

AMENDED IN ASSEMBLY SEPTEMBER 3, 2009

AMENDED IN ASSEMBLY AUGUST 17, 2009

AMENDED IN ASSEMBLY JUNE 22, 2009

AMENDED IN SENATE APRIL 29, 2009

AMENDED IN SENATE APRIL 1, 2009

SENATE BILL

No. 788

Introduced by Senators Wyland and Steinberg

February 27, 2009

An act to amend Sections ~~728, 805~~, 728 and 4990 of, to add Chapter 16 (commencing with Section 4999.10) to Division 2 of, and to repeal Sections 4999.32, 4999.56, 4999.58, and 4999.101 of, the Business and Professions Code, relating to professional clinical counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 788, as amended, Wyland. Licensed professional clinical counselors.

Existing law provides for the licensure and regulation of marriage and family therapists and clinical social workers by the Board of Behavioral Sciences, in the Department of Consumer Affairs. Under existing law, the board consists of 11 members.

This bill would provide for the licensure, registration, and regulation of licensed professional clinical counselors and interns by the board and would add ~~4~~ 2 additional members to the board, to be appointed by the Governor, as specified. The bill would enact various provisions concerning the practice of licensed professional clinical counselors, interns, and clinical counselor trainees, including, but not limited to, practice requirements and enforcement specifications. The bill would

authorize the board to begin accepting applications for intern registration on January 1, 2011, and for ~~professional clinical counselor~~ licensure *examination eligibility* on January 1, 2012, but would authorize the board to issue licenses to individuals meeting certain criteria who apply between January 1, 2011, and June 30, 2011. The bill would authorize the board to impose specified fees on licensed professional clinical counselors and interns, which would be deposited in the Behavioral Sciences Fund to carry out the provisions of the bill. The bill would require that the startup costs of the program be funded by a loan from the Behavioral Sciences Fund, upon appropriation by the Legislature. The bill would provide that a violation of its provisions is a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. Section 728 of the Business and Professions Code
- 2 is amended to read:
- 3 728. (a) Any psychotherapist or employer of a psychotherapist
- 4 who becomes aware through a patient that the patient had alleged
- 5 sexual intercourse or alleged sexual contact with a previous
- 6 psychotherapist during the course of a prior treatment shall provide
- 7 to the patient a brochure promulgated by the department that
- 8 delineates the rights of, and remedies for, patients who have been
- 9 involved sexually with their psychotherapist. Further, the
- 10 psychotherapist or employer shall discuss with the patient the
- 11 brochure prepared by the department.
- 12 (b) Failure to comply with this section constitutes unprofessional
- 13 conduct.
- 14 (c) For the purpose of this section, the following definitions
- 15 apply:
- 16 (1) "Psychotherapist" means a physician and surgeon
- 17 specializing in the practice of psychiatry or practicing

1 psychotherapy, a psychologist, a clinical social worker, a marriage
2 and family therapist, a licensed professional clinical counselor, a
3 psychological assistant, a marriage and family therapist registered
4 intern or trainee, an intern or clinical counselor trainee, as specified
5 in Chapter 16 (commencing with Section 4999.10), or an associate
6 clinical social worker.

7 (2) “Sexual contact” means the touching of an intimate part of
8 another person.

9 (3) “Intimate part” and “touching” have the same meaning as
10 defined in subdivisions (f) and (d), respectively, of Section 243.4
11 of the Penal Code.

12 (4) “The course of a prior treatment” means the period of time
13 during which a patient first commences treatment for services that
14 a psychotherapist is authorized to provide under his or her scope
15 of practice, or that the psychotherapist represents to the patient as
16 being within his or her scope of practice, until the
17 psychotherapist-patient relationship is terminated.

18 ~~SEC. 2. Section 805 of the Business and Professions Code is~~
19 ~~amended to read:~~

20 ~~805. (a) As used in this section, the following terms have the~~
21 ~~following definitions:~~

22 ~~(1) “Peer review body” includes:~~

23 ~~(A) A medical or professional staff of any health care facility~~
24 ~~or clinic licensed under Division 2 (commencing with Section~~
25 ~~1200) of the Health and Safety Code or of a facility certified to~~
26 ~~participate in the federal Medicare Program as an ambulatory~~
27 ~~surgical center.~~

28 ~~(B) A health care service plan licensed under Chapter 2.2~~
29 ~~(commencing with Section 1340) of Division 2 of the Health and~~
30 ~~Safety Code or a disability insurer that contracts with licentiates~~
31 ~~to provide services at alternative rates of payment pursuant to~~
32 ~~Section 10133 of the Insurance Code.~~

33 ~~(C) Any medical, psychological, marriage and family therapy,~~
34 ~~social work, licensed professional clinical counseling, dental, or~~
35 ~~podiatric professional society having as members at least 25 percent~~
36 ~~of the eligible licentiates in the area in which it functions (which~~
37 ~~must include at least one county), which is not organized for profit~~
38 ~~and which has been determined to be exempt from taxes pursuant~~
39 ~~to Section 23701 of the Revenue and Taxation Code.~~

~~(D) A committee organized by any entity consisting of or employing more than 25 licentiates of the same class that functions for the purpose of reviewing the quality of professional care provided by members or employees of that entity.~~

~~(2) “Licentiate” means a physician and surgeon, doctor of podiatric medicine, clinical psychologist, marriage and family therapist, clinical social worker, licensed professional clinical counselor, or dentist. “Licentiate” also includes a person authorized to practice medicine pursuant to Section 2113.~~

~~(3) “Agency” means the relevant state licensing agency having regulatory jurisdiction over the licentiates listed in paragraph (2).~~

~~(4) “Staff privileges” means any arrangement under which a licentiate is allowed to practice in or provide care for patients in a health facility. Those arrangements shall include, but are not limited to, full staff privileges, active staff privileges, limited staff privileges, auxiliary staff privileges, provisional staff privileges, temporary staff privileges, courtesy staff privileges, locum tenens arrangements, and contractual arrangements to provide professional services, including, but not limited to, arrangements to provide outpatient services.~~

~~(5) “Denial or termination of staff privileges, membership, or employment” includes failure or refusal to renew a contract or to renew, extend, or reestablish any staff privileges, if the action is based on medical disciplinary cause or reason.~~

~~(6) “Medical disciplinary cause or reason” means that aspect of a licentiate’s competence or professional conduct that is reasonably likely to be detrimental to patient safety or to the delivery of patient care.~~

~~(7) “805 report” means the written report required under subdivision (b).~~

~~(b) The chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic shall file an 805 report with the relevant agency within 15 days after the effective date of any of the following that occur as a result of an action of a peer review body:~~

~~(1) A licentiate’s application for staff privileges or membership is denied or rejected for a medical disciplinary cause or reason.~~

1 ~~(2) A licentiate's membership, staff privileges, or employment~~
2 ~~is terminated or revoked for a medical disciplinary cause or reason.~~

3 ~~(3) Restrictions are imposed, or voluntarily accepted, on staff~~
4 ~~privileges, membership, or employment for a cumulative total of~~
5 ~~30 days or more for any 12-month period, for a medical disciplinary~~
6 ~~cause or reason.~~

7 ~~(c) The chief of staff of a medical or professional staff or other~~
8 ~~chief executive officer, medical director, or administrator of any~~
9 ~~peer review body and the chief executive officer or administrator~~
10 ~~of any licensed health care facility or clinic shall file an 805 report~~
11 ~~with the relevant agency within 15 days after any of the following~~
12 ~~occur after notice of either an impending investigation or the denial~~
13 ~~or rejection of the application for a medical disciplinary cause or~~
14 ~~reason:~~

15 ~~(1) Resignation or leave of absence from membership, staff, or~~
16 ~~employment.~~

17 ~~(2) The withdrawal or abandonment of a licentiate's application~~
18 ~~for staff privileges or membership.~~

19 ~~(3) The request for renewal of those privileges or membership~~
20 ~~is withdrawn or abandoned.~~

21 ~~(d) For purposes of filing an 805 report, the signature of at least~~
22 ~~one of the individuals indicated in subdivision (b) or (c) on the~~
23 ~~completed form shall constitute compliance with the requirement~~
24 ~~to file the report.~~

25 ~~(e) An 805 report shall also be filed within 15 days following~~
26 ~~the imposition of summary suspension of staff privileges,~~
27 ~~membership, or employment, if the summary suspension remains~~
28 ~~in effect for a period in excess of 14 days.~~

29 ~~(f) A copy of the 805 report, and a notice advising the licentiate~~
30 ~~of his or her right to submit additional statements or other~~
31 ~~information pursuant to Section 800, shall be sent by the peer~~
32 ~~review body to the licentiate named in the report.~~

33 ~~The information to be reported in an 805 report shall include the~~
34 ~~name and license number of the licentiate involved, a description~~
35 ~~of the facts and circumstances of the medical disciplinary cause~~
36 ~~or reason, and any other relevant information deemed appropriate~~
37 ~~by the reporter.~~

38 ~~A supplemental report shall also be made within 30 days~~
39 ~~following the date the licentiate is deemed to have satisfied any~~
40 ~~terms, conditions, or sanctions imposed as disciplinary action by~~

1 the reporting peer review body. In performing its dissemination
2 functions required by Section 805.5, the agency shall include a
3 copy of a supplemental report, if any, whenever it furnishes a copy
4 of the original 805 report.

5 If another peer review body is required to file an 805 report, a
6 health care service plan is not required to file a separate report
7 with respect to action attributable to the same medical disciplinary
8 cause or reason. If the Medical Board of California or a licensing
9 agency of another state revokes or suspends, without a stay, the
10 license of a physician and surgeon, a peer review body is not
11 required to file an 805 report when it takes an action as a result of
12 the revocation or suspension.

13 (g) The reporting required by this section shall not act as a
14 waiver of confidentiality of medical records and committee reports.
15 The information reported or disclosed shall be kept confidential
16 except as provided in subdivision (c) of Section 800 and Sections
17 803.1 and 2027, provided that a copy of the report containing the
18 information required by this section may be disclosed as required
19 by Section 805.5 with respect to reports received on or after
20 January 1, 1976.

21 (h) The Medical Board of California, the Osteopathic Medical
22 Board of California, and the Dental Board of California shall
23 disclose reports as required by Section 805.5.

24 (i) An 805 report shall be maintained by an agency for
25 dissemination purposes for a period of three years after receipt.

26 (j) No person shall incur any civil or criminal liability as the
27 result of making any report required by this section.

28 (k) A willful failure to file an 805 report by any person who is
29 designated or otherwise required by law to file an 805 report is
30 punishable by a fine not to exceed one hundred thousand dollars
31 (\$100,000) per violation. The fine may be imposed in any civil or
32 administrative action or proceeding brought by or on behalf of any
33 agency having regulatory jurisdiction over the person regarding
34 whom the report was or should have been filed. If the person who
35 is designated or otherwise required to file an 805 report is a
36 licensed physician and surgeon, the action or proceeding shall be
37 brought by the Medical Board of California. The fine shall be paid
38 to that agency but not expended until appropriated by the
39 Legislature. A violation of this subdivision may constitute
40 unprofessional conduct by the licentiate. A person who is alleged

1 to have violated this subdivision may assert any defense available
2 at law. As used in this subdivision, “willful” means a voluntary
3 and intentional violation of a known legal duty.

4 (l) Except as otherwise provided in subdivision (k), any failure
5 by the administrator of any peer review body, the chief executive
6 officer or administrator of any health care facility, or any person
7 who is designated or otherwise required by law to file an 805
8 report, shall be punishable by a fine that under no circumstances
9 shall exceed fifty thousand dollars (\$50,000) per violation. The
10 fine may be imposed in any civil or administrative action or
11 proceeding brought by or on behalf of any agency having
12 regulatory jurisdiction over the person regarding whom the report
13 was or should have been filed. If the person who is designated or
14 otherwise required to file an 805 report is a licensed physician and
15 surgeon, the action or proceeding shall be brought by the Medical
16 Board of California. The fine shall be paid to that agency but not
17 expended until appropriated by the Legislature. The amount of the
18 fine imposed, not exceeding fifty thousand dollars (\$50,000) per
19 violation, shall be proportional to the severity of the failure to
20 report and shall differ based upon written findings, including
21 whether the failure to file caused harm to a patient or created a
22 risk to patient safety; whether the administrator of any peer review
23 body, the chief executive officer or administrator of any health
24 care facility, or any person who is designated or otherwise required
25 by law to file an 805 report exercised due diligence despite the
26 failure to file or whether they knew or should have known that an
27 805 report would not be filed; and whether there has been a prior
28 failure to file an 805 report. The amount of the fine imposed may
29 also differ based on whether a health care facility is a small or
30 rural hospital as defined in Section 124840 of the Health and Safety
31 Code.

32 (m) A health care service plan licensed under Chapter 2.2
33 (commencing with Section 1340) of Division 2 of the Health and
34 Safety Code or a disability insurer that negotiates and enters into
35 a contract with licentiates to provide services at alternative rates
36 of payment pursuant to Section 10133 of the Insurance Code, when
37 determining participation with the plan or insurer, shall evaluate,
38 on a case-by-case basis, licentiates who are the subject of an 805
39 report, and not automatically exclude or deselect these licentiates.

1 ~~SEC. 3.~~

2 SEC. 2. Section 4990 of the Business and Professions Code is
3 amended to read:

4 4990. (a) There is in the Department of Consumer Affairs, a
5 Board of Behavioral Sciences that consists of the following
6 members:

7 (1) Two state licensed clinical social workers.

8 (2) One state licensed educational psychologist.

9 (3) Two state licensed marriage and family therapists.

10 (4) Commencing January 1, 2012, ~~two~~ one state licensed
11 professional clinical ~~counselors~~ counselor.

12 (5) ~~Eight~~ Seven public members.

13 (b) Each member, except the ~~eight~~ seven public members, shall
14 have at least two years of experience in his or her profession.

15 (c) Each member shall reside in the State of California.

16 (d) The Governor shall appoint ~~six~~ five of the public members
17 and the ~~seven~~ six licensed members with the advice and consent
18 of the Senate. The Senate Committee on Rules and the Speaker of
19 the Assembly shall each appoint a public member.

20 (e) Each member of the board shall be appointed for a term of
21 four years. A member appointed by the Speaker of the Assembly
22 or the Senate Committee on Rules shall hold office until the
23 appointment and qualification of his or her successor or until one
24 year from the expiration date of the term for which he or she was
25 appointed, whichever first occurs. Pursuant to Section 1774 of the
26 Government Code, a member appointed by the Governor shall
27 hold office until the appointment and qualification of his or her
28 successor or until 60 days from the expiration date of the term for
29 which he or she was appointed, whichever first occurs.

30 (f) A vacancy on the board shall be filled by appointment for
31 the unexpired term by the authority who appointed the member
32 whose membership was vacated.

33 (g) Not later than the first of June of each calendar year, the
34 board shall elect a chairperson and a vice chairperson from its
35 membership.

36 (h) Each member of the board shall receive a per diem and
37 reimbursement of expenses as provided in Section 103.

38 (i) This section shall remain in effect only until January 1, 2011,
39 and as of that date is repealed, unless a later enacted statute, that
40 is enacted before January 1, 2011, deletes or extends that date.

1 ~~SEC. 4.~~

2 SEC. 3. Chapter 16 (commencing with Section 4999.10) is
3 added to Division 2 of the Business and Professions Code, to read:

4
5 CHAPTER 16. LICENSED PROFESSIONAL CLINICAL COUNSELORS

6
7 Article 1. Administration

8
9 4999.10. This chapter constitutes, and may be cited as, the
10 Licensed Professional Clinical Counselor Act.

11 4999.11. In enacting this chapter, the Legislature recognizes
12 that licensed professional clinical counselors practice a separate
13 and distinct profession from the professions practiced by licensed
14 marriage and family therapists and licensed clinical social workers.
15 As such, the Legislature recognizes the need to appropriately test
16 licensed marriage and family therapists and licensed clinical social
17 workers seeking to become licensed professional clinical
18 counselors on the difference in practice between the professions.

19 4999.12. For purposes of this chapter, the following terms have
20 the following meanings:

21 (a) “Board” means the Board of Behavioral Sciences.

22 (b) “Accredited” means a school, college, or university
23 accredited by the Western Association of Schools and Colleges,
24 or its equivalent regional accrediting association.

25 (c) “Approved” means a school, college, or university that
26 possessed unconditional approval by the Bureau for Private
27 Postsecondary and Vocational Education at the time of the
28 applicant’s graduation from the school, college, or university.

29 (d) “Applicant” means an unlicensed person who has completed
30 a master’s or doctoral degree program, as specified in Section
31 4999.32 or 4999.33, as applicable, and whose application for
32 registration as an intern is pending or ~~who is in the examination~~
33 ~~process has applied for examination eligibility~~, or an unlicensed
34 person who has completed the requirements for licensure specified
35 in this chapter, ~~chapter and is no longer registered with the board~~
36 ~~as an intern, and is currently in the examination process. registered~~
37 ~~with the board as an intern.~~

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

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

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

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

11 (1) Has documented two years of clinical experience as a
12 licensed professional clinical counselor, licensed marriage and
13 family therapist, licensed clinical psychologist, licensed clinical
14 social worker, or licensed physician and surgeon who is certified
15 in psychiatry by the American Board of Psychiatry and Neurology.

16 (2) Has received professional training in supervision.

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

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

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

25 (j) “Advertising” or “advertise” includes, but is not limited to,
26 the issuance of any card, sign, or device to any person, or the
27 causing, permitting, or allowing of any sign or marking on, or in,
28 any building or structure, or in any newspaper or magazine or in
29 any directory, or any printed matter whatsoever, with or without
30 any limiting qualification. It also includes business solicitations
31 communicated by radio or television broadcasting. Signs within
32 church buildings or notices in church bulletins mailed to a
33 congregation shall not be construed as advertising within the
34 meaning of this chapter.

35 (k) “Referral” means evaluating and identifying the needs of a
36 client to determine whether it is advisable to refer the client to
37 other specialists, informing the client of that judgment, and
38 communicating that determination as requested or deemed
39 appropriate to referral sources.

1 (l) “Research” means a systematic effort to collect, analyze, and
2 interpret quantitative and qualitative data that describes how social
3 characteristics, behavior, emotion, cognitions, disabilities, mental
4 disorders, and interpersonal transactions among individuals and
5 organizations interact.

6 (m) “Supervision” includes the following:

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

10 (2) Reviewing client or patient records, monitoring and
11 evaluating assessment, diagnosis, and treatment decisions of the
12 clinical counselor trainee.

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

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

18 (5) That amount of direct observation, or review of audio or
19 videotapes of counseling or therapy, as deemed appropriate by the
20 supervisor.

21 4999.14. The board shall do all of the following:

22 (a) Communicate information about its activities, the
23 requirements and qualifications for licensure, and the practice of
24 professional clinical counseling to the relevant educational
25 institutions, supervisors, professional associations, applicants,
26 clinical counselor trainees, interns, and the public.

27 (b) Develop policies and procedures to assist educational
28 institutions in meeting the educational qualifications of Sections
29 4999.32 and 4999.33.

30 31 Article 2. Scope of Practice

32
33 4999.20. (a) (1) “Professional clinical counseling” means the
34 application of counseling interventions and psychotherapeutic
35 techniques to identify and remediate cognitive, mental, and
36 emotional issues, including personal growth, adjustment to
37 disability, crisis intervention, and psychosocial and environmental
38 problems. “Professional clinical counseling” includes conducting
39 assessments for the purpose of establishing counseling goals and
40 objectives to empower individuals to deal adequately with life

1 situations, reduce stress, experience growth, change behavior, and
2 make well-informed, rational decisions.

3 (2) “Professional clinical counseling” is focused exclusively on
4 the application of counseling interventions and psychotherapeutic
5 techniques for the purposes of improving mental health, and is not
6 intended to capture other, nonclinical forms of counseling for the
7 purposes of licensure. For purposes of this paragraph, “nonclinical”
8 means nonmental health.

9 (3) “Professional clinical counseling” does not include the
10 assessment or treatment of couples or families unless the
11 professional clinical counselor has completed all of the following
12 additional training and education, beyond the minimum training
13 and education required for licensure:

14 (A) One of the following:

15 (i) Six semester units or nine quarter units specifically focused
16 on the theory and application of marriage and family therapy.

17 (ii) A named specialization or emphasis area on the qualifying
18 degree in marriage and family therapy; marital and family therapy;
19 marriage, family, and child counseling; or couple and family
20 therapy.

21 (B) No less than 500 hours of documented supervised experience
22 working directly with couples, families, or children.

23 (C) A minimum of six hours of continuing education specific
24 to marriage and family therapy, completed in each license renewal
25 cycle.

26 (4) “Professional clinical counseling” does not include the
27 provision of clinical social work services.

28 (b) “Counseling interventions and psychotherapeutic techniques”
29 means the application of cognitive, affective, verbal or nonverbal,
30 systemic or holistic counseling strategies that include principles
31 of development, wellness, and maladjustment that reflect a
32 pluralistic society. These interventions and techniques are
33 specifically implemented in the context of a professional clinical
34 counseling relationship and use a variety of counseling theories
35 and approaches.

36 (c) “Assessment” means selecting, administering, scoring, and
37 interpreting tests, instruments, and other tools and methods
38 designed to measure an individual’s attitudes, abilities, aptitudes,
39 achievements, interests, personal characteristics, disabilities, and
40 mental, emotional, and behavioral concerns and development and

1 the use of methods and techniques for understanding human
2 behavior in relation to coping with, adapting to, or ameliorating
3 changing life situations, as part of the counseling process.
4 “Assessment” shall not include the use of projective techniques
5 in the assessment of personality, individually administered
6 intelligence tests, neuropsychological testing, or utilization of a
7 battery of three or more tests to determine the presence of
8 psychosis, dementia, amnesia, cognitive impairment, or criminal
9 behavior.

10 (d) Professional clinical counselors shall refer clients to other
11 licensed health care professionals when they identify issues beyond
12 their own scope of education, training, and experience.

13 4999.22. (a) Nothing in this chapter shall prevent qualified
14 persons from doing work of a psychosocial nature consistent with
15 the standards and ethics of their respective professions. However,
16 these qualified persons shall not hold themselves out to the public
17 by any title or description of services incorporating the words
18 “licensed professional clinical counselor” and shall not state that
19 they are licensed to practice professional clinical counseling, unless
20 they are otherwise licensed to provide professional clinical
21 counseling services.

22 (b) Nothing in this chapter shall be construed to constrict, limit,
23 or withdraw provisions of the Medical Practice Act, the Clinical
24 Social Worker Practice Act, the Nursing Practice Act, the
25 Psychology Licensing Law, or the Marriage and Family Therapy
26 licensing laws.

27 (c) This chapter shall not apply to any priest, rabbi, or minister
28 of the gospel of any religious denomination who performs
29 counseling services as part of his or her pastoral or professional
30 duties, or to any person who is admitted to practice law in this
31 state, or who is licensed to practice medicine, who provides
32 counseling services as part of his or her professional practice.

33 (d) This chapter shall not apply to an employee of a
34 governmental entity or a school, college, or university, or of an
35 institution both nonprofit and charitable, if his or her practice is
36 performed solely under the supervision of the entity, school,
37 college, university, or institution by which he or she is employed,
38 and if he or she performs those functions as part of the position
39 for which he or she is employed.

(e) All persons registered as interns or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

4999.24. Nothing in this chapter shall restrict or prevent activities of a psychotherapeutic or counseling nature on the part of persons employed by accredited or state-approved academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or clinical counselor trainees pursuing a course of study leading to a degree that qualifies for professional clinical counselor licensure at an accredited or state-approved college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as “clinical counselor trainee” or other title clearly indicating the training status appropriate to the level of training.

Article 3. Licensure

4999.30. Except as otherwise provided in this chapter, a person shall not practice or advertise the performance of professional clinical counseling services without a license issued by the board, and shall pay the license fee required by this chapter.

4999.32. (a) This section shall apply to applicants for ~~licensure~~ *examination eligibility* 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 4999.33.

(b) To qualify for a ~~license~~ *examination eligibility* or registration, applicants shall possess a master’s or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is “counseling or psychotherapy in content” if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 48 graduate semester or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse

1 populations, and counselors' roles in eliminating biases and
2 prejudices, and processes of intentional and unintentional
3 oppression and discrimination.

4 (G) Principles of the diagnostic process, including differential
5 diagnosis, and the use of current diagnostic tools, such as the
6 current edition of the Diagnostic and Statistical Manual, the impact
7 of co-occurring substance use disorders or medical psychological
8 disorders, established diagnostic criteria for mental or emotional
9 disorders, and the treatment modalities and placement criteria
10 within the continuum of care.

11 (H) Research and evaluation, including studies that provide an
12 understanding of research methods, statistical analysis, the use of
13 research to inform evidence-based practice, the importance of
14 research in advancing the profession of counseling, and statistical
15 methods used in conducting research, needs assessment, and
16 program evaluation.

17 (I) Professional orientation, ethics, and law in counseling,
18 including professional ethical standards and legal considerations,
19 licensing law and process, regulatory laws that delineate the
20 profession's scope of practice, counselor-client privilege,
21 confidentiality, the client dangerous to self or others, treatment of
22 minors with or without parental consent, relationship between
23 practitioner's sense of self and human values, functions and
24 relationships with other human service providers, strategies for
25 collaboration, and advocacy processes needed to address
26 institutional and social barriers that impede access, equity, and
27 success for clients.

28 (2) In addition to the course requirements described in paragraph
29 (1), a minimum of 12 semester units or 18 quarter units of advanced
30 coursework to develop knowledge of specific treatment issues,
31 special populations, application of counseling constructs,
32 assessment and treatment planning, clinical interventions,
33 therapeutic relationships, psychopathology, or other clinical topics.

34 (3) Not less than six semester units or nine quarter units of
35 supervised practicum or field study experience, or the equivalent,
36 in a clinical setting that provides a range of professional clinical
37 counseling experience, including the following:

38 (A) Applied psychotherapeutic techniques.

39 (B) Assessment.

40 (C) Diagnosis.

1 (D) Prognosis.

2 (E) Treatment.

3 (F) Issues of development, adjustment, and maladjustment.

4 (G) Health and wellness promotion.

5 (H) Other recognized counseling interventions.

6 (I) A minimum of 150 hours of face-to-face supervised clinical
7 experience counseling individuals, families, or groups.

8 (d) (1) An applicant whose degree is deficient in no more than
9 two of the required areas of study listed in subparagraphs (A) to
10 (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those
11 deficiencies by successfully completing post-master's or
12 postdoctoral degree coursework at an accredited or approved
13 institution, as defined in Section 4999.12.

14 (2) Coursework taken to meet deficiencies in the required areas
15 of study listed in subparagraphs (A) to (I), inclusive, of paragraph
16 (1) of subdivision (c) shall be the equivalent of three semester units
17 or four and one-half quarter units of study.

18 (3) The board shall make the final determination as to whether
19 a degree meets all requirements, including, but not limited to,
20 course requirements, regardless of accreditation.

21 (e) In addition to the degree described in this section, or as part
22 of that degree, an applicant shall complete the following
23 coursework or training prior to registration as an intern:

24 (1) A minimum of 15 contact hours of instruction in alcoholism
25 and other chemical substance abuse dependency, as specified by
26 regulation.

27 (2) A minimum of 10 contact hours of training or coursework
28 in human sexuality as specified in Section 25, and any regulations
29 promulgated thereunder.

30 (3) A two semester unit or three quarter unit survey course in
31 psychopharmacology.

32 (4) A minimum of 15 contact hours of instruction in spousal or
33 partner abuse assessment, detection, and intervention strategies,
34 including knowledge of community resources, cultural factors,
35 and same gender abuse dynamics.

36 (5) A minimum of seven contact hours of training or coursework
37 in child abuse assessment and reporting as specified in Section 28
38 and any regulations adopted thereunder.

39 (6) A minimum of 18 contact hours of instruction in California
40 law and professional ethics for professional clinical counselors.

1 When coursework in a master's or doctoral degree program is
2 acquired to satisfy this requirement, it shall be considered as part
3 of the 48 semester unit or 72 quarter unit requirement in
4 subdivision (c).

5 (7) A minimum of 10 contact hours of instruction in aging and
6 long-term care, which may include, but is not limited to, the
7 biological, social, and psychological aspects of aging.

8 (8) A minimum of 15 contact hours of instruction in crisis or
9 trauma counseling, including multidisciplinary responses to crises,
10 emergencies, or disasters, and brief, intermediate, and long-term
11 approaches.

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

15 4999.33. (a) This section shall apply to the following:

16 (1) Applicants for ~~licensure~~ *examination eligibility* or
17 registration who begin graduate study before August 1, 2012, and
18 do not complete that study on or before December 31, 2018.

19 (2) Applicants for ~~licensure~~ *examination eligibility* or
20 registration who begin graduate study before August 1, 2012, and
21 who graduate from a degree program that meets the requirements
22 of this section.

23 (3) Applicants for ~~licensure~~ *examination eligibility* or
24 registration who begin graduate study on or after August 1, 2012.

25 (b) To qualify for a ~~license~~ *examination eligibility* or registration,
26 applicants shall possess a master's or doctoral degree that is
27 counseling or psychotherapy in content and that meets the
28 requirements of this section, obtained from an accredited or
29 approved institution, as defined in Section 4999.12. For purposes
30 of this subdivision, a degree is "counseling or psychotherapy in
31 content" if it contains the supervised practicum or field study
32 experience described in paragraph (3) of subdivision (c) and, except
33 as provided in subdivision (f), the coursework in the core content
34 areas listed in subparagraphs (A) to (M), inclusive, of paragraph
35 (1) of subdivision (c).

36 (c) The degree described in subdivision (b) shall contain not
37 less than 60 graduate semester or 90 graduate quarter units of
38 instruction, which shall, except as provided in subdivision (f),
39 include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in all of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, group developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

1 (G) Principles of the diagnostic process, including differential
2 diagnosis, and the use of current diagnostic tools, such as the
3 current edition of the Diagnostic and Statistical Manual, the impact
4 of co-occurring substance use disorders or medical psychological
5 disorders, established diagnostic criteria for mental or emotional
6 disorders, and the treatment modalities and placement criteria
7 within the continuum of care.

8 (H) Research and evaluation, including studies that provide an
9 understanding of research methods, statistical analysis, the use of
10 research to inform evidence-based practice, the importance of
11 research in advancing the profession of counseling, and statistical
12 methods used in conducting research, needs assessment, and
13 program evaluation.

14 (I) Professional orientation, ethics, and law in counseling,
15 including California law and professional ethics for professional
16 clinical counselors, professional ethical standards and legal
17 considerations, licensing law and process, regulatory laws that
18 delineate the profession's scope of practice, counselor-client
19 privilege, confidentiality, the client dangerous to self or others,
20 treatment of minors with or without parental consent, relationship
21 between practitioner's sense of self and human values, functions
22 and relationships with other human service providers, strategies
23 for collaboration, and advocacy processes needed to address
24 institutional and social barriers that impede access, equity, and
25 success for clients.

26 (J) Psychopharmacology, including the biological bases of
27 behavior, basic classifications, indications, and contraindications
28 of commonly prescribed psychopharmacological medications so
29 that appropriate referrals can be made for medication evaluations
30 and so that the side effects of those medications can be identified.

31 (K) Addictions counseling, including substance abuse,
32 co-occurring disorders, and addiction, major approaches to
33 identification, evaluation, treatment, and prevention of substance
34 abuse and addiction, legal and medical aspects of substance abuse,
35 populations at risk, the role of support persons, support systems,
36 and community resources.

37 (L) Crisis or trauma counseling, including crisis theory;
38 multidisciplinary responses to crises, emergencies, or disasters;
39 cognitive, affective, behavioral, and neurological effects associated
40 with trauma; brief, intermediate and long-term approaches; and

1 assessment strategies for clients in crisis and principles of
2 intervention for individuals with mental or emotional disorders
3 during times of crisis, emergency, or disaster.

4 (M) Advanced counseling and psychotherapeutic theories and
5 techniques, including the application of counseling constructs,
6 assessment and treatment planning, clinical interventions,
7 therapeutic relationships, psychopathology, or other clinical topics.

8 (2) In addition to the course requirements described in paragraph
9 (1), 15 semester units or 22.5 quarter units of advanced coursework
10 to develop knowledge of specific treatment issues or special
11 populations.

12 (3) Not less than six semester units or nine quarter units of
13 supervised practicum or field study experience, or the equivalent,
14 in a clinical setting that provides a range of professional clinical
15 counseling experience, including the following:

16 (A) Applied psychotherapeutic techniques.

17 (B) Assessment.

18 (C) Diagnosis.

19 (D) Prognosis.

20 (E) Treatment.

21 (F) Issues of development, adjustment, and maladjustment.

22 (G) Health and wellness promotion.

23 (H) Professional writing including documentation of services,
24 treatment plans, and progress notes.

25 (I) How to find and use resources.

26 (J) Other recognized counseling interventions.

27 (K) A minimum of 280 hours of face-to-face supervised clinical
28 experience counseling individuals, families, or groups.

29 (d) The 60 graduate semester units or 90 graduate quarter units
30 of instruction required pursuant to subdivision (c) shall, in addition
31 to meeting the requirements of subdivision (c), include instruction
32 in all of the following:

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

36 (2) The understanding of human behavior within the social
37 context of a representative variety of the cultures found within
38 California.

1 (3) Cultural competency and sensitivity, including a familiarity
2 with the racial, cultural, linguistic, and ethnic backgrounds of
3 persons living in California.

4 (4) An understanding of the effects of socioeconomic status on
5 treatment and available resources.

6 (5) Multicultural development and cross-cultural interaction,
7 including experiences of race, ethnicity, class, spirituality, sexual
8 orientation, gender, and disability and their incorporation into the
9 psychotherapeutic process.

10 (6) Case management, systems of care for the severely mentally
11 ill, public and private services for the severely mentally ill,
12 community resources for victims of abuse, disaster and trauma
13 response, advocacy for the severely mentally ill and collaborative
14 treatment. The instruction required in this paragraph may be
15 provided either in credit level coursework or through extension
16 programs offered by the degree-granting institution.

17 (7) Human sexuality, including the study of the physiological,
18 psychological, and social cultural variables associated with sexual
19 behavior, gender identity, and the assessment and treatment of
20 psychosexual dysfunction.

21 (8) Spousal or partner abuse assessment, detection, intervention
22 strategies, and same-gender abuse dynamics.

23 (9) Child abuse assessment and reporting.

24 (10) Aging and long-term care, including biological, social,
25 cognitive, and psychological aspects of aging.

26 (e) A degree program that qualifies for licensure under this
27 section shall do all of the following:

28 (1) Integrate the principles of mental health recovery-oriented
29 care and methods of service delivery in recovery-oriented practice
30 environments.

31 (2) Integrate an understanding of various cultures and the social
32 and psychological implications of socioeconomic position.

33 (3) Provide the opportunity for students to meet with various
34 consumers and family members of consumers of mental health
35 services to enhance understanding of their experience of mental
36 illness, treatment, and recovery.

37 (f) (1) An applicant whose degree is deficient in no more than
38 three of the required areas of study listed in subparagraphs (A) to
39 (M), inclusive, of paragraph (1) of subdivision (c) may satisfy
40 those deficiencies by successfully completing post-master's or

1 postdoctoral degree coursework at an accredited or approved
2 institution, as defined in Section 4999.12.

3 (2) Coursework taken to meet deficiencies in the required areas
4 of study listed in subparagraphs (A) to (M), inclusive, of paragraph
5 (1) of subdivision (c) shall be the equivalent of three semester units
6 or four and one-half quarter units of study.

7 (3) The board shall make the final determination as to whether
8 a degree meets all requirements, including, but not limited to,
9 course requirements, regardless of accreditation.

10 4999.34. A clinical counselor trainee may be credited with
11 predegree supervised practicum and field study experience
12 completed in a setting that meets all of the following requirements:

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

15 (b) Provides oversight to ensure that the clinical counselor
16 trainee's work at the setting meets the practicum and field study
17 experience and requirements set forth in this chapter and is within
18 the scope of practice for licensed professional clinical counselors.

19 (c) Is not a private practice.

20 (d) Experience may be gained by the clinical counselor trainee
21 solely as part of the position for which the clinical counselor trainee
22 volunteers or is employed.

23 4999.36. (a) A clinical counselor trainee may perform activities
24 and services provided that the activities and services constitute
25 part of the clinical counselor trainee's supervised course of study
26 and that the person is designated by the title "clinical counselor
27 trainee."

28 (b) All practicum and field study hours gained as a clinical
29 counselor trainee shall be coordinated between the school and the
30 site where hours are being accrued. The school shall approve each
31 site and shall have a written agreement with each site that details
32 each party's responsibilities, including the methods by which
33 supervision shall be provided. The agreement shall provide for
34 regular progress reports and evaluations of the student's
35 performance at the site.

36 (c) If an applicant has gained practicum and field study hours
37 while enrolled in an institution other than the one that confers the
38 qualifying degree, it shall be the applicant's responsibility to
39 provide to the board satisfactory evidence that those practicum
40 and field study hours were gained in compliance with this section.

1 (d) A clinical counselor trainee shall inform each client or
2 patient, prior to performing any professional services, that he or
3 she is unlicensed and under supervision.

4 (e) No hours earned while a clinical counselor trainee may count
5 toward the 3,000 hours of postdegree internship hours.

6 (f) A clinical counselor trainee shall receive an average of at
7 least one hour of direct supervisor contact for every five hours of
8 client contact in each setting. For purposes of this subdivision,
9 “one hour of direct supervisor contact” means one hour of
10 face-to-face contact on an individual basis or two hours of
11 face-to-face contact in a group of not more than eight persons in
12 segments lasting no less than one continuous hour.

13 4999.40. (a) Each educational institution preparing applicants
14 to qualify for licensure shall notify each of its students by means
15 of its public documents or otherwise in writing that its degree
16 program is designed to meet the requirements of Section 4999.32
17 or 4999.33 and shall certify to the board that it has so notified its
18 students.

19 (b) An applicant trained at an educational institution outside the
20 United States shall demonstrate to the satisfaction of the board
21 that he or she possesses a qualifying degree that is equivalent to a
22 degree earned from an institution of higher education that is
23 accredited or approved. These applicants shall provide the board
24 with a comprehensive evaluation of the degree performed by a
25 foreign credential evaluation service that is a member of the
26 National Association of Credential Evaluation Services and shall
27 provide any other documentation the board deems necessary.

28 4999.42. (a) To qualify for registration as an intern, an
29 applicant shall have all of the following qualifications:

30 (1) The applicant shall have earned a master’s or doctoral degree
31 as specified in Section 4999.32 or 4999.33, as applicable. An
32 applicant whose education qualifies him or her under Section
33 4999.32 shall also have completed the coursework or training
34 specified in subdivision (e) of Section 4999.32.

35 (2) The applicant shall not have committed acts or crimes
36 constituting grounds for denial of licensure under Section 480.

37 (3) The board shall not issue a registration to any person who
38 has been convicted of a crime in this or another state or in a
39 territory of the United States that involves sexual abuse of children

1 or who is required to register pursuant to Section 290 of the Penal
2 Code or the equivalent in another state or territory.

3 (b) The board shall begin accepting applications for intern
4 registration on January 1, 2011.

5 4999.44. An intern may be credited with supervised experience
6 completed in any setting that meets all of the following
7 requirements:

8 (a) Lawfully and regularly provides mental health counseling
9 or psychotherapy.

10 (b) Provides oversight to ensure that the intern's work at the
11 setting meets the experience and supervision requirements set forth
12 in this chapter and is within the scope of practice for the profession
13 as specified in Article 2 (commencing with Section 4999.20).

14 (c) Experience may be gained by the intern solely as part of the
15 position for which the intern volunteers or is employed.

16 (d) An intern shall not be employed or volunteer in a private
17 practice until registered as an intern.

18 4999.45. An intern employed under this chapter shall:

19 (a) Not perform any duties, except for those services provided
20 as a clinical counselor trainee, until registered as an intern.

21 (b) Not be employed or volunteer in a private practice until
22 registered as an intern.

23 (c) Inform each client prior to performing any professional
24 services that he or she is unlicensed and under supervision.

25 (d) File for renewal annually for a maximum of five years after
26 initial registration with the board.

27 (e) Cease continued employment as an intern after six years
28 unless the requirements of subdivision (f) are met.

29 (f) When no further renewals are possible, an applicant may
30 apply for and obtain a new intern registration if the applicant meets
31 the educational requirements for registration in effect at the time
32 of the application for a new intern registration. An applicant issued
33 a subsequent intern registration pursuant to this subdivision may
34 be employed or volunteer in any allowable work setting except
35 private practice.

36 4999.46. (a) ~~Each applicant for licensure~~ *To qualify for*
37 *licensure, applicants* shall complete clinical mental health
38 experience under the general supervision of an approved supervisor
39 as defined in Section 4999.12.

- 1 (b) The experience shall include a minimum of 3,000 postdegree
2 hours of supervised clinical mental health experience related to
3 the practice of professional clinical counseling, performed over a
4 period of not less than two years (104 weeks) which shall include:
- 5 (1) Not more than 40 hours in any seven consecutive days.
6 (2) Not less than 1,750 hours of direct counseling with
7 individuals or groups in a clinical mental health counseling setting
8 using a variety of psychotherapeutic techniques and recognized
9 counseling interventions within the scope of practice of licensed
10 professional clinical counselors.
11 (3) Not more than 500 hours of experience providing group
12 therapy or group counseling.
13 (4) Not more than 250 hours of experience providing counseling
14 or crisis counseling on the telephone.
15 (5) Not less than 150 hours of clinical experience in a hospital
16 or community mental health setting.
17 (6) Not more than a combined total of 1,250 hours of experience
18 in the following related activities:
- 19 (A) Direct supervisor contact.
20 (B) Client centered advocacy.
21 (C) Not more than 250 hours of experience administering tests
22 and evaluating psychological tests of clients, writing clinical
23 reports, writing progress notes, or writing process notes.
24 (D) Not more than 250 hours of verified attendance at
25 workshops, training sessions, or conferences directly related to
26 professional clinical counseling that are approved by the applicant's
27 supervisor.
- 28 (c) No hours of clinical mental health experience may be gained
29 more than six years prior to the date the application for ~~licensure~~
30 *examination eligibility* was filed.
- 31 (d) An applicant shall register with the board as an intern in
32 order to be credited for postdegree hours of experience toward
33 licensure. Postdegree hours of experience shall be credited toward
34 licensure, provided that the applicant applies for intern registration
35 within 90 days of the granting of the qualifying degree and is
36 registered as an intern by the board.
- 37 (e) All applicants and interns shall be at all times under the
38 supervision of a supervisor who shall be responsible for ensuring
39 that the extent, kind, and quality of counseling performed is
40 consistent with the training and experience of the person being

1 supervised, and who shall be responsible to the board for
2 compliance with all laws, rules, and regulations governing the
3 practice of professional clinical counseling. At no time shall a
4 supervisor supervise more than two interns.

5 (f) Supervision shall include at least one hour of direct
6 supervisor contact in each week for which experience is credited
7 in each work setting.

8 (1) No more than five hours of supervision, whether individual
9 or group, shall be credited during any single week.

10 (2) An intern shall receive an average of at least one hour of
11 direct supervisor contact for every 10 hours of client contact in
12 each setting.

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

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

24 4999.47. (a) Clinical counselor trainees, interns, and applicants
25 shall perform services as an employee or as a volunteer, not as an
26 independent contractor.

27 The requirements of this chapter regarding gaining hours of
28 clinical mental health experience and supervision are applicable
29 equally to employees and volunteers.

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

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

35 (d) Clinical counselor trainees, interns, and applicants who
36 provide voluntary services or other services, and who receive no
37 more than a total, from all work settings, of five hundred dollars
38 (\$500) per month as reimbursement for expenses actually incurred
39 by those clinical counselor trainees, interns, and applicants for
40 services rendered in any lawful work setting other than a private

1 practice shall be considered an employee and not an independent
2 contractor.

3 (e) The board may audit an intern or applicant who receives
4 reimbursement for expenses and the intern or applicant shall have
5 the burden of demonstrating that the payments received were for
6 reimbursement of expenses actually incurred.

7 (f) Clinical counselor trainees, interns, and applicants shall only
8 perform services at the place where their employer regularly
9 conducts business and services, which may include other locations,
10 as long as the services are performed under the direction and
11 control of the employer and supervisor in compliance with the
12 laws and regulations pertaining to supervision. Clinical counselor
13 trainees, interns, and applicants shall have no proprietary interest
14 in the employer's business.

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

27 4999.48. The board shall adopt regulations regarding the
28 supervision of interns which may include, but not be limited to,
29 the following:

30 (a) Supervisor qualifications.

31 (b) Continuing education requirements of supervisors.

32 (c) Registration or licensing of supervisors, or both.

33 (d) General responsibilities of supervisors.

34 (e) The board's authority in cases of noncompliance or gross
35 or repeated negligence by supervisors.

36 4999.50. (a) The board may issue a professional clinical
37 counselor license to any person who meets all of the following
38 requirements:

39 (1) He or she has received a master's or doctoral degree
40 described in Section 4999.32 or 4999.33, as applicable.

1 (2) He or she has completed at least 3,000 hours of supervised
2 experience in the practice of professional clinical counseling as
3 provided in Section 4999.46.

4 (3) He or she provides evidence of a passing score, as
5 determined by the board, on examinations designated by the board
6 pursuant to Section 4999.52.

7 (b) An applicant who has satisfied the requirements of this
8 chapter shall be issued a license as a professional clinical counselor
9 in the form that the board may deem appropriate.

10 (c) The board shall begin accepting applications for licensure
11 examination *eligibility* on January 1, 2012.

12 ~~4999.51. Every applicant for a license as a professional clinical~~
13 ~~counselor or a registration as an intern shall meet the board's~~

14 *4999.51. To qualify for licensure as a professional clinical*
15 *counselor or registration as an intern, applicants shall meet the*
16 *board's regulatory requirements for professional clinical counselor*
17 *licensure or intern registration, as applicable, including the*
18 *following:*

19 (a) The applicant has not committed acts or crimes constituting
20 grounds for denial of licensure under Section 480.

21 (b) The board shall not issue a license or registration to any
22 person who has been convicted of a crime in this or another state
23 or in a territory of the United States that involves sexual abuse of
24 children or who is required to register pursuant to Section 290 of
25 the Penal Code or the equivalent in another state or territory.

26 (c) The applicant has successfully passed a state and federal
27 level criminal offender record information search conducted
28 through the Department of Justice, as follows:

29 (1) The board shall direct applicants to electronically submit to
30 the Department of Justice fingerprint images and related
31 information required by the Department of Justice for the purpose
32 of obtaining information as to the existence and content of a record
33 of state and federal level convictions and arrests and information
34 as to the existence and content of a record of state or federal level
35 arrests for which the Department of Justice establishes that the
36 person is free on bail or on his or her own recognizance pending
37 trial or appeal.

38 (2) The Department of Justice shall forward the fingerprint
39 images and related information received pursuant to paragraph (1)

1 to the Federal Bureau of Investigation and request a federal
2 summary for criminal history information.

3 (3) The Department of Justice shall review the information
4 returned from the Federal Bureau of Investigation and compile
5 and disseminate a response to the board pursuant to paragraph (1)
6 of subdivision (p) of Section 11105 of the Penal Code.

7 (4) The board shall request from the Department of Justice
8 subsequent arrest notification service, pursuant to Section 11105.2
9 of the Penal Code, for each person who submitted information
10 pursuant to paragraph (1).

11 (5) The Department of Justice shall charge a fee sufficient to
12 cover the cost of processing the request described in this section.

13 4999.52. (a) Except as provided in Sections 4999.54 and
14 4999.56, every applicant for a license as a professional clinical
15 counselor shall be examined by the board. The board shall examine
16 the candidate with regard to his or her knowledge and professional
17 skills and his or her judgment in the utilization of appropriate
18 techniques and methods.

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

21 (c) (1) It is the intent of the Legislature that national licensing
22 examinations, such as the National Counselor Examination for
23 Licensure and Certification (NCE) and the National Clinical Mental
24 Health Counselor Examination (NCMHCE), be evaluated by the
25 board as requirements for licensure as a professional clinical
26 counselor.

27 (2) The board shall evaluate various national examinations in
28 order to determine whether they meet the prevailing standards for
29 the validation and use of licensing and certification tests in
30 California.

31 (3) The Department of Consumer Affairs' Office of Professional
32 Examination Services shall review the occupational analysis that
33 was used for developing the national examinations in order to
34 determine if it adequately describes the licensing group and
35 adequately determines the tasks, knowledge, skills, and abilities
36 the licensed professional clinical counselor would need to perform
37 the functions under this chapter.

38 (4) Examinations shall measure knowledge and abilities
39 demonstrably important to the safe, effective practice of the
40 profession.

1 (5) If national examinations do not meet the standards specified
2 in paragraph (2), the board may require a passing score on either
3 of the following:

4 (A) The national examinations plus one or more
5 board-developed examinations.

6 (B) One or more board-developed examinations.

7 (6) The licensing examinations shall also incorporate a
8 California jurisprudence and ethics examination element that is
9 acceptable to the board, or, as an alternative, the board may develop
10 a separate California jurisprudence and ethics examination.

11 (d) The board shall not deny any applicant who has submitted
12 a complete application for examination admission to the licensure
13 examinations required by this section if the applicant meets the
14 educational and experience requirements of this chapter, and has
15 not committed any acts or engaged in any conduct that would
16 constitute grounds to deny licensure.

17 (e) The board shall not deny any applicant whose application
18 for licensure is complete admission to the examinations, nor shall
19 the board postpone or delay any applicant's examinations or delay
20 informing the candidate of the results of the examinations, solely
21 upon the receipt by the board of a complaint alleging acts or
22 conduct that would constitute grounds to deny licensure.

23 (f) If an applicant for examination is the subject of a complaint
24 or is under board investigation for acts or conduct that, if proven
25 to be true, would constitute grounds for the board to deny licensure,
26 the board shall permit the applicant to take the examinations, but
27 may notify the applicant that licensure will not be granted pending
28 completion of the investigation.

29 (g) Notwithstanding Section 135, the board may deny any
30 applicant who has previously failed an examination permission to
31 retake that examination pending completion of the investigation
32 of any complaints against the applicant.

33 (h) Nothing in this section shall prohibit the board from denying
34 an applicant admission to any examination, withholding the results,
35 or refusing to issue a license to any applicant when an accusation
36 or statement of issues has been filed against the applicant pursuant
37 to Section 11503 or 11504 of the Government Code, respectively,
38 or the application has been denied in accordance with subdivision
39 (b) of Section 485.

1 (i) Notwithstanding any other provision of law, the board may
2 destroy all examination materials two years following the date of
3 an examination.

4 4999.54. (a) Notwithstanding Section 4999.50, the board may
5 issue a license to any person who submits an application for a
6 license between January 1, 2011, and June 30, 2011, provided that
7 all documentation is submitted within 12 months of the board's
8 evaluation of the application, and provided he or she meets one of
9 the following sets of criteria:

10 (1) He or she meets all of the following requirements:

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

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

27 (ii) Degrees issued prior to 1996 shall include a minimum of
28 30 semester units or 45 quarter units and at least six of the nine
29 required core content areas specified in paragraph (1) of subdivision
30 (c) of Section 4999.32. The total number of units shall be no less
31 than 48 semester units or 72 quarter units.

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

36 (B) Has completed all of the coursework or training specified
37 in subdivision (e) of Section 4999.32.

38 (C) Has at least two years, full-time or the equivalent, of
39 postdegree counseling experience, that includes at least 1,700 hours
40 of experience in a clinical setting supervised by a licensed marriage

1 and family therapist, a licensed clinical social worker, a licensed
2 psychologist, a licensed physician and surgeon specializing in
3 psychiatry, or a master's level counselor or therapist who is
4 certified by a national certifying or registering organization,
5 including, but not limited to, the National Board for Certified
6 Counselors or the Commission on Rehabilitation Counselor
7 Certification.

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

9 (i) The National Counselor Examination for Licensure and
10 Certification or the Certified Rehabilitation Counselor
11 Examination.

12 (ii) The National Clinical Mental Health Counselor Examination.

13 (iii) A California jurisprudence and ethics examination, when
14 developed by the board.

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

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

23 (b) (1) The board and the Office of Professional Examination
24 Services shall jointly develop an examination on the differences,
25 if any differences exist, between the following:

26 (A) The practice of professional clinical counseling and the
27 practice of marriage and family therapy.

28 (B) The practice of professional clinical counseling and the
29 practice of clinical social work.

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

35 (c) Nothing in this section shall be construed to expand or
36 constrict the scope of practice of professional clinical counseling,
37 as defined in Section 4999.20.

38 4999.56. (a) A license issued under paragraph (1) of
39 subdivision (a) of Section 4999.54 shall be valid for six years from
40 the issuance date of the initial license provided that the license is

1 annually renewed during that period pursuant to Section 4999.101.
2 After this six-year period, it shall be canceled unless the licensee
3 does both of the following within the next renewal period:

- 4 (1) Obtains a licensure renewal as provided in Section 4999.101.
- 5 (2) Passes the examinations required for licensure on or after
6 January 1, 2012, as required by the board pursuant to Section
7 4999.52, or documents that he or she has already passed those
8 examinations.

9 (b) Upon failure to meet the requirements set forth in this
10 section, a license issued pursuant to paragraph (1) of subdivision
11 (a) of Section 4999.54 shall be canceled and the person shall be
12 required to meet the requirements listed in Section 4999.50 to
13 obtain a new license.

14 (c) This section shall remain in effect only until January 1, 2018,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before January 1, 2018, deletes or extends that date.

17 4999.58. (a) This section applies to persons who apply for
18 ~~licensure~~ *examination eligibility* between January 1, 2011, and
19 December 31, 2013, inclusive.

20 (b) The board may issue a license to a person who, at the time
21 of application, has held for at least two years, a valid license as a
22 professional clinical counselor, or other counseling license that
23 allows the applicant to independently provide clinical mental health
24 services, in another jurisdiction of the United States, if the
25 education and supervised experience requirements are substantially
26 the equivalent of this chapter, as described in subdivision (e) and
27 in Section 4999.46, the person complies with subdivision (b) of
28 Section 4999.40, if applicable, the person successfully completes
29 the examinations required by the board pursuant to paragraph (3)
30 of subdivision (a) of Section 4999.50, and the person pays the
31 required fees.

32 (c) Experience gained outside of California shall be accepted
33 toward the licensure requirements if it is substantially equivalent
34 to that required by this chapter and if the applicant has gained a
35 minimum of 250 hours of supervised clinical experience in direct
36 counseling within California while registered as an intern with the
37 board. The board shall consider hours of experience obtained in
38 another state during the six-year period immediately preceding the
39 applicant's initial licensure by that state as a licensed professional
40 clinical counselor.

(d) Education gained while residing outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to the education requirements of this chapter, if the applicant has completed the training or coursework required under subdivision (e) of Section 4999.32, and if the applicant completes, in addition to the course described in subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.32, an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, the Health Insurance Portability and Accountability Act, 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 clients.

(e) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant's education meets the requirements of Section 4999.32. If the applicant's degree does not contain the content or the overall units required by Section 4999.32, the board may, in its discretion, accept the applicant's education as substantially equivalent if the following criteria are satisfied:

(1) The applicant's degree contains the required number of practicum units under paragraph (3) of subdivision (c) of Section 4999.32.

(2) The applicant remediates his or her specific deficiency by completing the course content and units required by Section 4999.32.

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

(f) This section shall become inoperative on January 1, 2014, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2014, deletes or extends that date.

4999.60. (a) This section applies to persons who are licensed outside of California and apply for ~~licensure~~ *examination eligibility* on or after January 1, 2014.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license as a professional clinical counselor, or other

1 counseling license that allows the applicant to independently
2 provide clinical mental health services, in another jurisdiction of
3 the United States if all of the following conditions are satisfied:

4 (1) The applicant's education is substantially equivalent, as
5 defined in Section 4999.62.

6 (2) The applicant complies with subdivision (b) of Section
7 4999.40, if applicable.

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

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

15 4999.61. (a) This section applies to persons who apply for
16 licensure examination eligibility or registration on or after January
17 1, 2014, and who do not hold a license as described in Section
18 4999.60.

19 (b) The board shall accept education gained while residing
20 outside of California for purposes of satisfying licensure or
21 registration requirements if the education is substantially
22 equivalent, as defined in Section 4999.62, and the applicant
23 complies with subdivision (b) of Section 4999.40, if applicable.

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

28 4999.62. (a) This section applies to persons who apply for
29 licensure examination eligibility or registration on or after January
30 1, 2014.

31 (b) For purposes of Sections 4999.60 and 4999.61, education
32 is substantially equivalent if all of the following requirements are
33 met:

34 (1) The degree is obtained from an accredited or approved
35 institution, as defined in Section 4999.12, and consists of, at a
36 minimum, 48 semester or 72 quarter units, including, but not
37 limited to, both of the following:

38 (A) Six semester or nine quarter units of practicum, including,
39 but not limited to, a minimum of 280 hours of face-to-face
40 counseling.

(B) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(2) The applicant completes any units and course content requirements under Section 4999.33 not already completed in his or her education.

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

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

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

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

(D) Instruction in behavioral addiction and co-occurring substance abuse and mental health disorders, as specified in subparagraph (K) of paragraph (1) of subdivision (c) of Section 4999.33.

(4) The applicant completes, in addition to the course described in subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33, an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, the Health Insurance Portability and Accountability Act, 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 clients.

Article 4. Practice Requirements

4999.70. A licensee shall display his or her license in a conspicuous place in his or her primary place of practice.

1 4999.72. Any licensed professional clinical counselor who
2 conducts a private practice under a fictitious business name shall
3 not use any name that is false, misleading, or deceptive, and shall
4 inform the patient, prior to the commencement of treatment, of the
5 name and license designation of the owner or owners of the
6 practice.

7 4999.74. Licensed professional clinical counselors shall provide
8 to each client accurate information about the counseling
9 relationship and the counseling process.

10 4999.76. (a) (1) Except as provided in paragraph (2) and
11 subdivision (c), the board shall not renew any license pursuant to
12 this chapter unless the applicant certifies to the board, on a form
13 prescribed by the board, that he or she has completed not less than
14 36 hours of approved continuing education in or relevant to the
15 field of professional clinical counseling in the preceding two years,
16 as determined by the board.

17 (2) Except as provided in subdivision (c), the board shall not
18 renew a license issued pursuant to paragraph (1) of subdivision
19 (a) of Section 4999.54 unless the applicant certifies to the board,
20 on a form prescribed by the board, that he or she has completed
21 not less than 18 hours of approved continuing education in or
22 relevant to the field of professional clinical counseling in the
23 preceding year, as determined by the board. This paragraph shall
24 become inoperative on January 1, 2018.

25 (b) The board shall have the right to audit the records of any
26 applicant to verify the completion of the continuing education
27 requirement. Applicants shall maintain records of completed
28 continuing education coursework for a minimum of two years and
29 shall make these records available to the board for auditing
30 purposes upon request.

31 (c) The board may establish exceptions from the continuing
32 education requirement of this section for good cause, as defined
33 by the board.

34 (d) The continuing education shall be obtained from one of the
35 following sources:

36 (1) A school, college, or university that is accredited or
37 approved, as defined in Section 4999.12. Nothing in this paragraph
38 shall be construed as requiring coursework to be offered as part
39 of a regular degree program.

(2) Other continuing education providers, including, but not limited to, a professional clinical counseling association, a licensed health facility, a governmental entity, a continuing education unit of a four-year institution of higher learning that is accredited or approved, or a mental health professional association, approved by the board.

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

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

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional clinical counseling.

(2) Significant recent developments in the discipline of professional clinical counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional clinical counseling.

(g) A system of continuing education for licensed professional clinical counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

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

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

Article 5. Enforcement

4999.80. In order to carry out the provisions of this chapter, the board shall do all of the following:

(a) Enforce laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.

(b) Investigate complaints concerning the conduct of any licensed professional clinical counselor.

(c) Revoke, suspend, or fail to renew a license that it has authority to issue for just cause, as enumerated in rules and regulations of the board. The board may deny, suspend, or revoke any license granted under this chapter pursuant to Section 480, 481, 484, 496, 498, or 499.

4999.82. It shall be unlawful for any person to engage in any of the following acts:

(a) Engage in the practice of professional clinical counseling, as defined in Section 4999.20, without first having complied with the provisions of this chapter and without holding a valid license as required by this chapter.

(b) Represent himself or herself by the title “licensed professional clinical counselor,” “LPCC,” “licensed clinical counselor,” or “professional clinical counselor” without being duly licensed according to the provisions of this chapter.

(c) Make any use of any title, words, letters, or abbreviations, that may reasonably be confused with a designation provided by this chapter to denote a standard of professional or occupational competence without being duly licensed.

(d) Materially refuse to furnish the board information or records required or requested pursuant to this chapter.

4999.84. It is the intent of the Legislature that any communication made by a person to a licensed professional clinical counselor in the course of professional services shall be deemed a privileged communication.

4999.86. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that fine and imprisonment.

4999.88. In addition to other proceedings provided in this chapter, whenever any person has engaged, or is about to engage,

1 in any acts or practices that constitute, or will constitute, an offense
2 against this chapter, the superior court in and for the county
3 wherein the acts or practices take place, or are about to take place,
4 may issue an injunction, or other appropriate order, restraining
5 that conduct on application of the board, the Attorney General, or
6 the district attorney of the county.

7 The proceedings under this section shall be governed by Chapter
8 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
9 of Civil Procedure.

10 4999.90. The board may refuse to issue any registration or
11 license, or may suspend or revoke the registration or license of
12 any intern or licensed professional clinical counselor, if the
13 applicant, licensee, or registrant has been guilty of unprofessional
14 conduct. Unprofessional conduct includes, but is not limited to,
15 the following:

16 (a) The conviction of a crime substantially related to the
17 qualifications, functions, or duties of a licensee or registrant under
18 this chapter. The record of conviction shall be conclusive evidence
19 only of the fact that the conviction occurred. The board may inquire
20 into the circumstances surrounding the commission of the crime
21 in order to fix the degree of discipline or to determine if the
22 conviction is substantially related to the qualifications, functions,
23 or duties of a licensee or registrant under this chapter. A plea or
24 verdict of guilty or a conviction following a plea of nolo contendere
25 made to a charge substantially related to the qualifications,
26 functions, or duties of a licensee or registrant under this chapter
27 shall be deemed to be a conviction within the meaning of this
28 section. The board may order any license or registration suspended
29 or revoked, or may decline to issue a license or registration when
30 the time for appeal has elapsed, or the judgment of conviction has
31 been affirmed on appeal, or, when an order granting probation is
32 made suspending the imposition of sentence, irrespective of a
33 subsequent order under Section 1203.4 of the Penal Code allowing
34 the person to withdraw a plea of guilty and enter a plea of not
35 guilty, or setting aside the verdict of guilty, or dismissing the
36 accusation, information, or indictment.

37 (b) Securing a license or registration by fraud, deceit, or
38 misrepresentation on any application for licensure or registration
39 submitted to the board, whether engaged in by an applicant for a

1 license or registration, or by a licensee in support of any application
2 for licensure or registration.

3 (c) Administering to himself or herself any controlled substance
4 or using any of the dangerous drugs specified in Section 4022, or
5 any alcoholic beverage to the extent, or in a manner, as to be
6 dangerous or injurious to the person applying for a registration or
7 license or holding a registration or license under this chapter, or
8 to any other person, or to the public, or, to the extent that the use
9 impairs the ability of the person applying for or holding a
10 registration or license to conduct with safety to the public the
11 practice authorized by the registration or license, or the conviction
12 of more than one misdemeanor or any felony involving the use,
13 consumption, or self-administration of any of the substances
14 referred to in this subdivision, or any combination thereof. The
15 board shall deny an application for a registration or license or
16 revoke the license or registration of any person, other than one
17 who is licensed as a physician and surgeon, who uses or offers to
18 use drugs in the course of performing licensed professional clinical
19 counseling services.

20 (d) Gross negligence or incompetence in the performance of
21 licensed professional clinical counseling services.

22 (e) Violating, attempting to violate, or conspiring to violate any
23 of the provisions of this chapter or any regulation adopted by the
24 board.

25 (f) Misrepresentation as to the type or status of a license or
26 registration held by the person, or otherwise misrepresenting or
27 permitting misrepresentation of his or her education, professional
28 qualifications, or professional affiliations to any person or entity.

29 (g) Impersonation of another by any licensee, registrant, or
30 applicant for a license or registration, or, in the case of a licensee
31 or registrant, allowing any other person to use his or her license
32 or registration.

33 (h) Aiding or abetting, or employing, directly or indirectly, any
34 unlicensed or unregistered person to engage in conduct for which
35 a license or registration is required under this chapter.

36 (i) Intentionally or recklessly causing physical or emotional
37 harm to any client.

38 (j) The commission of any dishonest, corrupt, or fraudulent act
39 substantially related to the qualifications, functions, or duties of a
40 licensee or registrant.

1 (k) Engaging in sexual relations with a client, or a former client
2 within two years following termination of therapy, soliciting sexual
3 relations with a client, or committing an act of sexual abuse, or
4 sexual misconduct with a client, or committing an act punishable
5 as a sexually related crime, if that act or solicitation is substantially
6 related to the qualifications, functions, or duties of a licensed
7 professional clinical counselor.

8 (l) Performing, or holding oneself out as being able to perform,
9 or offering to perform, or permitting any clinical counselor trainee
10 or intern under supervision to perform, any professional services
11 beyond the scope of the license authorized by this chapter.

12 (m) Failure to maintain confidentiality, except as otherwise
13 required or permitted by law, of all information that has been
14 received from a client in confidence during the course of treatment
15 and all information about the client which is obtained from tests
16 or other means.

17 (n) Prior to the commencement of treatment, failing to disclose
18 to the client or prospective client the fee to be charged for the
19 professional services, or the basis upon which that fee will be
20 computed.

21 (o) Paying, accepting, or soliciting any consideration,
22 compensation, or remuneration, whether monetary or otherwise,
23 for the referral of professional clients. All consideration,
24 compensation, or remuneration shall be in relation to professional
25 clinical counseling services actually provided by the licensee.
26 Nothing in this subdivision shall prevent collaboration among two
27 or more licensees in a case or cases. However, no fee shall be
28 charged for that collaboration, except when disclosure of the fee
29 has been made in compliance with subdivision (n).

30 (p) Advertising in a manner that is false, misleading, or
31 deceptive.

32 (q) Reproduction or description in public, or in any publication
33 subject to general public distribution, of any psychological test or
34 other assessment device, the value of which depends in whole or
35 in part on the naivete of the subject, in ways that might invalidate
36 the test or device.

37 (r) Any conduct in the supervision of any intern or clinical
38 counselor trainee by any licensee that violates this chapter or any
39 rules or regulations adopted by the board.

1 (s) Performing or holding oneself out as being able to perform
2 professional services beyond the scope of one's competence, as
3 established by one's education, training, or experience. This
4 subdivision shall not be construed to expand the scope of the
5 license authorized by this chapter.

6 (t) Permitting a clinical counselor trainee or intern under one's
7 supervision or control to perform, or permitting the clinical
8 counselor trainee or intern to hold himself or herself out as
9 competent to perform, professional services beyond the clinical
10 counselor trainee's or intern's level of education, training, or
11 experience.

12 (u) The violation of any statute or regulation of the standards
13 of the profession, and the nature of the services being rendered,
14 governing the gaining and supervision of experience required by
15 this chapter.

16 (v) Failure to keep records consistent with sound clinical
17 judgment, the standards of the profession, and the nature of the
18 services being rendered.

19 (w) Failure to comply with the child abuse reporting
20 requirements of Section 11166 of the Penal Code.

21 (x) Failing to comply with the elder and dependent adult abuse
22 reporting requirements of Section 15630 of the Welfare and
23 Institutions Code.

24 (y) Repeated acts of negligence.

25 (z) (1) Engaging in an act described in Section 261, 286, 288a,
26 or 289 of the Penal Code with a minor or an act described in
27 Section 288 or 288.5 of the Penal Code regardless of whether the
28 act occurred prior to or after the time the registration or license
29 was issued by the board. An act described in this subdivision
30 occurring prior to the effective date of this subdivision shall
31 constitute unprofessional conduct and shall subject the licensee to
32 refusal, suspension, or revocation of a license under this section.

33 (2) The Legislature hereby finds and declares that protection of
34 the public, and in particular minors, from sexual misconduct by a
35 licensee is a compelling governmental interest, and that the ability
36 to suspend or revoke a license for sexual conduct with a minor
37 occurring prior to the effective date of this section is equally
38 important to protecting the public as is the ability to refuse a license
39 for sexual conduct with a minor occurring prior to the effective
40 date of this section.

Article 6. Revenue

4999.100. (a) An intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant shall, on or before the expiration date of the registration, do the following:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the registrant's last renewal.

4999.101. (a) A license issued under paragraph (1) of subdivision (a) of Section 4999.54 shall expire one year from the last day of the month during which it was issued.

(b) To renew an unexpired license described in subdivision (a), the licensee, on or before the expiration date of the license, shall do all of the following:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Certify compliance with the continuing education requirements set forth in Section 4999.76.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

(c) The board shall begin accepting applications for licensure renewal on January 1, 2012.

(d) If a license issued under paragraph (1) of subdivision (a) of Section 4999.54 is not renewed on or before the expiration date of the license, the license shall be canceled and the person shall be required to meet the requirements set forth in Section 4999.50 in order to obtain a new license.

(e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

4999.102. (a) Licenses issued under Section 4999.50, paragraph (2) or (3) of subdivision (a) of Section 4999.54,

1 subdivision (b) of Section 4999.58, or Section 4999.60 and, on
2 and after January 1, 2018, licenses issued under paragraph (1) of
3 subdivision (a) of Section 4999.54 shall expire no more than 24
4 months after the issue date. The expiration date of the original
5 license shall be set by the board.

6 (b) To renew an unexpired license described in subdivision (a),
7 the licensee, on or before the expiration date of the license, shall
8 do all of the following:

9 (1) Apply for a renewal on a form prescribed by the board.

10 (2) Pay a two-year renewal fee prescribed by the board.

11 (3) Certify compliance with the continuing education
12 requirements set forth in Section 4999.76.

13 (4) Notify the board whether he or she has been convicted, as
14 defined in Section 490, of a misdemeanor or felony, or whether
15 any disciplinary action has been taken by any regulatory or
16 licensing board in this or any other state, subsequent to the
17 licensee's last renewal.

18 4999.104. Licenses issued under Section 4999.50, paragraph
19 (2) or (3) of subdivision (a) of Section 4999.54, subdivision (b) of
20 Section 4999.58, or Section 4999.60 and, on and after January 1,
21 2018, licenses issued under paragraph (1) of subdivision (a) of
22 Section 4999.54 that have expired may be renewed at any time
23 within three years of expiration. To renew an expired license
24 described in this section, the licensee shall do all of the following:

25 (a) File an application for renewal on a form prescribed by the
26 board.

27 (b) Pay all fees that would have been paid if the license had not
28 become delinquent.

29 (c) Pay all delinquency fees.

30 (d) Certify compliance with the continuing education
31 requirements set forth in Section 4999.76.

32 (e) Notify the board whether he or she has been convicted, as
33 defined in Section 490, of a misdemeanor or felony, or whether
34 any disciplinary action has been taken by any regulatory or
35 licensing board in this or any other state, subsequent to the
36 licensee's last renewal.

37 4999.106. A license that is not renewed within three years after
38 its expiration may not be renewed, restored, reinstated, or reissued,
39 except that a former licensee may apply for and obtain a new
40 license if he or she complies with all of the following:

1 (a) No fact, circumstance, or condition exists that, if the license
2 were issued, would justify its revocation or suspension.

3 (b) He or she takes and passes the current examinations required
4 for licensing.

5 (c) He or she submits an application for initial licensure.

6 4999.108. A suspended license is subject to expiration and
7 shall be renewed as provided in this article, but that renewal does
8 not entitle the licensee, while it remains suspended and until it is
9 reinstated, to engage in the activity to which the license relates, or
10 in any other activity or conduct in violation of the order or
11 judgment by which it was suspended.

12 4999.110. A revoked license is subject to expiration as provided
13 in this article, but it may not be renewed. If it is reinstated after its
14 expiration, the licensee shall, as a condition precedent to its
15 reinstatement, pay a reinstatement fee in an amount equal to the
16 renewal fee in effect on the last regular renewal date before the
17 date on which it is reinstated, plus the delinquency fee, if any,
18 accrued at the time of its revocation.

19 4999.112. (a) A licensed professional clinical counselor may
20 apply to the board to request that his or her license be placed on
21 inactive status. A licensee who holds an inactive license shall do
22 all of the following:

- 23 (1) Pay a biennial fee of one-half of the active renewal fee.
24 (2) Be exempt from continuing education requirements.
25 (3) Not engage in the practice of professional clinical counseling
26 in this state.
27 (4) Otherwise be subject to this chapter.

28 (b) A licensee on inactive status may have his or her license
29 reactivated by complying with all of the following:

- 30 (1) Submitting a request to the board.
31 (2) Certifying that he or she has not committed any acts or
32 crimes constituting grounds for denial of licensure.
33 (3) Paying the remaining one-half of the renewal fee.
34 (4) Completing the following continuing education requirements:
35 (A) Eighteen hours of continuing education is required within
36 the two years preceding the date of the request for reactivation if
37 the license will expire less than one year from the date of the
38 request for reactivation.

39 (B) Thirty-six hours of continuing education is required within
40 the two years preceding the date of the request for reactivation if

1 the license will expire more than one year from the date of the
2 request for reactivation.

3 4999.114. The board shall report each month to the Controller
4 the amount and source of all revenue received pursuant to this
5 chapter and at the same time deposit the entire amount thereof in
6 the State Treasury for credit to the Behavioral Sciences Fund.

7 4999.116. (a) The moneys credited to the Behavioral Sciences
8 Fund under Section 4999.114 shall, upon appropriation by the
9 Legislature, be used for the purposes of carrying out and enforcing
10 the provisions of this chapter.

11 (b) The board shall keep records that will reasonably ensure
12 that funds expended in the administration of each licensing or
13 registration category bear a reasonable relation to the revenue
14 derived from each category, and shall so notify the department no
15 later than May 31 of each year.

16 (c) Surpluses, if any, may be used in a way so as to bear a
17 reasonable relation to the revenue derived from each category, and
18 may include, but not be limited to, expenditures for education and
19 research related to each of the licensing or registration categories.

20 4999.118. A licensee or registrant shall give written notice to
21 the board of a name change within 30 days after each change,
22 giving both the old and new names. A copy of the legal document
23 authorizing the name change, such as a court order or marriage
24 certificate, shall be submitted with the notice.

25 4999.120. The board shall assess fees for the application for
26 and the issuance and renewal of licenses and for the registration
27 of interns to cover administrative and operating expenses of the
28 board related to this chapter. Fees assessed pursuant to this section
29 shall not exceed the following:

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

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

34 ~~(a)~~
35 *(c) The fee for the application for an-initial-license licensure*
36 *shall be up to one hundred eighty dollars (\$180).*

37 ~~(b)~~
38 *(d) The fee for the jurisprudence and ethics examination required*
39 *by Section 4999.54 shall be up to one hundred-dollars-(\$100) fifty*
40 *dollars (\$150).*

1 (e) The fee for the examination described in subdivision (b) of
2 Section 4999.54 shall be up to one hundred dollars (\$100).

3 ~~(e)~~

4 (f) The fee for the written examination shall be up to two
5 hundred fifty dollars (\$250).

6 ~~(f)~~

7 (g) The fee for the issuance of ~~an initial~~ a license shall be up to
8 two hundred ~~dollars (\$200)~~ fifty dollars (\$250).

9 ~~(e)~~

10 (h) The fee for annual renewal of licenses issued pursuant to
11 Section 4999.54 shall be up to one hundred fifty dollars (\$150).

12 ~~(f)~~

13 (i) The fee for annual renewal of an intern registration shall be
14 up to one hundred ~~dollars (\$100)~~ fifty dollars (\$150).

15 ~~(g)~~

16 (j) The fee for two-year renewal of licenses shall be up to two
17 hundred ~~dollars (\$200)~~ fifty dollars (\$250).

18 4999.122. The professional clinical counselor licensing program
19 shall be supported from fees assessed to applicants, interns, and
20 licensees. Startup funds to implement this program shall be derived,
21 as a loan, from the reserve fund of the Board of Behavioral
22 Sciences, subject to an appropriation by the Legislature in the
23 annual Budget Act. The board shall not implement this chapter
24 until funds have been appropriated.

25 ~~SEC. 5.~~

26 SEC. 4. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.