

AMENDED IN ASSEMBLY JUNE 11, 2014

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 Sections 4980.43 and 4999.46 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1012, as amended, Wyland. Healing arts: licensure requirements.

Existing law, the Licensed Marriage and Family Therapist Act, provides for the licensure or registration 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 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 *for supervision hours gained on or after January 1, 2009.*

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 *for supervision hours gained on or after January 1, 2009.*

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.

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

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

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

12 (A) Direct supervisor contact.

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

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

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

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

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

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

33 (B) Client centered advocacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (8) *The six hours of supervision that may be credited during*
21 *any single week pursuant to paragraphs (1) and (2) shall apply to*
22 *supervision hours gained on or after January 1, 2009.*

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

25 (A) Lawfully and regularly provides mental health counseling
26 or psychotherapy.

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

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

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

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

39 (A) Lawfully and regularly provides mental health counseling
40 or psychotherapy.

1 (B) Provides oversight to ensure that the intern’s work at the
2 setting meets the experience and supervision requirements set forth
3 in this chapter and is within the scope of practice for the profession
4 as defined in Section 4980.02.

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

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

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

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

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

25 (g) Except when employed in a private practice setting, all
26 postdegree hours of experience shall be credited toward licensure
27 so long as the applicant applies for the intern registration within
28 90 days of the granting of the qualifying master’s or doctoral
29 degree and is thereafter granted the intern registration by the board.

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

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

1 or supplies, or in any other way pay for the obligations of their
2 employers.

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

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

24 SEC. 2. Section 4999.46 of the Business and Professions Code,
25 as amended by Section 55 of Chapter 473 of the Statutes of 2013,
26 is amended to read:

27 4999.46. (a) To qualify for the licensure examinations specified
28 in subdivision (c) of Section 4999.52, applicants shall complete
29 clinical mental health experience under the general supervision of
30 an approved supervisor as defined in Section 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 six hours of supervision, whether individual
9 or group, shall be credited during any single week. *This paragraph*
10 *shall apply to supervision hours gained on or after January 1,*
11 *2009.*

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 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. 3. Section 4999.46 of the Business and Professions Code,
31 as amended by Section 56 of Chapter 473 of the Statutes of 2013,
32 is amended to read:

33 4999.46. (a) To qualify for the licensure examination specified
34 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
35 shall complete clinical mental health experience under the general
36 supervision of an approved supervisor as defined in Section
37 4999.12.

38 (b) The experience shall include a minimum of 3,000 postdegree
39 hours of supervised clinical mental health experience related to

- 1 the practice of professional clinical counseling, performed over a
2 period of not less than two years (104 weeks), which shall include:
- 3 (1) Not more than 40 hours in any seven consecutive days.
 - 4 (2) Not less than 1,750 hours of direct counseling with
5 individuals, groups, couples, or families in a setting described in
6 Section 4999.44 using a variety of psychotherapeutic techniques
7 and recognized counseling interventions within the scope of
8 practice of licensed professional clinical counselors.
 - 9 (3) Not more than 500 hours of experience providing group
10 therapy or group counseling.
 - 11 (4) Not more than 375 hours of experience providing personal
12 psychotherapy, crisis counseling, or other counseling services via
13 telehealth in accordance with Section 2290.5.
 - 14 (5) Not less than 150 hours of clinical experience in a hospital
15 or community mental health setting, as defined in Section 1820 of
16 Title 16 of the California Code of Regulations.
 - 17 (6) Not more than a combined total of 1,250 hours of experience
18 in the following related activities:
 - 19 (A) Direct supervisor contact.
 - 20 (B) Client centered advocacy.
 - 21 (C) Not more than 250 hours of experience administering tests
22 and evaluating psychological tests of clients, writing clinical
23 reports, writing progress notes, or writing process notes.
 - 24 (D) Not more than 250 hours of verified attendance at
25 workshops, seminars, training sessions, or conferences directly
26 related to professional clinical counseling that are approved by the
27 applicant's supervisor.
 - 28 (c) No hours of clinical mental health experience may be gained
29 more than six years prior to the date the application for examination
30 eligibility was filed.
 - 31 (d) An applicant shall register with the board as an intern in
32 order to be credited for postdegree hours of experience toward
33 licensure. Postdegree hours of experience shall be credited toward
34 licensure, provided that the applicant applies for intern registration
35 within 90 days of the granting of the qualifying degree and is
36 registered as an intern by the board.
 - 37 (e) All applicants and interns shall be at all times under the
38 supervision of a supervisor who shall be responsible for ensuring
39 that the extent, kind, and quality of counseling performed is
40 consistent with the training and experience of the person being

1 supervised, and who shall be responsible to the board for
2 compliance with all laws, rules, and regulations governing the
3 practice of professional clinical counseling.

4 (f) Experience obtained under the supervision of a spouse or
5 relative by blood or marriage shall not be credited toward the
6 required hours of supervised experience. Experience obtained
7 under the supervision of a supervisor with whom the applicant has
8 had or currently has a personal, professional, or business
9 relationship that undermines the authority or effectiveness of the
10 supervision shall not be credited toward the required hours of
11 supervised experience.

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

16 (1) No more than six hours of supervision, whether individual
17 or group, shall be credited during any single week. *This paragraph*
18 *shall apply to supervision hours gained on or after January 1,*
19 *2009.*

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

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

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

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