

AMENDED IN SENATE FEBRUARY 10, 2009

SENATE BILL

No. 33

Introduced by Senator Correa

December 8, 2008

An act to amend Sections 28, 4980.02, 4980.03, 4980.35, 4980.38, 4980.40, 4980.43, 4980.44, 4980.50, and 4980.54 of, to amend and repeal Sections 4980.37, 4980.39, 4980.41, 4980.80, and 4980.90 of, and to add Sections 4980.36, 4980.72, 4980.74, 4980.76, and 4980.78 to, the Business and Professions Code, to amend Section 1010 of the Evidence Code, to amend Sections 6924 and 6929 of the Family Code, and to amend Sections 1277 and 123115 of the Health and Safety Code, relating to marriage and family therapy.

LEGISLATIVE COUNSEL'S DIGEST

SB 33, as amended, Correa. Marriage and family therapy: licensure and registration.

Existing law provides for the licensure or registration and regulation of marriage and family therapists and interns by the Board of Behavioral Sciences and requires that applicants for licensure or registration, among other requirements, possess a doctor's or master's degree from a specified school, college, or university, containing no less than 48 semester or 72 quarter units of instruction in specified areas. Existing law requires that the doctor's or master's degree program contain no less than 6 semester or 9 quarter units of supervised practicum, as specified, and requires that the practicum include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups. Existing law also requires the degree program to satisfy certain criteria in order to meet the educational qualifications for licensure.

This bill would limit the application of these requirements to applicants for licensure or registration who begin graduate study before August 1, 2012, and would impose additional requirements on applicants who do not complete that study on or before December 31, 2018, on applicants who graduate from a degree program that meets those requirements, and on those who begin graduate study on or after August 1, 2012. The bill would require that these applicants, among other things, possess a doctor's or master's degree containing no less than 60 semester or 90 quarter units of instruction in certain areas, including, but not limited to, co-occurring disorders, multicultural development and cross-cultural interaction, and the effects of socioeconomic status on treatment and available resources, as specified. The bill would require that these units include 6 semester or 9 quarter units of practicum that provides training in specified areas and includes a minimum of 225 hours of face-to-face experience counseling individuals, couples, families, or groups. The bill would additionally, with respect to these applicants, revise the requirements needed for the degree program to meet the educational qualifications for licensure, as specified. The bill would make other conforming changes and enact related provisions.

Existing law requires that applicants for licensure have at least 2 years of experience that complies with certain requirements. Among other things, the applicant must have no more than a total of 1,000 hours of experience for direct supervisor contact and professional enrichment activities and no more than 250 hours of postdegree experience administering and evaluating psychological tests, writing clinical reports, writing progress reports, or writing process notes.

This bill would instead require that the applicant have no more than 1,250 hours of experience for specified related professional enrichment activities, including, but not limited to, direct supervisor contact, client centered advocacy, and no more than 250 hours of experience administering and evaluating psychological tests, writing clinical reports, writing progress reports, or writing process notes.

Existing law requires that all applicants, trainees, and registrants be at all times under the supervision of a supervisor and requires that supervision include at least one hour of direct supervisor contact, as defined, in each week for which experience is credited in each work setting. Existing law requires that supervised experience be gained by interns either as an employee or as a volunteer.

This bill would revise the definition of one hour of direct supervisor contact and require that this one hour be conducted within the same

week as the hours claimed. The bill would require that group supervision be provided in segments lasting no less than one continuous hour and would authorize an intern working in a governmental entity or a nonprofit and charitable institution, among others, to obtain up to 30 hours of the required weekly direct supervisor contact via videoconferencing, as specified. The bill would also require that, upon application for licensure, employed interns provide the board with copies of the corresponding W-2 tax forms and that volunteering interns provide the board with a letter verifying that volunteer work, as specified.

Existing law authorizes the board to issue a license to a person who has held for at least 2 years a valid license issued by a board of marriage counselor examiners, or corresponding authority of any state, if, among other requirements, the education and supervised experience requirements are substantially equivalent. Existing law requires the board to accept experience gained outside of California toward the licensure requirements if it is substantially equivalent and the applicant has gained a specified number of hours of supervised experience in direct counseling within California while registered with the board as an intern. Existing law also requires the board to accept education gained outside of California toward the licensure requirements if it is substantially equivalent, as specified, and the applicant completes certain coursework or training. If an applicant's education does not contain the content or units required to obtain a license, existing law authorizes the board to accept the applicant's education as substantially equivalent if, among other requirements, the applicant remediates the deficiency by completing the course content or units required to obtain a license.

This bill would instead specify that the applicant remediate the deficiency by completing the content and units required to obtain a license. The bill would also repeal the provisions relating to licenses, experience, and education gained outside California on January 1, 2014, and would revise the requirements applicable to persons applying for a license after that date. Among other things, the bill would revise the requirements needed for a person's education to be substantially equivalent, as specified.

Existing law prohibits a person from advertising himself or herself as performing the services of a marriage, family, child, domestic, or marital consultant without a marriage and family therapist license and prohibits licensed psychologists and licensed clinical social workers from advertising that they hold a marriage and family therapist's license. Existing law defines the term "advertise" for purposes of that

provision to include, among other things, business solicitations communicated by radio or television broadcasting.

This bill would revise the definition of the term “advertise” to include the dissemination of a communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication.

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

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

1 SECTION 1. Section 28 of the Business and Professions Code
2 is amended to read:

3 28. The Legislature finds that there is a need to ensure that
4 professionals of the healing arts who have demonstrable contact
5 with child abuse victims, potential child abuse victims, and child
6 abusers and potential child abusers are provided with adequate
7 and appropriate training regarding the assessment and reporting
8 of child abuse which will ameliorate, reduce, and eliminate the
9 trauma of child abuse and neglect and ensure the reporting of child
10 abuse in a timely manner to prevent additional occurrences.

11 The Board of Psychology and the Board of Behavioral Sciences
12 shall establish required training in the area of child abuse
13 assessment and reporting for all persons applying for initial
14 licensure and renewal of a license as a psychologist, clinical social
15 worker, or marriage and family therapist on or after January 1,
16 1987. This training shall be required one time only for all persons
17 applying for initial licensure or for licensure renewal on or after
18 January 1, 1987.

19 All persons applying for initial licensure and renewal of a license
20 as a psychologist, clinical social worker, or marriage and family
21 therapist on or after January 1, 1987, shall, in addition to all other
22 requirements for licensure or renewal, have completed coursework
23 or training in child abuse assessment and reporting which meets
24 the requirements of this section, including detailed knowledge of
25 Section 11165 of the Penal Code. The training shall meet all of
26 the following requirements:

- 27 (a) Be completed after January 1, 1983.
28 (b) Be obtained from one of the following sources:

1 (1) An accredited or approved educational institution, as defined
2 in Sections 2902, 4980.36, 4980.37, and 4996.18, including
3 extension courses offered by those institutions.

4 (2) A continuing education provider approved by the responsible
5 board.

6 (3) A course sponsored or offered by a professional association
7 or a local, county, or state department of health or mental health
8 for continuing education and approved by the responsible board.

9 (c) Have a minimum of seven contact hours.

10 (d) Include the study of the assessment and method of reporting
11 of sexual assault, neglect, severe neglect, general neglect, willful
12 cruelty or unjustifiable punishment, corporal punishment or injury,
13 and abuse in out-of-home care. The training shall also include
14 physical and behavioral indicators of abuse, crisis counseling
15 techniques, community resources, rights and responsibilities of
16 reporting, consequences of failure to report, caring for a child's
17 needs after a report is made, sensitivity to previously abused
18 children and adults, and implications and methods of treatment
19 for children and adults.

20 (e) An applicant shall provide the appropriate board with
21 documentation of completion of the required child abuse training.

22 The Board of Psychology and the Board of Behavioral Sciences
23 shall exempt an applicant who applies for an exemption from the
24 requirements of this section and who shows to the satisfaction of
25 the board that there would be no need for the training in his or her
26 practice because of the nature of that practice.

27 It is the intent of the Legislature that a person licensed as a
28 psychologist, clinical social worker, or marriage and family
29 therapist have minimal but appropriate training in the areas of child
30 abuse assessment and reporting. It is not intended that by solely
31 complying with the requirements of this section, a practitioner is
32 fully trained in the subject of treatment of child abuse victims and
33 abusers.

34 (f) This section shall become operative on January 1, 1997.

35 SEC. 2. Section 4980.02 of the Business and Professions Code
36 is amended to read:

37 4980.02. For the purposes of this chapter, the practice of
38 marriage and family therapy shall mean that service performed
39 with individuals, couples, or groups wherein interpersonal
40 relationships are examined for the purpose of achieving more

1 adequate, satisfying, and productive marriage and family
2 adjustments. This practice includes relationship and premarriage
3 counseling.

4 The application of marriage and family therapy principles and
5 methods includes, but is not limited to, the use of applied
6 psychotherapeutic techniques, to enable individuals to mature and
7 grow within marriage and the family, the provision of explanations
8 and interpretations of the psychosexual and psychosocial aspects
9 of relationships, and the use, application, and integration of the
10 coursework and training required by Sections 4980.36, 4980.37,
11 and 4980.41, as applicable.

12 SEC. 3. Section 4980.03 of the Business and Professions Code
13 is amended to read:

14 4980.03. (a) “Board,” as used in this chapter, means the Board
15 of Behavioral Sciences.

16 (b) “Intern,” as used in this chapter, means an unlicensed person
17 who has earned his or her master’s or doctor’s degree qualifying
18 him or her for licensure and is registered with the board.

19 (c) “Trainee,” as used in this chapter, means an unlicensed
20 person who is currently enrolled in a master’s or doctor’s degree
21 program, as specified in Sections 4980.36 and 4980.37, that is
22 designed to qualify him or her for licensure under this chapter, and
23 who has completed no less than 12 semester units or 18 quarter
24 units of coursework in any qualifying degree program.

25 (d) “Applicant,” as used in this chapter, means an unlicensed
26 person who has completed a master’s or doctoral degree program,
27 as specified in Sections 4980.36 and 4980.37, and whose
28 application for registration as an intern is pending, or an unlicensed
29 person who has completed the requirements for licensure as
30 specified in this chapter, is no longer registered with the board as
31 an intern, and is currently in the examination process.

32 (e) “Advertise,” as used in this chapter, includes, but is not
33 limited to, *any public communication, as defined in subdivision*
34 *(a) of Section 651*, the issuance of any card, sign, or device to any
35 person, or the causing, permitting, or allowing of any sign or
36 marking on, or in, any building or structure, or in any newspaper
37 or magazine or in any directory, or any printed matter whatsoever,
38 with or without any limiting qualification. ~~It also includes business~~
39 ~~solicitations communicated by radio or television broadcasting.~~
40 Signs within ~~church~~ *religious* buildings or notices in church

bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(f) “Experience,” as used in this chapter, means experience in interpersonal relationships, psychotherapy, marriage and family therapy, and professional enrichment activities that satisfies the requirement for licensure as a marriage and family therapist pursuant to Section 4980.40.

(g) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:

(1) Has been licensed by a state regulatory agency for at least two years as a marriage and family therapist, licensed clinical social worker, licensed psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.

(2) Has not provided therapeutic services to the trainee or intern.

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

(4) Complies with supervision requirements established by this chapter and by board regulations.

(h) “Client centered advocacy,” as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

SEC. 4. Section 4980.35 of the Business and Professions Code is amended to read:

4980.35. (a) The Legislature acknowledges that the basic obligation to provide a complete and accurate application for a marriage and family therapist license lies with the applicant. At the same time, the Legislature recognizes that an effort should be made by the board to ensure that persons who enter degree programs and supervisorial training settings that meet the requirements of this chapter are enabled to discern the requirements for licensing and to take the examination when they have completed their educational and experience requirements.

(b) In order that the board, the educational institutions, and the supervisors who monitor the education and experience of applicants for licensure may develop greater cooperation, the board shall do all of the following:

(1) Apply a portion of its limited resources specifically to the task of communicating information about its activities, the

1 requirements and qualifications for licensure, and the practice of
2 marriage and family therapy to the relevant educational institutions,
3 supervisors, professional associations, applicants, trainees, interns,
4 and the consuming public.

5 (2) Develop policies and procedures to assist educational
6 institutions in meeting the curricula requirements of Sections
7 4980.36 and 4980.37 and any regulations adopted pursuant to those
8 sections, so that those educational institutions may better provide
9 assurance to their students that the curriculum offered to fulfill the
10 educational requirements for licensure will meet those requirements
11 at the time of the student's application for licensure.

12 (3) Notify applicants in the application procedure when
13 applications are incomplete, inaccurate, or deficient, and inform
14 applicants of any remediation, reconsideration, or appeal
15 procedures that may be applicable.

16 (4) Undertake, or cause to be undertaken, further comprehensive
17 review, in consultation with educational institutions, professional
18 associations, supervisors, interns, and trainees, of the supervision
19 of interns and trainees, which shall include, but not be limited to,
20 the following, and shall propose regulations regarding the
21 supervision of interns and trainees which may include, but not be
22 limited to, the following:

23 (A) Supervisor qualifications.

24 (B) Continuing education requirements of supervisors.

25 (C) Registration or licensing of supervisors, or both.

26 (D) Responsibilities of supervisors in general.

27 (E) The board's authority in cases of noncompliance or
28 negligence by supervisors.

29 (F) The intern's and trainee's need for guidance in selecting
30 well-balanced and high quality professional training opportunities
31 within his or her community.

32 (G) The role of the supervisor in advising and encouraging his
33 or her intern or trainee regarding the necessity or value and
34 appropriateness of the intern or trainee engaging in personal
35 psychotherapy, so as to enable the intern or trainee to become a
36 more competent marriage and family therapist.

37 SEC. 5. Section 4980.36 is added to the Business and
38 Professions Code, to read:

39 4980.36. (a) This section shall apply to the following:

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

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

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

9 (b) To qualify for a license or registration, applicants shall
10 possess a doctor's or master's degree meeting the requirements of
11 this section in marriage, family, and child counseling, marriage
12 and family therapy, psychology, clinical psychology, counseling
13 psychology, or counseling with an emphasis in either marriage,
14 family, and child counseling or marriage and family therapy,
15 obtained from a school, college, or university approved by the
16 Bureau for Private Postsecondary and Vocational Education or
17 accredited by either the Commission on the Accreditation of
18 Marriage and Family Therapy Education or ~~the Western~~
19 ~~Association of Schools and Colleges~~ *a regional accrediting agency*
20 *recognized by the United States Department of Education*. The
21 board has the authority to make the final determination as to
22 whether a degree meets all requirements, including, but not limited
23 to, course requirements, regardless of accreditation or approval.

24 (c) A doctor's or master's degree program that qualifies for
25 licensure or registration shall do the following:

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

27 (A) Marriage and family therapy principles.

28 (B) The principles of mental health recovery-oriented care and
29 methods of service delivery in recovery-oriented practice
30 environments, among others.

31 (C) An understanding of various cultures and the social and
32 psychological implications of socioeconomic position, and an
33 understanding of how poverty and social stress impact an
34 individual's mental health and recovery.

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

37 (3) Encourage students to develop the personal qualities that
38 are intimately related to effective practice, including, but not
39 limited to, integrity, sensitivity, flexibility, insight, compassion,
40 and personal presence.

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

(5) Provide students with the opportunity to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

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

(1) Both of the following:

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

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

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

(ii) A minimum of 225 hours of face-to-face experience counseling individuals, couples, families, or groups. Up to 75 of those hours may be gained performing client centered advocacy, as defined in Section 4980.03.

(iii) A student must be enrolled in a practicum course while counseling clients.

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

(I) Applied use of theory and psychotherapeutic techniques.

(II) Assessment, diagnosis, and prognosis.

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

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

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

3 (v) Educational institutions are encouraged to design the
4 practicum required by this subparagraph to include marriage and
5 family therapy experience in low-income and multicultural mental
6 health settings.

7 (2) Instruction in all of the following:

8 (A) Diagnosis, assessment, prognosis, and treatment of mental
9 disorders, including severe mental disorders, evidence-based
10 practices, psychological testing, psychopharmacology, and
11 promising mental health practices that are evaluated in peer
12 reviewed literature.

13 (B) Developmental issues from infancy to old age, including
14 instruction in all of the following areas:

15 (i) The effects of developmental issues on individuals, couples,
16 and family relationships.

17 (ii) The psychological, psychotherapeutic, and health
18 implications of developmental issues and their effects.

19 (iii) Aging and its biological, social, cognitive, and
20 psychological aspects.

21 (iv) A variety of cultural understandings of human development.

22 (v) The understanding of human behavior within the social
23 context of socioeconomic status and other contextual issues
24 affecting social position.

25 (vi) The understanding of human behavior within the social
26 context of a representative variety of the cultures found within
27 California.

28 (vii) The understanding of the impact that personal and social
29 insecurity, social stress, low educational levels, inadequate housing,
30 and malnutrition have on human development.

31 (C) The broad range of matters and life events that may arise
32 within marriage and family relationships and within a variety of
33 California cultures, including instruction in all of the following:

34 (i) Child abuse assessment and reporting.

35 (ii) Spousal or partner abuse assessment, detection, intervention
36 strategies, and same-gender abuse dynamics.

37 (iii) Cultural factors relevant to abuse of partners and family
38 members.

39 (iv) Childbirth, child rearing, parenting, and stepparenting.

40 (v) Marriage, divorce, and blended families.

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

1 (vi) Major approaches to identification, evaluation, and treatment
2 of substance use disorders, co-occurring disorders, and addiction,
3 including, but not limited to, best practices.

4 (vii) Legal aspects of substance abuse.

5 (viii) Populations at risk with regard to substance use disorders
6 and co-occurring disorders.

7 (ix) Community resources offering screening, assessment,
8 treatment, and followup for the affected person and family.

9 (x) Recognition of substance use disorders, co-occurring
10 disorders, and addiction, and appropriate referral.

11 (xi) The prevention of substance use disorders and addiction.

12 (J) California law and professional ethics for marriage and
13 family therapists, including instruction in all of the following areas
14 of study:

15 (i) Contemporary professional ethics and statutory, regulatory,
16 and decisional laws that delineate the scope of practice of marriage
17 and family therapy.

18 (ii) The therapeutic, clinical, and practical considerations
19 involved in the legal and ethical practice of marriage and family
20 therapy, including, but not limited to, family law.

21 (iii) The current legal patterns and trends in the mental health
22 professions.

23 (iv) The psychotherapist-patient privilege, confidentiality, the
24 patient dangerous to self or others, and the treatment of minors
25 with and without parental consent.

26 (v) A recognition and exploration of the relationship between
27 a practitioner's sense of self and human values and his or her
28 professional behavior and ethics.

29 (vi) Differences in legal and ethical standards for different types
30 of work settings.

31 (vii) Licensing law and licensing process.

32 (e) The degree described in subdivision (b) shall, in addition to
33 meeting the requirements of subdivision (d), include instruction
34 in case management, systems of care for the severely mentally ill,
35 public and private services and supports available for the severely
36 mentally ill, community resources for persons with mental illness
37 and for victims of abuse, disaster and trauma response, advocacy
38 for the severely mentally ill, and collaborative treatment. This
39 instruction may be provided either in credit level coursework or

1 through extension programs offered by the degree-granting
2 institution.

3 (f) The changes made to law by this section are intended to
4 improve the educational qualifications for licensure in order to
5 better prepare future licentiates for practice, and are not intended
6 to expand or restrict the scope of practice for marriage and family
7 therapists.

8 SEC. 6. Section 4980.37 of the Business and Professions Code
9 is amended to read:

10 4980.37. (a) This section shall apply to applicants for licensure
11 or registration who begin graduate study before August 1, 2012,
12 and complete that study on or before December 31, 2018. Those
13 applicants may alternatively qualify under paragraph (2) of
14 subdivision (a) of Section 4980.36.

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

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

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

4 (3) Developmental issues and life events from infancy to old
5 age and their effect on individuals, couples, and family
6 relationships. This may include coursework that focuses on specific
7 family life events and the psychological, psychotherapeutic, and
8 health implications that arise within couples and families,
9 including, but not limited to, childbirth, child rearing, childhood,
10 adolescence, adulthood, marriage, divorce, blended families,
11 stepparenting, and geropsychology.

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

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

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

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

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

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

36 (e) In order to provide an integrated course of study and
37 appropriate professional training, while allowing for innovation
38 and individuality in the education of marriage and family therapists,
39 a degree program that meets the educational qualifications for

1 licensure or registration under this section shall do all of the
2 following:

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

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

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

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

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

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

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

25 (f) Educational institutions are encouraged to design the
26 practicum required by this section to include marriage and family
27 therapy experience in low-income and multicultural mental health
28 settings.

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

32 SEC. 7. Section 4980.38 of the Business and Professions Code
33 is amended to read:

34 4980.38. (a) Each educational institution preparing applicants
35 to qualify for registration or licensure shall notify each of its
36 students by means of its public documents or otherwise in writing
37 that its degree program is designed to meet the requirements of
38 Section 4980.36 or 4980.37, and shall certify to the board that it
39 has so notified its students.

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

(1) Meets all of the requirements set forth in Section 4980.36.

(2) Meets all of the requirements set forth in Section 4980.37 and paragraphs (4) and (5) of subdivision (a) of Section 4980.41.

SEC. 8. Section 4980.39 of the Business and Professions Code is amended to read:

4980.39. (a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

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

SEC. 9. Section 4980.40 of the Business and Professions Code is amended to read:

4980.40. To qualify for a license, an applicant shall have all of the following qualifications:

(a) Meet the educational requirements of Section 4980.36 or both Sections 4980.37 and 4980.41, as applicable.

(b) Be at least 18 years of age.

1 (c) Have at least two years of experience that meet the
2 requirements of Section 4980.43.

3 (d) Pass a board administered written or oral examination or
4 both types of examinations, except that an applicant who passed
5 a written examination and who has not taken and passed an oral
6 examination shall instead be required to take and pass a clinical
7 vignette written examination.

8 (e) Not have committed acts or crimes constituting grounds for
9 denial of licensure under Section 480. The board shall not issue a
10 registration or license to any person who has been convicted of a
11 crime in this or another state or in a territory of the United States
12 that involves sexual abuse of children or who is required to register
13 pursuant to Section 290 of the Penal Code or the equivalent in
14 another state or territory.

15 SEC. 10. Section 4980.41 of the Business and Professions
16 Code is amended to read:

17 4980.41. (a) An applicant for licensure whose education
18 qualifies him or her under Section 4980.37 shall complete the
19 following coursework or training in order to be eligible to sit for
20 the licensing examinations as specified in subdivision (d) of Section
21 4980.40:

22 (1) A two semester or three quarter unit course in California
23 law and professional ethics for marriage and family therapists,
24 which shall include, but not be limited to, the following areas of
25 study:

26 (A) Contemporary professional ethics and statutory, regulatory,
27 and decisional laws that delineate the profession's scope of
28 practice.

29 (B) The therapeutic, clinical, and practical considerations
30 involved in the legal and ethical practice of marriage and family
31 therapy, including family law.

32 (C) The current legal patterns and trends in the mental health
33 profession.

34 (D) The psychotherapist-patient privilege, confidentiality, the
35 patient dangerous to self or others, and the treatment of minors
36 with and without parental consent.

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

1 This course may be considered as part of the 48 semester or 72
2 quarter unit requirements contained in Section 4980.37.

3 (2) A minimum of seven contact hours of training or coursework
4 in child abuse assessment and reporting as specified in Section 28
5 and any regulations promulgated thereunder.

6 (3) A minimum of 10 contact hours of training or coursework
7 in human sexuality as specified in Section 25, and any regulations
8 promulgated thereunder. When coursework in a master's or
9 doctor's degree program is acquired to satisfy this requirement, it
10 shall be considered as part of the 48 semester or 72 quarter unit
11 requirement contained in Section 4980.37.

12 (4) For persons who began graduate study on or after January
13 1, 1986, a master's or doctor's degree qualifying for licensure shall
14 include specific instruction in alcoholism and other chemical
15 substance dependency as specified by regulation. When coursework
16 in a master's or doctor's degree program is acquired to satisfy this
17 requirement, it shall be considered as part of the 48 semester or
18 72 quarter unit requirement contained in Section 4980.37.

19 (5) For persons who began graduate study during the period
20 commencing on January 1, 1995, and ending on December 31,
21 2003, a master's or doctor's degree qualifying for licensure shall
22 include coursework in spousal or partner abuse assessment,
23 detection, and intervention. For persons who began graduate study
24 on or after January 1, 2004, a master's or doctor's degree qualifying
25 for licensure shall include a minimum of 15 contact hours of
26 coursework in spousal or partner abuse assessment, detection, and
27 intervention strategies, including knowledge of community
28 resources, cultural factors, and same gender abuse dynamics.
29 Coursework required under this paragraph may be satisfactory if
30 taken either in fulfillment of other educational requirements for
31 licensure or in a separate course. The requirement for coursework
32 shall be satisfied by, and the board shall accept in satisfaction of
33 the requirement, a certification from the chief academic officer of
34 the educational institution from which the applicant graduated that
35 the required coursework is included within the institution's required
36 curriculum for graduation.

37 (6) For persons who began graduate study on or after January
38 1, 2001, an applicant shall complete a minimum of a two semester
39 or three quarter unit survey course in psychological testing. When
40 coursework in a master's or doctor's degree program is acquired

1 to satisfy this requirement, it may be considered as part of the 48
2 semester or 72 quarter unit requirement of Section 4980.37.

3 (7) For persons who began graduate study on or after January
4 1, 2001, an applicant shall complete a minimum of a two semester
5 or three quarter unit survey course in psychopharmacology. When
6 coursework in a master's or doctor's degree program is acquired
7 to satisfy this requirement, it may be considered as part of the 48
8 semester or 72 quarter unit requirement of Section 4980.37.

9 (8) The requirements added by paragraphs (6) and (7) are
10 intended to improve the educational qualifications for licensure in
11 order to better prepare future licentiates for practice and are not
12 intended in any way to expand or restrict the scope of practice for
13 marriage and family therapists.

14 (b) This section shall remain in effect only until January 1, 2019,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before January 1, 2019, deletes or extends that date.

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

19 4980.43. (a) Prior to applying for licensure examinations, each
20 applicant shall complete experience that shall comply with the
21 following:

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

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

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

28 (4) Not more than 1,300 hours of experience obtained prior to
29 completing a master's or doctor's degree. This experience shall
30 be composed as follows:

31 (A) Not more than 750 hours of counseling and direct supervisor
32 contact.

33 (B) Not more than 250 hours of professional enrichment
34 activities, excluding personal psychotherapy as described in
35 paragraph (2) of subdivision (1).

36 (C) Not more than 100 hours of personal psychotherapy as
37 described in paragraph (2) of subdivision (1). The applicant shall
38 be credited for three hours of experience for each hour of personal
39 psychotherapy.

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

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

10 (7) Not more than a total of 1,250 hours of experience for related
11 professional enrichment activities, as follows:

12 (A) Not more than 250 hours of professional enrichment
13 activities, as defined in paragraph (1) of subdivision (l).

14 (B) Not more than 250 hours of experience administering and
15 evaluating psychological tests, writing clinical reports, writing
16 progress notes, or writing process notes.

17 (C) Direct supervisor contact.

18 (D) Client centered advocacy.

19 (E) Personal psychotherapy.

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

22 (9) Not more than 250 hours of experience providing counseling
23 or crisis counseling on the telephone.

24 (10) Not less than 500 total hours of experience in diagnosing
25 and treating couples, families, and children.

26 (11) Not more than 125 hours of experience providing personal
27 psychotherapy services via telemedicine in accordance with Section
28 2290.5.

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

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

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

7 (c) Supervision shall include at least one hour of direct
8 supervisor contact in each week for which experience is credited
9 in each work setting, as specified:

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

13 (2) Each individual supervised after being granted a qualifying
14 degree shall receive an average of at least one hour of direct
15 supervisor contact for every 10 hours of client contact in each
16 setting in which experience is gained.

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

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

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

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

32 (7) All experience gained by a trainee shall be monitored by the
33 supervisor as specified by regulation. The 5-to-1 and 10-to-1 ratios
34 specified in this subdivision shall be applicable to all hours gained
35 on or after January 1, 1995.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (g) Except when employed in a private practice setting, all
40 postdegree hours of experience shall be credited toward licensure

1 so long as the applicant applies for the intern registration within
2 90 days of the granting of the qualifying master's or doctor's
3 degree and is thereafter granted the intern registration by the board.

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

7 (i) 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. Trainees and interns
13 shall have no proprietary interest in their employers' businesses
14 and shall not lease or rent space, pay for furnishings, equipment
15 or supplies, or in any other way pay for the obligations of their
16 employers.

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

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

38 (l) For purposes of this chapter, "professional enrichment
39 activities" includes the following:

1 (1) Workshops, seminars, training sessions, or conferences
2 directly related to marriage and family therapy attended by the
3 applicant that are approved by the applicant's supervisor.

4 (2) Participation by the applicant in personal psychotherapy
5 which includes group, marital or conjoint, family, or individual
6 psychotherapy by an appropriately licensed professional.

7 SEC. 12. Section 4980.44 of the Business and Professions
8 Code is amended to read:

9 4980.44. An unlicensed marriage and family therapist intern
10 employed under this chapter shall comply with the following
11 requirements:

12 (a) Possess, at a minimum, a master's degree as specified in
13 Section 4980.36 or 4980.37, as applicable.

14 (b) Register with the board prior to performing any duties,
15 except as otherwise provided in subdivision (e) of Section 4980.43.

16 (c) Inform each client or patient prior to performing any
17 professional services that he or she is unlicensed and under the
18 supervision of a licensed marriage and family therapist, licensed
19 clinical social worker, licensed psychologist, or a licensed
20 physician and surgeon certified in psychiatry by the American
21 Board of Psychiatry and Neurology.

22 SEC. 13. Section 4980.50 of the Business and Professions
23 Code is amended to read:

24 4980.50. (a) Every applicant who meets the educational and
25 experience requirements and applies for a license as a marriage
26 and family therapist shall be examined by the board. The
27 examinations shall be as set forth in subdivision (d) of Section
28 4980.40. The examinations shall be given at least twice a year at
29 a time and place and under supervision as the board may determine.
30 The board shall examine the candidate with regard to his or her
31 knowledge and professional skills and his or her judgment in the
32 utilization of appropriate techniques and methods.

33 (b) The board shall not deny any applicant, who has submitted
34 a complete application for examination, admission to the licensure
35 examinations required by this section if the applicant meets the
36 educational and experience requirements of this chapter, and has
37 not committed any acts or engaged in any conduct that would
38 constitute grounds to deny licensure.

39 (c) The board shall not deny any applicant, whose application
40 for licensure is complete, admission to the standard written

1 examination, nor shall the board postpone or delay any applicant's
2 standard written examination or delay informing the candidate of
3 the results of the standard written examination, solely upon the
4 receipt by the board of a complaint alleging acts or conduct that
5 would constitute grounds to deny licensure.

6 (d) If an applicant for examination who has passed the standard
7 written examination is the subject of a complaint or is under board
8 investigation for acts or conduct that, if proven to be true, would
9 constitute grounds for the board to deny licensure, the board shall
10 permit the applicant to take the clinical vignette written
11 examination for licensure, but may withhold the results of the
12 examination or notify the applicant that licensure will not be
13 granted pending completion of the investigation.

14 (e) Notwithstanding Section 135, the board may deny any
15 applicant who has previously failed either the standard written or
16 clinical vignette written examination permission to retake either
17 examination pending completion of the investigation of any
18 complaints against the applicant. Nothing in this section shall
19 prohibit the board from denying an applicant admission to any
20 examination, withholding the results, or refusing to issue a license
21 to any applicant when an accusation or statement of issues has
22 been filed against the applicant pursuant to Sections 11503 and
23 11504 of the Government Code, respectively, or the applicant has
24 been denied in accordance with subdivision (b) of Section 485.

25 (f) Notwithstanding any other provision of law, the board may
26 destroy all examination materials two years following the date of
27 an examination.

28 (g) On or after January 1, 2002, no applicant shall be eligible
29 to participate in a clinical vignette written examination if his or
30 her passing score on the standard written examination occurred
31 more than seven years before.

32 (h) An applicant who has qualified pursuant to this chapter shall
33 be issued a license as a marriage and family therapist in the form
34 that the board may deem appropriate.

35 SEC. 14. Section 4980.54 of the Business and Professions
36 Code is amended to read:

37 4980.54. (a) The Legislature recognizes that the education and
38 experience requirements in this chapter constitute only minimal
39 requirements to assure that an applicant is prepared and qualified
40 to take the licensure examinations as specified in subdivision (d)

1 of Section 4980.40 and, if he or she passes those examinations, to
2 begin practice.

3 (b) In order to continuously improve the competence of licensed
4 marriage and family therapists and as a model for all
5 psychotherapeutic professions, the Legislature encourages all
6 licensees to regularly engage in continuing education related to
7 the profession or scope of practice as defined in this chapter.

8 (c) Except as provided in subdivision (e), the board shall not
9 renew any license pursuant to this chapter unless the applicant
10 certifies to the board, on a form prescribed by the board, that he
11 or she has completed not less than 36 hours of approved continuing
12 education in or relevant to the field of marriage and family therapy
13 in the preceding two years, as determined by the board.

14 (d) The board shall have the right to audit the records of any
15 applicant to verify the completion of the continuing education
16 requirement. Applicants shall maintain records of completion of
17 required continuing education coursework for a minimum of two
18 years and shall make these records available to the board for
19 auditing purposes upon request.

20 (e) The board may establish exceptions from the continuing
21 education requirements of this section for good cause, as defined
22 by the board.

23 (f) The continuing education shall be obtained from one of the
24 following sources:

25 (1) An accredited school or state-approved school that meets
26 the requirements set forth in Section 4980.36 or 4980.37. Nothing
27 in this paragraph shall be construed as requiring coursework to be
28 offered as part of a regular degree program.

29 (2) Other continuing education providers, including, but not
30 limited to, a professional marriage and family therapist association,
31 a licensed health facility, a governmental entity, a continuing
32 education unit of an accredited four-year institution of higher
33 learning, or a mental health professional association, approved by
34 the board.

35 (g) The board shall establish, by regulation, a procedure for
36 approving providers of continuing education courses, and all
37 providers of continuing education, as described in paragraphs (1)
38 and (2) of subdivision (f), shall adhere to procedures established
39 by the board. The board may revoke or deny the right of a provider
40 to offer continuing education coursework pursuant to this section

1 for failure to comply with the requirements of this section or any
2 regulation adopted pursuant to this section.

3 (h) Training, education, and coursework by approved providers
4 shall incorporate one or more of the following:

5 (1) Aspects of the discipline that are fundamental to the
6 understanding or the practice of marriage and family therapy.

7 (2) Aspects of the discipline of marriage and family therapy in
8 which significant recent developments have occurred.

9 (3) Aspects of other disciplines that enhance the understanding
10 or the practice of marriage and family therapy.

11 (i) A system of continuing education for licensed marriage and
12 family therapists shall include courses directly related to the
13 diagnosis, assessment, and treatment of the client population being
14 served.

15 (j) The board shall, by regulation, fund the administration of
16 this section through continuing education provider fees to be
17 deposited in the Behavioral Sciences Fund. The fees related to the
18 administration of this section shall be sufficient to meet, but shall
19 not exceed, the costs of administering the corresponding provisions
20 of this section. For purposes of this subdivision, a provider of
21 continuing education as described in paragraph (1) of subdivision
22 (f) shall be deemed to be an approved provider.

23 (k) The continuing education requirements of this section shall
24 comply fully with the guidelines for mandatory continuing
25 education established by the Department of Consumer Affairs
26 pursuant to Section 166.

27 SEC. 15. Section 4980.72 is added to the Business and
28 Professions Code, to read:

29 4980.72. (a) This section applies to persons who are licensed
30 outside of California and apply for licensure on or after January
31 1, 2014.

32 (b) The board may issue a license to a person who, at the time
33 of submitting an application for a license pursuant to this chapter,
34 holds a valid license issued by a board of marriage counselor
35 examiners, board of marriage and family therapists, or
36 corresponding authority, of any state or country, if all of the
37 following conditions are satisfied:

38 (1) The applicant's education is substantially equivalent, as
39 defined in Section 4980.78. The applicant's degree title need not
40 be identical to that required by Section 4980.36 or 4980.37.

1 (2) The applicant complies with Section 4980.76, if applicable.

2 (3) The applicant's supervised experience is substantially
3 equivalent to that required for a license under this chapter. The
4 board shall consider hours of experience obtained outside of
5 California during the six-year period immediately preceding the
6 date the applicant initially obtained the license described above.

7 (4) The applicant passes the examinations required to obtain a
8 license under this chapter.

9 SEC. 16. Section 4980.74 is added to the Business and
10 Professions Code, to read:

11 4980.74. (a) This section applies to persons who apply for
12 licensure or registration on or after January 1, 2014, and who do
13 not hold a license as described in Section 4980.72.

14 (b) The board shall accept education gained while residing
15 outside of California for purposes of satisfying licensure or
16 registration requirements if the education is substantially
17 equivalent, as defined in Section 4980.78, and the applicant
18 complies with Section 4980.76, if applicable. The applicant's
19 degree title need not be identical to that required by Section
20 4980.36 or 4980.37.

21 (c) The board shall accept experience gained outside of
22 California for purposes of satisfying licensure or registration
23 requirements if the experience is substantially equivalent to that
24 required by this chapter.

25 SEC. 17. Section 4980.76 is added to the Business and
26 Professions Code, to read:

27 4980.76. An applicant for licensure or registration with a degree
28 obtained from an educational institution outside the United States
29 shall provide the board with a comprehensive evaluation of the
30 degree performed by a foreign credential evaluation service that
31 is a member of the National Association of Credential Evaluation
32 Services (NACES), and shall provide any other documentation
33 the board deems necessary.

34 SEC. 18. Section 4980.78 is added to the Business and
35 Professions Code, to read:

36 4980.78. (a) This section applies to persons who apply for
37 licensure or registration on or after January 1, 2014.

38 (b) For purposes of Sections 4980.72 and 4980.74, education
39 is substantially equivalent if all of the following requirements are
40 met:

1 (1) The degree is obtained from a school, college, or university
2 ~~accredited by the Western Association of Schools and Colleges or~~
3 ~~an essentially equivalent~~ *an* accrediting agency recognized by the
4 United States Department of Education and consists of, at a
5 minimum, 48 semester or 72 quarter units, including, but not
6 limited to, both of the following:

7 (A) Six semester or nine quarter units of practicum, including,
8 but not limited to, a minimum of 150 hours of face-to-face
9 counseling.

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

14 (2) The applicant completes any units and course content
15 requirements under subdivision (d) of Section 4980.36 not already
16 completed in his or her education.

17 (3) The applicant completes credit level coursework from a
18 degree-granting institution that provides all of the following:

19 (A) Instruction regarding the principles of mental health
20 recovery-oriented care and methods of service delivery in recovery
21 model practice environments.

22 (B) An understanding of various California cultures and the
23 social and psychological implications of socioeconomic position.

24 (C) Structured meeting with various consumers and family
25 members of consumers of mental health services to enhance
26 understanding of their experience of mental illness, treatment, and
27 recovery.

28 (D) Instruction in addiction and co-occurring substance abuse
29 and mental health disorders, as specified in subparagraph (I) of
30 paragraph (2) of subdivision (d) of Section 4980.36.

31 (4) The applicant completes a course in California law and
32 professional ethics. The content of the course shall include, but
33 not be limited to, advertising, scope of practice, scope of
34 competence, treatment of minors, confidentiality, dangerous
35 patients, psychotherapist-patient privilege, recordkeeping, patient
36 access to records, the Health Insurance Portability and
37 Accountability Act, dual relationships, child abuse, elder and
38 dependent adult abuse, online therapy, insurance reimbursement,
39 civil liability, disciplinary actions and unprofessional conduct,
40 ethics complaints and ethical standards, termination of therapy,

standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process.

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

SEC. 19. Section 4980.80 of the Business and Professions Code is amended to read:

4980.80. (a) This section applies to persons who apply for licensure between January 1, 2010, and December 31, 2013, inclusive.

(b) The board may issue a license to a person who, at the time of application, has held for at least two years a valid license issued by a board of marriage counselor examiners, marriage therapist examiners, or corresponding authority of any state, if the education and supervised experience requirements are substantially the equivalent of this chapter, the person complies with Section 4980.76, if applicable, and the person successfully completes the board administered licensing examinations as specified by subdivision (d) of Section 4980.40 and pays the fees specified. Issuance of the license is further conditioned upon the person's completion of the following coursework or training:

(1) (A) An applicant who completed a two semester or three quarter unit course in law and professional ethics for marriage; and family therapists that included areas of study as specified in Section 4980.41 as part of his or her qualifying degree shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, the following subjects: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, requirements of the Health Insurance Portability and Accountability Act of 1996, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to patients.

(B) An applicant who has not completed a two semester or three quarter unit course in law and professional ethics for marriage and family therapists that included areas of study as specified in Section 4980.41 as part of his or her qualifying degree, shall complete a

1 two semester or three quarter unit course in California law and
2 professional ethics that includes, at minimum, the areas of study
3 specified in Section 4980.41.

4 (2) A minimum of seven contact hours of training or coursework
5 in child abuse assessment and reporting as specified in Section 28
6 and any regulations promulgated thereunder.

7 (3) A minimum of 10 contact hours of training or coursework
8 in human sexuality as specified in Section 25 and any regulations
9 promulgated thereunder.

10 (4) A minimum of 15 contact hours of training or coursework
11 in alcoholism and other chemical substance dependency as
12 specified by regulation.

13 (5) (A) Instruction in spousal or partner abuse assessment,
14 detection, and intervention. This instruction may be taken either
15 in fulfillment of other requirements for licensure or in a separate
16 course.

17 (B) A minimum of 15 contact hours of coursework or training
18 in spousal or partner abuse assessment, detection, and intervention
19 strategies.

20 (6) A minimum of a two semester or three quarter unit survey
21 course in psychological testing. This course may be taken either
22 in fulfillment of other requirements for licensure or in a separate
23 course.

24 (7) A minimum of a two semester or three quarter unit survey
25 course in psychopharmacology. This course may be taken either
26 in fulfillment of other requirements for licensure or in a separate
27 course.

28 (8) With respect to human sexuality, alcoholism and other
29 chemical substance dependency, spousal or partner abuse
30 assessment, detection, and intervention, psychological testing, and
31 psychopharmacology, the board may accept training or coursework
32 acquired out of state.

33 (c) This section shall remain in effect only until January 1, 2014,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2014, deletes or extends that date.

36 SEC. 20. Section 4980.90 of the Business and Professions
37 Code is amended to read:

38 4980.90. (a) This section applies to persons who apply for
39 licensure between January 1, 2010, and December 31, 2013,
40 inclusive.

1 (b) Experience gained outside of California shall be accepted
2 toward the licensure requirements if it is substantially equivalent
3 to that required by this chapter, if the applicant complies with
4 Section 4980.76, if applicable, and if the applicant has gained a
5 minimum of 250 hours of supervised experience in direct
6 counseling within California while registered as an intern with the
7 board. The board shall consider hours of experience obtained in
8 another state during the six-year period immediately preceding the
9 applicant's initial licensure by that state as a marriage and family
10 therapist.

11 (c) Education gained while residing outside of California shall
12 be accepted toward the licensure requirements if it is substantially
13 equivalent to the education requirements of this chapter, and if the
14 applicant has completed all of the following:

15 (1) A two semester or three quarter unit course in California
16 law and professional ethics for marriage, family, and child
17 counselors that shall include areas of study as specified in Section
18 4980.41.

19 (2) A minimum of seven contact hours of training or coursework
20 in child abuse assessment and reporting as specified in Section 28
21 and any regulations promulgated thereunder.

22 (3) A minimum of 10 contact hours of training or coursework
23 in sexuality as specified in Section 25 and any regulations
24 promulgated thereunder.

25 (4) A minimum of 15 contact hours of training or coursework
26 in alcoholism and other chemical substance dependency as
27 specified by regulation.

28 (5) (A) Instruction in spousal or partner abuse assessment,
29 detection, and intervention. This instruction may be taken either
30 in fulfillment of other educational requirements for licensure or
31 in a separate course.

32 (B) A minimum of 15 contact hours of coursework or training
33 in spousal or partner abuse assessment, detection, and intervention
34 strategies.

35 (6) A minimum of a two semester or three quarter unit survey
36 course in psychological testing. This course may be taken either
37 in fulfillment of other requirements for licensure or in a separate
38 course.

39 (7) A minimum of a two semester or three quarter unit survey
40 course in psychopharmacology. This course may be taken either

1 in fulfillment of other requirements for licensure or in a separate
2 course.

3 (8) With respect to human sexuality, alcoholism and other
4 chemical substance dependency, spousal or partner abuse
5 assessment, detection, and intervention, psychological testing, and
6 psychopharmacology, the board may accept training or coursework
7 acquired out of state.

8 (d) For purposes of this section, the board may, in its discretion,
9 accept education as substantially equivalent if the applicant meets
10 both of the following requirements:

11 (1) The applicant has been granted a degree in a single integrated
12 program primarily designed to train marriage and family therapists.

13 (2) The applicant's education meets the requirements of Section
14 4980.37. The degree title need not be identical to that required by
15 subdivision (b) of Section 4980.37. If the applicant's degree does
16 not contain the content or the overall units required by Section
17 4980.37, the board may, in its discretion, accept the applicant's
18 education as substantially equivalent if the following criteria are
19 satisfied:

20 (A) The applicant's degree contains the required number of
21 practicum units and coursework required in the areas of marriage,
22 family, and child counseling and marital and family systems
23 approaches to treatment as specified in Section 4980.37.

24 (B) The applicant remediates his or her specific deficiency by
25 completing the course content and the units required by Section
26 4980.37.

27 (C) The applicant's degree otherwise complies with this section.

28 (e) This section shall remain in effect only until January 1, 2014,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2014, deletes or extends that date.

31 SEC. 21. Section 1010 of the Evidence Code is amended to
32 read:

33 1010. As used in this article, "psychotherapist" means a person
34 who is, or is reasonably believed by the patient to be:

35 (a) A person authorized to practice medicine in any state or
36 nation who devotes, or is reasonably believed by the patient to
37 devote, a substantial portion of his or her time to the practice of
38 psychiatry.

1 (b) A person licensed as a psychologist under Chapter 6.6
2 (commencing with Section 2900) of Division 2 of the Business
3 and Professions Code.

4 (c) A person licensed as a clinical social worker under Article
5 4 (commencing with Section 4996) of Chapter 14 of Division 2
6 of the Business and Professions Code, when he or she is engaged
7 in applied psychotherapy of a nonmedical nature.

8 (d) A person who is serving as a school psychologist and holds
9 a credential authorizing that service issued by the state.

10 (e) A person licensed as a marriage and family therapist under
11 Chapter 13 (commencing with Section 4980) of Division 2 of the
12 Business and Professions Code.

13 (f) A person registered as a psychological assistant who is under
14 the supervision of a licensed psychologist or board certified
15 psychiatrist as required by Section 2913 of the Business and
16 Professions Code, or a person registered as a marriage and family
17 therapist intern who is under the supervision of a licensed marriage
18 and family therapist, a licensed clinical social worker, a licensed
19 psychologist, or a licensed physician certified in psychiatry, as
20 specified in Section 4980.44 of the Business and Professions Code.

21 (g) A person registered as an associate clinical social worker
22 who is under the supervision of a licensed clinical social worker,
23 a licensed psychologist, or a board certified psychiatrist as required
24 by Section 4996.20 or 4996.21 of the Business and Professions
25 Code.

26 (h) A person exempt from the Psychology Licensing Law
27 pursuant to subdivision (d) of Section 2909 of the Business and
28 Professions Code who is under the supervision of a licensed
29 psychologist or board certified psychiatrist.

30 (i) A psychological intern as defined in Section 2911 of the
31 Business and Professions Code who is under the supervision of a
32 licensed psychologist or board certified psychiatrist.

33 (j) A trainee, as defined in subdivision (c) of Section 4980.03
34 of the Business and Professions Code, who is fulfilling his or her
35 supervised practicum required by subparagraph (B) of paragraph
36 (1) of subdivision (d) of Section 4980.36 of, or subdivision (c) of
37 Section 4980.37 of, the Business and Professions Code and is
38 supervised by a licensed psychologist, board certified psychiatrist,
39 a licensed clinical social worker, or a licensed marriage and family
40 therapist.

(k) A person licensed as a registered nurse pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, who possesses a master's degree in psychiatric-mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing.

(l) An advanced practice registered nurse who is certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions Code and who participates in expert clinical practice in the specialty of psychiatric-mental health nursing.

(m) A person rendering mental health treatment or counseling services as authorized pursuant to Section 6924 of the Family Code.

SEC. 22. Section 6924 of the Family Code is amended to read:

6924. (a) As used in this section:

(1) "Mental health treatment or counseling services" means the provision of mental health treatment or counseling on an outpatient basis by any of the following:

(A) A governmental agency.

(B) A person or agency having a contract with a governmental agency to provide the services.

(C) An agency that receives funding from community united funds.

(D) A runaway house or crisis resolution center.

(E) A professional person, as defined in paragraph (2).

(2) "Professional person" means any of the following:

(A) A person designated as a mental health professional in Sections 622 to 626, inclusive, of Article 8 of Subchapter 3 of Chapter 1 of Title 9 of the California Code of Regulations.

(B) A marriage and family therapist as defined in Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(C) A licensed educational psychologist as defined in Article 5 (commencing with Section 4986) of Chapter 13 of Division 2 of the Business and Professions Code.

(D) A credentialed school psychologist as described in Section 49424 of the Education Code.

(E) A clinical psychologist as defined in Section 1316.5 of the Health and Safety Code.

1 (F) The chief administrator of an agency referred to in paragraph
2 (1) or (3).

3 (G) A marriage and family therapist registered intern, as defined
4 in Chapter 13 (commencing with Section 4980) of Division 2 of
5 the Business and Professions Code, while working under the
6 supervision of a licensed professional specified in subdivision (g)
7 of Section 4980.03 of the Business and Professions Code.

8 (3) “Residential shelter services” means any of the following:

9 (A) The provision of residential and other support services to
10 minors on a temporary or emergency basis in a facility that services
11 only minors by a governmental agency, a person or agency having
12 a contract with a governmental agency to provide these services,
13 an agency that receives funding from community funds, or a
14 licensed community care facility or crisis resolution center.

15 (B) The provision of other support services on a temporary or
16 emergency basis by any professional person as defined in paragraph
17 (2).

18 (b) A minor who is 12 years of age or older may consent to
19 mental health treatment or counseling on an outpatient basis, or
20 to residential shelter services, if both of the following requirements
21 are satisfied:

22 (1) The minor, in the opinion of the attending professional
23 person, is mature enough to participate intelligently in the
24 outpatient services or residential shelter services.

25 (2) The minor (A) would present a danger of serious physical
26 or mental harm to self or to others without the mental health
27 treatment or counseling or residential shelter services, or (B) is
28 the alleged victim of incest or child abuse.

29 (c) A professional person offering residential shelter services,
30 whether as an individual or as a representative of an entity specified
31 in paragraph (3) of subdivision (a), shall make his or her best
32 efforts to notify the parent or guardian of the provision of services.

33 (d) The mental health treatment or counseling of a minor
34 authorized by this section shall include involvement of the minor’s
35 parent or guardian unless, in the opinion of the professional person
36 who is treating or counseling the minor, the involvement would
37 be inappropriate. The professional person who is treating or
38 counseling the minor shall state in the client record whether and
39 when the person attempted to contact the minor’s parent or
40 guardian, and whether the attempt to contact was successful or

1 unsuccessful, or the reason why, in the professional person's
2 opinion, it would be inappropriate to contact the minor's parent
3 or guardian.

4 (e) The minor's parents or guardian are not liable for payment
5 for mental health treatment or counseling services provided
6 pursuant to this section unless the parent or guardian participates
7 in the mental health treatment or counseling, and then only for
8 services rendered with the participation of the parent or guardian.

9 The minor's parents or guardian are not liable for payment for any
10 residential shelter services provided pursuant to this section unless
11 the parent or guardian consented to the provision of those services.

12 (f) This section does not authorize a minor to receive convulsive
13 therapy or psychosurgery as defined in subdivisions (f) and (g) of
14 Section 5325 of the Welfare and Institutions Code, or psychotropic
15 drugs without the consent of the minor's parent or guardian.

16 SEC. 23. Section 6929 of the Family Code is amended to read:

17 6929. (a) As used in this section:

18 (1) "Counseling" means the provision of counseling services
19 by a provider under a contract with the state or a county to provide
20 alcohol or drug abuse counseling services pursuant to Part 2
21 (commencing with Section 5600) of Division 5 of the Welfare and
22 Institutions Code or pursuant to Division 10.5 (commencing with
23 Section 11750) of the Health and Safety Code.

24 (2) "Drug or alcohol" includes, but is not limited to, any
25 substance listed in any of the following:

26 (A) Section 380 or 381 of the Penal Code.

27 (B) Division 10 (commencing with Section 11000) of the Health
28 and Safety Code.

29 (C) Subdivision (f) of Section 647 of the Penal Code.

30 (3) "LAAM" means levoalphacetylmethadol as specified in
31 paragraph (10) of subdivision (c) of Section 11055 of the Health
32 and Safety Code.

33 (4) "Professional person" means a physician and surgeon,
34 registered nurse, psychologist, clinical social worker, marriage
35 and family therapist, marriage and family therapist registered intern
36 when appropriately employed and supervised pursuant to Section
37 4980.43 of the Business and Professions Code, psychological
38 assistant when appropriately employed and supervised pursuant
39 to Section 2913 of the Business and Professions Code, or associate

1 clinical social worker when appropriately employed and supervised
2 pursuant to Section 4996.18 of the Business and Professions Code.

3 (b) A minor who is 12 years of age or older may consent to
4 medical care and counseling relating to the diagnosis and treatment
5 of a drug- or alcohol-related problem.

6 (c) The treatment plan of a minor authorized by this section
7 shall include the involvement of the minor's parent or guardian,
8 if appropriate, as determined by the professional person or
9 treatment facility treating the minor. The professional person
10 providing medical care or counseling to a minor shall state in the
11 minor's treatment record whether and when the professional person
12 attempted to contact the minor's parent or guardian, and whether
13 the attempt to contact the parent or guardian was successful or
14 unsuccessful, or the reason why, in the opinion of the professional
15 person, it would not be appropriate to contact the minor's parent
16 or guardian.

17 (d) The minor's parent or guardian is not liable for payment for
18 any care provided to a minor pursuant to this section, except that
19 if the minor's parent or guardian participates in a counseling
20 program pursuant to this section, the parent or guardian is liable
21 for the cost of the services provided to the minor and the parent
22 or guardian.

23 (e) This section does not authorize a minor to receive
24 replacement narcotic abuse treatment, in a program licensed
25 pursuant to Article 3 (commencing with Section 11875) of Chapter
26 1 of Part 3 of Division 10.5 of the Health and Safety Code, without
27 the consent of the minor's parent or guardian.

28 (f) It is the intent of the Legislature that the state shall respect
29 the right of a parent or legal guardian to seek medical care and
30 counseling for a drug- or alcohol-related problem of a minor child
31 when the child does not consent to the medical care and counseling,
32 and nothing in this section shall be construed to restrict or eliminate
33 this right.

34 (g) Notwithstanding any other provision of law, in cases where
35 a parent or legal guardian has sought the medical care and
36 counseling for a drug- or alcohol-related problem of a minor child,
37 the physician shall disclose medical information concerning the
38 care to the minor's parent or legal guardian upon his or her request,
39 even if the minor child does not consent to disclosure, without
40 liability for the disclosure.

1 SEC. 24. Section 1277 of the Health and Safety Code is
2 amended to read:

3 1277. (a) No license shall be issued by the state department
4 unless it finds that the premises, the management, the bylaws, rules
5 and regulations, the equipment, the staffing, both professional and
6 nonprofessional, and the standards of care and services are adequate
7 and appropriate, and that the health facility is operated in the
8 manner required by this chapter and by the rules and regulations
9 adopted hereunder.

10 (b) Notwithstanding any provision of Part 2 (commencing with
11 Section 5600) of Division 5 of, or Division 7 (commencing with
12 Section 7100) of, the Welfare and Institutions Code or any other
13 law to the contrary, except Sections 2072 and 2073 of the Business
14 and Professions Code, the licensure requirements for professional
15 personnel, including, but not limited to, physicians and surgeons,
16 dentists, podiatrists, psychologists, marriage and family therapists,
17 pharmacists, registered nurses, and clinical social workers in the
18 state and other governmental health facilities licensed by the state
19 department shall not be less than for those professional personnel
20 in health facilities under private ownership. Persons employed as
21 psychologists and clinical social workers, while continuing in their
22 employment in the same class as of January 1, 1979, in the same
23 state or other governmental health facility licensed by the state
24 department, including those persons on authorized leave, but not
25 including intermittent personnel, shall be exempt from the
26 requirements of this subdivision. Additionally, the requirements
27 of this subdivision may be waived by the state department solely
28 for persons in the professions of psychology, marriage and family
29 therapy or clinical social work who are gaining qualifying
30 experience for licensure in such profession in this state. A waiver
31 granted pursuant to this subdivision shall not exceed three years
32 from the date the employment commences in this state in the case
33 of psychologists, or four years from commencement of the
34 employment in this state in the case of marriage and family
35 therapists and clinical social workers, at which time licensure shall
36 have been obtained or the employment shall be terminated except
37 that an extension of a waiver of licensure for marriage and family
38 therapists and clinical social workers may be granted for one
39 additional year, based on extenuating circumstances determined
40 by the department pursuant to subdivision (e). For persons

1 employed as psychologists, clinical social workers, or marriage
2 and family therapists less than full time, an extension of a waiver
3 of licensure may be granted for additional years proportional to
4 the extent of part-time employment, as long as the person is
5 employed without interruption in service, but in no case shall the
6 waiver of licensure exceed six years in the case of clinical social
7 workers and marriage and family therapists or five years in the
8 case of psychologists. However, this durational limitation upon
9 waivers shall not apply to active candidates for a doctoral degree
10 in social work, social welfare, or social science, who are enrolled
11 at an accredited university, college, or professional school, but
12 these limitations shall apply following completion of this training.
13 Additionally, this durational limitation upon waivers shall not
14 apply to active candidates for a doctoral degree in marriage and
15 family therapy who are enrolled at a school, college, or university,
16 specified in subdivision (b) of Section 4980.36 of, or subdivision
17 (b) of Section 4980.37 of, the Business and Professions Code, but
18 the limitations shall apply following completion of the training.
19 A waiver pursuant to this subdivision shall be granted only to the
20 extent necessary to qualify for licensure, except that personnel
21 recruited for employment from outside this state and whose
22 experience is sufficient to gain admission to a licensing
23 examination shall nevertheless have one year from the date of their
24 employment in California to become licensed, at which time
25 licensure shall have been obtained or the employment shall be
26 terminated, provided that the employee shall take the licensure
27 examination at the earliest possible date after the date of his or her
28 employment, and if the employee does not pass the examination
29 at that time, he or she shall have a second opportunity to pass the
30 next possible examination, subject to the one-year limit for
31 marriage and family therapists and clinical social workers, and
32 subject to a two-year limit for psychologists.

33 (c) A special permit shall be issued by the state department
34 when it finds that the staff, both professional and nonprofessional,
35 and the standards of care and services are adequate and appropriate,
36 and that the special services unit is operated in the manner required
37 in this chapter and by the rules and regulations adopted hereunder.

38 (d) The state department shall apply the same standards to state
39 and other governmental health facilities that it licenses as it applies
40 to health facilities in private ownership, including standards

1 specifying the level of training and supervision of all unlicensed
2 practitioners. Except for psychologists, the department may grant
3 an extension of a waiver of licensure for personnel recruited from
4 outside this state for one additional year, based upon extenuating
5 circumstances as determined by the department pursuant to
6 subdivision (e).

7 (e) The department shall grant a request for an extension of a
8 waiver based on extenuating circumstances, pursuant to
9 subdivisions (b) and (d), if any of the following circumstances
10 exist:

11 (1) The person requesting the extension has experienced a
12 recent catastrophic event which may impair the person's ability
13 to qualify for and pass the license examination. Those events may
14 include, but are not limited to, significant hardship caused by a
15 natural disaster, serious and prolonged illness of the person, serious
16 and prolonged illness or death of a child, spouse, or parent, or other
17 stressful circumstances.

18 (2) The person requesting the extension has difficulty speaking
19 or writing the English language, or other cultural and ethnic factors
20 exist which substantially impair the person's ability to qualify for
21 and pass the license examination.

22 (3) The person requesting the extension has experienced other
23 personal hardship which the department, in its discretion,
24 determines to warrant the extension.

25 SEC. 25. Section 123115 of the Health and Safety Code is
26 amended to read:

27 123115. (a) The representative of a minor shall not be entitled
28 to inspect or obtain copies of the minor's patient records in either
29 of the following circumstances:

30 (1) With respect to which the minor has a right of inspection
31 under Section 123110.

32 (2) Where the health care provider determines that access to the
33 patient records requested by the representative would have a
34 detrimental effect on the provider's professional relationship with
35 the minor patient or the minor's physical safety or psychological
36 well-being. The decision of the health care provider as to whether
37 or not a minor's records are available for inspection or copying
38 under this section shall not attach any liability to the provider,
39 unless the decision is found to be in bad faith.

1 (b) When a health care provider determines there is a substantial
2 risk of significant adverse or detrimental consequences to a patient
3 in seeing or receiving a copy of mental health records requested
4 by the patient, the provider may decline to permit inspection or
5 provide copies of the records to the patient, subject to the following
6 conditions:

7 (1) The health care provider shall make a written record, to be
8 included with the mental health records requested, noting the date
9 of the request and explaining the health care provider's reason for
10 refusing to permit inspection or provide copies of the records,
11 including a description of the specific adverse or detrimental
12 consequences to the patient that the provider anticipates would
13 occur if inspection or copying were permitted.

14 (2) The health care provider shall permit inspection by, or
15 provide copies of the mental health records to, a licensed physician
16 and surgeon, licensed psychologist, licensed marriage and family
17 therapist, or licensed clinical social worker, designated by request
18 of the patient. Any marriage and family therapist registered intern,
19 as defined in Chapter 13 (commencing with Section 4980) of
20 Division 2 of the Business and Professions Code, may not inspect
21 the patient's mental health records or obtain copies thereof, except
22 pursuant to the direction or supervision of a licensed professional
23 specified in subdivision (g) of Section 4980.03 of the Business
24 and Professions Code. Prior to providing copies of mental health
25 records to a marriage and family therapist registered intern, a
26 receipt for those records shall be signed by the supervising licensed
27 professional. The licensed physician and surgeon, licensed
28 psychologist, licensed marriage and family therapist, licensed
29 clinical social worker, or marriage and family therapist registered
30 intern to whom the records are provided for inspection or copying
31 shall not permit inspection or copying by the patient.

32 (3) The health care provider shall inform the patient of the
33 provider's refusal to permit him or her to inspect or obtain copies
34 of the requested records, and inform the patient of the right to
35 require the provider to permit inspection by, or provide copies to,
36 a licensed physician and surgeon, licensed psychologist, licensed
37 marriage and family therapist, or licensed clinical social worker,
38 designated by written authorization of the patient.

1 (4) The health care provider shall indicate in the mental health
2 records of the patient whether the request was made under
3 paragraph (2).

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5

6 **CORRECTIONS:**

7 **Text—Page 9.**

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