

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN ASSEMBLY JUNE 19, 2013

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 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, 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, 4996.28, 4999.20, 4999.33, 4999.45, 4999.46, 4999.47, 4999.50, 4999.52, 4999.53, 4999.55, ~~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 or licensed professional clinical counselor licensure examinations to have specified hours of experience, including experience gained by an intern or trainee as an employee or volunteer.

This bill would specify that experience shall be gained by an intern or trainee only as an employee or volunteer.

~~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 licensed 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.

1 (3) Activating bleaching agents with a nonlaser light-curing  
2 device.

3 (4) Applying pit and fissure sealants.

4 (d) A registered dental assistant in extended functions acting in  
5 accordance with the rules of the dental board in applying pit and  
6 fissure sealants.

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

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

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

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

31 (c) A licensee practicing in a mobile unit described in  
32 subdivision (b) is not subject to subdivision (a) as to that mobile  
33 unit.

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

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

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

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

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

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

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

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

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

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

38 (b) Nothing in this section shall authorize an optometrist issued  
39 an original optometrist license under this chapter before January  
40 1, 1996, to use or prescribe therapeutic pharmaceutical agents

1 specified in subdivision (d) of Section 3041 without otherwise  
2 meeting the requirements of Section 3041.3.

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

5 3051. All applicants for examination for an optometrist license  
6 in accordance with the educational and examination requirements  
7 adopted pursuant to Section 3023.1 shall show the board by  
8 satisfactory evidence that he or she has received education in child  
9 abuse detection and the detection of alcoholism and other chemical  
10 substance dependency. This section shall apply only to applicants  
11 who matriculate in a school of optometry on or after September  
12 1, 1997.

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

15 3057.5. Notwithstanding any other provision of this chapter,  
16 the board shall permit a graduate of a foreign university who meets  
17 all of the following requirements to take the examinations for an  
18 optometrist license:

19 (a) Is over 18 years of age.

20 (b) Is not subject to denial of a license under Section 480.

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

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

25 3077. As used in this section, "office" means any office or  
26 other place for the practice of optometry.

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

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

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

38 (d) Any optometrist who has, or any two or more optometrists,  
39 jointly, who have, a branch office prior to January 1, 1957, and  
40 who desire to continue the branch office on or after that date shall

1 notify the board in writing of that desire in a manner prescribed  
2 by the board.

3 (e) On and after January 1, 1957, any optometrist, or any two  
4 or more optometrists, jointly, who desire to open a branch office  
5 shall notify the board in writing in a manner prescribed by the  
6 board.

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

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

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

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

34 (i) Nothing in this chapter shall limit or authorize the board to  
35 limit the number of branch offices that are in operation on October  
36 1, 1959, and that conform to this chapter, nor prevent an  
37 optometrist from acquiring any branch office or offices of his or  
38 her parent. The sale after October 1, 1959, of any branch office  
39 shall terminate the privilege of operating the branch office, and  
40 no new branch office license shall be issued in place of the license

1 issued for the branch office, unless the branch office is the only  
2 one operated by the optometrist or by two or more optometrists  
3 jointly.

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

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

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

18 (1) Complies with the definition of an optometric corporation  
19 in Section 3160.

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

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

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

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

1 3093. Before setting aside the revocation or suspension of any  
2 optometrist license, the board may require the applicant to pass  
3 the regular examination given for applicants for an optometrist  
4 license.

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

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

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

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

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

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

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

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

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

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

37 3109. Directly or indirectly accepting employment to practice  
38 optometry from any person not having a valid, unrevoked license  
39 as an optometrist or from any company or corporation constitutes  
40 unprofessional conduct. Except as provided in this chapter, no

1 optometrist may, singly or jointly with others, be incorporated or  
2 become incorporated when the purpose or a purpose of the  
3 corporation is to practice optometry or to conduct the practice of  
4 optometry.

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

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

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

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

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

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

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

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

1 dangerous drugs and dangerous devices in the wholesaler or  
2 veterinary food-animal drug retailer.

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

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

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

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

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

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

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

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

26 (E) Knowledge and understanding of prescription terminology,  
27 abbreviations, ~~dosages~~ *dosages*, and format.

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

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

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

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

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

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

3 4107. (a) The board may not issue more than one site license  
4 to a single premises except as follows:

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

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

9 (3) To issue a centralized hospital packaging license pursuant  
10 to Section 4128.

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

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

16 4980.36. (a) This section shall apply to the following:

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

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

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

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

- 1 (c) A doctoral or master's degree program that qualifies for  
2 licensure or registration shall do the following:
- 3 (1) Integrate all of the following throughout its curriculum:
- 4 (A) Marriage and family therapy principles.
- 5 (B) The principles of mental health recovery-oriented care and  
6 methods of service delivery in recovery-oriented practice  
7 environments, among others.
- 8 (C) An understanding of various cultures and the social and  
9 psychological implications of socioeconomic position, and an  
10 understanding of how poverty and social stress impact an  
11 individual's mental health and recovery.
- 12 (2) Allow for innovation and individuality in the education of  
13 marriage and family therapists.
- 14 (3) Encourage students to develop the personal qualities that  
15 are intimately related to effective practice, including, but not  
16 limited to, integrity, sensitivity, flexibility, insight, compassion,  
17 and personal presence.
- 18 (4) Permit an emphasis or specialization that may address any  
19 one or more of the unique and complex array of human problems,  
20 symptoms, and needs of Californians served by marriage and  
21 family therapists.
- 22 (5) Provide students with the opportunity to meet with various  
23 consumers and family members of consumers of mental health  
24 services to enhance understanding of their experience of mental  
25 illness, treatment, and recovery.
- 26 (d) The degree described in subdivision (b) shall contain no less  
27 than 60 semester or 90 quarter units of instruction that includes,  
28 but is not limited to, the following requirements:
- 29 (1) Both of the following:
- 30 (A) No less than 12 semester or 18 quarter units of coursework  
31 in theories, principles, and methods of a variety of  
32 psychotherapeutic orientations directly related to marriage and  
33 family therapy and marital and family systems approaches to  
34 treatment and how these theories can be applied therapeutically  
35 with individuals, couples, families, adults, including elder adults,  
36 children, adolescents, and groups to improve, restore, or maintain  
37 healthy relationships.
- 38 (B) Practicum that involves direct client contact, as follows:

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

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

1 orientation, gender, and disability, and their incorporation into the  
2 psychotherapeutic process.

3 (F) The effects of socioeconomic status on treatment and  
4 available resources.

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

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

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

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

19 (ii) Medical aspects of substance use disorders and co-occurring  
20 disorders.

21 (iii) The effects of psychoactive drug use.

22 (iv) Current theories of the etiology of substance abuse and  
23 addiction.

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

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

29 (vii) Legal aspects of substance abuse.

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

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

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

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

37 (J) California law and professional ethics for marriage and  
38 family therapists, including instruction in all of the following areas  
39 of study:

1 (i) Contemporary professional ethics and statutory, regulatory,  
2 and decisional laws that delineate the scope of practice of marriage  
3 and family therapy.

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

7 (iii) The current legal patterns and trends in the mental health  
8 professions.

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

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

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

17 (vii) Licensing law and licensing process.

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

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

33 SEC. 22. Section 4980.397 of the Business and Professions  
34 Code is amended to read:

35 4980.397. (a) Effective January 1, 2016, an applicant for  
36 licensure as a marriage and family therapist shall pass the following  
37 two examinations as prescribed by the board:

38 (1) A California law and ethics examination.

39 (2) A clinical examination.

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

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

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

7 (2) Completion of all education requirements.

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

9 (d) This section shall become operative on January 1, 2016.

10 SEC. 23. Section 4980.398 of the Business and Professions  
11 Code is amended to read:

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

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

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

23 (d) This section shall become operative on January 1, 2016.

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

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

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

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

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

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

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

11 (f) This section shall become operative on January 1, 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, 2016,  
35 and as of that date is repealed, unless a later enacted statute, that  
36 is enacted before January 1, 2016, deletes or extends that date.

37 SEC. 26. Section 4980.40 of the Business and Professions  
38 Code, as amended by Section 30 of Chapter 799 of the Statutes of  
39 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, 2016, successfully pass a California  
9 law and ethics examination and a clinical examination. An  
10 applicant who has successfully passed a previously administered  
11 written examination may be subsequently required to take and pass  
12 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, 2016.

21 SEC. 27. Section 4980.43 of the Business and Professions  
22 Code is amended to read:

23 4980.43. (a) Prior to applying for licensure examinations, each  
24 applicant shall complete experience that shall comply with the  
25 following:

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

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

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

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

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

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

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

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

9 (A) Direct supervisor contact.

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

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

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

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

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

27 (A) Experience administering and evaluating psychological  
28 tests, writing clinical reports, writing progress notes, or writing  
29 process notes.

30 (B) Client centered advocacy.

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

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

39 (12) It is anticipated and encouraged that hours of experience  
40 will include working with elders and dependent adults who have

1 physical or mental limitations that restrict their ability to carry out  
2 normal activities or protect their rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (A) Lawfully and regularly provides mental health counseling  
17 or psychotherapy.

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

22 (C) Is not a private practice owned by a licensed marriage and  
23 family therapist, a licensed psychologist, a licensed clinical social  
24 worker, a licensed physician and surgeon, or a professional  
25 corporation of any of those licensed professions.

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

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

30 (A) Lawfully and regularly provides mental health counseling  
31 or psychotherapy.

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

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

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

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

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

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

18 (g) Except when employed in a private practice setting, all  
19 postdegree hours of experience shall be credited toward licensure  
20 so long as the applicant applies for the intern registration within  
21 90 days of the granting of the qualifying master's or doctoral  
22 degree and is thereafter granted the intern registration by the board.

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

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

36 (j) Trainees, interns, or applicants who provide volunteered  
37 services or other services, and who receive no more than a total,  
38 from all work settings, of five hundred dollars (\$500) per month  
39 as reimbursement for expenses actually incurred by those trainees,  
40 interns, or applicants for services rendered in any lawful work

1 setting other than a private practice shall be considered an  
2 employee and not an independent contractor. The board may audit  
3 applicants who receive reimbursement for expenses, and the  
4 applicants shall have the burden of demonstrating that the payments  
5 received were for reimbursement of expenses actually incurred.

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

17 SEC. 28. Section 4980.50 of the Business and Professions  
18 Code, as amended by Section 1 of Chapter 800 of the Statutes of  
19 2012, is amended to read:

20 4980.50. (a) Every applicant who meets the educational and  
21 experience requirements and applies for a license as a marriage  
22 and family therapist shall be examined by the board. The  
23 examinations shall be as set forth in subdivision (d) of Section  
24 4980.40. The examinations shall be given at least twice a year at  
25 a time and place and under supervision as the board may determine.  
26 The board shall examine the candidate with regard to his or her  
27 knowledge and professional skills and his or her judgment in the  
28 utilization of appropriate techniques and methods.

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

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

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

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

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

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

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

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

32 (i) This section shall remain in effect only until January 1, 2016,  
33 and as of that date is repealed, unless a later enacted statute, that  
34 is enacted before January 1, 2016, deletes or extends that date.

35 SEC. 29. Section 4980.50 of the Business and Professions  
36 Code, as amended by Section 2 of Chapter 800 of the Statutes of  
37 2012, is amended to read:

38 4980.50. Effective January 1, 2016, the following shall apply:

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

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

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

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

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

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

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

4 (g) Effective January 1, 2016, no applicant shall be eligible to  
5 participate in the clinical examination if he or she fails to obtain  
6 a passing score on the clinical examination within seven years  
7 from his or her initial attempt, unless he or she takes and obtains  
8 a passing score on the current version of the California law and  
9 ethics examination.

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

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

16 (j) This section shall become operative on January 1, 2016.

17 ~~SEC. 30. Section 4980.72 of the Business and Professions~~  
18 ~~Code is amended to read:~~

19 ~~4980.72. (a) This section applies to persons who are licensed~~  
20 ~~outside of California and apply for licensure on or after January~~  
21 ~~1, 2014.~~

22 ~~(b) The board may issue a license to a person who, at the time~~  
23 ~~of submitting an application for a license pursuant to this chapter,~~  
24 ~~holds a valid license in good standing issued by a board of marriage~~  
25 ~~counselor examiners, board of marriage and family therapists, or~~  
26 ~~corresponding authority, of any state or country, if all of the~~  
27 ~~following conditions are satisfied:~~

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

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

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

38 ~~(4) The applicant passes the California law and ethics~~  
39 ~~examination.~~

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

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

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

13 ~~SEC. 31.~~

14 *SEC. 30.* Section 4984.01 of the Business and Professions  
15 Code, as amended by Section 38 of Chapter 799 of the Statutes of  
16 2012, is amended to read:

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

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

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

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

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

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

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

4 ~~SEC. 32.~~

5 *SEC. 31.* Section 4984.01 of the Business and Professions  
6 Code, as amended by Section 39 of Chapter 799 of the Statutes of  
7 2012, is amended to read:

8 4984.01. (a) The marriage and family therapist intern  
9 registration shall expire one year from the last day of the month  
10 in which it was issued.

11 (b) To renew the registration, the registrant shall, on or before  
12 the expiration date of the registration, complete all of the following  
13 actions:

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

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

16 (3) Participate in the California law and ethics examination  
17 pursuant to Section 4980.399 each year until successful completion  
18 of this examination.

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

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

36 (d) This section shall become operative on January 1, 2016.

37 ~~SEC. 33.~~

38 *SEC. 32.* Section 4984.7 of the Business and Professions Code,  
39 as amended by Section 41 of Chapter 799 of the Statutes of 2012,  
40 is amended to read:

1 4984.7. (a) The board shall assess the following fees relating  
2 to the licensure of marriage and family therapists:

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

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

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

9 (4) The fee for the standard written examination shall be one  
10 hundred dollars (\$100). The fee for the clinical vignette  
11 examination shall be one hundred dollars (\$100).

12 (A) An applicant who fails to appear for an examination, after  
13 having been scheduled to take the examination, shall forfeit the  
14 examination fee.

15 (B) The amount of the examination fees shall be based on the  
16 actual cost to the board of developing, purchasing, and grading  
17 each examination and the actual cost to the board of administering  
18 each examination. The examination fees shall be adjusted  
19 periodically by regulation to reflect the actual costs incurred by  
20 the board.

21 (5) The fee for rescoring an examination shall be twenty dollars  
22 (\$20).

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

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

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

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

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

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

36 (12) The fee for issuance of a retired license shall be forty dollars  
37 (\$40).

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

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

4 ~~SEC. 34.~~

5 *SEC. 33.* Section 4984.7 of the Business and Professions Code,  
6 as amended by Section 42 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 clinical examination shall be one hundred  
17 dollars (\$100). The fee for the California law and ethics  
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 become operative on January 1, 2016.

9 ~~SEC. 35.~~

10 *SEC. 34.* Section 4984.72 of the Business and Professions  
11 Code, as amended by Section 43 of Chapter 799 of the Statutes of  
12 2012, is amended to read:

13 4984.72. (a) An applicant who fails a standard or clinical  
14 vignette written examination may, within one year from the  
15 notification date of that failure, retake the examination as regularly  
16 scheduled without further application upon payment of the fee for  
17 the examination. Thereafter, the applicant shall not be eligible for  
18 further examination until he or she files a new application, meets  
19 all requirements in effect on the date of application, and pays all  
20 required fees.

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

24 ~~SEC. 36.~~

25 *SEC. 35.* Section 4984.72 of the Business and Professions  
26 Code, as amended by Section 44 of Chapter 799 of the Statutes of  
27 2012, is amended to read:

28 4984.72. (a) Effective January 1, 2016, an applicant who fails  
29 the clinical examination may, within one year from the notification  
30 date of that failure, retake the examination as regularly scheduled  
31 without further application upon payment of the fee for the  
32 examination. Thereafter, the applicant shall not be eligible for  
33 further examination until he or she files a new application, meets  
34 all requirements in effect on the date of application, and pays all  
35 required fees.

36 (b) This section shall become operative on January 1, 2016.

37 ~~SEC. 37.~~

38 *SEC. 36.* Section 4989.68 of the Business and Professions Code  
39 is amended to read:

1 4989.68. (a) The board shall assess the following fees relating  
2 to the licensure of educational psychologists:

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

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

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

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

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

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

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

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

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

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

30 ~~SEC. 38.~~

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

33 4992.05. (a) Effective January 1, 2016, an applicant for  
34 licensure as a clinical social worker shall pass the following two  
35 examinations as prescribed by the board:

36 (1) A California law and ethics examination.

37 (2) A clinical examination.

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

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

- 3 (1) Completion of all education requirements.
- 4 (2) Passage of the California law and ethics examination.
- 5 (3) Completion of all required supervised work experience.
- 6 (d) This section shall become operative on January 1, 2016.

7 ~~SEC. 39.~~

8 *SEC. 38.* Section 4992.07 of the Business and Professions Code  
9 is amended to read:

10 4992.07. (a) An applicant who had previously taken and passed  
11 the standard written examination but had not passed the clinical  
12 vignette examination shall also obtain a passing score on the  
13 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, 2016.

22 ~~SEC. 40.~~

23 *SEC. 39.* Section 4992.09 of the Business and Professions Code  
24 is amended to read:

25 4992.09. (a) Except as provided in subdivision (a) of Section  
26 4992.07, an 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 for as  
35 provided 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 *this* 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, 2016.

11 ~~SEC. 41.~~

12 *SEC. 40.* Section 4992.1 of the Business and Professions Code,  
13 as amended by Section 4 of Chapter 800 of the Statutes of 2012,  
14 is amended to read:

15 4992.1. (a) Only individuals who have the qualifications  
16 prescribed by the board under this chapter are eligible to take the  
17 examination.

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

20 (c) Notwithstanding any other provision of law, the board may  
21 destroy all examination materials two years following the date of  
22 an examination.

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

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

38 (f) Notwithstanding Section 135, the board may deny any  
39 applicant who has previously failed either the standard written or  
40 clinical vignette written examination permission to retake either

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

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

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

16 ~~SEC. 42.~~

17 *SEC. 41.* Section 4992.1 of the Business and Professions Code,  
18 as amended by Section 5 of Chapter 800 of the Statutes of 2012,  
19 is amended to read:

20 4992.1. (a) Only individuals who have the qualifications  
21 prescribed by the board under this chapter are eligible to take an  
22 examination under this chapter.

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

25 (c) Notwithstanding any other provision of law, the board may  
26 destroy all examination materials two years following the date of  
27 an examination.

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

35 (e) If an applicant for examination who has passed the California  
36 law and ethics examination is the subject of a complaint or is under  
37 board investigation for acts or conduct that, if proven to be true,  
38 would constitute grounds for the board to deny licensure, the board  
39 shall permit the applicant to take the clinical examination for  
40 licensure, but may withhold the results of the examination or notify

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

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

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

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

23 (i) This section shall become operative on January 1, 2016.

24 ~~SEC. 43.~~

25 *SEC. 42.* Section 4996.1 of the Business and Professions Code,  
26 as amended by Section 52 of Chapter 799 of the Statutes of 2012,  
27 is amended to read:

28 4996.1. (a) The board shall issue a clinical social worker  
29 license to each applicant who qualifies pursuant to this article and  
30 successfully passes a board-administered written or oral  
31 examination or both examinations. An applicant who has  
32 successfully passed a previously administered written examination  
33 may be subsequently required to take and pass another written  
34 examination.

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

1     ~~SEC. 44.~~

2     *SEC. 43.* Section 4996.1 of the Business and Professions Code,  
3 as amended by Section 53 of Chapter 799 of the Statutes of 2012,  
4 is amended to read:

5     4996.1. (a) Effective January 1, 2016, the board shall issue a  
6 clinical social worker license to each applicant who qualifies  
7 pursuant to this article and who successfully passes a California  
8 law and ethics examination and a clinical examination. An  
9 applicant who has successfully passed a previously administered  
10 written examination may be subsequently required to take and pass  
11 another written examination.

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

13     ~~SEC. 45.~~

14     *SEC. 44.* Section 4996.3 of the Business and Professions Code,  
15 as amended by Section 54 of Chapter 799 of the Statutes of 2012,  
16 is amended to read:

17     4996.3. (a) The board shall assess the following fees relating  
18 to the licensure of clinical social workers:

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

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

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

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

28     (A) An applicant who fails to appear for an examination, after  
29 having been scheduled to take the examination, shall forfeit the  
30 examination fees.

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

37     (5) The fee for rescoring an examination shall be twenty dollars  
38 (\$20).

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

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

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

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

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

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

12 (12) The fee for issuance of a retired license shall be forty dollars  
13 (\$40).

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

17 (c) This section shall remain in effect only until January 1, 2016,  
18 and as of that date is repealed, unless a later enacted statute, that  
19 is enacted before January 1, 2016, deletes or extends that date.

20 ~~SEC. 46.~~

21 *SEC. 45.* Section 4996.3 of the Business and Professions Code,  
22 as amended by Section 55 of Chapter 799 of the Statutes of 2012,  
23 is amended to read:

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

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

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

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

32 (4) The fee for the clinical examination shall be one hundred  
33 dollars (\$100). The fee for the California law and ethics  
34 examination shall be one hundred dollars (\$100).

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

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

1 each examination. The written examination fees shall be adjusted  
2 periodically by regulation to reflect the actual costs incurred by  
3 the board.

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

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

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

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

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

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

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

19 (12) The fee for issuance of a retired license shall be forty dollars  
20 (\$40).

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

24 (c) This section shall become operative on January 1, 2016.

25 ~~SEC. 47.~~

26 *SEC. 46.* Section 4996.4 of the Business and Professions Code,  
27 as amended by Section 56 of Chapter 799 of the Statutes of 2012,  
28 is amended to read:

29 4996.4. (a) An applicant who fails a standard or clinical  
30 vignette written examination may, within one year from the  
31 notification date of failure, retake that examination as regularly  
32 scheduled, without further application, upon payment of the  
33 required examination fees. Thereafter, the applicant shall not be  
34 eligible for further examination until he or she files a new  
35 application, meets all current requirements, and pays all required  
36 fees.

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

1 ~~SEC. 48.~~

2 *SEC. 47.* Section 4996.4 of the Business and Professions Code,  
3 as amended by Section 57 of Chapter 799 of the Statutes of 2012,  
4 is amended to read:

5 4996.4. (a) Effective January 1, 2016, an applicant who fails  
6 the clinical examination may, within one year from the notification  
7 date of failure, retake that examination as regularly scheduled,  
8 without further application, upon payment of the required  
9 examination fees. Thereafter, the applicant shall not be eligible  
10 for further examination until he or she files a new application,  
11 meets all current requirements, and pays all required fees.

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

13 ~~SEC. 49.~~

14 *SEC. 48.* Section 4996.9 of the Business and Professions Code  
15 is amended to read:

16 4996.9. The practice of clinical social work is defined as a  
17 service in which a special knowledge of social resources, human  
18 capabilities, and the part that unconscious motivation plays in  
19 determining behavior, is directed at helping people to achieve more  
20 adequate, satisfying, and productive social adjustments. The  
21 application of social work principles and methods includes, but is  
22 not restricted to, counseling and using applied psychotherapy of  
23 a nonmedical nature with individuals, families, or groups; providing  
24 information and referral services; providing or arranging for the  
25 provision of social services; explaining or interpreting the  
26 psychosocial aspects in the situations of individuals, families, or  
27 groups; helping communities to organize, to provide, or to improve  
28 social or health services; doing research related to social work;  
29 and the use, application, and integration of the coursework and  
30 experience required by Sections 4996.2 and 4996.23.

31 Psychotherapy, within the meaning of this chapter, is the use of  
32 psychosocial methods within a professional relationship, to assist  
33 the person or persons to achieve a better psychosocial adaptation,  
34 to acquire greater human realization of psychosocial potential and  
35 adaptation, and to modify internal and external conditions which  
36 affect individuals, groups, or communities in respect to behavior,  
37 emotions, and thinking, in respect to their intrapersonal and  
38 interpersonal processes.

1     ~~SEC. 50.~~

2     *SEC. 49.* Section 4996.17 of the Business and Professions Code  
3 is amended to read:

4     4996.17. (a) (1) Experience gained outside of California shall  
5 be accepted toward the licensure requirements if it is substantially  
6 the equivalent of the requirements of this chapter.

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

22     (b) The board may issue a license to any person who, at the time  
23 of application, holds a valid active clinical social work license  
24 issued by a board of clinical social work examiners or  
25 corresponding authority of any state, if the person passes, or has  
26 passed, the licensing examinations as specified in Section 4996.1  
27 and pays the required fees. Issuance of the license is conditioned  
28 upon all of the following:

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

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

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

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

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

7 (D) A minimum of 15 contact hours of coursework or training  
8 in spousal or partner abuse assessment, detection, and intervention  
9 strategies.

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

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

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

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

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

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

10 (1) Completion of the following coursework or training in or  
11 out of state:

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

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

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

21 (D) A minimum of 15 contact hours of coursework or training  
22 in spousal or partner abuse assessment, detection, and intervention  
23 strategies.

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

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

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

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

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

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

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

24 ~~SEC. 51.~~

25 *SEC. 50.* Section 4996.18 of the Business and Professions Code  
26 is amended to read:

27 4996.18. (a) A person who wishes to be credited with  
28 experience toward licensure requirements shall register with the  
29 board as an associate clinical social worker prior to obtaining that  
30 experience. The application shall be made on a form prescribed  
31 by the board.

32 (b) An applicant for registration shall satisfy the following  
33 requirements:

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

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

38 (3) Commencing January 1, 2014, have completed training or  
39 coursework, which may be embedded within more than one course,

1 in California law and professional ethics for clinical social workers,  
2 including instruction in all of the following areas of study:

3 (A) Contemporary professional ethics and statutes, regulations,  
4 and court decisions that delineate the scope of practice of clinical  
5 social work.

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

9 (C) The current legal patterns and trends in the mental health  
10 professions.

11 (D) The psychotherapist-patient privilege, confidentiality,  
12 dangerous patients, and the treatment of minors with and without  
13 parental consent.

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

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

19 (G) Licensing law and process.

20 (c) An applicant who possesses a master's degree from a school  
21 or department of social work that is a candidate for accreditation  
22 by the Commission on Accreditation of the Council on Social  
23 Work Education shall be eligible, and shall be required, to register  
24 as an associate clinical social worker in order to gain experience  
25 toward licensure if the applicant has not committed any crimes or  
26 acts that constitute grounds for denial of licensure under Section  
27 480. That applicant shall not, however, be eligible for examination  
28 until the school or department of social work has received  
29 accreditation by the Commission on Accreditation of the Council  
30 on Social Work Education.

31 (d) All applicants and registrants shall be at all times under the  
32 supervision of a supervisor who shall be responsible for ensuring  
33 that the extent, kind, and quality of counseling performed is  
34 consistent with the training and experience of the person being  
35 supervised, and who shall be responsible to the board for  
36 compliance with all laws, rules, and regulations governing the  
37 practice of clinical social work.

38 (e) Any experience obtained under the supervision of a spouse  
39 or relative by blood or marriage shall not be credited toward the  
40 required hours of supervised experience. Any experience obtained

1 under the supervision of a supervisor with whom the applicant has  
2 a personal relationship that undermines the authority or  
3 effectiveness of the supervision shall not be credited toward the  
4 required hours of supervised experience.

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

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

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

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

35 ~~SEC. 52.~~

36 *SEC. 51.* 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, 2016, obtain a passing score on the  
11 California law and ethics examination pursuant to Section 4992.09.

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

21 ~~SEC. 53.~~

22 *SEC. 52.* Section 4999.20 of the Business and Professions Code  
23 is amended to read:

24 4999.20. (a) (1) “Professional clinical counseling” means the  
25 application of counseling interventions and psychotherapeutic  
26 techniques to identify and remediate cognitive, mental, and  
27 emotional issues, including personal growth, adjustment to  
28 disability, crisis intervention, and psychosocial and environmental  
29 problems, and the use, application, and integration of the  
30 coursework and training required by Sections 4999.32 and 4999.33.

31 “Professional clinical counseling” includes conducting assessments  
32 for the purpose of establishing counseling goals and objectives to  
33 empower individuals to deal adequately with life situations, reduce  
34 stress, experience growth, change behavior, and make  
35 well-informed, rational decisions.

36 (2) “Professional clinical counseling” is focused exclusively on  
37 the application of counseling interventions and psychotherapeutic  
38 techniques for the purposes of improving mental health, and is not  
39 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. 54.~~

8 *SEC. 53.* 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. 55.~~

7 *SEC. 54.* Section 4999.45 of the Business and Professions  
8 Code, as amended by Section 62 of Chapter 799 of the Statutes of  
9 2012, is amended to read:

10 4999.45. An intern employed under this chapter shall:

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

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

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

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

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

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

29 ~~SEC. 56.~~

30 *SEC. 55.* Section 4999.45 of the Business and Professions  
31 Code, as amended by Section 63 of Chapter 799 of the Statutes of  
32 2012, is amended to read:

33 4999.45. (a) An intern employed under this chapter shall:

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

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

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

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

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

11 (c) This section shall become operative on January 1, 2016.

12 ~~SEC. 57.~~

13 *SEC. 56.* Section 4999.46 of the Business and Professions  
14 Code, as amended by Section 64 of Chapter 799 of the Statutes of  
15 2012, is amended to read:

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

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

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

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

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

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

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

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

40 (A) Direct supervisor contact.

1 (B) Client centered advocacy.

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

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

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

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

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

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

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

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

39 (2) An intern shall receive at least one additional hour of direct  
40 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, 2016,  
15 and as of that date is repealed, unless a later enacted statute, that  
16 is enacted before January 1, 2016, deletes or extends that date.

17 ~~SEC. 58.~~

18 *SEC. 57.* Section 4999.46 of the Business and Professions  
19 Code, as amended by Section 65 of Chapter 799 of the Statutes of  
20 2012, is amended to read:

21 4999.46. (a) To qualify for the licensure examination specified  
22 by paragraph (2) of subdivision (a) of Section 4999.53, applicants  
23 shall complete clinical mental health experience under the general  
24 supervision of an approved supervisor as defined in Section  
25 4999.12.

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

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

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

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

38 (4) Not more than 375 hours of experience providing personal  
39 psychotherapy, crisis counseling, or other counseling services via  
40 telehealth in accordance with Section 2290.5.

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

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

6 (A) Direct supervisor contact.

7 (B) Client centered advocacy.

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

11 (D) Not more than 250 hours of verified attendance at  
12 workshops, seminars, training sessions, or conferences directly  
13 related to professional clinical counseling that are approved by the  
14 applicant's supervisor.

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

18 (d) An applicant shall register with the board as an intern in  
19 order to be credited for postdegree hours of experience toward  
20 licensure. Postdegree hours of experience shall be credited toward  
21 licensure, provided that the applicant applies for intern registration  
22 within 90 days of the granting of the qualifying degree and is  
23 registered as an intern by the board.

24 (e) All applicants and interns shall be at all times under the  
25 supervision of a supervisor who shall be responsible for ensuring  
26 that the extent, kind, and quality of counseling performed is  
27 consistent with the training and experience of the person being  
28 supervised, and who shall be responsible to the board for  
29 compliance with all laws, rules, and regulations governing the  
30 practice of professional clinical counseling.

31 (f) Experience obtained under the supervision of a spouse or  
32 relative by blood or marriage shall not be credited toward the  
33 required hours of supervised experience. Experience obtained  
34 under the supervision of a supervisor with whom the applicant has  
35 had or currently has a personal, professional, or business  
36 relationship that undermines the authority or effectiveness of the  
37 supervision shall not be credited toward the required hours of  
38 supervised experience.

39 (g) Except for experience gained pursuant to subparagraph (D)  
40 of paragraph (6) of subdivision (b), supervision shall include at

1 least one hour of direct supervisor contact in each week for which  
2 experience is credited in each work setting.

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

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

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

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

20 (h) This section shall become operative on January 1, 2016.

21 ~~SEC. 59.~~

22 *SEC. 58.* Section 4999.47 of the Business and Professions Code  
23 is amended to read:

24 4999.47. (a) Clinical counselor trainees, interns, and applicants  
25 shall perform services only as an employee or as a volunteer.

26 The requirements of this chapter regarding gaining hours of  
27 clinical mental health experience and supervision are applicable  
28 equally to employees and volunteers. Experience shall not be  
29 gained by interns or trainees as an independent contractor.

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

34 (2) If volunteering, a clinical counselor intern shall provide the  
35 board with a letter from his or her employer verifying the intern’s  
36 employment as a volunteer upon application for licensure as a  
37 professional clinical counselor.

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

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

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

11 (e) The board may audit an intern or applicant who receives  
12 reimbursement for expenses and the intern or applicant shall have  
13 the burden of demonstrating that the payments received were for  
14 reimbursement of expenses actually incurred.

15 (f) Clinical counselor trainees, interns, and applicants shall only  
16 perform services at the place where their employer regularly  
17 conducts business and services, which may include other locations,  
18 as long as the services are performed under the direction and  
19 control of the employer and supervisor in compliance with the  
20 laws and regulations pertaining to supervision. Clinical counselor  
21 trainees, interns, and applicants shall have no proprietary interest  
22 in the employer's business.

23 (g) Each educational institution preparing applicants for  
24 licensure pursuant to this chapter shall consider requiring, and  
25 shall encourage, its students to undergo individual, marital or  
26 conjoint, family, or group counseling or psychotherapy, as  
27 appropriate. Each supervisor shall consider, advise, and encourage  
28 his or her interns and clinical counselor trainees regarding the  
29 advisability of undertaking individual, marital or conjoint, family,  
30 or group counseling or psychotherapy, as appropriate. Insofar as  
31 it is deemed appropriate and is desired by the applicant, the  
32 educational institution and supervisors are encouraged to assist  
33 the applicant in locating that counseling or psychotherapy at a  
34 reasonable cost.

35 ~~SEC. 60:~~

36 *SEC. 59.* Section 4999.50 of the Business and Professions  
37 Code, as amended by Section 66 of Chapter 799 of the Statutes of  
38 2012, is amended to read:

1 4999.50. (a) The board may issue a professional clinical  
2 counselor license to any person who meets all of the following  
3 requirements:

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

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

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

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

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

17 (d) This section shall remain in effect only until January 1, 2016,  
18 and as of that date is repealed, unless a later enacted statute, that  
19 is enacted before January 1, 2016, deletes or extends that date.

20 ~~SEC. 61:~~

21 *SEC. 60.* Section 4999.50 of the Business and Professions  
22 Code, as amended by Section 67 of Chapter 799 of the Statutes of  
23 2012, is amended to read:

24 4999.50. (a) The board may issue a professional clinical  
25 counselor license to any person who meets all of the following  
26 requirements:

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

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

32 (3) He or she provides evidence of a passing score, as  
33 determined by the board, on the examinations designated in Section  
34 4999.53.

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

38 (c) This section shall become operative on January 1, 2016.

1 ~~SEC. 62.~~

2 *SEC. 61.* Section 4999.52 of the Business and Professions  
3 Code, as amended by Section 10 of Chapter 800 of the Statutes of  
4 2012, is amended to read:

5 4999.52. (a) Except as provided in Section 4999.54, every  
6 applicant for a license as a professional clinical counselor shall be  
7 examined by the board. The board shall examine the candidate  
8 with regard to his or her knowledge and professional skills and his  
9 or her judgment in the utilization of appropriate techniques and  
10 methods.

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

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

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

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

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

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

36 (A) The national examinations plus one or more  
37 board-developed examinations.

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

39 (6) If the board decides to require a national examination  
40 specified in paragraph (1), a passing score on this examination

1 shall be accepted by the board for a period of seven years from  
2 the date the examination was taken.

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

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

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

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

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

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

33 (h) Nothing in this section shall prohibit the board from denying  
34 an applicant admission to any examination, withholding the results,  
35 or refusing to issue a license to any applicant when an accusation  
36 or statement of issues has been filed against the applicant pursuant  
37 to Section 11503 or 11504 of the Government Code, respectively,  
38 or the application has been denied in accordance with subdivision  
39 (b) of Section 485.

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

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

7 ~~SEC. 63.~~

8 *SEC. 62.* Section 4999.52 of the Business and Professions  
9 Code, as amended by Section 11 of Chapter 800 of the Statutes of  
10 2012, is amended to read:

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

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

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

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

32 (e) If an applicant for the examination specified by paragraph  
33 (2) of subdivision (a) of Section 4999.53, who has passed the  
34 California law and ethics examination, is the subject of a complaint  
35 or is under board investigation for acts or conduct that, if proven  
36 to be true, would constitute grounds for the board to deny licensure,  
37 the board shall permit the applicant to take this examination, but  
38 may notify the applicant that licensure will not be granted pending  
39 completion of the investigation.

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

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

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

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

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

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

31 (l) This section shall become operative on January 1, 2016.

32 ~~SEC. 64.~~

33 *SEC. 63.* Section 4999.53 of the Business and Professions Code  
34 is amended to read:

35 4999.53. (a) Effective January 1, 2016, a clinical counselor  
36 intern applying for licensure as a clinical counselor shall pass the  
37 following examinations as prescribed by the board:

38 (1) A California law and ethics examination.

39 (2) A clinical examination administered by the board, or the  
40 National Clinical Mental Health Counselor Examination if the

1 board finds that this examination meets the prevailing standards  
2 for validation and use of the licensing and certification tests in  
3 California.

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

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

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

12 (2) Completion of all education requirements.

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

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

15 ~~SEC. 65.~~

16 *SEC. 64.* Section 4999.55 of the Business and Professions Code  
17 is amended to read:

18 4999.55. (a) Each applicant and registrant shall obtain a  
19 passing score on a board-administered California law and ethics  
20 examination in order to qualify for licensure.

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

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

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

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

4 (f) This section shall become operative January 1, 2016.

5 ~~SEC. 66. Section 4999.60 of the Business and Professions~~  
6 ~~Code is amended to read:~~

7 ~~4999.60. (a) This section applies to persons who are licensed~~  
8 ~~outside of California and apply for examination eligibility on or~~  
9 ~~after January 1, 2014.~~

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

16 ~~(1) The applicant's education is substantially equivalent, as~~  
17 ~~defined in Section 4999.62.~~

18 ~~(2) The applicant complies with subdivision (b) of Section~~  
19 ~~4999.40, if applicable.~~

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

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

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

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

38 ~~SEC. 67:~~

39 ~~SEC. 65. Section 4999.64 of the Business and Professions Code~~  
40 ~~is amended to read:~~

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

10 (b) This section shall become operative on January 1, 2016.

11 ~~SEC. 68.~~

12 *SEC. 66.* Section 4999.100 of the Business and Professions  
13 Code, as amended by Section 80 of Chapter 799 of the Statutes of  
14 2012, is amended to read:

15 4999.100. (a) An intern registration shall expire one year from  
16 the last day of the month in which it was issued.

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

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

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

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

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

29 ~~SEC. 69.~~

30 *SEC. 67.* Section 4999.100 of the Business and Professions  
31 Code, as amended by Section 81 of Chapter 799 of the Statutes of  
32 2012, is amended to read:

33 4999.100. (a) An intern registration shall expire one year from  
34 the last day of the month in which it was issued.

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

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

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

39 (3) Notify the board whether he or she has been convicted, as  
40 defined in Section 490, of a misdemeanor or felony, or whether

1 any disciplinary action has been taken by any regulatory or  
2 licensing board in this or any other state, subsequent to the  
3 registrant's last renewal.

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

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

19 (d) This section shall become operative on January 1, 2016.

20 ~~SEC. 70:~~

21 *SEC. 68.* Section 14132 of the Welfare and Institutions Code  
22 is amended to read:

23 14132. The following is the schedule of benefits under this  
24 chapter:

25 (a) Outpatient services are covered as follows:

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

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

38 (2) For Medi-Cal fee-for-service beneficiaries, emergency  
39 services and care that are necessary for the treatment of an  
40 emergency medical condition and medical care directly related to

1 the emergency medical condition. This paragraph shall not be  
2 construed to change the obligation of Medi-Cal managed care  
3 plans to provide emergency services and care. For the purposes of  
4 this paragraph, “emergency services and care” and “emergency  
5 medical condition” shall have the same meanings as those terms  
6 are defined in Section 1317.1 of the Health and Safety Code.

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

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

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

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

35 (B) Notwithstanding Chapter 3.5 (commencing with Section  
36 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
37 the department may take the actions specified in subparagraph (A)  
38 by means of a provider bulletin or notice, policy letter, or other  
39 similar instructions without taking regulatory action.

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

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

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

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

17 (B) Notwithstanding Chapter 3.5 (commencing with Section  
18 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
19 the department may take the actions specified in subparagraph (A)  
20 by means of a provider bulletin or notice, policy letter, or other  
21 similar instruction without taking regulatory action.

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

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

36 (g) Blood and blood derivatives are covered.

37 (h) (1) Emergency and essential diagnostic and restorative  
38 dental services, except for orthodontic, fixed bridgework, and  
39 partial dentures that are not necessary for balance of a complete  
40 artificial denture, are covered, subject to utilization controls. The

1 utilization controls shall allow emergency and essential diagnostic  
2 and restorative dental services and prostheses that are necessary  
3 to prevent a significant disability or to replace previously furnished  
4 prostheses which are lost or destroyed due to circumstances beyond  
5 the beneficiary's control. Notwithstanding the foregoing, the  
6 director may by regulation provide for certain fixed artificial  
7 dentures necessary for obtaining employment or for medical  
8 conditions that preclude the use of removable dental prostheses,  
9 and for orthodontic services in cleft palate deformities administered  
10 by the department's California Children Services Program.

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

14 (A) Periodontal treatment is not a benefit.

15 (B) Endodontic therapy is not a benefit except for vital  
16 pulpotomy.

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

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

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

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

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

27 (i) Medical transportation is covered, subject to utilization  
28 controls.

29 (j) Home health care services are covered, subject to utilization  
30 controls.

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

38 Orthopedic and conventional shoes are covered when provided  
39 by a prosthetic and orthotic supplier on the prescription of a  
40 physician and when at least one of the shoes will be attached to a

1 prosthesis or brace, subject to utilization controls. Modification  
2 of stock conventional or orthopedic shoes when medically  
3 indicated, is covered subject to utilization controls. When there is  
4 a clearly established medical need that cannot be satisfied by the  
5 modification of stock conventional or orthopedic shoes,  
6 custom-made orthopedic shoes are covered, subject to utilization  
7 controls.

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

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

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

31 (n) Family planning services are covered, subject to utilization  
32 controls.

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

37 (1) A patient with a permanent disability or severe impairment  
38 requires an inpatient intensive rehabilitation hospital program as  
39 described in Section 14064 to develop function beyond the limited  
40 amount that would occur in the normal course of recovery.

1 (2) A patient with a chronic or progressive disease requires an  
2 inpatient intensive rehabilitation hospital program as described in  
3 Section 14064 to maintain the patient's present functional level as  
4 long as possible.

5 (p) (1) Adult day health care is covered in accordance with  
6 Chapter 8.7 (commencing with Section 14520).

7 (2) Commencing 30 days after the effective date of the act that  
8 added this paragraph, and notwithstanding the number of days  
9 previously approved through a treatment authorization request,  
10 adult day health care is covered for a maximum of three days per  
11 week.

12 (3) As provided in accordance with paragraph (4), adult day  
13 health care is covered for a maximum of five days per week.

14 (4) As of the date that the director makes the declaration  
15 described in subdivision (g) of Section 14525.1, paragraph (2)  
16 shall become inoperative and paragraph (3) shall become operative.

17 (q) (1) Application of fluoride, or other appropriate fluoride  
18 treatment as defined by the department, and other prophylaxis  
19 treatment for children 17 years of age and under are covered.

20 (2) All dental hygiene services provided by a registered dental  
21 hygienist, registered dental hygienist in extended functions, and  
22 registered dental hygienist in alternative practice licensed pursuant  
23 to Sections 1753, 1917, 1918, and 1922 of the Business and  
24 Professions Code may be covered as long as they are within the  
25 scope of Denti-Cal benefits and they are necessary services  
26 provided by a registered dental hygienist, registered dental  
27 hygienist in extended functions, or registered dental hygienist in  
28 alternative practice.

29 (r) (1) Paramedic services performed by a city, county, or  
30 special district, or pursuant to a contract with a city, county, or  
31 special district, and pursuant to a program established under Article  
32 3 (commencing with Section 1480) of Chapter 2.5 of Division 2  
33 of the Health and Safety Code by a paramedic certified pursuant  
34 to that article, and consisting of defibrillation and those services  
35 specified in subdivision (3) of Section 1482 of the article.

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

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

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

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

- 16 (1) Level of care and cost of care evaluations.
- 17 (2) Expenses, directly attributable to home care activities, for  
18 materials.
- 19 (3) Physician fees for home visits.
- 20 (4) Expenses directly attributable to home care activities for  
21 shelter and modification to shelter.
- 22 (5) Expenses directly attributable to additional costs of special  
23 diets, including tube feeding.
- 24 (6) Medically related personal services.
- 25 (7) Home nursing education.
- 26 (8) Emergency maintenance repair.
- 27 (9) Home health agency personnel benefits which permit  
28 coverage of care during periods when regular personnel are on  
29 vacation or using sick leave.
- 30 (10) All services needed to maintain antiseptic conditions at  
31 stoma or shunt sites on the body.
- 32 (11) Emergency and nonemergency medical transportation.
- 33 (12) Medical supplies.
- 34 (13) Medical equipment, including, but not limited to, scales,  
35 gurneys, and equipment racks suitable for paralyzed patients.
- 36 (14) Utility use directly attributable to the requirements of home  
37 care activities which are in addition to normal utility use.
- 38 (15) Special drugs and medications.

1 (16) Home health agency supervision of visiting staff which is  
2 medically necessary, but not included in the home health agency  
3 rate.

4 (17) Therapy services.

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

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

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

10 (21) Respiratory care practitioner services as defined in Sections  
11 3702 and 3703 of the Business and Professions Code, subject to  
12 prescription by a physician and surgeon.

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

21 (t) Home- and community-based services approved by the  
22 United States Department of Health and Human Services ~~may be~~  
23 *are* covered to the extent that federal financial participation is  
24 available for those services under *the state plan or* waivers granted  
25 in accordance with Section *1315 or* 1396n of Title 42 of the United  
26 States Code. The director may seek waivers for any or all home-  
27 and community-based services approvable under Section *1315 or*  
28 1396n of Title 42 of the United States Code. Coverage for those  
29 services shall be limited by the terms, conditions, and duration of  
30 the federal waivers.

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

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

1 other provisions. No provision of this subdivision shall be  
2 implemented unless matching funds from Subchapter XIX  
3 (commencing with Section 1396) of Chapter 7 of Title 42 of the  
4 United States Code are available.

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

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

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

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

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

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

37 (z) Respiratory care when provided in organized health care  
38 systems as defined in Section 3701 of the Business and Professions  
39 Code, and as an in-home medical service as outlined in subdivision  
40 (s).

1 (aa) (1) There is hereby established in the department, a  
2 program to provide comprehensive clinical family planning  
3 services to any person who has a family income at or below 200  
4 percent of the federal poverty level, as revised annually, and who  
5 is eligible to receive these services pursuant to the waiver identified  
6 in paragraph (2). This program shall be known as the Family  
7 Planning, Access, Care, and Treatment (Family PACT) Program.  
8 (2) The department shall seek a waiver in accordance with  
9 Section 1315 of Title 42 of the United States Code, or a state plan  
10 amendment adopted in accordance with Section  
11 ~~1396a(a)(10)(A)(ii)(XXI)(ii)(2)~~ *1396a(a)(10)(A)(ii)(XXI)* of Title  
12 42 of the United States Code, which was added to Section 1396a  
13 of Title 42 of the United States Code by Section 2303(a)(2) of the  
14 federal Patient Protection and Affordable Care Act (PPACA)  
15 (Public Law 111-148), for a program to provide comprehensive  
16 clinical family planning services as described in paragraph (8).  
17 Under the waiver, the program shall be operated only in accordance  
18 with the waiver and the statutes and regulations in paragraph (4)  
19 and subject to the terms, conditions, and duration of the waiver.  
20 Under the state plan amendment, which shall replace the waiver  
21 and shall be known as the Family PACT successor state plan  
22 amendment, the program shall be operated only in accordance with  
23 this subdivision and the statutes and regulations in paragraph (4).  
24 The state shall use the standards and processes imposed by the  
25 state on January 1, 2007, including the application of an eligibility  
26 discount factor to the extent required by the federal Centers for  
27 Medicare and Medicaid Services, for purposes of determining  
28 eligibility as permitted under Section  
29 ~~1396a(a)(10)(A)(ii)(XXI)(ii)(2)~~ *1396a(a)(10)(A)(ii)(XXI)* of Title  
30 42 of the United States Code. To the extent that federal financial  
31 participation is available, the program shall continue to conduct  
32 education, outreach, enrollment, service delivery, and evaluation  
33 services as specified under the waiver. The services shall be  
34 provided under the program only if the waiver and, when  
35 applicable, the successor state plan amendment are approved by  
36 the federal Centers for Medicare and Medicaid Services and only  
37 to the extent that federal financial participation is available for the  
38 services. Nothing in this section shall prohibit the department from  
39 seeking the Family PACT successor state plan amendment during  
40 the operation of the waiver.

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

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

12 (5) Notwithstanding Chapter 3.5 (commencing with Section  
13 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
14 the department may implement, without taking regulatory action,  
15 the provisions of the waiver after its approval by the federal Health  
16 Care Financing Administration and the provisions of this section  
17 by means of an all-county letter or similar instruction to providers.  
18 Thereafter, the department shall adopt regulations to implement  
19 this section and the approved waiver in accordance with the  
20 requirements of Chapter 3.5 (commencing with Section 11340) of  
21 Part 1 of Division 3 of Title 2 of the Government Code. Beginning  
22 six months after the effective date of the act adding this  
23 subdivision, the department shall provide a status report to the  
24 Legislature on a semiannual basis until regulations have been  
25 adopted.

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

37 (7) If this subdivision ceases to be operative, all persons who  
38 have received or are eligible to receive comprehensive clinical  
39 family planning services pursuant to the waiver described in  
40 paragraph (2) shall receive family planning services under the

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

7 (8) For purposes of this subdivision, “comprehensive clinical  
8 family planning services” means the process of establishing  
9 objectives for the number and spacing of children, and selecting  
10 the means by which those objectives may be achieved. These  
11 means include a broad range of acceptable and effective methods  
12 and services to limit or enhance fertility, including contraceptive  
13 methods, federal Food and Drug Administration approved  
14 contraceptive drugs, devices, and supplies, natural family planning,  
15 abstinence methods, and basic, limited fertility management.  
16 Comprehensive clinical family planning services include, but are  
17 not limited to, preconception counseling, maternal and fetal health  
18 counseling, general reproductive health care, including diagnosis  
19 and treatment of infections and conditions, including cancer, that  
20 threaten reproductive capability, medical family planning treatment  
21 and procedures, including supplies and followup, and  
22 informational, counseling, and educational services.  
23 Comprehensive clinical family planning services shall not include  
24 abortion, pregnancy testing solely for the purposes of referral for  
25 abortion or services ancillary to abortions, or pregnancy care that  
26 is not incident to the diagnosis of pregnancy. Comprehensive  
27 clinical family planning services shall be subject to utilization  
28 control and include all of the following:

29 (A) Family planning related services and male and female  
30 sterilization. Family planning services for men and women shall  
31 include emergency services and services for complications directly  
32 related to the contraceptive method, federal Food and Drug  
33 Administration approved contraceptive drugs, devices, and  
34 supplies, and followup, consultation, and referral services, as  
35 indicated, which may require treatment authorization requests.

36 (B) All United States Department of Agriculture, federal Food  
37 and Drug Administration approved contraceptive drugs, devices,  
38 and supplies that are in keeping with current standards of practice  
39 and from which the individual may choose.

- 1 (C) Culturally and linguistically appropriate health education  
2 and counseling services, including informed consent, that include  
3 all of the following:
- 4 (i) Psychosocial and medical aspects of contraception.
  - 5 (ii) Sexuality.
  - 6 (iii) Fertility.
  - 7 (iv) Pregnancy.
  - 8 (v) Parenthood.
  - 9 (vi) Infertility.
  - 10 (vii) Reproductive health care.
  - 11 (viii) Preconception and nutrition counseling.
  - 12 (ix) Prevention and treatment of sexually transmitted infection.
  - 13 (x) Use of contraceptive methods, federal Food and Drug  
14 Administration approved contraceptive drugs, devices, and  
15 supplies.
  - 16 (xi) Possible contraceptive consequences and followup.
  - 17 (xii) Interpersonal communication and negotiation of  
18 relationships to assist individuals and couples in effective  
19 contraceptive method use and planning families.
- 20 (D) A comprehensive health history, updated at the next periodic  
21 visit (between 11 and 24 months after initial examination) that  
22 includes a complete obstetrical history, gynecological history,  
23 contraceptive history, personal medical history, health risk factors,  
24 and family health history, including genetic or hereditary  
25 conditions.
- 26 (E) A complete physical examination on initial and subsequent  
27 periodic visits.
- 28 (F) Services, drugs, devices, and supplies deemed by the federal  
29 Centers for Medicare and Medicaid Services to be appropriate for  
30 inclusion in the program.
- 31 (9) In order to maximize the availability of federal financial  
32 participation under this subdivision, the director shall have the  
33 discretion to implement the Family PACT successor state plan  
34 amendment retroactively to July 1, 2010.
- 35 (ab) (1) Purchase of prescribed enteral nutrition products is  
36 covered, subject to the Medi-Cal list of enteral nutrition products  
37 and utilization controls.
- 38 (2) Purchase of enteral nutrition products is limited to those  
39 products to be administered through a feeding tube, including, but  
40 not limited to, a gastric, nasogastric, or jejunostomy tube.

1 Beneficiaries under the Early and Periodic Screening, Diagnosis,  
2 and Treatment Program shall be exempt from this paragraph.

3 (3) Notwithstanding paragraph (2), the department may deem  
4 an enteral nutrition product, not administered through a feeding  
5 tube, including, but not limited to, a gastric, nasogastric, or  
6 jejunostomy tube, a benefit for patients with diagnoses, including,  
7 but not limited to, malabsorption and inborn errors of metabolism,  
8 if the product has been shown to be neither investigational nor  
9 experimental when used as part of a therapeutic regimen to prevent  
10 serious disability or death.

11 (4) Notwithstanding Chapter 3.5 (commencing with Section  
12 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
13 the department may implement the amendments to this subdivision  
14 made by the act that added this paragraph by means of all-county  
15 letters, provider bulletins, or similar instructions, without taking  
16 regulatory action.

17 (5) The amendments made to this subdivision by the act that  
18 added this paragraph shall be implemented June 1, 2011, or on the  
19 first day of the first calendar month following 60 days after the  
20 date the department secures all necessary federal approvals to  
21 implement this section, whichever is later.

22 (ac) Diabetic testing supplies are covered when provided by a  
23 pharmacy, subject to utilization controls.