

AMENDED IN SENATE MAY 23, 2025

AMENDED IN SENATE MAY 1, 2025

SENATE BILL

No. 775

Introduced by Senator Ashby

February 21, 2025

An act to amend Sections 2902, 2903, 2908, 2920, 2936, 2952, 2960.6, 2961, 2964.3, 2987, 2999.101, 4980, 4980.01, 4980.03, 4980.11, 4980.38, 4980.397, 4980.40, 4980.41, 4980.43.2, 4980.43.3, 4980.50, 4980.54, 4980.72, 4980.74, 4982, 4984.41, 4984.7, 4989.20, 4989.45, 4989.49, 4989.54, 4990, 4990.04, 4992.2, 4992.3, 4996.16.1, 4996.23.1, 4996.23.2, 4997.1, 4999.12, 4999.23, 4999.46.2, 4999.46.3, 4999.90, and 4999.113 of, to add Sections 2920.2 and 4990.01 to, to repeal Section 4982.05 of, and to repeal and add Sections 2964.5, 2964.6, 2966, 2985, and 2986 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 775, as amended, Ashby. Board of Psychology and Board of Behavioral Sciences.

(1) Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate psychologists and the practice of psychology. Existing law repeals the provision establishing the board on January 1, 2026.

This bill would extend operation of the board to January 1, 2030.

Existing law establishes qualifications for registration as a psychological testing technician, including proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program in psychology or in education with a field of specialization in educational psychology, counseling psychology, or

school psychology. Existing law also establishes various fees relating to the licensure and regulation of the practice of psychology.

This bill would expand the list of authorized areas of study for registration as a psychological testing technician to include neuroscience, cognitive science, or behavioral science, and would specify that the board shall make the final determination as to whether a degree or degree program meets the educational requirements. The bill would establish a fee of \$25 to add or change a supervisor for a psychological testing technician.

Existing law provides that a psychologist's license shall be suspended automatically during any time the holder of the license is incarcerated after conviction of a felony, and provides for the continued suspension of the license if, after a hearing, it is determined in the hearing that the felony for which the licensee was convicted is substantially related to the qualifications, functions, or duties of a licensee. Existing law requires any discipline ordered to cease if the conviction is overturned on appeal.

This bill would revise and recast those provisions, including authorizing the board to decline to set aside the suspension when it appears to be in the interest of justice to do so. The bill would revise and recast provisions relating to suspended, revoked, and surrendered licenses and obtaining a new license after a license is void after not being renewed within 3 years. The bill would make various technical and other changes to the Psychology Licensing Law, including defining the terms "license," "licensee," and "client."

(2) Existing law establishes the Board of Behavioral Sciences in the Department of Consumer Affairs to regulate licensees under the Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor ~~Act~~. *Act, and authorizes the board to appoint an executive officer to exercise certain powers and perform specified duties.* Existing law repeals the provision establishing the board *and authorizing the board to appoint an executive officer* on January 1, 2026. Existing law, until January 1, 2026, authorizes a person who holds a license in another jurisdiction of the United States as a marriage and family therapist, a clinical social worker, or a professional clinical counselor to provide those services in this state for a period not to exceed 30 days. *Existing law specifies that a person who provides services pursuant to those provisions is deemed to have agreed to practicing under the jurisdiction of the board and to be bound by the laws of this state.*

This bill would extend the date of the operation of the board *and of authorizing the board to appoint an executive officer* to January 1, 2030, and would extend the date on which the provision authorizing a person who is licensed out-of-state as a marriage and family therapist, a clinical social worker, or professional clinical counselor to practice in this state to January 1, 2030. *The bill would deem a person who is licensed in another jurisdiction who provides services to have attested under penalty of perjury to practicing under the jurisdiction of the board and to be bound by the laws of this state. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.* The bill would entitle the provisions providing for the licensure and regulation of marriage and family therapists as the *Licensed Marriage and Family Therapist Practice Act*.

Existing law requires a registrant or applicant for licensure as a marriage and family therapist to pass a clinical examination, and establishes a fee of \$250, which the board is authorized to increase by regulation to up to \$500, for the clinical examination.

This bill would specify that the clinical examination may be administered either by the board or by a public or private organization, and would revise the fee requirement so that if the examination is administered by a public or private organization, the fee would be paid directly to the organization.

Existing law requires certain applicants for registration or licensure as a marriage and family therapist who completed graduate study on or before December 31, 2018, to submit to the board a certification by the applicant's educational institution that the institution's required curriculum for graduation and associated coursework includes certain instruction in alcoholism and other chemical substance dependency and in spousal or partner abuse assessment, detection, and intervention.

This bill would delete that requirement.

Existing law requires an applicant for licensure or registration as a professional clinical counselor to obtain a degree in a program that includes a minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups. Existing law requires a professional clinical counselor trainee to receive an average of at least one hour of direct supervisor contact for every 5 hours of direct clinical counseling performed each week and specifies that not more than 6 hours of supervision shall be credited during any single week.

This bill would delete the provision limiting the number of hours of supervision credited in a single week to 6 hours.

Existing law requires an applicant for licensure as a marriage and family therapist, clinical social worker, or licensed professional clinical counselor to provide copies of tax returns for each year of experience claimed for purposes of satisfying the experience requirement for licensure.

This bill would require an applicant to provide the board with a copy of the applicant's most recent pay stub for experience gained during a tax year that has not ended by the date the application for licensure is received.

Existing law requires direct supervisor contact for certain experience required for licensure as a marriage and family therapist, clinical social worker, or licensed professional clinical counselor. Existing law, until January 1, 2026, authorizes contact to be via in-person contact, 2-way, real-time videoconferencing, or some combination of these, as specified. Existing law, effective January 1, 2026, authorizes only a supervisee working in an exempt setting, as specified, to obtain direct supervisor contact via 2-way, real-time videoconferencing.

This bill would make the above-described authorization related to videoconferencing permanent and would consequently delete the latter provision authorizing direct supervisor contact via videoconferencing in exempt settings.

Existing law requires the board to issue a retired license to a marriage and family therapist, licensed educational psychologist, ~~or~~ licensed professional clinical ~~counselor~~ counselor, or clinical social worker upon satisfaction of specified requirements.

The bill would revise the requirements for the issuance of a retired license, including submitting a statement under penalty of perjury that, among other things, the information provided on the application is true and correct. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would revise the education, experience, and other qualifications required for licensure as an educational psychologist.

The bill would make various technical and other changes to the Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act.

(3) 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 2902 of the Business and Professions
2 Code is amended to read:

3 2902. For purposes of this chapter, the following definitions
4 apply:

5 (a) “Licensed psychologist” means an individual to whom a
6 license has been issued pursuant to the provisions of this chapter,
7 which license is in force and has not been suspended or revoked.

8 (b) “License” means a psychologist license or a registration
9 issued by the board.

10 (c) “Licensee” means a licensed psychologist or a registered
11 psychological associate regulated by the board.

12 (d) “Client” means a patient or recipient of psychological
13 services.

14 (e) “Board” means the Board of Psychology.

15 (f) A person represents themselves to be a psychologist when
16 the person holds themselves out to the public by any title or
17 description of services incorporating the words “psychology,”
18 “psychological,” “psychologist,” “psychology consultation,”
19 “psychology consultant,” “psychometry,” “psychometrics”
20 “psychometrist,” “psychotherapy,” or “psychotherapist,” or when
21 the person holds themselves out to be trained, experienced, or an
22 expert in the field of psychology.

23 (g) “Accredited,” as used with reference to academic institutions,
24 means the University of California, the California State University,
25 or an institution that is accredited by a national or an applicable
26 regional accrediting agency recognized by the United States
27 Department of Education.

28 (h) “Approved,” as used with reference to academic institutions,
29 means an institution having “approval to operate”, as defined in
30 Section 94718 of the Education Code.

SEC. 2. Section 2903 of the Business and Professions Code is amended to read:

2903. (a) No person may engage in the practice of psychology, or represent themselves to be a psychologist, without a license granted under this chapter, except as otherwise provided in this chapter. The practice of psychology is defined as rendering or offering to render to individuals, groups, organizations, or the public any psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

(b) The application of these principles and methods includes, but is not restricted to, assessment, diagnosis, prevention, treatment, and intervention to increase effective functioning of individuals, groups, and organizations.

(c) Psychotherapy within the meaning of this chapter means the use of psychological methods in a professional relationship to assist a person or persons to acquire greater human effectiveness or to modify feelings, conditions, attitudes, and behaviors that are emotionally, intellectually, or socially ineffectual or maladaptive.

SEC. 3. Section 2908 of the Business and Professions Code is amended to read:

2908. Nothing in this chapter shall be construed to prevent qualified members of other recognized professional groups licensed to practice in the State of California, such as, but not limited to, physicians, clinical social workers, educational psychologists, marriage and family therapists, licensed professional clinical counselors, optometrists, psychiatric technicians, or registered nurses, or attorneys admitted to the State Bar of California, or persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry, or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders, or duly ordained members of the recognized clergy, as defined in Section 15610.19 of the Welfare and Institutions Code,

1 or duly ordained religious practitioners from doing work of a
2 psychological nature consistent with the laws governing their
3 respective professions, provided they do not hold themselves out
4 to the public by any title or description of services incorporating
5 the words “psychological,” “psychologist,” “psychology,”
6 “psychometrist,” “psychometrics,” or “psychometry,” or that they
7 do not state or imply that they are licensed to practice psychology;
8 except that persons licensed under Chapter 13.5 (commencing
9 with Section 4989.10) of Division 2 may hold themselves out to
10 the public as licensed educational psychologists.

11 SEC. 4. Section 2920 of the Business and Professions Code is
12 amended to read:

13 2920. (a) The Board of Psychology shall enforce and
14 administer this chapter. The board shall consist of nine members,
15 four of whom shall be public members.

16 (b) This section shall remain in effect only until January 1, 2030,
17 and as of that date is repealed.

18 SEC. 5. Section 2920.2 is added to the Business and Professions
19 Code, to read:

20 2920.2. Notwithstanding any other law, the repeal of Section
21 2920 renders the board subject to review by the appropriate policy
22 committees of the Legislature.

23 SEC. 6. Section 2936 of the Business and Professions Code is
24 amended to read:

25 2936. The board shall adopt a program of consumer and
26 professional education in matters relevant to the ethical practice
27 of psychology. The board shall establish as its standards of ethical
28 conduct relating to the practice of psychology, the “Ethical
29 Principles of Psychologists and Code of Conduct” published by
30 the American Psychological Association (APA). The board shall
31 apply those standards as the accepted standard of care in all
32 licensing examination development and in all board enforcement
33 policies and disciplinary case evaluations.

34 To help consumers receive appropriate psychological services,
35 all licensees shall post, in a conspicuous location in their principal
36 psychological business office, if any, and in their informed consent
37 agreement a notice that reads as follows:

38
39 “NOTICE TO CONSUMERS: The Department of Consumer
40 Affair’s Board of Psychology receives and responds to questions

1 and complaints regarding the practice of psychology. If you have
2 questions or complaints, you may contact the board by email at
3 bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov,
4 by calling 1-866-503-3221, or by writing to the following
5 address:

6 Board of Psychology
7 1625 North Market Boulevard, N-215
8 Sacramento, California 95834”
9

10 SEC. 7. Section 2952 of the Business and Professions Code is
11 amended to read:

12 2952. (a) Each person to whom registration is granted under
13 the provisions of this article shall pay into the Psychology Fund a
14 fee to be fixed by the board at a sum of one hundred fifty dollars
15 (\$150).

16 (b) The registration shall expire after two years. The registration
17 may be renewed biennially at a fee fixed by the board at a sum not
18 in excess of seventy-five dollars (\$75). Students seeking to renew
19 their registration shall present to the board evidence of their
20 continuing student status.

21 (c) The money in the Psychology Fund shall be used for the
22 administration of this chapter. Any moneys within the Contingent
23 Fund of the Medical Board of California collected pursuant to
24 Section 2529.5 as it read before the enactment of the statute that
25 added this section shall be deposited in the Psychology Fund.

26 (d) The board may employ, subject to civil service regulations,
27 whatever additional clerical assistance is necessary for the
28 administration of this article.

29 SEC. 8. Section 2960.6 of the Business and Professions Code
30 is amended to read:

31 2960.6. The board may deny any application for, or may
32 suspend or revoke a license issued under this chapter for, either
33 of the following:

34 (a) The revocation, suspension, or other disciplinary action,
35 including the equivalent action of another jurisdiction’s licensing
36 agency, on a license, certificate, or registration issued by that
37 jurisdiction to practice psychology shall constitute grounds for
38 disciplinary action for unprofessional conduct against that licensee
39 in this state. A certified copy of the decision or judgment of the
40 other jurisdiction shall be conclusive evidence of that action.

(b) The revocation, suspension, or other disciplinary action by any board established in this division, or the equivalent action of another jurisdiction's licensing agency, of the license of a healing arts practitioner shall constitute grounds for disciplinary action against that licensee under this chapter. The grounds for the action shall be substantially related to the qualifications, functions, or duties of a licensee. A certified copy of the decision or judgment shall be conclusive evidence of that action.

SEC. 9. Section 2961 of the Business and Professions Code is amended to read:

2961. After a hearing pursuant to Section 2965, the board may deny an application for a license, issue a license subject to terms and conditions, or suspend, revoke, or impose probationary conditions upon, a license.

SEC. 10. Section 2964.3 of the Business and Professions Code is amended to read:

2964.3. Any person required to register as a sex offender pursuant to Section 290 of the Penal Code, is not eligible for licensure by the board.

SEC. 11. Section 2964.5 of the Business and Professions Code is repealed.

SEC. 12. Section 2964.5 is added to the Business and Professions Code, to read:

2964.5. The board may require any licensee it places on probation or whose license it suspends to obtain additional continuing professional development, to pass an examination as specified in Section 2941, or both.

SEC. 13. Section 2964.6 of the Business and Professions Code is repealed.

SEC. 14. Section 2964.6 is added to the Business and Professions Code, to read:

2964.6. The board may require any licensee it places on probation to pay the monetary costs associated with probation.

SEC. 15. Section 2966 of the Business and Professions Code is repealed.

SEC. 16. Section 2966 is added to the Business and Professions Code, to read:

2966. (a) Notwithstanding any other law, if a licensee is incarcerated due to conviction of a felony, regardless of whether

1 the conviction has been appealed, their license is automatically
2 suspended during the period of incarceration.

3 (b) The board shall, immediately upon receipt of a certified
4 copy of the licensee's conviction, determine whether their license
5 has been automatically suspended due to incarceration, and notify
6 the licensee of the suspension and of the licensee's right to a
7 hearing on any board order of discipline or denial, as described in
8 subdivision (e).

9 (c) Unless the conviction is for an offense specified in
10 subdivision (d), the board shall hold a hearing to determine if the
11 felony conviction is substantially related to the qualifications,
12 functions, or duties of a licensee. At the discretion of the board,
13 the hearing shall be held by an administrative law judge sitting
14 alone or with a panel of the board. The record of the proceedings
15 resulting in the conviction, including a transcript of the testimony,
16 shall be received in evidence.

17 (d) A conviction of any crime specified in Section 187, 261, or
18 288 of, or former Section 262 of, the Penal Code shall be
19 conclusively presumed to be substantially related to the
20 qualifications, functions, or duties of a psychologist and a hearing
21 shall not be held pursuant to subdivision (c).

22 (e) If the hearing in subdivision (c) determines that the
23 conviction is substantially related to the qualifications, functions,
24 or duties of the licensee, then the license shall remain suspended
25 until either the time for appeal has elapsed if no appeal has been
26 taken, or the judgment of conviction has been affirmed on appeal
27 or has otherwise become final, and until further order of the board.

28 (f) The board may order discipline or deny a license in
29 accordance with Section 2961 if any of the following occur:

30 (1) The time for appeal has elapsed.

31 (2) The judgment of conviction has been affirmed on appeal.

32 (3) A court order granting probation suspends the sentence,
33 regardless of a subsequent order under Section 1203.4 of the Penal
34 Code allowing the person to withdraw a plea of guilty and to enter
35 a plea of not guilty, setting aside the verdict of guilty, or dismissing
36 the accusation, complaint, information, or indictment.

37 (4) The licensee elects to have the issue heard before any of the
38 events specified in paragraphs (1), (2), or (3) occur. If the licensee
39 elects to have the issue heard, the issue of penalty shall be heard
40 at the hearing specified in subdivision (c).

1 (g) If the conviction is overturned on appeal, any discipline
2 ordered pursuant to this section shall automatically cease. Nothing
3 in this subdivision prohibits the board from pursuing disciplinary
4 action based on a cause other than the overturned conviction.

5 (h) Upon its own motion or for good cause shown, the board
6 may decline to set aside the suspension when it appears to be in
7 the interest of justice to do so, with due regard to maintaining the
8 integrity of and confidence in the psychology profession.

9 SEC. 17. Section 2985 of the Business and Professions Code
10 is repealed.

11 SEC. 18. Section 2985 is added to the Business and Professions
12 Code, to read:

13 2985. (a) A suspended license is subject to expiration and shall
14 be renewed as provided in this article. While the license remains
15 suspended, renewal does not entitle the licensee to engage in the
16 practice of psychology.

17 (b) A revoked or surrendered license is not subject to expiration
18 and may not be renewed. If the license is reinstated, the licensee
19 shall pay the renewal fee in effect on the date on which the license
20 is reinstated, plus the delinquency fee, if any, accrued at the time
21 the license was revoked.

22 SEC. 19. Section 2986 of the Business and Professions Code
23 is repealed.

24 SEC. 20. Section 2986 is added to the Business and Professions
25 Code, to read:

26 2986. A psychology license is void if it is not renewed within
27 three years from the expiration date. Once void, the board shall
28 not restore or reissue that license. The person who held that license
29 may apply for and obtain a new license if they meet the
30 requirements of this chapter provided that they satisfy all of the
31 following:

32 (a) They have not committed any acts or crimes constituting
33 grounds for denial of a license.

34 (b) They establish to the satisfaction of the board that they are
35 qualified to practice psychology.

36 (c) They pay all required fees.

37 SEC. 21. Section 2987 of the Business and Professions Code
38 is amended to read:

39 2987. The amount of the fees prescribed by this chapter shall
40 be determined by the board, and shall be as follows:

- 1 (a) The application fee for a psychologist shall be two hundred
2 thirty-six dollars (\$236).
- 3 (b) The examination and reexamination fees for the examinations
4 shall be the actual cost to the board of developing, purchasing, and
5 grading of each examination, plus the actual cost to the board of
6 administering each examination.
- 7 (c) The application fee for the California Psychology Law and
8 Ethics Examination (CPLEE) shall be one hundred twenty-seven
9 dollars (\$127).
- 10 (d) The initial license fee for a psychologist shall be two hundred
11 thirty-one dollars (\$231).
- 12 (e) The biennial renewal fee for a psychologist shall be seven
13 hundred ninety-five dollars (\$795). The board may adopt
14 regulations to set the fee at a higher amount, up to a maximum of
15 one thousand one hundred dollars (\$1,100).
- 16 (f) The application fee for registration as a registered
17 psychological associate under Section 2913 shall be four hundred
18 twenty-four dollars (\$424).
- 19 (g) The annual renewal fee for registration of a psychological
20 associate shall be two hundred twenty-four dollars (\$224). The
21 board may adopt regulations to set the fee at a higher amount, up
22 to a maximum of four hundred dollars (\$400).
- 23 (h) The duplicate license or registration fee is five dollars (\$5).
- 24 (i) The delinquency fee is 50 percent of the renewal fee for each
25 license type, not to exceed three hundred ninety-seven dollars and
26 fifty cents (\$397.50).
- 27 (j) The endorsement fee is five dollars (\$5).
- 28 (k) The file transfer fee is ten dollars (\$10).
- 29 (l) The registration fee for a psychological testing technician
30 shall be seventy-five dollars (\$75).
- 31 (m) The annual renewal fee for a psychological testing
32 technician is seventy-five dollars (\$75).
- 33 (n) The fee to add or change a supervisor for a psychological
34 testing technician is ~~twenty-five dollars (\$25)~~ *dollars (\$25)*.
- 35 (o) The fee for Fingerprint Hard Card Processing for Out of
36 State Applicants shall be one hundred eighty-four dollars (\$184).
37 Applicants shall also pay the actual cost to the board of processing
38 the fingerprint hard card with the Department of Justice and Federal
39 Bureau of Investigation.

1 (p) The fee for a psychological associate to add or change their
2 supervisor shall be two hundred ten dollars (\$210). The fee shall
3 be the actual cost to the board of processing the addition or change.

4 (q) Notwithstanding any other provision of law, the board may
5 reduce any fee prescribed by this section, when, in its discretion,
6 the board deems it administratively appropriate.

7 SEC. 22. Section 2999.101 of the Business and Professions
8 Code is amended to read:

9 2999.101. To register as a psychological testing technician, a
10 person shall submit the following to the board:

11 (a) An application that includes the following information:

12 (1) The applicant's name, identification, and contact information.

13 (2) The applicant's supervisor's name, license number, and
14 contact information.

15 (3) Attestation under penalty of perjury that the information
16 provided on the application is true and correct.

17 (b) (1) Proof of completion of a bachelor's degree or graduate
18 degree, or proof of current enrollment in a graduate degree
19 program, from a regionally accredited university, college, or
20 professional school, in any of the following areas:

21 (A) Psychology, including any field of specialization.

22 (B) Education, with the field of specialization in educational
23 psychology, counseling psychology, or school psychology.

24 (C) Neuroscience, cognitive science, or behavioral science,
25 including any field of specialization.

26 (2) The board shall make the final determination as to whether
27 a degree or degree program meets the requirements of this
28 subdivision.

29 (c) (1) Proof of completion of a minimum of 80 hours total of
30 education and training relating to psychological or
31 neuropsychological test administration and scoring that includes
32 the following:

33 (A) At least 20 hours of direct observation, including at least
34 10 hours of direct observation of a licensed psychologist
35 administering and scoring tests, and at least 10 hours of direct
36 observation of either a licensed psychologist or registered
37 psychological testing technician administering and scoring tests.

38 (B) At least 40 hours of administering and scoring tests in the
39 presence of a licensed psychologist.

1 (C) At least 20 hours of education on topics including law and
2 ethics, confidentiality, and best practices for test administration
3 and scoring.

4 (2) Education and training may be obtained by doing any
5 combination of the following:

6 (A) Participating in individual or group instruction provided by
7 a licensed psychologist.

8 (B) Engaging in independent learning directed by a licensed
9 psychologist.

10 (C) Completing graduate-level coursework at a regionally
11 accredited university, college, or professional school.

12 (D) Taking continuing education courses from organizations
13 with board approval pursuant to Section 2915.

14 (3) Nothing in this chapter shall prevent a person engaged in
15 gaining the experience required by this subdivision from
16 administering and scoring psychological and neuropsychological
17 tests.

18 (d) The registration fee for a psychological testing technician
19 as specified in Section 2987.

20 (e) Electronic fingerprint image scans for a state- and
21 federal-level criminal offender record information search conducted
22 through the Department of Justice.

23 SEC. 23. Section 4980 of the Business and Professions Code
24 is amended to read:

25 4980. (a) This chapter constitutes, and may be cited as, the
26 *Licensed Marriage and Family Therapist Practice Act*.

27 (b) (1) Many California families and many individual
28 Californians are experiencing difficulty and distress and are in
29 need of wise, competent, caring, compassionate, and effective
30 counseling in order to enable them to improve and maintain healthy
31 family relationships.

32 (2) Healthy individuals and healthy families and healthy
33 relationships are inherently beneficial and crucial to a healthy
34 society and are our most precious and valuable natural resource.
35 Licensed marriage and family therapists provide a crucial support
36 for the well-being of the people and the State of California.

37 (c) A person shall not engage in the practice of marriage and
38 family therapy, as defined by Section 4980.02, unless the person
39 holds a valid license as a marriage and family therapist pursuant
40 to this chapter.

(d) Except as provided in subdivision (e), a person shall not do either of the following without a license obtained pursuant to this chapter.

(1) Advertise that the person performs the services of a marriage, family, child, domestic, or marital consultant.

(2) Use the titles listed in paragraph (1) or any similar titles, including the letters “L.M.F.T.,” “M.F.T.,” or “M.F.C.C.,” or another name, word, initial, or symbol in connection with or following the person’s name to imply that the person performs the services suggested by those titles.

(e) (1) A person licensed under Article 4 (commencing with Section 4996) of Chapter 14 or under Chapter 6.6 (commencing with Section 2900) may engage in the practice of marriage and family therapy and advertise that the person practices marriage and family therapy.

(2) A person described in paragraph (1) shall not advertise that the person holds the marriage and family therapist’s license, including by using the letters “L.M.F.T.,” “M.F.T.,” or “M.F.C.C.,” or another name, word, initial, or symbol in connection with or following the person’s name to imply licensure as a marriage and family therapist, unless the person is licensed pursuant to this chapter.

SEC. 24. Section 4980.01 of the Business and Professions Code is amended to read:

4980.01. (a) This chapter shall not be construed to constrict, limit, or withdraw the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Licensed Professional Clinical Counselor Act, or the Psychology Licensing Law.

(b) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of their pastoral or professional duties, or to any person who is admitted to practice law in the state, or a physician and surgeon who provides counseling services as part of their professional practice.

(c) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable if both of the following apply:

1 (1) The work of the employee or volunteer is performed under
2 the oversight and direction of the entity.

3 (2) (A) On and after July 1, 2020, the employee or volunteer
4 provides a client, prior to initiating psychotherapy services or as
5 soon as practicably possible thereafter, a notice written in at least
6 12-point type that is in substantially the following form:

7
8 NOTICE TO CLIENTS

9 The (name of office or unit) of the (name of agency) receives
10 and responds to complaints regarding the practice of psychotherapy
11 by any unlicensed or unregistered practitioner providing services
12 at (name of agency). To file a complaint, contact (telephone
13 number, email address, internet website, or mailing address of
14 agency).

15 The Board of Behavioral Sciences receives and responds to
16 complaints regarding services provided by individuals licensed
17 and registered by the board. If you have a complaint and are unsure
18 if your practitioner is licensed or registered, please contact the
19 Board of Behavioral Sciences at 916-574-7830 for assistance or
20 utilize the board's online license verification feature by visiting
21 www.bbs.ca.gov.

22
23 (B) The delivery of the notice described in subparagraph (A)
24 to the client shall be documented.

25 (d) A marriage and family therapist licensed under this chapter
26 is a licentiate for purposes of paragraph (2) of subdivision (a) of
27 Section 805, and thus is a health care provider subject to the
28 provisions of Section 2290.5 pursuant to subdivision (b) of that
29 section.

30 (e) Notwithstanding subdivisions (b) and (c), all persons
31 registered as associates or licensed under this chapter shall not be
32 exempt from this chapter or the jurisdiction of the board.

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

35 4980.03. (a) "Board," as used in this chapter, means the Board
36 of Behavioral Sciences.

37 (b) "Associate," as used in this chapter, means an unlicensed
38 person who has earned a master's or doctoral degree qualifying
39 the person for licensure and is registered with the board as an
40 associate.

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

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

10 (e) “Advertising,” as used in this chapter, includes, but is not
11 limited to, any public communication, as defined in subdivision
12 (a) of Section 651, the issuance of any card, sign, or device to any
13 person, or the causing, permitting, or allowing of any sign or
14 marking on, or in, any building or structure, or in any newspaper,
15 magazine, directory, or any printed matter whatsoever, with or
16 without any limiting qualification. Signs within religious buildings
17 or notices in bulletins from a religious organization mailed to a
18 congregation are not advertising within the meaning of this chapter.

19 (f) “Experience,” as used in this chapter, means experience in
20 interpersonal relationships, psychotherapy, marriage and family
21 therapy, direct clinical counseling, and nonclinical practice that
22 satisfies the requirements for licensure as a marriage and family
23 therapist.

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

26 (1) Has held an active license for at least two years within the
27 five-year period immediately preceding any supervision as any of
28 the following:

29 (A) A licensed professional clinical counselor, licensed marriage
30 and family therapist, psychologist licensed pursuant to Chapter
31 6.6 (commencing with Section 2900), licensed clinical social
32 worker, licensed educational psychologist, or equivalent
33 out-of-state license. A licensed educational psychologist may only
34 supervise the provision of educationally related mental health
35 services that are consistent with the scope of practice of an
36 educational psychologist, as specified in Section 4989.14.

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

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

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

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

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

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

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

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

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

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

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

(i) “Accredited,” as used in this chapter, means a school, college, or university accredited by either the Commission on Accreditation for Marriage and Family Therapy Education or a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

(j) “Approved,” as used in this chapter, means a school, college, or university that possessed unconditional approval by the Bureau

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

3 SEC. 26. Section 4980.11 of the Business and Professions
4 Code is amended to read:

5 4980.11. (a) Notwithstanding Section 4980, a person who
6 holds a license in another jurisdiction of the United States as a
7 marriage and family therapist may provide marriage and family
8 therapy services in this state for a period not to exceed 30
9 consecutive days in any calendar year, if all of the following
10 conditions are met:

11 (1) The license from another jurisdiction is at the highest level
12 for independent clinical practice in the jurisdiction in which the
13 license was granted.

14 (2) The license from another jurisdiction is current, active, and
15 unrestricted.

16 (3) The client is located in California during the time the person
17 seeks to provide care in California.

18 (4) The client is a current client of the person and has an
19 established, ongoing client-provider relationship with the person
20 at the time the client became located in California.

21 (5) The person informs the client of the limited timeframe of
22 the services and that the person is not licensed in California.

23 (6) The person provides the client with the Board of Behavioral
24 Sciences' internet website address.

25 (7) The person informs the client of the jurisdiction in which
26 the person is licensed and the type of license held and provides
27 the client with the person's license number.

28 (b) A person who intends to provide marriage and family therapy
29 services pursuant to this section shall provide the board with all
30 of the following information before providing services:

31 (1) The name under which the person is licensed in another
32 jurisdiction, the person's mailing address, the person's phone
33 number, the person's social security number or individual taxpayer
34 identification number, and the person's electronic mailing address,
35 if the person has an electronic mailing address.

36 (2) The jurisdiction in which the person is licensed, the type of
37 license held, and the license number.

38 (3) The date on which the person will begin providing marriage
39 and family therapy services to the person's client in California.

1 (c) A person who provides services pursuant to this section is
2 deemed to have ~~agreed~~ *agreed, and attested under penalty of*
3 *perjury*, to practicing under the jurisdiction of the board and to be
4 bound by the laws of this state.

5 (d) This section does not apply to any person licensed by the
6 board whose license has been suspended or revoked.

7 (e) This section shall remain in effect only until January 1, 2030,
8 and as of that date is repealed.

9 SEC. 27. Section 4980.38 of the Business and Professions
10 Code is amended to read:

11 4980.38. (a) Each educational institution preparing applicants
12 to qualify for registration or licensure shall notify each of its
13 students by means of its public documents or otherwise in writing
14 that its degree program is designed to meet the requirements of
15 Section 4980.36 or 4980.37, and shall certify to the board that it
16 has so notified its students.

17 (b) An applicant for registration or licensure shall submit to the
18 board a certification by the applicant's educational institution that
19 the institution's required curriculum for graduation and any
20 associated coursework completed by the applicant does one of the
21 following:

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

23 (2) Meets all of the requirements set forth in Section 4980.37.

24 SEC. 28. Section 4980.397 of the Business and Professions
25 Code is amended to read:

26 4980.397. (a) A registrant or an applicant for licensure as a
27 marriage and family therapist shall pass the following two
28 examinations as prescribed by the board:

29 (1) A California law and ethics examination.

30 (2) A clinical ~~examination~~. *examination administered by the*
31 *board or by a public or private organization, as specified by the*
32 *board in regulations.*

33 (b) Upon registration with the board, an associate marriage and
34 family therapist shall, within the first year of registration, take an
35 examination on California law and ethics.

36 (c) A registrant or an applicant for licensure may take the clinical
37 examination only upon meeting all of the following requirements:

38 (1) Completion of all required supervised work experience.

39 (2) Completion of all education requirements.

40 (3) Passage of the California law and ethics examination.

1 *SEC. 29. Section 4980.40 of the Business and Professions Code*
2 *is amended to read:*

3 4980.40. An applicant for licensure shall satisfy all of the
4 following qualifications:

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

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

8 (c) Have at least two years of supervised experience as specified
9 in this chapter and its corresponding regulations.

10 (d) Successfully pass a California law and ethics examination
11 and a clinical ~~examination~~. *examination, as specified in Section*
12 *4980.397.* An applicant who has successfully passed a previously
13 administered written examination may be subsequently required
14 to take and pass another written examination.

15 (e) Not be subject to denial of licensure under Section 480. The
16 board shall not issue a registration or license to any person who
17 has been convicted of a crime in this or another state or in a
18 territory of the United States that involves sexual abuse of children
19 or who is required to register pursuant to Section 290 of the Penal
20 Code or the equivalent in another state or territory, in accordance
21 with Section 480.

22 *SEC. 30. Section 4980.41 of the Business and Professions Code*
23 *is amended to read:*

24 4980.41. (a) An applicant for licensure whose education
25 qualifies ~~him or her~~ *them* under Section 4980.37 shall complete
26 the following coursework or training in order to be eligible to sit
27 for the licensing examinations as specified in ~~subdivision (d) of~~
28 ~~Section 4980.40~~. *Section 4980.397:*

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

33 (A) Contemporary professional ethics and statutory, regulatory,
34 and decisional laws that delineate the profession's scope of
35 practice.

36 (B) The therapeutic, clinical, and practical considerations
37 involved in the legal and ethical practice of marriage and family
38 therapy, including family law.

39 (C) The current legal patterns and trends in the mental health
40 profession.

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

4 (E) A recognition and exploration of the relationship between
5 a practitioner's sense of self and human values and ~~his or her~~ *their*
6 professional behavior and ethics.

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

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

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

18 (4) For persons who began graduate study on or after January
19 1, 1986, a master's or doctor's degree qualifying for licensure shall
20 include specific instruction in alcoholism and other chemical
21 substance dependency as specified by regulation. When coursework
22 in a master's or doctor's degree program is acquired to satisfy this
23 requirement, it shall be considered as part of the 48 semester or
24 72 quarter unit requirement contained in Section 4980.37.
25 Coursework required under this paragraph may be satisfactory if
26 taken either in fulfillment of other educational requirements for
27 licensure or in a separate course. The applicant may satisfy this
28 requirement by successfully completing this coursework from a
29 master's or doctoral degree program at an accredited or approved
30 institution, as described in subdivision (b) of Section 4980.37, or
31 from a board-accepted provider of continuing education, as
32 described in Section 4980.54.

33 (5) For persons who began graduate study during the period
34 commencing on January 1, 1995, and ending on December 31,
35 2003, a master's or doctor's degree qualifying for licensure shall
36 include coursework in spousal or partner abuse assessment,
37 detection, and intervention. For persons who began graduate study
38 on or after January 1, 2004, a master's or doctor's degree qualifying
39 for licensure shall include a minimum of 15 contact hours of
40 coursework in spousal or partner abuse assessment, detection, and

1 intervention strategies, including knowledge of community
2 resources, cultural factors, and same gender abuse dynamics.
3 Coursework required under this paragraph may be satisfactory if
4 taken either in fulfillment of other educational requirements for
5 licensure or in a separate course. The applicant may satisfy this
6 requirement by successfully completing this coursework from a
7 master's or doctoral degree program at an accredited or approved
8 institution, as described in subdivision (b) of Section 4980.37, or
9 from a board-accepted provider of continuing education, as
10 described in Section 4980.54.

11 (6) For persons who began graduate study on or after January
12 1, 2001, an applicant shall complete a minimum of a two semester
13 or three quarter unit survey course in psychological testing. When
14 coursework in a master's or doctor's degree program is acquired
15 to satisfy this requirement, it may be considered as part of the 48
16 semester or 72 quarter unit requirement of Section 4980.37.

17 (7) For persons who began graduate study on or after January
18 1, 2001, an applicant shall complete a minimum of a two semester
19 or three quarter unit survey course in psychopharmacology. When
20 coursework in a master's or doctor's degree program is acquired
21 to satisfy this requirement, it may be considered as part of the 48
22 semester or 72 quarter unit requirement of Section 4980.37.

23 (b) The requirements added by paragraphs (6) and (7) of
24 subdivision (a) are intended to improve the educational
25 qualifications for licensure in order to better prepare future
26 licentiates for practice and are not intended in any way to expand
27 or restrict the scope of practice for licensed marriage and family
28 therapists.

29 *SEC. 31. Section 4980.43.2 of the Business and Professions*
30 *Code, as amended by Section 3 of Chapter 160 of the Statutes of*
31 *2024, is amended to read:*

32 4980.43.2. (a) Except for experience gained by attending
33 workshops, seminars, training sessions, or conferences, as
34 described in paragraph (10) of subdivision (c) of Section 4980.43,
35 direct supervisor contact shall occur as follows:

36 (1) Supervision shall include at least one hour of direct
37 supervisor contact in each week for which experience is credited
38 in each work setting.

39 (2) A trainee shall receive an average of at least one hour of
40 direct supervisor contact for every five hours of direct clinical

1 counseling performed each week in each setting. For experience
2 gained on or after January 1, 2009, no more than six hours of
3 supervision, whether individual, triadic, or group, shall be credited
4 during any single week.

5 (3) An associate gaining experience who performs more than
6 10 hours of direct clinical counseling in a week in any setting shall
7 receive at least one additional hour of direct supervisor contact for
8 that setting. For experience gained on or after January 1, 2009, no
9 more than six hours of supervision, whether individual, triadic, or
10 group, shall be credited during any single week.

11 (4) Of the 104 weeks of required supervision, 52 weeks shall
12 be individual supervision, triadic supervision, or a combination of
13 both.

14 (b) (1) For purposes of this chapter, “one hour of direct
15 supervisor contact” means any of the following:

16 (A) Individual supervision, which means one hour of
17 face-to-face contact between one supervisor and one person
18 receiving supervision for providing clinical mental health services.

19 (B) Triadic supervision, which means one hour of face-to-face
20 contact between one supervisor and two persons receiving
21 supervision for providing clinical mental health services.

22 (C) Group supervision, which means two hours of face-to-face
23 contact between one supervisor and no more than eight persons
24 receiving supervision for providing clinical mental health services.
25 Segments of group supervision may be split into no less than one
26 continuous hour. A supervisor shall ensure that the amount and
27 degree of supervision is appropriate for each person in the group.

28 (2) For purposes of this subdivision, “face-to-face contact”
29 means in-person contact, contact via two-way, real-time
30 videoconferencing, or some combination of these.

31 (c) The supervisor shall be responsible for ensuring compliance
32 with federal and state laws relating to confidentiality of patient
33 health information.

34 (d) (1) Within 60 days of the commencement of supervision,
35 a supervisor shall conduct a meeting with the supervisee during
36 which the supervisor shall assess the appropriateness of allowing
37 the supervisee to receive supervision via two-way, real-time
38 videoconferencing. This assessment of appropriateness shall
39 include, but is not limited to, the abilities of the supervisee, the
40 preferences of both the supervisee and supervisor, and the privacy

1 of the locations of the supervisee and supervisor while supervision
2 is conducted.

3 (2) The supervisor shall document the results of the assessment
4 made pursuant to paragraph (1), and shall not utilize supervision
5 via two-way, real-time videoconferencing if their assessment finds
6 it is not appropriate.

7 (e) Direct supervisor contact shall occur within the same week
8 as the hours claimed.

9 (f) Alternative supervision may be arranged during a
10 supervisor's vacation or sick leave if the alternative supervision
11 meets the requirements of this chapter.

12 (g) Notwithstanding any other law, once the required number
13 of experience hours are gained, associates and applicants for
14 licensure shall receive a minimum of one hour of direct supervisor
15 contact per week for each practice setting in which direct clinical
16 counseling is performed. Once the required number of experience
17 hours are gained, further supervision for nonclinical practice, as
18 defined in paragraph (10) of subdivision (c) of Section 4980.43,
19 shall be at the supervisor's discretion.

20 ~~(h) This section shall remain in effect only until January 1, 2026,~~
21 ~~and as of that date is repealed.~~

22 *SEC. 32. Section 4980.43.2 of the Business and Professions*
23 *Code, as amended by Section 4 of Chapter 160 of the Statutes of*
24 *2024, is repealed.*

25 ~~4980.43.2. (a) Except for experience gained by attending~~
26 ~~workshops, seminars, training sessions, or conferences, as~~
27 ~~described in paragraph (10) of subdivision (c) of Section 4980.43,~~
28 ~~direct supervisor contact shall occur as follows:~~

29 ~~(1) Supervision shall include at least one hour of direct~~
30 ~~supervisor contact in each week for which experience is credited~~
31 ~~in each work setting.~~

32 ~~(2) A trainee shall receive an average of at least one hour of~~
33 ~~direct supervisor contact for every five hours of direct clinical~~
34 ~~counseling performed each week in each setting. For experience~~
35 ~~gained on or after January 1, 2009, no more than six hours of~~
36 ~~supervision, whether individual, triadic, or group, shall be credited~~
37 ~~during any single week.~~

38 ~~(3) An associate gaining experience who performs more than~~
39 ~~10 hours of direct clinical counseling in a week in any setting shall~~
40 ~~receive at least one additional hour of direct supervisor contact for~~

1 that setting. For experience gained on or after January 1, 2009, no
2 more than six hours of supervision, whether individual, triadic, or
3 group, shall be credited during any single week.

4 (4) Of the 104 weeks of required supervision, 52 weeks shall
5 be individual supervision, triadic supervision, or a combination of
6 both.

7 (b) For purposes of this chapter, “one hour of direct supervisor
8 contact” means any of the following:

9 (1) Individual supervision, which means one hour of face-to-face
10 contact between one supervisor and one person receiving
11 supervision for providing clinical mental health services.

12 (2) Triadic supervision, which means one hour of face-to-face
13 contact between one supervisor and two persons receiving
14 supervision for providing clinical mental health services.

15 (3) Group supervision, which means two hours of face-to-face
16 contact between one supervisor and no more than eight persons
17 receiving supervision for providing clinical mental health services.
18 Segments of group supervision may be split into no less than one
19 continuous hour. A supervisor shall ensure that the amount and
20 degree of supervision is appropriate for each person in the group.

21 (c) Direct supervisor contact shall occur within the same week
22 as the hours claimed.

23 (d) Alternative supervision may be arranged during a
24 supervisor’s vacation or sick leave if the alternative supervision
25 meets the requirements of this chapter.

26 (e) Notwithstanding subdivision (b), a supervisee working in
27 an exempt setting described in Section 4980.01 may obtain the
28 required weekly direct supervisor contact via two-way, real-time
29 videoconferencing. The supervisor shall be responsible for ensuring
30 compliance with federal and state laws relating to confidentiality
31 of patient health information.

32 (f) Notwithstanding any other law, once the required number
33 of experience hours are gained, associates and applicants for
34 licensure shall receive a minimum of one hour of direct supervisor
35 contact per week for each practice setting in which direct clinical
36 counseling is performed. Once the required number of experience
37 hours are gained, further supervision for nonclinical practice, as
38 defined in paragraph (10) of subdivision (c) of Section 4980.43,
39 shall be at the supervisor’s discretion.

40 (g) This section shall become operative on January 1, 2026.

~~SEC. 28.~~

SEC. 33. Section 4980.43.3 of the Business and Professions Code is amended to read:

4980.43.3. (a) A trainee, associate, or applicant for licensure shall only perform mental health and related services as an employee or volunteer, and not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. A trainee, associate, or applicant for licensure shall not perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4980.02, as an independent contractor. While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(1) If employed, an associate shall provide the board, upon application for licensure, with copies of the W-2 tax forms for each year of experience claimed. For experience gained during a tax year that has not ended by the date the associate's application for licensure is received by the board, the associate shall provide the board with a copy of their most recent pay stub.

(2) If volunteering, an associate shall provide the board, upon application for licensure, with a letter from the associate's employer verifying the associate's status as a volunteer during the dates the experience was gained.

(b) (1) A trainee shall not perform services in a private practice or a professional corporation. A trainee may be credited with supervised experience completed in a setting that meets all of the following:

(A) Is not a private practice or professional corporation.

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

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

(2) Only experience gained in the position for which the trainee volunteers or is employed shall qualify as supervised experience.

(c) (1) An associate may be credited with supervised experience completed in any setting that meets both of the following:

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

1 (B) Provides oversight to ensure that the associate's work at the
2 setting meets the experience and supervision requirements in this
3 chapter and is within the scope of practice for the profession, as
4 defined in Section 4980.02.

5 (2) Only experience gained in the position for which the
6 associate volunteers or is employed shall qualify as supervised
7 experience.

8 (3) An applicant for registration as an associate shall not be
9 employed or volunteer in a private practice or professional
10 corporation until the applicant has been issued an associate
11 registration by the board.

12 (d) Any experience obtained under the supervision of a spouse,
13 relative, or domestic partner shall not be credited toward the
14 required hours of supervised experience. Any experience obtained
15 under the supervision of a supervisor with whom the applicant has
16 had or currently has a personal, professional, or business
17 relationship that undermines the authority or effectiveness of the
18 supervision shall not be credited toward the required hours of
19 supervised experience.

20 (e) A trainee, associate, or applicant for licensure shall not
21 receive any remuneration from patients or clients and shall only
22 be paid by their employer, if an employee.

23 (f) A trainee, associate, or applicant for licensure shall have no
24 proprietary interest in their employer's business and shall not lease
25 or rent space, pay for furnishings, equipment, or supplies, or in
26 any other way pay for the obligations of their employer.

27 (g) A trainee, associate, or applicant for licensure who provides
28 voluntary services in any lawful work setting and who only receives
29 reimbursement for expenses actually incurred shall be considered
30 an employee. The board may audit an applicant for licensure who
31 receives reimbursement for expenses and the applicant for licensure
32 shall have the burden of demonstrating that the payment received
33 was for reimbursement of expenses actually incurred.

34 (h) A trainee, associate, or applicant for licensure who receives
35 a stipend or educational loan repayment from a program designed
36 to encourage demographically underrepresented groups to enter
37 the profession or to improve recruitment and retention in
38 underserved regions or settings shall be considered an employee.
39 The board may audit an applicant who receives a stipend or
40 educational loan repayment and the applicant shall have the burden

1 of demonstrating that the payment received was for the specified
2 purposes.

3 (i) An associate or a trainee may provide services via telehealth
4 that are in the scope of practice outlined in this chapter.

5 (j) Each educational institution preparing applicants pursuant
6 to this chapter shall consider requiring, and shall encourage, its
7 students to undergo individual, marital, conjoint, family, or group
8 counseling or psychotherapy, as appropriate. Each supervisor shall
9 consider, advise, and encourage the supervisor's associates and
10 trainees regarding the advisability of undertaking individual,
11 marital, conjoint, family, or group counseling or psychotherapy,
12 as appropriate. Insofar as it is deemed appropriate and is desired
13 by the applicant, educational institutions and supervisors are
14 encouraged to assist the applicant to locate counseling or
15 psychotherapy at a reasonable cost.

16 *SEC. 34. Section 4980.50 of the Business and Professions Code*
17 *is amended to read:*

18 4980.50. (a) Every applicant who meets the educational and
19 experience requirements and applies for a license as a marriage
20 and family therapist shall be examined by the board. The
21 examinations shall be as set forth in ~~subdivision (d) of Section~~
22 ~~4980.40~~. *Section 4980.397*. The examinations shall be given at
23 least twice a year at a time and place and under supervision as the
24 board may determine. The board shall examine the candidate with
25 regard to the candidate's knowledge and professional skills and
26 judgment in the utilization of appropriate techniques and methods.

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

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

39 (d) If an applicant for examination who has passed the California
40 law and ethics examination is the subject of a complaint or is under

1 board investigation for acts or conduct that, if proven to be true,
2 would constitute grounds for the board to deny licensure, the board
3 shall permit the applicant to take the clinical examination for
4 licensure, but may notify the applicant that licensure will not be
5 granted pending completion of the investigation.

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

17 (f) Notwithstanding any other provision of law, the board may
18 destroy all examination materials two years following the date of
19 an examination.

20 (g) An applicant for licensure shall not be eligible to participate
21 in the clinical examination if the applicant fails to obtain a passing
22 score on the clinical examination within seven years from their
23 initial attempt, unless the applicant takes and obtains a passing
24 score on the current version of the California law and ethics
25 examination.

26 (h) A passing score on the clinical examination shall be accepted
27 by the board for a period of seven years from the date the
28 examination was taken.

29 (i) An applicant for licensure who has qualified pursuant to this
30 chapter shall be issued a license as a marriage and family therapist
31 in the form that the board deems appropriate.

32 *SEC. 35. Section 4980.54 of the Business and Professions Code*
33 *is amended to read:*

34 4980.54. (a) The Legislature recognizes that the education and
35 experience requirements in this chapter constitute only minimal
36 requirements to ensure that an applicant is prepared and qualified
37 to take the licensure examinations as specified in ~~subdivision (d)~~
38 ~~of Section 4980.40~~ *Section 4980.397* and, if an applicant passes
39 those examinations, to begin practice.

1 (b) In order to continuously improve the competence of licensed
2 and registered marriage and family therapists and as a model for
3 all psychotherapeutic professions, the Legislature encourages all
4 licensees and registrants to regularly engage in continuing
5 education related to the profession or scope of practice as defined
6 in this chapter.

7 (c) (1) Except as provided in subdivision (f), the board shall
8 not renew any license pursuant to this chapter unless the applicant
9 certifies to the board, on a form prescribed by the board, that the
10 applicant has completed not less than 36 hours of approved
11 continuing education in or relevant to the field of marriage and
12 family therapy in the preceding two years, as determined by the
13 board.

14 (2) The board shall not renew any registration pursuant to this
15 chapter unless the registrant certifies under penalty of perjury to
16 the board, and on a form prescribed by the board, that they have
17 completed not less than three hours of continuing education on the
18 subject of California law and ethics during the preceding year.

19 (d) The board shall have the right to audit the records of any
20 applicant to verify the completion of the continuing education
21 requirement. Applicants shall maintain records of completion of
22 required continuing education coursework for a minimum of two
23 years and shall make these records available to the board for
24 auditing purposes upon request.

25 (e) (1) In determining its continuing education requirements,
26 the board shall consider including a course in menopausal mental
27 health.

28 (2) In determining its continuing education requirements, the
29 board shall consider including a course in maternal mental health.

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

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

35 (1) A school, college, or university that is accredited or
36 approved, as defined in Section 4980.03. Nothing in this paragraph
37 shall be construed as requiring coursework to be offered as part
38 of a regular degree program.

39 (2) Other continuing education providers, as specified by the
40 board by regulation.

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

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

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

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

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

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

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

SEC. 36. Section 4980.72 of the Business and Professions Code is amended to read:

4980.72. The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United States as a marriage and family therapist at the highest level for independent clinical practice if all of the following requirements are met:

(a) The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least two years immediately before the date the application was received by the board. The applicant shall disclose to the board for review any past restrictions or disciplinary action on an out-of-state license, and the board shall consider these actions in determining whether to issue a license to the applicant.

1 (b) The applicant's degree that qualified the person for the
2 out-of-state license is a master's or doctoral degree that was
3 obtained from an accredited or approved institution.

4 (c) The applicant complies with the fingerprint requirements
5 established by Section 144.

6 (d) The applicant completes the coursework specified in
7 paragraphs (1) and (2) from an accredited institution or an approved
8 institution or from an acceptable provider of continuing education
9 as specified in Section 4980.54. Undergraduate coursework shall
10 not satisfy these requirements.

11 (1) A minimum of 12 hours of coursework in California law
12 and professional ethics that includes, but is not limited to,
13 instruction in advertising, scope of practice, scope of competence,
14 treatment of minors, confidentiality, dangerous clients,
15 psychotherapist-client privilege, recordkeeping, client access to
16 records, state and federal laws relating to confidentiality of patient
17 health information, dual relationships, child abuse, elder and
18 dependent adult abuse, online therapy, insurance reimbursement,
19 civil liability, disciplinary actions and unprofessional conduct,
20 ethics complaints and ethical standards, termination of therapy,
21 standards of care, relevant family law, therapist disclosures to
22 clients, the application of legal and ethical standards in different
23 types of work settings, and licensing law and the licensing process.

24 (2) At least one semester unit, or 15 hours, of instruction that
25 includes an understanding of various California cultures and the
26 social and psychological implications of socioeconomic position.

27 (e) The applicant obtains a minimum of seven contact hours of
28 training or coursework in child abuse assessment and reporting,
29 as specified in Section 28, and any regulations promulgated
30 pursuant to that section.

31 (f) On or after January 1, 2021, the applicant shall show proof
32 of completion of at least six hours of coursework or applied
33 experience under supervision in suicide risk assessment and
34 intervention using one of the methods specified in Section
35 4980.396.

36 (g) The applicant passes the board-administered California law
37 and ethics examination specified in ~~subdivision (d) of Section~~
38 ~~4980.40. Section 4980.397.~~ The clinical examination specified in
39 ~~subdivision (d) of Section 4980.40 Section 4980.397~~ shall be
40 waived for an applicant qualifying under this section.

1 (h) This section was developed based on an examination of the
2 licensure requirements for marriage and family therapists on a
3 national level. This section shall not be construed to apply to any
4 provisions under this division or Division 3 (commencing with
5 Section 5000) other than this act.

6 *SEC. 37. Section 4980.74 of the Business and Professions Code*
7 *is amended to read:*

8 4980.74. (a) This section applies to persons with education
9 gained from an out-of-state school or experience gained outside
10 of California who apply for licensure or registration and who do
11 not qualify for a license under Section 4980.72.

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

18 (c) The board shall accept experience gained outside of
19 California for purposes of satisfying licensure or registration
20 requirements if the experience is substantially equivalent to the
21 experience required by this chapter. If the applicant has fewer than
22 3,000 hours of qualifying supervised experience, the board shall
23 accept as qualifying supervised experience the amount of time the
24 applicant held an active license in good standing in another state
25 or country as a marriage and family therapist at the highest level
26 for independent clinical practice at a rate of 100 hours per month,
27 up to a maximum of 1,200 hours.

28 (d) An applicant who obtained a license or registration in another
29 state or country may qualify for licensure with the board without
30 taking the clinical examination specified in Section ~~4980.40~~
31 ~~4980.397~~ if both of the following conditions are met:

32 (1) The applicant obtained a passing score on the clinical
33 licensing examination set forth in regulation as accepted by the
34 board.

35 (2) The applicant's license or registration in that state or country
36 is active, in good standing at the time of the application, and is not
37 revoked, suspended, surrendered, denied, or otherwise restricted
38 or encumbered.

~~SEC. 29.~~

SEC. 38. Section 4982 of the Business and Professions Code is amended to read:

4982. The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A conviction has the same meaning as defined in Section 7.5. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence. All actions pursuant to this subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475).

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

(c) Administering to themselves any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed

1 as a physician and surgeon, who uses or offers to use drugs in the
2 course of performing marriage and family therapy services.

3 (d) Gross negligence or incompetence in the performance of
4 marriage and family therapy.

5 (e) 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 (f) Misrepresentation as to the type or status of a license or
9 registration held by the licensee or registrant or otherwise
10 misrepresenting or permitting misrepresentation of the licensee's
11 or registrant's education, professional qualifications, or professional
12 affiliations to any person or entity.

13 (g) Impersonation of another by any licensee, registrant, or
14 applicant for a license or registration, or, in the case of a licensee
15 or registrant, allowing any other person to use the licensee's or
16 registrant's license or registration.

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

20 (i) Intentionally or recklessly causing physical or emotional
21 harm to any client.

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

25 (k) Engaging in sexual relations with a client, or a former client
26 within two years following termination of therapy, soliciting sexual
27 relations with a client, or committing an act of sexual abuse, or
28 sexual misconduct with a client, or committing an act punishable
29 as a sexually related crime, if that act or solicitation is substantially
30 related to the qualifications, functions, or duties of a marriage and
31 family therapist.

32 (l) Performing, or holding oneself out as being able to perform,
33 or offering to perform, or permitting any trainee, registered
34 associate, or applicant for licensure under supervision to perform,
35 any professional services beyond the scope of the license authorized
36 by this chapter.

37 (m) Failure to maintain confidentiality, except as otherwise
38 required or permitted by law, of all information that has been
39 received from a client in confidence during the course of treatment

1 and all information about the client that is obtained from tests or
2 other means.

3 (n) Prior to the commencement of treatment, failing to disclose
4 to the client or prospective client the fee to be charged for the
5 professional services, or the basis upon which that fee will be
6 computed.

7 (o) Paying, accepting, or soliciting any consideration,
8 compensation, or remuneration, whether monetary or otherwise,
9 for the referral of professional clients. All consideration,
10 compensation, or remuneration shall be in relation to professional
11 counseling services actually provided by the licensee. This
12 subdivision does not prevent collaboration among two or more
13 licensees in a case or cases. However, a fee shall not be charged
14 for that collaboration, except when disclosure of the fee has been
15 made in compliance with subdivision (n).

16 (p) Advertising in a manner that is false, fraudulent, misleading,
17 or deceptive, as defined in Section 651.

18 (q) Reproduction or description in public, or in any publication
19 subject to general public distribution, of any psychological test or
20 other assessment device, the value of which depends in whole or
21 in part on the naivete of the subject, in ways that might invalidate
22 the test or device.

23 (r) Any conduct in the supervision of any registered associate,
24 trainee, or applicant for licensure by any licensee that violates this
25 chapter or any rules or regulations adopted by the board.

26 (s) Performing or holding oneself out as being able to perform
27 mental health services beyond the scope of one's competence, as
28 established by one's education, training, or experience. This
29 subdivision shall not be construed to expand the scope of the
30 license authorized by this chapter.

31 (t) Permitting a trainee, registered associate, or applicant for
32 licensure under one's supervision or control to perform, or
33 permitting the trainee, registered associate, or applicant for
34 licensure to hold themselves out as competent to perform, mental
35 health services beyond the trainee's, registered associate's, or
36 applicant for licensure's level of education, training, or experience.

37 (u) The violation of any statute or regulation governing the
38 gaining and supervision of experience required by this chapter.

1 (v) Failure to keep records consistent with sound clinical
2 judgment, the standards of the profession, and the nature of the
3 services being rendered.

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

6 (x) Failure to comply with the elder and dependent adult abuse
7 reporting requirements of Section 15630 of the Welfare and
8 Institutions Code.

9 (y) Willful violation of Chapter 1 (commencing with Section
10 123100) of Part 1 of Division 106 of the Health and Safety Code.

11 (z) Failure to comply with the procedures set forth in Section
12 2290.5 when delivering health care via telehealth.

13 (aa) (1) Engaging in an act described in Section 261, 286, 287,
14 or 289 of, or former Section 288a of, the Penal Code with a minor
15 or an act described in Section 288 or 288.5 of the Penal Code
16 regardless of whether the act occurred prior to or after the time the
17 registration or license was issued by the board. An act described
18 in this subdivision occurring prior to the effective date of this
19 subdivision shall constitute unprofessional conduct and shall
20 subject the licensee to refusal, suspension, or revocation of a license
21 under this section.

22 (2) The Legislature hereby finds and declares that protection of
23 the public, and in particular minors, from sexual misconduct by a
24 licensee is a compelling governmental interest, and that the ability
25 to suspend or revoke a license for sexual conduct with a minor
26 occurring prior to the effective date of this section is equally
27 important to protecting the public as is the ability to refuse a license
28 for sexual conduct with a minor occurring prior to the effective
29 date of this section.

30 (ab) Engaging in any conduct that subverts or attempts to subvert
31 any licensing examination or the administration of an examination
32 as described in Section 123.

33 ~~SEC. 30.~~

34 ~~SEC. 39.~~ Section 4982.05 of the Business and Professions Code
35 is repealed.

36 ~~SEC. 31.~~

37 ~~SEC. 40.~~ Section 4984.41 of the Business and Professions Code
38 is amended to read:

39 4984.41. (a) (1) The board shall issue, upon submission of a
40 completed application as prescribed by this section and payment

1 of the fee fixed by this chapter, a retired license to a marriage and
2 family therapist who holds a license that is current and active or
3 a license that is inactive, and whose license is not suspended,
4 revoked, or otherwise punitively restricted by the board or subject
5 to disciplinary action under this chapter.

6 (2) A marriage and family therapist license that has expired
7 shall be issued a retired license by the board upon submission of
8 a completed application as prescribed by this section and payment
9 of the fee fixed by this chapter if ~~at~~ *both* of the following
10 requirements are met:

11 (A) The license expired within three years from the date of the
12 board's receipt of a completed application.

13 (B) Immediately preceding the license expiration, and after the
14 license expiration, the license was not suspended, revoked, or
15 otherwise punitively restricted by the board or subject to
16 disciplinary action under this chapter.

17 (3) For purposes of this section, "subject to disciplinary action"
18 shall mean that the licensee had an unsatisfied cost recovery, fine
19 or restitution order, an accusation or petition to revoke probation
20 that has been served on the licensee alleging violations of their
21 probation or the chapter, or an unresolved complaint or
22 investigation pending with the board.

23 (b) To apply for a retired license, the applicant shall submit a
24 completed application to the board providing all of the following
25 information:

26 (1) Full name as filed with the board.

27 (2) Board license type, license number, and expiration date.

28 (3) Date of birth.

29 (4) Social security number or individual taxpayer identification
30 number.

31 (5) A statement signed under penalty of perjury that the
32 information provided on the application is true and correct, that
33 the applicant understands that the holder of a retired license may
34 not engage in any activity for which the active license was issued,
35 and that the applicant hereby requests their license to be changed
36 to retired status.

37 (c) The holder of a retired license issued pursuant to this section
38 shall not engage in any activity for which an active marriage and
39 family therapist license is required.

1 (d) The holder of a retired license shall utilize their professional
2 title only with the unabbreviated word “retired” directly preceding
3 or directly following the professional title.

4 (e) The holder of a retired license shall not be required to renew
5 that license.

6 (f) The holder of a retired license may apply to restore to active
7 status their license to practice marriage and family therapy if that
8 retired license was issued less than three years prior to the date the
9 application to restore the retired license is received by the board.
10 A retired license may be restored to active status one time only.
11 To restore a retired license to active status, the applicant shall meet
12 all of the following requirements:

13 (1) Submit a completed application to the board containing all
14 of the following information:

15 (A) Full name as filed with the board.

16 (B) Original board license type and original license number and
17 expiration date.

18 (C) Date of birth.

19 (D) Social security number or individual taxpayer identification
20 number.

21 (E) Whether they have been convicted, as defined in Section
22 490, of a misdemeanor or felony, or whether any disciplinary action
23 has been taken ~~in~~ *by* any regulatory or licensing board in this or
24 any other state subsequent to the issuance of ~~a~~ *the* retired license.

25 (F) A statement signed under penalty of perjury that the
26 information provided on the application is true and correct, that
27 the applicant did not engage in any activity for which an active
28 license is required while the license was in retired status, and that
29 the applicant hereby requests their license to be changed to “active”
30 status.

31 (2) Has not committed an act or crime constituting grounds for
32 denial of licensure.

33 (3) Pays the renewal fee required by this chapter.

34 (4) Completes the required continuing education as specified
35 in Section 4980.54.

36 (5) Complies with the fingerprint submission requirements
37 established in Section 144.

38 (g) An applicant requesting to restore their license pursuant to
39 subdivision (f) whose retired license was issued in accordance
40 with this section less than one year from the date the application

1 to restore the retired license is received by the board shall complete
2 18 hours of continuing education taken within the two years prior
3 to the date the application to restore the retired license is received
4 by the board. This coursework shall include a minimum of six
5 hours in the subject of California law and ethics.

6 (h) An applicant requesting to restore their license pursuant to
7 subdivision (f) whose retired license was issued in accordance
8 with this section one or more years from the date the application
9 to restore the retired license is received by the board shall complete
10 36 hours of continuing education taken within the two years prior
11 to the date the application to restore the retired license is received
12 by the board. This coursework shall include a minimum of six
13 hours in the subject of California law and ethics.

14 (i) A retired license that was issued three or more years prior
15 shall not be restored. The holder of the retired license may apply
16 for and obtain a new license if all of the following criteria are
17 satisfied:

18 (1) Has not committed an act or crime constituting grounds for
19 denial of licensure.

20 (2) Applies for licensure and pays the fee required by this
21 chapter.

22 (3) Passes the examinations required for licensure.

23 (4) Complies with the fingerprint submission requirements
24 established in Section 144.

25 *SEC. 41. Section 4984.7 of the Business and Professions Code*
26 *is amended to read:*

27 4984.7. (a) The board shall assess the following fees relating
28 to the licensure of marriage and family therapists:

29 (1) The application fee for an associate registration shall be one
30 hundred fifty dollars (\$150). The board may adopt regulations to
31 set the fee at a higher amount, up to a maximum of three hundred
32 dollars (\$300).

33 (2) The annual renewal fee for an associate registration shall be
34 one hundred fifty dollars (\$150). The board may adopt regulations
35 to set the fee at a higher amount, up to a maximum of three hundred
36 dollars (\$300).

37 (3) The fee for the application for licensure shall be two hundred
38 fifty dollars (\$250). The board may adopt regulations to set the
39 fee at a higher amount, up to a maximum of five hundred dollars
40 (\$500).

1 (4) (A) (i) The fee for the ~~the—clinical—examination~~
2 *board-administered clinical examination, if the board chooses to*
3 *adopt this examination in regulations*, shall be two hundred fifty
4 dollars (\$250). The board may adopt regulations to set the fee at
5 a higher amount, up to a maximum of five hundred dollars (\$500).
6 *If the board chooses to adopt an examination administered by a*
7 *public or private organization, as specified by the board in*
8 *regulations, then the examination fee shall be determined by, and*
9 *paid directly to, that organization.*

10 (ii) The fee for the California law and ethics examination shall
11 be one hundred fifty dollars (\$150). The board may adopt
12 regulations to set the fee at a higher amount, up to a maximum of
13 three hundred dollars (\$300).

14 (B) An applicant who fails to appear for an examination, after
15 having been scheduled to take the examination, shall forfeit the
16 examination fee.

17 (C) The amount of the examination fees shall be based on the
18 actual cost to the board of developing, purchasing, and grading
19 each examination and the actual cost to the board of administering
20 each examination. The examination fees shall be adjusted
21 periodically by regulation to reflect the actual costs incurred by
22 the board.

23 (5) The fee for rescoring an examination shall be twenty dollars
24 (\$20).

25 (6) The fee for the issuance of an initial license shall be two
26 hundred dollars (\$200). The board may adopt regulations to set
27 the fee at a higher amount, up to a maximum of four hundred
28 dollars (\$400).

29 (7) The fee for the two-year license renewal shall be two
30 hundred dollars (\$200). The board may adopt regulations to set
31 the fee at a higher amount, up to a maximum of four hundred
32 dollars (\$400).

33 (8) The renewal delinquency fee shall be one-half of the fee for
34 license renewal. A person who permits their license to expire is
35 subject to the delinquency fee.

36 (9) The fee for issuance of a replacement registration, license,
37 or certificate shall be twenty dollars (\$20).

38 (10) The fee for issuance of a certificate or letter of good
39 standing shall be twenty-five dollars (\$25).

1 (11) The fee for issuance of a retired license shall be forty dollars
2 (\$40).

3 (b) This section shall become operative on January 1, 2021.

4 ~~SEC. 32.~~

5 *SEC. 42.* Section 4989.20 of the Business and Professions Code
6 is amended to read:

7 4989.20. (a) The board may issue a license as an educational
8 psychologist if the applicant satisfies, with proof satisfactory to
9 the board, the following requirements:

10 (1) Possession of, at minimum, a master's degree in psychology,
11 educational psychology, school psychology, counseling and
12 guidance, or a degree deemed equivalent by the board. This degree
13 shall be obtained from an educational institution approved by the
14 board according to the regulations adopted under this chapter.

15 (2) Attainment of 18 years of age.

16 (3) Is not subject to denial of licensure pursuant to Section 480.

17 (4) Successful completion of 60 semester units or 90 quarter
18 units of postgraduate study in pupil personnel services.

19 (5) Two school terms of full-time, or the equivalent to full-time,
20 experience as a licensed or credentialed school psychologist in the
21 public schools or in another school setting as specified in
22 regulations. The experience shall be gained over a period of at
23 least two school terms. The applicant shall not be credited with
24 experience obtained more than six years immediately preceding
25 the date on which the application for licensure was received by
26 the board.

27 (6) If the experience required by paragraph (5) was completed
28 while holding a California credential in a school located in
29 California, completion of one of the following:

30 (A) A minimum of 1,200 hours of supervised professional
31 experience in an accredited school psychology program.

32 (B) One school term of full-time, or the equivalent to full-time,
33 experience as a California credentialed school psychologist in the
34 California public schools, or in another school setting as specified
35 in regulations, obtained under the direction of a California-licensed
36 educational psychologist. *The experience shall be gained over a*
37 *period of at least one school term.* The applicant shall not be
38 credited with experience obtained more than six years immediately
39 preceding the date on which the application for licensure was
40 received by the board.

(7) If the experience required by paragraph (5) was not completed while holding a California credential in a school located in California, completion of one of the following:

(A) A minimum of 1,200 hours of supervised professional experience gained in California in an accredited school psychology program, gained no more than six years immediately preceding the date on which the application for licensure was received by the board.

(B) One school term of full-time, or the equivalent to full-time, experience as a California credentialed school psychologist in the California public schools, or in another school setting as specified in regulations, obtained under the direction of a California licensed educational psychologist or a California licensed psychologist. The experience shall be gained over a period of at least one school term. The applicant shall not be credited with experience obtained more than six years immediately preceding the date on which the application for licensure was received by the board.

(8) Passage of the licensed educational psychologist written examination administered by the board. A passing score on this examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(b) For purposes of this section, the following definitions apply:

(1) "Full time" means the days or hours of creditable service the employer requires to be performed by the employee in a school term under their collective bargaining agreement or employment agreement. It shall consist of a minimum of 175 days, or 1,050 hours, per school term.

(2) "Equivalent to full time" means the days or hours of creditable service that a person who is employed on a part-time basis would be required to perform in a school term if they were employed full time in that part-time position.

(3) "School term" means a minimum period of 35 weeks beginning the first day and ending the last day creditable service is required to be performed by a member employed on a full-time basis, excluding any period that has been excluded pursuant to a publicly available written contractual agreement. The school term shall also be the same for an individual who is not employed on a full-time basis who is performing the same duties as a member employed on a full-time basis.

1 ~~SEC. 33.~~

2 *SEC. 43.* Section 4989.45 of the Business and Professions Code
3 is amended to read:

4 4989.45. (a) (1) The board shall issue, upon submission of a
5 completed application as prescribed by this section and payment
6 of the fee fixed by this chapter, a retired license to a licensed
7 educational psychologist who holds a license that is current and
8 active or a license that is inactive, and whose license is not
9 suspended, revoked, or otherwise punitively restricted by the board
10 or subject to disciplinary action under this chapter.

11 (2) A licensed educational psychologist license that has expired
12 shall be issued a retired license by the board upon submission of
13 a completed application as prescribed by this section and payment
14 of the fee fixed by this chapter if all of the following requirements
15 are met:

16 (A) The license expired within three years from the date of the
17 board's receipt of a completed application.

18 (B) Immediately preceding the license expiration, and after the
19 license expiration, the license was not suspended, revoked, or
20 otherwise punitively restricted by the board or subject to
21 disciplinary action under this chapter.

22 (3) For purposes of this section, "subject to disciplinary action"
23 shall mean that the licensee had an unsatisfied cost recovery, fine
24 or restitution order, an accusation or petition to revoke probation
25 that has been served on the licensee alleging violations of their
26 probation or the chapter, or an unresolved complaint or
27 investigation pending with the board.

28 (b) To apply for a retired license, the applicant shall submit a
29 completed application to the board providing all of the following
30 information:

31 (1) Full name as filed with the board.

32 (2) Board license type, license number, and expiration date.

33 (3) Date of birth.

34 (4) Social security number or individual taxpayer identification
35 number.

36 (5) A statement signed under penalty of perjury that the
37 information provided on the application is true and correct, that
38 the applicant understands that the holder of a retired license may
39 not engage in any activity for which the active license was issued,

1 and that the applicant hereby requests their license to be changed
2 to retired status.

3 (c) The holder of a retired license issued pursuant to this section
4 shall not engage in any activity for which an active educational
5 psychologist license is required.

6 (d) The holder of a retired license shall utilize their professional
7 title only with the unabbreviated word “retired” directly preceding
8 or directly following the professional title.

9 (e) The holder of a retired license shall not be required to renew
10 that license.

11 (f) The holder of a retired license may apply to restore to active
12 status their license to practice educational psychology if that retired
13 license was issued less than three years prior to the date the
14 application to restore the retired license is received by the board.
15 A retired license may be restored to active status one time only.
16 To restore a retired license to active status, the applicant shall meet
17 all of the following requirements:

18 (1) Submit a completed application to the board containing all
19 of the following information:

20 (A) Full name as filed with the board.

21 (B) Original board license type and original license number and
22 expiration date.

23 (C) Date of birth.

24 (D) Social security number or individual taxpayer identification
25 number.

26 (E) Whether they have been convicted, as defined in Section
27 490, of a misdemeanor or felony, or whether any disciplinary action
28 has been taken ~~in~~ by any regulatory or licensing board in this or
29 any other state subsequent to the issuance of ~~a~~ *the* retired license.

30 (F) A statement signed under penalty of perjury that the
31 information provided on the application is true and correct, that
32 the applicant did not engage in any activity for which an active
33 license is required while the license was in retired status, and that
34 the applicant hereby requests their license to be changed to “active”
35 status.

36 (2) Has not committed an act or crime constituting grounds for
37 denial of licensure.

38 (3) Pays the renewal fee ~~fixed~~ *required* by this chapter.

39 (4) Completes the required continuing education as specified
40 in Section 4989.34.

1 (5) Complies with the fingerprint submission requirements
2 established in Section 144.

3 (g) An applicant requesting to restore their license pursuant to
4 subdivision (f) whose retired license was issued in accordance
5 with this section less than one year from the date the application
6 to restore the retired license is received by the board shall complete
7 18 hours of continuing education taken within the two years prior
8 to the date the application to restore the retired license is received
9 by the board. This coursework shall include a minimum of six
10 hours in the subject of California law and ethics.

11 (h) An applicant requesting to restore their license pursuant to
12 subdivision (f) whose retired license was issued in accordance
13 with this section one or more years from the date the application
14 to restore the retired license is received by the board shall complete
15 36 hours of continuing education taken within the two years prior
16 to the date the application to restore the retired license is received
17 by the board. This coursework shall include a minimum of six
18 hours in the subject of California law and ethics.

19 (i) A retired license that was issued three or more years prior
20 shall not be restored. The holder of the retired license may apply
21 for and obtain a new license if all of the following criteria are
22 satisfied:

23 (1) Has not committed an act or crime constituting grounds for
24 denial of licensure.

25 (2) Applies for licensure and pays the required fee.

26 (3) Passes the examinations required for licensure.

27 (4) Complies with the fingerprint submission requirements
28 established in Section 144.

29 ~~SEC. 34.~~

30 *SEC. 44.* Section 4989.49 of the Business and Professions Code
31 is amended to read:

32 4989.49. "Advertising," as used in this chapter, includes, but
33 is not limited to, any public communication as defined in
34 subdivision (a) of Section 651, the issuance of any card, sign, or
35 device to any person, or the causing, permitting, or allowing of
36 any sign or marking on, or in, any building or structure, or in any
37 newspaper, magazine, or directory, or any printed matter
38 whatsoever, with or without any limiting qualification. Signs within
39 religious buildings or notices in bulletins from a religious

1 organization mailed to a congregation are not advertising within
2 the meaning of this chapter.

3 ~~SEC. 35.~~

4 *SEC. 45.* Section 4989.54 of the Business and Professions Code
5 is amended to read:

6 4989.54. The board may deny a license or may suspend or
7 revoke the license of a licensee if the person has been guilty of
8 unprofessional conduct. Unprofessional conduct includes, but is
9 not limited to, the following:

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

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

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

18 (3) A conviction has the same meaning as defined in Section
19 7.5.

20 (4) The board may order a license suspended or revoked, or
21 may decline to issue a license when the time for appeal has elapsed,
22 or the judgment of conviction has been affirmed on appeal, or
23 when an order granting probation is made suspending the
24 imposition of sentence. All actions pursuant to this subdivision
25 shall be taken pursuant to Division 1.5 (commencing with Section
26 475).

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 procedures set forth in Section
2 2290.5 when delivering health care via telehealth.

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 Practice Act* (Chapter 13
22 (commencing with Section 4980)), the *Clinical Social Worker*
23 *Practice Act* (Chapter 14 (commencing with Section 4991)), or
24 the *Licensed Professional Clinical Counselor Act* (Chapter 16
25 (commencing 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 in subdivision (r).

35 (ac) The violation of any statute or regulation governing the
36 gaining and supervision of experience of an unlicensed person,
37 including an unlicensed person identified in subdivision (ab), by
38 a licensee that violates this chapter, the *Licensed Marriage and*
39 *Family Therapist Practice Act* (Chapter 13 (commencing with
40 Section 4980)), the *Clinical Social Worker Practice Act* (Chapter

1 14 (commencing with Section 4991)), the Licensed Professional
2 Clinical Counselor Act (Chapter 16 (commencing with Section
3 4999.10)), or any rules or regulations adopted by the board pursuant
4 to those provisions. For purposes of this subdivision, “unlicensed
5 person” is defined in subdivision (r).

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

13 ~~SEC. 36.~~

14 *SEC. 46.* Section 4990 of the Business and Professions Code
15 is amended to read:

16 4990. (a) There is in the Department of Consumer Affairs, a
17 Board of Behavioral Sciences that consists of the following
18 members:

- 19 (1) Two state licensed clinical social workers.
- 20 (2) One state licensed educational psychologist.
- 21 (3) Two state licensed marriage and family therapists.
- 22 (4) One state licensed professional clinical counselor.
- 23 (5) Seven public members.

24 (b) Each member, except the seven public members, shall have
25 at least two years of experience in their profession.

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

27 (d) The Governor shall appoint five of the public members and
28 the six licensed members with the advice and consent of the Senate.
29 The Senate Committee on Rules and the Speaker of the Assembly
30 shall each appoint a public member.

31 (e) Each member of the board shall be appointed for a term of
32 four years. A member appointed by the Senate Committee on Rules
33 or the Speaker of the Assembly shall hold office until the
34 appointment and qualification of their successor or until one year
35 from the expiration date of the term for which they were appointed,
36 whichever first occurs. Pursuant to Section 1774 of the Government
37 Code, a member appointed by the Governor shall hold office until
38 the appointment and qualification of their successor or until 60
39 days from the expiration date of the term for which they were
40 appointed, whichever first occurs.

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

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

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

9 (i) This section shall remain in effect only until January 1, 2030,
10 and as of that date is repealed.

11 ~~SEC. 37.~~

12 *SEC. 47.* Section 4990.01 is added to the Business and
13 Professions Code, to read:

14 4990.01. Notwithstanding any other provision of law, the repeal
15 of Section 4990 renders the board subject to review by the
16 appropriate policy committees of the Legislature.

17 *SEC. 48. Section 4990.04 of the Business and Professions Code*
18 *is amended to read:*

19 4990.04. (a) The board shall appoint an executive officer. This
20 position is designated as a confidential position and is exempt from
21 civil service under subdivision (e) of Section 4 of Article VII of
22 the California Constitution.

23 (b) The executive officer serves at the pleasure of the board.

24 (c) The executive officer shall exercise the powers and perform
25 the duties delegated by the board and vested in them by this
26 chapter.

27 (d) With the approval of the director, the board shall fix the
28 salary of the executive officer.

29 (e) The chairperson and executive officer may call meetings of
30 the board and any duly appointed committee at a specified time
31 and place. For purposes of this section, “call meetings” means
32 setting the agenda, time, date, or place for any meeting of the board
33 or any committee.

34 (f) This section shall remain in effect only until January 1, ~~2026,~~
35 ~~2030,~~ and as of that date is repealed.

36 ~~SEC. 38.~~

37 *SEC. 49.* Section 4992.2 of the Business and Professions Code
38 is amended to read:

39 4992.2. “Advertising,” as used in this chapter, includes, but is
40 not limited to, any public communication as defined in subdivision

(a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper, magazine, or directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in bulletins from a religious organization mailed to a congregation are not advertising within the meaning of this chapter.

~~SEC. 39.~~

SEC. 50. Section 4992.3 of the Business and Professions Code is amended to read:

4992.3. The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if the licensee or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A conviction has the same meaning as defined in Section 7.5. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence. All actions pursuant to this subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475).

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

(c) Administering to themselves any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or

1 holding a registration or license under this chapter, or to any other
2 person, or to the public, or, to the extent that the use impairs the
3 ability of the person applying for or holding a registration or license
4 to conduct with safety to the public the practice authorized by the
5 registration or license. The board shall deny an application for a
6 registration or license or revoke the license or registration of any
7 person who uses or offers to use drugs in the course of performing
8 clinical social work. This provision does not apply to any person
9 also licensed as a physician and surgeon under Chapter 5
10 (commencing with Section 2000) or the Osteopathic Act who
11 lawfully prescribes drugs to a patient under the person's care.

12 (d) Incompetence in the performance of clinical social work.

13 (e) An act or omission that falls sufficiently below the standard
14 of conduct of the profession as to constitute an act of gross
15 negligence.

16 (f) Violating, attempting to violate, or conspiring to violate this
17 chapter or any regulation adopted by the board.

18 (g) Misrepresentation as to the type or status of a license or
19 registration held by the licensee or registrant or otherwise
20 misrepresenting or permitting misrepresentation of the licensee's
21 or registrant's education, professional qualifications, or professional
22 affiliations to any person or entity. For purposes of this subdivision,
23 this misrepresentation includes, but is not limited to,
24 misrepresentation of the person's qualifications as an adoption
25 service provider pursuant to Section 8502 of the Family Code.

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

30 (i) Aiding or abetting, or employing, directly or indirectly, any
31 unlicensed or unregistered person to engage in conduct for which
32 a license or registration is required under this chapter.

33 (j) Intentionally or recklessly causing physical or emotional
34 harm to any client.

35 (k) The commission of any dishonest, corrupt, or fraudulent act
36 substantially related to the qualifications, functions, or duties of a
37 licensee or registrant.

38 (l) Engaging in sexual relations with a client or with a former
39 client within two years from the termination date of therapy with
40 the client, soliciting sexual relations with a client, or committing

1 an act of sexual abuse, or sexual misconduct with a client, or
2 committing an act punishable as a sexually related crime, if that
3 act or solicitation is substantially related to the qualifications,
4 functions, or duties of a clinical social worker.

5 (m) Performing, or holding oneself out as being able to perform,
6 or offering to perform or permitting, any registered associate,
7 trainee, or applicant for licensure under supervision to perform
8 any professional services beyond the scope of the license authorized
9 by this chapter.

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

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

19 (p) Paying, accepting, or soliciting any consideration,
20 compensation, or remuneration, whether monetary or otherwise,
21 for the referral of professional clients. All consideration,
22 compensation, or remuneration shall be in relation to professional
23 counseling services actually provided by the licensee. This
24 subdivision does not prevent collaboration among two or more
25 licensees in a case or cases. However, no fee shall be charged for
26 that collaboration, except when disclosure of the fee has been made
27 in compliance with subdivision (o).

28 (q) Advertising in a manner that is false, fraudulent, misleading,
29 or deceptive, as defined in Section 651.

30 (r) Reproduction or description in public, or in any publication
31 subject to general public distribution, of any psychological test or
32 other assessment device, the value of which depends in whole or
33 in part on the naivete of the subject, in ways that might invalidate
34 the test or device. A licensee shall limit access to that test or device
35 to persons with professional interest who are expected to safeguard
36 its use.

37 (s) Any conduct in the supervision of any registered associate,
38 trainee, or applicant for licensure by any licensee that violates this
39 chapter or any rules or regulations adopted by the board.

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

6 (u) Permitting an applicant for licensure, trainee, or registrant
7 under one's supervision or control to perform, or permitting the
8 supervisee to hold themselves out as competent to perform, mental
9 health services beyond the supervisee's level of education, training,
10 or experience.

11 (v) The violation of any law governing the gaining or
12 supervision of experience required by this chapter.

13 (w) Failure to keep records consistent with sound clinical
14 judgment, the standards of the profession, and the nature of the
15 services being rendered.

16 (x) Failure to comply with the child abuse reporting
17 requirements of Section 11166 of the Penal Code.

18 (y) Failure to comply with the elder and dependent adult abuse
19 reporting requirements of Section 15630 of the Welfare and
20 Institutions Code.

21 (z) Willful violation of Chapter 1 (commencing with Section
22 123100) of Part 1 of Division 106 of the Health and Safety Code.

23 (aa) Failure to comply with the procedures set forth in Section
24 2290.5 when delivering health care via telehealth.

25 (ab) (1) Engaging in an act described in Section 261, 286, 287,
26 or 289 of, or former Section 288a of, the Penal Code with a minor
27 or an act described in Section 288 or 288.5 of the Penal Code
28 regardless of whether the act occurred prior to or after the time the
29 registration or license was issued by the board. An act described
30 in this subdivision occurring prior to the effective date of this
31 subdivision shall constitute unprofessional conduct and shall
32 subject the licensee to refusal, suspension, or revocation of a license
33 under this section.

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

1 for sexual conduct with a minor occurring prior to the effective
2 date of this section.

3 (ac) Engaging in any conduct that subverts or attempts to subvert
4 any licensing examination or the administration of the examination
5 as described in Section 123.

6 ~~SEC. 40.~~

7 *SEC. 51.* Section 4996.16.1 of the Business and Professions
8 Code is amended to read:

9 4996.16.1. (a) Notwithstanding Section 4996, a person who
10 holds a license in another jurisdiction of the United States as a
11 clinical social worker may provide clinical social work services
12 in this state for a period not to exceed 30 consecutive days in any
13 calendar year, if all of the following conditions are met:

14 (1) The license from another jurisdiction is at the highest level
15 for independent clinical practice in the jurisdiction in which the
16 license was granted.

17 (2) The license from another jurisdiction is current, active, and
18 unrestricted.

19 (3) The client is located in California during the time the person
20 seeks to provide care in California.

21 (4) The client is a current client of the person and has an
22 established, ongoing client-provider relationship with the person
23 at the time the client became located in California.

24 (5) The person informs the client of the limited timeframe of
25 the services and that the person is not licensed in California.

26 (6) The person provides the client with the Board of Behavioral
27 Sciences' internet website address.

28 (7) The person informs the client of the jurisdiction in which
29 the person is licensed and the type of license held and provides
30 the client with the person's license number.

31 (b) A person who intends to provide clinical social work services
32 pursuant to this section shall provide the board with all of the
33 following information before providing services:

34 (1) The name under which the person is licensed in another
35 jurisdiction, the person's mailing address, the person's phone
36 number, the person's social security number or individual taxpayer
37 identification number, and the person's electronic mailing address,
38 if the person has an electronic mailing address.

39 (2) The jurisdiction in which the person is licensed, the type of
40 license held, and the license number.

(3) The date on which the person will begin providing clinical social work services to the person's client in California.

(c) A person who provides services pursuant to this section is deemed to have ~~agreed~~ *agreed, and attested under penalty of perjury*, to practicing under the jurisdiction of the board and to be bound by the laws of this state.

(d) This section does not apply to any person licensed by the board whose license has been suspended or revoked.

(e) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

~~SEC. 41. Section 4996.23.1 of the Business and Professions Code, as amended by Section 9 of Chapter 160 of the Statutes of 2024, is amended to read:~~

~~4996.23.1. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (d) of Section 4996.23, direct supervisor contact shall occur as follows:~~

~~(1) Supervision shall include at least one hour of direct supervisor contact each week for which experience is credited in each work setting.~~

~~(2) An associate gaining experience who performs more than 10 hours of services pursuant to paragraph (2) of subdivision (d) of Section 4996.23 in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting.~~

~~(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:~~

~~(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one person receiving supervision for providing clinical mental health services.~~

~~(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two persons receiving supervision for providing clinical mental health services.~~

~~(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight persons receiving supervision for providing clinical mental health services. Segments of group supervision may be split into no less than one continuous hour. A supervisor shall ensure that the amount and degree of supervision is appropriate for each person in the group.~~

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

1 ~~(d) Of the 104 weeks of required supervision, 52 weeks shall~~
2 ~~be individual supervision, triadic supervision, or a combination of~~
3 ~~both.~~

4 ~~(e) Of the 52 weeks of required individual or triadic supervision,~~
5 ~~no less than 13 weeks shall be supervised by a licensed clinical~~
6 ~~social worker.~~

7 ~~(f) Alternative supervision may be arranged during a~~
8 ~~supervisor's vacation or sick leave if the alternative supervision~~
9 ~~meets the requirements of this chapter.~~

10 ~~(g) Notwithstanding subdivision (b), a supervisee working in~~
11 ~~an exempt setting described in Section 4996.14 may obtain the~~
12 ~~required weekly direct supervisor contact via two-way, real-time~~
13 ~~videoconferencing. The supervisor shall be responsible for ensuring~~
14 ~~compliance with state and federal laws relating to confidentiality~~
15 ~~of patient health information.~~

16 ~~(h) Notwithstanding any other law, once the required number~~
17 ~~of experience hours are gained, an associate clinical social worker~~
18 ~~or applicant for licensure shall receive a minimum of one hour of~~
19 ~~direct supervisor contact per week for each practice setting in~~
20 ~~which direct clinical counseling is performed. Once the required~~
21 ~~number of experience hours are gained, further supervision for~~
22 ~~nonclinical practice, as described in paragraph (3) of subdivision~~
23 ~~(d) of Section 4996.23, shall be at the supervisor's discretion.~~

24 ~~(i) This section shall become operative on January 1, 2026.~~

25 ~~SEC. 52. Section 4996.23.1 of the Business and Professions~~
26 ~~Code, as amended by Section 8 of Chapter 160 of the Statutes of~~
27 ~~2024, is amended to read:~~

28 4996.23.1. (a) Except for experience gained by attending
29 workshops, seminars, training sessions, or conferences, as
30 described in paragraph (3) of subdivision (d) of Section 4996.23,
31 direct supervisor contact shall occur as follows:

32 (1) Supervision shall include at least one hour of direct
33 supervisor contact each week for which experience is credited in
34 each work setting.

35 (2) An associate gaining experience who performs more than
36 10 hours of ~~direct clinical counseling services pursuant to~~
37 ~~paragraph (2) of subdivision (d) of Section 4996.23~~ in a week in
38 any setting shall receive at least one additional hour of direct
39 supervisor contact for that setting.

1 (b) (1) For purposes of this chapter, “one hour of direct
2 supervisor contact” means any of the following:

3 (A) Individual supervision, which means one hour of
4 face-to-face contact between one supervisor and one person
5 receiving supervision for providing clinical mental health services.

6 (B) Triadic supervision, which means one hour of face-to-face
7 contact between one supervisor and two persons receiving
8 supervision for providing clinical mental health services.

9 (C) Group supervision, which means two hours of face-to-face
10 contact between one supervisor and no more than eight persons
11 receiving supervision for providing clinical mental health services.
12 Segments of group supervision may be split into no less than one
13 continuous hour. A supervisor shall ensure that the amount and
14 degree of supervision is appropriate for each person in the group.

15 (2) For purposes of this subdivision, “face-to-face contact”
16 means in-person contact, contact via two-way, real-time
17 videoconferencing, or some combination of these.

18 (c) The supervisor shall be responsible for ensuring compliance
19 with federal and state laws relating to confidentiality of patient
20 health information.

21 (d) (1) Within 60 days of the commencement of supervision,
22 a supervisor shall conduct a meeting with the supervisee during
23 which the supervisor shall assess the appropriateness of allowing
24 the supervisee to receive supervision via two-way, real-time
25 videoconferencing. This assessment of appropriateness shall
26 include, but is not limited to, the abilities of the supervisee, the
27 preferences of both the supervisee and supervisor, and the privacy
28 of the locations of the supervisee and supervisor while supervision
29 is conducted.

30 (2) The supervisor shall document the results of the assessment
31 made pursuant to paragraph (1), and shall not utilize supervision
32 via two-way, real-time videoconferencing if their assessment finds
33 it is not appropriate.

34 (e) Direct supervisor contact shall occur within the same week
35 as the hours claimed.

36 (f) Of the 104 weeks of required supervision, 52 weeks shall be
37 individual supervision, triadic supervision, or a combination of
38 both.

(g) Of the 52 weeks of required individual or triadic supervision, no less than 13 weeks shall be supervised by a licensed clinical social worker.

(h) Alternative supervision may be arranged during a supervisor's vacation or sick leave if the alternative supervision meets the requirements of this chapter.

(i) Notwithstanding any other law, once the required number of experience hours are gained, an associate clinical social worker or applicant for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as described in paragraph (3) of subdivision (d) of Section 4996.23, shall be at the supervisor's discretion.

(j) ~~This section shall remain in effect only until January 1, 2026, and as of that date is repealed.~~

SEC. 53. Section 4996.23.1 of the Business and Professions Code, as amended by Section 9 of Chapter 160 of the Statutes of 2024, is repealed.

~~4996.23.1. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (3) of subdivision (d) of Section 4996.23, direct supervisor contact shall occur as follows:~~

~~(1) Supervision shall include at least one hour of direct supervisor contact each week for which experience is credited in each work setting.~~

~~(2) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting.~~

~~(b) For purposes of this chapter, "one hour of direct supervisor contact" means any of the following:~~

~~(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one person receiving supervision for providing clinical mental health services.~~

~~(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two persons receiving supervision for providing clinical mental health services.~~

~~(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight persons~~

1 receiving supervision for providing clinical mental health services.
2 Segments of group supervision may be split into no less than one
3 continuous hour. A supervisor shall ensure that the amount and
4 degree of supervision is appropriate for each person in the group.

5 (e) Direct supervisor contact shall occur within the same week
6 as the hours claimed.

7 (d) Of the 104 weeks of required supervision, 52 weeks shall
8 be individual supervision, triadic supervision, or a combination of
9 both.

10 (e) Of the 52 weeks of required individual or triadic supervision,
11 no less than 13 weeks shall be supervised by a licensed clinical
12 social worker.

13 (f) Alternative supervision may be arranged during a
14 supervisor's vacation or sick leave if the alternative supervision
15 meets the requirements of this chapter.

16 (g) Notwithstanding subdivision (b), a supervisee working in
17 an exempt setting described in Section 4996.14 may obtain the
18 required weekly direct supervisor contact via two-way, real-time
19 videoconferencing. The supervisor shall be responsible for ensuring
20 compliance with state and federal laws relating to confidentiality
21 of patient health information.

22 (h) Notwithstanding any other law, once the required number
23 of experience hours are gained, an associate clinical social worker
24 or applicant for licensure shall receive a minimum of one hour of
25 direct supervisor contact per week for each practice setting in
26 which direct clinical counseling is performed. Once the required
27 number of experience hours are gained, further supervision for
28 nonclinical practice, as described in paragraph (3) of subdivision
29 (d) of Section 4996.23, shall be at the supervisor's discretion.

30 (i) This section shall become operative on January 1, 2026.

31 SEC. 42.

32 SEC. 54. Section 4996.23.2 of the Business and Professions
33 Code is amended to read:

34 4996.23.2. (a) An associate clinical social worker or applicant
35 for licensure shall only perform mental health and related services
36 as an employee or as a volunteer, not as an independent contractor.
37 The requirements of this chapter regarding hours of experience
38 and supervision shall apply equally to employees and volunteers.
39 An associate or applicant for licensure shall not perform any
40 services or gain any experience within the scope of practice of the

1 profession, as defined in Section 4996.9, as an independent
2 contractor. While an associate may be either a paid employee or
3 a volunteer, employers are encouraged to provide fair remuneration.

4 (1) If employed, an associate shall provide the board, upon
5 application for licensure, with copies of the corresponding W-2
6 tax forms for each year of experience claimed. For experience
7 gained during a tax year that has not ended by the date the
8 associate's application for licensure is received by the board, the
9 associate shall provide the board with a copy of their most recent
10 pay stub.

11 (2) If volunteering, an associate shall provide the board, upon
12 application for licensure, with a letter from their employer verifying
13 the associate's status as a volunteer during the dates the experience
14 was gained.

15 (b) Employment in a private practice or professional corporation
16 shall not commence until the applicant has been registered as an
17 associate clinical social worker.

18 (c) Experience shall only be gained in a setting that meets both
19 of the following:

20 (1) Lawfully and regularly provides clinical social work, mental
21 health counseling, or psychotherapy.

22 (2) Provides oversight to ensure that the associate's work at the
23 setting meets the experience and supervision requirements set forth
24 in this chapter and is within the scope of practice for the profession
25 as defined in Section 4996.9.

26 (d) Only experience gained in the position for which the
27 associate clinical social worker volunteers or is employed shall
28 qualify as supervised experience.

29 (e) Any experience obtained under the supervision of a spouse
30 or relative by blood or marriage shall not be credited toward the
31 required hours of supervised experience. Any experience obtained
32 under the supervision of a supervisor with whom the applicant has
33 had or currently has a personal, professional, or business
34 relationship that undermines the authority or effectiveness of the
35 supervision shall not be credited toward the required hours of
36 supervised experience.

37 (f) An associate clinical social worker or applicant for licensure
38 who provides voluntary services in any lawful work setting and
39 who only receives reimbursement for expenses actually incurred
40 shall be considered an employee. The board may audit an applicant

1 for licensure who receives reimbursement for expenses and the
2 applicant shall have the burden of demonstrating that the payments
3 received were for reimbursement of expenses actually incurred.

4 (g) An associate clinical social worker or applicant for licensure
5 who receives a stipend or educational loan repayment from a
6 program designed to encourage demographically underrepresented
7 groups to enter the profession or to improve recruitment and
8 retention in underserved regions or settings shall be considered an
9 employee. The board may audit an applicant who receives a stipend
10 or educational loan repayment and the applicant shall have the
11 burden of demonstrating that the payments received were for the
12 specified purposes.

13 (h) An associate or applicant for licensure shall not receive any
14 remuneration from patients or clients and shall only be paid by
15 their employer, if an employee.

16 (i) An associate or applicant for licensure shall have no
17 proprietary interest in their employer's business and shall not lease
18 or rent space, pay for furnishings, equipment, or supplies, or in
19 any other way pay for the obligations of their employer.

20 (j) An associate may provide services via telehealth that are in
21 the scope of practice as outlined in this chapter.

22 (k) Each educational institution preparing applicants pursuant
23 to this chapter shall consider requiring, and shall encourage, its
24 students to undergo individual, marital, conjoint, family, or group
25 counseling or psychotherapy, as appropriate. Each supervisor shall
26 consider, advise, and encourage their supervisees regarding the
27 advisability of undertaking individual, marital, conjoint, family,
28 or group counseling or psychotherapy, as appropriate. Insofar as
29 it is deemed appropriate and is desired by the applicant, educational
30 institutions and supervisors are encouraged to assist the applicant
31 to locate counseling or psychotherapy at a reasonable cost.

32 *SEC. 55. Section 4997.1 of the Business and Professions Code*
33 *is amended to read:*

34 4997.1. (a) (1) The board shall issue, upon ~~application~~
35 *submission of a completed application as prescribed by this section*
36 and payment of the fee fixed by this chapter, a retired license to a
37 licensed clinical social worker who holds a license that is current
38 and active or a license that is inactive, and whose license is not
39 suspended, revoked, or otherwise punitively restricted by the board
40 or subject to disciplinary action under this chapter.

1 (2) A clinical social worker license that has expired shall be
2 issued a retired license by the board upon submission of a
3 completed application as prescribed by this section and payment
4 of the fee fixed by this chapter if all of the following requirements
5 are met:

6 (A) The license expired within three years from the date of the
7 board's receipt of a completed application.

8 (B) Immediately preceding the license expiration, and after the
9 license expiration, the license was not suspended, revoked, or
10 otherwise punitively restricted by the board or subject to
11 disciplinary action under this chapter.

12 (3) For purposes of this section, "subject to disciplinary action"
13 shall mean that the licensee had an unsatisfied cost recovery, fine
14 or restitution order, an accusation or petition to revoke probation
15 that has been served on the licensee alleging violations of their
16 probation or the chapter, or an unresolved complaint or
17 investigation pending with the board.

18 (b) To apply for a retired license, the applicant shall submit a
19 completed application to the board providing all of the following
20 information:

21 (1) Full name as filed with the board.

22 (2) Board license type, license number, and expiration date.

23 (3) Date of birth.

24 (4) Social security number or individual taxpayer identification
25 number.

26 (5) A statement signed under penalty of perjury that the
27 information provided on the application is true and correct, that
28 the applicant understands that the holder of a retired license may
29 not engage in any activity for which the active license was issued,
30 and that the applicant hereby requests their license to be changed
31 to retired status.

32 ~~(b)~~

33 (c) The holder of a retired license issued pursuant to this section
34 shall not engage in any activity for which an active clinical social
35 worker license is required.

36 (d) The holder of a retired license shall utilize their professional
37 title only with the unabbreviated word "retired" directly preceding
38 or directly following the professional title.

39 ~~(e)~~

1 (e) The holder of a retired license shall not be required to renew
2 that license.

3 ~~(d)~~

4 (f) The holder of a retired license may apply to restore to active
5 status ~~his or her~~ *their* license to practice clinical social work if that
6 retired license was issued less than three years prior to the
7 ~~application date, and the applicant meets~~ *date the application to*
8 *restore the retired license is received by the board. A retired license*
9 *may be restored to active status one time only. To restore a retired*
10 *license to active status, the applicant shall meet* all of the following
11 requirements:

12 (1) *Submits a completed application to the board containing*
13 *all of the following information:*

14 (A) *Full name as filed with the board.*

15 (B) *Original board license type and original license number*
16 *and expiration date.*

17 (C) *Date of birth.*

18 (D) *Social security number or individual taxpayer identification*
19 *number.*

20 (E) *Whether they have been convicted, as defined in Section*
21 *490, of a misdemeanor or felony, or whether any disciplinary*
22 *action has been taken by any regulatory or licensing board in this*
23 *or any other state, subsequent to the issuance of the retired license.*

24 (F) *A statement signed under penalty of perjury that the*
25 *information provided on the application is true and correct, that*
26 *the applicant did not engage in any activity for which an active*
27 *license is required while the license was in retired status, and that*
28 *the applicant hereby requests their license to be changed to*
29 *“active” status.*

30 ~~(1)~~

31 (2) *Has not committed an act or crime constituting grounds for*
32 *denial of licensure.*

33 ~~(2)~~

34 (3) *Pays the required renewal fee.*

35 ~~(3)~~

36 (4) *Completes the required continuing education as specified*
37 *in Section 4996.22.*

38 ~~(4)~~

39 (5) *Complies with the fingerprint submission requirements*
40 *established by the board in regulation in Section 144.*

1 ~~(e) An applicant requesting to restore his or her license pursuant~~
2 ~~to subdivision (d), whose license was issued in accordance with~~
3 ~~this section less than one year from the date of the application,~~
4 ~~shall complete 18 hours of continuing education as specified in~~
5 ~~Section 4996.22.~~

6 ~~(f) An applicant requesting to restore his or her license pursuant~~
7 ~~to subdivision (d), whose license was issued in accordance with~~
8 ~~this section one or more years from the date of application, shall~~
9 ~~complete 36 hours of continuing education as specified in Section~~
10 ~~4996.22.~~

11 ~~(g) The holder of a retired license may apply to restore to active~~
12 ~~status his or her license to practice clinical social work if that~~
13 ~~retired license was issued three or more years prior to the~~
14 ~~application date, and the applicant meets all of the following~~
15 ~~requirements:~~

16 ~~(g) An applicant requesting to restore their license pursuant to~~
17 ~~subdivision (f) whose retired license was issued in accordance~~
18 ~~with this section less than one year from the date the application~~
19 ~~to restore the retired license is received by the board shall complete~~
20 ~~18 hours of continuing education taken within the two years prior~~
21 ~~to the date the application to restore the retired license is received~~
22 ~~by the board. The coursework shall include a minimum of six hours~~
23 ~~in the subject of California law and ethics.~~

24 ~~(h) An applicant requesting to restore their license pursuant to~~
25 ~~subdivision (f) whose retired license was issued in accordance~~
26 ~~with this section one or more years from the date the application~~
27 ~~to restore the retired license is received by the board shall complete~~
28 ~~36 hours of continuing education taken within the two years prior~~
29 ~~to the date the application to restore the retired license is received~~
30 ~~by the board. This coursework shall include a minimum of six~~
31 ~~hours in the subject of California law and ethics.~~

32 ~~(i) A retired license that was issued three or more years prior~~
33 ~~shall not be restored. The holder of the retired license may apply~~
34 ~~for and obtain a new license if all of the following criteria are~~
35 ~~satisfied:~~

36 ~~(1) Has not committed an act or crime constituting grounds for~~
37 ~~denial of licensure.~~

38 ~~(2) Applies for licensure and pays the required fees.~~

39 ~~(3) Passes the examinations required for licensure.~~

(4) Complies with the fingerprint submission requirements established by the board in regulation in Section 144.

~~SEC. 43.~~

SEC. 56. Section 4999.12 of the Business and Professions Code is amended to read:

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

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

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

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

(d) “Applicant for licensure” means an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

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

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

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

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

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

(A) A licensed professional clinical counselor, licensed marriage and family therapist, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed clinical social worker, licensed educational psychologist, or equivalent out-of-state license. A licensed educational psychologist may only supervise the provision of educationally related mental health

1 services that are consistent with the scope of practice of an
2 educational psychologist, as specified in Section 4989.14.

3 (B) A physician and surgeon who is certified in psychiatry by
4 the American Board of Psychiatry and Neurology, or an out-of-state
5 licensed physician and surgeon who is certified in psychiatry by
6 the American Board of Psychiatry and Neurology.

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

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

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

21 (5) 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 (6) Is not a spouse, domestic partner, or relative of the
31 supervisee.

32 (7) 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 (i) "Client centered advocacy" includes, but is not limited to,
36 researching, identifying, and accessing resources, or other activities,
37 related to obtaining or providing services and supports for clients
38 or groups of clients receiving psychotherapy or counseling services.

39 (j) "Advertising," as used in this chapter, includes, but is not
40 limited to, any public communication as defined in subdivision

1 (a) of Section 651, the issuance of any card, sign, or device to any
2 person, or the causing, permitting, or allowing of any sign or
3 marking on, or in, any building or structure, or in any newspaper,
4 magazine, or directory, or any printed matter whatsoever, with or
5 without any limiting qualification. Signs within religious buildings
6 or notices in bulletins from a religious organization mailed to a
7 congregation are not advertising within the meaning of this chapter.

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

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

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

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

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

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

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

35 (5) Ensuring the supervisee’s compliance with laws and
36 regulations governing the practice of licensed professional clinical
37 counseling.

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

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

(n) "Clinical setting" means any setting that meets both of the following requirements:

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

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

~~SEC. 44.~~

SEC. 57. Section 4999.23 of the Business and Professions Code is amended to read:

4999.23. (a) Notwithstanding Section 4999.30, a person who holds a license in another jurisdiction of the United States as a professional clinical counselor may provide professional clinical counseling services in this state for a period not to exceed 30 consecutive days in any calendar year, if all of the following conditions are met:

(1) The license from another jurisdiction is at the highest level for independent clinical practice in the jurisdiction in which the license was granted.

(2) The license from another jurisdiction is current, active, and unrestricted.

(3) The client is located in California during the time the person seeks to provide care in California.

(4) The client is a current client of the person and has an established, ongoing client-provider relationship with the person at the time the client became located in California.

(5) The person informs the client of the limited timeframe of the services and that the person is not licensed in California.

(6) The person provides the client with the Board of Behavioral Sciences' internet website address.

(7) The person informs the client of the jurisdiction in which the person is licensed and the type of license held and provides the client with the person's license number.

(b) A person who intends to provide professional clinical counseling services pursuant to this section shall provide the board with all of the following information before providing services:

(1) The name under which the person is licensed in another jurisdiction, the person's mailing address, the person's phone number, the person's social security number or individual taxpayer identification number, and the person's electronic mailing address, if the person has an electronic mailing address.

(2) The jurisdiction in which the person is licensed, the type of license held, and the license number.

(3) The date on which the person will begin providing professional clinical counseling services to the person's client in California.

(c) A person who provides services pursuant to this section is deemed to have ~~agreed~~ *agreed, and attested under penalty of perjury*, to practicing under the jurisdiction of the board and to be bound by the laws of this state.

(d) This section does not apply to any person licensed by the board whose license has been suspended or revoked.

(e) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

~~SEC. 45. Section 4999.46.2 of the Business and Professions Code, as amended by Section 15 of Chapter 160 of the Statutes of 2024, is amended to read:~~

~~4999.46.2. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (4) of subdivision (c) of Section 4999.46, direct supervisor contact shall occur as follows:~~

~~(1) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.~~

~~(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting.~~

~~(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual supervision,~~

1 triadic supervision, or group supervision, shall be credited during
2 any single week.

3 (4) ~~Of the 104 weeks of required supervision, 52 weeks shall~~
4 ~~be individual supervision, triadic supervision, or a combination of~~
5 ~~both.~~

6 (b) ~~For purposes of this chapter, “one hour of direct supervisor~~
7 ~~contact” means any of the following:~~

8 (1) ~~Individual supervision, which means one hour of face-to-face~~
9 ~~contact between one supervisor and one person receiving~~
10 ~~supervision for providing clinical mental health services.~~

11 (2) ~~Triadic supervision, which means one hour of face-to-face~~
12 ~~contact between one supervisor and two persons receiving~~
13 ~~supervision for providing clinical mental health services.~~

14 (3) ~~Group supervision, which means two hours of face-to-face~~
15 ~~contact between one supervisor and no more than eight persons~~
16 ~~receiving supervision for providing clinical mental health services.~~
17 ~~Segments of group supervision may be split into no less than one~~
18 ~~continuous hour. The supervisor shall ensure that the amount and~~
19 ~~degree of supervision is appropriate for each person in the group.~~

20 (c) ~~Direct supervisor contact shall occur within the same week~~
21 ~~as the hours claimed.~~

22 (d) ~~Alternative supervision may be arranged during a~~
23 ~~supervisor’s vacation or sick leave if the alternative supervision~~
24 ~~meets the requirements in this chapter.~~

25 (e) ~~Notwithstanding subdivision (b), a supervisee working in~~
26 ~~an exempt setting described in Section 4999.22 may obtain the~~
27 ~~required weekly direct supervisor contact via two-way, real-time~~
28 ~~videoconferencing. The supervisor shall be responsible for ensuring~~
29 ~~compliance with federal and state laws relating to confidentiality~~
30 ~~of patient health information.~~

31 (f) ~~Notwithstanding any other law, once the required number~~
32 ~~of experience hours are gained, associates and applicants for~~
33 ~~licensure shall receive a minimum of one hour of direct supervisor~~
34 ~~contact per week for each practice setting in which direct clinical~~
35 ~~counseling is performed. Once the required number of experience~~
36 ~~hours are gained, further supervision for nonclinical practice, as~~
37 ~~defined in paragraph (4) of subdivision (c) of Section 4999.46,~~
38 ~~shall be at the supervisor’s discretion.~~

39 (g) ~~This section shall become operative on January 1, 2026.~~

SEC. 58. *Section 4999.46.2 of the Business and Professions Code, as amended by Section 14 of Chapter 160 of the Statutes of 2024, is amended to read:*

4999.46.2. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (4) of subdivision (c) of Section 4999.46, direct supervisor contact shall occur as follows:

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

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. ~~For experience gained after January 1, 2009, no more than six hours of supervision, whether individual supervision, triadic supervision, or group supervision, shall be credited during any single week.~~

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) (1) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(A) Individual supervision, which means one hour of face-to-face contact between one supervisor and one person receiving supervision for providing clinical mental health services.

(B) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two persons receiving supervision for providing clinical mental health services.

(C) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight persons receiving supervision for providing clinical mental health services. Segments of group supervision may be split into no less than one continuous hour. The supervisor shall ensure that the amount and degree of supervision is appropriate for each person in the group.

(2) For purposes of this subdivision, “face-to-face contact” means in-person contact, contact via two-way, real-time videoconferencing, or some combination of these.

(c) The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(d) (1) Within 60 days of the commencement of supervision, a supervisor shall conduct a meeting with the supervisee during which the supervisor shall assess the appropriateness of allowing the supervisee to receive supervision via two-way, real-time videoconferencing. This assessment of appropriateness shall include, but is not limited to, the abilities of the supervisee, the preferences of both the supervisee and supervisor, and the privacy of the locations of the supervisee and supervisor while supervision is conducted.

(2) The supervisor shall document the results of the assessment made pursuant to paragraph (1), and shall not utilize supervision via two-way, real-time videoconferencing if their assessment finds it is not appropriate.

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

(f) Alternative supervision may be arranged during a supervisor’s vacation or sick leave if the alternative supervision meets the requirements in this chapter.

(g) Notwithstanding any other law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each practice setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice, as defined in paragraph (4) of subdivision (c) of Section 4999.46, shall be at the supervisor’s discretion.

~~(h) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.~~

SEC. 59. Section 4999.46.2 of the Business and Professions Code, as amended by Section 15 of Chapter 160 of the Statutes of 2024, is repealed.

~~4999.46.2. (a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as~~

described in paragraph (4) of subdivision (c) of Section 4999.46; direct supervisor contact shall occur as follows:

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

(2) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of direct clinical counseling performed each week in each setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, shall be credited during any single week.

(3) An associate gaining experience who performs more than 10 hours of direct clinical counseling in a week in any setting shall receive at least one additional hour of direct supervisor contact for that setting. For experience gained after January 1, 2009, no more than six hours of supervision, whether individual supervision, triadic supervision, or group supervision, shall be credited during any single week.

(4) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, triadic supervision, or a combination of both.

(b) For purposes of this chapter, “one hour of direct supervisor contact” means any of the following:

(1) Individual supervision, which means one hour of face-to-face contact between one supervisor and one person receiving supervision for providing clinical mental health services.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two persons receiving supervision for providing clinical mental health services.

(3) Group supervision, which means two hours of face-to-face contact between one supervisor and no more than eight persons receiving supervision for providing clinical mental health services. Segments of group supervision may be split into no less than one continuous hour. The supervisor shall ensure that the amount and degree of supervision is appropriate for each person in the group.

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

(d) Alternative supervision may be arranged during a supervisor’s vacation or sick leave if the alternative supervision meets the requirements in this chapter.

1 ~~(e) Notwithstanding subdivision (b), a supervisee working in~~
2 ~~an exempt setting described in Section 4999.22 may obtain the~~
3 ~~required weekly direct supervisor contact via two-way, real-time~~
4 ~~videoconferencing. The supervisor shall be responsible for ensuring~~
5 ~~compliance with federal and state laws relating to confidentiality~~
6 ~~of patient health information.~~

7 ~~(f) Notwithstanding any other law, once the required number~~
8 ~~of experience hours are gained, associates and applicants for~~
9 ~~licensure shall receive a minimum of one hour of direct supervisor~~
10 ~~contact per week for each practice setting in which direct clinical~~
11 ~~counseling is performed. Once the required number of experience~~
12 ~~hours are gained, further supervision for nonclinical practice, as~~
13 ~~defined in paragraph (4) of subdivision (c) of Section 4999.46,~~
14 ~~shall be at the supervisor's discretion.~~

15 ~~(g) This section shall become operative on January 1, 2026.~~

16 ~~SEC. 46.~~

17 *SEC. 60.* Section 4999.46.3 of the Business and Professions
18 Code is amended to read:

19 4999.46.3. (a) A clinical counselor trainee, associate, or
20 applicant for licensure shall only perform mental health and related
21 services as an employee or volunteer, and not as an independent
22 contractor. The requirements of this chapter regarding hours of
23 experience and supervision shall apply equally to employees and
24 volunteers. A clinical counselor trainee, associate, or applicant for
25 licensure shall not perform any services or gain any experience
26 within the scope of practice of the profession, as defined in Section
27 4999.20, as an independent contractor. While an associate may be
28 either a paid employee or a volunteer, employers are encouraged
29 to provide fair remuneration.

30 (1) If employed, an associate shall provide the board, upon
31 application for licensure, with copies of the corresponding W-2
32 tax forms for each year of experience claimed. For experience
33 gained during a tax year that has not ended by the date the
34 associate's application for licensure is received by the board, the
35 associate shall provide the board with a copy of their most recent
36 pay stub.

37 (2) If volunteering, an associate shall provide the board, upon
38 application for licensure, with a letter from their employer verifying
39 the associate's status as a volunteer during the dates the experience
40 was gained.

1 (b) A clinical counselor trainee shall not perform services in a
2 private practice or professional corporation.

3 (c) A trainee shall complete the required predegree supervised
4 practicum or field study experience in a setting that meets all of
5 the following requirements:

6 (1) Is not a private practice or a professional corporation.

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

9 (3) Provides oversight to ensure that the clinical counselor
10 trainee's work at the setting meets the experience and supervision
11 requirements in this chapter and is within the scope of practice of
12 the profession, as defined in Section 4999.20.

13 (4) Only experience gained in the position for which the clinical
14 counselor trainee volunteers or is employed shall qualify as
15 supervised practicum or field study experience.

16 (d) (1) An associate may be credited with supervised experience
17 completed in any setting that meets both of the following:

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

20 (B) Provides oversight to ensure that the associate's work at the
21 setting meets the experience and supervision requirements in this
22 chapter and is within the scope of practice for the profession, as
23 defined in Section 4999.20.

24 (2) Only experience gained in the position for which the
25 associate volunteers or is employed shall qualify as supervised
26 experience.

27 (3) An applicant for registration as an associate shall not be
28 employed or volunteer in a private practice or professional
29 corporation until they have been issued an associate registration
30 by the board.

31 (e) Any experience obtained under the supervision of a spouse,
32 relative, or domestic partner shall not be credited toward the
33 required hours of supervised experience. Any experience obtained
34 under the supervision of a supervisor with whom the applicant has
35 had or currently has a personal, professional, or business
36 relationship that undermines the authority or effectiveness of the
37 supervision shall not be credited toward the required hours of
38 supervised experience.

1 (f) A clinical counselor trainee, associate, or applicant for
2 licensure shall not receive any remuneration from patients or clients
3 and shall only be paid by their employer, if an employee.

4 (g) A clinical counselor trainee, associate, or applicant for
5 licensure shall have no proprietary interest in their employer's
6 business and shall not lease or rent space, pay for furnishings,
7 equipment, or supplies, or in any other way pay for the obligations
8 of their employer.

9 (h) A clinical counselor trainee, associate, or applicant for
10 licensure who provides voluntary services in any lawful work
11 setting and who only receives reimbursement for expenses actually
12 incurred shall be considered an employee. The board may audit
13 an applicant for licensure who receives reimbursement for expenses
14 and the applicant for licensure shall have the burden of
15 demonstrating that the payments received were for reimbursement
16 of expenses actually incurred.

17 (i) A clinical counselor trainee, associate, or applicant for
18 licensure who receives a stipend or educational loan repayment
19 from a program designed to encourage demographically
20 underrepresented groups to enter the profession or to improve
21 recruitment and retention in underserved regions or settings shall
22 be considered an employee. The board may audit an applicant who
23 receives a stipend or educational loan repayment and the applicant
24 shall have the burden of demonstrating that the payments were for
25 the specified purposes.

26 (j) A clinical counselor trainee or associate may provide services
27 via telehealth that are in the scope of practice outlined in this
28 chapter.

29 (k) Each educational institution preparing applicants pursuant
30 to this chapter shall consider requiring, and shall encourage, its
31 students to undergo individual, marital, conjoint, family, or group
32 counseling or psychotherapy, as appropriate. Each supervisor shall
33 consider, advise, and encourage their associates and trainees
34 regarding the advisability of undertaking individual, marital,
35 conjoint, family, or group counseling or psychotherapy, as
36 appropriate. Insofar as it is deemed appropriate and is desired by
37 the applicant, educational institutions and supervisors are
38 encouraged to assist the applicant to locate that counseling or
39 psychotherapy at a reasonable cost.

1 *SEC. 61. Section 4999.90 of the Business and Professions Code*
2 *is amended to read:*

3 4999.90. The board may refuse to issue any registration or
4 license, or may suspend or revoke the registration or license of
5 any associate or licensed professional clinical counselor, if the
6 applicant, licensee, or registrant has been guilty of unprofessional
7 conduct. Unprofessional conduct includes, but is not limited to,
8 the following:

9 (a) The conviction of a crime substantially related to the
10 qualifications, functions, or duties of a licensee or registrant under
11 this chapter. The record of conviction shall be conclusive evidence
12 only of the fact that the conviction occurred. The board may inquire
13 into the circumstances surrounding the commission of the crime
14 in order to fix the degree of discipline or to determine if the
15 conviction is substantially related to the qualifications, functions,
16 or duties of a licensee or registrant under this chapter. A conviction
17 has the same meaning as defined in Section 7.5. The board may
18 order any license or registration suspended or revoked, or may
19 decline to issue a license or registration when the time for appeal
20 has elapsed, or the judgment of conviction has been affirmed on
21 appeal, or, when an order granting probation is made suspending
22 the imposition of sentence. All actions pursuant to this subdivision
23 shall be taken pursuant to Division 1.5 (commencing with Section
24 475).

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

30 (c) Administering to themselves any controlled substance or using
31 any of the dangerous drugs specified in Section 4022, or any
32 alcoholic beverage to the extent, or in a manner, as to be dangerous
33 or injurious to the person applying for a registration or license or
34 holding a registration or license under this chapter, or to any other
35 person, or to the public, or, to the extent that the use impairs the
36 ability of the person applying for or holding a registration or license
37 to conduct with safety to the public the practice authorized by the
38 registration or license. The board shall deny an application for a
39 registration or license or revoke the license or registration of any
40 person, other than one who is licensed as a physician and surgeon,

1 who uses or offers to use drugs in the course of performing licensed
2 professional clinical counseling services.

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

5 (e) 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 (f) Misrepresentation as to the type or status of a license or
9 registration held by the person, or otherwise misrepresenting or
10 permitting misrepresentation of the licensee's or registrant's
11 education, professional qualifications, or professional affiliations
12 to any person or entity.

13 (g) Impersonation of another by any licensee, registrant, or
14 applicant for a license or registration, or, in the case of a licensee
15 or registrant, allowing any other person to use the licensee's or
16 registrant's license or registration.

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

20 (i) Intentionally or recklessly causing physical or emotional
21 harm to any client.

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

25 (k) Engaging in sexual relations with a client, or a former client
26 within two years following termination of therapy, soliciting sexual
27 relations with a client, or committing an act of sexual abuse, or
28 sexual misconduct with a client, or committing an act punishable
29 as a sexually related crime, if that act or solicitation is substantially
30 related to the qualifications, functions, or duties of a licensed
31 professional clinical counselor.

32 (l) Performing, or holding oneself out as being able to perform,
33 or offering to perform, or permitting any trainee, applicant, or
34 registrant under supervision to perform, any professional services
35 beyond the scope of the license authorized by this chapter.

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

1 (n) Prior to 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 (o) Paying, accepting, or soliciting any consideration,
6 compensation, or remuneration, whether monetary or otherwise,
7 for the referral of professional clients. All consideration,
8 compensation, or remuneration shall be in relation to professional
9 clinical counseling services actually provided by the licensee. This
10 subdivision does not prevent collaboration among two or more
11 licensees in a case or cases. However, no fee shall be charged for
12 that collaboration, except when disclosure of the fee has been made
13 in compliance with subdivision (n).

14 (p) Advertising in a manner that is false, fraudulent, misleading,
15 or deceptive, as defined in Section 651.

16 (q) Reproduction or description in public, or in any publication
17 subject to general public distribution, of any psychological test or
18 other assessment device, the value of which depends in whole or
19 in part on the naivete of the subject, in ways that might invalidate
20 the test or device.

21 (r) Any conduct in the supervision of a registered associate,
22 trainee, or applicant by any licensee that violates this chapter or
23 any rules or regulations adopted by the board.

24 (s) Performing or holding oneself out as being able to perform
25 mental health services beyond the scope of one's competence, as
26 established by one's education, training, or experience. This
27 subdivision shall not be construed to expand the scope of the
28 license authorized by this chapter.

29 (t) Permitting a trainee, associate, or applicant under one's
30 supervision or control to perform, or permitting the trainee,
31 associate, or applicant to hold themselves out as competent to
32 perform, mental health services beyond the trainee's, associate's,
33 or applicant's level of education, training, or experience.

34 (u) The violation of any statute or regulation governing the
35 gaining and supervision of experience required by this chapter.

36 (v) Failure to keep records consistent with sound clinical
37 judgment, the standards of the profession, and the nature of the
38 services being rendered.

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

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

(y) Repeated acts of negligence.

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

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

(aa) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

(ab) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a professional clinical counselor, clinical social worker, educational psychologist, or marriage and family therapist.

(ac) ~~Failing~~ *Failure* to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.

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

~~SEC. 47.~~

SEC. 62. Section 4999.113 of the Business and Professions Code is amended to read:

4999.113. (a) (1) The board shall issue, upon submission of a completed application as prescribed by this section and payment of the fee fixed by this chapter, a retired license to a professional clinical counselor who holds a license that is current and active or a license that is inactive, and whose license is not suspended,

1 revoked, or otherwise punitively restricted by the board or subject
2 to disciplinary action under this chapter.

3 (2) A professional clinical counselor license that has expired
4 shall be issued a retired license by the board upon submission of
5 a completed application as prescribed by this section and payment
6 of the fee fixed by this chapter if ~~all~~ *both* of the following
7 requirements are met:

8 (A) The license expired within three years from the date of the
9 board's receipt of a completed application.

10 (B) Immediately preceding the license expiration, and after the
11 license expiration, the license was not suspended, revoked, or
12 otherwise punitively restricted by the board or subject to
13 disciplinary action under this chapter.

14 (3) For purposes of this section, "subject to disciplinary action"
15 shall mean that the licensee had an unsatisfied cost recovery, fine
16 or restitution order, an accusation or petition to revoke probation
17 that has been served on the licensee alleging violations of their
18 probation or the chapter, or an unresolved complaint or
19 investigation pending with the board.

20 (b) To apply for a retired license, the applicant shall submit a
21 completed application to the board providing all of the following
22 information:

23 (1) Full name as filed with the board.

24 (2) Board license type, license number, and expiration date.

25 (3) Date of birth.

26 (4) Social security number or individual taxpayer identification
27 number.

28 (5) A statement signed under penalty of perjury that the
29 information provided on the application is true and correct, that
30 the applicant understands that the holder of a retired license may
31 not engage in any activity for which the active license was issued,
32 and that the applicant hereby requests their license to be changed
33 to retired status.

34 (c) The holder of a retired license issued pursuant to this section
35 shall not engage in any activity for which an active professional
36 clinical counselor license is required.

37 (d) The holder of a retired license shall utilize their professional
38 title only with the unabbreviated word "retired" directly preceding
39 or directly following the professional title.

1 (e) The holder of a retired license shall not be required to renew
2 that license.

3 (f) The holder of a retired license may apply to restore to active
4 status their license to practice professional clinical counseling if
5 that retired license was issued less than three years prior to the
6 date the application to restore the retired license is received by the
7 board. A retired license may be restored to active status one time
8 only. To restore a retired license to active status, the applicant shall
9 meet all of the following requirements:

10 (1) Submit a completed application to the board containing all
11 of the following information:

12 (A) Full name as filed with the board.

13 (B) Original board license type and original license number and
14 expiration date.

15 (C) Date of birth.

16 (D) Social security number or individual taxpayer identification
17 number.

18 (E) Whether they have been convicted, as defined in Section
19 490, of a misdemeanor or felony, or whether any disciplinary action
20 has been taken ~~in~~ by any regulatory or licensing board in this or
21 any other state subsequent to the issuance of ~~a~~ *the* retired license.

22 (F) A statement signed under penalty of perjury that the
23 information provided on the application is true and correct, that
24 the applicant did not engage in any activity for which an active
25 license is required while the license was in retired status, and that
26 the applicant hereby requests their license to be changed to “active”
27 status.

28 (2) Has not committed an act or crime constituting grounds for
29 denial of licensure.

30 (3) Pays the required renewal fee.

31 (4) Completes the required continuing education as specified
32 in Section 4999.76.

33 (5) Complies with the fingerprint submission requirements
34 established in Section 144.

35 (g) An applicant requesting to restore their license pursuant to
36 subdivision (f) whose retired license was issued in accordance
37 with this section less than one year from the date the application
38 to restore the retired license is received by the board shall complete
39 18 hours of continuing education taken within the two years prior
40 to the date the application to restore the retired license is received

1 by the board. This coursework shall include a minimum of six
2 hours in the subject of California law and ethics.

3 (h) An applicant requesting to restore their license pursuant to
4 subdivision (f) whose retired license was issued in accordance
5 with this section one or more years from the date the application
6 to restore the retired license is received by the board shall complete
7 36 hours of continuing education taken within the two years prior
8 to the date the application to restore the retired license is received
9 by the board. This coursework shall include a minimum of six
10 hours in the subject of California law and ethics.

11 (i) A retired license that was issued three or more years prior
12 shall not be restored. The holder of the retired license may apply
13 for and obtain a new license if all of the following criteria are
14 satisfied:

15 (1) Has not committed an act or crime constituting grounds for
16 denial of licensure.

17 (2) Applies for licensure and pays the required fees.

18 (3) Passes the examinations required for licensure.

19 (4) Complies with the fingerprint submission requirements
20 established in Section 144.

21 ~~SEC. 48.~~

22 *SEC. 63.* No reimbursement is required by this act pursuant to
23 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.