

AMENDED IN ASSEMBLY AUGUST 22, 2013

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

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

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, 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, 4999.64, 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 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 *no less than 1,750 hours of direct counseling with individuals or groups in specified settings and not more than 250 hours of experience providing counseling or crisis counseling on the telephone.*

This bill ~~instead~~ would *specify that the hours of direct counseling may be with individuals, groups, couples or families and would instead* require not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth.

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

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

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

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

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

3 1926.2. (a) Notwithstanding any other provision of law, a
4 registered dental hygienist in alternative practice may operate one
5 mobile dental hygiene clinic registered as a dental hygiene office
6 or facility. The owner or operator of the mobile dental hygiene
7 clinic or unit shall be registered and operated in accordance with
8 regulations established by the committee, which regulations shall
9 not be designed to prevent or lessen competition in service areas,
10 and shall pay the fees described in Section 1944.

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

21 (c) A licensee practicing in a mobile unit described in
22 subdivision (b) is not subject to subdivision (a) as to that mobile
23 unit.

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

26 3024. The board may grant or refuse to grant an optometrist
27 license as provided in this chapter and may revoke or suspend the
28 license of any optometrist for any of the causes specified in this
29 chapter.

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

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

34 3025. The board may make and promulgate rules and
35 regulations governing procedure of the board, the admission of
36 applicants for examination for a license as an optometrist, and the
37 practice of optometry. All of those rules and regulations shall be
38 in accordance with and not inconsistent with the provisions of this
39 chapter. The rules and regulations shall be adopted, amended, or

1 repealed in accordance with the provisions of the Administrative
2 Procedure Act.

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

5 3040. It is unlawful for a person to engage in the practice of
6 optometry or to display a sign or in any other way to advertise or
7 hold himself or herself out as an optometrist without having first
8 obtained an optometrist license from the board under the provisions
9 of this chapter or under the provisions of any former act relating
10 to the practice of optometry. The practice of optometry includes
11 the performing or controlling of any acts set forth in Section 3041.

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

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

17 3041.2. (a) The State Board of Optometry shall, by regulation,
18 establish educational and examination requirements for licensure
19 to ensure the competence of optometrists to practice pursuant to
20 subdivision (a) of Section 3041. Satisfactory completion of the
21 educational and examination requirements shall be a condition for
22 the issuance of an original optometrist license under this chapter,
23 on and after January 1, 1980. Only those optometrists who have
24 successfully completed educational and examination requirements
25 as determined by the State Board of Optometry shall be permitted
26 the use of pharmaceutical agents specified by subdivision (a) of
27 Section 3041.

28 (b) Nothing in this section shall authorize an optometrist issued
29 an original optometrist license under this chapter before January
30 1, 1996, to use or prescribe therapeutic pharmaceutical agents
31 specified in subdivision (d) of Section 3041 without otherwise
32 meeting the requirements of Section 3041.3.

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

35 3051. All applicants for examination for an optometrist license
36 in accordance with the educational and examination requirements
37 adopted pursuant to Section 3023.1 shall show the board by
38 satisfactory evidence that he or she has received education in child
39 abuse detection and the detection of alcoholism and other chemical
40 substance dependency. This section shall apply only to applicants

1 who matriculate in a school of optometry on or after September
2 1, 1997.

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

5 3057.5. Notwithstanding any other provision of this chapter,
6 the board shall permit a graduate of a foreign university who meets
7 all of the following requirements to take the examinations for an
8 optometrist license:

9 (a) Is over 18 years of age.

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

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

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

15 3077. As used in this section, “office” means any office or
16 other place for the practice of optometry.

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

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

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

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

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

37 (f) On and after January 1, 1957, no branch office may be
38 opened or operated without a branch office license. Branch office
39 licenses shall be valid for the calendar year in or for which they
40 are issued and shall be renewable on January 1 of each year

1 thereafter. Branch office licenses shall be issued or renewed only
2 upon the payment of the fee therefor prescribed by this chapter.

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

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

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

24 (i) Nothing in this chapter shall limit or authorize the board to
25 limit the number of branch offices that are in operation on October
26 1, 1959, and that conform to this chapter, nor prevent an
27 optometrist from acquiring any branch office or offices of his or
28 her parent. The sale after October 1, 1959, of any branch office
29 shall terminate the privilege of operating the branch office, and
30 no new branch office license shall be issued in place of the license
31 issued for the branch office, unless the branch office is the only
32 one operated by the optometrist or by two or more optometrists
33 jointly.

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

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

1 (k) Notwithstanding any other provision of this section, neither
2 an optometrist nor an individual practice association shall be
3 deemed to have an additional office solely by reason of the
4 optometrist’s participation in an individual practice association or
5 the individual practice association’s creation or operation. As used
6 in this subdivision, the term “individual practice association” means
7 an entity that meets all of the following requirements:

8 (1) Complies with the definition of an optometric corporation
9 in Section 3160.

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

14 (3) Contracts with optometrists to serve on the panel of
15 optometrists, but does not obtain an ownership interest in, or
16 otherwise exercise control over, the respective optometric practices
17 of those optometrists on the panel.

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

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

31 3093. Before setting aside the revocation or suspension of any
32 optometrist license, the board may require the applicant to pass
33 the regular examination given for applicants for an optometrist
34 license.

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

37 3098. When the holder uses the title of “Doctor” or “Dr.” as a
38 prefix to his or her name, without using the word “optometrist” as
39 a suffix to his or her name or in connection with it, or, without
40 holding a diploma from an accredited school of optometry, the

1 letters “Opt. D.” or “O.D.” as a suffix to his or her name, it
2 constitutes a cause to revoke or suspend his or her optometrist
3 license.

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

6 3103. It is unlawful to include in any advertisement relating
7 to the sale or disposition of goggles, sunglasses, colored glasses,
8 or occupational eye-protective devices, any words or figures that
9 advertise or have a tendency to advertise the practice of optometry.

10 This section does not prohibit the advertising of the practice of
11 optometry by a licensed optometrist in the manner permitted by
12 law.

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

15 3106. Knowingly making or signing any license, certificate,
16 or other document directly or indirectly related to the practice of
17 optometry that falsely represents the existence or nonexistence of
18 a state of facts constitutes unprofessional conduct.

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

21 3107. It is unlawful to use or attempt to use any license or
22 certificate issued by the board that has been purchased, fraudulently
23 issued, counterfeited, or issued by mistake, as a valid license or
24 certificate.

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

27 3109. Directly or indirectly accepting employment to practice
28 optometry from any person not having a valid, unrevoked license
29 as an optometrist or from any company or corporation constitutes
30 unprofessional conduct. Except as provided in this chapter, no
31 optometrist may, singly or jointly with others, be incorporated or
32 become incorporated when the purpose or a purpose of the
33 corporation is to practice optometry or to conduct the practice of
34 optometry.

35 The terms “accepting employment to practice optometry” as
36 used in this section shall not be construed so as to prevent a
37 licensed optometrist from practicing optometry upon an individual
38 patient.

39 Notwithstanding the provisions of this section or the provisions
40 of any other law, a licensed optometrist may be employed to

1 practice optometry by a physician and surgeon who holds a license
2 under this division and who practices in the specialty of
3 ophthalmology or by a health care service plan pursuant to the
4 provisions of Chapter 2.2 (commencing with Section 1340) of
5 Division 2 of the Health and Safety Code.

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

8 3163. Except as provided in Section 3078, the name of an
9 optometric corporation and any name or names under which it
10 may be rendering professional services shall contain and be
11 restricted to the name or the last name of one or more of the
12 present, prospective, or former shareholders and shall include the
13 words optometric corporation or wording or abbreviations denoting
14 corporate existence, provided that the articles of incorporation
15 shall be amended to delete the name of a former shareholder from
16 the name of the corporation within two years from the date the
17 former shareholder dies or otherwise ceases to be a shareholder.

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

20 4021.5. "Correctional pharmacy" means a pharmacy, licensed
21 by the board, located within a state correctional facility for the
22 purpose of providing pharmaceutical care to inmates of the state
23 correctional facility.

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

26 4053. (a) Notwithstanding Section 4051, the board may issue
27 a license as a designated representative to provide sufficient and
28 qualified supervision in a wholesaler or veterinary food-animal
29 drug retailer. The designated representative shall protect the public
30 health and safety in the handling, storage, and shipment of
31 dangerous drugs and dangerous devices in the wholesaler or
32 veterinary food-animal drug retailer.

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

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

38 (2) He or she shall have a minimum of one year of paid work
39 experience in a licensed pharmacy, or with a drug wholesaler, drug
40 distributor, or drug manufacturer, in the past three years, related

1 to the distribution or dispensing of dangerous drugs or dangerous
2 devices or meet all of the prerequisites to take the examination
3 required for licensure as a pharmacist by the board.

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

7 (A) Knowledge and understanding of California law and federal
8 law relating to the distribution of dangerous drugs and dangerous
9 devices.

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

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

13 (D) Knowledge and understanding of the United States
14 Pharmacopoeia standards relating to the safe storage and handling
15 of drugs.

16 (E) Knowledge and understanding of prescription terminology,
17 abbreviations, dosages, and format.

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

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

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

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

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

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

33 4107. (a) The board may not issue more than one site license
34 to a single premises except as follows:

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

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

39 (3) To issue a centralized hospital packaging license pursuant
40 to Section 4128.

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

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

6 4980.36. (a) This section shall apply to the following:

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

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

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

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

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

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

33 (A) Marriage and family therapy principles.

34 (B) The principles of mental health recovery-oriented care and
35 methods of service delivery in recovery-oriented practice
36 environments, among others.

37 (C) An understanding of various cultures and the social and
38 psychological implications of socioeconomic position, and an
39 understanding of how poverty and social stress impact an
40 individual’s mental health and recovery.

- 1 (2) Allow for innovation and individuality in the education of
2 marriage and family therapists.
- 3 (3) Encourage students to develop the personal qualities that
4 are intimately related to effective practice, including, but not
5 limited to, integrity, sensitivity, flexibility, insight, compassion,
6 and personal presence.
- 7 (4) Permit an emphasis or specialization that may address any
8 one or more of the unique and complex array of human problems,
9 symptoms, and needs of Californians served by marriage and
10 family therapists.
- 11 (5) Provide students with the opportunity to meet with various
12 consumers and family members of consumers of mental health
13 services to enhance understanding of their experience of mental
14 illness, treatment, and recovery.
- 15 (d) The degree described in subdivision (b) shall contain no less
16 than 60 semester or 90 quarter units of instruction that includes,
17 but is not limited to, the following requirements:
- 18 (1) Both of the following:
- 19 (A) No less than 12 semester or 18 quarter units of coursework
20 in theories, principles, and methods of a variety of
21 psychotherapeutic orientations directly related to marriage and
22 family therapy and marital and family systems approaches to
23 treatment and how these theories can be applied therapeutically
24 with individuals, couples, families, adults, including elder adults,
25 children, adolescents, and groups to improve, restore, or maintain
26 healthy relationships.
- 27 (B) Practicum that involves direct client contact, as follows:
- 28 (i) A minimum of six semester or nine quarter units of practicum
29 in a supervised clinical placement that provides supervised
30 fieldwork experience.
- 31 (ii) A minimum of 150 hours of face-to-face experience
32 counseling individuals, couples, families, or groups.
- 33 (iii) A student must be enrolled in a practicum course while
34 counseling clients, except as specified in subdivision (c) of Section
35 4980.42.
- 36 (iv) The practicum shall provide training in all of the following
37 areas:
- 38 (I) Applied use of theory and psychotherapeutic techniques.
39 (II) Assessment, diagnosis, and prognosis.

1 (III) Treatment of individuals and premarital, couple, family,
2 and child relationships, including trauma and abuse, dysfunctions,
3 healthy functioning, health promotion, illness prevention, and
4 working with families.

5 (IV) Professional writing, including documentation of services,
6 treatment plans, and progress notes.

7 (V) How to connect people with resources that deliver the
8 quality of services and support needed in the community.

9 (v) Educational institutions are encouraged to design the
10 practicum required by this subparagraph to include marriage and
11 family therapy experience in low income and multicultural mental
12 health settings.

13 (vi) In addition to the 150 hours required in clause (ii), 75 hours
14 of either of the following:

15 (I) Client centered advocacy, as defined in Section 4980.03.

16 (II) Face-to-face experience counseling individuals, couples,
17 families, or groups.

18 (2) Instruction in all of the following:

19 (A) Diagnosis, assessment, prognosis, and treatment of mental
20 disorders, including severe mental disorders, evidence-based
21 practices, psychological testing, psychopharmacology, and
22 promising mental health practices that are evaluated in peer
23 reviewed literature.

24 (B) Developmental issues from infancy to old age, including
25 instruction in all of the following areas:

26 (i) The effects of developmental issues on individuals, couples,
27 and family relationships.

28 (ii) The psychological, psychotherapeutic, and health
29 implications of developmental issues and their effects.

30 (iii) Aging and its biological, social, cognitive, and
31 psychological aspects.

32 (iv) A variety of cultural understandings of human development.

33 (v) The understanding of human behavior within the social
34 context of socioeconomic status and other contextual issues
35 affecting social position.

36 (vi) The understanding of human behavior within the social
37 context of a representative variety of the cultures found within
38 California.

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

- 1 (I) Substance use disorders, co-occurring disorders, and
2 addiction, including, but not limited to, instruction in all of the
3 following:
- 4 (i) The definition of substance use disorders, co-occurring
5 disorders, and addiction. For purposes of this subparagraph,
6 “co-occurring disorders” means a mental illness and substance
7 abuse diagnosis occurring simultaneously in an individual.
 - 8 (ii) Medical aspects of substance use disorders and co-occurring
9 disorders.
 - 10 (iii) The effects of psychoactive drug use.
 - 11 (iv) Current theories of the etiology of substance abuse and
12 addiction.
 - 13 (v) The role of persons and systems that support or compound
14 substance abuse and addiction.
 - 15 (vi) Major approaches to identification, evaluation, and treatment
16 of substance use disorders, co-occurring disorders, and addiction,
17 including, but not limited to, best practices.
 - 18 (vii) Legal aspects of substance abuse.
 - 19 (viii) Populations at risk with regard to substance use disorders
20 and co-occurring disorders.
 - 21 (ix) Community resources offering screening, assessment,
22 treatment, and followup for the affected person and family.
 - 23 (x) Recognition of substance use disorders, co-occurring
24 disorders, and addiction, and appropriate referral.
 - 25 (xi) The prevention of substance use disorders and addiction.
- 26 (J) California law and professional ethics for marriage and
27 family therapists, including instruction in all of the following areas
28 of study:
- 29 (i) Contemporary professional ethics and statutory, regulatory,
30 and decisional laws that delineate the scope of practice of marriage
31 and family therapy.
 - 32 (ii) The therapeutic, clinical, and practical considerations
33 involved in the legal and ethical practice of marriage and family
34 therapy, including, but not limited to, family law.
 - 35 (iii) The current legal patterns and trends in the mental health
36 professions.
 - 37 (iv) The psychotherapist-patient privilege, confidentiality, the
38 patient dangerous to self or others, and the treatment of minors
39 with and without parental consent.

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

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

6 (vii) Licensing law and licensing process.

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

17 (f) The changes made to law by this section are intended to
18 improve the educational qualifications for licensure in order to
19 better prepare future licentiates for practice, and are not intended
20 to expand or restrict the scope of practice for marriage and family
21 therapists.

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

24 4980.397. (a) Effective January 1, 2016, an applicant for
25 licensure as a marriage and family therapist shall pass the following
26 two examinations as prescribed by the board:

27 (1) A California law and ethics examination.

28 (2) A clinical examination.

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

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

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

35 (2) Completion of all education requirements.

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

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

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

1 4980.398. (a) Each applicant who had previously taken and
2 passed the standard written examination but had not passed the
3 clinical vignette examination shall also obtain a passing score on
4 the clinical examination in order to be eligible for licensure.

5 (b) An applicant who had previously failed to obtain a passing
6 score on the standard written examination shall obtain a passing
7 score on the California law and ethics examination and the clinical
8 examination.

9 (c) An applicant who had obtained eligibility for the standard
10 written examination shall take the California law and ethics
11 examination and the clinical examination.

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

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

15 4980.399. (a) Except as provided in subdivision (a) of Section
16 4980.398, each applicant and registrant shall obtain a passing score
17 on a board-administered California law and ethics examination in
18 order to qualify for licensure.

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

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

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

37 (e) The board shall not issue a subsequent registration number
38 unless the registrant has passed the California law and ethics
39 examination.

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

1 SEC. 25. Section 4980.40 of the Business and Professions
2 Code, as amended by Section 29 of Chapter 799 of the Statutes of
3 2012, is amended to read:

4 4980.40. To qualify for a license, an applicant shall have all
5 of the following qualifications:

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

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

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

11 (d) Pass a board administered written or oral examination or
12 both types of examinations, except that an applicant who passed
13 a written examination and who has not taken and passed an oral
14 examination shall instead be required to take and pass a clinical
15 vignette written examination.

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

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

26 SEC. 26. Section 4980.40 of the Business and Professions
27 Code, as amended by Section 30 of Chapter 799 of the Statutes of
28 2012, is amended to read:

29 4980.40. To qualify for a license, an applicant shall have all
30 of the following qualifications:

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

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

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

36 (d) Effective January 1, 2016, successfully pass a California
37 law and ethics examination and a clinical examination. An
38 applicant who has successfully passed a previously administered
39 written examination may be subsequently required to take and pass
40 another written examination.

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

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

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

11 4980.43. (a) Prior to applying for licensure examinations, each
12 applicant shall complete experience that shall comply with the
13 following:

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

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

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

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

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

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

28 (6) No hours of experience may be gained more than six years
29 prior to the date the application for examination eligibility was
30 filed, except that up to 500 hours of clinical experience gained in
31 the supervised practicum required by subdivision (c) of Section
32 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
33 of Section 4980.36 shall be exempt from this six-year requirement.

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

36 (A) Direct supervisor contact.

37 (B) Professional enrichment activities. For purposes of this
38 chapter, "professional enrichment activities" include the following:

39 (i) Workshops, seminars, training sessions, or conferences
40 directly related to marriage and family therapy attended by the

1 applicant that are approved by the applicant's supervisor. An
2 applicant shall have no more than 250 hours of verified attendance
3 at these workshops, seminars, training sessions, or conferences.

4 (ii) Participation by the applicant in personal psychotherapy,
5 which includes group, marital or conjoint, family, or individual
6 psychotherapy by an appropriately licensed professional. An
7 applicant shall have no more than 100 hours of participation in
8 personal psychotherapy. The applicant shall be credited with three
9 hours of experience for each hour of personal psychotherapy.

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

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

14 (A) Experience administering and evaluating psychological
15 tests, writing clinical reports, writing progress notes, or writing
16 process notes.

17 (B) Client centered advocacy.

18 (10) Not less than 500 total hours of experience in diagnosing
19 and treating couples, families, and children. For up to 150 hours
20 of treating couples and families in conjoint therapy, the applicant
21 shall be credited with two hours of experience for each hour of
22 therapy provided.

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

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

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

32 (b) All applicants, trainees, and registrants shall be at all times
33 under the supervision of a supervisor who shall be responsible for
34 ensuring that the extent, kind, and quality of counseling performed
35 is consistent with the training and experience of the person being
36 supervised, and who shall be responsible to the board for
37 compliance with all laws, rules, and regulations governing the
38 practice of marriage and family therapy. Supervised experience
39 shall be gained by interns and trainees only as an employee or as
40 a volunteer. The requirements of this chapter regarding gaining

1 hours of experience and supervision are applicable equally to
2 employees and volunteers. Experience shall not be gained by
3 interns or trainees as an independent contractor.

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

7 (2) If volunteering, an intern shall provide the board with a letter
8 from his or her employer verifying the intern’s employment as a
9 volunteer upon application for licensure.

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

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

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

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

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

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

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

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

- 1 (d) (1) A trainee may be credited with supervised experience
2 completed in any setting that meets all of the following:
- 3 (A) Lawfully and regularly provides mental health counseling
4 or psychotherapy.
- 5 (B) Provides oversight to ensure that the trainee’s work at the
6 setting meets the experience and supervision requirements set forth
7 in this chapter and is within the scope of practice for the profession
8 as defined in Section 4980.02.
- 9 (C) Is not a private practice owned by a licensed marriage and
10 family therapist, a licensed psychologist, a licensed clinical social
11 worker, a licensed physician and surgeon, or a professional
12 corporation of any of those licensed professions.
- 13 (2) Experience may be gained by the trainee solely as part of
14 the position for which the trainee volunteers or is employed.
- 15 (e) (1) An intern may be credited with supervised experience
16 completed in any setting that meets both of the following:
- 17 (A) Lawfully and regularly provides mental health counseling
18 or psychotherapy.
- 19 (B) Provides oversight to ensure that the intern’s work at the
20 setting meets the experience and supervision requirements set forth
21 in this chapter and is within the scope of practice for the profession
22 as defined in Section 4980.02.
- 23 (2) An applicant shall not be employed or volunteer in a private
24 practice, as defined in subparagraph (C) of paragraph (1) of
25 subdivision (d), until registered as an intern.
- 26 (3) While an intern may be either a paid employee or a
27 volunteer, employers are encouraged to provide fair remuneration
28 to interns.
- 29 (4) Except for periods of time during a supervisor’s vacation or
30 sick leave, an intern who is employed or volunteering in private
31 practice shall be under the direct supervision of a licensee that has
32 satisfied the requirements of subdivision (g) of Section 4980.03.
33 The supervising licensee shall either be employed by and practice
34 at the same site as the intern’s employer, or shall be an owner or
35 shareholder of the private practice. Alternative supervision may
36 be arranged during a supervisor’s vacation or sick leave if the
37 supervision meets the requirements of this section.
- 38 (5) Experience may be gained by the intern solely as part of the
39 position for which the intern volunteers or is employed.

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

4 (g) Except when employed in a private practice setting, all
5 postdegree hours of experience shall be credited toward licensure
6 so long as the applicant applies for the intern registration within
7 90 days of the granting of the qualifying master's or doctoral
8 degree and is thereafter granted the intern registration by the board.

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

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

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

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

1 institution and supervisors are encouraged to assist the applicant
2 in locating that counseling or psychotherapy at a reasonable cost.

3 SEC. 28. Section 4980.50 of the Business and Professions
4 Code, as amended by Section 1 of Chapter 800 of the Statutes of
5 2012, is amended to read:

6 4980.50. (a) Every applicant who meets the educational and
7 experience requirements and applies for a license as a marriage
8 and family therapist shall be examined by the board. The
9 examinations shall be as set forth in subdivision (d) of Section
10 4980.40. The examinations shall be given at least twice a year at
11 a time and place and under supervision as the board may determine.
12 The board shall examine the candidate with regard to his or her
13 knowledge and professional skills and his or her judgment in the
14 utilization of appropriate techniques and methods.

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

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

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

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

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

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

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

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

17 (i) 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. 29. Section 4980.50 of the Business and Professions
21 Code, as amended by Section 2 of Chapter 800 of the Statutes of
22 2012, is amended to read:

23 4980.50. Effective January 1, 2016, the following shall apply:

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

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

39 (c) The board shall not deny any applicant, whose application
40 for licensure is complete, admission to the clinical examination,

1 nor shall the board postpone or delay any applicant's clinical
2 examination or delay informing the candidate of the results of the
3 clinical examination, solely upon the receipt by the board of a
4 complaint alleging acts or conduct that would constitute grounds
5 to deny licensure.

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

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

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

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

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

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

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

1 SEC. 30. Section 4984.01 of the Business and Professions
2 Code, as amended by Section 38 of Chapter 799 of the Statutes of
3 2012, is amended to read:

4 4984.01. (a) The marriage and family therapist intern
5 registration shall expire one year from the last day of the month
6 in which it was issued.

7 (b) To renew the registration, the registrant shall, on or before
8 the expiration date of the registration, complete all of the following
9 actions:

- 10 (1) Apply for renewal on a form prescribed by the board.
- 11 (2) Pay a renewal fee prescribed by the board.
- 12 (3) Notify the board whether he or she has been convicted, as
13 defined in Section 490, of a misdemeanor or felony, and whether
14 any disciplinary action has been taken against him or her by a
15 regulatory or licensing board in this or any other state subsequent
16 to the last renewal of the registration.

17 (c) The registration may be renewed a maximum of five times.
18 No registration shall be renewed or reinstated beyond six years
19 from the last day of the month during which it was issued,
20 regardless of whether it has been revoked. When no further
21 renewals are possible, an applicant may apply for and obtain a new
22 intern registration if the applicant meets the educational
23 requirements for registration in effect at the time of the application
24 for a new intern registration. An applicant who is issued a
25 subsequent intern registration pursuant to this subdivision may be
26 employed or volunteer in any allowable work setting except private
27 practice.

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

31 SEC. 31. Section 4984.01 of the Business and Professions
32 Code, as amended by Section 39 of Chapter 799 of the Statutes of
33 2012, is amended to read:

34 4984.01. (a) The marriage and family therapist intern
35 registration shall expire one year from the last day of the month
36 in which it was issued.

37 (b) To renew the registration, the registrant shall, on or before
38 the expiration date of the registration, complete all of the following
39 actions:

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

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

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

5 (4) 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 against him or her by a
8 regulatory or licensing board in this or any other state subsequent
9 to the last renewal of the registration.

10 (c) The registration may be renewed a maximum of five times.
11 No registration shall be renewed or reinstated beyond six years
12 from the last day of the month during which it was issued,
13 regardless of whether it has been revoked. When no further
14 renewals are possible, an applicant may apply for and obtain a new
15 intern registration if the applicant meets the educational
16 requirements for registration in effect at the time of the application
17 for a new intern registration and has passed the California law and
18 ethics examination described in Section 4980.399. An applicant
19 who is issued a subsequent intern registration pursuant to this
20 subdivision may be employed or volunteer in any allowable work
21 setting except private practice.

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

23 SEC. 32. Section 4984.7 of the Business and Professions Code,
24 as amended by Section 41 of Chapter 799 of the Statutes of 2012,
25 is amended to read:

26 4984.7. (a) The board shall assess the following fees relating
27 to the licensure of marriage and family therapists:

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

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

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

34 (4) The fee for the standard written examination shall be one
35 hundred dollars (\$100). The fee for the clinical vignette
36 examination shall be one hundred dollars (\$100).

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

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

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

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

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

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

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

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

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

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

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

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

30 SEC. 33. Section 4984.7 of the Business and Professions Code,
31 as amended by Section 42 of Chapter 799 of the Statutes of 2012,
32 is amended to read:

33 4984.7. (a) The board shall assess the following fees relating
34 to the licensure of marriage and family therapists:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 SEC. 34. Section 4984.72 of the Business and Professions
35 Code, as amended by Section 43 of Chapter 799 of the Statutes of
36 2012, is amended to read:

37 4984.72. (a) An applicant who fails a standard or clinical
38 vignette written examination may, within one year from the
39 notification date of that failure, retake the examination as regularly
40 scheduled without further application upon payment of the fee for

1 the examination. Thereafter, the applicant shall not be eligible for
2 further examination until he or she files a new application, meets
3 all requirements in effect on the date of application, and pays all
4 required fees.

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

8 SEC. 35. Section 4984.72 of the Business and Professions
9 Code, as amended by Section 44 of Chapter 799 of the Statutes of
10 2012, is amended to read:

11 4984.72. (a) Effective January 1, 2016, an applicant who fails
12 the clinical examination may, within one year from the notification
13 date of that failure, retake the examination as regularly scheduled
14 without further application upon payment of the fee for the
15 examination. Thereafter, the applicant shall not be eligible for
16 further examination until he or she files a new application, meets
17 all requirements in effect on the date of application, and pays all
18 required fees.

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

20 SEC. 36. Section 4989.68 of the Business and Professions
21 Code is amended to read:

22 4989.68. (a) The board shall assess the following fees relating
23 to the licensure of educational psychologists:

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

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

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

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

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

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

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

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

7 (9) The fee for issuance of a retired license shall be forty dollars
8 (\$40).

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

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

14 4992.05. (a) Effective January 1, 2016, an applicant for
15 licensure as a clinical social worker shall pass the following two
16 examinations as prescribed by the board:

17 (1) A California law and ethics examination.

18 (2) A clinical examination.

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

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

24 (1) Completion of all education requirements.

25 (2) Passage of the California law and ethics examination.

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

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

28 SEC. 38. Section 4992.07 of the Business and Professions
29 Code is amended to read:

30 4992.07. (a) An applicant who had previously taken and passed
31 the standard written examination but had not passed the clinical
32 vignette examination shall also obtain a passing score on the
33 clinical examination in order to be eligible for licensure.

34 (b) An applicant who had previously failed to obtain a passing
35 score on the standard written examination shall obtain a passing
36 score on the California law and ethics examination and the clinical
37 examination.

38 (c) An applicant who had obtained eligibility for the standard
39 written examination shall take the California law and ethics
40 examination and the clinical examination.

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

2 SEC. 39. Section 4992.09 of the Business and Professions
3 Code is amended to read:

4 4992.09. (a) Except as provided in subdivision (a) of Section
5 4992.07, an applicant and registrant shall obtain a passing score
6 on a board-administered California law and ethics examination in
7 order to qualify for licensure.

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

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

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

26 (e) The board shall not issue a subsequent registration number
27 unless the registrant has passed the California law and ethics
28 examination.

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

30 SEC. 40. Section 4992.1 of the Business and Professions Code,
31 as amended by Section 4 of Chapter 800 of the Statutes of 2012,
32 is amended to read:

33 4992.1. (a) Only individuals who have the qualifications
34 prescribed by the board under this chapter are eligible to take the
35 examination.

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

38 (c) Notwithstanding any other provision of law, the board may
39 destroy all examination materials two years following the date of
40 an examination.

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

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

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

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

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

34 SEC. 41. Section 4992.1 of the Business and Professions Code,
35 as amended by Section 5 of Chapter 800 of the Statutes of 2012,
36 is amended to read:

37 4992.1. (a) Only individuals who have the qualifications
38 prescribed by the board under this chapter are eligible to take an
39 examination under this chapter.

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

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

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

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

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

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

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

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

2 SEC. 42. Section 4996.1 of the Business and Professions Code,
3 as amended by Section 52 of Chapter 799 of the Statutes of 2012,
4 is amended to read:

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

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

15 SEC. 43. Section 4996.1 of the Business and Professions Code,
16 as amended by Section 53 of Chapter 799 of the Statutes of 2012,
17 is amended to read:

18 4996.1. (a) Effective January 1, 2016, the board shall issue a
19 clinical social worker license to each applicant who qualifies
20 pursuant to this article and who successfully passes a California
21 law and ethics examination and a clinical examination. An
22 applicant who has successfully passed a previously administered
23 written examination may be subsequently required to take and pass
24 another written examination.

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

26 SEC. 44. Section 4996.3 of the Business and Professions Code,
27 as amended by Section 54 of Chapter 799 of the Statutes of 2012,
28 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 SEC. 45. Section 4996.3 of the Business and Professions Code,
34 as amended by Section 55 of Chapter 799 of the Statutes of 2012,
35 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 SEC. 46. Section 4996.4 of the Business and Professions Code,
39 as amended by Section 56 of Chapter 799 of the Statutes of 2012,
40 is amended to read:

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

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

12 SEC. 47. Section 4996.4 of the Business and Professions Code,
13 as amended by Section 57 of Chapter 799 of the Statutes of 2012,
14 is amended to read:

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

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

23 SEC. 48. Section 4996.9 of the Business and Professions Code
24 is amended to read:

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

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

9 SEC. 49. Section 4996.17 of the Business and Professions
10 Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 SEC. 50. Section 4996.18 of the Business and Professions
30 Code is amended to read:

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

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

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

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

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

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

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

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

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

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

1 SEC. 51. Section 4996.28 of the Business and Professions
2 Code is amended to read:

3 4996.28. (a) Registration as an associate clinical social worker
4 shall expire one year from the last day of the month during which
5 it was issued. To renew a registration, the registrant shall, on or
6 before the expiration date of the registration, complete all of the
7 following actions:

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

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

10 (3) Notify the board whether he or she has been convicted, as
11 defined in Section 490, of a misdemeanor or felony, and whether
12 any disciplinary action has been taken by a regulatory or licensing
13 board in this or any other state, subsequent to the last renewal of
14 the registration.

15 (4) On and after January 1, 2016, obtain a passing score on the
16 California law and ethics examination pursuant to Section 4992.09.

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

26 ~~SEC. 52. Section 4999.20 of the Business and Professions~~
27 ~~Code is amended to read:~~

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

1 (2) “Professional clinical counseling” is focused exclusively on
2 the application of counseling interventions and psychotherapeutic
3 techniques for the purposes of improving mental health, and is not
4 intended to capture other, nonclinical forms of counseling for the
5 purposes of licensure. For purposes of this paragraph, “nonclinical”
6 means nonmental health.

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

12 (A) One of the following:

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

15 (ii) A named specialization or emphasis area on the qualifying
16 degree in marriage and family therapy; marital and family therapy;
17 marriage, family, and child counseling; or couple and family
18 therapy.

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

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

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

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

34 (c) “Assessment” means selecting, administering, scoring, and
35 interpreting tests, instruments, and other tools and methods
36 designed to measure an individual’s attitudes, abilities, aptitudes,
37 achievements, interests, personal characteristics, disabilities, and
38 mental, emotional, and behavioral concerns and development and
39 the use of methods and techniques for understanding human
40 behavior in relation to coping with, adapting to, or ameliorating

1 ~~changing life situations, as part of the counseling process.~~
2 ~~“Assessment” shall not include the use of projective techniques~~
3 ~~in the assessment of personality, individually administered~~
4 ~~intelligence tests, neuropsychological testing, or utilization of a~~
5 ~~battery of three or more tests to determine the presence of~~
6 ~~psychosis, dementia, amnesia, cognitive impairment, or criminal~~
7 ~~behavior.~~

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

11 ~~SEC. 53.~~

12 ~~SEC. 52.~~ Section 4999.33 of the Business and Professions Code
13 is amended to read:

14 4999.33. (a) This section shall apply to the following:

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

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

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

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

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

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

1 (A) Counseling and psychotherapeutic theories and techniques,
2 including the counseling process in a multicultural society, an
3 orientation to wellness and prevention, counseling theories to assist
4 in selection of appropriate counseling interventions, models of
5 counseling consistent with current professional research and
6 practice, development of a personal model of counseling, and
7 multidisciplinary responses to crises, emergencies, and disasters.

8 (B) Human growth and development across the lifespan,
9 including normal and abnormal behavior and an understanding of
10 developmental crises, disability, psychopathology, and situational
11 and environmental factors that affect both normal and abnormal
12 behavior.

13 (C) Career development theories and techniques, including
14 career development decisionmaking models and interrelationships
15 among and between work, family, and other life roles and factors,
16 including the role of multicultural issues in career development.

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

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

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

37 (G) Principles of the diagnostic process, including differential
38 diagnosis, and the use of current diagnostic tools, such as the
39 current edition of the Diagnostic and Statistical Manual, the impact
40 of co-occurring substance use disorders or medical psychological

1 disorders, established diagnostic criteria for mental or emotional
2 disorders, and the treatment modalities and placement criteria
3 within the continuum of care.

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

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

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

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

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

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

1 (5) Multicultural development and cross-cultural interaction,
2 including experiences of race, ethnicity, class, spirituality, sexual
3 orientation, gender, and disability and their incorporation into the
4 psychotherapeutic process.

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

12 (7) Human sexuality, including the study of the physiological,
13 psychological, and social cultural variables associated with sexual
14 behavior, gender identity, and the assessment and treatment of
15 psychosexual dysfunction.

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

18 (9) A minimum of seven contact hours of training or coursework
19 in child abuse assessment and reporting, as specified in Section
20 28, and any regulations promulgated thereunder.

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

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

28 (1) Integrate the principles of mental health recovery-oriented
29 care and methods of service delivery in recovery-oriented practice
30 environments.

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

33 (3) Provide the opportunity for students to meet with various
34 consumers and family members of consumers of mental health
35 services to enhance understanding of their experience of mental
36 illness, treatment, and recovery.

37 (f) (1) An applicant whose degree is deficient in no more than
38 three of the required areas of study listed in subparagraphs (A) to
39 (M), inclusive, of paragraph (1) of subdivision (c) may satisfy
40 those deficiencies by successfully completing post-master's or

1 postdoctoral degree coursework at an accredited or approved
2 institution, as defined in Section 4999.12.

3 (2) Coursework taken to meet deficiencies in the required areas
4 of study listed in subparagraphs (A) to (M), inclusive, of paragraph
5 (1) of subdivision (c) shall be the equivalent of three semester units
6 or four and one-half quarter units of study.

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

10 ~~SEC. 54.~~

11 *SEC. 53.* Section 4999.45 of the Business and Professions
12 Code, as amended by Section 62 of Chapter 799 of the Statutes of
13 2012, is amended to read:

14 4999.45. An intern employed under this chapter shall:

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

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

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

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

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

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

33 ~~SEC. 55.~~

34 *SEC. 54.* Section 4999.45 of the Business and Professions
35 Code, as amended by Section 63 of Chapter 799 of the Statutes of
36 2012, is amended to read:

37 4999.45. (a) An intern employed under this chapter shall:

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

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

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

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

7 (b) When no further renewals are possible, an applicant may
8 apply for and obtain a new intern registration if the applicant meets
9 the educational requirements for registration in effect at the time
10 of the application for a new intern registration and has passed the
11 California law and ethics examination described in Section
12 4999.53. An applicant issued a subsequent intern registration
13 pursuant to this subdivision may be employed or volunteer in any
14 allowable work setting except private practice.

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

16 ~~SEC. 56.~~

17 *SEC. 55.* Section 4999.46 of the Business and Professions
18 Code, as amended by Section 64 of Chapter 799 of the Statutes of
19 2012, is amended to read:

20 4999.46. (a) To qualify for the licensure examinations specified
21 in subdivision (c) of Section 4999.52, applicants shall complete
22 clinical mental health experience under the general supervision of
23 an approved supervisor as defined in Section 4999.12.

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

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

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

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

37 (4) Not more than 375 hours of experience providing personal
38 psychotherapy, crisis counseling, or other counseling services via
39 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 remain in effect only until January 1, 2016,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2016, deletes or extends that date.

23 ~~SEC. 57.~~

24 *SEC. 56.* Section 4999.46 of the Business and Professions
25 Code, as amended by Section 65 of Chapter 799 of the Statutes of
26 2012, is amended to read:

27 4999.46. (a) To qualify for the licensure examination specified
28 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
29 shall complete clinical mental health experience under the general
30 supervision of an approved supervisor as defined in Section
31 4999.12.

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

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

37 (2) Not less than 1,750 hours of direct counseling with
38 ~~individuals or groups~~ *individuals, groups, couples, or families* in
39 a setting described in Section 4999.44 using a variety of
40 psychotherapeutic techniques and recognized counseling

1 interventions within the scope of practice of licensed professional
2 clinical counselors.

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

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

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

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

13 (A) Direct supervisor contact.

14 (B) Client centered advocacy.

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

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

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

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

31 (e) All applicants and interns 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 professional clinical counseling.

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

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

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

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

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

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

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

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

28 ~~SEC. 58.~~

29 *SEC. 57.* Section 4999.47 of the Business and Professions Code
30 is amended to read:

31 4999.47. (a) Clinical counselor trainees, interns, and applicants
32 shall perform services only as an employee or as a volunteer.

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

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

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

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

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

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

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

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

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

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

3 ~~SEC. 59.~~

4 *SEC. 58.* Section 4999.50 of the Business and Professions
5 Code, as amended by Section 66 of Chapter 799 of the Statutes of
6 2012, is amended to read:

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

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

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

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

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

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

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

26 ~~SEC. 60.~~

27 *SEC. 59.* Section 4999.50 of the Business and Professions
28 Code, as amended by Section 67 of Chapter 799 of the Statutes of
29 2012, is amended to read:

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

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

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

38 (3) He or she provides evidence of a passing score, as
39 determined by the board, on the examinations designated in Section
40 4999.53.

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

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

5 ~~SEC. 61.~~

6 *SEC. 60.* Section 4999.52 of the Business and Professions
7 Code, as amended by Section 10 of Chapter 800 of the Statutes of
8 2012, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ~~SEC. 62.~~

12 *SEC. 61.* Section 4999.52 of the Business and Professions
13 Code, as amended by Section 11 of Chapter 800 of the Statutes of
14 2012, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

35 ~~SEC. 63.~~

36 *SEC. 62.* Section 4999.53 of the Business and Professions Code
37 is amended to read:

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

1 (1) A California law and ethics examination.

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

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

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

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

15 (2) Completion of all education requirements.

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

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

18 ~~SEC. 64.~~

19 *SEC. 63.* Section 4999.55 of the Business and Professions Code
20 is amended to read:

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

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

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

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

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

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

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

7 ~~SEC. 65.~~

8 *SEC. 64.* Section 4999.64 of the Business and Professions Code
9 is amended to read:

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

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

20 ~~SEC. 66.~~

21 *SEC. 65.* Section 4999.100 of the Business and Professions
22 Code, as amended by Section 80 of Chapter 799 of the Statutes of
23 2012, is amended to read:

24 4999.100. (a) An intern registration shall expire one year from
25 the last day of the month in which it was issued.

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

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

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

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

35 (c) 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. 67.~~

2 *SEC. 66.* Section 4999.100 of the Business and Professions
3 Code, as amended by Section 81 of Chapter 799 of the Statutes of
4 2012, is amended to read:

5 4999.100. (a) An intern registration shall expire one year from
6 the last day of the month in which it was issued.

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

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

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

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

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

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

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

32 ~~SEC. 68.~~

33 *SEC. 67.* Section 14132 of the Welfare and Institutions Code
34 is amended to read:

35 14132. The following is the schedule of benefits under this
36 chapter:

37 (a) Outpatient services are covered as follows:

38 Physician, hospital or clinic outpatient, surgical center,
39 respiratory care, optometric, chiropractic, psychology, podiatric,
40 occupational therapy, physical therapy, speech therapy, audiology,

1 acupuncture to the extent federal matching funds are provided for
2 acupuncture, and services of persons rendering treatment by prayer
3 or healing by spiritual means in the practice of any church or
4 religious denomination insofar as these can be encompassed by
5 federal participation under an approved plan, subject to utilization
6 controls.

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

10 (2) For Medi-Cal fee-for-service beneficiaries, emergency
11 services and care that are necessary for the treatment of an
12 emergency medical condition and medical care directly related to
13 the emergency medical condition. This paragraph shall not be
14 construed to change the obligation of Medi-Cal managed care
15 plans to provide emergency services and care. For the purposes of
16 this paragraph, “emergency services and care” and “emergency
17 medical condition” shall have the same meanings as those terms
18 are defined in Section 1317.1 of the Health and Safety Code.

19 (c) Nursing facility services, subacute care services, and services
20 provided by any category of intermediate care facility for the
21 developmentally disabled, including podiatry, physician, nurse
22 practitioner services, and prescribed drugs, as described in
23 subdivision (d), are covered subject to utilization controls.
24 Respiratory care, physical therapy, occupational therapy, speech
25 therapy, and audiology services for patients in nursing facilities
26 and any category of intermediate care facility for the
27 developmentally disabled are covered subject to utilization controls.

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

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

33 (3) (A) To the extent required by federal law, the purchase of
34 outpatient prescribed drugs, for which the prescription is executed
35 by a prescriber in written, nonelectronic form on or after April 1,
36 2008, is covered only when executed on a tamper resistant
37 prescription form. The implementation of this paragraph shall
38 conform to the guidance issued by the federal Centers for Medicare
39 and Medicaid Services but shall not conflict with state statutes on
40 the characteristics of tamper resistant prescriptions for controlled

1 substances, including Section 11162.1 of the Health and Safety
2 Code. The department shall provide providers and beneficiaries
3 with as much flexibility in implementing these rules as allowed
4 by the federal government. The department shall notify and consult
5 with appropriate stakeholders in implementing, interpreting, or
6 making specific this paragraph.

7 (B) Notwithstanding Chapter 3.5 (commencing with Section
8 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
9 the department may take the actions specified in subparagraph (A)
10 by means of a provider bulletin or notice, policy letter, or other
11 similar instructions without taking regulatory action.

12 (4) (A) (i) For the purposes of this paragraph, nonlegend has
13 the same meaning as defined in subdivision (a) of Section
14 14105.45.

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

18 (iii) Nonlegend cough and cold products selected by the
19 department are not covered benefits. This clause shall be
20 implemented on the first day of the first calendar month following
21 90 days after the effective date of the act that added this clause,
22 or on the first day of the first calendar month following 60 days
23 after the date the department secures all necessary federal approvals
24 to implement this section, whichever is later.

25 (iv) Beneficiaries under the Early and Periodic Screening,
26 Diagnosis, and Treatment Program shall be exempt from clauses
27 (ii) and (iii).

28 (B) Notwithstanding Chapter 3.5 (commencing with Section
29 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
30 the department may take the actions specified in subparagraph (A)
31 by means of a provider bulletin or notice, policy letter, or other
32 similar instruction without taking regulatory action.

33 (e) Outpatient dialysis services and home hemodialysis services,
34 including physician services, medical supplies, drugs and
35 equipment required for dialysis, are covered, subject to utilization
36 controls.

37 (f) Anesthesiologist services when provided as part of an
38 outpatient medical procedure, nurse anesthetist services when
39 rendered in an inpatient or outpatient setting under conditions set
40 forth by the director, outpatient laboratory services, and X-ray

1 services are covered, subject to utilization controls. Nothing in
2 this subdivision shall be construed to require prior authorization
3 for anesthesiologist services provided as part of an outpatient
4 medical procedure or for portable X-ray services in a nursing
5 facility or any category of intermediate care facility for the
6 developmentally disabled.

7 (g) Blood and blood derivatives are covered.

8 (h) (1) Emergency and essential diagnostic and restorative
9 dental services, except for orthodontic, fixed bridgework, and
10 partial dentures that are not necessary for balance of a complete
11 artificial denture, are covered, subject to utilization controls. The
12 utilization controls shall allow emergency and essential diagnostic
13 and restorative dental services and prostheses that are necessary
14 to prevent a significant disability or to replace previously furnished
15 prostheses which are lost or destroyed due to circumstances beyond
16 the beneficiary's control. Notwithstanding the foregoing, the
17 director may by regulation provide for certain fixed artificial
18 dentures necessary for obtaining employment or for medical
19 conditions that preclude the use of removable dental prostheses,
20 and for orthodontic services in cleft palate deformities administered
21 by the department's California Children Services Program.

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

25 (A) Periodontal treatment is not a benefit.

26 (B) Endodontic therapy is not a benefit except for vital
27 pulpotomy.

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

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

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

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

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

38 (i) Medical transportation is covered, subject to utilization
39 controls.

1 (j) Home health care services are covered, subject to utilization
2 controls.

3 (k) Prosthetic and orthotic devices and eyeglasses are covered,
4 subject to utilization controls. Utilization controls shall allow
5 replacement of prosthetic and orthotic devices and eyeglasses
6 necessary because of loss or destruction due to circumstances
7 beyond the beneficiary's control. Frame styles for eyeglasses
8 replaced pursuant to this subdivision shall not change more than
9 once every two years, unless the department so directs.

10 Orthopedic and conventional shoes are covered when provided
11 by a prosthetic and orthotic supplier on the prescription of a
12 physician and when at least one of the shoes will be attached to a
13 prosthesis or brace, subject to utilization controls. Modification
14 of stock conventional or orthopedic shoes when medically
15 indicated, is covered subject to utilization controls. When there is
16 a clearly established medical need that cannot be satisfied by the
17 modification of stock conventional or orthopedic shoes,
18 custom-made orthopedic shoes are covered, subject to utilization
19 controls.

20 Therapeutic shoes and inserts are covered when provided to
21 beneficiaries with a diagnosis of diabetes, subject to utilization
22 controls, to the extent that federal financial participation is
23 available.

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

28 (m) Durable medical equipment and medical supplies are
29 covered, subject to utilization controls. The utilization controls
30 shall allow the replacement of durable medical equipment and
31 medical supplies when necessary because of loss or destruction
32 due to circumstances beyond the beneficiary's control. The
33 utilization controls shall allow authorization of durable medical
34 equipment needed to assist a disabled beneficiary in caring for a
35 child for whom the disabled beneficiary is a parent, stepparent,
36 foster parent, or legal guardian, subject to the availability of federal
37 financial participation. The department shall adopt emergency
38 regulations to define and establish criteria for assistive durable
39 medical equipment in accordance with the rulemaking provisions
40 of the Administrative Procedure Act (Chapter 3.5 (commencing

1 with Section 11340) of Part 1 of Division 3 of Title 2 of the
2 Government Code).

3 (n) Family planning services are covered, subject to utilization
4 controls.

5 (o) Inpatient intensive rehabilitation hospital services, including
6 respiratory rehabilitation services, in a general acute care hospital
7 are covered, subject to utilization controls, when either of the
8 following criteria are met:

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

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

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

19 (2) Commencing 30 days after the effective date of the act that
20 added this paragraph, and notwithstanding the number of days
21 previously approved through a treatment authorization request,
22 adult day health care is covered for a maximum of three days per
23 week.

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

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

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

32 (2) All dental hygiene services provided by a registered dental
33 hygienist, registered dental hygienist in extended functions, and
34 registered dental hygienist in alternative practice licensed pursuant
35 to Sections 1753, 1917, 1918, and 1922 of the Business and
36 Professions Code may be covered as long as they are within the
37 scope of Denti-Cal benefits and they are necessary services
38 provided by a registered dental hygienist, registered dental
39 hygienist in extended functions, or registered dental hygienist in
40 alternative practice.

1 (r) (1) Paramedic services performed by a city, county, or
2 special district, or pursuant to a contract with a city, county, or
3 special district, and pursuant to a program established under Article
4 3 (commencing with Section 1480) of Chapter 2.5 of Division 2
5 of the Health and Safety Code by a paramedic certified pursuant
6 to that article, and consisting of defibrillation and those services
7 specified in subdivision (3) of Section 1482 of the article.

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

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

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

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

- 28 (1) Level of care and cost of care evaluations.
- 29 (2) Expenses, directly attributable to home care activities, for
30 materials.
- 31 (3) Physician fees for home visits.
- 32 (4) Expenses directly attributable to home care activities for
33 shelter and modification to shelter.
- 34 (5) Expenses directly attributable to additional costs of special
35 diets, including tube feeding.
- 36 (6) Medically related personal services.
- 37 (7) Home nursing education.
- 38 (8) Emergency maintenance repair.

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

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

6 (11) Emergency and nonemergency medical transportation.

7 (12) Medical supplies.

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

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

12 (15) Special drugs and medications.

13 (16) Home health agency supervision of visiting staff which is
14 medically necessary, but not included in the home health agency
15 rate.

16 (17) Therapy services.

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

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

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

22 (21) Respiratory care practitioner services as defined in Sections
23 3702 and 3703 of the Business and Professions Code, subject to
24 prescription by a physician and surgeon.

25 Beneficiaries receiving in-home medical care services are entitled
26 to the full range of services within the Medi-Cal scope of benefits
27 as defined by this section, subject to medical necessity and
28 applicable utilization control. Services provided pursuant to this
29 subdivision, which are not otherwise included in the Medi-Cal
30 schedule of benefits, shall be available only to the extent that
31 federal financial participation for these services is available in
32 accordance with a home- and community-based services waiver.

33 (t) Home- and community-based services approved by the
34 United States Department of Health and Human Services are
35 covered to the extent that federal financial participation is available
36 for those services under the state plan or waivers granted in
37 accordance with Section 1315 or 1396n of Title 42 of the United
38 States Code. The director may seek waivers for any or all home-
39 and community-based services approvable under Section 1315 or
40 1396n of Title 42 of the United States Code. Coverage for those

1 services shall be limited by the terms, conditions, and duration of
2 the federal waivers.

3 (u) Comprehensive perinatal services, as provided through an
4 agreement with a health care provider designated in Section
5 14134.5 and meeting the standards developed by the department
6 pursuant to Section 14134.5, subject to utilization controls.

7 The department shall seek any federal waivers necessary to
8 implement the provisions of this subdivision. The provisions for
9 which appropriate federal waivers cannot be obtained shall not be
10 implemented. Provisions for which waivers are obtained or for
11 which waivers are not required shall be implemented
12 notwithstanding any inability to obtain federal waivers for the
13 other provisions. No provision of this subdivision shall be
14 implemented unless matching funds from Subchapter XIX
15 (commencing with Section 1396) of Chapter 7 of Title 42 of the
16 United States Code are available.

17 (v) Early and periodic screening, diagnosis, and treatment for
18 any individual under 21 years of age is covered, consistent with
19 the requirements of Subchapter XIX (commencing with Section
20 1396) of Chapter 7 of Title 42 of the United States Code.

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

25 (x) When a claim for treatment provided to a beneficiary
26 includes both services which are authorized and reimbursable
27 under this chapter, and services which are not reimbursable under
28 this chapter, that portion of the claim for the treatment and services
29 authorized and reimbursable under this chapter shall be payable.

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

34 Services provided pursuant to a waiver obtained from the
35 Secretary of the United States Department of Health and Human
36 Services pursuant to this subdivision, and which are not otherwise
37 included in the Medi-Cal schedule of benefits, shall be available
38 only to the extent that federal financial participation for these
39 services is available in accordance with the waiver, and subject to
40 the terms, conditions, and duration of the waiver. These services

1 shall be provided to individual beneficiaries in accordance with
2 the client's needs as identified in the plan of care, and subject to
3 medical necessity and applicable utilization control.

4 The director may under this section contract with organizations
5 qualified to provide, directly or by subcontract, services provided
6 for in this subdivision to eligible beneficiaries. Contracts or
7 agreements entered into pursuant to this division shall not be
8 subject to the Public Contract Code.

9 (z) Respiratory care when provided in organized health care
10 systems as defined in Section 3701 of the Business and Professions
11 Code, and as an in-home medical service as outlined in subdivision
12 (s).

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

20 (2) The department shall seek a waiver in accordance with
21 Section 1315 of Title 42 of the United States Code, or a state plan
22 amendment adopted in accordance with Section
23 1396a(a)(10)(A)(ii)(XXI) of Title 42 of the United States Code,
24 which was added to Section 1396a of Title 42 of the United States
25 Code by Section 2303(a)(2) of the federal Patient Protection and
26 Affordable Care Act (PPACA) (Public Law 111-148), for a
27 program to provide comprehensive clinical family planning
28 services as described in paragraph (8). Under the waiver, the
29 program shall be operated only in accordance with the waiver and
30 the statutes and regulations in paragraph (4) and subject to the
31 terms, conditions, and duration of the waiver. Under the state plan
32 amendment, which shall replace the waiver and shall be known as
33 the Family PACT successor state plan amendment, the program
34 shall be operated only in accordance with this subdivision and the
35 statutes and regulations in paragraph (4). The state shall use the
36 standards and processes imposed by the state on January 1, 2007,
37 including the application of an eligibility discount factor to the
38 extent required by the federal Centers for Medicare and Medicaid
39 Services, for purposes of determining eligibility as permitted under
40 Section 1396a(a)(10)(A)(ii)(XXI) of Title 42 of the United States

1 Code. To the extent that federal financial participation is available,
2 the program shall continue to conduct education, outreach,
3 enrollment, service delivery, and evaluation services as specified
4 under the waiver. The services shall be provided under the program
5 only if the waiver and, when applicable, the successor state plan
6 amendment are approved by the federal Centers for Medicare and
7 Medicaid Services and only to the extent that federal financial
8 participation is available for the services. Nothing in this section
9 shall prohibit the department from seeking the Family PACT
10 successor state plan amendment during the operation of the waiver.

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

16 (4) Sections 14105.3 to 14105.39, inclusive, 14107.11, 24005,
17 and 24013, and any regulations adopted under these statutes shall
18 apply to the program provided for under this subdivision. No other
19 provision of law under the Medi-Cal program or the State-Only
20 Family Planning Program shall apply to the program provided for
21 under this subdivision.

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

36 (6) In the event that the Department of Finance determines that
37 the program operated under the authority of the waiver described
38 in paragraph (2) or the Family PACT successor state plan
39 amendment is no longer cost effective, this subdivision shall
40 become inoperative on the first day of the first month following

1 the issuance of a 30-day notification of that determination in
2 writing by the Department of Finance to the chairperson in each
3 house that considers appropriations, the chairpersons of the
4 committees, and the appropriate subcommittees in each house that
5 considers the State Budget, and the Chairperson of the Joint
6 Legislative Budget Committee.

7 (7) If this subdivision ceases to be operative, all persons who
8 have received or are eligible to receive comprehensive clinical
9 family planning services pursuant to the waiver described in
10 paragraph (2) shall receive family planning services under the
11 Medi-Cal program pursuant to subdivision (n) if they are otherwise
12 eligible for Medi-Cal with no share of cost, or shall receive
13 comprehensive clinical family planning services under the program
14 established in Division 24 (commencing with Section 24000) either
15 if they are eligible for Medi-Cal with a share of cost or if they are
16 otherwise eligible under Section 24003.

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

39 (A) Family planning related services and male and female
40 sterilization. Family planning services for men and women shall

1 include emergency services and services for complications directly
2 related to the contraceptive method, federal Food and Drug
3 Administration approved contraceptive drugs, devices, and
4 supplies, and followup, consultation, and referral services, as
5 indicated, which may require treatment authorization requests.

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

10 (C) Culturally and linguistically appropriate health education
11 and counseling services, including informed consent, that include
12 all of the following:

13 (i) Psychosocial and medical aspects of contraception.

14 (ii) Sexuality.

15 (iii) Fertility.

16 (iv) Pregnancy.

17 (v) Parenthood.

18 (vi) Infertility.

19 (vii) Reproductive health care.

20 (viii) Preconception and nutrition counseling.

21 (ix) Prevention and treatment of sexually transmitted infection.

22 (x) Use of contraceptive methods, federal Food and Drug
23 Administration approved contraceptive drugs, devices, and
24 supplies.

25 (xi) Possible contraceptive consequences and followup.

26 (xii) Interpersonal communication and negotiation of
27 relationships to assist individuals and couples in effective
28 contraceptive method use and planning families.

29 (D) A comprehensive health history, updated at the next periodic
30 visit (between 11 and 24 months after initial examination) that
31 includes a complete obstetrical history, gynecological history,
32 contraceptive history, personal medical history, health risk factors,
33 and family health history, including genetic or hereditary
34 conditions.

35 (E) A complete physical examination on initial and subsequent
36 periodic visits.

37 (F) Services, drugs, devices, and supplies deemed by the federal
38 Centers for Medicare and Medicaid Services to be appropriate for
39 inclusion in the program.

1 (9) In order to maximize the availability of federal financial
2 participation under this subdivision, the director shall have the
3 discretion to implement the Family PACT successor state plan
4 amendment retroactively to July 1, 2010.

5 (ab) (1) Purchase of prescribed enteral nutrition products is
6 covered, subject to the Medi-Cal list of enteral nutrition products
7 and utilization controls.

8 (2) Purchase of enteral nutrition products is limited to those
9 products to be administered through a feeding tube, including, but
10 not limited to, a gastric, nasogastric, or jejunostomy tube.
11 Beneficiaries under the Early and Periodic Screening, Diagnosis,
12 and Treatment Program shall be exempt from this paragraph.

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

21 (4) Notwithstanding Chapter 3.5 (commencing with Section
22 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
23 the department may implement the amendments to this subdivision
24 made by the act that added this paragraph by means of all-county
25 letters, provider bulletins, or similar instructions, without taking
26 regulatory action.

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

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