equipment racks suitable for paralyzed patients.

1 (14) Utility use directly attributable to the requirements of home  
2 care activities which are in addition to normal utility use.

3 (15) Special drugs and medications.

4 (16) Home health agency supervision of visiting staff which is  
5 medically necessary, but not included in the home health agency  
6 rate.

7 (17) Therapy services.

8 (18) Household appliances and household utensil costs directly  
9 attributable to home care activities.

10 (19) Modification of medical equipment for home use.

11 (20) Training and orientation for use of life-support systems,  
12 including, but not limited to, support of respiratory functions.

13 (21) Respiratory care practitioner services as defined in Sections  
14 3702 and 3703 of the Business and Professions Code, subject to  
15 prescription by a physician and surgeon.

16 Beneficiaries receiving in-home medical care services are entitled  
17 to the full range of services within the Medi-Cal scope of benefits  
18 as defined by this section, subject to medical necessity and  
19 applicable utilization control. Services provided pursuant to this  
20 subdivision, which are not otherwise included in the Medi-Cal  
21 schedule of benefits, shall be available only to the extent that  
22 federal financial participation for these services is available in  
23 accordance with a home- and community-based services waiver.

24 (t) Home- and community-based services approved by the  
25 United States Department of Health and Human Services may be  
26 covered to the extent that federal financial participation is available  
27 for those services under waivers granted in accordance with Section  
28 1396n of Title 42 of the United States Code. The director may  
29 seek waivers for any or all home- and community-based services  
30 approvable under Section 1396n of Title 42 of the United States  
31 Code. Coverage for those services shall be limited by the terms,  
32 conditions, and duration of the federal waivers.

33 (u) Comprehensive perinatal services, as provided through an  
34 agreement with a health care provider designated in Section  
35 14134.5 and meeting the standards developed by the department  
36 pursuant to Section 14134.5, subject to utilization controls.

37 The department shall seek any federal waivers necessary to  
38 implement the provisions of this subdivision. The provisions for  
39 which appropriate federal waivers cannot be obtained shall not be  
40 implemented. Provisions for which waivers are obtained or for

1 which waivers are not required shall be implemented  
2 notwithstanding any inability to obtain federal waivers for the  
3 other provisions. No provision of this subdivision shall be  
4 implemented unless matching funds from Subchapter XIX  
5 (commencing with Section 1396) of Chapter 7 of Title 42 of the  
6 United States Code are available.

7 (v) Early and periodic screening, diagnosis, and treatment for  
8 any individual under 21 years of age is covered, consistent with  
9 the requirements of Subchapter XIX (commencing with Section  
10 1396) of Chapter 7 of Title 42 of the United States Code.

11 (w) Hospice service which is Medicare-certified hospice service  
12 is covered, subject to utilization controls. Coverage shall be  
13 available only to the extent that no additional net program costs  
14 are incurred.

15 (x) When a claim for treatment provided to a beneficiary  
16 includes both services which are authorized and reimbursable  
17 under this chapter, and services which are not reimbursable under  
18 this chapter, that portion of the claim for the treatment and services  
19 authorized and reimbursable under this chapter shall be payable.

20 (y) Home- and community-based services approved by the  
21 United States Department of Health and Human Services for  
22 beneficiaries with a diagnosis of AIDS or ARC, who require  
23 intermediate care or a higher level of care.

24 Services provided pursuant to a waiver obtained from the  
25 Secretary of the United States Department of Health and Human  
26 Services pursuant to this subdivision, and which are not otherwise  
27 included in the Medi-Cal schedule of benefits, shall be available  
28 only to the extent that federal financial participation for these  
29 services is available in accordance with the waiver, and subject to  
30 the terms, conditions, and duration of the waiver. These services  
31 shall be provided to individual beneficiaries in accordance with  
32 the client's needs as identified in the plan of care, and subject to  
33 medical necessity and applicable utilization control.

34 The director may under this section contract with organizations  
35 qualified to provide, directly or by subcontract, services provided  
36 for in this subdivision to eligible beneficiaries. Contracts or  
37 agreements entered into pursuant to this division shall not be  
38 subject to the Public Contract Code.

39 (z) Respiratory care when provided in organized health care  
40 systems as defined in Section 3701 of the Business and Professions

1 Code, and as an in-home medical service as outlined in subdivision  
2 (s).

3 (aa) (1) There is hereby established in the department, a  
4 program to provide comprehensive clinical family planning  
5 services to any person who has a family income at or below 200  
6 percent of the federal poverty level, as revised annually, and who  
7 is eligible to receive these services pursuant to the waiver identified  
8 in paragraph (2). This program shall be known as the Family  
9 Planning, Access, Care, and Treatment (Family PACT) Program.

10 (2) The department shall seek a waiver in accordance with  
11 Section 1315 of Title 42 of the United States Code, or a state plan  
12 amendment adopted in accordance with Section  
13 1396a(a)(10)(A)(ii)(XXI)(ii)(2) of Title 42 of the United States  
14 Code, which was added to Section 1396a of Title 42 of the United  
15 States Code by Section 2303(a)(2) of the federal Patient Protection  
16 and Affordable Care Act (PPACA) (Public Law 111-148), for a  
17 program to provide comprehensive clinical family planning  
18 services as described in paragraph (8). Under the waiver, the  
19 program shall be operated only in accordance with the waiver and  
20 the statutes and regulations in paragraph (4) and subject to the  
21 terms, conditions, and duration of the waiver. Under the state plan  
22 amendment, which shall replace the waiver and shall be known as  
23 the Family PACT successor state plan amendment, the program  
24 shall be operated only in accordance with this subdivision and the  
25 statutes and regulations in paragraph (4). The state shall use the  
26 standards and processes imposed by the state on January 1, 2007,  
27 including the application of an eligibility discount factor to the  
28 extent required by the federal Centers for Medicare and Medicaid  
29 Services, for purposes of determining eligibility as permitted under  
30 Section 1396a(a)(10)(A)(ii)(XXI)(ii)(2) of Title 42 of the United  
31 States Code. To the extent that federal financial participation is  
32 available, the program shall continue to conduct education,  
33 outreach, enrollment, service delivery, and evaluation services as  
34 specified under the waiver. The services shall be provided under  
35 the program only if the waiver and, when applicable, the successor  
36 state plan amendment are approved by the federal Centers for  
37 Medicare and Medicaid Services and only to the extent that federal  
38 financial participation is available for the services. Nothing in this  
39 section shall prohibit the department from seeking the Family

1 PACT successor state plan amendment during the operation of the  
2 waiver.

3 (3) Solely for the purposes of the waiver or Family PACT  
4 successor state plan amendment and notwithstanding any other  
5 provision of law, the collection and use of an individual's social  
6 security number shall be necessary only to the extent required by  
7 federal law.

8 (4) Sections 14105.3 to 14105.39, inclusive, 14107.11, 24005,  
9 and 24013, and any regulations adopted under these statutes shall  
10 apply to the program provided for under this subdivision. No other  
11 provision of law under the Medi-Cal program or the State-Only  
12 Family Planning Program shall apply to the program provided for  
13 under this subdivision.

14 (5) Notwithstanding Chapter 3.5 (commencing with Section  
15 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
16 the department may implement, without taking regulatory action,  
17 the provisions of the waiver after its approval by the federal Health  
18 Care Financing Administration and the provisions of this section  
19 by means of an all-county letter or similar instruction to providers.  
20 Thereafter, the department shall adopt regulations to implement  
21 this section and the approved waiver in accordance with the  
22 requirements of Chapter 3.5 (commencing with Section 11340) of  
23 Part 1 of Division 3 of Title 2 of the Government Code. Beginning  
24 six months after the effective date of the act adding this  
25 subdivision, the department shall provide a status report to the  
26 Legislature on a semiannual basis until regulations have been  
27 adopted.

28 (6) In the event that the Department of Finance determines that  
29 the program operated under the authority of the waiver described  
30 in paragraph (2) or the Family PACT successor state plan  
31 amendment is no longer cost effective, this subdivision shall  
32 become inoperative on the first day of the first month following  
33 the issuance of a 30-day notification of that determination in  
34 writing by the Department of Finance to the chairperson in each  
35 house that considers appropriations, the chairpersons of the  
36 committees, and the appropriate subcommittees in each house that  
37 considers the State Budget, and the Chairperson of the Joint  
38 Legislative Budget Committee.

39 (7) If this subdivision ceases to be operative, all persons who  
40 have received or are eligible to receive comprehensive clinical

1 family planning services pursuant to the waiver described in  
2 paragraph (2) shall receive family planning services under the  
3 Medi-Cal program pursuant to subdivision (n) if they are otherwise  
4 eligible for Medi-Cal with no share of cost, or shall receive  
5 comprehensive clinical family planning services under the program  
6 established in Division 24 (commencing with Section 24000) either  
7 if they are eligible for Medi-Cal with a share of cost or if they are  
8 otherwise eligible under Section 24003.

9 (8) For purposes of this subdivision, “comprehensive clinical  
10 family planning services” means the process of establishing  
11 objectives for the number and spacing of children, and selecting  
12 the means by which those objectives may be achieved. These  
13 means include a broad range of acceptable and effective methods  
14 and services to limit or enhance fertility, including contraceptive  
15 methods, federal Food and Drug Administration approved  
16 contraceptive drugs, devices, and supplies, natural family planning,  
17 abstinence methods, and basic, limited fertility management.  
18 Comprehensive clinical family planning services include, but are  
19 not limited to, preconception counseling, maternal and fetal health  
20 counseling, general reproductive health care, including diagnosis  
21 and treatment of infections and conditions, including cancer, that  
22 threaten reproductive capability, medical family planning treatment  
23 and procedures, including supplies and followup, and  
24 informational, counseling, and educational services.  
25 Comprehensive clinical family planning services shall not include  
26 abortion, pregnancy testing solely for the purposes of referral for  
27 abortion or services ancillary to abortions, or pregnancy care that  
28 is not incident to the diagnosis of pregnancy. Comprehensive  
29 clinical family planning services shall be subject to utilization  
30 control and include all of the following:

31 (A) Family planning related services and male and female  
32 sterilization. Family planning services for men and women shall  
33 include emergency services and services for complications directly  
34 related to the contraceptive method, federal Food and Drug  
35 Administration approved contraceptive drugs, devices, and  
36 supplies, and followup, consultation, and referral services, as  
37 indicated, which may require treatment authorization requests.

38 (B) All United States Department of Agriculture, federal Food  
39 and Drug Administration approved contraceptive drugs, devices,

1 and supplies that are in keeping with current standards of practice  
2 and from which the individual may choose.

3 (C) Culturally and linguistically appropriate health education  
4 and counseling services, including informed consent, that include  
5 all of the following:

6 (i) Psychosocial and medical aspects of contraception.

7 (ii) Sexuality.

8 (iii) Fertility.

9 (iv) Pregnancy.

10 (v) Parenthood.

11 (vi) Infertility.

12 (vii) Reproductive health care.

13 (viii) Preconception and nutrition counseling.

14 (ix) Prevention and treatment of sexually transmitted infection.

15 (x) Use of contraceptive methods, federal Food and Drug  
16 Administration approved contraceptive drugs, devices, and  
17 supplies.

18 (xi) Possible contraceptive consequences and followup.

19 (xii) Interpersonal communication and negotiation of  
20 relationships to assist individuals and couples in effective  
21 contraceptive method use and planning families.

22 (D) A comprehensive health history, updated at the next periodic  
23 visit (between 11 and 24 months after initial examination) that  
24 includes a complete obstetrical history, gynecological history,  
25 contraceptive history, personal medical history, health risk factors,  
26 and family health history, including genetic or hereditary  
27 conditions.

28 (E) A complete physical examination on initial and subsequent  
29 periodic visits.

30 (F) Services, drugs, devices, and supplies deemed by the federal  
31 Centers for Medicare and Medicaid Services to be appropriate for  
32 inclusion in the program.

33 (9) In order to maximize the availability of federal financial  
34 participation under this subdivision, the director shall have the  
35 discretion to implement the Family PACT successor state plan  
36 amendment retroactively to July 1, 2010.

37 (ab) (1) Purchase of prescribed enteral nutrition products is  
38 covered, subject to the Medi-Cal list of enteral nutrition products  
39 and utilization controls.

- 1 (2) Purchase of enteral nutrition products is limited to those  
2 products to be administered through a feeding tube, including, but  
3 not limited to, a gastric, nasogastric, or jejunostomy tube.  
4 Beneficiaries under the Early and Periodic Screening, Diagnosis,  
5 and Treatment Program shall be exempt from this paragraph.
- 6 (3) Notwithstanding paragraph (2), the department may deem  
7 an enteral nutrition product, not administered through a feeding  
8 tube, including, but not limited to, a gastric, nasogastric, or  
9 jejunostomy tube, a benefit for patients with diagnoses, including,  
10 but not limited to, malabsorption and inborn errors of metabolism,  
11 if the product has been shown to be neither investigational nor  
12 experimental when used as part of a therapeutic regimen to prevent  
13 serious disability or death.
- 14 (4) Notwithstanding Chapter 3.5 (commencing with Section  
15 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
16 the department may implement the amendments to this subdivision  
17 made by the act that added this paragraph by means of all-county  
18 letters, provider bulletins, or similar instructions, without taking  
19 regulatory action.
- 20 (5) The amendments made to this subdivision by the act that  
21 added this paragraph shall be implemented June 1, 2011, or on the  
22 first day of the first calendar month following 60 days after the  
23 date the department secures all necessary federal approvals to  
24 implement this section, whichever is later.
- 25 (ac) Diabetic testing supplies are covered when provided by a  
26 pharmacy, subject to utilization controls.