

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1012

Introduced by Senator Wyland

February 13, 2014

An act to amend ~~Section~~ *Sections 4980.43 and 4999.46* of the Business and Professions Code, relating to ~~marriage and family therapists~~ *healing arts*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1012, as amended, Wyland. ~~Marriage and family therapists: trainees.~~ *Healing arts: licensure requirements.*

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 requires each applicant for licensure to complete a certain number of hours of experience prior to applying for licensure. Existing law provides that the provision only applies to hours of experience gained on and after January 1, 2010.

This bill would instead allow those hours of experience to include hours of experience gained on and after January 1, 2009.

Existing law also 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 a trainee to receive at least one hour of direct supervisor contact for every 5 hours of client contact in each setting. 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~~ are credited during any single week.

This bill would instead allow *a trainee or* an individual with a qualifying degree to be credited with no more than 6 hours of supervision during any single week.

Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of licensed professional clinical counselors by the Board of Behavioral Sciences. Existing law sets forth the number of hours of experience required for licensure, including supervised clinical mental health experience related to the practice of professional counseling. Existing law provides that no more than 5 hours of supervision may be credited during any single week.

This bill would instead allow no more than 6 hours of supervision to be credited 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.

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

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

9 (A) Direct supervisor contact.

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

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

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

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

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

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

30 (B) Client centered advocacy.

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

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

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

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

3 This subdivision shall only apply to hours gained on and after
4 January 1, ~~2010~~ 2009.

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

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

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

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

27 (1) A trainee shall receive an average of at least one hour of
28 direct supervisor contact for every five hours of client contact in
29 each setting. *No more than six hours of supervision, whether*
30 *individual or group, shall be credited during any single week.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 *SEC. 2. Section 4999.46 of the Business and Professions Code,*
18 *as amended by Section 55 of Chapter 473 of the Statutes of 2013,*
19 *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, groups, couples, or families in a setting described in
31 Section 4999.44 using a variety of psychotherapeutic techniques
32 and recognized counseling interventions within the scope of
33 practice of licensed professional clinical counselors.

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

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

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~~ *six* hours of supervision, whether
4 individual 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. 3. Section 4999.46 of the Business and Professions Code,*
24 *as amended by Section 56 of Chapter 473 of the Statutes of 2013,*
25 *is amended to read:*

26 4999.46. (a) To qualify for the licensure examination specified
27 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
28 shall complete clinical mental health experience under the general
29 supervision of an approved supervisor as defined in Section
30 4999.12.

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

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

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

- 1 (3) Not more than 500 hours of experience providing group
2 therapy or group counseling.
- 3 (4) Not more than 375 hours of experience providing personal
4 psychotherapy, crisis counseling, or other counseling services via
5 telehealth in accordance with Section 2290.5.
- 6 (5) Not less than 150 hours of clinical experience in a hospital
7 or community mental health setting, as defined in Section 1820 of
8 Title 16 of the California Code of Regulations.
- 9 (6) Not more than a combined total of 1,250 hours of experience
10 in the following related activities:
- 11 (A) Direct supervisor contact.
- 12 (B) Client centered advocacy.
- 13 (C) Not more than 250 hours of experience administering tests
14 and evaluating psychological tests of clients, writing clinical
15 reports, writing progress notes, or writing process notes.
- 16 (D) Not more than 250 hours of verified attendance at
17 workshops, seminars, training sessions, or conferences directly
18 related to professional clinical counseling that are approved by the
19 applicant's supervisor.
- 20 (c) No hours of clinical mental health experience may be gained
21 more than six years prior to the date the application for examination
22 eligibility was filed.
- 23 (d) An applicant shall register with the board as an intern in
24 order to be credited for postdegree hours of experience toward
25 licensure. Postdegree hours of experience shall be credited toward
26 licensure, provided that the applicant applies for intern registration
27 within 90 days of the granting of the qualifying degree and is
28 registered as an intern by the board.
- 29 (e) All applicants and interns shall be at all times under the
30 supervision of a supervisor who shall be responsible for ensuring
31 that the extent, kind, and quality of counseling performed is
32 consistent with the training and experience of the person being
33 supervised, and who shall be responsible to the board for
34 compliance with all laws, rules, and regulations governing the
35 practice of professional clinical counseling.
- 36 (f) Experience obtained under the supervision of a spouse or
37 relative by blood or marriage shall not be credited toward the
38 required hours of supervised experience. Experience obtained
39 under the supervision of a supervisor with whom the applicant has
40 had or currently has a personal, professional, or business

1 relationship that undermines the authority or effectiveness of the
2 supervision shall not be credited toward the required hours of
3 supervised experience.

4 (g) Except for experience gained pursuant to subparagraph (D)
5 of paragraph (6) of subdivision (b), 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.

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

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

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

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

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