



Board of Behavioral Sciences

Memo

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To: Committee Members

Date: January 5, 2024

From: Rosanne Helms
Legislative Manager

Subject: Discussion of Advertising and Other Disclosure Requirements in Statutes and Regulations

Current Statutes and Regulations Related to Advertising

The Board sets requirements for advertising by its licensees and registrants via its advertising regulations, found in [§1811](#) of Title 16 of the California Code of Regulations (16 CCR). The last significant changes to the advertising regulations were made in 2013.

In addition to the Board's advertising regulations, all healing arts boards under the Department of Consumer Affairs (DCA) are subject to Business and Professions Code (BPC) [§651](#). BPC §651 prohibits false or misleading advertising. It contains a definition of a "public communication" for purposes of advertising to include communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication. It also contains a definition of a false, fraudulent, misleading, or deceptive statement or claim.

The Board also has a statute for each license type (BPC §§4980.03(e), 4989.49, 4992.2, 4999.12(j)) that specifically defines advertising.

Finally, BPC §§4980.44 and 4980.48 contain client disclosure requirements (prior to initiating services) and advertising requirements that are specific only to MFT associates and trainees, respectively.

The above-referenced statutes are shown in **Attachment B**.

On its website, the Board provides an advertising requirement fact sheet which explains the Board's advertising laws and provides examples of acceptable advertising (**Attachment C**).

Previous Recommendation

The Policy and Advocacy Committee discussed the Board's advertising laws and client disclosure laws in detail at its October 2023 meeting, and presented research pertaining to advertising laws in other states and at other DCA boards. It directed staff to make discussed changes pertaining to the areas of law discussed below.

Overview of Areas for Discussion

Staff conducted further review of the Board's advertising laws, as well as review of the advertising laws of other states and other DCA boards. Discussion areas are grouped into four categories:

1. Advertising Regulations (16 CCR §1811)
2. Statute for Associates
3. Statute for Trainees/Interns
4. Amendment of Advertising Definition

Discussion Areas

1. Advertising Regulations (16 CCR §1811) (Attachment A-1):

Several minor technical amendments are proposed to the Board's advertising regulations in 16 CCR §1811, including the following:

- Delete references to MFT Referral Services, as the Board no longer licenses these services.
- Delete use of the title "Registered Associate CSW," as it is not a title that is typically used by the profession.
- Replace gendered pronouns with gender-neutral pronouns.
- Add subdivision (h) permitting the use of a nickname or former legal name in an advertisement, as long as the full name as filed with the Board is also included in that advertisement. Currently, it is unclear whether or not the law permits this.
- Add a requirement that registrants must include in an advertisement that they are supervised by a licensed person (See #3 below. Currently, MFT associates are the only associate type who must state in their advertisements that they are supervised by a licensed person. Adding this to the advertising regulations applies it to all associate types, instead of just AMFTs.)

2. Statute for Associates (Attachment A-2)

- **BPC §4980.44(a)** requires that MFT associates inform each client that they are an unlicensed registrant, provide their registration number, name of employer, and indicate what type of licensee is supervising them.

The subdivision, which is much more detailed in its requirements than the comparable statutes for ASWs and APCCs, states the following:

BPC §4980.44(a) Inform each client or patient prior to performing any mental health and related services that the person is an unlicensed registered associate marriage and family therapist, provide the person's registration number and the name of the person's employer, and indicate whether the person is under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed educational psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

In contrast, here are the comparable statutes discussing what ASWs and APCCs must disclose:

For ASWs: BPC §4996.18(g) All applicants and registrants shall inform each client or patient before performing any professional services that the applicant or registrant is unlicensed and is under the supervision of a licensed professional.

*For APCCs: BPC §4999.46.1(b) An associate shall do both of the following:
(1) Inform each client, before performing any professional services, that the associate is unlicensed and under supervision.*

At its last meeting, the Committee directed staff to make the language more consistent across the license types. The proposed language is shown in **Attachment A-2**. It now requires all applicants and registrants to inform each client that they are unlicensed and under the supervision of a licensed professional, and to provide the name of their employer. The requirement for AMFTs to provide the registration number has been removed, as it is not consistent with the requirements for the other registration types.

- **BPC §4980.44(b)** specifies additional information that must be contained in an MFT associate's advertisement (that the person is a registrant, the registration number, the name of the employer, and that they are supervised by a licensed person). It also specifies that the abbreviation

“AMFT” not be used unless the term “registered associate marriage and family therapist” also appears in the advertisement.

Every requirement contained in BPC §4980.44(b) is already contained in the advertising regulations (§1811) except for one: the requirement that they disclose in the advertisement that they are supervised by a licensed person. At the October Committee meeting, staff recommended that BPC §4980.44(b) be struck in its entirety, and that this requirement should instead be added to the advertising regulations in 16 CCR §1811, where it would apply to all associates, not just AMFTs. The Committee agreed, and the language doing this is shown in **Attachment A** and **A-2**.

3. Statute for Trainees/Interns (Attachment A-3)

- **BPC §4980.48(a)** requires that MFT trainees inform each client that they are an unlicensed trainee, provide the name of their employer, and indicate what type of licensee is supervising them.

The subdivision, which is much more detailed in its requirements than the comparable statutes for social work interns and PCC trainees, states the following:

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

In contrast, here are the comparable statutes discussing what social work interns and PCC trainees must disclose:

For social work interns: 16 CCR §1880 An unlicensed person employed under Section 4996.15 of the Code to perform limited social work functions shall inform each patient or client prior to performing any such functions that he or she is not a licensed clinical social worker and is under the supervision of a licensed clinical social worker, marriage and family therapist, licensed professional clinical counselor, or a licensed psychologist or a licensed psychiatrist, whichever is applicable.

For PCC trainees: BPC §4999.36(d) A clinical counselor trainee shall inform each client or patient, prior to performing any

professional services, that he or she is unlicensed and under supervision.

Suggested revisions to BPC §4980.48(a), 4996.15, and 4999.36 are shown in **Attachment A-3**. The revisions do the following:

- Require trainees to inform each client of the following prior to performing services:
 - That they are unlicensed;
 - That they are under supervision. (MFT trainees only – that they are under supervision of a licensed professional)
 - The name of their employer (or entity for which they volunteer).
 - For social workers: strike the client disclosure requirement in regulations and move it to statute, consistent with LMFT and LPCC statute. Remove the requirement in regulations that a social work intern inform their client that they are under the supervision of a licensee. Unlike MFT trainees who count pre-degree hours and therefore must have a licensed supervisor, social work interns do not count pre-degree hours, and therefore the Board has no authority to require them to be supervised by a licensee.
- **BPC §4980.48(b) and (c)** specify additional information that must be contained in an MFT trainee's advertisement.

MFT and PCC trainees, and social work interns, are not included in the advertising regulations, because they are not registered with the Board and therefore not technically under its jurisdiction yet. However, unlike PCC trainees and social work interns, MFT trainees can count pre-degree hours toward licensure, which means that the Board has more purview over them than other types of pre-licensed students, because the Board sets criteria they need to meet in order for their pre-degree hours to count. Therefore, staff believes that it is appropriate to have a section in statute for MFT trainees outlining some basic advertising requirements.

Staff has consolidated the language in §4980.48(b) and (c) as follows (**Attachment A-3**):

- Removed the requirement that MFT trainee advertisements must contain the supervisor's license designation and license number. Instead, require that an advertisement for an MFT trainee must contain:
 - Their name
 - That they are an MFT trainee

- The name of their employer or entity for which they volunteer.
- That they are supervised by a licensed person.

4. Amendment of Advertising Definition (Attachment A-4)

LPCC statute defines “advertising” in a slightly different way than the other 3 license types. The definition, which is located in BPC §4999.12(g), does not reference a public communication as defined in BPC §651(a), as the definition for the Board’s other 3 license types do.

This omission could affect the clarity of how advertising is defined for LPCCs. Specifically, §651’s “public communication” definition includes electronic communications, while §4999.12(g) for LPCCs does not loop this in. Although §651 applies to LPCCs by default (they are a healing art license type and thus subject to the statute) it may be preferable to clarify this in §4999.12, like the other practice acts do.

As shown in **Attachment A-4**, staff recommends amending §4999.12 to incorporate §651’s definition of a “public” communication. Staff also recommends several technical amendments to make the exact wording of the “advertising” definition in each practice act the same.

Summary of Proposed Changes

Charts 1 and 2 summarize the current and proposed advertising requirements, respectively.

Charts 3 and 4 summarize the current and proposed client disclosure requirements, respectively.

Need for Both Statute and Regulation Changes

This proposal will require that the Board pursue changes to both statute and regulations, ideally with both becoming effective at the same time. As proposed language moves closer to being approved, staff will work with legal counsel regarding the best way to achieve this.

Recommendation

Conduct an open discussion about the Board’s advertising laws, including the proposed amendments shown in **Attachments A-1 through A-4**. Direct staff to do the following:

- Make any discussed changes, and any nonsubstantive changes to statute and bring back to the Committee for final review.

- Make any discussed changes, and any nonsubstantive changes to regulations and bring back to the Committee for final review.

Attachments

Attachment A-1: 16 CCR §1811 – Advertising Regulations

Attachment A-2: Statute for Associates

Attachment A-3: Statute for Trainees/Interns

Attachment A-4: Amendment of Advertising Definition

Attachment B: Relevant Current Statutes

Attachment C: Fact Sheet: Licensee and Registrant Advertising Requirements

Chart 1: Current Advertising Requirements

Chart 2: Proposed Advertising Requirements

Chart 3: Current Client Disclosure Requirements

Chart 4: Proposed Client Disclosure Requirements

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ATTACHMENT A
16 CCR §1811
PROPOSED AMENDMENTS TO ADVERTISING REGULATIONS

§ 1811. Advertising.

(a) All persons ~~or referral services~~ regulated by the board who advertise their services shall include all of the following information in any advertisement.

(1) The full name of the licensee, or registrant, ~~or registered referral service~~ as filed with the board.

(2) The complete title of the license or registration held or an acceptable abbreviation, as follows:

(A) Licensed Marriage and Family Therapist, or MFT, or LMFT.

(B) Licensed Educational Psychologist or LEP.

(C) Licensed Clinical Social Worker or LCSW.

(D) Registered Associate Marriage and Family Therapist or Registered Associate MFT. The abbreviation "AMFT" shall not be used in an advertisement unless the title ~~"registered associate marriage and family therapist"~~ "Registered Associate Marriage and Family Therapist" appears in the advertisement.

(E) Registered Associate Clinical Social Worker ~~or Registered Associate CSW~~. The abbreviation "ASW" shall not be used in an advertisement unless the title ~~"registered associate clinical social worker"~~ "Registered Associate Clinical Social Worker" appears in the advertisement.

~~(F) Registered MFT Referral Service.~~

~~(G)~~(F) Licensed Professional Clinical Counselor or LPCC.

~~(H)~~(G) Registered Associate Professional Clinical Counselor or Registered Associate PCC. The abbreviation "APCC" shall not be used in an advertisement unless the title ~~"registered associate professional clinical counselor"~~ "Registered Associate Professional Clinical Counselor" appears in the advertisement.

(3) The license or registration number.

(b) Registrants must include both of the following in any advertising: the name of his or her employer in an advertisement, or if not employed, the name of the entity for which he or she volunteers.

(1) The name of their employer, or if not employed, the name of the entity for which they volunteer.

(2) That they are supervised by a licensed person.

(c) Licensees may use the words "psychotherapy" or "psychotherapist" in an advertisement provided that all the applicable requirements of subsection (a) are met.

(d) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and are in compliance with Section 651 of the Code. For purposes of this subdivision, “earned” shall not mean an honorary or other degree conferred without actual study in the educational field.

(e) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

(f) For the purposes of this section, “acceptable abbreviation” means the abbreviation listed in subsection (a)(2) of this Section.

(g) A licensee or registrant may use a nickname or former legal name to advertise services for which a license or registration is required if the following criteria are met:

(1) If a nickname is used, the nickname is not false, fraudulent, misleading, or deceptive as specified by Section 651 of the Code as to their affiliations, qualifications or the professional services the licensee or registrant is authorized to provide pursuant to their applicable license or registration with the Board; and,

(2) The full name as filed with the board is also included in that advertisement.

Note: Authority cited: Sections 137, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 125.9, 137, 650.4, 651, 4980.03, 4980.09, 4980.44, 4982, 4989.49, 4989.54, 4992.2, 4992.3, 4999.12, 4999.12.5 and 4999.90, Business and Professions Code.

ATTACHMENT A-2 STATUTE CHANGES

AMEND BUSINESS AND PROFESSIONS CODE (BPC) §4980.44.

~~An associate marriage and family therapist employed under this chapter shall comply with the following requirements:~~

~~(a) Inform All applicants and registrants shall inform~~ each client or patient prior to performing any mental health and related services that the person is ~~an unlicensed registered associate marriage and family therapist, provide the person's registration number and the name of the person's employer, and indicate whether the person is under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900), licensed educational psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.~~ unlicensed, provide the name of their employer or if not employed, the name of the entity for which they volunteer, and that they are under the supervision of a licensed professional.

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

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

~~(B) The associate's registration number.~~

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

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

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

AMEND BPC §4996.18.

(a) Except as provided in subdivision (b) of Section 4996.23, an applicant shall have an active registration with the board as an associate clinical social worker in order to gain hours of supervised experience. The application shall be made on a form prescribed by the board.

(b) An applicant for registration shall satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work.

(2) Not be subject to denial of licensure pursuant to Section 480.

(3) Have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers. The coursework shall be taken from an accredited school or department of social work, a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education, a school, college, or university that is approved by the Bureau for Private Postsecondary Education, or from a continuing education provider that is acceptable to the board, as defined in Section 4996.22. Undergraduate coursework shall not satisfy this requirement. The coursework shall include instruction in all of the following areas of study:

(A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and the practitioner's professional behavior and ethics.

(F) The application of legal and ethical standards in different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from 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 shall be eligible, and, except as provided in subdivision (b) of Section 4996.23, shall be required to register as an associate clinical social worker in order to gain experience toward licensure if the applicant is not subject to denial of licensure pursuant to Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(d) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained

during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(e) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that the applicant possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

(f) All applicants for licensure and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised and who shall be responsible to the board for compliance with all laws governing the practice of clinical social work.

(g) All applicants and registrants shall inform each client or patient before performing any professional services that the applicant or registrant is unlicensed, provide the name of their employer or if not employed, the name of the entity for which they volunteer, and that they are ~~and is~~ under the supervision of a licensed professional.

AMEND BPC §4999.46.1.

(a) An associate or applicant for licensure shall be under the supervision of a supervisor at all times.

(b) An associate shall ~~do both of the following:~~

~~(1) Inform each client, before performing any professional services, that the associate is unlicensed and under supervision.~~

~~(2) Renew~~ renew the registration a maximum of five times. A registration shall not 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.

~~(c)~~ 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 number and has passed the California law and ethics examination. An applicant issued a subsequent associate registration number shall not be employed or volunteer in a private practice.

(c) All applicants and registrants shall inform each client or patient before performing any professional services that the applicant or registrant is unlicensed, provide the name of their employer or if not employed, the name of the entity for which they volunteer, and that they are under the supervision of a licensed professional.

ATTACHMENT A-3 STATUTE CHANGES

AMEND BUSINESS AND PROFESSIONS CODE (BPC) §4980.48

(a) A trainee shall, prior to performing any professional services, inform each client or patient that the trainee is ~~an unlicensed marriage and family therapist trainee, that they are under the supervision of a licensed professional, and provide the name of the trainee's~~ their employer, ~~and indicate whether the trainee is under the supervision of a licensed marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed educational psychologist.~~

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

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

(1) The trainee's name.

~~(1)~~(2) That the trainee is a marriage and family therapist trainee.

~~(2)~~(3) The name of the trainee's employer or if not employed, the name of the entity for which they volunteer.

~~(3)~~(4) That the trainee is supervised by a licensed person.

STRIKE 16 CCR §1880 Unlicensed Assistants

~~An unlicensed person employed under Section 4996.15 of the Code to perform limited social work functions shall inform each patient or client prior to performing any such functions that he or she is not a licensed clinical social worker and is under the supervision of a licensed clinical social worker, marriage and family therapist, licensed professional clinical counselor, or a licensed psychologist or a licensed psychologist or a licensed psychiatrist, whichever is applicable.~~

AMEND BPC §4996.15

(a) Nothing in this article shall restrict or prevent psychosocial activities by employees of accredited academic institutions, public schools, government agencies, or nonprofit institutions who train graduate students pursuing a master's degree in social work in an accredited college or university. Any psychosocial activities by the employee shall be part of a supervised course of study and the graduate students shall be designated by titles such as social work interns, social work trainees, or other titles clearly indicating the training status appropriate to their level of training. The term "social work intern,"

however, shall be reserved for persons enrolled in a master's or doctoral training program in social work in an accredited school or department of social work.

(b) A person practicing pursuant to subdivision (a) shall, prior to performing any professional services, inform each client or patient that they are unlicensed, that they are under supervision, and provide the name of their employer or if not employed, the name of the entity for which they volunteer.

~~(b)~~(c) Notwithstanding subdivision (a), a graduate student shall not perform clinical social work in a private practice or a professional corporation.

AMEND BPC §4999.36.

(a) A clinical counselor trainee may perform activities and services provided that the activities and services constitute part of the clinical counselor trainee's supervised course of study and that the person is designated by the title "clinical counselor trainee."

(b) All practicum and field study hours gained as a clinical counselor trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site.

(c) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.

(d) A clinical counselor trainee shall ~~inform each client or patient~~, prior to performing any professional services, inform each client or patient that he or she is unlicensed and under supervision, the trainee is unlicensed, that they are under supervision, and provide the name of their employer or if not employed, the name of the entity for which they volunteer.

(e) No hours earned while a clinical counselor trainee may count toward the 3,000 hours of required postdegree supervised experience.

ATTACHMENT A-4 ADVERTISING DEFINITION AMENDMENTS

Business and Professions Code (BPC) §4980.03(e) (LMFT Statute)

(e) ~~“Advertise,”~~ “Advertising,” as used in this chapter, includes, but is 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, ~~or~~ magazine, ~~or in any~~ directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in church bulletins mailed to a congregation are not advertising within the meaning of this chapter.

BPC § 4989.49 (LEP Statute)

"Advertising," as used in this chapter, includes, but is 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 church bulletins ~~from a religious organization~~ mailed to a congregation ~~shall not be construed as~~ are not advertising within the meaning of this chapter.

§ 4992.2 (LCSW Statute)

"Advertising," as used in this chapter, includes, but is 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 church bulletins ~~from a religious organization~~ mailed to a congregation ~~shall not be construed as~~ are not advertising within the meaning of this chapter.

BPC §4999.12(j) (LPCC Statute)

(j) ~~“Advertising” or “advertise”~~ “Advertising,” as used in this chapter, includes, but is 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, ~~or~~ magazine, ~~or in any~~ directory, or any printed matter whatsoever, with or without any limiting qualification. ~~It also includes business solicitations communicated by radio or television broadcasting.~~ Signs within church-religious buildings or notices in church bulletins mailed to a congregation are not advertising within the meaning of this chapter.

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ATTACHMENT B RELEVANT CURRENT STATUTES

1. “Advertising” and “Advertisement” Definition

Business and Professions Code (BPC) §4980.03(e) (LMFT Statute)

(e) “Advertise,” as used in this chapter, includes, but is 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 or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in church bulletins mailed to a congregation are not advertising within the meaning of this chapter.

BPC § 4989.49 (LEP Statute)

"Advertising," as used in this chapter, includes, but is 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 shall not be construed as advertising within the meaning of this chapter.

§ 4992.2 (LCSW Statute)

"Advertising," as used in this chapter, includes, but is 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 shall not be construed as advertising within the meaning of this chapter.

BPC §4999.12(j) (LPCC Statute)

(j) “Advertising” or “advertise” includes, but is not limited to, 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 or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation are not advertising within the meaning of this chapter.

2. Definition of “Public Communication”; Prohibition of False Advertising

BPC §651

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A “public communication” as used in this section includes, but is not limited to, communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication.

(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:

(1) Contains a misrepresentation of fact.

(2) Is likely to mislead or deceive because of a failure to disclose material facts.

(3) (A) Is intended or is likely to create false or unjustified expectations of favorable results, including the use of any photograph or other image that does not accurately depict the results of the procedure being advertised or that has been altered in any manner from the image of the actual subject depicted in the photograph or image.

(B) Use of any photograph or other image of a model without clearly stating in a prominent location in easily readable type the fact that the photograph or image is of a model is a violation of subdivision (a). For purposes of this paragraph, a model is anyone other than an actual patient, who has undergone the procedure being advertised, of the licensee who is advertising for his or her services.

(C) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents “before” and “after” views of a patient, without specifying in a prominent location in easily readable type size what procedures were performed on that patient is a violation of subdivision (a). Any “before” and “after” views (i) shall be comparable in presentation so that the results are not distorted by favorable poses, lighting, or other features of presentation, and (ii) shall contain a statement that the same “before” and “after” results may not occur for all patients.

(4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and specifically disclosing all variables and other material factors.

(5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) Makes a claim either of professional superiority or of performing services in a superior manner, unless that claim is relevant to the service being performed and can be substantiated with objective scientific evidence.

(7) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed, published scientific studies.

(8) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.

(c) Any price advertisement shall be exact, without the use of phrases, including, but not limited to, "as low as," "and up," "lowest prices," or words or phrases of similar import. Any advertisement that refers to services, or costs for services, and that uses words of comparison shall be based on verifiable data substantiating the comparison. Any person so advertising shall be prepared to provide information sufficient to establish the accuracy of that comparison. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discount, premiums, gifts, or any statements of a similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.

(d) Any person so licensed shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity unless the fact of compensation is made known in that publicity.

(e) Any person so licensed may not use any professional card, professional announcement card, office sign, letterhead, telephone directory listing, medical list, medical directory listing, or a similar professional notice or device if it includes a statement or claim that is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).

(f) Any person so licensed who violates this section is guilty of a misdemeanor. A bona fide mistake of fact shall be a defense to this subdivision, but only to this subdivision.

(g) Any violation of this section by a person so licensed shall constitute good cause for revocation or suspension of his or her license or other disciplinary action.

(h) Advertising by any person so licensed may include the following:

(1) A statement of the name of the practitioner.

(2) A statement of addresses and telephone numbers of the offices maintained by the practitioner.

(3) A statement of office hours regularly maintained by the practitioner.

(4) A statement of languages, other than English, fluently spoken by the practitioner or a person in the practitioner's office.

(5) (A) A statement that the practitioner is certified by a private or public board or agency or a statement that the practitioner limits his or her practice to specific fields.

(B) A statement of certification by a practitioner licensed under Chapter 7 (commencing with Section 3000) shall only include a statement that he or she is certified or eligible for certification by a private or public board or parent association recognized by that practitioner's licensing board.

(C) A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California may include a statement that he or she limits his or her practice to specific fields, but shall not include a statement that he or she is certified or eligible for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, unless that board or association is (i) an American Board of Medical Specialties member board, (ii) a board or association with equivalent requirements approved by that physician's and surgeon's licensing board prior to January 1, 2019, or (iii) a board or association with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in that specialty or subspecialty. A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term "board certified" in reference to that certification, unless the physician and surgeon is also licensed under Chapter 4 (commencing with Section 1600) and the use of the term "board certified" in reference to that certification is in accordance with subparagraph (A). A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California who is certified by a board or association referred to in clause (i), (ii), or (iii) shall not use the term "board certified" unless the full name of the certifying board is also used and given comparable prominence with the term "board certified" in the statement.

For purposes of this subparagraph, a "multidisciplinary board or association" means an educational certifying body that has a psychometrically valid testing process, as determined by the Medical Board of California, for certifying medical doctors and other health care professionals that is based on the applicant's education, training, and experience. A multidisciplinary board or association approved by the Medical Board of California prior to January 1, 2019, shall retain that approval.

For purposes of the term "board certified," as used in this subparagraph, the terms "board" and "association" mean an organization that is an American Board of Medical Specialties member board, an organization with equivalent requirements approved by a physician's and surgeon's licensing board prior to January 1, 2019, or an organization with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in a specialty or subspecialty.

(D) A doctor of podiatric medicine licensed under Article 22 (commencing with Section 2460) of Chapter 5 by the California Board of Podiatric Medicine may include a statement that he or she is certified or eligible or qualified for certification by a private or public board or parent association, including, but not limited to, a multidisciplinary board or association, if that board or association meets one of the following requirements: (i) is approved by the Council on Podiatric Medical Education, (ii) is a board or association with equivalent requirements approved by the California Board of Podiatric Medicine, or (iii) is a board or association with the Council on Podiatric Medical Education approved postgraduate training programs that provide training in podiatric medicine and podiatric surgery. A doctor of podiatric medicine licensed under Article 22 (commencing with Section 2460) of Chapter 5 by the California Board of Podiatric Medicine who is certified by a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” unless the full name of the certifying board is also used and given comparable prominence with the term “board certified” in the statement. A doctor of podiatric medicine licensed under Article 22 (commencing with Section 2460) of Chapter 5 by the California Board of Podiatric Medicine who is certified by an organization other than a board or association referred to in clause (i), (ii), or (iii) shall not use the term “board certified” in reference to that certification.

For purposes of this subparagraph, a “multidisciplinary board or association” means an educational certifying body that has a psychometrically valid testing process, as determined by the California Board of Podiatric Medicine, for certifying doctors of podiatric medicine that is based on the applicant’s education, training, and experience. For purposes of the term “board certified,” as used in this subparagraph, the terms “board” and “association” mean an organization that is a Council on Podiatric Medical Education approved board, an organization with equivalent requirements approved by the California Board of Podiatric Medicine, or an organization with a Council on Podiatric Medical Education approved postgraduate training program that provides training in podiatric medicine and podiatric surgery.

The California Board of Podiatric Medicine shall adopt regulations to establish and collect a reasonable fee from each board or association applying for recognition pursuant to this subparagraph, to be deposited in the State Treasury in the Podiatry Fund, pursuant to Section 2499. The fee shall not exceed the cost of administering this subparagraph.

(6) A statement that the practitioner provides services under a specified private or public insurance plan or health care plan.

(7) A statement of names of schools and postgraduate clinical training programs from which the practitioner has graduated, together with the degrees received.

(8) A statement of publications authored by the practitioner.

(9) A statement of teaching positions currently or formerly held by the practitioner, together with pertinent dates.

- (10) A statement of his or her affiliations with hospitals or clinics.
- (11) A statement of the charges or fees for services or commodities offered by the practitioner.
- (12) A statement that the practitioner regularly accepts installment payments of fees.
- (13) Otherwise lawful images of a practitioner, his or her physical facilities, or of a commodity to be advertised.
- (14) A statement of the manufacturer, designer, style, make, trade name, brand name, color, size, or type of commodities advertised.
- (15) An advertisement of a registered dispensing optician may include statements in addition to those specified in paragraphs (1) to (14), inclusive, provided that any statement shall not violate subdivision (a), (b), (c), or (e) or any other section of this code.
- (16) A statement, or statements, providing public health information encouraging preventive or corrective care.
- (17) Any other item of factual information that is not false, fraudulent, misleading, or likely to deceive.

(i) Each of the healing arts boards and examining committees within Division 2 shall adopt appropriate regulations to enforce this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Each of the healing arts boards and committees and examining committees within Division 2 shall, by regulation, define those efficacious services to be advertised by businesses or professions under their jurisdiction for the purpose of determining whether advertisements are false or misleading. Until a definition for that service has been issued, no advertisement for that service shall be disseminated. However, if a definition of a service has not been issued by a board or committee within 120 days of receipt of a request from a licensee, all those holding the license may advertise the service. Those boards and committees shall adopt or modify regulations defining what services may be advertised, the manner in which defined services may be advertised, and restricting advertising that would promote the inappropriate or excessive use of health services or commodities. A board or committee shall not, by regulation, unreasonably prevent truthful, nondeceptive price or otherwise lawful forms of advertising of services or commodities, by either outright prohibition or imposition of onerous disclosure requirements. However, any member of a board or committee acting in good faith in the adoption or enforcement of any regulation shall be deemed to be acting as an agent of the state.

(j) The Attorney General shall commence legal proceedings in the appropriate forum to enjoin advertisements disseminated or about to be disseminated in violation of this

section and seek other appropriate relief to enforce this section. Notwithstanding any other provision of law, the costs of enforcing this section to the respective licensing boards or committees may be awarded against any licensee found to be in violation of any provision of this section. This shall not diminish the power of district attorneys, county counsels, or city attorneys pursuant to existing law to seek appropriate relief.

(k) A physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) by the Medical Board of California or a doctor of podiatric medicine licensed pursuant to Article 22 (commencing with Section 2460) of Chapter 5 by the California Board of Podiatric Medicine who knowingly and intentionally violates this section may be cited and assessed an administrative fine not to exceed ten thousand dollars (\$10,000) per event. Section 125.9 shall govern the issuance of this citation and fine except that the fine limitations prescribed in paragraph (3) of subdivision (b) of Section 125.9 shall not apply to a fine under this subdivision.

3. Advertising Requirements Specific to Marriage and Family Therapist Associates and Trainees

BPC §4980.44. (AMFTs)

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

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

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

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

(B) The associate's registration number.

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

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

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

BPC §4980.48. (MFT Trainees)

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

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

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

- (1) That the trainee is a marriage and family therapist trainee.
- (2) The name of the trainee's employer.
- (3) That the trainee is supervised by a licensed person.

ATTACHMENT C

Fact Sheet Licensee and Registrant Advertising Requirements

Licensees and registrants must include all of the following information in any advertisement:

1. Your full name, as filed with the Board; and
2. Your license or registration number; and
3. Your complete title, or an abbreviation deemed acceptable by the Board. Acceptable titles and abbreviations are as follows:

If you are a...	You may use the following titles and/or abbreviations in advertisements:
Licensed Marriage and Family Therapist	• Licensed Marriage and Family Therapist; OR • MFT; OR • LMFT
Registered Associate Marriage and Family Therapist	• Registered Associate Marriage and Family Therapist [1]; OR • Registered Associate MFT
Licensed Educational Psychologist	• Licensed Educational Psychologist; OR • LEP
Licensed Clinical Social Worker	• Licensed Clinical Social Worker; OR • LCSW
Registered Associate Clinical Social Worker	• Registered Associate Clinical Social Worker [2]; OR • Registered Associate CSW
Licensed Professional Clinical Counselor	• Licensed Professional Clinical Counselor; OR • LPCC
Registered Associate Professional Clinical Counselor	• Registered Associate Professional Clinical Counselor [3]; OR • Registered Associate PCC

[1] The abbreviation-**AMFT** may only be used in an advertisement if the title “Registered Associate Marriage and Family Therapist” is also used.

[2] The abbreviation-**ASW** may only be used in an advertisement if the title “Registered Associate Clinical Social Worker” is also used.

[3] The abbreviation-**APCC** may only be used in an advertisement if the title “Registered Associate Professional Clinical Counselor” is also used.

Additional Requirement for Registrants: If you are a registered associate, your advertisement must also include the name of your employer or the name of the entity for which you volunteer. If you are an AMFT, you must also state in the advertisement that you are supervised by a licensed person.

Requirements for MFT Trainees: Any advertisement by or on behalf of an MFT Trainee shall include all of the following¹:

- That he or she is a “marriage and family therapist trainee”
- The name of his or her employer
- That he or she is supervised by a licensed person.

Use of the Terms “Psychotherapy” or “Psychotherapist”: Use of these terms is permissible as long as your advertisement contains all of the information required by law, as listed above.

Use of Academic Credentials: Reference to academic credentials is permitted in your advertisement as long as your degree is earned (not an honorary degree or conferred without actual study) and representations and statements made about your degree are not misleading.

Definition of “Advertising”: Advertising includes, but is not limited to², any public communication (including, but not limited to mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication), 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 or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. For more information, see [Section 651](#) of the Business and Professions Code.

Unprofessional Conduct in Advertising: The following are considered unprofessional conduct³:

- Advertising in a manner that is false, fraudulent, misleading or deceptive.
- Misrepresentation as to the type or status of a license or registration, or otherwise misrepresenting education, professional qualifications, or professional affiliations.

For more information, see the Board’s [Statutes and Regulations](#).

¹ Business and Professions Code (BPC) Section 4980.48(c)

² BPC Sections 4980.03(e) (LMFT); 4989.49 (LEP); 4992.2 (LCSW); and 4999.12(j) (LPCC)

³ BPC Sections 4982(f),(p) (LMFT); 4989.54(e),(i) (LEP); 4992.3(g),(q) (LCSW); and 4999.90(f),(p) (LPCC)

REGISTRANTS

Mary Doe
Registered Associate Marriage and Family Therapist
AMFT 99999
Employed by Company ABC

Supervised by Jane Smith,
Licensed Marriage and Family Therapist

Mary Doe, M.A., Ph.D., AMFT
Registered Associate Marriage and Family Therapist
Registration No. AMFT 99999
Company ABC

Supervised by Jane Smith, LMFT

Rafael Garcia
Registered Associate Clinical Social Worker
ASW 99999

Employed by Any Town Therapy

Rafael Garcia, M.S.W., Ph.D.
Registered Associate Clinical Social Worker

Any Town Therapy
Registration No. ASW 99999

Jack Smith
XYZ Charity

Registered Associate Professional Clinical Counselor
APCC 99999

Jack Smith, M.A., Ph.D., APCC
Registered Associate Professional Clinical Counselor
Registration Number APCC 99999

Volunteer for XYZ Charity

LICENSEES

Jane Smith
Any Town Therapy
Licensed Marriage and Family Therapist
LMFT 99999

Jane Smith, Ph.D., LMFT
Psychotherapist
License No. LMFT 99999

Mary Lopez, LEP
Licensed Educational Psychologist
LEP 9999

Mary Lopez, M.A., Ed.D., LEP
Psychotherapist
License Number LEP 9999

John Jones
Licensed Clinical Social Worker
LCSW 99999

John Jones, M.S.W., LCSW
License No. LCSW 99999
Providing Psychotherapy Since 2000

Jin Fong
Licensed Professional Clinical Counselor
LPCC 99999

Jin Fong, M.S., Ph.D., LPCC
Any Town Therapy
Psychotherapy Services
License Number LPCC 99999

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Chart 1

Current Advertising Requirements

Item Required to be Disclosed in an Advertisement	License Type				Registration Type			Pre-Degree Student		
	LMFT	LEP	LCSW	LPCC	AMFT	ASW	APCC	MFT Trainee	Social Work Intern	PCC Trainee
Full Name as Filed with the Board	X	X	X	X	X	X	X	X	-	-
Complete Title or Acceptable Abbreviation	X	X	X	X	X	X	X	X	-	-
License or Registration Number	X	X	X	X	X	X	X	-	-	-
Name of Employer or Volunteer Entity	-	-	-	-	X	-	-	X	-	-
Supervised by a Licensed Person	-	-	-	-	X	-	-	X	-	-
Supervisor's License Type and Number	-	-	-	-	-	-	-	X	-	-

Chart 2

Proposed Advertising Requirements

Item Required to be Disclosed in an Advertisement	License Type				Registration Type			Pre-Degree Student		
	LMFT	LEP	LCSW	LPCC	AMFT	ASW	APCC	MFT Trainee	Social Work Intern	PCC Trainee
Full Name as Filed with the Board	X	X	X	X	X	X	X	X [1]	-	-
Complete Title or Acceptable Abbreviation	X	X	X	X	X	X	X	X	-	-
License or Registration Number	X	X	X	X	X	X	X	-	-	-
Name of Employer or Volunteer Entity	-	-	-	-	X	X	X	X	-	-
Supervised by a Licensed Person	-	-	-	-	X	X	X	X	-	-

[1] Under the proposal, MFT trainees would be required to include their name in an advertisement; however, they do not yet have a name filed with the Board.

Chart 3

Current Client Disclosure Requirements

Item Required to be Disclosed to Client	Registration Type			Pre-Degree Student		
	AMFT	ASW	APCC	MFT Trainee	Social Work Intern	PCC Trainee
Unlicensed Status	X	X	X	X	X	X
Status Type (Associate, Trainee, Intern)	X	-	-	X	-	-
Registration Number	X	-	-	-	-	-
Name of Employer	X	-	-	X	-	-
Under Supervision	X	X [1]	X	X	X	X
License Type of Supervisor	X	-	-	X	X	-

[1] ASWs must specify they are under the supervision of a licensed person, but do not need to specify the supervisor's license type.

Chart 4

Proposed Client Disclosure Requirements

	Registration Type			Pre-Degree Student		
	AMFT	ASW	APCC	MFT Trainee	Social Work Intern	PCC Trainee
Unlicensed Status	X	X	X	X	X	X
Status Type (Associate, Trainee, Intern)	-	-	-	-	-	-
Registration Number	-	-	-	-	-	-
Name of Employer or Volunteer Entity	X	X	X	X	X	X
Under Supervision of a Licensed Professional	X	X	X	X	X [1]	X [1]
License Type of Supervisor	-	-	-	-	-	-

[1] Social work interns and PCC trainees are not required to have a licensed professional supervise them, and therefore they only can be required to disclose that they are under supervision.