

AMENDED IN ASSEMBLY AUGUST 7, 2014

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.

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 establishes certain criteria for the settings in which supervision hours may be credited to a trainee, including, among other things, a prohibition against settings that are private practices owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

The bill would also include a private practice owned by a licensed professional clinical counselor in the list of prohibited settings described above.

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.

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

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

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

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

12 (6) No hours of experience may be gained more than six years
13 prior to the date the application for examination eligibility was
14 filed, except that up to 500 hours of clinical experience gained in
15 the supervised practicum required by subdivision (c) of Section
16 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
17 of Section 4980.36 shall be exempt from this six-year requirement.

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

20 (A) Direct supervisor contact.

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

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

28 (ii) Participation by the applicant in personal psychotherapy,
29 which includes group, marital or conjoint, family, or individual
30 psychotherapy by an appropriately licensed professional. An
31 applicant shall have no more than 100 hours of participation in
32 personal psychotherapy. The applicant shall be credited with three
33 hours of experience for each hour of personal psychotherapy.

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

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

38 (A) Experience administering and evaluating psychological
39 tests, writing clinical reports, writing progress notes, or writing
40 process notes.

1 (B) Client centered advocacy.

2 (10) Not less than 500 total hours of experience in diagnosing
3 and treating couples, families, and children. For up to 150 hours
4 of treating couples and families in conjoint therapy, the applicant
5 shall be credited with two hours of experience for each hour of
6 therapy provided.

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

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

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

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

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

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

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

38 (1) A trainee shall receive an average of at least one hour of
39 direct supervisor contact for every five hours of client contact in

1 each setting. No more than six hours of supervision, whether
2 individual or group, shall be credited during any single week.

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

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

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

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

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

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

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

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

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

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

37 (C) Is not a private practice owned by a licensed marriage and
38 family therapist, a *licensed professional clinical counselor*, a
39 licensed psychologist, a licensed clinical social worker, a licensed

1 physician and surgeon, or a professional corporation of any of
2 those licensed professions.

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

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

7 (A) Lawfully and regularly provides mental health counseling
8 or psychotherapy.

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

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

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

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

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

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

33 (g) Except when employed in a private practice setting, all
34 postdegree hours of experience shall be credited toward licensure
35 so long as the applicant applies for the intern registration within
36 90 days of the granting of the qualifying master's or doctoral
37 degree and is thereafter granted the intern registration by the board.

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

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

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

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

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

35 4999.46. (a) To qualify for the licensure examinations specified
36 in subdivision (c) of Section 4999.52, applicants shall complete
37 clinical mental health experience under the general supervision of
38 an approved supervisor as defined in Section 4999.12.

39 (b) The experience shall include a minimum of 3,000 postdegree
40 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, 2009.

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

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

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

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

37 SEC. 3. Section 4999.46 of the Business and Professions Code,
38 as amended by Section 56 of Chapter 473 of the Statutes of 2013,
39 is amended to read:

1 4999.46. (a) To qualify for the licensure examination specified
2 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
3 shall complete clinical mental health experience under the general
4 supervision of an approved supervisor as defined in Section
5 4999.12.

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

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

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

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

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

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

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

26 (A) Direct supervisor contact.

27 (B) Client centered advocacy.

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

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

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

38 (d) An applicant shall register with the board as an intern in
39 order to be credited for postdegree hours of experience toward
40 licensure. Postdegree hours of experience shall be credited toward

1 licensure, provided that the applicant applies for intern registration
2 within 90 days of the granting of the qualifying degree and is
3 registered as an intern by the board.

4 (e) All applicants and interns shall be at all times under the
5 supervision of a supervisor who shall be responsible for ensuring
6 that the extent, kind, and quality of counseling performed is
7 consistent with the training and experience of the person being
8 supervised, and who shall be responsible to the board for
9 compliance with all laws, rules, and regulations governing the
10 practice of professional clinical counseling.

11 (f) Experience obtained under the supervision of a spouse or
12 relative by blood or marriage shall not be credited toward the
13 required hours of supervised experience. Experience obtained
14 under the supervision of a supervisor with whom the applicant has
15 had or currently has a personal, professional, or business
16 relationship that undermines the authority or effectiveness of the
17 supervision shall not be credited toward the required hours of
18 supervised experience.

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

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

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

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

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

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

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