

AMENDED IN SENATE MAY 30, 2019

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, 4989.14, 4989.54, 4996.20, 4996.23, 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.

(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.” “*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.~~ *supervising the provision of educationally related mental health services. For purposes of these provisions and*

the provisions in paragraph (2), the bill would define “educationally related mental health services.”

(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 *providing educationally related mental health services* to a maximum of 1,200 hours.

(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 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~~ *a violation of any statute or regulation governing the gaining and supervision of experience of an unlicensed person* 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.

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

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

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

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

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

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

35 (1) Has held an active license for at least two years within the
36 five-year period immediately preceding any supervision as ~~either:~~
37 *any of the following:*

1 (A) A licensed professional clinical counselor, licensed marriage
2 and family therapist, psychologist licensed pursuant to Chapter
3 6.6 (commencing with Section 2900), licensed clinical social
4 worker, licensed educational psychologist, or equivalent
5 out-of-state license. *A licensed educational psychologist may only*
6 *supervise the provision of educationally related mental health*
7 *services that are consistent with the scope of practice of an*
8 *educational psychologist, as specified in Section 4989.14.*

9 (B) A physician and surgeon who is certified in psychiatry by
10 the American Board of Psychiatry and Neurology or an out-of-state
11 licensed physician and surgeon who is certified in psychiatry by
12 the American Board of Psychiatry and Neurology.

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

17 (3) For at least two years within the five-year period immediately
18 preceding any supervision, has practiced psychotherapy, provided
19 psychological counseling pursuant to subdivision (e) of Section
20 4989.14, or provided direct clinical supervision of psychotherapy
21 performed by marriage and family therapist trainees, associate
22 marriage and family therapists, associate professional clinical
23 counselors, or associate clinical social workers. Supervision of
24 psychotherapy performed by a social work intern or a professional
25 clinical counselor trainee shall be accepted if the supervision
26 provided is substantially equivalent to the supervision required for
27 registrants.

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

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

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

33 (A) A marriage and family therapist, professional clinical
34 counselor, clinical social worker, or licensed educational
35 psychologist, issued by the board.

36 (B) A psychologist licensed pursuant to Chapter 6.6
37 (commencing with Section 2900).

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

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

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

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

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

13 4980.43. (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~~ *the*
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 the applicant has been issued an associate registration
31 by the board.

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

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

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

38 (3) A minimum of 1,700 hours obtained after the qualifying
39 master’s or doctoral degree was awarded.

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

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

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

8 (7) Hours of experience shall not have been gained more than
9 six years prior to the date the application for licensure was received
10 by the board, except that up to 500 hours of clinical experience
11 gained in the supervised practicum required by subdivision (c) of
12 Section 4980.37 and subparagraph (B) of paragraph (1) of
13 subdivision (d) of Section 4980.36 shall be exempt from this
14 six-year requirement.

15 (8) A minimum of 1,750 hours of direct clinical counseling with
16 individuals, groups, couples, or families, that includes not less than
17 500 total hours of experience in diagnosing and treating couples,
18 families, and children.

19 (9) A maximum of 1,200 hours gained under the supervision
20 of a licensed educational ~~psychologist~~. *psychologist providing*
21 *educationally related mental health services that are consistent*
22 *with the scope of practice of an educational psychologist, as*
23 *specified in Section 4989.14.*

24 (10) A maximum of 1,250 hours of nonclinical practice,
25 consisting of direct supervisor contact, administering and
26 evaluating psychological tests, writing clinical reports, writing
27 progress or process notes, client centered advocacy, and workshops,
28 seminars, training sessions, or conferences directly related to
29 marriage and family therapy that have been approved by the
30 applicant's supervisor.

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

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

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

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

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

5 (a) Inform each client or patient prior to performing any mental
6 health and related services that the person is an unlicensed
7 registered associate marriage and family therapist, provide the
8 person's registration number and the name of the person's
9 employer, and indicate whether the person is under the supervision
10 of a licensed marriage and family therapist, licensed clinical social
11 worker, licensed professional clinical counselor, psychologist
12 licensed pursuant to Chapter 6.6 (commencing with Section 2900),
13 licensed educational psychologist, or a licensed physician and
14 surgeon certified in psychiatry by the American Board of
15 Psychiatry and Neurology.

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

19 (A) That the person is a registered associate marriage and family
20 therapist.

21 (B) The associate's registration number.

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

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

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

27 SEC. 4. Section 4980.48 of the Business and Professions Code
28 is amended to read:

29 4980.48. (a) A trainee shall, prior to performing any
30 professional services, inform each client or patient that the trainee
31 is an unlicensed marriage and family therapist trainee, provide the
32 name of the trainee's employer, and indicate whether the trainee
33 is under the supervision of a licensed marriage and family therapist,
34 a licensed clinical social worker, a licensed professional clinical
35 counselor, a licensed psychologist, a licensed physician certified
36 in psychiatry by the American Board of Psychiatry and Neurology,
37 or a licensed educational psychologist.

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

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

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

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

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

7 *SEC. 5. Section 4989.14 of the Business and Professions Code*
8 *is amended to read:*

9 4989.14. (a) The practice of educational psychology is the
10 performance of any of the following professional functions
11 pertaining to academic learning processes or the educational system
12 or both:

13 ~~(a)~~

14 (1) Educational evaluation.

15 ~~(b)~~

16 (2) Diagnosis of psychological disorders related to academic
17 learning processes.

18 ~~(c)~~

19 (3) Administration of diagnostic tests related to academic
20 learning processes including tests of academic ability, learning
21 patterns, achievement, motivation, and personality factors.

22 ~~(d)~~

23 (4) Interpretation of diagnostic tests related to academic learning
24 processes including tests of academic ability, learning patterns,
25 achievement, motivation, and personality factors.

26 ~~(e)~~

27 (5) Providing psychological counseling for individuals, groups,
28 and families.

29 ~~(f)~~

30 (6) Consultation with other educators and parents on issues of
31 social development and behavioral and academic difficulties.

32 ~~(g)~~

33 (7) Conducting psychoeducational assessments for the purposes
34 of identifying special needs.

35 ~~(h)~~

36 (8) Developing treatment programs and strategies to address
37 problems of adjustment.

38 ~~(i)~~

39 (9) Coordinating intervention strategies for management of
40 individual crises.

1 (b) For purposes of supervising an associate marriage and
2 family therapist pursuant to Section 4980.03, an associate clinical
3 social worker pursuant to Section 4996.20, or an associate
4 professional clinical counselor pursuant to Section 4999.12,
5 “educationally related mental health services” are mental health
6 services provided to clients who have social, emotional, or
7 behavioral issues that interfere with their educational progress.
8 These services include all of the following:

9 (1) Educationally related counseling services to clients qualified
10 for special education that are necessary to receive a free
11 appropriate public education in the least restrictive environment
12 pursuant to the federal requirements of Section 1412 of Title 20
13 of the United States Code.

14 (2) Intensive counseling services on a continuum which may
15 reflect an increase in frequency, duration, or staff specialization
16 to address the client’s emotional and behavioral needs.

17 (3) Counseling services provided by qualified practitioners.

18 (4) Parent counseling and training.

19 (5) Psychological services that include consulting with staff
20 members in planning school programs to meet the client’s
21 educational needs and assisting in developing positive behavioral
22 intervention strategies for the client.

23 (6) Social work services such as preparing a social or
24 developmental history on a client with a disability.

25 (7) Group and individualized counseling with the client and
26 family.

27 (8) Mobilizing school and community resources to enable the
28 client to learn as effectively as possible in their educational
29 program, as outlined in Section 300.34 of Title 34 of the Code of
30 Federal Regulations.

31 ~~SEC. 5.~~

32 SEC. 6. Section 4989.54 of the Business and Professions Code
33 is amended to read:

34 4989.54. The board may deny a license or may suspend or
35 revoke the license of a licensee if the person has been guilty of
36 unprofessional conduct. Unprofessional conduct includes, but is
37 not limited to, the following:

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

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

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

7 (3) A plea or verdict of guilty or a conviction following a plea
8 of nolo contendere made to a charge substantially related to the
9 qualifications, functions, or duties of a licensee under this chapter
10 shall be deemed to be a conviction within the meaning of this
11 section.

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

21 (b) Securing a license by fraud, deceit, or misrepresentation on
22 an application for licensure submitted to the board, whether
23 engaged in by an applicant for a license or by a licensee in support
24 of an application for licensure.

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

35 (d) Failure to comply with the consent provisions in Section
36 2290.5.

37 (e) Advertising in a manner that is false, fraudulent, misleading,
38 or deceptive, as defined in Section 651.

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

1 (p) Paying, accepting, or soliciting any consideration,
2 compensation, or remuneration, whether monetary or otherwise,
3 for the referral of professional clients.

4 (q) Failing to maintain confidentiality, except as otherwise
5 required or permitted by law, of all information that has been
6 received from a client in confidence during the course of treatment
7 and all information about the client that is obtained from tests or
8 other means.

9 (r) Performing, holding oneself out as being able to perform,
10 offering to perform, or permitting any unlicensed person under
11 supervision to perform, any professional services beyond the scope
12 of the license authorized by this chapter or beyond the person's
13 field or fields of competence as established by the person's
14 education, training, or experience. For purposes of this subdivision,
15 "unlicensed person" includes, but is not limited to, an applicant
16 for licensure, an associate, an intern, or a trainee under the Licensed
17 Marriage and Family Therapist Act (Chapter 13 (commencing
18 with Section 4980)), the Clinical Social Worker Practice Act
19 (Chapter 14 (commencing with Section 4991)), or the Licensed
20 Professional Clinical Counselor Act (Chapter 16 (commencing
21 with Section 4999.10)).

22 (s) Reproducing or describing in public, or in any publication
23 subject to general public distribution, any psychological test or
24 other assessment device the value of which depends in whole or
25 in part on the naivete of the subject in ways that might invalidate
26 the test or device. An educational psychologist shall limit access
27 to the test or device to persons with professional interests who can
28 be expected to safeguard its use.

29 (t) Aiding or abetting an unlicensed person to engage in conduct
30 requiring a license under this chapter.

31 (u) When employed by another person or agency, encouraging,
32 either orally or in writing, the employer's or agency's clientele to
33 utilize the person's private practice for further counseling without
34 the approval of the employing agency or administration.

35 (v) Failing to comply with the child abuse reporting
36 requirements of Section 11166 of the Penal Code.

37 (w) Failing to comply with the elder and adult dependent abuse
38 reporting requirements of Section 15630 of the Welfare and
39 Institutions Code.

1 (x) Willful violation of Chapter 1 (commencing with Section
2 123100) of Part 1 of Division 106 of the Health and Safety Code.

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

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

20 (z) Engaging in any conduct that subverts or attempts to subvert
21 any licensing examination or the administration of the examination
22 as described in Section 123.

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

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

32 ~~(ac) Any conduct in the~~ *The violation of any statute or*
33 *regulation governing the gaining and supervision of experience*
34 *of an unlicensed person, including an unlicensed person identified*
35 *in subdivision (ab), by a licensee that violates this chapter, the*
36 *Licensed Marriage and Family Therapist Act (Chapter 13*
37 *(commencing with Section 4980)), the Clinical Social Worker*
38 *Practice Act (Chapter 14 (commencing with Section 4991)), the*
39 *Licensed Professional Clinical Counselor Act (Chapter 16*
40 *(commencing with Section 4999.10)), or any rules or regulations*

1 adopted by the board pursuant to those provisions. For purposes
2 of this subdivision, “unlicensed person” is defined as in subdivision
3 (r).

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

11 ~~SEC. 6.~~

12 *SEC. 7.* Section 4996.20 of the Business and Professions Code
13 is amended to read:

14 4996.20. (a) “Supervisor,” as used in this chapter, means an
15 individual who meets all of the following requirements:

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

18 (A) A licensed professional clinical counselor, licensed marriage
19 and family therapist, psychologist licensed pursuant to Chapter
20 6.6 (commencing with Section 2900), licensed clinical social
21 worker, licensed educational psychologist, or equivalent
22 out-of-state license. *A licensed educational psychologist may only*
23 *supervise the provision of educationally related mental health*
24 *services that are consistent with the scope of practice of an*
25 *educational psychologist, as specified in Section 4989.14.*

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

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

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

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

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

6 (A) A marriage and family therapist, professional clinical
7 counselor, clinical social worker, or licensed educational
8 psychologist issued by the board.

9 (B) A psychologist licensed pursuant to Chapter 6.6
10 (commencing with Section 2900).

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

13 (6) Is not a spouse, domestic partner, or relative of the
14 supervisee.

15 (7) Does not currently have or previously had a personal,
16 professional, or business relationship with the supervisee that
17 undermines the authority or effectiveness of the supervision.

18 (b) As used in this chapter, the term “supervision” means
19 responsibility for, and control of, the quality of mental health and
20 related services provided by the supervisee. Consultation or peer
21 discussion shall not be considered supervision and shall not qualify
22 as supervised experience.

23 “Supervision” includes, but is not limited to, all of the following:

24 (1) Ensuring the extent, kind, and quality of counseling
25 performed is consistent with the education, training, and experience
26 of the supervisee.

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

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

32 (4) Monitoring and addressing clinical dynamics, including, but
33 not limited to, countertransference-, intrapsychic-, interpersonal-,
34 or trauma-related issues that may affect the supervisory or the
35 practitioner-patient relationship.

36 (5) Ensuring the supervisee’s compliance with laws and
37 regulations governing the practice of clinical social work.

38 (6) Reviewing the supervisee’s progress notes, process notes,
39 and other patient treatment records, as deemed appropriate by the
40 supervisor.

1 (7) With the client's written consent, providing direct
2 observation or review of audio or video recordings of the
3 supervisee's counseling or therapy, as deemed appropriate by the
4 supervisor.

5 ~~SEC. 7.~~

6 *SEC. 8.* Section 4996.23 of the Business and Professions Code
7 is amended to read:

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

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

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

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

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

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

29 (d) The experience shall be as follows:

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

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

1 (B) A maximum of 1,200 hours gained under the supervision of
2 a licensed educational psychologist providing educationally related
3 mental health services that are consistent with the scope of practice
4 of an educational psychologist, as specified in Section 4989.14.

5 (2) A minimum of 2,000 hours in clinical psychosocial
6 diagnosis, assessment, and treatment, including psychotherapy or
7 counseling; however, at least 750 hours shall be face-to-face
8 individual or group psychotherapy provided in the context of
9 clinical social work services.

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

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

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

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

25 (e) 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. 8.~~

30 *SEC. 9.* Section 4999.12 of the Business and Professions Code
31 is amended to read:

32 4999.12. For purposes of this chapter, the following terms have
33 the following meanings:

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

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

38 (c) "Approved" means a school, college, or university that
39 possessed unconditional approval by the Bureau for Private

1 Postsecondary Education at the time of the applicant's graduation
2 from the school, college, or university.

3 (d) "Applicant for licensure" means an unlicensed person who
4 has completed the required education and required hours of
5 supervised experience for licensure.

6 (e) "Licensed professional clinical counselor" or "LPCC" means
7 a person licensed under this chapter to practice professional clinical
8 counseling, as defined in Section 4999.20.

9 (f) "Associate" means an unlicensed person who meets the
10 requirements of Section 4999.42 and is registered with the board.

11 (g) "Clinical counselor trainee" means an unlicensed person
12 who is currently enrolled in a master's or doctoral degree program,
13 as specified in Section 4999.32 or 4999.33, that is designed to
14 qualify the person for licensure and who has completed no less
15 than 12 semester units or 18 quarter units of coursework in any
16 qualifying degree program.

17 (h) "Supervisor" means an individual who meets all of the
18 following requirements:

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

21 (A) A licensed professional clinical counselor, licensed marriage
22 and family therapist, psychologist licensed pursuant to Chapter
23 6.6 (commencing with Section 2900), licensed clinical social
24 worker, licensed educational psychologist, or equivalent
25 out-of-state license. *A licensed educational psychologist may only
26 supervise the provision of educationally related mental health
27 services that are consistent with the scope of practice of an
28 educational psychologist, as specified in Section 4989.14.*

29 (B) A physician and surgeon who is certified in psychiatry by
30 the American Board of Psychiatry and Neurology, or an out-of-state
31 licensed physician and surgeon who is certified in psychiatry by
32 the American Board of Psychiatry and Neurology.

33 (2) If the individual is a licensed professional clinical counselor
34 seeking to supervise an associate marriage and family therapist, a
35 marriage and family therapist trainee, or an associate professional
36 clinical counselor or licensee seeking experience to treat couples
37 and families pursuant to subparagraph (B) of paragraph (3) of
38 subdivision (a) of Section 4999.20, the individual shall meet the
39 additional training and education requirements in subparagraphs

1 (A) to (C), inclusive, of paragraph (3) of subdivision (a) of Section
2 4999.20.

3 (3) For at least two years within the five-year period immediately
4 preceding any supervision, has practiced psychotherapy, provided
5 psychological counseling pursuant to subdivision (e) of Section
6 4989.14, or provided direct clinical supervision of psychotherapy
7 performed by marriage and family therapist trainees, associate
8 marriage and family therapists, associate professional clinical
9 counselors, or associate clinical social workers. Supervision of
10 psychotherapy performed by a social work intern or a professional
11 clinical counselor trainee shall be accepted if the supervision
12 provided is substantially equivalent to the supervision required for
13 registrants.

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

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

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

19 (A) A marriage and family therapist, professional clinical
20 counselor, clinical social worker, or licensed educational
21 psychologist issued by the board.

22 (B) A psychologist licensed pursuant to Chapter 6.6
23 (commencing with Section 2900).

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

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

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

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

35 (j) “Advertising” or “advertise” includes, but is not limited to,
36 the issuance of any card, sign, or device to any person, or the
37 causing, permitting, or allowing of any sign or marking on, or in,
38 any building or structure, or in any newspaper or magazine or in
39 any directory, or any printed matter whatsoever, with or without
40 any limiting qualification. It also includes business solicitations

1 communicated by radio or television broadcasting. Signs within
2 church buildings or notices in church bulletins mailed to a
3 congregation shall not be construed as advertising within the
4 meaning of this chapter.

5 (k) “Referral” means evaluating and identifying the needs of a
6 client to determine whether it is advisable to refer the client to
7 other specialists, informing the client of that judgment, and
8 communicating that determination as requested or deemed
9 appropriate to referral sources.

10 (l) “Research” means a systematic effort to collect, analyze, and
11 interpret quantitative and qualitative data that describes how social
12 characteristics, behavior, emotion, cognitions, disabilities, mental
13 disorders, and interpersonal transactions among individuals and
14 organizations interact.

15 (m) “Supervision” means responsibility for, and control of, the
16 quality of mental health and related services provided by the
17 supervisee. Consultation or peer discussion shall not be considered
18 supervision and shall not qualify as supervised experience.
19 Supervision includes, but is not limited to, all of the following:

20 (1) Ensuring the extent, kind, and quality of counseling
21 performed is consistent with the education, training, and experience
22 of the supervisee.

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

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

28 (4) Monitoring and addressing clinical dynamics, including, but
29 not limited to, countertransference-, intrapsychic-, interpersonal-,
30 or trauma-related issues that may affect the supervisory or the
31 practitioner-patient relationship.

32 (5) Ensuring the supervisee’s compliance with laws and
33 regulations governing the practice of licensed professional clinical
34 counseling.

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

5 (1) Lawfully and regularly provides mental health counseling
6 or psychotherapy.

7 (2) Provides oversight to ensure that the associate’s work meets
8 the experience and supervision requirements set forth in this
9 chapter and in regulation and is within the scope of practice of the
10 profession.

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

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

15 (2) Clients routinely receive psychopharmacological
16 interventions in conjunction with psychotherapy, counseling, or
17 other psycho-social interventions.

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

20 (4) Is not a private practice.

21 ~~SEC. 9.~~

22 *SEC. 10.* Section 4999.46 of the Business and Professions Code
23 is amended to read:

24 4999.46. (a) Except as provided in subdivision (b), all
25 applicants shall have an active associate registration with the board
26 in order to gain postdegree hours of supervised experience.

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

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

32 (B) For applicants completing graduate study on or after January
33 1, 2020, the experience is obtained at a workplace that, prior to
34 the registration applicant gaining supervised experience hours,
35 requires completed Live Scan fingerprinting. The applicant shall
36 provide the board with a copy of that completed State of California
37 “Request for Live Scan Service” form with their application for
38 licensure.

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

1 (2) The applicant shall not be employed or volunteer in a private
2 practice until they have been issued an associate registration by
3 the board.

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

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

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

10 (3) Not less than 1,750 hours of direct clinical counseling with
11 individuals, groups, couples, or families using a variety of
12 psychotherapeutic techniques and recognized counseling
13 interventions.

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

16 (5) A maximum of 1,250 hours of nonclinical practice,
17 consisting of direct supervisor contact, administering and
18 evaluating psychological tests, writing clinical reports, writing
19 progress or process notes, client centered advocacy, and workshops,
20 seminars, training sessions, or conferences directly related to
21 professional clinical counseling that have been approved by the
22 applicant's supervisor.

23 (6) A maximum of 1,200 hours gained under the supervision
24 of a licensed educational ~~psychologist~~ *psychologist providing*
25 *educationally related mental health services that are consistent*
26 *with the scope of practice of an educational psychologist, as*
27 *specified in Section 4989.14.*

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

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

35 ~~SEC. 10.~~

36 *SEC. 11.* No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

O