

**Introduced by Senator Wyland**

February 13, 2014

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An act to amend Section 4980.43 of the Business and Professions Code, relating to marriage and family therapists.

LEGISLATIVE COUNSEL'S DIGEST

SB 1012, as amended, Wyland. Marriage and family therapists: trainees.

Existing law, the Licensed Marriage and Family Therapist Act, provides for the licensure or registration of and regulation of marriage and family therapists and interns by the Board of Behavioral Sciences. Existing law imposes, as part of the licensure prerequisites for marriage and family therapists, certain supervised-experience requirements whereby a prospective licensee is required to work a specified number of hours in a clinical setting under the supervision of experienced professionals. Existing law requires an individual supervised after being granted a qualifying degree to receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact is gained in each setting, provided however, that no more than 5 hours of supervision shall be credited during any single week.

This bill would ~~remove the restriction that prohibits~~ *instead allow* an individual with a qualifying degree ~~from being~~ *to be* credited with no more than ~~5~~ 6 hours of supervision during any single week.

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

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

1 SECTION 1. Section 4980.43 of the Business and Professions  
2 Code is amended to read:

3 4980.43. (a) Prior to applying for licensure examinations, each  
4 applicant shall complete experience that shall comply with the  
5 following:

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

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

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

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

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

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

20 (6) No hours of experience may be gained more than six years  
21 prior to the date the application for examination eligibility was  
22 filed, except that up to 500 hours of clinical experience gained in  
23 the supervised practicum required by subdivision (c) of Section  
24 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)  
25 of Section 4980.36 shall be exempt from this six-year requirement.

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

28 (A) Direct supervisor contact.

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

31 (i) Workshops, seminars, training sessions, or conferences  
32 directly related to marriage and family therapy attended by the  
33 applicant that are approved by the applicant's supervisor. An  
34 applicant shall have no more than 250 hours of verified attendance  
35 at these workshops, seminars, training sessions, or conferences.

36 (ii) Participation by the applicant in personal psychotherapy,  
37 which includes group, marital or conjoint, family, or individual  
38 psychotherapy by an appropriately licensed professional. An

1 applicant shall have no more than 100 hours of participation in  
2 personal psychotherapy. The applicant shall be credited with three  
3 hours of experience for each hour of personal psychotherapy.

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

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

8 (A) Experience administering and evaluating psychological  
9 tests, writing clinical reports, writing progress notes, or writing  
10 process notes.

11 (B) Client centered advocacy.

12 (10) Not less than 500 total hours of experience in diagnosing  
13 and treating couples, families, and children. For up to 150 hours  
14 of treating couples and families in conjoint therapy, the applicant  
15 shall be credited with two hours of experience for each hour of  
16 therapy provided.

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

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

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

26 (b) All applicants, trainees, and registrants shall be at all times  
27 under the supervision of a supervisor who shall be responsible for  
28 ensuring that the extent, kind, and quality of counseling performed  
29 is consistent with the training and experience of the person being  
30 supervised, and who shall be responsible to the board for  
31 compliance with all laws, rules, and regulations governing the  
32 practice of marriage and family therapy. Supervised experience  
33 shall be gained by interns and trainees only as an employee or as  
34 a volunteer. The requirements of this chapter regarding gaining  
35 hours of experience and supervision are applicable equally to  
36 employees and volunteers. Experience shall not be gained by  
37 interns or trainees as an independent contractor.

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

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

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

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

11 (2) An individual supervised after being granted a qualifying  
12 degree shall receive at least one additional hour of direct supervisor  
13 contact for every week in which more than 10 hours of client  
14 contact is gained in each setting. *No more than six hours of*  
15 *supervision, whether individual or group, shall be credited during*  
16 *any single week.*

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

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

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

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

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

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

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

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

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

3 (C) Is not a private practice owned by a licensed marriage and  
4 family therapist, a licensed psychologist, a licensed clinical social  
5 worker, a licensed physician and surgeon, or a professional  
6 corporation of any of those licensed professions.

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

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

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

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

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

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

23 (4) Except for periods of time during a supervisor's vacation or  
24 sick leave, an intern who is employed or volunteering in private  
25 practice shall be under the direct supervision of a licensee that has  
26 satisfied the requirements of subdivision (g) of Section 4980.03.  
27 The supervising licensee shall either be employed by and practice  
28 at the same site as the intern's employer, or shall be an owner or  
29 shareholder of the private practice. Alternative supervision may  
30 be arranged during a supervisor's vacation or sick leave if the  
31 supervision meets the requirements of this section.

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

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

37 (g) Except when employed in a private practice setting, all  
38 postdegree hours of experience shall be credited toward licensure  
39 so long as the applicant applies for the intern registration within

1 90 days of the granting of the qualifying master’s or doctoral  
2 degree and is thereafter granted the intern registration by the board.

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

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

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

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

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