

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 10, 2016

An act to amend Sections 1632, 1634.1, 2467, 4980.36, 4980.37, 4980.43, 4980.78, 4980.79, 4992.05, 4996.18, 4996.23, 4999.12, 4999.40, 4999.47, 4999.52, 4999.60, 4999.61, and 4999.120 of, to add Sections 4980.09 and 4999.12.5 to, to repeal Sections 852, 2029, 4980.40.5, and 4999.54 of, and to repeal Article 16 (commencing with Section 2380) of Chapter 5 of Division 2 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1478, as introduced, Committee on Business, Professions and Economic Development. Healing arts.

Existing law provides for the licensure and regulation of healing arts professions and vocations by boards within the Department of Consumer Affairs.

(1) Existing law establishes the Task Force on Culturally and Linguistically Competent Physicians and Dentists. Existing law requires the task force to develop recommendations for a continuing education program that includes language proficiency standards of foreign language to be acquired to meet linguistic competency, identify the key cultural elements necessary to meet cultural competency by physicians, dentists, and their offices and assess the need for voluntary certification standards and examinations for cultural and linguistic competency.

This bill would delete those provisions.

(2) The Dental Practice Act provides for the licensure and regulation of dentists by the Dental Board of California. Existing law requires

each applicant to, among other things, successfully complete the Part I and Part II written examinations of the National Board Dental Examination of the Joint Commission on National Dental Examinations.

This bill would instead require the applicant to successfully complete the written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations.

(3) The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California.

Existing law requires the board to keep a copy of a complaint it receives regarding the poor quality of care rendered by a licensee for 10 years from the date the board receives the complaint, as provided.

This bill would delete that requirement.

Existing law creates the Bureau of Medical Statistics within the board. Under existing law, the purpose of the bureau is to provide the board with statistical information necessary to carry out their functions of licensing, medical education, medical quality, and enforcement.

This bill would abolish that bureau.

(4) Under existing law, the California Board of Podiatric Medicine is responsible for the certification and regulation of the practice of podiatric medicine. Existing law requires the board to annually elect one of its members to act as president and vice president.

This bill would instead require the board to elect from its members a president, a vice president, and a secretary.

(5) The Board of Behavioral Sciences is responsible for administering, among others, the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act.

(A) Existing law, the Licensed Marriage and Family Therapist Act, provides for the regulation of the practice of marriage and family therapy by the Board of Behavioral Sciences. A violation of the act is a crime. Existing law requires the licensure of marriage and family therapists and the registration of marriage and family therapist interns. Under existing law, an “intern” is defined as an unlicensed person who has earned his or her master’s or doctoral degree qualifying him or her for licensure and is registered with the board. Existing law prohibits the abbreviation “MFTI” from being used in an advertisement unless the title “marriage and family therapist registered intern” appears in the advertisement.

Existing law, the Licensed Professional Clinical Counselor Act, provides for the regulation of the practice of professional clinical

counseling by the Board of Behavioral Sciences. Existing law requires the licensure of professional clinical counselors and the registration of professional clinical counselor interns. Under existing law, an “intern” is defined as an unlicensed person who meets specified requirements for registration and is registered with the board.

This bill, commencing January 1, 2018, would provide that certain specified titles using the term “intern” or any reference to the term “intern” in those acts shall be deemed to be a reference to an “associate,” as specified. Because this bill would change the definition of a crime, it would impose a state-mandated local program.

(B) The Licensed Marriage and Family Therapist Act generally requires specified applicants for licensure and registration to meet certain educational degree requirements, including having obtained that degree from a school, college, or university that, among other things, is accredited by a regional accrediting agency recognized by the United States Department of Education.

This bill would authorize that accreditation to be by a regional or national institutional accrediting agency recognized by the United States Department of Education.

Under the Licensed Marriage and Family Therapist Act, a specified doctoral or master’s degree approved by the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007, is considered by the Board of Behavioral Sciences to meet the specified licensure and registration requirements if the degree is conferred on or before July 1, 2010. As an alternative, existing law requires the Board of Behavioral Sciences to accept those doctoral or master's degrees as equivalent degrees if those degrees are conferred by educational institutions accredited by specified associations.

This bill would delete those provisions.

(C) Under the Licensed Marriage and Family Therapist Act, an applicant for licensure is required to complete experience related to the practice of marriage and family therapy under the supervision of a supervisor. Existing law requires applicants, trainees who are unlicensed persons enrolled in an educational program to qualify for licensure, and interns who are unlicensed persons who have completed an educational program and is registered with the board to be at all times under the supervision of a supervisor. Existing law requires interns and trainees to only gain supervised experience as an employee or volunteer and prohibits experience from being gained as an independent contractor. Similarly, the Licensed Professional Clinical Counselor Act requires

clinical counselor trainees, interns, and applicants to perform services only as an employee or as a volunteer. The Licensed Professional Clinical Counselor Act prohibits gaining mental health experience by interns or trainees as an independent contractor.

The Clinical Social Worker Practice Act requires applicants to complete supervised experience related to the practice of clinical social work.

This bill would prohibit these persons from being employed as independent contractors and from gaining experience for work performed as an independent contractor reported on a specified tax form.

(D) The Licensed Professional Clinical Counselor Act defines the term “accredited” for the purposes of the act to mean a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association. The act requires each educational institution preparing applicants to qualify for licensure to notify each of its students in writing that its degree program is designed to meet specified examination eligibility or registration requirements and to certify to the Board of Behavioral Sciences that it has provided that notice.

This bill would re-define “accredited” to mean a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education. The bill would additionally require an applicant for registration or licensure to submit to the Board of Behavioral Sciences a certification from the applicant’s educational institution specifying that the curriculum and coursework complies with those examination eligibility or registration requirements.

(6) This bill would additionally delete various obsolete provisions, make conforming changes, and make other nonsubstantive changes.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 852 of the Business and Professions Code
2 is repealed.
3 ~~852. (a) The Task Force on Culturally and Linguistically~~
4 ~~Competent Physicians and Dentists is hereby created and shall~~
5 ~~consist of the following members:~~
6 ~~(1) The State Director of Health Services and the Director of~~
7 ~~Consumer Affairs, who shall serve as cochairs of the task force.~~
8 ~~(2) The Executive Director of the Medical Board of California.~~
9 ~~(3) The Executive Director of the Dental Board of California.~~
10 ~~(4) One member appointed by the Senate Committee on Rules.~~
11 ~~(5) One member appointed by the Speaker of the Assembly.~~
12 ~~(b) Additional task force members shall be appointed by the~~
13 ~~Director of Consumer Affairs, in consultation with the State~~
14 ~~Director of Health Services, as follows:~~
15 ~~(1) Representatives of organizations that advocate on behalf of~~
16 ~~California licensed physicians and dentists.~~
17 ~~(2) California licensed physicians and dentists that provide~~
18 ~~health services to members of language and ethnic minority groups.~~
19 ~~(3) Representatives of organizations that advocate on behalf of,~~
20 ~~or provide health services to, members of language and ethnic~~
21 ~~minority groups.~~
22 ~~(4) Representatives of entities that offer continuing education~~
23 ~~for physicians and dentists.~~
24 ~~(5) Representatives of California's medical and dental schools.~~
25 ~~(6) Individuals with experience in developing, implementing,~~
26 ~~monitoring, and evaluating cultural and linguistic programs.~~
27 ~~(c) The duties of the task force shall include the following:~~
28 ~~(1) Developing recommendations for a continuing education~~
29 ~~program that includes language proficiency standards of foreign~~
30 ~~language to be acquired to meet linguistic competency.~~
31 ~~(2) Identifying the key cultural elements necessary to meet~~
32 ~~cultural competency by physicians, dentists, and their offices.~~
33 ~~(3) Assessing the need for voluntary certification standards and~~
34 ~~examinations for cultural and linguistic competency.~~
35 ~~(d) The task force shall hold hearings and convene meetings to~~
36 ~~obtain input from persons belonging to language and ethnic~~
37 ~~minority groups to determine their needs and preferences for having~~
38 ~~culturally competent medical providers. These hearings and~~

1 meetings shall be convened in communities that have large
2 populations of language and ethnic minority groups.

3 ~~(e) The task force shall report its findings to the Legislature and~~
4 ~~appropriate licensing boards within two years after creation of the~~
5 ~~task force.~~

6 ~~(f) The Medical Board of California and the Dental Board of~~
7 ~~California shall pay the state administrative costs of implementing~~
8 ~~this section.~~

9 ~~(g) Nothing in this section shall be construed to require~~
10 ~~mandatory continuing education of physicians and dentists.~~

11 SEC. 2. Section 1632 of the Business and Professions Code is
12 amended to read:

13 1632. (a) The board shall require each applicant to successfully
14 complete the ~~Part I and Part II written examinations~~ *written*
15 *examination* of the National Board Dental Examination of the Joint
16 Commission on National Dental Examinations.

17 (b) The board shall require each applicant to successfully
18 complete an examination in California law and ethics developed
19 and administered by the board. The board shall provide a separate
20 application for this examination. The board shall ensure that the
21 law and ethics examination reflects current law and regulations,
22 and ensure that the examinations are randomized. Applicants shall
23 submit this application and required fee to the board in order to
24 take this examination. In addition to the aforementioned
25 application, the only other requirement for taking this examination
26 shall be certification from the dean of the qualifying dental school
27 attended by the applicant that the applicant has graduated, or will
28 graduate, or is expected to graduate. Applicants who submit
29 completed applications and certification from the dean at least 15
30 days prior to a scheduled examination shall be scheduled to take
31 the examination. Successful results of the examination shall, as
32 established by board regulation, remain valid for two years from
33 the date that the applicant is notified of having passed the
34 examination.

35 (c) Except as otherwise provided in Section 1632.5, the board
36 shall require each applicant to have taken and received a passing
37 score on one of the following:

38 (1) A portfolio examination of the applicant's competence to
39 enter the practice of dentistry. This examination shall be conducted
40 while the applicant is enrolled in a dental school program at a

1 board-approved school located in California. This examination
2 shall utilize uniform standards of clinical experiences and
3 competencies, as approved by the board pursuant to Section 1632.1.
4 The applicant shall pass a final assessment of the submitted
5 portfolio at the end of his or her dental school program. Before
6 any portfolio assessment may be submitted to the board, the
7 applicant shall remit the required fee to the board to be deposited
8 into the State Dentistry Fund, and a letter of good standing signed
9 by the dean of his or her dental school or his or her delegate stating
10 that the applicant has graduated or will graduate with no pending
11 ethical issues.

12 (A) The portfolio examination shall not be conducted until the
13 board adopts regulations to carry out this paragraph. The board
14 shall post notice on its Internet Web site when these regulations
15 have been adopted.

16 (B) The board shall also provide written notice to the Legislature
17 and the Legislative Counsel when these regulations have been
18 adopted.

19 (2) A clinical and written examination administered by the
20 Western Regional Examining Board, which board shall determine
21 the passing score for that examination.

22 (d) Notwithstanding subdivision (b) of Section 1628, the board
23 is authorized to do either of the following:

24 (1) Approve an application for examination from, and to
25 examine an applicant who is enrolled in, but has not yet graduated
26 from, a reputable dental school approved by the board.

27 (2) Accept the results of an examination described in paragraph
28 (2) of subdivision (c) submitted by an applicant who was enrolled
29 in, but had not graduated from, a reputable dental school approved
30 by the board at the time the examination was administered.

31 In either case, the board shall require the dean of that school or
32 his or her delegate to furnish satisfactory proof that the applicant
33 will graduate within one year of the date the examination was
34 administered or as provided in paragraph (1) of subdivision (c).

35 SEC. 3. Section 1634.1 of the Business and Professions Code
36 is amended to read:

37 1634.1. Notwithstanding Section 1634, the board may grant a
38 license to practice dentistry to an applicant who submits all of the
39 following to the board:

1 (a) A completed application form and all fees required by the
2 board.

3 (b) Satisfactory evidence of having graduated from a dental
4 school approved by the board or by the Commission on Dental
5 Accreditation of the American Dental Association.

6 (c) Satisfactory evidence of having completed a clinically based
7 advanced education program in general dentistry or an advanced
8 education program in general practice residency that is, at
9 minimum, one year in duration and is accredited by either the
10 Commission on Dental Accreditation of the American Dental
11 Association or a national accrediting body approved by the board.
12 The advanced education program shall include a certification of
13 clinical residency program completion approved by the board, to
14 be completed upon the resident’s successful completion of the
15 program in order to evaluate his or her competence to practice
16 dentistry in the state.

17 (d) Satisfactory evidence of having successfully completed the
18 ~~written examinations~~ *examination* of the National Board Dental
19 Examination of the Joint Commission on National Dental
20 Examinations.

21 (e) Satisfactory evidence of having successfully completed an
22 examination in California law and ethics.

23 (f) Proof that the applicant has not failed the examination for
24 licensure to practice dentistry under this chapter within five years
25 prior to the date of his or her application for a license under this
26 chapter.

27 SEC. 4. Section 2029 of the Business and Professions Code is
28 repealed.

29 ~~2029. The board shall keep a copy of a complaint it receives
30 regarding the poor quality of care rendered by a licensee for 10
31 years from the date the board receives the complaint. For retrieval
32 purposes, these complaints shall be filed by the licensee’s name
33 and license number.~~

34 SEC. 5. Article 16 (commencing with Section 2380) of Chapter
35 5 of Division 2 of the Business and Professions Code is repealed.

36 SEC. 6. Section 2467 of the Business and Professions Code is
37 amended to read:

38 2467. (a) The board may convene from time to time as it deems
39 necessary.

1 (b) Four members of the board constitute a quorum for the
2 transaction of business at any meeting.

3 (c) It shall require the affirmative vote of a majority of those
4 members present at a meeting, those members constituting at least
5 a quorum, to pass any motion, resolution, or measure.

6 (d) The board shall ~~annually elect one of~~ *from* its members ~~to~~
7 ~~act as president and a member to act as a president, a vice-president~~
8 *president, and a secretary* who shall hold their respective positions
9 at the pleasure of the board. The president may call meetings of
10 the board and any duly appointed committee at a specified time
11 and place.

12 SEC. 7. Section 4980.09 is added to the Business and
13 Professions Code, to read:

14 4980.09. (a) The title “marriage and family therapist intern”
15 or “marriage and family therapist registered intern” is hereby
16 renamed “associate marriage and family therapist” or “registered
17 associate marriage and family therapist,” respectively. Any
18 reference in statute or regulation to a “marriage and family therapist
19 intern” or “marriage and family therapist registered intern” shall
20 be deemed a reference to an “associate marriage and family
21 therapist” or “registered associate marriage and family therapist.”

22 (b) Nothing in this section shall be construed to expand or
23 constrict the scope of practice of a person licensed or registered
24 pursuant to this chapter.

25 (c) This section shall become operative January 1, 2018.

26 SEC. 8. Section 4980.36 of the Business and Professions Code
27 is amended to read:

28 4980.36. (a) This section shall apply to the following:

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

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

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

37 (b) To qualify for a license or registration, applicants shall
38 possess a doctoral or master’s degree meeting the requirements of
39 this section in marriage, family, and child counseling, marriage
40 and family therapy, couple and family therapy, psychology, clinical

1 psychology, counseling psychology, or counseling with an
2 emphasis in either marriage, family, and child counseling or
3 marriage and family therapy, obtained from a school, college, or
4 university approved by the Bureau for Private Postsecondary
5 Education, or accredited by either the Commission on Accreditation
6 for Marriage and Family Therapy Education, or a regional *or*
7 *national institutional* accrediting agency that is recognized by the
8 United States Department of Education. The board has the authority
9 to make the final determination as to whether a degree meets all
10 requirements, including, but not limited to, course requirements,
11 regardless of accreditation or approval.

12 (c) A doctoral or master's degree program that qualifies for
13 licensure or registration shall do the following:

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

15 (A) Marriage and family therapy principles.

16 (B) The principles of mental health recovery-oriented care and
17 methods of service delivery in recovery-oriented practice
18 environments, among others.

19 (C) An understanding of various cultures and the social and
20 psychological implications of socioeconomic position, and an
21 understanding of how poverty and social stress impact an
22 individual's mental health and recovery.

23 (2) Allow for innovation and individuality in the education of
24 marriage and family therapists.

25 (3) Encourage students to develop the personal qualities that
26 are intimately related to effective practice, including, but not
27 limited to, integrity, sensitivity, flexibility, insight, compassion,
28 and personal presence.

29 (4) Permit an emphasis or specialization that may address any
30 one or more of the unique and complex array of human problems,
31 symptoms, and needs of Californians served by marriage and
32 family therapists.

33 (5) Provide students with the opportunity 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 (d) The degree described in subdivision (b) shall contain no less
38 than 60 semester or 90 quarter units of instruction that includes,
39 but is not limited to, the following requirements:

40 (1) Both of the following:

1 (A) No less than 12 semester or 18 quarter units of coursework
2 in theories, principles, and methods of a variety of
3 psychotherapeutic orientations directly related to marriage and
4 family therapy and marital and family systems approaches to
5 treatment and how these theories can be applied therapeutically
6 with individuals, couples, families, adults, including elder adults,
7 children, adolescents, and groups to improve, restore, or maintain
8 healthy relationships.

9 (B) Practicum that involves direct client contact, as follows:

10 (i) A minimum of six semester or nine quarter units of practicum
11 in a supervised clinical placement that provides supervised
12 fieldwork experience.

13 (ii) A minimum of 150 hours of face-to-face experience
14 counseling individuals, couples, families, or groups.

15 (iii) A student must be enrolled in a practicum course while
16 counseling clients, except as specified in subdivision (c) of Section
17 4980.42.

18 (iv) The practicum shall provide training in all of the following
19 areas:

20 (I) Applied use of theory and psychotherapeutic techniques.

21 (II) Assessment, diagnosis, and prognosis.

22 (III) Treatment of individuals and premarital, couple, family,
23 and child relationships, including trauma and abuse, dysfunctions,
24 healthy functioning, health promotion, illness prevention, and
25 working with families.

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

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

30 (v) Educational institutions are encouraged to design the
31 practicum required by this subparagraph to include marriage and
32 family therapy experience in low income and multicultural mental
33 health settings.

34 (vi) In addition to the 150 hours required in clause (ii), 75 hours
35 of either of the following, or a combination thereof:

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

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

39 (2) Instruction in all of the following:

- 1 (A) Diagnosis, assessment, prognosis, and treatment of mental
2 disorders, including severe mental disorders, evidence-based
3 practices, psychological testing, psychopharmacology, and
4 promising mental health practices that are evaluated in peer
5 reviewed literature.
- 6 (B) Developmental issues from infancy to old age, including
7 instruction in all of the following areas:
- 8 (i) The effects of developmental issues on individuals, couples,
9 and family relationships.
- 10 (ii) The psychological, psychotherapeutic, and health
11 implications of developmental issues and their effects.
- 12 (iii) Aging and its biological, social, cognitive, and
13 psychological aspects. This coursework shall include instruction
14 on the assessment and reporting of, as well as treatment related
15 to, elder and dependent adult abuse and neglect.
- 16 (iv) A variety of cultural understandings of human development.
- 17 (v) The understanding of human behavior within the social
18 context of socioeconomic status and other contextual issues
19 affecting social position.
- 20 (vi) The understanding of human behavior within the social
21 context of a representative variety of the cultures found within
22 California.
- 23 (vii) The understanding of the impact that personal and social
24 insecurity, social stress, low educational levels, inadequate housing,
25 and malnutrition have on human development.
- 26 (C) The broad range of matters and life events that may arise
27 within marriage and family relationships and within a variety of
28 California cultures, including instruction in all of the following:
- 29 (i) A minimum of seven contact hours of training or coursework
30 in child abuse assessment and reporting as specified in Section 28,
31 and any regulations promulgated thereunder.
- 32 (ii) Spousal or partner abuse assessment, detection, intervention
33 strategies, and same gender abuse dynamics.
- 34 (iii) Cultural factors relevant to abuse of partners and family
35 members.
- 36 (iv) Childbirth, child rearing, parenting, and stepparenting.
- 37 (v) Marriage, divorce, and blended families.
- 38 (vi) Long-term care.
- 39 (vii) End of life and grief.
- 40 (viii) Poverty and deprivation.

- 1 (ix) Financial and social stress.
- 2 (x) Effects of trauma.
- 3 (xi) The psychological, psychotherapeutic, community, and
- 4 health implications of the matters and life events described in
- 5 clauses (i) to (x), inclusive.
- 6 (D) Cultural competency and sensitivity, including a familiarity
- 7 with the racial, cultural, linguistic, and ethnic backgrounds of
- 8 persons living in California.
- 9 (E) Multicultural development and cross-cultural interaction,
- 10 including experiences of race, ethnicity, class, spirituality, sexual
- 11 orientation, gender, and disability, and their incorporation into the
- 12 psychotherapeutic process.
- 13 (F) The effects of socioeconomic status on treatment and
- 14 available resources.
- 15 (G) Resilience, including the personal and community qualities
- 16 that enable persons to cope with adversity, trauma, tragedy, threats,
- 17 or other stresses.
- 18 (H) Human sexuality, including the study of physiological,
- 19 psychological, and social cultural variables associated with sexual
- 20 behavior and gender identity, and the assessment and treatment of
- 21 psychosexual dysfunction.
- 22 (I) Substance use disorders, co-occurring disorders, and
- 23 addiction, including, but not limited to, instruction in all of the
- 24 following:
 - 25 (i) The definition of substance use disorders, co-occurring
 - 26 disorders, and addiction. For purposes of this subparagraph,
 - 27 “co-occurring disorders” means a mental illness and substance
 - 28 abuse diagnosis occurring simultaneously in an individual.
 - 29 (ii) Medical aspects of substance use disorders and co-occurring
 - 30 disorders.
 - 31 (iii) The effects of psychoactive drug use.
 - 32 (iv) Current theories of the etiology of substance abuse and
 - 33 addiction.
 - 34 (v) The role of persons and systems that support or compound
 - 35 substance abuse and addiction.
 - 36 (vi) Major approaches to identification, evaluation, and treatment
 - 37 of substance use disorders, co-occurring disorders, and addiction,
 - 38 including, but not limited to, best practices.
 - 39 (vii) Legal aspects of substance abuse.

- 1 (viii) Populations at risk with regard to substance use disorders
2 and co-occurring disorders.
- 3 (ix) Community resources offering screening, assessment,
4 treatment, and followup for the affected person and family.
- 5 (x) Recognition of substance use disorders, co-occurring
6 disorders, and addiction, and appropriate referral.
- 7 (xi) The prevention of substance use disorders and addiction.
- 8 (J) California law and professional ethics for marriage and
9 family therapists, including instruction in all of the following areas
10 of study:
- 11 (i) Contemporary professional ethics and statutory, regulatory,
12 and decisional laws that delineate the scope of practice of marriage
13 and family therapy.
- 14 (ii) The therapeutic, clinical, and practical considerations
15 involved in the legal and ethical practice of marriage and family
16 therapy, including, but not limited to, family law.
- 17 (iii) The current legal patterns and trends in the mental health
18 professions.
- 19 (iv) The psychotherapist-patient privilege, confidentiality, the
20 patient dangerous to self or others, and the treatment of minors
21 with and without parental consent.
- 22 (v) A recognition and exploration of the relationship between
23 a practitioner's sense of self and human values and his or her
24 professional behavior and ethics.
- 25 (vi) Differences in legal and ethical standards for different types
26 of work settings.
- 27 (vii) Licensing law and licensing process.
- 28 (e) The degree described in subdivision (b) shall, in addition to
29 meeting the requirements of subdivision (d), include instruction
30 in case management, systems of care for the severely mentally ill,
31 public and private services and supports available for the severely
32 mentally ill, community resources for persons with mental illness
33 and for victims of abuse, disaster and trauma response, advocacy
34 for the severely mentally ill, and collaborative treatment. This
35 instruction may be provided either in credit level coursework or
36 through extension programs offered by the degree-granting
37 institution.
- 38 (f) The changes made to law by this section are intended to
39 improve the educational qualifications for licensure in order to
40 better prepare future licentiates for practice, and are not intended

1 to expand or restrict the scope of practice for marriage and family
2 therapists.

3 SEC. 9. Section 4980.37 of the Business and Professions Code
4 is amended to read:

5 4980.37. (a) This section shall apply to applicants for licensure
6 or registration who begin graduate study before August 1, 2012,
7 and complete that study on or before December 31, 2018. Those
8 applicants may alternatively qualify under paragraph (2) of
9 subdivision (a) of Section 4980.36.

10 (b) To qualify for a license or registration, applicants shall
11 possess a doctor's or master's degree in marriage, family, and child
12 counseling, marriage and family therapy, couple and family
13 therapy, psychology, clinical psychology, counseling psychology,
14 or counseling with an emphasis in either marriage, family, and
15 child counseling or marriage and family therapy, obtained from a
16 school, college, or university accredited by a regional *or national*
17 *institutional* accrediting agency that is recognized by the United
18 States Department of Education or approved by the Bureau for
19 Private Postsecondary Education. The board has the authority to
20 make the final determination as to whether a degree meets all
21 requirements, including, but not limited to, course requirements,
22 regardless of accreditation or approval. In order to qualify for
23 licensure pursuant to this section, a doctor's or master's degree
24 program shall be a single, integrated program primarily designed
25 to train marriage and family therapists and shall contain no less
26 than 48 semester or 72 quarter units of instruction. This instruction
27 shall include no less than 12 semester units or 18 quarter units of
28 coursework in the areas of marriage, family, and child counseling,
29 and marital and family systems approaches to treatment. The
30 coursework shall include all of the following areas:

31 (1) The salient theories of a variety of psychotherapeutic
32 orientations directly related to marriage and family therapy, and
33 marital and family systems approaches to treatment.

34 (2) Theories of marriage and family therapy and how they can
35 be utilized in order to intervene therapeutically with couples,
36 families, adults, children, and groups.

37 (3) Developmental issues and life events from infancy to old
38 age and their effect on individuals, couples, and family
39 relationships. This may include coursework that focuses on specific
40 family life events and the psychological, psychotherapeutic, and

1 health implications that arise within couples and families,
2 including, but not limited to, childbirth, child rearing, childhood,
3 adolescence, adulthood, marriage, divorce, blended families,
4 stepparenting, abuse and neglect of older and dependent adults,
5 and geropsychology.

6 (4) A variety of approaches to the treatment of children.

7 The board shall, by regulation, set forth the subjects of instruction
8 required in this subdivision.

9 (c) (1) In addition to the 12 semester or 18 quarter units of
10 coursework specified in subdivision (b), the doctor's or master's
11 degree program shall contain not less than six semester or nine
12 quarter units of supervised practicum in applied psychotherapeutic
13 technique, assessments, diagnosis, prognosis, and treatment of
14 premarital, couple, family, and child relationships, including
15 dysfunctions, healthy functioning, health promotion, and illness
16 prevention, in a supervised clinical placement that provides
17 supervised fieldwork experience within the scope of practice of a
18 marriage and family therapist.

19 (2) For applicants who enrolled in a degree program on or after
20 January 1, 1995, the practicum shall include a minimum of 150
21 hours of face-to-face experience counseling individuals, couples,
22 families, or groups.

23 (3) The practicum hours shall be considered as part of the 48
24 semester or 72 quarter unit requirement.

25 (d) As an alternative to meeting the qualifications specified in
26 subdivision (b), the board shall accept as equivalent degrees those
27 master's or doctor's degrees granted by educational institutions
28 whose degree program is approved by the Commission on
29 Accreditation for Marriage and Family Therapy Education.

30 (e) In order to provide an integrated course of study and
31 appropriate professional training, while allowing for innovation
32 and individuality in the education of marriage and family therapists,
33 a degree program that meets the educational qualifications for
34 licensure or registration under this section shall do all of the
35 following:

36 (1) Provide an integrated course of study that trains students
37 generally in the diagnosis, assessment, prognosis, and treatment
38 of mental disorders.

39 (2) Prepare students to be familiar with the broad range of
40 matters that may arise within marriage and family relationships.

1 (3) Train students specifically in the application of marriage
2 and family relationship counseling principles and methods.

3 (4) Encourage students to develop those personal qualities that
4 are intimately related to the counseling situation such as integrity,
5 sensitivity, flexibility, insight, compassion, and personal presence.

6 (5) Teach students a variety of effective psychotherapeutic
7 techniques and modalities that may be utilized to improve, restore,
8 or maintain healthy individual, couple, and family relationships.

9 (6) Permit an emphasis or specialization that may address any
10 one or more of the unique and complex array of human problems,
11 symptoms, and needs of Californians served by marriage and
12 family therapists.

13 (7) Prepare students to be familiar with cross-cultural mores
14 and values, including a familiarity with the wide range of racial
15 and ethnic backgrounds common among California's population,
16 including, but not limited to, Blacks, Hispanics, Asians, and Native
17 Americans.

18 (f) Educational institutions are encouraged to design the
19 practicum required by this section to include marriage and family
20 therapy experience in low income and multicultural mental health
21 settings.

22 (g) This section shall remain in effect only until January 1, 2019,
23 and as of that date is repealed, unless a later enacted statute, that
24 is enacted before January 1, 2019, deletes or extends that date.

25 SEC. 10. Section 4980.40.5 of the Business and Professions
26 Code is repealed.

27 ~~4980.40.5. (a) A doctoral or master's degree in marriage,~~
28 ~~family, and child counseling, marital and family therapy, couple~~
29 ~~and family therapy, psychology, clinical psychology, counseling~~
30 ~~psychology, or counseling with an emphasis in either marriage,~~
31 ~~family, and child counseling, or marriage and family therapy,~~
32 ~~obtained from a school, college, or university approved by the~~
33 ~~Bureau for Private Postsecondary Education as of June 30, 2007,~~
34 ~~shall be considered by the board to meet the requirements necessary~~
35 ~~for licensure as a marriage and family therapist and for registration~~
36 ~~as a marriage and family therapist intern provided that the degree~~
37 ~~is conferred on or before July 1, 2010.~~

38 ~~(b) As an alternative to meeting the qualifications specified in~~
39 ~~subdivision (a) of Section 4980.40, the board shall accept as~~
40 ~~equivalent degrees those doctoral or master's degrees that otherwise~~

1 ~~meet the requirements of this chapter and are conferred by~~
2 ~~educational institutions accredited by any of the following~~
3 ~~associations:~~

4 ~~(1) Northwest Commission on Colleges and Universities.~~

5 ~~(2) Middle States Association of Colleges and Secondary~~
6 ~~Schools.~~

7 ~~(3) New England Association of Schools and Colleges.~~

8 ~~(4) North Central Association of Colleges and Secondary~~
9 ~~Schools.~~

10 ~~(5) Southern Association of Colleges and Schools.~~

11 SEC. 11. Section 4980.43 of the Business and Professions
12 Code is amended to read:

13 4980.43. (a) To qualify for licensure as specified in Section
14 4980.40, each applicant shall complete experience related to the
15 practice of marriage and family therapy under a supervisor who
16 meets the qualifications set forth in Section 4980.03. The
17 experience shall comply with the following:

18 (1) A minimum of 3,000 hours of supervised experience
19 completed during a period of at least 104 weeks.

20 (2) A maximum of 40 hours in any seven consecutive days.

21 (3) A minimum of 1,700 hours obtained after the qualifying
22 master's or doctoral degree was awarded.

23 (4) A maximum of 1,300 hours obtained prior to the award date
24 of the qualifying master's or doctoral degree.

25 (5) A maximum of 750 hours of counseling and direct supervisor
26 contact prior to the award date of the qualifying master's or
27 doctoral degree.

28 (6) No hours of experience may be gained prior to completing
29 either 12 semester units or 18 quarter units of graduate instruction.

30 (7) No hours of experience may be gained more than six years
31 prior to the date the application for examination eligibility was
32 filed, except that up to 500 hours of clinical experience gained in
33 the supervised practicum required by subdivision (c) of Section
34 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
35 of Section 4980.36 shall be exempt from this six-year requirement.

36 (8) A minimum of 1,750 hours of direct counseling with
37 individuals, groups, couples, or families, that includes not less than
38 500 total hours of experience in diagnosing and treating couples,
39 families, and children.

1 (9) A maximum of 1,250 hours of nonclinical practice,
2 consisting of direct supervisor contact, administering and
3 evaluating psychological tests, writing clinical reports, writing
4 progress or process notes, client centered advocacy, and workshops,
5 seminars, training sessions, or conferences directly related to
6 marriage and family therapy that have been approved by the
7 applicant's supervisor.

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

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

14 (b) An individual who submits an application for examination
15 eligibility between January 1, 2016, and December 31, 2020, may
16 alternatively qualify under the experience requirements that were
17 in place on January 1, 2015.

18 (c) All applicants, trainees, and registrants shall be at all times
19 under the supervision of a supervisor who shall be responsible for
20 ensuring that the extent, kind, and quality of counseling performed
21 is consistent with the training and experience of the person being
22 supervised, and who shall be responsible to the board for
23 compliance with all laws, rules, and regulations governing the
24 practice of marriage and family therapy. Supervised experience
25 shall be gained by an intern or trainee only as an employee or as
26 a volunteer. The requirements of this chapter regarding gaining
27 hours of experience and supervision are applicable equally to
28 employees and volunteers. ~~Experience shall not be gained by an~~
29 ~~intern or trainee as an independent contractor. Associates and~~
30 ~~trainees shall not be employed as independent contractors, and~~
31 ~~shall not gain experience for work performed as an independent~~
32 ~~contractor, reported on an IRS Form 1099, or both.~~

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

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

39 (d) Except for experience gained by attending workshops,
40 seminars, training sessions, or conferences as described in

1 paragraph (9) of subdivision (a), supervision shall include at least
2 one hour of direct supervisor contact in each week for which
3 experience is credited in each work setting, as specified:

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

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

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

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

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

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

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

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

34 (e) (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 professional clinical counselor, a
5 licensed psychologist, a licensed clinical social worker, a licensed
6 physician and surgeon, or a professional corporation of any of
7 those licensed professions.

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

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

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

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

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

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

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

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

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

38 (h) Postdegree hours of experience shall be credited toward
39 licensure so long as the applicant applies for the intern registration
40 within 90 days of the granting of the qualifying master's or doctoral

1 degree and is thereafter granted the intern registration by the board.
2 An applicant shall not be employed or volunteer in a private
3 practice until registered as an intern by the board.

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

7 (j) Trainees, interns, and applicants shall only perform services
8 at the place where their employers regularly conduct business,
9 which may include performing services at other locations, so long
10 as the services are performed under the direction and control of
11 their employer and supervisor, and in compliance with the laws
12 and regulations pertaining to supervision. For purposes of
13 paragraph (3) of subdivision (a) of Section 2290.5, interns and
14 trainees working under licensed supervision, consistent with
15 subdivision (c), may provide services via telehealth within the
16 scope authorized by this chapter and in accordance with any
17 regulations governing the use of telehealth promulgated by the
18 board. Trainees and interns shall have no proprietary interest in
19 their employers' businesses and shall not lease or rent space, pay
20 for furnishings, equipment, or supplies, or in any other way pay
21 for the obligations of their employers.

22 (k) 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 employees
28 and not independent contractors. The board may audit applicants
29 who receive reimbursement for expenses, and the applicants shall
30 have the burden of demonstrating that the payments received were
31 for reimbursement of expenses actually incurred.

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

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

3 SEC. 12. Section 4980.78 of the Business and Professions
4 Code is amended to read:

5 4980.78. (a) This section applies to persons who apply for
6 licensure or registration on or after January 1, 2016, and who do
7 not hold a license as described in Section 4980.72.

8 (b) For purposes of Section 4980.74, education is substantially
9 equivalent if all of the following requirements are met:

10 (1) The degree is obtained from a school, college, or university
11 accredited by ~~an~~ *a regional or national institutional* accrediting
12 agency that is recognized by the United States Department of
13 Education and consists of, at a minimum, the following:

14 (A) (i) For an applicant who obtained his or her degree within
15 the timeline prescribed by subdivision (a) of Section 4980.36, the
16 degree shall contain no less than 60 semester or 90 quarter units
17 of instruction.

18 (ii) Up to 12 semester or 18 quarter units of instruction may be
19 remediated, if missing from the degree. The remediation may occur
20 while the applicant is registered as an intern.

21 (B) For an applicant who obtained his or her degree within the
22 timeline prescribed by subdivision (a) of Section 4980.37, the
23 degree shall contain no less than 48 semester units or 72 quarter
24 units of instruction.

25 (C) Six semester or nine quarter units of practicum, including,
26 but not limited to, a minimum of 150 hours of face-to-face
27 counseling, and an additional 75 hours of either face-to-face
28 counseling or client-centered advocacy, or a combination of
29 face-to-face counseling and client-centered advocacy.

30 (D) Twelve semester or 18 quarter units in the areas of marriage,
31 family, and child counseling and marital and family systems
32 approaches to treatment, as specified in subparagraph (A) of
33 paragraph (1) of subdivision (d) of Section 4980.36.

34 (2) The applicant shall complete coursework in California law
35 and ethics as follows:

36 (A) An applicant who completed a course in law and
37 professional ethics for marriage and family therapists as specified
38 in paragraph (7) of subdivision (a) of Section 4980.81, that did not
39 contain instruction in California law and ethics, shall complete an
40 18-hour course in California law and professional ethics. The

1 content of the course shall include, but not be limited to,
2 advertising, scope of practice, scope of competence, treatment of
3 minors, confidentiality, dangerous patients, psychotherapist-patient
4 privilege, recordkeeping, patient access to records, state and federal
5 laws relating to confidentiality of patient health information, dual
6 relationships, child abuse, elder and dependent adult abuse, online
7 therapy, insurance reimbursement, civil liability, disciplinary
8 actions and unprofessional conduct, ethics complaints and ethical
9 standards, termination of therapy, standards of care, relevant family
10 law, therapist disclosures to patients, differences in legal and ethical
11 standards in different types of work settings, and licensing law
12 and licensing process. This coursework shall be completed prior
13 to registration as an intern.

14 (B) An applicant who has not completed a course in law and
15 professional ethics for marriage and family therapists as specified
16 in paragraph (7) of subdivision (a) of Section 4980.81 shall
17 complete this required coursework. The coursework shall contain
18 content specific to California law and ethics. This coursework shall
19 be completed prior to registration as an intern.

20 (3) The applicant completes the educational requirements
21 specified in Section 4980.81 not already completed in his or her
22 education. The coursework may be from an accredited school,
23 college, or university as specified in paragraph (1), from an
24 educational institution approved by the Bureau for Private
25 Postsecondary Education, or from a continuing education provider
26 that is acceptable to the board as defined in Section 4980.54.
27 Undergraduate courses shall not satisfy this requirement.

28 (4) The applicant completes the following coursework not
29 already completed in his or her education from an accredited
30 school, college, or university as specified in paragraph (1) from
31 an educational institution approved by the Bureau for Private
32 Postsecondary Education, or from a continuing education provider
33 that is acceptable to the board as defined in Section 4980.54.
34 Undergraduate courses shall not satisfy this requirement.

35 (A) At least three semester units, or 45 hours, of instruction
36 regarding the principles of mental health recovery-oriented care
37 and methods of service delivery in recovery-oriented practice
38 environments, including structured meetings with various
39 consumers and family members of consumers of mental health

1 services to enhance understanding of their experience of mental
2 illness, treatment, and recovery.

3 (B) At least one semester unit, or 15 hours, of instruction that
4 includes an understanding of various California cultures and the
5 social and psychological implications of socioeconomic position.

6 (5) An applicant may complete any units and course content
7 requirements required under paragraphs (3) and (4) not already
8 completed in his or her education while registered as an intern,
9 unless otherwise specified.

10 (6) The applicant's degree title need not be identical to that
11 required by subdivision (b) of Section 4980.36.

12 SEC. 13. Section 4980.79 of the Business and Professions
13 Code is amended to read:

14 4980.79. (a) This section applies to persons who apply for
15 licensure or registration on or after January 1, 2016, and who hold
16 a license as described in Section 4980.72.

17 (b) For purposes of Section 4980.72, education is substantially
18 equivalent if all of the following requirements are met:

19 (1) The degree is obtained from a school, college, or university
20 accredited by ~~an~~ *a regional or national institutional* accrediting
21 agency recognized by the United States Department of Education
22 and consists of, at a minimum, the following:

23 (A) (i) For an applicant who obtained his or her degree within
24 the timeline prescribed by subdivision (a) of Section 4980.36, the
25 degree shall contain no less than 60 semester or 90 quarter units
26 of instruction.

27 (ii) Up to 12 semester or 18 quarter units of instruction may be
28 remediated, if missing from the degree. The remediation may occur
29 while the applicant is registered as an intern.

30 (B) For an applicant who obtained his or her degree within the
31 timeline prescribed by subdivision (a) of Section 4980.37, the
32 degree shall contain no less than 48 semester or 72 quarter units
33 of instruction.

34 (C) Six semester or nine quarter units of practicum, including,
35 but not limited to, a minimum of 150 hours of face-to-face
36 counseling, and an additional 75 hours of either face-to-face
37 counseling or client-centered advocacy, or a combination of
38 face-to-face counseling and client-centered advocacy.

1 (i) An out-of-state applicant who has been licensed for at least
2 two years in clinical practice, as verified by the board, is exempt
3 from this requirement.

4 (ii) An out-of-state applicant who has been licensed for less
5 than two years in clinical practice, as verified by the board, who
6 does not meet the practicum requirement, shall remediate it by
7 obtaining 150 hours of face-to-face counseling, and an additional
8 75 hours of either face-to-face counseling or client-centered
9 advocacy, or a combination of face-to-face counseling and
10 client-centered advocacy. These hours are in addition to the 3,000
11 hours of experience required by this chapter, and shall be gained
12 while registered as an intern.

13 (D) Twelve semester or 18 quarter units in the areas of marriage,
14 family, and child counseling and marital and family systems
15 approaches to treatment, as specified in subparagraph (A) of
16 paragraph (1) of subdivision (d) of Section 4980.36.

17 (2) An applicant shall complete coursework in California law
18 and ethics as follows:

19 (A) An applicant who completed a course in law and
20 professional ethics for marriage and family therapists as specified
21 in paragraph (7) of subdivision (a) of Section 4980.81 that did not
22 include instruction in California law and ethics, shall complete an
23 18-hour course in California law and professional ethics. The
24 content of the course shall include, but not be limited to,
25 advertising, scope of practice, scope of competence, treatment of
26 minors, confidentiality, dangerous patients, psychotherapist-patient
27 privilege, recordkeeping, patient access to records, state and federal
28 laws relating to confidentiality of patient health information, dual
29 relationships, child abuse, elder and dependent adult abuse, online
30 therapy, insurance reimbursement, civil liability, disciplinary
31 actions and unprofessional conduct, ethics complaints and ethical
32 standards, termination of therapy, standards of care, relevant family
33 law, therapist disclosures to patients, differences in legal and ethical
34 standards in different types of work settings, and licensing law
35 and licensing process. This coursework shall be completed prior
36 to registration as an intern.

37 (B) An applicant who has not completed a course in law and
38 professional ethics for marriage and family therapists as specified
39 in paragraph (7) of subdivision (a) of Section 4980.81 shall
40 complete this required coursework. The coursework shall include

1 content specific to California law and ethics. An applicant shall
2 complete this coursework prior to registration as an intern.

3 (3) The applicant completes the educational requirements
4 specified in Section 4980.81 not already completed in his or her
5 education. The coursework may be from an accredited school,
6 college, or university as specified in paragraph (1), from an
7 educational institution approved by the Bureau for Private
8 Postsecondary Education, or from a continuing education provider
9 that is acceptable to the board as defined in Section 4980.54.
10 Undergraduate coursework shall not satisfy this requirement.

11 (4) The applicant completes the following coursework not
12 already completed in his or her education from an accredited
13 school, college, or university as specified in paragraph (1) above,
14 from an educational institution approved by the Bureau for Private
15 Postsecondary Education, or from a continuing education provider
16 that is acceptable to the board as defined in Section 4980.54.
17 Undergraduate coursework shall not satisfy this requirement.

18 (A) At least three semester units, or 45 hours, of instruction
19 pertaining to the principles of mental health recovery-oriented care
20 and methods of service delivery in recovery-oriented practice
21 environments, including structured meetings with various
22 consumers and family members of consumers of mental health
23 services to enhance understanding of their experience of mental
24 illness, treatment, and recovery.

25 (B) At least one semester unit, or 15 hours, of instruction that
26 includes an understanding of various California cultures and the
27 social and psychological implications of socioeconomic position.

28 (5) An applicant's degree title need not be identical to that
29 required by subdivision (b) of Section 4980.36.

30 (6) An applicant may complete any units and course content
31 requirements required under paragraphs (3) and (4) not already
32 completed in his or her education while registered as an intern,
33 unless otherwise specified.

34 SEC. 14. Section 4992.05 of the Business and Professions
35 Code is amended to read:

36 4992.05. (a) Effective January 1, 2016, an applicant for
37 licensure as a clinical social worker shall pass the following two
38 examinations as prescribed by the board:

39 (1) A California law and ethics examination.

40 (2) A clinical examination.

1 (b) Upon registration with the board, an associate *clinical* social
2 worker registrant shall, within the first year of registration, take
3 an examination on California law and ethics.

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

6 (1) Completion of all education requirements.

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

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

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

10 SEC. 15. Section 4996.18 of the Business and Professions
11 Code is amended to read:

12 4996.18. (a) A person who wishes to be credited with
13 experience toward licensure requirements shall register with the
14 board as an associate clinical social worker prior to obtaining that
15 experience. The application shall be made on a form prescribed
16 by the board.

17 (b) An applicant for registration shall satisfy the following
18 requirements:

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

21 (2) Have committed no crimes or acts constituting grounds for
22 denial of licensure under Section 480.

23 (3) Commencing January 1, 2014, have completed training or
24 coursework, which may be embedded within more than one course,
25 in California law and professional ethics for clinical social workers,
26 including instruction in all of the following areas of study:

27 (A) Contemporary professional ethics and statutes, regulations,
28 and court decisions that delineate the scope of practice of clinical
29 social work.

30 (B) The therapeutic, clinical, and practical considerations
31 involved in the legal and ethical practice of clinical social work,
32 including, but not limited to, family law.

33 (C) The current legal patterns and trends in the mental health
34 professions.

35 (D) The psychotherapist-patient privilege, confidentiality,
36 dangerous patients, and the treatment of minors with and without
37 parental consent.

38 (E) A recognition and exploration of the relationship between
39 a practitioner's sense of self and human values, and his or her
40 professional behavior and ethics.

1 (F) Differences in legal and ethical standards for different types
2 of work settings.

3 (G) Licensing law and process.

4 (c) An applicant who possesses a master's degree from a school
5 or department of social work that is a candidate for accreditation
6 by the Commission on Accreditation of the Council on Social
7 Work Education shall be eligible, and shall be required, to register
8 as an associate clinical social worker in order to gain experience
9 toward licensure if the applicant has not committed any crimes or
10 acts that constitute grounds for denial of licensure under Section
11 480. That applicant shall not, however, be eligible ~~for~~ *to take the*
12 *clinical* examination until the school or department of social work
13 has received accreditation by the Commission on Accreditation
14 of the Council on Social Work Education.

15 (d) All applicants and registrants shall be at all times under the
16 supervision of a supervisor who shall be responsible for ensuring
17 that the extent, kind, and quality of counseling performed is
18 consistent with the training and experience of the person being
19 supervised, and who shall be responsible to the board for
20 compliance with all laws, rules, and regulations governing the
21 practice of clinical social work.

22 (e) Any experience obtained under the supervision of a spouse
23 or relative by blood or marriage shall not be credited toward the
24 required hours of supervised experience. Any experience obtained
25 under the supervision of a supervisor with whom the applicant has
26 a personal relationship that undermines the authority or
27 effectiveness of the supervision shall not be credited toward the
28 required hours of supervised experience.

29 (f) An applicant who possesses a master's degree from an
30 accredited school or department of social work shall be able to
31 apply experience the applicant obtained during the time the
32 accredited school or department was in candidacy status by the
33 Commission on Accreditation of the Council on Social Work
34 Education toward the licensure requirements, if the experience
35 meets the requirements of Section 4996.23. This subdivision shall
36 apply retroactively to persons who possess a master's degree from
37 an accredited school or department of social work and who
38 obtained experience during the time the accredited school or
39 department was in candidacy status by the Commission on
40 Accreditation of the Council on Social Work Education.

1 (g) An applicant for registration or licensure trained in an
2 educational institution outside the United States shall demonstrate
3 to the satisfaction of the board that he or she possesses a master's
4 of social work degree that is equivalent to a master's degree issued
5 from a school or department of social work that is accredited by
6 the Commission on Accreditation of the Council on Social Work
7 Education. These applicants shall provide the board with a
8 comprehensive evaluation of the degree and shall provide any
9 other documentation the board deems necessary. The board has
10 the authority to make the final determination as to whether a degree
11 meets all requirements, including, but not limited to, course
12 requirements regardless of evaluation or accreditation.

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

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

19 SEC. 16. Section 4996.23 of the Business and Professions
20 Code is amended to read:

21 4996.23. (a) To qualify for licensure as specified in Section
22 4996.2, each applicant shall complete 3,200 hours of post-master's
23 degree supervised experience related to the practice of clinical
24 social work. The experience shall comply with the following:

25 (1) At least 1,700 hours shall be gained under the supervision
26 of a licensed clinical social worker. The remaining required
27 supervised experience may be gained under the supervision of a
28 licensed mental health professional acceptable to the board as
29 defined by a regulation adopted by the board.

30 (2) A minimum of 2,000 hours in clinical psychosocial
31 diagnosis, assessment, and treatment, including psychotherapy or
32 counseling.

33 (3) A maximum of 1,200 hours in client centered advocacy,
34 consultation, evaluation, research, direct supervisor contact, and
35 workshops, seminars, training sessions, or conferences directly
36 related to clinical social work that have been approved by the
37 applicant's supervisor.

38 (4) Of the 2,000 clinical hours required in paragraph (2), no less
39 than 750 hours shall be face-to-face individual or group

1 psychotherapy provided to clients in the context of clinical social
2 work services.

3 (5) A minimum of two years of supervised experience is required
4 to be obtained over a period of not less than 104 weeks and shall
5 have been gained within the six years immediately preceding the
6 date on which the application for licensure was filed.

7 (6) Experience shall not be credited for more than 40 hours in
8 any week.

9 (b) An individual who submits an application for examination
10 eligibility between January 1, 2016, and December 31, 2020, may
11 alternatively qualify under the experience requirements that were
12 in place on January 1, 2015.

13 (c) “Supervision” means responsibility for, and control of, the
14 quality of clinical social work services being provided.
15 Consultation or peer discussion shall not be considered to be
16 supervision.

17 (d) (1) Prior to the commencement of supervision, a supervisor
18 shall comply with all requirements enumerated in Section 1870 of
19 Title 16 of the California Code of Regulations and shall sign under
20 penalty of perjury the “Responsibility Statement for Supervisors
21 of an Associate Clinical Social Worker” form.

22 (2) Supervised experience shall include at least one hour of
23 direct supervisor contact for a minimum of 104 weeks. For
24 purposes of this subdivision, “one hour of direct supervisor contact”
25 means one hour per week of face-to-face contact on an individual
26 basis or two hours of face-to-face contact in a group conducted
27 within the same week as the hours claimed.

28 (3) An associate shall receive at least one additional hour of
29 direct supervisor contact for every week in which more than 10
30 hours of face-to-face psychotherapy is performed in each setting
31 in which experience is gained. No more than six hours of
32 supervision, whether individual or group, shall be credited during
33 any single week.

34 (4) Supervision shall include at least one hour of direct
35 supervisor contact during each week for which experience is gained
36 in each work setting. Supervision is not required for experience
37 gained attending workshops, seminars, training sessions, or
38 conferences as described in paragraph (3) of subdivision (a).

1 (5) The six hours of supervision that may be credited during
2 any single week pursuant to paragraph (3) shall apply only to
3 supervision hours gained on or after January 1, 2010.

4 (6) Group supervision shall be provided in a group of not more
5 than eight supervisees and shall be provided in segments lasting
6 no less than one continuous hour.

7 (7) Of the 104 weeks of required supervision, 52 weeks shall
8 be individual supervision, and of the 52 weeks of required
9 individual supervision, not less than 13 weeks shall be supervised
10 by a licensed clinical social worker.

11 (8) Notwithstanding paragraph (2), an associate clinical social
12 worker working for a governmental entity, school, college, or
13 university, or an institution that is both a nonprofit and charitable
14 institution, may obtain the required weekly direct supervisor
15 contact via live two-way videoconferencing. The supervisor shall
16 be responsible for ensuring that client confidentiality is preserved.

17 (e) The supervisor and the associate shall develop a supervisory
18 plan that describes the goals and objectives of supervision. These
19 goals shall include the ongoing assessment of strengths and
20 limitations and the assurance of practice in accordance with the
21 laws and regulations. The associate shall submit to the board the
22 initial original supervisory plan upon application for licensure.

23 (f) Experience shall only be gained in a setting that meets both
24 of the following:

25 (1) Lawfully and regularly provides clinical social work, mental
26 health counseling, or psychotherapy.

27 (2) Provides oversight to ensure that the associate'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 4996.9.

31 (g) Experience shall not be gained until the applicant has been
32 registered as an associate clinical social worker.

33 (h) Employment in a private practice as defined in subdivision
34 (i) shall not commence until the applicant has been registered as
35 an associate clinical social worker.

36 (i) A private practice setting is a setting that is owned by a
37 licensed clinical social worker, a licensed marriage and family
38 therapist, a licensed psychologist, a licensed professional clinical
39 counselor, a licensed physician and surgeon, or a professional
40 corporation of any of those licensed professions.

1 (j) Associates shall not be employed as independent contractors,
2 and shall not gain experience for work performed as an
3 independent contractor, reported on an IRS Form 1099, or both.

4 ~~(j)~~

5 (k) If volunteering, the associate shall provide the board with a
6 letter from his or her employer verifying his or her voluntary status
7 upon application for licensure.

8 ~~(k)~~

9 (l) If employed, the associate shall provide the board with copies
10 of his or her W-2 tax forms for each year of experience claimed
11 upon application for licensure.

12 ~~(l)~~

13 (m) While an associate may be either a paid employee or
14 volunteer, employers are encouraged to provide fair remuneration
15 to associates.

16 ~~(m)~~

17 (n) An associate shall not do the following:

18 (1) Receive any remuneration from patients or clients and shall
19 only be paid by his or her employer.

20 (2) Have any proprietary interest in the employer's business.

21 (3) Lease or rent space, pay for furnishings, equipment, or
22 supplies, or in any other way pay for the obligations of his or her
23 employer.

24 ~~(n)~~

25 (o) An associate, whether employed or volunteering, may obtain
26 supervision from a person not employed by the associate's
27 employer if that person has signed a written agreement with the
28 employer to take supervisory responsibility for the associate's
29 social work services.

30 ~~(o)~~

31 (p) Notwithstanding any other provision of law, associates and
32 applicants for examination shall receive a minimum of one hour
33 of supervision per week for each setting in which he or she is
34 working.

35 SEC. 17. Section 4999.12 of the Business and Professions
36 Code is amended to read:

37 4999.12. For purposes of this chapter, the following terms have
38 the following meanings:

39 (a) "Board" means the Board of Behavioral Sciences.

1 (b) “Accredited” means a school, college, or university
2 accredited by the ~~Western Association of Schools and Colleges,~~
3 ~~or its equivalent regional accrediting association.~~ *a regional or*
4 *national institutional accrediting agency that is recognized by the*
5 *United States Department of Education.*

6 (c) “Approved” means a school, college, or university that
7 possessed unconditional approval by the Bureau for Private
8 Postsecondary Education at the time of the applicant’s graduation
9 from the school, college, or university.

10 (d) “Applicant” means an unlicensed person who has completed
11 a master’s or doctoral degree program, as specified in Section
12 4999.32 or 4999.33, as applicable, and whose application for
13 registration as an intern is pending or who has applied for
14 examination eligibility, or an unlicensed person who has completed
15 the requirements for licensure specified in this chapter and is no
16 longer registered with the board as an intern.

17 (e) “Licensed professional clinical counselor” or “LPCC” means
18 a person licensed under this chapter to practice professional clinical
19 counseling, as defined in Section 4999.20.

20 (f) “Intern” means an unlicensed person who meets the
21 requirements of Section 4999.42 and is registered with the board.

22 (g) “Clinical counselor trainee” means an unlicensed person
23 who is currently enrolled in a master’s or doctoral degree program,
24 as specified in Section 4999.32 or 4999.33, as applicable, that is
25 designed to qualify him or her for licensure under this chapter, and
26 who has completed no less than 12 semester units or 18 quarter
27 units of coursework in any qualifying degree program.

28 (h) “Approved supervisor” means an individual who meets the
29 following requirements:

30 (1) Has documented two years of clinical experience as a
31 licensed professional clinical counselor, licensed marriage and
32 family therapist, licensed clinical psychologist, licensed clinical
33 social worker, or licensed physician and surgeon who is certified
34 in psychiatry by the American Board of Psychiatry and Neurology.

35 (2) Has received professional training in supervision.

36 (3) Has not provided therapeutic services to the clinical
37 counselor trainee or intern.

38 (4) Has a current and valid license that is not under suspension
39 or probation.

1 (i) “Client centered advocacy” includes, but is not limited to,
2 researching, identifying, and accessing resources, or other activities,
3 related to obtaining or providing services and supports for clients
4 or groups of clients receiving psychotherapy or counseling services.

5 (j) “Advertising” or “advertise” includes, but is not limited to,
6 the issuance of any card, sign, or device to any person, or the
7 causing, permitting, or allowing of any sign or marking on, or in,
8 any building or structure, or in any newspaper or magazine or in
9 any directory, or any printed matter whatsoever, with or without
10 any limiting qualification. It also includes business solicitations
11 communicated by radio or television broadcasting. Signs within
12 church buildings or notices in church bulletins mailed to a
13 congregation shall not be construed as advertising within the
14 meaning of this chapter.

15 (k) “Referral” means evaluating and identifying the needs of a
16 client to determine whether it is advisable to refer the client to
17 other specialists, informing the client of that judgment, and
18 communicating that determination as requested or deemed
19 appropriate to referral sources.

20 (l) “Research” means a systematic effort to collect, analyze, and
21 interpret quantitative and qualitative data that describes how social
22 characteristics, behavior, emotion, cognitions, disabilities, mental
23 disorders, and interpersonal transactions among individuals and
24 organizations interact.

25 (m) “Supervision” includes the following:

26 (1) Ensuring that the extent, kind, and quality of counseling
27 performed is consistent with the education, training, and experience
28 of the person being supervised.

29 (2) Reviewing client or patient records, monitoring and
30 evaluating assessment, diagnosis, and treatment decisions of the
31 clinical counselor trainee.

32 (3) Monitoring and evaluating the ability of the intern or clinical
33 counselor trainee to provide services to the particular clientele at
34 the site or sites where he or she will be practicing.

35 (4) Ensuring compliance with laws and regulations governing
36 the practice of licensed professional clinical counseling.

37 (5) That amount of direct observation, or review of audio or
38 videotapes of counseling or therapy, as deemed appropriate by the
39 supervisor.

1 SEC. 18. Section 4999.12.5 is added to the Business and
2 Professions Code, to read:

3 4999.12.5. (a) The title “professional clinical counselor intern”
4 or “professional clinical counselor registered intern” is hereby
5 renamed “associate professional clinical counselor” or “registered
6 associate professional clinical counselor,” respectively. Any
7 reference in any statute or regulation to a “professional clinical
8 counselor intern” or “professional clinical counselor registered
9 intern” shall be deemed a reference to an “associate professional
10 clinical counselor” or “registered associate professional clinical
11 counselor.”

12 (b) Nothing in this section shall be construed to expand or
13 constrict the scope of practice of a person licensed or registered
14 pursuant to this chapter.

15 (c) This section shall become operative January 1, 2018.

16 SEC. 19. Section 4999.40 of the Business and Professions
17 Code is amended to read:

18 4999.40. (a) Each educational institution preparing applicants
19 to qualify for licensure shall notify each of its students by means
20 of its public documents or otherwise in writing that its degree
21 program is designed to meet the requirements of Section 4999.32
22 or 4999.33 and shall certify to the board that it has so notified its
23 students.

24 (b) *An applicant for registration or licensure shall submit to*
25 *the board a certification by the applicant’s educational institution*
26 *that the institution’s required curriculum for graduation and any*
27 *associated coursework completed by the applicant does one of the*
28 *following:*

29 (1) *Meets all of the requirements set forth in Section 4999.32.*

30 (2) *Meets all of the requirements set forth in Section 4999.33.*

31 ~~(b)~~

32 (c) An applicant trained at an educational institution outside the
33 United States shall demonstrate to the satisfaction of the board
34 that he or she possesses a qualifying degree that is equivalent to a
35 degree earned from an institution of higher education that is
36 accredited or approved. These applicants shall provide the board
37 with a comprehensive evaluation of the degree performed by a
38 foreign credential evaluation service that is a member of the
39 National Association of Credential Evaluation Services and shall
40 provide any other documentation the board deems necessary.

1 SEC. 20. Section 4999.47 of the Business and Professions
2 Code is amended to read:

3 4999.47. (a) Clinical counselor trainees, interns, and applicants
4 shall perform services only as an employee or as a volunteer.

5 The requirements of this chapter regarding gaining hours of
6 clinical mental health experience and supervision are applicable
7 equally to employees and volunteers. ~~Experience shall not be~~
8 ~~gained by interns or trainees as an independent contractor.~~
9 *Associates and trainees shall not be employed as independent*
10 *contractors, and shall not gain experience for work performed as*
11 *an independent contractor, reported on an IRS Form 1099, or*
12 *both.*

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

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

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

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

26 (d) Clinical counselor trainees, interns, and applicants who
27 provide voluntary services or other services, and who receive no
28 more than a total, from all work settings, of five hundred dollars
29 (\$500) per month as reimbursement for expenses actually incurred
30 by those clinical counselor trainees, interns, and applicants for
31 services rendered in any lawful work setting other than a private
32 practice shall be considered an employee and not an independent
33 contractor.

34 (e) The board may audit an intern or applicant who receives
35 reimbursement for expenses and the intern or applicant shall have
36 the burden of demonstrating that the payments received were for
37 reimbursement of expenses actually incurred.

38 (f) Clinical counselor trainees, interns, and applicants shall only
39 perform services at the place where their employer regularly
40 conducts business and services, which may include other locations,

1 as long as the services are performed under the direction and
2 control of the employer and supervisor in compliance with the
3 laws and regulations pertaining to supervision. Clinical counselor
4 trainees, interns, and applicants shall have no proprietary interest
5 in the employer's business.

6 (g) 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 clinical counselor trainees regarding the
12 advisability of undertaking individual, marital or conjoint, family,
13 or group counseling or psychotherapy, as appropriate. Insofar as
14 it is deemed appropriate and is desired by the applicant, the
15 educational institution and supervisors are encouraged to assist
16 the applicant in locating that counseling or psychotherapy at a
17 reasonable cost.

18 SEC. 21. Section 4999.52 of the Business and Professions
19 Code is amended to read:

20 4999.52. (a) ~~Except as provided in Section 4999.54, every~~
21 *Every* applicant for a license as a professional clinical counselor
22 shall be examined by the board. The board shall examine the
23 candidate with regard to his or her knowledge and professional
24 skills and his or her judgment in the utilization of appropriate
25 techniques and methods.

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

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

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

1 (e) If an applicant for the examination specified by paragraph
2 (2) of subdivision (a) of Section 4999.53, who has passed the
3 California law and ethics examination, is the subject of a complaint
4 or is under board investigation for acts or conduct that, if proven
5 to be true, would constitute grounds for the board to deny licensure,
6 the board shall permit the applicant to take this examination, but
7 may notify the applicant that licensure will not be granted pending
8 completion of the investigation.

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

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

22 (h) Notwithstanding any other provision of law, the board may
23 destroy all examination materials two years following the date of
24 an examination.

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

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

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

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

1 SEC. 22. Section 4999.54 of the Business and Professions
2 Code is repealed.

3 ~~4999.54. (a) Notwithstanding Section 4999.50, the board may~~
4 ~~issue a license to any person who submits an application for a~~
5 ~~license between January 1, 2011, and December 31, 2011, provided~~
6 ~~that all documentation is submitted within 12 months of the board's~~
7 ~~evaluation of the application, and provided he or she meets one of~~
8 ~~the following sets of criteria:~~

9 (1) ~~He or she meets all of the following requirements:~~
10 (A) ~~Has a master's or doctoral degree from a school, college,~~
11 ~~or university as specified in Section 4999.32, that is counseling or~~
12 ~~psychotherapy in content. If the person's degree does not include~~
13 ~~all the graduate coursework in all nine core content areas as~~
14 ~~required by paragraph (1) of subdivision (c) of Section 4999.32,~~
15 ~~a person shall provide documentation that he or she has completed~~
16 ~~the required coursework prior to licensure pursuant to this chapter.~~
17 ~~Except as specified in clause (ii), a qualifying degree must include~~
18 ~~the supervised practicum or field study experience as required in~~
19 ~~paragraph (3) of subdivision (c) of Section 4999.32.~~

20 (i) ~~A counselor educator whose degree contains at least seven~~
21 ~~of the nine required core content areas shall be given credit for~~
22 ~~coursework not contained in the degree if the counselor educator~~
23 ~~provides documentation that he or she has taught the equivalent~~
24 ~~of the required core content areas in a graduate program in~~
25 ~~counseling or a related area.~~

26 (ii) ~~Degrees issued prior to 1996 shall include a minimum of~~
27 ~~30 semester units or 45 quarter units and at least six of the nine~~
28 ~~required core content areas specified in paragraph (1) of subdivision~~
29 ~~(c) of Section 4999.32 and three semester units or four and one-half~~
30 ~~quarter units of supervised practicum or field study experience.~~
31 ~~The total number of units shall be no less than 48 semester units~~
32 ~~or 72 quarter units.~~

33 (iii) ~~Degrees issued in 1996 and after shall include a minimum~~
34 ~~of 48 semester units or 72 quarter units and at least seven of the~~
35 ~~nine core content areas specified in paragraph (1) of subdivision~~
36 ~~(c) of Section 4999.32.~~

37 (B) ~~Has completed all of the coursework or training specified~~
38 ~~in subdivision (c) of Section 4999.32.~~

39 (C) ~~Has at least two years, full-time or the equivalent, of~~
40 ~~postdegree counseling experience, that includes at least 1,700 hours~~

1 of experience in a clinical setting supervised by a licensed marriage
2 and family therapist, a licensed clinical social worker, a licensed
3 psychologist, a licensed physician and surgeon specializing in
4 psychiatry, a professional clinical counselor or a person who is
5 licensed in another state to independently practice professional
6 clinical counseling, as defined in Section 4999.20, or a master's
7 level counselor or therapist who is certified by a national certifying
8 or registering organization, including, but not limited to, the
9 National Board for Certified Counselors or the Commission on
10 Rehabilitation Counselor Certification.

11 (D) Has a passing score on the following examinations:

12 (i) ~~The National Counselor Examination for Licensure and~~
13 ~~Certification or the Certified Rehabilitation Counselor~~
14 ~~Examination.~~

15 (ii) ~~The National Clinical Mental Health Counselor Examination.~~

16 (iii) ~~A California jurisprudence and ethics examination, when~~
17 ~~developed by the board.~~

18 (2) ~~Is currently licensed as a marriage and family therapist in~~
19 ~~the State of California, meets the coursework requirements~~
20 ~~described in subparagraph (A) of paragraph (1), and passes the~~
21 ~~examination described in subdivision (b).~~

22 (3) ~~Is currently licensed as a clinical social worker in the State~~
23 ~~of California, meets the coursework requirements described in~~
24 ~~subparagraph (A) of paragraph (1), and passes the examination~~
25 ~~described in subdivision (b).~~

26 (b) (1) ~~The board and the Office of Professional Examination~~
27 ~~Services shall jointly develop an examination on the differences,~~
28 ~~if any differences exist, between the following:~~

29 (A) ~~The practice of professional clinical counseling and the~~
30 ~~practice of marriage and family therapy.~~

31 (B) ~~The practice of professional clinical counseling and the~~
32 ~~practice of clinical social work.~~

33 (2) ~~If the board, in consultation with the Office of Professional~~
34 ~~Examination Services, determines that an examination is necessary~~
35 ~~pursuant to this subdivision, an applicant described in paragraphs~~
36 ~~(2) and (3) of subdivision (a) shall pass the examination as a~~
37 ~~condition of licensure.~~

38 (e) ~~Nothing in this section shall be construed to expand or~~
39 ~~constrict the scope of practice of professional clinical counseling,~~
40 ~~as defined in Section 4999.20.~~

1 SEC. 23. Section 4999.60 of the Business and Professions
2 Code is amended to read:

3 4999.60. (a) This section applies to persons who are licensed
4 outside of California and apply for examination eligibility on or
5 after January 1, 2016.

6 (b) The board may issue a license to a person who, at the time
7 of submitting an application for a license pursuant to this chapter,
8 holds a valid license as a professional clinical counselor, or other
9 counseling license that allows the applicant to independently
10 provide clinical mental health services, in another jurisdiction of
11 the United States, if all of the following conditions are satisfied:

12 (1) The applicant's education is substantially equivalent, as
13 defined in Section 4999.63.

14 (2) The applicant complies with subdivision-~~(b)~~ (c) of Section
15 4999.40, if applicable.

16 (3) The applicant's supervised experience is substantially
17 equivalent to that required for a license under this chapter. The
18 board shall consider hours of experience obtained outside of
19 California during the six-year period immediately preceding the
20 date the applicant initially obtained the license described above.
21 If the applicant has less than 3,000 hours of qualifying supervised
22 experience, time actively licensed as a professional clinical
23 counselor shall be accepted at a rate of 100 hours per month up to
24 a maximum of 1,200 hours if the applicant's degree meets the
25 practicum requirement described in subparagraph (C) of paragraph
26 (1) of subdivision (b) of Section 4999.63 without exemptions or
27 remediation.

28 (4) The applicant passes the examinations required to obtain a
29 license under this chapter. An applicant who obtained his or her
30 license or registration under another jurisdiction may apply for
31 licensure with the board without taking the clinical examination
32 if both of the following conditions are met:

33 (A) The applicant obtained a passing score on the licensing
34 examination set forth in regulation as accepted by the board.

35 (B) The applicant's license or registration in that jurisdiction is
36 in good standing at the time of his or her application and is not
37 revoked, suspended, surrendered, denied, or otherwise restricted
38 or encumbered.

39 SEC. 24. Section 4999.61 of the Business and Professions
40 Code is amended to read:

1 4999.61. (a) This section applies to persons who apply for
2 examination eligibility or registration on or after January 1, 2016,
3 and who do not hold a license as described in Section 4999.60.

4 (b) The board shall accept education gained while residing
5 outside of California for purposes of satisfying licensure or
6 registration requirements if the education is substantially
7 equivalent, as defined in Section 4999.62, and the applicant
8 complies with subdivision ~~(b)~~ (c) of Section 4999.40, if applicable.

9 (c) The board shall accept experience gained outside of
10 California for purposes of satisfying licensure or registration
11 requirements if the experience is substantially equivalent to that
12 required by this chapter.

13 SEC. 25. Section 4999.120 of the Business and Professions
14 Code is amended to read:

15 4999.120. The board shall assess fees for the application for
16 and the issuance and renewal of licenses and for the registration
17 of interns to cover administrative and operating expenses of the
18 board related to this chapter. Fees assessed pursuant to this section
19 shall not exceed the following:

20 (a) The fee for the application for examination eligibility shall
21 be up to two hundred fifty dollars (\$250).

22 (b) The fee for the application for intern registration shall be up
23 to one hundred fifty dollars (\$150).

24 (c) The fee for the application for licensure shall be up to one
25 hundred eighty dollars (\$180).

26 (d) The fee for the board-administered clinical examination, if
27 the board chooses to adopt this examination in regulations, shall
28 be up to two hundred fifty dollars (\$250).

29 (e) The fee for the law and ethics examination shall be up to
30 one hundred fifty dollars (\$150).

31 ~~(f) The fee for the examination described in subdivision (b) of~~
32 ~~Section 4999.54 shall be up to one hundred dollars (\$100):~~

33 ~~(g)~~

34 (f) The fee for the issuance of a license shall be up to two
35 hundred fifty dollars (\$250).

36 ~~(h)~~

37 (g) The fee for annual renewal of an intern registration shall be
38 up to one hundred fifty dollars (\$150).

39 (i)

1 (h) The fee for two-year renewal of licenses shall be up to two
2 hundred fifty dollars (\$250).

3 ~~(j)~~

4 (i) The fee for issuance of a retired license shall be forty dollars
5 (\$40).

6 ~~(k)~~

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

9 ~~(t)~~

10 (k) The fee for issuance of a replacement license or registration
11 shall be twenty dollars (\$20).

12 ~~(m)~~

13 (l) The fee for issuance of a certificate or letter of good standing
14 shall be twenty-five dollars (\$25).

15 SEC. 26. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

O