

AMENDED IN ASSEMBLY MARCH 27, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1651

Introduced by Assembly Member Medina

February 22, 2019

An act to amend Sections 4980.03, ~~4980.43~~, 4980.44, 4980.48, 4989.54, 4996.20, 4996.23, ~~and 4999.12~~ 4999.12, and 4999.46 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1651, as amended, Medina. Licensed educational psychologists: supervision of associates and trainees.

Existing

(1) *Existing* law, the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of the practices of marriage and family therapy, clinical social work, and professional clinical counseling, respectively, by the Board of Behavioral Sciences. A violation of any of those acts is a misdemeanor. Under those acts, certain unlicensed persons, including an applicant for licensure, an associate, an intern, or a trainee, are authorized to perform specified services under the supervision of a healing arts practitioner who is included in the definition of "Supervisor."

This bill would expand the definition of "supervisor" under each of those acts to include a licensed educational psychologist who has provided psychological counseling pursuant to the Educational Psychologist Practice Act.

(2) *The Licensed Marriage and Family Therapist Act and the Licensed Professional Clinical Counselor Act require applicants for*

licensure under those acts to comply with specified educational and experience requirements, including, but not limited to, hours of supervised experience, and sets forth terms, conditions, and limitations for those hours of experience. Existing law authorizes preregistered postdegree hours of experience to be credited towards licensure under either of those acts if certain terms, conditions, and limitations on those hours of experience are met, including a specified amount of supervised experience.

This bill would limit the number of preregistered postdegree hours that an applicant may credit towards licensure under those provisions for experience gained under the supervision of a licensed educational psychologist to a maximum of 1,200 hours.

Existing

(3) Existing law, the Educational Psychologist Practice Act, provides for the licensure and regulation of the practice of educational psychology by the board, and authorizes the board to deny a license or suspend or revoke the license of a licensee if ~~he or she is~~ *they are* guilty of unprofessional conduct, which is defined to include various acts.

This bill would expand the definition of unprofessional conduct to include certain acts relating to the supervision by a licensed educational psychologist, including the supervision of an unlicensed person under the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, or the Licensed Professional Clinical Counselor Act. By expanding the list of acts that constitute unprofessional conduct, a violation of which is a misdemeanor, the bill would expand the scope of a crime, thereby imposing 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 4980.03 of the Business and Professions
- 2 Code is amended to read:
- 3 4980.03. (a) "Board," as used in this chapter, means the Board
- 4 of Behavioral Sciences.

1 (b) “Associate,” as used in this chapter, means an unlicensed
2 person who has earned a master’s or doctoral degree qualifying
3 the person for licensure and is registered with the board as an
4 associate.

5 (c) “Trainee,” as used in this chapter, means an unlicensed
6 person who is currently enrolled in a master’s or doctoral degree
7 program, as specified in Sections 4980.36 and 4980.37, that is
8 designed to qualify the person for licensure under this chapter, and
9 who has completed no less than 12 semester units or 18 quarter
10 units of coursework in any qualifying degree program.

11 (d) “Applicant for licensure,” as used in this chapter, means an
12 unlicensed person who has completed the required education and
13 required hours of supervised experience for licensure.

14 (e) “Advertise,” as used in this chapter, includes, but is not
15 limited to, any public communication, as defined in subdivision
16 (a) of Section 651, the issuance of any card, sign, or device to any
17 person, or the causing, permitting, or allowing of any sign or
18 marking on, or in, any building or structure, or in any newspaper
19 or magazine or in any directory, or any printed matter whatsoever,
20 with or without any limiting qualification. Signs within religious
21 buildings or notices in church bulletins mailed to a congregation
22 shall not be construed as advertising within the meaning of this
23 chapter.

24 (f) “Experience,” as used in this chapter, means experience in
25 interpersonal relationships, psychotherapy, marriage and family
26 therapy, direct clinical counseling, and nonclinical practice that
27 satisfies the requirements for licensure as a marriage and family
28 therapist.

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

31 (1) Has held an active license for at least two years within the
32 five-year period immediately preceding any supervision as either:

33 (A) A licensed professional clinical counselor, licensed marriage
34 and family therapist, psychologist licensed pursuant to Chapter
35 6.6 (commencing with Section 2900), licensed clinical social
36 worker, licensed educational psychologist, or equivalent
37 out-of-state license.

38 (B) A physician and surgeon who is certified in psychiatry by
39 the American Board of Psychiatry and Neurology or an out-of-state

1 licensed physician and surgeon who is certified in psychiatry by
2 the American Board of Psychiatry and Neurology.

3 (2) If the supervisor is a licensed professional clinical counselor,
4 the person has completed the additional training and education
5 requirements specified in subparagraphs (A) to (C), inclusive, of
6 paragraph (3) of subdivision (a) of Section 4999.20.

7 (3) For at least two years within the five-year period immediately
8 preceding any supervision, has practiced psychotherapy, provided
9 psychological counseling pursuant to subdivision (e) of Section
10 4989.14, or provided direct clinical supervision of psychotherapy
11 performed by marriage and family therapist trainees, associate
12 marriage and family therapists, associate professional clinical
13 counselors, or associate clinical social workers. Supervision of
14 psychotherapy performed by a social work intern or a professional
15 clinical counselor trainee shall be accepted if the supervision
16 provided is substantially equivalent to the supervision required for
17 registrants.

18 (4) Has received training in supervision as specified in this
19 chapter and by regulation.

20 (5) Has not provided therapeutic services to the supervisee.

21 (6) Has and maintains a current and active license that is not
22 under suspension or probation as one of the following:

23 (A) A marriage and family therapist, professional clinical
24 counselor, clinical social worker, or licensed educational
25 psychologist, issued by the board.

26 (B) A psychologist licensed pursuant to Chapter 6.6
27 (commencing with Section 2900).

28 (C) A physician and surgeon who is certified in psychiatry by
29 the American Board of Psychiatry and Neurology.

30 (7) Is not a spouse, domestic partner, or relative of the
31 supervisee.

32 (8) Does not currently have or previously had a personal,
33 professional, or business relationship with the supervisee that
34 undermines the authority or effectiveness of the supervision.

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

1 *SEC. 2. Section 4980.43 of the Business and Professions Code*
2 *is amended to read:*

3 4980.43. (a) Except as provided in subdivision (b), all
4 applicants shall have an active associate registration with the board
5 in order to gain postdegree hours of supervised experience.

6 (b) (1) Preregistered postdegree hours of experience shall be
7 credited toward licensure if all of the following apply:

8 (A) The registration applicant applies for the associate
9 registration and the board receives the application within 90 days
10 of the granting of the qualifying master's degree or doctoral degree.

11 (B) For applicants completing graduate study on or after January
12 1, 2020, the experience is obtained at a workplace that, prior to
13 the registration applicant gaining supervised experience hours,
14 requires completed Live Scan fingerprinting. The applicant shall
15 provide the board with a copy of that completed State of California
16 "Request for Live Scan Service" form with his or her application
17 for licensure.

18 (C) The board subsequently grants the associate registration.

19 (2) The applicant shall not be employed or volunteer in a private
20 practice until ~~he or she~~ *the applicant* has been issued an associate
21 registration by the board.

22 (c) Supervised experience that is obtained for purposes of
23 qualifying for licensure shall be related to the practice of marriage
24 and family therapy and comply with the following:

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

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

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

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

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

35 (6) Hours of experience shall not be gained prior to completing
36 either 12 semester units or 18 quarter units of graduate instruction.

37 (7) Hours of experience shall not have been gained more than
38 six years prior to the date the application for licensure was received
39 by the board, except that up to 500 hours of clinical experience
40 gained in the supervised practicum required by subdivision (c) of

1 Section 4980.37 and subparagraph (B) of paragraph (1) of
2 subdivision (d) of Section 4980.36 shall be exempt from this
3 six-year requirement.

4 (8) A minimum of 1,750 hours of direct clinical counseling with
5 individuals, groups, couples, or families, that includes not less than
6 500 total hours of experience in diagnosing and treating couples,
7 families, and children.

8 (9) *A maximum of 1,200 hours gained under the supervision of*
9 *a licensed educational psychologist.*

10 ~~(9)~~

11 (10) A maximum of 1,250 hours of nonclinical practice,
12 consisting of direct supervisor contact, administering and
13 evaluating psychological tests, writing clinical reports, writing
14 progress or process notes, client centered advocacy, and workshops,
15 seminars, training sessions, or conferences directly related to
16 marriage and family therapy that have been approved by the
17 applicant’s supervisor.

18 ~~(10)~~

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

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

25 (d) An individual who submits an application for licensure
26 between January 1, 2016, and December 31, 2020, may
27 alternatively qualify under the experience requirements of this
28 section that were in place on January 1, 2015.

29 ~~SEC. 2.~~

30 SEC. 3. Section 4980.44 of the Business and Professions Code
31 is amended to read:

32 4980.44. An associate marriage and family therapist employed
33 under this chapter shall comply with the following requirements:

34 (a) Inform each client or patient prior to performing any mental
35 health and related services that the person is an unlicensed
36 registered associate marriage and family therapist, provide the
37 person’s registration number and the name of the person’s
38 employer, and indicate whether the person is under the supervision
39 of a licensed marriage and family therapist, licensed clinical social
40 worker, licensed professional clinical counselor, psychologist

1 licensed pursuant to Chapter 6.6 (commencing with Section 2900),
2 licensed educational psychologist, or a licensed physician and
3 surgeon certified in psychiatry by the American Board of
4 Psychiatry and Neurology.

5 (b) (1) Any advertisement by or on behalf of a registered
6 associate marriage and family therapist shall include, at a
7 minimum, all of the following information:

8 (A) That the person is a registered associate marriage and family
9 therapist.

10 (B) The associate's registration number.

11 (C) The name of the person's employer.

12 (D) That the person is supervised by a licensed person.

13 (2) The abbreviation "AMFT" shall not be used in an
14 advertisement unless the title "registered associate marriage and
15 family therapist" appears in the advertisement.

16 ~~SEC. 3.~~

17 *SEC. 4.* Section 4980.48 of the Business and Professions Code
18 is amended to read:

19 4980.48. (a) A trainee shall, prior to performing any
20 professional services, inform each client or patient that the trainee
21 is an unlicensed marriage and family therapist trainee, provide the
22 name of the trainee's employer, and indicate whether the trainee
23 is under the supervision of a licensed marriage and family therapist,
24 a licensed clinical social worker, a licensed professional clinical
25 counselor, a licensed psychologist, a licensed physician certified
26 in psychiatry by the American Board of Psychiatry and Neurology,
27 or a licensed educational psychologist.

28 (b) Any person that advertises services performed by a trainee
29 shall include the trainee's name, the supervisor's license
30 designation or abbreviation, and the supervisor's license number.

31 (c) Any advertisement by or on behalf of a marriage and family
32 therapist trainee shall include, at a minimum, all of the following
33 information:

34 (1) That the trainee is a marriage and family therapist trainee.

35 (2) The name of the trainee's employer.

36 (3) That the trainee is supervised by a licensed person.

37 ~~SEC. 4.~~

38 *SEC. 5.* Section 4989.54 of the Business and Professions Code
39 is amended to read:

1 4989.54. The board may deny a license or may suspend or
2 revoke the license of a licensee if the person has been guilty of
3 unprofessional conduct. Unprofessional conduct includes, but is
4 not limited to, the following:

5 (a) Conviction of a crime substantially related to the
6 qualifications, functions, and duties of an educational psychologist.

7 (1) The record of conviction shall be conclusive evidence only
8 of the fact that the conviction occurred.

9 (2) The board may inquire into the circumstances surrounding
10 the commission of the crime in order to fix the degree of discipline
11 or to determine if the conviction is substantially related to the
12 qualifications, functions, or duties of a licensee under this chapter.

13 (3) A plea or verdict of guilty or a conviction following a plea
14 of nolo contendere made to a charge substantially related to the
15 qualifications, functions, or duties of a licensee under this chapter
16 shall be deemed to be a conviction within the meaning of this
17 section.

18 (4) The board may order a license suspended or revoked, or
19 may decline to issue a license when the time for appeal has elapsed,
20 or the judgment of conviction has been affirmed on appeal, or
21 when an order granting probation is made suspending the
22 imposition of sentence, irrespective of a subsequent order under
23 Section 1203.4 of the Penal Code allowing the person to withdraw
24 a plea of guilty and enter a plea of not guilty or setting aside the
25 verdict of guilty or dismissing the accusation, information, or
26 indictment.

27 (b) Securing a license by fraud, deceit, or misrepresentation on
28 an application for licensure submitted to the board, whether
29 engaged in by an applicant for a license or by a licensee in support
30 of an application for licensure.

31 (c) Administering to themselves a controlled substance or using
32 any of the dangerous drugs specified in Section 4022 or an
33 alcoholic beverage to the extent, or in a manner, as to be dangerous
34 or injurious to themselves or to any other person or to the public
35 or to the extent that the use impairs their ability to safely perform
36 the functions authorized by the license. The board shall deny an
37 application for a license or revoke the license of any person, other
38 than one who is licensed as a physician and surgeon, who uses or
39 offers to use drugs in the course of performing educational
40 psychology.

- 1 (d) Failure to comply with the consent provisions in Section
2 2290.5.
- 3 (e) Advertising in a manner that is false, fraudulent, misleading,
4 or deceptive, as defined in Section 651.
- 5 (f) Violating, attempting to violate, or conspiring to violate any
6 of the provisions of this chapter or any regulation adopted by the
7 board.
- 8 (g) Commission of any dishonest, corrupt, or fraudulent act
9 substantially related to the qualifications, functions, or duties of a
10 licensee.
- 11 (h) Denial of licensure, revocation, suspension, restriction, or
12 any other disciplinary action imposed by another state or territory
13 or possession of the United States or by any other governmental
14 agency, on a license, certificate, or registration to practice
15 educational psychology or any other healing art. A certified copy
16 of the disciplinary action, decision, or judgment shall be conclusive
17 evidence of that action.
- 18 (i) Revocation, suspension, or restriction by the board of a
19 license, certificate, or registration to practice as an educational
20 psychologist, a clinical social worker, professional clinical
21 counselor, or marriage and family therapist.
- 22 (j) Failure to keep records consistent with sound clinical
23 judgment, the standards of the profession, and the nature of the
24 services being rendered.
- 25 (k) Gross negligence or incompetence in the practice of
26 educational psychology.
- 27 (l) Misrepresentation as to the type or status of a license held
28 by the licensee or otherwise misrepresenting or permitting
29 misrepresentation of the licensee's education, professional
30 qualifications, or professional affiliations to any person or entity.
- 31 (m) Intentionally or recklessly causing physical or emotional
32 harm to any client.
- 33 (n) Engaging in sexual relations with a client or a former client
34 within two years following termination of professional services,
35 soliciting sexual relations with a client, or committing an act of
36 sexual abuse or sexual misconduct with a client or committing an
37 act punishable as a sexually related crime, if that act or solicitation
38 is substantially related to the qualifications, functions, or duties of
39 a licensed educational psychologist.

- 1 (o) Before the commencement of treatment, failing to disclose
2 to the client or prospective client the fee to be charged for the
3 professional services or the basis upon which that fee will be
4 computed.
- 5 (p) Paying, accepting, or soliciting any consideration,
6 compensation, or remuneration, whether monetary or otherwise,
7 for the referral of professional clients.
- 8 (q) Failing to maintain confidentiality, except as otherwise
9 required or permitted by law, of all information that has been
10 received from a client in confidence during the course of treatment
11 and all information about the client that is obtained from tests or
12 other means.
- 13 (r) Performing, holding oneself out as being able to perform,
14 offering to perform, or permitting any unlicensed person under
15 supervision to perform, any professional services beyond the scope
16 of the license authorized by this chapter or beyond the person's
17 field or fields of competence as established by the person's
18 education, training, or experience. For purposes of this subdivision,
19 "unlicensed person" includes, but is not limited to, an applicant
20 for licensure, an associate, an intern, or a trainee under the Licensed
21 Marriage and Family Therapist Act (Chapter 13 (commencing
22 with Section 4980)), the Clinical Social Worker Practice Act
23 (Chapter 14 (commencing with Section 4991)), or the Licensed
24 Professional Clinical Counselor Act (Chapter 16 (commencing
25 with Section 4999.10)).
- 26 (s) Reproducing or describing in public, or in any publication
27 subject to general public distribution, any psychological test or
28 other assessment device the value of which depends in whole or
29 in part on the naivete of the subject in ways that might invalidate
30 the test or device. An educational psychologist shall limit access
31 to the test or device to persons with professional interests who can
32 be expected to safeguard its use.
- 33 (t) Aiding or abetting an unlicensed person to engage in conduct
34 requiring a license under this chapter.
- 35 (u) When employed by another person or agency, encouraging,
36 either orally or in writing, the employer's or agency's clientele to
37 utilize the person's private practice for further counseling without
38 the approval of the employing agency or administration.
- 39 (v) Failing to comply with the child abuse reporting
40 requirements of Section 11166 of the Penal Code.

1 (w) Failing to comply with the elder and adult dependent abuse
2 reporting requirements of Section 15630 of the Welfare and
3 Institutions Code.

4 (x) Willful violation of Chapter 1 (commencing with Section
5 123100) of Part 1 of Division 106 of the Health and Safety Code.

6 (y) (1) Engaging in an act described in Section 261, 286, 287,
7 or 289 of, or former Section 288a of, the Penal Code with a minor
8 or an act described in Section 288 or 288.5 of the Penal Code
9 regardless of whether the act occurred prior to or after the time the
10 registration or license was issued by the board. An act described
11 in this subdivision occurring prior to the effective date of this
12 subdivision shall constitute unprofessional conduct and shall
13 subject the licensee to refusal, suspension, or revocation of a license
14 under this section.

15 (2) The Legislature hereby finds and declares that protection of
16 the public, and in particular minors, from sexual misconduct by a
17 licensee is a compelling governmental interest, and that the ability
18 to suspend or revoke a license for sexual conduct with a minor
19 occurring prior to the effective date of this section is equally
20 important to protecting the public as is the ability to refuse a license
21 for sexual conduct with a minor occurring prior to the effective
22 date of this section.

23 (z) Engaging in any conduct that subverts or attempts to subvert
24 any licensing examination or the administration of the examination
25 as described in Section 123.

26 (aa) Impersonation of another by any licensee or applicant for
27 a license, or, in the case of a licensee, allowing any other person
28 to use the person's license.

29 (ab) Permitting an unlicensed person under the licensee's
30 supervision or control to perform, or permitting that person to hold
31 themselves out as competent to perform, mental health services
32 beyond the unlicensed person's level of education, training, or
33 experience. For purposes of this subdivision, "unlicensed person"
34 is defined as in subdivision (r).

35 (ac) Any conduct in the supervision of an unlicensed person,
36 including an unlicensed person identified in subdivision (ab), by
37 a licensee that violates this chapter, the Licensed Marriage and
38 Family Therapist Act (Chapter 13 (commencing with Section
39 4980)), the Clinical Social Worker Practice Act (Chapter 14
40 (commencing with Section 4991)), the Licensed Professional

1 Clinical Counselor Act (Chapter 16 (commencing with Section
2 4999.10)), or any rules or regulations adopted by the board pursuant
3 to those provisions. For purposes of this subdivision, “unlicensed
4 person” is defined as in subdivision (r).

5 (ad) The violation of any statute or regulation governing the
6 gaining and supervision of experience of an unlicensed person
7 required by the Licensed Marriage and Family Therapist Act
8 (Chapter 13 (commencing with Section 4980)), the Clinical Social
9 Worker Practice Act (Chapter 14 (commencing with Section
10 4991)), or the Licensed Professional Clinical Counselor Act
11 (Chapter 16 (commencing with Section 4999.10)).

12 ~~SEC. 5.~~

13 *SEC. 6.* Section 4996.20 of the Business and Professions Code
14 is amended to read:

15 4996.20. (a) “Supervisor,” as used in this chapter, means an
16 individual who meets all of the following requirements:

17 (1) Has held an active license for at least two years within the
18 five-year period immediately preceding any supervision as either:

19 (A) A licensed professional clinical counselor, licensed marriage
20 and family therapist, psychologist licensed pursuant to Chapter
21 6.6 (commencing with Section 2900), licensed clinical social
22 worker, licensed educational psychologist, or equivalent
23 out-of-state license.

24 (B) A physician and surgeon who is certified in psychiatry by
25 the American Board of Psychiatry and Neurology or an out-of-state
26 licensed physician and surgeon who is certified in psychiatry by
27 the American Board of Psychiatry and Neurology.

28 (2) For at least two years within the five-year period immediately
29 preceding any supervision, has practiced psychotherapy, provided
30 psychological counseling pursuant to subdivision (e) of Section
31 4989.14, or provided direct clinical supervision of psychotherapy
32 performed by associate clinical social workers, associate marriage
33 and family therapists or trainees, or associate professional clinical
34 counselors. Supervision of psychotherapy performed by a social
35 work intern or a professional clinical counselor trainee shall be
36 accepted if the supervision provided is substantially equivalent to
37 the supervision required for registrants.

38 (3) Has received training in supervision as specified in this
39 chapter and by regulation.

40 (4) Has not provided therapeutic services to the supervisee.

- 1 (5) Has and maintains a current and active license that is not
2 under suspension or probation as one of the following:
- 3 (A) A marriage and family therapist, professional clinical
4 counselor, clinical social worker, or licensed educational
5 psychologist issued by the board.
- 6 (B) A psychologist licensed pursuant to Chapter 6.6
7 (commencing with Section 2900).
- 8 (C) A physician and surgeon who is certified in psychiatry by
9 the American Board of Psychiatry and Neurology.
- 10 (6) Is not a spouse, domestic partner, or relative of the
11 supervisee.
- 12 (7) Does not currently have or previously had a personal,
13 professional, or business relationship with the supervisee that
14 undermines the authority or effectiveness of the supervision.
- 15 (b) As used in this chapter, the term “supervision” means
16 responsibility for, and control of, the quality of mental health and
17 related services provided by the supervisee. Consultation or peer
18 discussion shall not be considered supervision and shall not qualify
19 as supervised experience.
- 20 “Supervision” includes, but is not limited to, all of the following:
- 21 (1) Ensuring the extent, kind, and quality of counseling
22 performed is consistent with the education, training, and experience
23 of the supervisee.
- 24 (2) Monitoring and evaluating the supervisee’s assessment,
25 diagnosis, and treatment decisions and providing regular feedback.
- 26 (3) Monitoring and evaluating the supervisee’s ability to provide
27 services at the site or sites where the supervisee is practicing and
28 to the particular clientele being served.
- 29 (4) Monitoring and addressing clinical dynamics, including, but
30 not limited to, countertransference-, intrapsychic-, interpersonal-,
31 or trauma-related issues that may affect the supervisory or the
32 practitioner-patient relationship.
- 33 (5) Ensuring the supervisee’s compliance with laws and
34 regulations governing the practice of clinical social work.
- 35 (6) Reviewing the supervisee’s progress notes, process notes,
36 and other patient treatment records, as deemed appropriate by the
37 supervisor.
- 38 (7) With the client’s written consent, providing direct
39 observation or review of audio or video recordings of the

1 supervisee’s counseling or therapy, as deemed appropriate by the
2 supervisor.

3 ~~SEC. 6.~~

4 *SEC. 7.* Section 4996.23 of the Business and Professions Code
5 is amended to read:

6 4996.23. (a) To qualify for licensure, each applicant shall
7 complete 3,000 hours of post-master’s degree supervised
8 experience related to the practice of clinical social work. Except
9 as provided in subdivision (b), experience shall not be gained until
10 the applicant is registered as an associate clinical social worker.

11 (b) Preregistered postdegree hours of experience shall be
12 credited toward licensure if all of the following apply:

13 (1) The registration applicant applies for the associate
14 registration and the board receives the application within 90 days
15 of the granting of the qualifying master’s or doctoral degree.

16 (2) For applicants completing graduate study on or after January
17 1, 2020, the experience is obtained at a workplace that, prior to
18 the registration applicant gaining supervised experience hours,
19 requires completed live scan fingerprinting. The applicant shall
20 provide the board with a copy of that completed “State of
21 California Request for Live Scan Service” form with the
22 application for licensure.

23 (3) The board subsequently grants the associate registration.

24 (c) The applicant shall not be employed or volunteer in a private
25 practice until the applicant has been issued an associate registration
26 by the board.

27 (d) The experience shall be as follows:

28 (1) (A) At least 1,700 hours shall be gained under the
29 supervision of a licensed clinical social worker. The remaining
30 required supervised experience may be gained under the
31 supervision of a physician and surgeon who is certified in
32 psychiatry by the American Board of Psychiatry and Neurology,
33 licensed professional clinical counselor, licensed marriage and
34 family therapist, psychologist licensed pursuant to Chapter 6.6
35 (commencing with Section 2900), licensed educational
36 psychologist, or licensed clinical social worker.

37 (B) The number of hours gained under the supervision of a
38 licensed educational psychologist shall not exceed 1,200 hours.

39 (2) A minimum of 2,000 hours in clinical psychosocial
40 diagnosis, assessment, and treatment, including psychotherapy or

1 counseling; however, at least 750 hours shall be face-to-face
2 individual or group psychotherapy provided in the context of
3 clinical social work services.

4 (3) A maximum of 1,000 hours in client centered advocacy,
5 consultation, evaluation, research, direct supervisor contact, and
6 workshops, seminars, training sessions, or conferences directly
7 related to clinical social work that have been approved by the
8 applicant's supervisor.

9 (4) A minimum of two years of supervised experience is required
10 to be obtained over a period of not less than 104 weeks and shall
11 have been gained within the six years immediately preceding the
12 date on which the application for licensure was received by the
13 board.

14 (5) No more than 40 hours of experience may be credited in
15 any seven consecutive days.

16 (6) For hours gained on or after January 1, 2010, no more than
17 six hours of supervision, whether individual, triadic, or group
18 supervision, shall be credited during any single week.

19 (e) An individual who submits an application for licensure
20 between January 1, 2016, and December 31, 2020, may
21 alternatively qualify under the experience requirements of this
22 section that were in place on January 1, 2015.

23 ~~SEC. 7.~~

24 *SEC. 8.* Section 4999.12 of the Business and Professions Code
25 is amended to read:

26 4999.12. For purposes of this chapter, the following terms have
27 the following meanings:

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

29 (b) "Accredited" means a school, college, or university
30 accredited by a regional or national institutional accrediting agency
31 that is recognized by the United States Department of Education.

32 (c) "Approved" means a school, college, or university that
33 possessed unconditional approval by the Bureau for Private
34 Postsecondary Education at the time of the applicant's graduation
35 from the school, college, or university.

36 (d) "Applicant for licensure" means an unlicensed person who
37 has completed the required education and required hours of
38 supervised experience for licensure.

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

4 (f) “Associate” means an unlicensed person who meets the
5 requirements of Section 4999.42 and is registered with the board.

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

12 (h) “Supervisor” means an individual who meets all of the
13 following requirements:

14 (1) Has held an active license for at least two years within the
15 five-year period immediately preceding any supervision as either:

16 (A) A licensed professional clinical counselor, licensed marriage
17 and family therapist, psychologist licensed pursuant to Chapter
18 6.6 (commencing with Section 2900), licensed clinical social
19 worker, licensed educational psychologist, or equivalent
20 out-of-state license.

21 (B) A physician and surgeon who is certified in psychiatry by
22 the American Board of Psychiatry and Neurology, or an out-of-state
23 licensed physician and surgeon who is certified in psychiatry by
24 the American Board of Psychiatry and Neurology.

25 (2) If the individual is a licensed professional clinical counselor
26 seeking to supervise an associate marriage and family therapist, a
27 marriage and family therapist trainee, or an associate professional
28 clinical counselor or licensee seeking experience to treat couples
29 and families pursuant to subparagraph (B) of paragraph (3) of
30 subdivision (a) of Section 4999.20, the individual shall meet the
31 additional training and education requirements in subparagraphs
32 (A) to (C), inclusive, of paragraph (3) of subdivision (a) of Section
33 4999.20.

34 (3) For at least two years within the five-year period immediately
35 preceding any supervision, has practiced psychotherapy, provided
36 psychological counseling pursuant to subdivision (e) of Section
37 4989.14, or provided direct clinical supervision of psychotherapy
38 performed by marriage and family therapist trainees, associate
39 marriage and family therapists, associate professional clinical
40 counselors, or associate clinical social workers. Supervision of

1 psychotherapy performed by a social work intern or a professional
2 clinical counselor trainee shall be accepted if the supervision
3 provided is substantially equivalent to the supervision required for
4 registrants.

5 (4) Has received training in supervision as specified in this
6 chapter and by regulation.

7 (5) Has not provided therapeutic services to the supervisee.

8 (6) Has and maintains a current and active license that is not
9 under suspension or probation as one of the following:

10 (A) A marriage and family therapist, professional clinical
11 counselor, clinical social worker, or licensed educational
12 psychologist issued by the board.

13 (B) A psychologist licensed pursuant to Chapter 6.6
14 (commencing with Section 2900).

15 (C) A physician and surgeon who is certified in psychiatry by
16 the American Board of Psychiatry and Neurology.

17 (7) Is not a spouse, domestic partner, or relative of the
18 supervisee.

19 (8) Does not currently have or previously had a personal,
20 professional, or business relationship with the supervisee that
21 undermines the authority or effectiveness of the supervision.

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

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

36 (k) “Referral” means evaluating and identifying the needs of a
37 client to determine whether it is advisable to refer the client to
38 other specialists, informing the client of that judgment, and
39 communicating that determination as requested or deemed
40 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” means responsibility for, and control of, the
7 quality of mental health and related services provided by the
8 supervisee. Consultation or peer discussion shall not be considered
9 supervision and shall not qualify as supervised experience.
10 Supervision includes, but is not limited to, all of the following:

11 (1) Ensuring the extent, kind, and quality of counseling
12 performed is consistent with the education, training, and experience
13 of the supervisee.

14 (2) Monitoring and evaluating the supervisee’s assessment,
15 diagnosis, and treatment decisions and providing regular feedback.

16 (3) Monitoring and evaluating the supervisee’s ability to provide
17 services at the site or sites where the supervisee is practicing and
18 to the particular clientele being served.

19 (4) Monitoring and addressing clinical dynamics, including, but
20 not limited to, countertransference-, intrapsychic-, interpersonal-,
21 or trauma-related issues that may affect the supervisory or the
22 practitioner-patient relationship.

23 (5) Ensuring the supervisee’s compliance with laws and
24 regulations governing the practice of licensed professional clinical
25 counseling.

26 (6) Reviewing the supervisee’s progress notes, process notes,
27 and other patient treatment records, as deemed appropriate by the
28 supervisor.

29 (7) With the client’s written consent, providing direct
30 observation or review of audio or video recordings of the
31 supervisee’s counseling or therapy, as deemed appropriate by the
32 supervisor.

33 (n) “Clinical setting” means any setting that meets both of the
34 following requirements:

35 (1) Lawfully and regularly provides mental health counseling
36 or psychotherapy.

37 (2) Provides oversight to ensure that the associate’s work meets
38 the experience and supervision requirements set forth in this
39 chapter and in regulation and is within the scope of practice of the
40 profession.

1 (o) “Community mental health setting,” means a clinical setting
2 that meets all of the following requirements:

3 (1) Lawfully and regularly provides mental health counseling
4 or psychotherapy.

5 (2) Clients routinely receive psychopharmacological
6 interventions in conjunction with psychotherapy, counseling, or
7 other psycho-social interventions.

8 (3) Clients receive coordinated care that includes the
9 collaboration of mental health providers.

10 (4) Is not a private practice.

11 *SEC. 9. Section 4999.46 of the Business and Professions Code*
12 *is amended to read:*

13 4999.46. (a) Except as provided in subdivision (b), all
14 applicants shall have an active associate registration with the board
15 in order to gain postdegree hours of supervised experience.

16 (b) (1) Preregistered postdegree hours of experience shall be
17 credited toward licensure if all of the following apply:

18 (A) The registration applicant applies for the associate
19 registration and the board receives the application within 90 days
20 of the granting of the qualifying master’s degree or doctoral degree.

21 (B) For applicants completing graduate study on or after January
22 1, 2020, the experience is obtained at a workplace that, prior to
23 the registration applicant gaining supervised experience hours,
24 requires completed Live Scan fingerprinting. The applicant shall
25 provide the board with a copy of that completed State of California
26 “Request for Live Scan Service” form with ~~his or her~~ *their*
27 application for licensure.

28 (C) The board subsequently grants the associate registration.

29 (2) The applicant shall not be employed or volunteer in a private
30 practice until ~~he or she has~~ *they have* been issued an associate
31 registration by the board.

32 (c) Supervised experience that is obtained for the purposes of
33 qualifying for licensure shall be related to the practice of
34 professional clinical counseling and comply with the following:

35 (1) A minimum of 3,000 postdegree hours performed over a
36 period of not less than two years (104 weeks).

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

38 (3) Not less than 1,750 hours of direct clinical counseling with
39 individuals, groups, couples, or families using a variety of

1 psychotherapeutic techniques and recognized counseling
2 interventions.

3 (4) Not less than 150 hours of clinical experience in a hospital
4 or community mental health setting, as defined in Section 4999.12.

5 (5) A maximum of 1,250 hours of nonclinical practice,
6 consisting of direct supervisor contact, administering and
7 evaluating psychological tests, writing clinical reports, writing
8 progress or process notes, client centered advocacy, and workshops,
9 seminars, training sessions, or conferences directly related to
10 professional clinical counseling that have been approved by the
11 applicant’s supervisor.

12 (6) *A maximum of 1,200 hours gained under the supervision of*
13 *a licensed educational psychologist.*

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

18 (e) Experience hours shall not have been gained more than six
19 years prior to the date the application for licensure was received
20 by the board.

21 ~~SEC. 8.~~

22 *SEC. 10.* No reimbursement is required by this act pursuant
23 to Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.