



Board of Behavioral Sciences

Memo

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To: Committee Members
Date: March 15, 2021
From: Rosanne Helms
Legislative Manager
Telephone: (916) 574-7897
Subject: Allowance of Supervision Via Videoconferencing

Summary

This discussion will focus on whether supervision via videoconferencing should continue to be allowed only in exempt settings or if it should also be allowed in other settings. Additionally, clarifying the term “face-to-face contact” as it pertains to interaction with one’s supervisor will be discussed.

Supervision via Videoconferencing

Current law only permits associates to be supervised via videoconferencing if they are working in an exempt setting (a governmental entity, a school, college, or university, or an institution that is nonprofit and charitable). (BPC §§4980.43.2(d), 4996.23.1(f), and 4999.46.2(d))

In addition, right now the law only explicitly permits associates working in an exempt setting to obtain supervision via videoconferencing. The Board is currently pursuing an amendment, via its setting definition bill, that would change the law to instead permit supervisees working in an exempt setting to obtain supervision via videoconferencing. This would clarify that trainees in exempt settings can also receive supervision via videoconference.

The COVID-19 state of emergency has raised questions about whether further change to the law is warranted. Due to the stay-at-home order, therapy has shifted from largely in-person to telehealth, and it remains to be seen to what degree this will continue after the emergency has passed. In the interest of public health, the director of the Department of Consumer Affairs (DCA) issued a law waiver that currently allows supervision to be via videoconference, regardless of the setting. However, that waiver will expire once it is safe for in-person activities to resume.

The Committee may wish to discuss whether supervision via videoconferencing should continue to be allowed only in exempt settings or if it should be permitted to some degree in other setting types.

Research

There is some available research about the benefits and challenges of supervision via videoconference. Additional research is likely to become available in the coming months as supervision via telehealth has expanded due to the pandemic.

- The following recent article explores the supervision of couple and family therapy during the pandemic. (Sahebi, Bahareh. "Clinical Supervision of Couple and Family Therapy during COVID-19." *Family Process*, Volume 59, Issue 3, September 2020, pp. 989-996.):
<https://onlinelibrary.wiley.com/doi/10.1111/famp.12591>
- The following is an older article (2014), however, it also provides insight into the methods, benefits, and shortcomings of videoconference supervision. (Rousmaniere, Tony, et.al. "Videoconference for Psychotherapy Training and Supervision: Two Case Examples." *The American Journal of Psychotherapy*, Volume 68, Issue 2, 2014, pp. 231-250.):
<https://psychotherapy.psychiatryonline.org/doi/10.1176/appi.psychotherapy.2014.68.2.231>
- In addition, a link to a database showing what other states permit regarding online supervision is shown in **Reference 1** below.

Clarification of "Face-to-Face Contact" in Supervision

It would also be helpful to clarify the references in law to "face-to-face contact" when defining direct supervisor contact. Right now, the law states the following (BPC §§4980.43.2(b), 4996.23.1(b), 4999.46.2(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 supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

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

Supervision via videoconferencing is technically face-to-face just like in-person supervision is. Therefore, the Committee should consider clarifying whether face-to-face contact refers to in-person only, or if it also includes videoconferencing. Prior to COVID, the Board had discussed changing the above language to define it

as “in-person face-to-face contact,” however, post-COVID, this may no longer be desirable.

Recommendation

Conduct an open discussion about the following:

1. Should supervision via videoconferencing continue to only be permitted in exempt settings, or should it be allowed in other settings as well? If allowed in other settings, should it be allowed fully in those settings, or only partially?
2. Clarifying whether “face-to-face contact” refers only to in-person supervision or whether it also includes supervision via videoconferencing.

Attachments

Attachment A: Reference Sections: BPC §§4980.43.2, 4996.23.1, 4999.46.2 (Pertinent subdivisions highlighted)

Reference 1: [State-by-State Online Clinical Supervision Rules \(Source: Motivo\)](#)

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Attachment A
Reference Sections: BPC §§4980.43.2, 4996.23.1, 4999.46.2

LMFTs

Business and Professions Code (BPC) § 4980.43.2.

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (9) of subdivision (a) of Section 4980.43, 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 on or 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 on or after January 1, 2009, no more than six hours of supervision, whether individual, triadic, or group, 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 supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

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

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

(d) Notwithstanding subdivision (b), an associate working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(e) 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 (9) of subdivision (a) of Section 4980.43, shall be at the supervisor's discretion.

LCSWs

BPC §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 supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

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

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

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

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

(f) Notwithstanding subdivision (b), an associate clinical social worker working in a governmental entity, school, college, university, or an institution that is nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.

(g) 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.

LPCCs

BPC §4999.46.2

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences, as described in paragraph (5) 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 supervisee.

(2) Triadic supervision, which means one hour of face-to-face contact between one supervisor and two supervisees.

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

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

(d) Notwithstanding subdivision (b), an associate working in a governmental entity, school, college, university, or institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring compliance with federal and state laws relating to confidentiality of patient health information.

(e) 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 (5) of subdivision (c) of Section 4999.46, shall be at the supervisor's discretion.