



Board of Behavioral Sciences

Memo

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To: Board Members

Date: February 4, 2022

From: Rosanne Helms
Legislative Manager

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Subject: Continuing Education Bill Proposal

This bill proposes two changes to the Board's continuing education requirements:

- It proposes requiring applicants for licensure and current licensees to complete 3 hours of training or coursework in the provision of mental health services via telehealth, including law and ethics related to telehealth, as a one-time requirement.
- It requires all Board registrants to complete a 3 hour continuing education course in California law and ethics each renewal cycle.

In addition, the proposal also makes clarifications that certain pre-licensees (associate clinical social workers, associate professional clinical counselors, and clinical counselor trainees) may provide services with clients via telehealth.

The Board approved a portion of this proposal at its September 10, 2021 meeting, and a portion of the proposal at its November 5, 2021 meeting.

Review of Drafted Language

Legislative Counsel has prepared a draft of the bill for introduction. As part of the drafting process, Legislative Counsel reviews the Board's submitted language, and prepares an official draft with any legal changes it deems necessary.

Sometimes during this process, Legislative Counsel makes minor changes to the Board's approved draft. While those changes are typically nonsubstantive, at times, substantive changes may be made.

One change was made during Legislative Counsel's drafting of this bill that while minor, is not nonsubstantive. This change pertains to the proposed requirement that the Board's registrants complete at least 3 hours of continuing education in California law and ethics each renewal period.

The Board's draft language stated that the registrant needed to certify completion of this requirement each renewal period. Legislative Counsel added that a registrant needs to certify completion of this requirement under penalty of perjury. This was added into BPC §§4980.54(c)(2), 4984.01(b)(5), 4996.22(a)(3), 4996.28(a)(5), 4999.76(a)(2), and 4999.100(b)(5) of the draft language, shown in **Attachment A**.

This is consistent with what is required of licensees – they are required to certify compliance with their continuing education requirements under penalty of perjury. This is specified in Title 16 of Division 18 of the California Code of Regulations (CCR) [§1887.1\(a\)](#).

Recommendation

Conduct an open discussion about the language drafted by Legislative Counsel shown in **Attachment A**, and determine if the Board approves of that language, as drafted.

Attachments

Attachment A: Legislative Counsel Drafted Language: Continuing Education Bill Proposal

ATTACHMENT A

california legislature—2021–22 regular session

ASSEMBLY BILL

No. 1759

Introduced by Assembly Member Aguiar-Curry

February 2, 2022

An act to amend Sections 2290.5, 4980.399, 4980.54, 4984.01, 4992.09, 4996.22, 4996.23.2, 4996.28, 4999.46.3, 4999.55, 4999.76, and 4999.100 of, and to add Sections 4980.395, 4989.23.1, 4996.27.1, and 4999.67 to, the Business and Professions Code, relating to healing arts.

legislative counsel's digest

AB 1759, as introduced, Aguiar-Curry. Board of Behavioral Sciences: licensees and registrants: marriage and family therapy, educational psychology, clinical social work, and professional clinical counseling.

(1) Existing law establishes the Board of Behavioral Sciences within the Department of Consumer Affairs, and requires the board to license and regulate various registrants and 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. Existing law, the Medical Practice Act, establishes requirements for the delivery of telehealth by health care providers, and defines “health care provider” for those purposes. A violation of each of the acts specified above is a crime.

This bill would include associate professional clinical counselor trainees in the definition of health care provider for purposes of the provisions authorizing the delivery of telehealth. The bill would authorize associate clinical social workers, associate professional clinical counselors, and clinical counselor trainees to provide services via

telehealth within their scope of practice. The bill would require an applicant for licensure as a marriage and family therapist, a licensed educational psychologist, a licensed clinical social worker, or a licensed professional clinical counselor to show, as part of their application, that they have completed 3 hours of training of coursework in the provision of mental health services via telehealth, including law and ethics relating to telehealth. The bill would also require completion of that training requirement as a one-time requirement for licensees before the time of their first renewal after July 1, 2023, and for applicants for reactivation or reinstatement to an active license on or after July 1, 2023.

(2) Existing law requires a registrant as an associate marriage and family therapist, associate clinical social worker, or associate professional clinical counselor who fails to obtain a passing score on a board-administered California law and ethics examination within their renewal period to complete a 12-hour course in California law and ethics before retaking and passing the board-administered California law and ethics examination.

This bill would delete those provisions and instead would require each registrant to complete a minimum of 3 hours of continuing education in California law and ethics during each renewal period to be eligible to renew their registration, regardless of whether they have passed the California law and ethics examination, and would require each registrant to certify under penalty of perjury that they have complied with this continuing education requirement as a condition of renewal. By expanding the scope of crimes under the acts specified above, the bill would impose a state-mandated local program.

(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 2290.5 of the Business and Professions
- 2 Code is amended to read:
- 3 2290.5. (a) For purposes of this division, the following
- 4 definitions~~shall~~ apply:

1 (1) “Asynchronous store and forward” means the transmission
2 of a patient’s medical information from an originating site to the
3 health care provider at a distant site.

4 (2) “Distant site” means a site where a health care provider who
5 provides health care services is located while providing these
6 services via a telecommunications system.

7 (3) “Health care provider” means any of the following:

8 (A) A person who is licensed under this division.

9 (B) An associate marriage and family therapist or marriage and
10 family therapist trainee functioning pursuant to Section 4980.43.3.

11 (C) A qualified autism service provider or qualified autism
12 service professional certified by a national entity pursuant to
13 Section 1374.73 of the Health and Safety Code and Section
14 10144.51 of the Insurance Code.

15 (D) An associate clinical social worker functioning pursuant to
16 Section 4996.23.2.

17 (E) An associate professional clinical counselor *or clinical*
18 *counselor trainee* functioning pursuant to Section 4999.46.3.

19 (4) “Originating site” means a site where a patient is located at
20 the time health care services are provided via a telecommunications
21 system or where the asynchronous store and forward service
22 originates.

23 (5) “Synchronous interaction” means a real-time interaction
24 between a patient and a health care provider located at a distant
25 site.

26 (6) “Telehealth” means the mode of delivering health care
27 services and public health via information and communication
28 technologies to facilitate the diagnosis, consultation, treatment,
29 education, care management, and self-management of a patient’s
30 health care. Telehealth facilitates patient self-management and
31 caregiver support for patients and includes synchronous interactions
32 and asynchronous store and forward transfers.

33 (b) Before the delivery of health care via telehealth, the health
34 care provider initiating the use of telehealth shall inform the patient
35 about the use of telehealth and obtain verbal or written consent
36 from the patient for the use of telehealth as an acceptable mode of
37 delivering health care services and public health. The consent shall
38 be documented.

39 (c) This section does not preclude a patient from receiving
40 in-person health care delivery services during a specified course

1 of health care and treatment after agreeing to receive services via
2 telehealth.

3 (d) The failure of a health care provider to comply with this
4 section shall constitute unprofessional conduct. Section 2314 shall
5 not apply to this section.

6 (e) This section ~~shall not be construed to~~ *does not* alter the scope
7 of practice of a health care provider or authorize the delivery of
8 health care services in a setting, or in a manner, not otherwise
9 authorized by law.

10 (f) All laws regarding the confidentiality of health care
11 information and a patient's rights to the patient's medical
12 information shall apply to telehealth interactions.

13 (g) All laws and regulations governing professional
14 responsibility, unprofessional conduct, and standards of practice
15 that apply to a health care provider under the health care provider's
16 license shall apply to that health care provider while providing
17 telehealth services.

18 (h) This section shall not apply to a patient under the jurisdiction
19 of the Department of Corrections and Rehabilitation or any other
20 correctional facility.

21 (i) (1) Notwithstanding any other law and for purposes of this
22 section, the governing body of the hospital whose patients are
23 receiving the telehealth services may grant privileges to, and verify
24 and approve credentials for, providers of telehealth services based
25 on its medical staff recommendations that rely on information
26 provided by the distant-site hospital or telehealth entity, as
27 described in Sections 482.12, 482.22, and 485.616 of Title 42 of
28 the Code of Federal Regulations.

29 (2) By enacting this subdivision, it is the intent of the Legislature
30 to authorize a hospital to grant privileges to, and verify and approve
31 credentials for, providers of telehealth services as described in
32 paragraph (1).

33 (3) For the purposes of this subdivision, "telehealth" shall
34 include "telemedicine" as the term is referenced in Sections 482.12,
35 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

36 SEC. 2. Section 4980.395 is added to the Business and
37 Professions Code, to read:

38 4980.395. (a) On or after July 1, 2023, an applicant for
39 licensure as a marriage and family therapist shall show, as part of
40 the application, that they have completed a minimum of three hours

of training or coursework in the provision of mental health services via telehealth, which shall include law and ethics related to telehealth. This requirement shall be met in one of the following ways:

(1) Obtained as part of their qualifying graduate degree program. To satisfy this requirement, the applicant shall submit to the board a written certification from the registrar or training director of the educational institution or program from which the applicant graduated stating that the coursework required by this section is included within the institution's curriculum required for graduation at the time the applicant graduated, or within the coursework that was completed by the applicant.

(2) Obtained by completing a continuing education course that meets the requirements of Section 4980.54. To satisfy this requirement, the applicant shall submit to the board a certification of completion.

(b) As a one-time requirement, a licensee before the time of their first renewal after July 1, 2023, or an applicant for reactivation or reinstatement to an active license status on or after July 1, 2023, shall have completed a minimum of three hours of training or coursework in the provision of mental health services via telehealth, which shall include law and ethics related to telehealth, using one of the methods specified in subdivision (a).

(c) Proof of compliance with subdivision (b) shall be certified under penalty of perjury that they are in compliance with this section and shall be retained for submission to the board upon request.

SEC. 3. Section 4980.399 of the Business and Professions Code is amended to read:

4980.399. (a) Except as provided in subdivision (a) of Section 4980.398, each applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination ~~prior to his or her~~ *before their* registration renewal.

(c) If an applicant fails the California law and ethics examination, ~~he or she~~ *they* may retake the examination, upon payment of the required fees, without further application ~~except as provided in subdivision (d).~~ *application.*

~~(d) If a registrant fails to obtain a passing score on the California law and ethics examination within his or her renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by this section shall be taken through a continuing education provider as specified by the board by regulation, a county, state or governmental entity, or a college or university.~~

~~(e)~~

~~(d)~~ The board shall not issue a subsequent registration number unless the applicant has passed the California law and ethics examination.

(e) A registrant shall complete a minimum of three hours of continuing education on the subject of California law and ethics during each renewal period to be eligible to renew their registration, regardless of whether they have passed the California law and ethics examination. The coursework shall be obtained from a board-accepted provider of continuing education, as specified in Section 4980.54.

SEC. 4. Section 4980.54 of the Business and Professions Code is amended to read:

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

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

(c) *(1)* Except as provided in subdivision (e), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that the applicant has completed not less than 36 hours of approved

1 continuing education in or relevant to the field of marriage and
2 family therapy in the preceding two years, as determined by the
3 board.

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

9 (d) The board shall have the right to audit the records of any
10 applicant to verify the completion of the continuing education
11 requirement. Applicants shall maintain records of completion of
12 required continuing education coursework for a minimum of two
13 years and shall make these records available to the board for
14 auditing purposes upon request.

15 (e) The board may establish exceptions from the continuing
16 education requirements of this section for good cause, as defined
17 by the board.

18 (f) The continuing education shall be obtained from one of the
19 following sources:

20 (1) An accredited school or state-approved school that meets
21 the requirements set forth in Section 4980.36 or 4980.37. Nothing
22 in this paragraph shall be construed as requiring coursework to be
23 offered as part of a regular degree program.

24 (2) Other continuing education providers, as specified by the
25 board by regulation.

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

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

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

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

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

(i) 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.

(j) 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. 5. Section 4984.01 of the Business and Professions Code is amended to read:

4984.01. (a) The associate marriage and family therapist registration shall expire one year from the last day of the month in which it was issued.

(b) To renew the registration, the registrant shall, on or before the expiration date of the registration, complete all of the following actions:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board.

(3) Participate in the California law and ethics examination pursuant to Section 4980.399 each year until successful completion of this examination.

(4) Notify the board whether ~~he or she has~~ *they have* been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken against ~~him or her~~ *them* by a regulatory or licensing board in this or any other state subsequent to the last renewal of the registration.

(5) *Certify under penalty of perjury their compliance with the continuing education requirements set forth in Section 4980.54.*

(c) An expired registration may be renewed by completing all of the actions described in paragraphs (1) to ~~(4)~~, (5), inclusive, of subdivision (b).

(d) The registration may be renewed a maximum of five times. No registration shall be renewed or reinstated beyond six years from the last day of the month during which it was issued, regardless of whether it has been revoked. When no further renewals are possible, an applicant may apply for and obtain a subsequent associate registration number if the applicant meets the educational requirements for a subsequent associate registration

1 number and has passed the California law and ethics examination.
2 An applicant who is issued a subsequent associate registration
3 number pursuant to this subdivision shall not be employed or
4 volunteer in a private practice.

5 SEC. 6. Section 4989.23.1 is added to the Business and
6 Professions Code, to read:

7 4989.23.1. (a) On or after July 1, 2023, an applicant for
8 licensure as an educational psychologist shall show, as part of the
9 application, that they have completed a minimum of three hours
10 of training or coursework in the provision of mental health services
11 via telehealth, which shall include law and ethics related to
12 telehealth. This requirement shall be met in one of the following
13 ways:

14 (1) Obtained as part of their qualifying graduate degree program.
15 To satisfy this requirement, the applicant shall submit to the board
16 a written certification from the registrar or training director of the
17 educational institution or program from which the applicant
18 graduated stating that the coursework required by this section is
19 included within the institution's curriculum required for graduation
20 at the time the applicant graduated, or within the coursework that
21 was completed by the applicant.

22 (2) Obtained by completing a continuing education course that
23 meets the requirements of Section 4989.34. To satisfy this
24 requirement, the applicant shall submit to the board a certification
25 of completion.

26 (b) As a one-time requirement, a licensee before the time of
27 their first renewal after July 1, 2023, or an applicant for reactivation
28 or reinstatement to an active license status on or after July 1, 2023,
29 shall have completed a minimum of three hours of training or
30 coursework in the provision of mental health services via telehealth,
31 which shall include law and ethics related to telehealth, using one
32 of the methods specified in subdivision (a).

33 (c) Proof of compliance with subdivision (b) shall be certified
34 under penalty of perjury that they are in compliance with this
35 section and shall be retained for submission to the board upon
36 request.

37 SEC. 7. Section 4992.09 of the Business and Professions Code
38 is amended to read:

39 4992.09. (a) Except as provided in subdivision (a) of Section
40 4992.07, an applicant and registrant shall obtain a passing score

1 on a board-administered California law and ethics examination in
2 order to qualify for licensure.

3 (b) A registrant shall participate in a board-administered
4 California law and ethics examination ~~prior to his or her~~ *before*
5 *their* registration renewal.

6 (c) If an applicant fails the California law and ethics
7 examination, ~~he or she~~ *they* may retake the examination, upon
8 payment of the required fees, without further ~~application except~~
9 ~~for as provided in subdivision (d).~~ *application.*

10 (d) ~~If a registrant fails to obtain a passing score on the California~~
11 ~~law and ethics examination within his or her renewal period on or~~
12 ~~after the operative date of this section, he or she shall complete,~~
13 ~~at a minimum, a 12-hour course in California law and ethics in~~
14 ~~order to be eligible to participate in the California law and ethics~~
15 ~~examination. Registrants shall only take the 12-hour California~~
16 ~~law and ethics course once during a renewal period. The 12-hour~~
17 ~~law and ethics course required by this section shall be taken~~
18 ~~through a continuing education provider, as specified by the board~~
19 ~~by regulation, a county, state or governmental entity, or a college~~
20 ~~or university.~~

21 (e)

22 (d) The board shall not issue a subsequent registration number
23 unless the applicant has passed the California law and ethics
24 examination.

25 (e) *A registrant shall complete a minimum of three hours of*
26 *continuing education in the subject of California law and ethics*
27 *during each renewal period to be eligible to renew their*
28 *registration, regardless of whether they have passed the California*
29 *law and ethics examination. The coursework shall be obtained*
30 *from a board-accepted provider of continuing education, as*
31 *specified in Section 4996.22.*

32 SEC. 8. Section 4996.22 of the Business and Professions Code
33 is amended to read:

34 4996.22. (a) (1) Except as provided in subdivision (c), the
35 board shall not renew any license pursuant to this chapter unless
36 the applicant certifies to the board, on a form prescribed by the
37 board, that the applicant has completed not less than 36 hours of
38 approved continuing education in or relevant to the field of social
39 work in the preceding two years, as determined by the board.

(2) The board shall not renew any license of an applicant who began graduate study ~~prior to~~ *before* January 1, 2004, pursuant to this chapter unless the applicant certifies to the board that during the applicant's first renewal period after the operative date of this section, the applicant completed a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. On and after January 1, 2005, the course shall consist of not less than seven hours of training. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken ~~prior to~~ *before* the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under paragraph (1).

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

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

(c) The board may establish exceptions from the continuing education requirement of this section for good cause as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) An accredited school of social work, as defined in Section 4991.2, or a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) A school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education or a school, college, or university that is approved by the Bureau for Private Postsecondary Education.

(3) Another continuing education provider, as specified by the board by regulation.

(e) 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 (d), shall adhere to the 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.

(f) 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 social work.

(2) Aspects of the social work discipline in which significant recent developments have occurred.

(3) Aspects of other related disciplines that enhance the understanding, or the practice, of social work.

(g) A system of continuing education for licensed clinical social workers shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) 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.

(i) The board may adopt regulations as necessary to implement this section.

SEC. 9. Section 4996.23.2 of the Business and Professions Code is amended to read:

4996.23.2. (a) An associate clinical social worker or applicant for licensure shall only perform mental health and related services as an employee or as a volunteer, not as an independent contractor. The requirements of this chapter regarding hours of experience and supervision shall apply equally to employees and volunteers. An associate or applicant for licensure shall not perform any

1 services or gain any experience within the scope of practice of the
2 profession, as defined in Section 4996.9, as an independent
3 contractor. While an associate may be either a paid employee or
4 a volunteer, employers are encouraged to provide fair remuneration.

5 (1) If employed, an associate shall provide the board, upon
6 application for licensure, with copies of the corresponding W-2
7 tax forms for each year of experience claimed.

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

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

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

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

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

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

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

34 (f) An associate clinical social worker or applicant for licensure
35 who provides voluntary services in any lawful work setting and
36 who only receives reimbursement for expenses actually incurred
37 shall be considered an employee. The board may audit an applicant
38 for licensure who receives reimbursement for expenses and the
39 applicant shall have the burden of demonstrating that the payments
40 received were for reimbursement of expenses actually incurred.

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

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

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

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

(j)

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

SEC. 10. Section 4996.27.1 is added to the Business and Professions Code, to read:

4996.27.1. (a) On or after July 1, 2023, an applicant for licensure as a clinical social worker shall show, as part of the application, that they have completed a minimum of three hours of training or coursework in the provision of mental health services via telehealth, which shall include law and ethics related to telehealth. This requirement shall be met in one of the following ways:

(1) Obtained as part of their qualifying graduate degree program. To satisfy this requirement, the applicant shall submit to the board

1 a written certification from the registrar or training director of the
2 educational institution or program from which the applicant
3 graduated stating that the coursework required by this section is
4 included within the institution's curriculum required for graduation
5 at the time the applicant graduated, or within the coursework that
6 was completed by the applicant.

7 (2) Obtained by completing a continuing education course that
8 meets the requirements of Section 4996.22. To satisfy this
9 requirement, the applicant shall submit to the board a certification
10 of completion.

11 (b) As a one-time requirement, a licensee before the time of
12 their first renewal after July 1, 2023, or an applicant for reactivation
13 or reinstatement to an active license status on or after July 1, 2023,
14 shall have completed a minimum of three hours of training or
15 coursework in the provision of mental health services via telehealth,
16 which shall include law and ethics related to telehealth, using one
17 of the methods specified in subdivision (a)

18 (c) Proof of compliance with subdivision (b) shall be certified
19 under penalty of perjury that they are in compliance with this
20 section and shall be retained for submission to the board upon
21 request.

22 SEC. 11. Section 4996.28 of the Business and Professions
23 Code is amended to read:

24 4996.28. (a) Registration as an associate clinical social worker
25 shall expire one year from the last day of the month during which
26 it was issued. To renew a registration, the registrant shall, on or
27 before the expiration date of the registration, complete all of the
28 following actions:

29 (1) Apply for renewal on a form prescribed by the board.

30 (2) Pay a renewal fee prescribed by the board.

31 (3) Notify the board whether ~~he or she has~~ *they have* been
32 convicted, as defined in Section 490, of a misdemeanor or felony,
33 and whether any disciplinary action has been taken by a regulatory
34 or licensing board in this or any other state, subsequent to the last
35 renewal of the registration.

36 (4) Participate in the California law and ethics examination
37 pursuant to Section 4992.09 each year until successful completion
38 of this examination.

39 (5) *Certify under penalty of perjury their compliance with the*
40 *continuing education requirements set forth in Section 4996.22.*

1 (b) An expired registration may be renewed by completing all
2 of the actions described in paragraphs (1) to ~~(4)~~, (5), inclusive, of
3 subdivision (a).

4 (c) A registration as an associate clinical social worker may be
5 renewed a maximum of five times. No registration shall be renewed
6 or reinstated beyond six years from the last day of the month during
7 which the registration was issued, regardless of whether the
8 registration has been revoked. When no further renewals are
9 possible, an applicant may apply for and obtain a subsequent
10 associate clinical social worker registration number if the applicant
11 meets all requirements for registration in effect at the time of ~~his~~
12 ~~or her~~ *their* application for a subsequent associate clinical social
13 worker registration number and has passed the California law and
14 ethics examination pursuant to Section 4992.09. An applicant
15 issued a subsequent associate registration number pursuant to this
16 subdivision shall not be employed or volunteer in a private practice.

17 SEC. 12. 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.

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

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

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

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

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

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

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

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

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

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

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

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

29 (e) Any experience obtained under the supervision of a spouse,
30 relative, or domestic partner 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) A clinical counselor trainee, associate, or applicant for
38 licensure shall not receive any remuneration from patients or clients
39 and shall only be paid by their employer, if an employee.

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

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

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

23 (j) *A clinical counselor trainee or associate may provide services*
24 *via telehealth that are in the scope of practice outlined in this*
25 *chapter.*

26 ~~(j)~~

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

38 SEC. 13. Section 4999.55 of the Business and Professions
39 Code is amended to read:

1 4999.55. (a) Each applicant and registrant shall obtain a
2 passing score on a board-administered California law and ethics
3 examination in order to qualify for licensure.

4 (b) A registrant shall take a board-administered California law
5 and ethics examination ~~prior to his or her~~ *before their* registration
6 renewal.

7 (c) If an applicant fails the California law and ethics
8 examination, ~~he or she~~ *they* may retake the examination, upon
9 payment of the required fees, without further application, ~~except~~
10 ~~as provided in subdivision (d).~~ *application.*

11 ~~(d) If a registrant fails to obtain a passing score on the California~~
12 ~~law and ethics examination within his or her renewal period, he~~
13 ~~or she shall complete, at minimum, a 12-hour course in California~~
14 ~~law and ethics prior to retaking the board-administered California~~
15 ~~law and ethics examination. Registrants shall only take the 12-hour~~
16 ~~California law and ethics course once during a renewal period.~~
17 ~~The 12-hour law and ethics course required by this section shall~~
18 ~~be taken through a continuing education provider as specified by~~
19 ~~the board by regulation, a county, state, or governmental entity,~~
20 ~~or a college or university.~~

21 (e)

22 (d) The board shall not issue a subsequent registration number
23 unless the applicant has passed the California law and ethics
24 examination.

25 (e) *A registrant shall complete a minimum of three hours of*
26 *continuing education in the subject of California law and ethics*
27 *during each renewal period in order to be eligible to renew their*
28 *registration, regardless of whether or not they have passed the*
29 *California law and ethics examination. The coursework shall be*
30 *obtained from a board-accepted provider of continuing education,*
31 *as specified in Section 4999.76.*

32 SEC. 14. Section 4999.67 is added to the Business and
33 Professions Code, to read:

34 4999.67. (a) On or after July 1, 2023, an applicant for licensure
35 as a professional clinical counselor shall show, as part of the
36 application, that they have completed a minimum of three hours
37 of training or coursework in the provision of mental health services
38 via telehealth, which shall include law and ethics related to
39 telehealth. This requirement shall be met in one of the following
40 ways:

(1) Obtained as part of their qualifying graduate degree program. To satisfy this requirement, the applicant shall submit to the board a written certification from the registrar or training director of the educational institution or program from which the applicant graduated stating that the coursework required by this section is included within the institution's curriculum required for graduation at the time the applicant graduated, or within the coursework that was completed by the applicant.

(2) Obtained by completing a continuing education course that meets the requirements of Section 4999.76. To satisfy this requirement, the applicant shall submit to the board a certification of completion.

(b) As a one-time requirement, a licensee before the time of their first renewal after July 1, 2023, or an applicant for reactivation or reinstatement to an active license status on or after July 1, 2023, shall have completed a minimum of three hours of training or coursework in the provision of mental health services via telehealth, which shall include law and ethics related to telehealth, using one of the methods specified in subdivision (a).

(c) Proof of compliance with subdivision (b) shall be certified under penalty of perjury that they are in compliance with this section and shall be retained for submission to the board upon request.

SEC. 15. Section 4999.76 of the Business and Professions Code is amended to read:

4999.76. (a) (1) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that the applicant has completed not less than 36 hours of approved continuing education in or relevant to the field of professional clinical counseling in the preceding two years, as determined by the board.

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

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed

1 continuing education coursework for a minimum of two years and
2 shall make these records available to the board for auditing
3 purposes upon request.

4 (c) The board may establish exceptions from the continuing
5 education requirement of this section for good cause, as defined
6 by the board.

7 (d) The continuing education shall be obtained from one of the
8 following sources:

9 (1) A school, college, or university that is accredited or
10 approved, as defined in Section 4999.12. Nothing in this paragraph
11 shall be construed as requiring coursework to be offered as part
12 of a regular degree program.

13 (2) Other continuing education providers as specified by the
14 board by regulation.

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

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

25 (1) Aspects of the discipline that are fundamental to the
26 understanding or the practice of professional clinical counseling.

27 (2) Significant recent developments in the discipline of
28 professional clinical counseling.

29 (3) Aspects of other disciplines that enhance the understanding
30 or the practice of professional clinical counseling.

31 (g) A system of continuing education for licensed professional
32 clinical counselors shall include courses directly related to the
33 diagnosis, assessment, and treatment of the client population being
34 served.

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

39 SEC. 16. Section 4999.100 of the Business and Professions
40 Code is amended to read:

1 4999.100. (a) An associate registration shall expire one year
2 from the last day of the month in which it was issued.

3 (b) To renew a registration, the registrant, on or before the
4 expiration date of the registration, shall do the following:

5 (1) Apply for a renewal on a form prescribed by the board.

6 (2) Pay a renewal fee prescribed by the board.

7 (3) Notify the board whether ~~he or she has~~ *they have* been
8 convicted, as defined in Section 490, of a misdemeanor or felony,
9 or whether any disciplinary action has been taken by any regulatory
10 or licensing board in this or any other state, subsequent to the
11 registrant's last renewal.

12 (4) Participate in the California law and ethics examination
13 pursuant to Section 4999.53 each year until successful completion
14 of this examination.

15 (5) *Certify under penalty of perjury their compliance with the*
16 *continuing education requirements set forth in Section 4999.76.*

17 (c) An expired registration may be renewed by completing all
18 of the actions described in paragraphs (1) to ~~(4)~~, (5), inclusive, of
19 subdivision (b).

20 (d) The associate registration may be renewed a maximum of
21 five times. Registration shall not be renewed or reinstated beyond
22 six years from the last day of the month during which it was issued,
23 regardless of whether it has been revoked. When no further
24 renewals are possible, an applicant may apply for and obtain a
25 subsequent associate registration number if the applicant meets
26 the educational requirements for registration in effect at the time
27 of the application for a subsequent associate registration number
28 and has passed the California law and ethics examination described
29 in Section 4999.53. An applicant who is issued a subsequent
30 associate registration number pursuant to this subdivision shall
31 not be employed or volunteer in a private practice.

32 SEC. 17. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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