



- i) Coordinating intervention strategies for management of individual crises. (BPC § 4989.14)
- 3) Requires a MFT, CSW, and PCC supervisor to have held an active license for at least two years within the five-year period immediately preceding any supervision as either a:
  - a) PCC, MFT, clinical psychologist, CSW, or equivalent out-of-state license.
  - b) Physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology. (BPC §§ 4980.03 (g)(1), 4996.20 (a)(1), 4999.12 (h)(1))
- 4) Requires an MFT, PCC, and CSW supervisor to, for at least two years within the five-year period immediately preceding any supervision, practiced psychotherapy or provided direct clinical supervision of psychotherapy performed by trainees or associates, as specified. (BPC §§ 4980.03 (g)(3)), 4996.20 (a)(2), 4999.12 (h)(3))
- 5) Defines “supervision” as responsibility for, and control of, the quality of mental health and related services provided by the supervisee. (BPC §§ 4980.43.1 (b), 4996.20 (b), 4999.12 (m))
- 6) Authorizes the holder of a services credential with a specialization in pupil personnel services (PPS) to perform, at all grade levels, the pupil personnel service as designated on the credential, which may include, but need not be limited to, school counseling, school psychology, child welfare and attendance services, and school social work. (Education Code § 44266)
- 7) Requires state licensed individuals to be supervised in their school-based activities by an individual holding a PPS authorization. (Title 5, California Code of Regulations § 80049.1(c))

**This bill:**

- 1) Authorizes a LEP to supervise an applicant for licensure, an associate, an intern, or a trainee under the Licensed MFT Act, the CSW Practice Act, and the Licensed PCC Act if the LEP was licensed, has practiced psychotherapy, provided psychological counseling, or provided direct clinical supervision of psychotherapy performed by trainees or associates for at least two years within the five-year period immediately preceding any supervision, as specified.
- 2) Defines educationally related mental health services (ERMHS) for purposes of a LEP supervising an associate MFT, associate PCC, or associate CSW to mean those mental health services provided to clients who have social, emotional or behavioral issues that interfere with their educational progress. These services include:
  - a) Educationally related counseling services to clients qualified for special education and that are necessary to receive a Free and Appropriate Public Education in the least restrictive environment, pursuant to federal requirements.

- b) Intensive counseling services on a continuum which may reflect an increase in frequency, duration, or staff specialization to address the client's emotional and behavioral needs.
  - c) Counseling services provided by qualified practitioners.
  - d) Parent counseling and training.
  - e) Psychological services that include consulting with staff members in planning school programs to meet the client's educational needs and assisting in developing positive behavioral intervention strategies for the client.
  - f) Social work services such as preparing a social or developmental history on a client with a disability.
  - g) Group and individual counseling with the client and family.
  - h) Mobilizing school and community resources to enable the client to learn as effectively as possible in his or her educational program, as specified.
- 3) Authorizes a LEP to supervise a MFT associate and trainee, a registered associate CSW, and a registered associate CSW up to a maximum of 1,200 hours towards licensure providing ERMHS that are consistent with an LEP's scope of practice.
- 4) Adds to the definition of "unprofessional conduct" in the EPP Act the violation of any statute or regulation governing the gaining and supervision of experience of an unlicensed person by a licensee that violates the EPP, the Licensed MFT Act, the CSW Practice Act, or the Licensed PCC Act.
- 5) Makes technical amendments.

**FISCAL EFFECT:** According to the Assembly Appropriations analysis dated April 24, 2019, this bill has the following fiscal impact:

- 1) Minor one-time and absorbable costs to BBS associated with the creation and tracking of a new enforcement code for unprofessional conduct resulting from supervision of unlicensed personnel (Behavioral Health Examiners Fund). Any ongoing enforcement costs are expected to be minor.
- 2) Minor costs to BBS to modify forms and evaluation procedures (Behavioral Health Examiners Fund).

**COMMENTS:**

- 1. **Purpose.** This bill is sponsored by the California Association of School Psychologists. According to the Author, "AB 1651 allows a LEP to act as a supervisor of associate AMFTs, associate CSWs, and associate PCCs who are providing ERMHS in educational and clinical settings."

2. **Background.** BBS regulates the practice of LEPs, Licensed MFTs, Licensed CSWs, and Licensed PCCs. These individuals have different training that focuses on particular aspects of human interaction.
  - **LEP.** According to Psychology.com, LEPs study how people learn by evaluating various learning methods on student outcomes. LEPs take into account the unique needs of the educational institution and its students and incorporate behavioral psychology, developmental psychology and cognitive psychology in their work. They also provide ERMHS, which occur in both educational and clinical settings.
  - **LMFT.** The practice of marriage and family therapy means a service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family adjustments. This practice includes relationship and pre-marriage counseling.
  - **LCSW.** The practice of clinical social work is defined as a service in which a special knowledge of social resources, human capabilities, and unconscious motivations is directed at helping people to achieve more adequate, satisfying, and productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a nonmedical nature with individuals, families, or groups; providing information and referral services; providing or arranging for the provision of social services; explaining or interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, to provide, or to improve social or health services; or doing research related to social work.
  - **LPCC.** Professional clinical counseling is the application of counseling interventions and psychotherapeutic techniques to identify and remediate cognitive, mental, and emotional issues, including personal growth, adjustment to disability, crisis intervention, and psychosocial and environmental problems, and the use, application, and integration of the required coursework and training. It also includes conducting assessments for the purpose of establishing counseling goals and objectives to empower individuals to deal adequately with life situations, reduce stress, experience growth, change behavior, and make well-informed and rational decisions.
3. **Current provision of ERMHS.** AB 114 (Committee on Budget, Chapter 43, Statutes of 2011) changed responsibility for the provision of mental health services for students in special education from the Department of Mental Health (DMH) to school districts.

Under the previous law, DMH contracted with local community mental health agencies to provide mental health services to school districts. Students would access these services at local clinics. With the implementation of AB 114, school districts were tasked with addressing the mental health needs of their students at schools during the school day.

Education Code requires ERMHS service providers be supervised by someone with a PPS or other administrative credential. Some school districts hire Licensed MFTs, Licensed CSWs, and Licensed MFTs with a PPS to manage ERMHS programs because they can provide the BBS required supervision to BBS associates. However, many BBS licensees do not have PPS credentials or experience with special education or the educational system. Therefore, Licensed CSWs, Licensed PCCs, and Licensed MFTs without a PPS who work in school districts can provide ERMHS services themselves, but cannot supervise associates providing ERMHS – these associates must have an additional supervisor, usually a school psychologist or school counselor. LEPs are versed in both the clinical needs of students and are experts in education, but are not currently authorized to supervise MFT, CSW, and PCC associates.

This bill would allow a LEP to supervise a MFT, CSW, or PCC trainee up to a maximum of 1,200 hours towards licensure as long as the LEP is supervising the provision of ERMHS consistent with an LEP's scope of practice.

4. **Related legislation.** SB 679 (Bates) restructures the code sections outlining requirements for persons applying to be licensed marriage and family therapists (LMFTs), licensed clinical social workers (LCSWs), and licensed professional clinical counselors (LPCCs) who have out-of-state education or experience. Additionally, it creates a new pathway for licensure for individuals applying to be LMFTs, LCSWs, or LPCCs who have held active and unrestricted out-of-state licenses in their respective practices for at least two years. (Status: *This bill is pending in the Assembly Business and Professions Committee.*)
5. **Prior related legislation.** AB 93 (Medina, Chapter 743, Statutes of 2018) expanded, clarified, and standardized supervisory requirements across marriage and family therapist, professional clinical counselor, and clinical social worker licensees.

AB 1808 (Wood, Chapter 292, Statutes of 2016), amended the definition of a "professional person" to include a MFT trainee, a LPCC trainee, a registered psychological assistant, a psychology trainee, an associate CSW, or a social work intern while working under supervision, in order to provide specified mental health services to a minor 12 years of age or older under specified circumstances, and requires a trainee or intern to consult with his or her supervisor, as specified.

SB 620 (Block, Chapter 262, Statutes of 2015) streamlined the supervised experience hour requirements for licensed MFTs and licensed PCCs, and revises certain experience hour requirements for licensed CSWs for consistency.

AB 114 (Committee on Budget, Chapter 43, Statutes of 2011) required local educational agencies to be responsible for ensuring students with disabilities receive special education and related services, including some services previously arranged for or provided by county mental health agencies.

6. **Arguments in Support.** The California Association of School Psychologists write, "The expertise and experience of LEPs with regard to mental health services and

knowledge of special education process and procedure make them ideal professionals to supervise BBS Associates in school settings where ERMHS are delivered. Supporting this change would also allow additional opportunities for BBS Associates to gain professional experience in multiple settings.”

**SUPPORT AND OPPOSITION:**

Support:

California Association of School Psychologists (Sponsor)  
County Behavioral Health Directors Association of California  
National Association of Social Workers, California Chapter  
Several individuals

Opposition:

None on file as of May 29, 2019.

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