



**BOARD OF BEHAVIORAL SCIENCES**  
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## **MEETING NOTICE**

### **Policy and Advocacy Committee January 20, 2006**

Junipero Serra State Building  
320 W. Fourth Street, Pacific Ocean Conference Room  
Los Angeles, CA 90013

**1:30 p.m. – 4:00 p.m.**

- I. Introductions
- II. Strategic Plan Goal #4 – Report on Progress
  - A. Objective 4.1 -- Participate in 15 public policy forums throughout the State addressing access to mental health services by June 30, 2010.
  - B. Objective 4.2 -- Develop 4 proposals related to behavioral science licensing law that address delivery of services to consumers in light of demographic changes in both the general and licensee populations by December 31, 2007.
  - C. Objective 4.3 -- Advocate for 5 laws that expand access to mental health services by June 30, 2010.
- III. Review and Possible Action Regarding Loan Repayment/Scholarship Program Implementation
- IV. Informational Hearing on Proposed Changes to Title 16, Section 1803 Regarding the Delegation of Authority to the Executive Officer
- V. Informational Hearing on Proposed Changes to Title 16, Section 1886 Regarding the Issuance of Citations to Continuing Education Providers
- VI. Informational Hearing on Proposed Changes to Title 16, Sections 1833.1 and 1870 Regarding Supervisor Qualifications
- VII. Review and Possible Action on Pending Legislation
- VIII. Review and Possible Action to Sponsor Legislation to Allow Demographic Survey of Board Licensees
- IX. Discuss Proposal to Reorganize the Statutes Governing Marriage and Family Therapy
- X. Dates for Future Committee Meetings

*Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Items will be considered in the order listed. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.*

THIS AGENDA AS WELL AS BOARD MEETING MINUTES CAN BE FOUND ON THE BOARD OF BEHAVIORAL SCIENCES WEBSITE AT [www.bbs.ca.gov](http://www.bbs.ca.gov)

NOTICE: The meeting facilities are accessible to persons with disabilities. Please make requests for accommodations to the attention of Sal Reyes at the Board of Behavioral Sciences, 1625 N. Market Boulevard, Suite S-200, Sacramento, CA 95834, or by phone at 916-574-7836, no later than one week prior to the meeting. If you have any questions please contact the Board at (916) 574-7830.

# Item I

**State of California  
Board of Behavioral Sciences**

**Memorandum**

**To: Policy and Advocacy Committee**

**Date: January 11, 2006**

**From: Paul Riches  
Executive Officer**

**Telephone: (916) 574-7840**

**Subject: Introduction of the Committee**

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The Policy and Advocacy Committee was formed as part of a reorganization of the Board's committees. Each of the Board committees now has express responsibility for overseeing specific goals in the strategic plan recently adopted by the board as well as a general jurisdiction.

This committee is responsible for Goal #4 in the strategic plan -- Advocate for increased access to mental health services. In addition, this committee will review pending legislation and regulation changes.

The Board's committees are composed as follows:

***Policy and Advocacy Committee***

*Chair* - Bob Gerst  
Karen Pines  
Ian Russ  
Peter Manoleas

***Consumer Protection Committee***

*Chair* - Howard Stein  
Judi Johnson  
Bob Gerst

***Communications Committee***

*Chair* – Karen Pines  
Joanie Walmsley  
Peter Manoleas

***Budget and Efficiency Committee***

*Chair* – Victor Law  
Donna DiGiorgio

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# Item II

**State of California  
Board of Behavioral Sciences**

**Memorandum**

**To: Policy and Advocacy Committee**

**Date: January 11, 2006**

**From: Paul Riches  
Executive Officer**

**Telephone: (916) 574-7840**

**Subject: Strategic Plan Update**

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Background

The board formally adopted the new strategic plan at its November 2005 meeting. As part of the implementation of the strategic plan, each committee will receive a progress update on the strategic objectives under its jurisdiction. This regular exchange of information provided will provide mutual accountability between staff and board members in accomplishing our shared objectives.

Update on Objectives

Objective 4.1 -- Participate in 15 public policy forums throughout the State addressing access to mental health services by June 30, 2010.

No action to report.

Objective 4.2 -- Develop 4 proposals related to behavioral science licensing law that address delivery of services to consumers in light of demographic changes in both the general and licensee populations by December 31, 2007.

Early planning of a conference on diversity and mental health in April 2006. The conference will help draw on existing knowledge of the issue and develop areas of inquiry for possible future board action.

Identification of speakers and agenda development in progress.

Objective 4.3 -- Advocate for 5 laws that expand access to mental health services by June 30, 2010.

No action to report. It is early in the 2006 legislative session and few bills have been introduced at this date.

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# Item III

**State of California**

**M e m o r a n d u m**

**To : Board of Behavioral Sciences**

**Date: January 5, 2006**

**From : Paula Gershon, Budget Analyst  
Board of Behavioral Sciences**

**Telephone: (916)574-7838**

**Subject : Licensed Mental Health Service Provider Education Program**

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Background

The Licensed Mental Health Service Provider Education Program is a scholarship and loan program run by the Health Professions Education Foundation, a nonprofit public benefit corporation established by the Office of Statewide Health Planning and Development. The mission of the Foundation is to increase the supply of health care providers who are willing to practice in underserved areas of California. The Foundation accomplishes its mission by awarding scholarships and educational loan repayment grants to health professional students and recent graduates who are committed to practicing in rural and urban underserved areas.

The Board of Behavioral Sciences (as mandated by Assembly Bill 938 (Yee)) collects an additional \$10.00 from Licensed Clinical Social Workers and Marriage and Family Therapists upon the renewal of these licensees. These funds are transferred to the Mental Health Practitioner Education Fund for purposes of funding this Program. A total of \$183,030 was collected in 2004, the amount collected for 2005 is not yet available.

Status of Program

Board staff has made several attempts to contact the Foundation in an effort to find out the status of this Program, which was purported to be rolled out in December 2005. In addition, a check of the Foundation's website does not give any indication that this program is operational.

The Board had asked to be notified once a Notice of Proposed Regulations was published, as of yet, the Board has not received such a notification.

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To the Members of the California Legislature:

I am signing Assembly Bill 938. This bill establishes the Licensed Mental Health Provider Education Program (Program) and the Mental Health Practitioner Education Fund. The Program would provide scholarships and loan forgiveness to mental health professionals, who agree to serve in certain medically underserved areas upon graduation. The Program would be funded through a \$10 fee added to the fees paid by licensed clinical social workers, psychologists and marriage and family therapists at the time of license renewal.

The shortage of mental health providers is one of the most urgent issues facing the mental health system. I am signing this bill with the understanding that the Office of Statewide Health Planning and Development (OSHPD) will implement it within existing resources. I will support legislation that gives OSHPD an additional year for implementation beyond the 1/1/05 start date currently in the bill.

Sincerely,

GRAY DAVIS

# Item IV

Memorandum

**To:** Policy and Advocacy Committee

**Date:** January 3, 2006

**From:** Paul Riches  
Executive Officer

**Telephone:** (916) 574-7840

**Subject: Delegation of Functions to the Executive Officer**

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Background

The executive officer is employed by the board and performs those duties and functions delegated by the board and specified by statute. Board regulations include Title 16, Section 1803 which explicitly delegates a number of functions related to the enforcement processes to the executive officer including:

- File accusations
- Issue notices of hearing
- Issue statements of issues
- Receive and file notices of defense
- Issue subpoenas and subpoenas duces tecum;
- Set and calendar cases for hearing.

A recent case called into question the means by which the an order to compel a psychiatric evaluation can be issued. Past practice at the BBS and other licensing boards was to have the order signed by the board chair. It was determined that such an order is an investigatory function and should not be performed by board members who serve as judges in the administrative adjudication process. Due process requires that the investigatory function and the adjudication function should be separate and performed by different parties.

Subsequent to this determination, the board chair signed a general delegation to the executive officer to sign orders to compel a psychiatric evaluation but that delegation should be formalized and included in Section 1803. Attached to this memo is draft language to make such a change.

This item has been brought before the committee to give the public an additional opportunity to comment prior to publishing the rulemaking notice.

**Amend Title 16, Section 1803 of the California Code of Regulations, as follows:**

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing, issue orders compelling psychiatric examination in accordance with Section 820 of the Business and Professions Code and perform other functions necessary to the efficient dispatch of the business of the board in

connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in his or her absence from the office of the board, the acting executive officer.

Note: Authority cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 820, 4980.07, 4990.8 and 4990.13, Business and Professions Code; and Section 11500-11528, Government Code.

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# Item V

Memorandum

**To:** Policy and Advocacy Committee

**Date:** January 3, 2006

**From:** Paul Riches  
Executive Officer

**Telephone:** (916) 574-7840

**Subject: Citation and Fine for Continuing Education Providers**

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Background

Currently, providers of continuing education (CE) for LCSWs and MFTs must be either an accredited or approved post-secondary institution with an MFT or LCSW program or be registered with the board as a CE provider.<sup>1</sup> To become registered, a provider must meet the following requirements:

1) Provide a course outline(s) of proposed CE course(s) that meets the course content requirements (i.e., relevant to practice, has measurable outcomes, course evaluation)<sup>2</sup>.

2) Document that proposed instructors meet at least two of the following criteria:

Be licensed in an area related to the subject matter of the course.

Possess a master's or higher degree from an educational institution in an area related to the subject matter of the course.

Have training, certification, or experience in teaching subject matter related to the subject matter of the course.

Have at least two years' experience in an area related to the subject matter of the course.

Provider registrations are valid for two years and may be renewed. The provider is allowed to determine the nature and content of the courses offered and selects the instructors. Once the registration is issued, the board's role is limited to a retrospective review of the provider's compliance through the audit process.

The board may revoke or suspend a CE provider registration for "good cause," which includes:

1) Conviction of of a felony or misdemeanor offense substantially related to the continuing education.

2) Material misrepresentation of fact in information submitted to the board.

At the November 2005 meeting, the Board approved moving forward with a regulation change to permit the issuance of a citation to CE providers. This item has been place on the committee agenda to provide additional opportunity for public comment prior to publishing the rulemaking notice.

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<sup>1</sup> 16CCR1887.6

<sup>2</sup> 16CCR1887.4

## CE Provider Audits

Based on recent board discussions regarding CE providers, specifically concerns about the number of hours awarded for individual courses, board staff is developing an audit process for CE providers. The only sanction available at this time, should an audit uncover violations, is to revoke the provider's approval. Having alternative sanctions available would provide greater flexibility to the board in enforcing existing CE requirements. While, it is possible that audits would uncover violations significant enough to warrant revocation, it is far more likely that lesser violations will be found and the board should have appropriate sanctions available for such violations.

### Citation and Fine Program

The board currently has regulations that permit the executive officer to issue a citation (including a fine and order of abatement) to marriage and family therapists, licensed clinical social workers, marriage and family therapist interns, associate clinical social workers, and licensed educational psychologists for a violation(s) of the appropriate practice act or board regulations. The executive officer is also permitted to issue citations for unlicensed activity. Fines are currently capped at \$2,500, but the board is considering a proposal at this meeting to increase the maximum fine to \$5,000 in certain cases.

Existing regulations do not permit the executive officer to issue a citation to a CE provider. Attached to this memo is draft language to allow the issuance of a citation to CE providers.

### Draft Regulation

Amend Title 16, Section 1886 of the California Code of Regulations, to read:

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed marriage and family therapist (MFT), licensed educational psychologist (LEP), licensed clinical social worker (LCSW), MFT Intern, ~~or Associate Clinical Social Worker~~, or an approved continuing education provider of the statutes and regulations enforced by the Board of Behavioral Sciences.

### NOTE

Authority cited: Sections 125.9, 148, 149, 4980.60, 4987 and 4990.14, Business and Professions Code.

Reference: Sections 125.9, 148 ~~and~~ 149, 4980.54, and 4996.22 Business and Professions Code.

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# Item VI



**State of California  
Board of Behavioral Sciences**

**Memorandum**

**To: Policy and Advocacy Committee**

**Date: January 3, 2006**

**From: Paul Riches  
Executive Officer**

**Telephone: (916) 574-7840**

**Subject: Qualifications of Supervisors**

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At its February 21, 2003 meeting, the Board approved a proposal to amend Title 16, Sections 1833.1 and 1870 to modify the requirements for supervisors. However, the rulemaking process was not initiated for these changes.

Background

Section 4980.40 (f) requires that a marriage and family therapist (MFT), licensed clinical social worker (LCSW), psychologist (PSY) or physician who is board certified in psychiatry supervise an MFT Intern. To be eligible to supervise an MFT Intern, the licensee must have been licensed for at least two years and have a current, valid license in good standing.

Section 4996.21 (a) requires that Associate Clinical Social Workers (ASW) be supervised by a licensed mental health professional as specified in board regulations.

Section 1833.1 of the board's regulations describes the requirements for MFT Intern supervisors including a requirement that the supervisor "...has practiced psychotherapy for at least two years in the five year period immediately preceding any supervision and has averaged at least five patient/client contact hours per week." This section also requires any licensee of the board to complete at least six hours of continuing education on supervision within 60 days of commencing supervision. Supervisors are also required to obtain six hours of continuing education regarding supervision every two years thereafter.

Section 1870 of the board's regulations describes the requirements for ASW supervisors including a requirement that the supervisor "...has practiced psychotherapy as part of his/her clinical experience for at least two years within the last five years immediately preceding supervision." This section also requires any supervisor to complete fifteen hours of continuing education or training from a state agency regarding supervision. There is an ongoing education requirement for ASW supervisors.

The board currently interprets supervision of an IMF or ASW to be "psychotherapy" for the purposes of meeting the practice requirement in Sections 1833.1 and 1870. The proposed regulation from 2003 would make this interpretation explicit in the regulation. Staff has updated the proposed changes to reflect changes in the sections since 2003 as well as making minor modifications to increase clarity.

Issues for Consideration

1. Should the minimum contact requirement be retained for IMF supervisors? If so, should it be extended to ASW supervisors?

The 2003 draft eliminated a requirement that IMF supervisors have a minimum of five hours of patient/client contact per week. There is no parallel requirement for ASW supervisors. The 2006 draft attached restores this provision for IMF supervisors and imposes the same contact requirement for supervision.

2. Is the supervision of an IMF or ASW equivalent to practicing psychotherapy in terms of establishing supervisor qualifications?

3. Is there a need for the board to require supervisors to meet qualifications other than licensure and the training courses required of supervisors for both professions?

#### Possible Actions

The board has already approved moving forward with changing the regulations per the 2003 draft. This draft raised some questions when reviewed by staff. These questions, a substantial number of new board members, and a significant period of time having passed since the Board's action caused the proposal to be brought before the committee for discussion.

Among the possible actions for the committee to consider are:

1. Take no action and proceed with the change per the 2003 draft. The board has taken action on the item and it can proceed to a formal rulemaking notice without further action.

2. Recommend to the board modifications to the 2003 draft for consideration at the February 2006 board meeting.

#### Attachments

Attached to this memo are the following:

1. Minutes from the February 20, 2003 Licensing Committee meeting where the proposal was first heard.
2. Minutes from the February 21, 2003 Board meeting where the Board directed staff to move forward with the proposed regulation changes.
3. 2003 draft of the proposed regulation changes.
4. 2006 draft of the proposed regulation changes.

# Item VII



# Item VIII

# Memorandum

TO: Paul Riches  
Executive Officer  
Board of Behavioral Sciences

Date: Jan. 11, 2006

Tel.: (916) 574 8243  
FAX: (916) 574 8623

FROM: Department of Consumer Affairs  
Legal Office

SUBJ: Collection of Licensee Demographic Data

## A. BACKGROUND

The Board of Behavioral Sciences (Board) wishes to conduct a survey of its licensees by collecting data consisting of age, gender and ethnic background. Submission of any such data would only be done on an optional or voluntarily basis. The data would be submitted anonymously. The Board would also not employ any devices such as secret identification codes which could subsequently be used to link the data to individuals. Finally, the data would be maintained in a purely statistical format. Thus, it would be impossible to connect any of the data to specific individuals at any stage of the survey process.

The purpose of the survey would be to provide the Board with general demographic data concerning its licensing population. This data would then be used for general policy deliberations. Recent studies have identified the importance of patient care which is delivered in an optimum cultural and linguistic setting. These studies have also indicated that these cultural and linguistic factors can have a significant impact on quality of care. Thus, the information would be extremely helpful to the Board in assessing the degree of cultural and linguistic compatibility between its licensing population and the general population of patients.

## B. ISSUE

Is it legally permissible for the Board collect this information from licensees on a voluntary basis?

## C. CONCLUSION

Nothing in either the Information Practices Act or fair employment legislation appears to prohibit such voluntary data collection. Indeed, the Board would appear to have an obligation under the law to inform itself in order to insure its practices and procedures do not have an adverse impact on any class or groups that compose its licensing population.

## D. DISCUSSION

At first impression, collection by a State agency of ethnic, age and gender data even on an optional or voluntary basis would appear to be illegal, discriminatory and constitute an invasion of personal privacy. But further analysis is need particularly in light of the factual circumstances presented.

### 1. The Information Practices Act

Characteristics person's identity including his or her ethnic origin, gender and age are matters covered by the Information Practices Act. Civil Code Section 1798.3(a) defines "personal information" to include "any information that is maintained by an agency that identifies or describes an individual." In addition, Section 1798.14 provides that:

Each agency shall maintain in its records only personal or confidential information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or state or mandated by the federal government.

Arguably, there is an issue under Section 1798.14 about whether the information would be "relevant and necessary" for Board operations. But this is a moot issue under the Board's factual situation. The key element in both Sections 1798.3(a) and 1798.14 is the word "*maintain*." In order for either section to apply, the agency must maintain personal information. Under the facts given, the Board will not do this. The only thing it will "maintain" will be statistical summaries based on aggregate numbers which will not be tied to any individuals. Thus, the data collection plan proposed by the Board would not appear to be covered by the Information Practices Act nor would it violate Section 1798.14.

## 2. Information Gathered as Part of an Application Process

A number of statutes prohibit State agencies from gathering gender, age and racial data as part of either the employment or licensing application process. Each is analyzed below.

### a. GovernmentCode Section 8310

This section prohibits the "inclusion of any question relative to an applicant's race, sex, marital status, or religion in any application blank or form required to be filled in and submitted by an applicant to any department, board, [ or] commission."

Two elements are necessary to come within this prohibition

- 1) The information must be "required to be filled in"; and
- 2) It is supplied by applicants.

Neither element is satisfied by the Board's voluntary use of data submitted by those who have already been licensed.

### b. GovernmentCode Section 19705

Govt. Code § 19705 permits the State Personnel Board to ask state civil service applicants to voluntarily provide ethnic data about themselves so that this Board can determine the fairness of the job selection process. One might argue that a similar statute would be necessary before the Board of Behavioral Sciences could collect ethnic and gender data. But this would be to ignore the setting in which the questions are asked. In the case of the State Personnel Board, the questions are asked as part of the application process. With respect to the Board of Behavioral Sciences, they are not. Since there is a general prohibition on asking for this type of data as part of an application process (i.e. Govt. Code § 8310), a special statutory exception would be necessary.

### c. GovernmentCode Section 12944

This section expressly applies to licensing boards. It provides in part that:



(a) It shall be unlawful for a licensing board to *require any examination* or establish any other qualification for licensing *that has an adverse impact on any class by virtue of its race, creed, color, national origin or ancestry, sex, age, medical condition, physical disability, mental disability, or sexual orientation*, unless the practice can be demonstrated to be job related.

\* \* \* \*

(c) It shall be unlawful for any licensing board, unless specifically acting in accordance with federal equal employment opportunity guidelines or regulations approved by the commission, to print or circulate. . . any publication, or to make any non-job-related inquiry, either verbal or through use of an application form, *which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, sex, age, or sexual orientation or any intent to make any such limitation, specification, or discrimination.* [Emphasis added.]

Subdivision (c) of Section 12944 is clearly inapplicable. The Board's proposed data gather process would in no way "express. . . any limitation or discrimination" based on race, gender or age. Nor would its intent be discriminatory. In fact just the opposite would be the case. The Board has a statutory mandate in subdivision (a) of Section 12944 to insure that its licensing examination does not have an adverse impact on any class "by virtue of its race, . . . national origin, . . . sex [or ]age." One of the primary ways it can do this is to gather demographic data regarding its licensing population.

There is 'nothing discriminatory about such practices as a matter of law. In *New Jersey Builders, Owners and Managers Ass 'n. v. Blair*, 60 N.J. 330,288 A.2d 855 (1972), a rule requiring owners of multiple occupancy dwellings to file annual reports supplying information on the racial designation of their tenants. In finding this practice to be nondiscriminatory, the Supreme Court of New Jersey held that:

[I]t was the hope and the expectation that the statistical data derived from the reports of property owners would serve to identify particular instances of housing discrimination and that where pronounced patters of racial imbalance emerged these might offer appropriate targets for investigation and such action as might then be indicated.

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So viewed, there is certainly nothing unreasonable about the Rule we are considering or the requirements it lays down. Assembling and evaluating these pertinent data may obviously be a rational approach toward fulfilling the responsibility with which the agency has been charged. Is this endeavor forbidden by the literal prohibitions embodied in the statute quoted above? We have no doubt that it is not.

It is now generally accepted that despite earlier statements describing the Constitution as being color blind, . . . those who seek to end racial discrimination must often be acutely color conscious. (288 A.2d at 858.)

A similar result was reached in *Montgomery County v. Fields Road Corp.*, 282 Md. 575, 386 A.2d 344 (1978). An almost identical tenant reporting rule was challenged on constitutional grounds. The Maryland Court of Appeals rejected this challenge. It noted that:

Although classification along racial lines may not be constitutionally tolerated where the effect is to impose a burden upon a particular race or to segregate on a racial basis, *this is to be distinguished from the collection of data identifying the racial composition of a certain group in an effort to prevent discrimination.* (386 A.2d at 350 [Emphasis added].)

For all of the above reasons, the Board's practice of collecting data involving ethnic origin, gender and age from those who are already licensees on a voluntary basis and then maintaining it in a purely statistical form does not appear to offend constitutional or statutory law.

DOREA THEA  
JOHNSON Deputy  
Director Legal Affairs



By George JY. Ritter  
Senior Staff Counsel

# Item IX

# State of California

## Memorandum

**To:** Policy and Advocacy Committee

**Date:** January 18, 2006

**From:** Paul Riches  
Executive Officer

**Telephone:** (916) 574-7480

**Subject: Reorganization of MFT Statutes**

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### Background

The Board has drafted a reorganization of the statutes pertaining to Marriage and Family Therapists. This has been a significant undertaking, designed to make the law more organized and easier to read. The draft was sent to stakeholders on October 12, 2005, for review and comment.

Feedback was received from the California Association of Marriage and Family Therapists (CAMFT) prior to the November board meeting. CAMFT made a number of technical comments and suggestions, and expressed the following larger concerns regarding the reorganization proposal:

- Regulations and other related statute would not be changed concurrently, and this may create confusion.
- There will be a significant cost to schools, professional associations, work settings, and others to make changes in printed material that reference statutes.
- There is a risk of inadvertently omitting or overlooking one or more key elements of law.
- Changing the section numbers of key sections such as for scope of practice or unprofessional conduct could have unintended consequences.
- This effort seems a massive undertaking given the brief time frame until the next sunset review.

At the November 2005 meeting, the board agreed to sponsor the reorganization in the 2006 legislative session. The item is on this agenda to continue the discussion on the reorganization with concerned parties.

*Re-Organization Proposal*  
*MFT Only*

*Sections shown in [brackets] indicate the current section(s) from which the proposed section has been moved or derived.*

**Repeal Chapter 13**

**Add Chapter 13 as follows:**

**CHAPTER 13. MARRIAGE AND FAMILY THERAPISTS**

**Article 1. Scope of Practice**

**§4980. [4980].**

**(a) Many California families and many individual Californians are experiencing difficulty and distress, and are in need of wise, competent, caring, compassionate, and effective counseling in order to enable them to improve and maintain healthy family relationships.**

**Healthy individuals, healthy families and healthy relationships are inherently beneficial and crucial to a healthy society, and are our most precious and valuable natural resource. Marriage and family therapists provide a crucial support for the well-being of the people and the State of California.**

**(b) No person may engage in the practice of marriage and family therapy as defined by Section 4980.02, unless he or she holds a valid license as a marriage and family therapist, or unless he or she is specifically exempted from that requirement, nor may any person advertise himself or herself as performing the services of a marriage, family, child, domestic, or marital consultant, or in any way use these or any similar titles, including the letters "M.F.T." or "M.F.C.C.," or other name, word initial, or symbol in connection with or following his or her name to imply that he or she performs these services without a license as provided by this chapter. "Engaging in the practice of marriage and family therapy" includes offering to perform services or holding oneself out as able to perform services that constitute marriage and family therapy as defined in Section 4980.02 for remuneration of any kind, including donations.<sup>3</sup>**

**Persons licensed under Chapters 6.6 or 14 of Division 2 may engage in such practice or advertise that they practice marriage and family therapy but may not advertise that they hold the marriage and family therapist's license.**

**(c) No person shall offer to engage in, or hold himself or herself out as able to engage in the practice of marriage and family therapy for remuneration in any form, including donations, except as authorized by this chapter. [4980.10]**

**§4980.02. [4980.02]**

**(a) For the purposes of this chapter, the practice of marriage and family therapy shall mean that service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family adjustments. This practice includes relationship and premarriage counseling.**

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<sup>3</sup> This sentence is derived from current 4980.10.

**(b) The application of marriage and family therapy principles and methods includes, but is not limited to, the use of applied psychotherapeutic techniques, to enable individuals to mature and grow within marriage and the family, the provision of explanations and interpretations of the psychosexual and psychosocial aspects of relationships, and the use, application, and integration of the coursework and training required by Section 4980.36.**

**§4980.04. [4980.01]**

**(a) Nothing in this chapter shall be construed to constrict, limit, or withdraw the Medical Practice Act, the Clinical Social Work Practice Act, the Educational Psychology Practice Act, the Nursing Practice Act, or the Psychology Licensing Law.**

**(b) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination when performing counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in the state, or who is licensed to practice medicine, when providing counseling services as part of his or her professional practice.**

**(c) This chapter shall not apply to an employee of a governmental entity or of a school, college, or university, or of an institution both nonprofit and charitable if his or her practice is performed solely under the supervision of the entity, school, or organization by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed.**

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

**(e) Notwithstanding subdivisions (b) and (c) all persons registered as interns or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.**

**§4980.08. [4980.08]**

**(a) The title “licensed marriage, family and child counselor” or “marriage, family and child counselor” is hereby renamed “licensed marriage and family therapist” or “marriage and family therapist,” respectively. Any reference in any statute or regulation to a “licensed marriage, family and child counselor” or “marriage, family and child counselor” shall be deemed a reference to a “licensed marriage and family therapist” or “marriage and family therapist.”**

**(b) Nothing in this section shall be construed to expand or constrict the scope of practice of a person licensed pursuant to this chapter.**

**§4980.09. [4980.31]**

**A licensee shall display his or her license in a conspicuous place in the licensee’s primary place of practice.**

## Article 2. Administration

**§4980.10.**

**This chapter constitutes and may be cited as, the Marriage and Family Therapist Practice Act.<sup>4</sup>**

**§4980.12. [4980.03].**

<sup>4</sup> Proposed to be added to name the chapter.

**(a) "Approved by the Bureau for Private Postsecondary and Vocational Education" as used in this chapter means unconditional approval existing at the time of the applicant's graduation from the school, college, or university. [4980.40]**

(b) "Intern," as used in this chapter, means a person who is registered pursuant to Section 4981.02.

**(c) "Trainee," as used in this chapter, means an unlicensed person who is currently enrolled in a master's or doctor's degree program, as specified in Section 4980.36, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.**

(d) "Applicant" as used in this chapter, means an unlicensed person who has completed a masters or doctoral degree program, as specified in Section 4980.36, and whose application for registration as an intern is pending, or an unlicensed person who has completed the requirements for licensure as specified in this chapter, is no longer registered with the board as an intern, and is currently in the examination process.

**(e) "Advertise," as used in this chapter, 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 shall not be construed as advertising within the meaning of this chapter.**

(f) "Experience" as used in this chapter means experience in interpersonal relationships, psychotherapy, marriage and family therapy, and professional enrichment activities that satisfies the requirement for licensure as a marriage and family therapist pursuant to Section 4980.43 and as further defined by the board in regulations. [4980.43]

(g) "Qualifying degree" as used in this chapter means a master's or doctor's degree that meets all of the requirements of subdivisions (a), (b) and (c) of Section 4980.36.<sup>5</sup>

(h) "Supervisor" as used in this chapter means an individual who meets the following requirements:

(1) Prior to supervising, has been licensed in California for at least two years as a marriage and family therapist, licensed clinical social worker, licensed psychologist, or a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.

(A) Supervisors licensed and providing supervision in another state that does not issue marriage and family therapist licenses or any similarly titled license must have held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and maintain the membership throughout the period of supervision.<sup>6</sup>

(2) Has not provided therapeutic services to the trainee or intern.

(3) Has a current and valid license not under suspension or probation.

(4) Complies with supervision requirements established by board regulations.<sup>7</sup>

(i) "Professional enrichment activities," as used in this chapter includes:<sup>8</sup>

<sup>5</sup> Proposed to be added to define language used in this chapter.

<sup>6</sup> Moved from 16CCR1833.2

<sup>7</sup> Moved from current 4980.40 and 16CCR1833.1.

<sup>8</sup> Language derived from 16CCR1833(c)

- (1) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the trainee, applicant or intern approved by his or her supervisor.
- (2) Participation by the trainee, applicant or intern in group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional.

### Article 3. Requirements for Licensure

#### §4980.30. [4980.30]

**Except as otherwise provided herein, a person desiring to practice and to advertise the performance of marriage and family therapy services shall apply to the board for a license and shall pay the license fee required by this chapter.**

#### §4980.35. [4980.35]

**(a) The Legislature acknowledges that the basic obligation to provide a complete and accurate application for a marriage and family therapist license lies with the applicant. At the same time, the Legislature recognizes that an effort should be made by the board to ensure that persons who enter degree programs and supervisory training settings that meet the requirements of this chapter are enabled to discern the requirements for licensing and to take the examination when they have completed their educational and experience requirements.**

**(b) In order that the board, the educational institutions, and the supervisors who monitor the education and experience of applicants for licensure may develop greater cooperation, the board shall do all of the following:**

**(1) Apply a portion of its limited resources specifically to the task of communicating information about its activities, the requirements and qualifications for licensure, and the practice of marriage and family therapy to the relevant educational institutions, supervisors, professional associations, applicants, trainees, interns, and the consuming public.**

**(2) Develop policies and procedures to assist educational institutions in meeting the curricula requirements of Section 4980.36 and any regulations adopted pursuant to that section, so that those educational institutions may better provide assurance to their students that the curriculum offered to fulfill the educational requirements for licensure will meet those requirements at the time of the student's application for licensure.**

**(3) Notify applicants in the application procedure when applications are incomplete, inaccurate, or deficient, and inform applicants of any remediation, reconsideration, or appeal procedures that may be applicable.**<sup>9</sup>

#### §4980.36.

**(a) To qualify for licensure or registration under this chapter, an applicant shall possess a qualifying doctor's or master's degree from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education in:**

- (1) marriage, family, and child counseling,
- (2) marital and family therapy,
- (3) psychology,
- (4) clinical psychology,
- (5) counseling psychology, or

<sup>9</sup> Propose deletion of paragraph (4) of subdivision (b) because the Board has accomplished these tasks.



(6) counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy.

(b) A qualifying doctor's or master's degree includes all of the following:

(1) An integrated course of study and appropriate professional training in the treatment of mental disorders, while allowing for innovation and individuality in the education of marriage and family therapists.

(2) A single, integrated program primarily designed to train marriage and family therapists.

(3) No less than 48 semester or 72 quarter units of instruction.

(4) Coursework in the salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment. [4980.40]

(5) Coursework in theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups. [4980.40]

(6) Training in the diagnosis, assessment, prognosis, and treatment of mental disorders. [4980.37]

(7) Coursework in developmental issues and life events from infancy to old age and their effect upon individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, and geropsychology. [4980.40]

(8) Coursework in a variety of approaches to the treatment of children. [4980.40]

**(9) Specific training in the application of marriage and family relationship counseling principles and methods. [4980.37]**

**(10) A variety of effective psychotherapeutic techniques and modalities that may be utilized to improve, restore, or maintain healthy individual, couple, and family relationships. [4980.37]**

**(11) Cross-cultural mores and values, including a familiarity with the wide range of racial and ethnic backgrounds common among California's population, including, but not limited to, Blacks, Hispanics, Asians, and Native Americans. [4980.37]**

**(12) The broad range of matters that may arise within marriage and family relationships. [4980.37]**

**(13) No less than 12 semester or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment in addition to the practicum specified in paragraph (13). [4980.40]**

**(14) No less than six semester or nine quarter units of practicum in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist in the following areas:**

**(A) applied psychotherapeutic techniques,**

(B) assessment,

(C) diagnosis,

(D) prognosis,

(E) treatment of individuals and premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention,

(F) a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups. [4980.40]

Educational institutions are encouraged to design the practica required by this paragraph to include marriage and family therapy experience in low-income and multicultural mental health settings. [4980.37]

(c) In addition to the subjects required by subdivision (b), a qualifying degree program shall:

(1) Provide specific instruction in alcoholism and other chemical substance dependency as specified by regulation. This paragraph applies to those individuals who began graduate study on or after January 1, 1986. [4980.41]

(2) Provide a minimum of a two semester or three quarter unit survey course in psychological testing. This paragraph applies to individuals who began graduate study on or after January 1, 2001. The requirement added by this paragraph is intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and is not intended in any way to expand or restrict the scope of licensure for marriage and family therapists. [4980.41]

(3) Provide a two semester or three quarter unit survey course in psychopharmacology. This paragraph applies to individuals who began graduate study on or after January 1, 2001. The requirement added by this paragraph is intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and is not intended in any way to expand or restrict the scope of licensure for marriage and family therapists. [4980.41]

(4) Provide coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.

(A) This paragraph shall apply to individuals who began graduate study on or after January 1, 1995.

(B) Coursework taken in fulfillment of other educational requirements for licensure may, at the discretion of the board, fulfill the requirements of this paragraph.

(C) The applicant shall submit to the board a certification from the educational institution stating that the required coursework is included within the institution's required curriculum for graduation, or within the coursework that was completed by the applicant.

(D) Applicants who began graduate study on or after January 1, 2004 shall complete a minimum of 15 contact hours of coursework to satisfy this requirement.

[4980.41(e)]

(5) Encourage students to develop those personal qualities that are intimately related to the counseling situation such as integrity, sensitivity, flexibility, insight, compassion, and personal presence. [4980.37]

(6) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists. [4980.37]

(d) All applicants for licensure shall complete the following coursework or training in order to be eligible to sit for the licensing examinations:

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

(2) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in paragraph (2) of subdivision (a).

(3) A minimum of two semester or three quarter units in California law and professional ethics for marriage and family therapists, which shall include, but not be limited to, the following areas of study:

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

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

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

(D) The psychotherapist/patient privilege, confidentiality, the patient dangerous to self or others, 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 his or her professional behavior and ethics. [4980.41]

(4) A minimum of 10 contact hours of coursework in aging and long-term care, which could include, but is not limited to, the biological, social, and psychological aspects of aging.

(A) Coursework taken in fulfillment of other educational requirements for licensure may, at the discretion of the board, fulfill the requirements of this paragraph.

(B) The applicant shall submit to the board a certification from the educational institution stating that the required coursework is included within the institution's required curriculum for graduation, or within the coursework that was completed by the applicant.

(C) This paragraph shall apply to individuals who began graduate study on or after January 1, 2004. [4980.39]

(e) 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 accreditation or approval. [4980.40]

§4980.38. [4980.90]<sup>10</sup>

(a) Notwithstanding Section 4980.36, education gained outside of California from a school that is not accredited by the Western Association of Schools and Colleges or approved by the Bureau for Private Postsecondary and Vocational Education shall be accepted if the

<sup>10</sup> Education and experience requirements of Section 4980.90(a), (b) were re-located to proposed Sections 4980.38 and 4980.90.

applicant has been granted a degree that otherwise complies with subdivisions (a) and (b) of Section 4980.36. The degree title and number of units in the degree program need not be identical to those required by subdivisions (a) and (b) of Section 4980.36.

(b) Before applying for registration as a marriage and family therapy intern, the applicant shall demonstrate that he or she has satisfied the requirements of subdivisions (a), (b) and (c) of Section 4980.36. The board may accept training or coursework acquired out of state to satisfy the requirements of these subdivisions.

(c) Before applying for admission to the licensing examinations, the applicant shall demonstrate that he or she has satisfied all requirements of Section 4980.36.

(d) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau of Private Postsecondary and Vocational Education. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary. [4980.40]

§4980.39. [4980.38, 4980.39]

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

(b) Each applicant shall submit to the board a certification by the applicant's educational institution that the applicant has fulfilled the requirements enumerated in Section 4980.36.<sup>11</sup>

§4980.40. [4980.40]

To qualify for a license, an applicant shall:

(a) Satisfy the educational requirements of Section 4980.36 or 4980.38, or possess a master's or doctor's degree by a degree program approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) Be at least 18 years of age.

(c) Have at least two years of experience that meets the requirements of Section 4980.43.

(d) Pass a board administered written or oral examination or both types of examinations, except that an applicant who passed a written examination and who has not taken or passed an oral examination shall instead be required to take and pass a clinical vignette written examination.

(e) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been

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<sup>11</sup> Propose removal of requirement for chief academic officer to certify that required curriculum is maintained within the institution's degree program. The school will certify that the degree meets this requirement as it is required in proposed 4980.36. Also deleted obsolete language pertaining to intern registration.

convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

**§4980.43. [4980.43]**

(a) Prior to applying for the licensure examinations, each applicant shall complete experience which shall include:

- (1) A minimum of 3000 hours completed during a period of at least 104 weeks.
- (2) Not more than 40 hours in any seven consecutive days.
- (3) Not less than 1700 hours of supervised experience completed subsequent to the granting of the qualifying master's or doctor's degree.
- (4) Not more than 1300 hours of experience obtained prior to completing the master's or doctor's degree. This experience shall be composed as follows:
  - (A) Not more than 750 hours of counseling and direct supervisor contact.
  - (B) Not more than 250 hours of professional enrichment activities excluding personal psychotherapy.<sup>12</sup>
  - (C) Not more than 100 hours of personal psychotherapy. The applicant will be credited for three hours of experience for each hour of personal psychotherapy.<sup>13</sup>
- (5) No hours of experience may be gained prior to completing either 12 semester or 18 quarter units of graduate instruction and becoming a trainee except for personal psychotherapy.
- (6) No hours of experience gained more than six years prior to the date the application for licensure was filed. Except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (b) of Section 4980.36 shall be exempt from this six-year requirement.
- (7) Not more than 1000 hours of direct supervisor contact and professional enrichment activities.<sup>14</sup>
- (8) Not more than 500 hours of experience providing group therapy or group counseling.<sup>15</sup>
- (9) Not more than 250 hours of experience administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes.<sup>16</sup>
- (10) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.<sup>17</sup>
- (11) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children.<sup>18</sup>

(b) All trainees, interns, and applicants for intern registration or licensure 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, rules, and regulations governing the practice of marriage and family therapy.

- (1) Supervised experience shall be gained by applicants, interns and trainees either as an employee or as a volunteer.<sup>19</sup>
- (2) The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers.

<sup>12</sup> Moved definition of "professional enrichment activities" to proposed 4980.12.

<sup>13</sup> From 16CCR1833.

<sup>14</sup> From subdivision (d).

<sup>15</sup> From 16CCR1833.

<sup>16</sup> From 16CCR1833.

<sup>17</sup> From 16CCR1833.

<sup>18</sup> From 16CCR1833.

<sup>19</sup> Duplicates provisions of subdivision (e).

(3) Experience shall not be gained by applicants, interns or trainees as an independent contractor.

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

(1) During each week in which experience is claimed and for each work setting in which experience is gained, a trainee, applicant for intern registration, or intern shall have at least one (1) hour of one-on-one, individual face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.<sup>20</sup>

(2) A trainee shall receive an average of at least one (1) hour of direct supervisor contact for every five (5) hours of client contact in each setting.

(3) Each individual supervised after being granted a qualifying degree shall receive an average of at least one (1) hour of direct supervisor contact for every 10 hours of client contact in each setting in which experience is gained.

(4) For purposes of this section, "one hour of direct supervisor contact" means one (1) hour of face-to-face contact on an individual basis or two (2) hours of face-to-face contact in a group of not more than eight (8) persons.

(5) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.

(d) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:

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

(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.

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

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

(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.

(2) An applicant for intern registration shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (d), until registered as an intern.

(3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.

(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee enumerated in subdivision (h) of Section 4980.12. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.

(5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.

<sup>20</sup> From 16CCR1833(b)(1).

(f) Except as provided in subdivision (g), all persons shall register with the board as an intern in order to be credited for postdegree hours of supervised experience gained toward licensure.

(g) Except when employed in a private practice setting, all postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctor's degree and is thereafter granted the intern registration by the board.

(h) Trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

(i) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in the employer's business.

(j) Trainees, interns, or applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

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

(l) The term "supervision", as used in this section, includes:

- (1) Ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised;
- (2) Reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern or trainee;
- (3) Monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served;
- (4) Ensuring compliance with laws and regulations governing the practice of marriage and family therapy; and,
- (5) That amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor.<sup>21</sup>

**§4980.57. [4980.57]**

**(a) The board shall require a licensee who began graduate study prior to January 1, 2004, to take a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics during his or her first renewal period. On and after January 1, 2005, the course shall consist of not less than seven hours of training.**

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<sup>21</sup> From 1833(b).

Equivalent courses taken in spousal or partner abuse assessment, detection, and intervention strategies 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.

(b) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required under subdivision (c) of Section 4980.92.

§4980.60. [4980.50]

(a) Every applicant for licensure as a marriage and family therapist who meets the educational and experience requirements shall be examined by the board. The examinations shall be as set forth in subdivision (d) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

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

(c) The board shall not deny any applicant for licensure, whose application is complete, admission to the standard written examination, nor shall the board postpone or delay any applicant's standard written examination or delay informing the candidate of the results of the standard written examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(d) If an applicant for licensure who has passed the standard written examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical vignette written examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant for licensure who has previously failed either the standard written or clinical vignette written examination permission to retake either examination pending completion of the investigation of any complaints against the applicant.

(f) Nothing in this section shall prohibit the board from denying an applicant for licensure admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

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



**(h) No applicant for licensure shall be eligible to participate in a clinical vignette written examination if his or her passing score on the standard written examination occurred more than seven years before.**

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

**§4980.80. [4980.80]**

**The board may issue a license to any person who, at the time of application meets the following requirements:**

**(a) Held a valid license issued by a board of marriage counselor examiners, marriage and family therapist examiners, or corresponding authority of any state for at least two years.**

**(b) Has education that is substantially equivalent to that required by Section 4980.36.**

**(c) Has supervised experience that is substantially equivalent to that required by Section 4980.43.**

**(d) Has passed the board administered licensing examinations as specified by subdivision (d) of Section 4980.40.**

**(e) Paid the fee specified for issuance of a marriage and family therapist license.**

**§4980.90. [4980.90]**

**Experience gained outside of California may be accepted toward the licensure requirements if:**

**(a) It is substantially equivalent to that required by this chapter; and,**

**(b) The applicant has gained a minimum of 250 hours of supervised experience in direct counseling within California while registered as an intern with the board.**

**§4980.92. [4980.54]**

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

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

**(c) Except as provided in subdivision (e), on and after January 1, 2000, 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 he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.**

**(d) 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.**

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

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

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

(2) Other continuing education providers, including, but not limited to, a professional marriage and family therapist association, a licensed health facility, a governmental entity, a continuing education unit of an accredited four-year institution of higher learning, or a mental health professional association, approved by the board.

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

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

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

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

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

(h) 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.

(i) On and after January 1, 1997, the board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (f) shall be deemed to be an approved provider.

(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.

§4980.94. [4980.395]

(a) A licensee who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care during his or her first renewal period and shall submit to the board evidence, acceptable to the board, of the person's satisfactory completion of the course.

(b) The course shall include, but is not limited to:

(1) The biological, social, and psychological aspects of aging.

(2) Informational resources regarding long-term care which includes a wide range of supportive health and social services for older adults and adults with disabilities in a variety of home- and community-based settings.<sup>22</sup>

(c) A person seeking to meet the requirements of subdivision (a) of this section may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care, or proof of equivalent teaching or practice experience. The board, in its discretion, may accept that certification as meeting the requirements of this section.

(d) The board may not renew an applicant's license until the applicant has met the requirements of this section.

(e) Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required in Section 4980.92.

#### Article 4. Marriage and Family Therapist Training

§4981. [4980.42]

(a) Trainees performing services in any work setting specified in subdivision (d) of Section 4980.43 may perform those activities and services as a trainee, provided that the activities and services constitute part of the trainee's supervised course of study and that the person is designated by the title "trainee." Trainees may gain hours of experience outside the required practicum. Those hours shall be subject to the requirements of subdivision (b) and to the other requirements of this chapter.

(b) On and after January 1, 1995, all hours of experience gained as a trainee shall be coordinated between the school and the site where the 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. If an applicant has gained hours of experience 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 hours of trainee experience were gained in compliance with this section.

§4981.02. [4980.44]

(a) A marriage and family therapist intern<sup>23</sup> employed under this chapter shall:

(1) Have earned at least a master's degree as specified in Section 4980.36.

(2) Be registered with the board prior to the intern performing any duties, except as otherwise provided in subdivision (h) of Section 4980.43.

(3) File for renewal of registration annually for a maximum of five years after initial registration with the board. Renewal of registration shall include filing an application for renewal, paying a renewal fee of seventy-five dollars (\$75), and notifying the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the issuance of the initial registration or the registrant's last renewal.

(4) Inform each client or patient prior to performing any professional services that he or she is unlicensed and under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

(5) Continued employment as a marriage and family therapist intern shall cease after six years unless the requirements of subdivision (b) are met. No registration

<sup>22</sup> Proposed amendment in alignment with subdivision (a) and Welfare and Institutions Code § 9251(a)

<sup>23</sup> Propose removal of the word "unlicensed" as redundant. Already defined as an unlicensed person at proposed Section 4980.12(c).

shall be renewed or reinstated beyond the six years from initial issuance regardless of whether it has been revoked.

(b) When no further renewals are possible, a new intern registration may be obtained by applying to the board if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant who is issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

§4981.04. [4980.45]

(a) A licensed professional in private practice who is a marriage and family therapist, a psychologist, a clinical social worker, a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology,<sup>24</sup> and who is described in subdivision (h) of Section 4980.12 may supervise or employ, at any one time, no more than two marriage and family therapist registered interns in that private practice.

(b) A marriage and family therapy corporation may employ, at any one time, no more than two registered interns for each employee or shareholder who is qualified to provide supervision pursuant to subdivision (h) of Section 4980.12. In no event shall any corporation employ, at any one time, more than 10 registered interns. Persons who supervise interns shall be employed full time by the professional corporation and shall be actively engaged in performing professional services at and for the professional corporation. Employment and supervision within a marriage and family therapy corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

(c) In no event shall any supervisor supervise, at any one time, more than two registered interns.

§4981.06. [4980.48]

A trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under the supervision of a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology.

#### Article 5. Practice Requirements

§4981.10. [4980.46]

Any licensed marriage and family therapist who conducts a private practice under a fictitious business name shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

§4981.12. [4980.55]

As a model for all therapeutic professions, and to acknowledge respect and regard for the consuming public, all marriage and family therapists are encouraged to provide to each client, at an appropriate time and within the context of the psychotherapeutic relationship, an accurate and informative statement of the therapist's experience, education, specialties, professional orientation, and any other information deemed appropriate by the licensee.

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<sup>24</sup> Language referring to a licensed physician who has completed a residency in psychiatry is proposed to be removed as obsolete.

Article 6. Enforcement

§4981.20. [4983]

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both.

§4981.22. [4983.1]

In addition to other proceedings provided for in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

§4982. [4982]

The board may refuse to issue any registration or license, or may suspend or revoke the license or registration of any registrant or licensee if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to:

- (a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
- (b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.
- (c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license

or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

- (d) Gross negligence or incompetence in the performance of marriage and family therapy.
- (e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.
- (f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.
- (g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.
- (h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.
- (i) Intentionally or recklessly causing physical or emotional harm to any client.
- (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- (k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage and family therapist.
- (l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee or registered intern under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.
- (m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.
- (n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.
- (o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).
- (p) Advertising in a manner that is false, misleading, or deceptive.
- (q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.
- (r) Any conduct in the supervision of any registered intern or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.
- (s) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.
- (t) Permitting a trainee or registered intern under one's supervision or control to perform, or permitting the trainee or registered intern to hold himself or herself out as

competent to perform, professional services beyond the trainee's or registered intern's level of education, training, or experience.

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

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

§4982.05 [4980.60]

The board may, by rules or regulations, adopt, amend, or repeal rules of advertising and professional conduct appropriate to the establishment and maintenance of a high standard of integrity in the profession, provided such that the rules or regulations are not inconsistent with Section 4982. Every person who holds a license to practice marriage and family therapy shall be governed by the rules of professional conduct.

Article 7. Revenue

§4984. [4984]

(a) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(b) To renew an unexpired license, the licensee, on or before the expiration date of the license, shall do all of the following:

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

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

(3) Certify compliance with the continuing education requirements set forth in Section 4980.92.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

§4984.1. [4984.1]

A license that has expired may be renewed at any time within five years after its expiration by filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last regular renewal date. If the license is renewed after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter.

§4984.2. [4984.2]

A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

§4984.3. [4984.3]

A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

§4984.4. [4984.4]

A license that is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the licensee may apply for and obtain a new license if:

- (a) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.
- (b) He or she pays the fees that would be required if he or she were applying for a license for the first time.
- (c) He or she takes and passes the current licensing examinations as specified in subdivision (d) of Section 4980.40.

§4984.5. [4984.5]

The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Behavioral Sciences Fund.

§4984.7. [4984.7]

The amount of the fees prescribed by this chapter that relate to licensing of persons to engage in the business of marriage and family therapy is that established by the following schedule:

- (a) The fee for applications for examination shall be one hundred dollars (\$100).
- (b) The fee for issuance of the initial license shall be a maximum of one hundred eighty dollars (\$180).
- (c) The fee for renewal of a license shall be a maximum of one hundred eighty dollars (\$180).
- (d) The delinquency fee shall be ninety dollars (\$90). Any person who permits his or her license to become delinquent may have it restored only upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all outstanding delinquency fees.
- (e) The intern registration fee shall be seventy-five dollars (\$75).
- (f) The intern renewal fee shall be seventy-five dollars (\$75).
- (g) The standard written examination fee shall be one hundred dollars (\$100). After passing the standard written examination, each applicant for the clinical vignette written examination shall submit one hundred dollars (\$100). Applicants failing to appear for any examination, once having been scheduled, shall forfeit any examination fees paid. Effective January 1, 2005, the examination fees for the standard written and clinical vignette written examinations shall be based on the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination. The written examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.
- (h) An applicant who fails any standard or clinical vignette written examination may within one year from the notification date of that failure, retake the examination as regularly scheduled without further application upon payment of one hundred dollars (\$100) for the standard written reexamination and one hundred dollars (\$100) for the clinical vignette written reexamination. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required. Persons failing to appear for the reexamination, once having been scheduled, shall forfeit any reexamination fees paid.
- (i) The fee for rescoring any written examination shall be twenty dollars (\$20).
- (j) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20).



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

**With regard to all license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.**

**§4984.75. [4984.75]**

**In addition to the fees charged pursuant to Section 4984.7 for the biennial renewal of a license pursuant to Section 4984, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.**

**§4984.8. [4984.8]**

**(a) A licensed marriage and family therapist may apply to the board to request that his or her license be placed on inactive status. A licensee who holds an inactive license shall pay a biennial fee of half of the active renewal fee and shall be exempt from continuing education requirements specified in Section 4980.92, but shall otherwise be subject to this chapter and shall not engage in the practice of marriage and family therapy in this state.**

**(b) A licensee on inactive status who has not committed any acts or crimes constituting grounds for denial of licensure may, upon his or her request, have his or her license to practice marriage and family therapy placed on active status. A licensee requesting his or her license to be placed on active status at any time between a renewal cycle shall pay the remaining half of the renewal fee. A licensee requesting to reactivate from an inactive status whose license will expire less than one year from the date of the request shall be required to complete 18 hours of continuing education. A licensee requesting to reactivate from an inactive status whose license will expire more than one year from the date of the request shall be required to complete 36 hours of continuing education.**

**§4984.9. [4984.9]**

**A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.**

#### **Article 8. Marriage and Family Therapist Corporations**

**§4985. [4987.5]**

**A marriage and family therapy corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are marriage and family therapists, physicians and surgeons, psychologists, licensed clinical social workers, registered nurses, chiropractors, or acupuncturists are in compliance with the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), this article, and any other statute or regulation pertaining to that corporation and the conduct of its affairs. With respect to a marriage and family therapy corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Sciences.**

**§4985.2. [4987.6]**

It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act (Part 4(commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or any regulations duly adopted under those laws.

**§4985.4.** [4987.7]

The name of a marriage and family therapy corporation shall contain one or more of the words "marriage," "family," or "child" together with one or more of the words "counseling," "counselor," "therapy," or "therapist," and wording or abbreviations denoting corporate existence. A marriage and family therapy corporation that conducts business under a fictitious business name shall not use any name that is false, misleading or deceptive, and shall inform the patient, prior to the commencement of treatment, that the business is conducted by a marriage and family therapy corporation.

**§4985.6.** [4987.8]

Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a marriage and family therapy corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

**§4985.8.** [4988]

The income of a marriage and family therapy corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of that shareholder or his or her shares in the marriage and family therapy corporation.

**§4985.10.** [4988.1]

A marriage and family therapy corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by statutes, rules and regulations to the same extent as a person holding a license as a marriage and family therapist.

Item X

**State of California  
Board of Behavioral Sciences**

**Memorandum**

**To: Policy and Advocacy Committee**

**Date: December 23, 2005**

**From: Paul Riches  
Executive Officer**

**Telephone: (916) 574-7840**

**Subject: Future Meeting Dates**

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In the interest of easing scheduling for both committee members and public participants, it would be useful to set future meeting dates for the committee. Meetings should occur approximately halfway between regularly scheduled board meetings. The following dates would establish a regular meeting on the last Wednesday of the relevant months except December. That meeting is proposed to occur in early January. This will scheduling would be less likely to interfere with holiday vacations.

Meetings will occur in various locations much as board meetings are held in various locations around the state to maximize opportunities for public participation.

Wednesday, March 29, 2006  
Wednesday, June 28, 2006  
Wednesday, September 27, 2006  
Wednesday, January 3, 2007

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