

AMENDED IN ASSEMBLY JUNE 8, 2009

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~~ *This experience may consist of, among other things, no more than a total of 1,000 hours of experience for in direct supervisor contact and professional enrichment activities, no more than 125 hours of experience providing personal psychotherapy services via telemedicine, and no more than 250 hours of postdegree experience administering and evaluating psychological tests, writing clinical reports, writing progress reports, or writing process notes experience providing counseling or crisis counseling on the telephone.*

~~This bill would instead require that limit the applicant have to no more than 1,250 hours of experience for specified related in direct supervisor contact, client centered advocacy, and 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 as specified, and no more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via~~

telemedicine. The bill would also delete the limit on the number of hours of experience in providing counseling or crisis counseling on the telephone and would make other related changes.

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. *The bill would make other related changes.*

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

1 applying for initial licensure or for licensure renewal on or after
2 January 1, 1987.

3 All persons applying for initial licensure and renewal of a license
4 as a psychologist, clinical social worker, or marriage and family
5 therapist on or after January 1, 1987, shall, in addition to all other
6 requirements for licensure or renewal, have completed coursework
7 or training in child abuse assessment and reporting which meets
8 the requirements of this section, including detailed knowledge of
9 Section 11165 of the Penal Code. The training shall meet all of
10 the following requirements:

11 (a) Be completed after January 1, 1983.

12 (b) Be obtained from one of the following sources:

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

16 (2) A continuing education provider approved by the responsible
17 board.

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

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

22 (d) Include the study of the assessment and method of reporting
23 of sexual assault, neglect, severe neglect, general neglect, willful
24 cruelty or unjustifiable punishment, corporal punishment or injury,
25 and abuse in out-of-home care. The training shall also include
26 physical and behavioral indicators of abuse, crisis counseling
27 techniques, community resources, rights and responsibilities of
28 reporting, consequences of failure to report, caring for a child's
29 needs after a report is made, sensitivity to previously abused
30 children and adults, and implications and methods of treatment
31 for children and adults.

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

34 The Board of Psychology and the Board of Behavioral Sciences
35 shall exempt an applicant who applies for an exemption from the
36 requirements of this section and who shows to the satisfaction of
37 the board that there would be no need for the training in his or her
38 practice because of the nature of that practice.

39 It is the intent of the Legislature that a person licensed as a
40 psychologist, clinical social worker, or marriage and family

1 therapist have minimal but appropriate training in the areas of child
2 abuse assessment and reporting. It is not intended that by solely
3 complying with the requirements of this section, a practitioner is
4 fully trained in the subject of treatment of child abuse victims and
5 abusers.

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

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

9 4980.02. For the purposes of this chapter, the practice of
10 marriage and family therapy shall mean that service performed
11 with individuals, couples, or groups wherein interpersonal
12 relationships are examined for the purpose of achieving more
13 adequate, satisfying, and productive marriage and family
14 adjustments. This practice includes relationship and premarriage
15 counseling.

16 The application of marriage and family therapy principles and
17 methods includes, but is not limited to, the use of applied
18 psychotherapeutic techniques, to enable individuals to mature and
19 grow within marriage and the family, the provision of explanations
20 and interpretations of the psychosexual and psychosocial aspects
21 of relationships, and the use, application, and integration of the
22 coursework and training required by Sections 4980.36, 4980.37,
23 and 4980.41, as applicable.

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

26 4980.03. (a) "Board," as used in this chapter, means the Board
27 of Behavioral Sciences.

28 (b) "Intern," as used in this chapter, means an unlicensed person
29 who has earned his or her master's or doctor's degree qualifying
30 him or her for licensure and is registered with the board.

31 (c) "Trainee," as used in this chapter, means an unlicensed
32 person who is currently enrolled in a master's or doctor's degree
33 program, as specified in Sections 4980.36 and 4980.37, that is
34 designed to qualify him or her for licensure under this chapter, and
35 who has completed no less than 12 semester units or 18 quarter
36 units of coursework in any qualifying degree program.

37 (d) "Applicant," as used in this chapter, means an unlicensed
38 person who has completed a master's or doctoral degree program,
39 as specified in Sections 4980.36 and 4980.37, and whose
40 application for registration as an intern is pending, or an unlicensed

1 person who has completed the requirements for licensure as
2 specified in this chapter, is no longer registered with the board as
3 an intern, and is currently in the examination process.

4 (e) “Advertise,” as used in this chapter, includes, but is not
5 limited to, any public communication, as defined in subdivision
6 (a) of Section 651, the issuance of any card, sign, or device to any
7 person, or the causing, permitting, or allowing of any sign or
8 marking on, or in, any building or structure, or in any newspaper
9 or magazine or in any directory, or any printed matter whatsoever,
10 with or without any limiting qualification. Signs within religious
11 buildings or notices in church bulletins mailed to a congregation
12 shall not be construed as advertising within the meaning of this
13 chapter.

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

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

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

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

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

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

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

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

37 4980.35. (a) The Legislature acknowledges that the basic
38 obligation to provide a complete and accurate application for a
39 marriage and family therapist license lies with the applicant. At
40 the same time, the Legislature recognizes that an effort should be

1 made by the board to ensure that persons who enter degree
2 programs and supervisorial training settings that meet the
3 requirements of this chapter are enabled to discern the requirements
4 for licensing and to take the examination when they have completed
5 their educational and experience requirements.

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

10 (1) Apply a portion of its limited resources specifically to the
11 task of communicating information about its activities, the
12 requirements and qualifications for licensure, and the practice of
13 marriage and family therapy to the relevant educational institutions,
14 supervisors, professional associations, applicants, trainees, interns,
15 and the consuming public.

16 (2) Develop policies and procedures to assist educational
17 institutions in meeting the curricula requirements of Sections
18 4980.36 and 4980.37 and any regulations adopted pursuant to those
19 sections, so that those educational institutions may better provide
20 assurance to their students that the curriculum offered to fulfill the
21 educational requirements for licensure will meet those requirements
22 at the time of the student's application for licensure.

23 (3) Notify applicants in the application procedure when
24 applications are incomplete, inaccurate, or deficient, and inform
25 applicants of any remediation, reconsideration, or appeal
26 procedures that may be applicable.

27 (4) Undertake, or cause to be undertaken, further comprehensive
28 review, in consultation with educational institutions, professional
29 associations, supervisors, interns, and trainees, of the supervision
30 of interns and trainees, which shall include, but not be limited to,
31 the following, and shall propose regulations regarding the
32 supervision of interns and trainees which may include, but not be
33 limited to, the following:

34 (A) Supervisor qualifications.

35 (B) Continuing education requirements of supervisors.

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

37 (D) Responsibilities of supervisors in general.

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

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

4 (G) The role of the supervisor in advising and encouraging his
5 or her intern or trainee regarding the necessity or value and
6 appropriateness of the intern or trainee engaging in personal
7 psychotherapy, so as to enable the intern or trainee to become a
8 more competent marriage and family therapist.

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

11 4980.36. (a) This section shall apply to the following:

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

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

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

20 (b) To qualify for a license or registration, applicants shall
21 possess a doctor's or master's degree meeting the requirements of
22 this section in marriage, family, and child counseling, marriage
23 and family therapy, psychology, clinical psychology, counseling
24 psychology, or counseling with an emphasis in either marriage,
25 family, and child counseling or marriage and family therapy,
26 obtained from a school, college, or university approved by the
27 Bureau for Private Postsecondary and Vocational Education or
28 accredited by either the Commission on the Accreditation of
29 Marriage and Family Therapy Education or a regional accrediting
30 agency recognized by the United States Department of Education.
31 The board has the authority to make the final determination as to
32 whether a degree meets all requirements, including, but not limited
33 to, course requirements, regardless of accreditation or approval.

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

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

37 (A) Marriage and family therapy principles.

38 (B) The principles of mental health recovery-oriented care and
39 methods of service delivery in recovery-oriented practice
40 environments, among others.

1 (C) An understanding of various cultures and the social and
2 psychological implications of socioeconomic position, and an
3 understanding of how poverty and social stress impact an
4 individual's mental health and recovery.

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

7 (3) Encourage students to develop the personal qualities that
8 are intimately related to effective practice, including, but not
9 limited to, integrity, sensitivity, flexibility, insight, compassion,
10 and personal presence.

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

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

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

22 (1) Both of the following:

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

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

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

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

39 (iii) A student must be enrolled in a practicum course while
40 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.

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

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

(2) Instruction in all of the following:

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

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

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

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

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

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

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

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

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

- 1 (C) The broad range of matters and life events that may arise
2 within marriage and family relationships and within a variety of
3 California cultures, including instruction in all of the following:
4 (i) Child *and adult* abuse assessment and reporting.
5 (ii) Spousal or partner abuse assessment, detection, intervention
6 strategies, and same-gender abuse dynamics.
7 (iii) Cultural factors relevant to abuse of partners and family
8 members.
9 (iv) Childbirth, child rearing, parenting, and stepparenting.
10 (v) Marriage, divorce, and blended families.
11 (vi) Long-term care.
12 (vii) End of life and grief.
13 (viii) Poverty and deprivation.
14 (ix) Financial and social stress.
15 (x) Effects of trauma.
16 (xi) The psychological, psychotherapeutic, community, and
17 health implications of the matters and life events described in
18 clauses (i) to (x), inclusive.
19 (D) Cultural competency and sensitivity, including a familiarity
20 with the racial, cultural, linguistic, and ethnic backgrounds of
21 persons living in California.
22 (E) Multicultural development and cross-cultural interaction,
23 including experiences of race, ethnicity, class, spirituality, sexual
24 orientation, gender, and disability, and their incorporation into the
25 psychotherapeutic process.
26 (F) The effects of socioeconomic status on treatment and
27 available resources.
28 (G) Resilience, including the personal and community qualities
29 that enable persons to cope with adversity, trauma, tragedy, threats,
30 or other stresses.
31 (H) Human sexuality, including the study of physiological,
32 psychological, and social cultural variables associated with sexual
33 behavior and gender identity, and the assessment and treatment of
34 psychosexual dysfunction.
35 (I) Substance use disorders, co-occurring disorders, and
36 addiction, including, but not limited to, instruction in all of the
37 following:
38 (i) The definition of substance use disorders, co-occurring
39 disorders, and addiction. For purposes of this subparagraph,

1 “co-occurring disorders” means a mental illness and substance
2 abuse diagnosis occurring simultaneously in an individual.

3 (ii) Medical aspects of substance use disorders and co-occurring
4 disorders.

5 (iii) The effects of psychoactive drug use.

6 (iv) Current theories of the etiology of substance abuse and
7 addiction.

8 (v) The role of persons and systems that support or compound
9 substance abuse and addiction.

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

13 (vii) Legal aspects of substance abuse.

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

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

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

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

21 (J) California law and professional ethics for marriage and
22 family therapists, including instruction in all of the following areas
23 of study:

24 (i) Contemporary professional ethics and statutory, regulatory,
25 and decisional laws that delineate the scope of practice of marriage
26 and family therapy.

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

30 (iii) The current legal patterns and trends in the mental health
31 professions.

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

35 (v) A recognition and exploration of the relationship between
36 a practitioner’s sense of self and human values and his or her
37 professional behavior and ethics.

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

40 (vii) Licensing law and licensing process.

(e) The degree described in subdivision (b) shall, in addition to meeting the requirements of subdivision (d), include instruction in case management, systems of care for the severely mentally ill, public and private services and supports available for the severely mentally ill, community resources for persons with mental illness and for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. This instruction may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

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

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

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

(b) To qualify for a license or registration, applicants shall possess a doctor's or master's degree in marriage, family, and child counseling, marriage and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university accredited by a regional accrediting agency recognized by the United States Department of Education or approved by the Bureau for Private Postsecondary and Vocational Education. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval. In order to qualify for licensure pursuant to this section, a doctor's or master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. This instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and

1 child counseling, and marital and family systems approaches to
2 treatment. The coursework shall include all of the following areas:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) 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.

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

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

(g) 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. 7. Section 4980.38 of the Business and Professions Code is amended to read:

4980.38. (a) Each educational institution preparing applicants to qualify for registration or licensure shall notify each of its students by means of its public documents or otherwise in writing

1 that its degree program is designed to meet the requirements of
2 Section 4980.36 or 4980.37, and shall certify to the board that it
3 has so notified its students.

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

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

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

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

14 4980.39. (a) An applicant for licensure whose education
15 qualifies him or her under Section 4980.37 shall complete, as a
16 condition of licensure, a minimum of 10 contact hours of
17 coursework in aging and long-term care, which may include, but
18 is not limited to, the biological, social, and psychological aspects
19 of aging.

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

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

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

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

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

38 4980.40. To qualify for a license, an applicant shall have all
39 of the following qualifications:

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

3 (b) Be at least 18 years of age.

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

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

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

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

20 4980.41. (a) An applicant for licensure whose education
21 qualifies him or her under Section 4980.37 shall complete the
22 following coursework or training in order to be eligible to sit for
23 the licensing examinations as specified in subdivision (d) of Section
24 4980.40:

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

29 (A) Contemporary professional ethics and statutory, regulatory,
30 and decisional laws that delineate the profession's scope of
31 practice.

32 (B) The therapeutic, clinical, and practical considerations
33 involved in the legal and ethical practice of marriage and family
34 therapy, including family law.

35 (C) The current legal patterns and trends in the mental health
36 profession.

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

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

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

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

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

15 (4) For persons who began graduate study on or after January
16 1, 1986, a master's or doctor's degree qualifying for licensure shall
17 include specific instruction in alcoholism and other chemical
18 substance dependency as specified by regulation. When coursework
19 in a master's or doctor's degree program is acquired to satisfy this
20 requirement, it shall be considered as part of the 48 semester or
21 72 quarter unit requirement contained in Section 4980.37.

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

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

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

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

(b) 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. 11. Section 4980.43 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

~~(B) Not more than 250 hours of professional enrichment activities, excluding personal psychotherapy as described in paragraph (2) of subdivision (f).~~

1 ~~(C) Not more than 100 hours of personal psychotherapy as~~
2 ~~described in paragraph (2) of subdivision (l). The applicant shall~~
3 ~~be credited for three hours of experience for each hour of personal~~
4 ~~psychotherapy. The applicant shall not be credited with more than~~
5 ~~750 hours of counseling and direct supervisor contact prior to~~
6 ~~completing the master's or doctor's degree.~~

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

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

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

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

20 ~~(B) Not more than 250 hours of experience administering and~~
21 ~~evaluating psychological tests, writing clinical reports, writing~~
22 ~~progress notes, or writing process notes.~~

23 ~~(C) Direct supervisor contact.~~

24 ~~(D) Client centered advocacy.~~

25 ~~(E) Personal psychotherapy.~~

26 (7) Not more than a combined total of 1,250 hours of experience
27 in the following:

28 (A) Direct supervisor contact.

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

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

36 (ii) Participation by the applicant in personal psychotherapy,
37 which includes group, marital or conjoint, family, or individual
38 psychotherapy by an appropriately licensed professional. An
39 applicant shall have no more than 100 hours of participation in

1 *personal psychotherapy. The applicant shall be credited with three*
2 *hours of experience for each hour of personal psychotherapy.*

3 *(C) Client centered advocacy.*

4 *(8) Not more than 500 hours of experience providing group*
5 *therapy or group counseling.*

6 ~~*(9) Not more than 250 hours of experience providing counseling*~~
7 ~~*or crisis counseling on the telephone.*~~

8 *(9) Not more than 250 hours of experience administering and*
9 *evaluating psychological tests, writing clinical reports, writing*
10 *progress notes, or writing process notes.*

11 *(10) Not less than 500 total hours of experience in diagnosing*
12 *and treating couples, families, and children. For the first 150 hours*
13 *of treating couples and families in conjoint therapy, the applicant*
14 *shall be credited with two hours of experience for each hour of*
15 *therapy provided.*

16 *(11) Not more than 375 hours of experience providing*
17 *personal psychotherapy, crisis counseling, or other counseling*
18 *services via telemedicine in accordance with Section 2290.5.*

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

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

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

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

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

(2) ~~Each~~ *An individual supervised after being granted a qualifying degree shall receive an average of at least one hour of direct supervisor contact for every 10 hours of client contact in each setting in which experience is gained. degree shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact is gained in each setting. No more than five hours of supervision, whether individual or group, shall be credited during any single week.*

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

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

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

(6) ~~An~~ *Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain up to 30 hours of the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.*

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

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

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

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

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 4980.44. An unlicensed marriage and family therapist intern
4 employed under this chapter shall comply with the following
5 requirements:

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

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

10 (c) Inform each client or patient prior to performing any
11 professional services that he or she is unlicensed and under the
12 supervision of a licensed marriage and family therapist, licensed
13 clinical social worker, licensed psychologist, or a licensed
14 physician and surgeon certified in psychiatry by the American
15 Board of Psychiatry and Neurology.

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

18 4980.50. (a) Every applicant who meets the educational and
19 experience requirements and applies for a license as a marriage
20 and family therapist shall be examined by the board. The
21 examinations shall be as set forth in subdivision (d) of Section
22 4980.40. The examinations shall be given at least twice a year at
23 a time and place and under supervision as the board may determine.
24 The board shall examine the candidate with regard to his or her
25 knowledge and professional skills and his or her judgment in the
26 utilization of appropriate techniques and methods.

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

33 (c) The board shall not deny any applicant, whose application
34 for licensure is complete, admission to the standard written
35 examination, nor shall the board postpone or delay any applicant's
36 standard written examination or delay informing the candidate of
37 the results of the standard written examination, solely upon the
38 receipt by the board of a complaint alleging acts or conduct that
39 would constitute grounds to deny licensure.

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

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

20 (f) Notwithstanding any other provision of law, the board may
21 destroy all examination materials two years following the date of
22 an examination.

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

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

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

32 4980.54. (a) The Legislature recognizes that the education and
33 experience requirements in this chapter constitute only minimal
34 requirements to assure that an applicant is prepared and qualified
35 to take the licensure examinations as specified in subdivision (d)
36 of Section 4980.40 and, if he or she passes those examinations, to
37 begin practice.

38 (b) In order to continuously improve the competence of licensed
39 marriage and family therapists and as a model for all
40 psychotherapeutic professions, the Legislature encourages all

1 licensees to regularly engage in continuing education related to
2 the profession or scope of practice as defined in this chapter.

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

9 (d) The board shall have the right to audit the records of any
10 applicant to verify the completion of the continuing education
11 requirement. Applicants shall maintain records of completion of
12 required continuing education coursework for a minimum of two
13 years and shall make these records available to the board for
14 auditing purposes upon request.

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

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

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

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

30 (g) The board shall establish, by regulation, a procedure for
31 approving providers of continuing education courses, and all
32 providers of continuing education, as described in paragraphs (1)
33 and (2) of subdivision (f), shall adhere to procedures established
34 by the board. The board may revoke or deny the right of a provider
35 to offer continuing education coursework pursuant to this section
36 for failure to comply with the requirements of this section or any
37 regulation adopted pursuant to this section.

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

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

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

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

7 (i) A system of continuing education for licensed marriage and
8 family therapists shall include courses directly related to the
9 diagnosis, assessment, and treatment of the client population being
10 served.

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

19 (k) The continuing education requirements of this section shall
20 comply fully with the guidelines for mandatory continuing
21 education established by the Department of Consumer Affairs
22 pursuant to Section 166.

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

25 4980.72. (a) This section applies to persons who are licensed
26 outside of California and apply for licensure on or after January
27 1, 2014.

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

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

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

38 (3) The applicant's supervised experience is substantially
39 equivalent to that required for a license under this chapter. The
40 board shall consider hours of experience obtained outside of

1 California during the six-year period immediately preceding the
2 date the applicant initially obtained the license described above.

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

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

7 4980.74. (a) This section applies to persons who apply for
8 licensure or registration on or after January 1, 2014, and who do
9 not hold a license as described in Section 4980.72.

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

17 (c) The board shall accept experience gained outside of
18 California for purposes of satisfying licensure or registration
19 requirements if the experience is substantially equivalent to that
20 required by this chapter.

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

23 4980.76. An applicant for licensure or registration with a degree
24 obtained from an educational institution outside the United States
25 shall provide the board with a comprehensive evaluation of the
26 degree performed by a foreign credential evaluation service that
27 is a member of the National Association of Credential Evaluation
28 Services (NACES), and shall provide any other documentation
29 the board deems necessary.

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

32 4980.78. (a) This section applies to persons who apply for
33 licensure or registration on or after January 1, 2014.

34 (b) For purposes of Sections 4980.72 and 4980.74, education
35 is substantially equivalent if all of the following requirements are
36 met:

37 (1) The degree is obtained from a school, college, or university
38 accredited by an accrediting agency recognized by the United
39 States Department of Education and consists of, at a minimum, 48

1 semester or 72 quarter units, including, but not limited to, both of
2 the following:

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

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

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

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

15 (A) Instruction regarding the principles of mental health
16 recovery-oriented care and methods of service delivery in recovery
17 model practice environments.

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

20 (C) Structured meeting with various consumers and family
21 members of consumers of mental health services to enhance
22 understanding of their experience of mental illness, treatment, and
23 recovery.

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

27 (4) The applicant completes a course in California law and
28 professional ethics. The content of the course shall include, but
29 not be limited to, advertising, scope of practice, scope of
30 competence, treatment of minors, confidentiality, dangerous
31 patients, psychotherapist-patient privilege, recordkeeping, patient
32 access to records, the Health Insurance Portability and
33 Accountability Act, dual relationships, child abuse, elder and
34 dependent adult abuse, online therapy, insurance reimbursement,
35 civil liability, disciplinary actions and unprofessional conduct,
36 ethics complaints and ethical standards, termination of therapy,
37 standards of care, relevant family law, therapist disclosures to
38 patients, differences in legal and ethical standards in different types
39 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 two semester or three quarter unit course in California law and professional ethics that includes, at minimum, the areas of study specified in Section 4980.41.

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

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

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

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

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

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

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

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

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

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

35 4980.90. (a) This section applies to persons who apply for
36 licensure between January 1, 2010, and December 31, 2013,
37 inclusive.

38 (b) Experience gained outside of California shall be accepted
39 toward the licensure requirements if it is substantially equivalent
40 to that required by this chapter, if the applicant complies with

1 Section 4980.76, if applicable, and if the applicant has gained a
2 minimum of 250 hours of supervised experience in direct
3 counseling within California while registered as an intern with the
4 board. The board shall consider hours of experience obtained in
5 another state during the six-year period immediately preceding the
6 applicant's initial licensure by that state as a marriage and family
7 therapist.

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

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

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

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

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

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

29 (B) A minimum of 15 contact hours of coursework or training
30 in spousal or partner abuse assessment, detection, and intervention
31 strategies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (k) A person licensed as a registered nurse pursuant to Chapter
39 6 (commencing with Section 2700) of Division 2 of the Business
40 and Professions Code, who possesses a master's degree in

1 psychiatric-mental health nursing and is listed as a
2 psychiatric-mental health nurse by the Board of Registered
3 Nursing.

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

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

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

13 6924. (a) As used in this section:

14 (1) “Mental health treatment or counseling services” means the
15 provision of mental health treatment or counseling on an outpatient
16 basis by any of the following:

17 (A) A governmental agency.

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

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

22 (D) A runaway house or crisis resolution center.

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

24 (2) “Professional person” means any of the following:

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

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

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

34 (D) A credentialed school psychologist as described in Section
35 49424 of the Education Code.

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

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

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

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

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

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

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

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

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

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

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

1 opinion, it would be inappropriate to contact the minor's parent
2 or guardian.

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

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

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

16 6929. (a) As used in this section:

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

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

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

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

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

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

32 (4) "Professional person" means a physician and surgeon,
33 registered nurse, psychologist, clinical social worker, marriage
34 and family therapist, marriage and family therapist registered intern
35 when appropriately employed and supervised pursuant to Section
36 4980.43 of the Business and Professions Code, psychological
37 assistant when appropriately employed and supervised pursuant
38 to Section 2913 of the Business and Professions Code, or associate
39 clinical social worker when appropriately employed and supervised
40 pursuant to Section 4996.18 of the Business and Professions Code.

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

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

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

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

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

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

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

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

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

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

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

36 (d) The state department shall apply the same standards to state
37 and other governmental health facilities that it licenses as it applies
38 to health facilities in private ownership, including standards
39 specifying the level of training and supervision of all unlicensed
40 practitioners. Except for psychologists, the department may grant

1 an extension of a waiver of licensure for personnel recruited from
2 outside this state for one additional year, based upon extenuating
3 circumstances as determined by the department pursuant to
4 subdivision (e).

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

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

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

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

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

25 123115. (a) The representative of a minor shall not be entitled
26 to inspect or obtain copies of the minor's patient records in either
27 of the following circumstances:

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

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

38 (b) When a health care provider determines there is a substantial
39 risk of significant adverse or detrimental consequences to a patient
40 in seeing or receiving a copy of mental health records requested

1 by the patient, the provider may decline to permit inspection or
2 provide copies of the records to the patient, subject to the following
3 conditions:

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

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

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

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

O