

ASSEMBLY BILL

No. 2579

Introduced by Assembly Member Skinner

February 24, 2012

An act to amend Sections 4980.397, 4980.398, 4980.399, 4980.40, 4980.50, 4984.01, 4984.7, and 4984.72 of the Business and Professions Code, relating to marriage and family therapists.

LEGISLATIVE COUNSEL'S DIGEST

AB 2579, as introduced, Skinner. Marriage and family therapists: licensing.

Existing law, the Marriage and Family Therapist Act, provides for the licensure and regulation of marriage and family therapists and marriage and family therapist interns and trainees by the Board of Behavioral Sciences. Existing law, until January 1, 2013, requires the issuance of a license to practice marriage and family therapy to qualified applicants, as defined, who pass a board-administered written or oral examination or, under specified circumstances, a clinical vignette written examination.

Existing law, on or after January 1, 2013, requires that a license be issued to qualified applicants upon the passage of a clinical examination and a California law and ethics examination, subject to specified fees, and requires applicants for licensure to retake the law and ethics examination under certain circumstances, as specified. Existing law, on and after January 1, 2013, requires marriage and family therapist interns to take the law and ethics examination, subject to specified fees.

This bill would instead make these provisions operative as of January 1, 2014.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4980.397 of the Business and Professions
2 Code is amended to read:
3 4980.397. (a) Effective January 1, ~~2013~~, 2014, an applicant
4 for licensure as a marriage and family therapist shall pass the
5 following two examinations as prescribed by the board:
6 (1) A California law and ethics examination.
7 (2) A clinical examination.
8 (b) Upon registration with the board, a marriage and family
9 therapist intern shall, within the first year of registration, take an
10 examination on California law and ethics.
11 (c) A registrant may take the clinical examination only upon
12 meeting all of the following requirements:
13 (1) Completion of all required supervised work experience.
14 (2) Completion of all education requirements.
15 (3) Passage of the California law and ethics examination.
16 (d) This section shall become operative on January 1, ~~2013~~
17 2014.
18 SEC. 2. Section 4980.398 of the Business and Professions
19 Code is amended to read:
20 4980.398. (a) Each applicant who had previously taken and
21 passed the standard written examination shall also obtain a passing
22 score on the clinical examination in order to be eligible for
23 licensure.
24 (b) An applicant who had previously failed to obtain a passing
25 score on the standard written examination shall obtain a passing
26 score on the California law and ethics examination and the clinical
27 examination.
28 (c) An applicant who had previously failed to obtain a passing
29 score on the clinical vignette examination shall obtain a passing
30 score on the clinical examination.
31 (d) An applicant who had obtained eligibility for the standard
32 written examination shall take the California law and ethics
33 examination and the clinical examination.
34 (e) This section shall become operative on January 1, ~~2013~~
35 2014.

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

3 4980.399. (a) Each applicant and registrant shall obtain a
4 passing score on a board-administered California law and ethics
5 examination in order to qualify for licensure.

6 (b) A registrant shall participate in a board-administered
7 California law and ethics examination prior to his or her registration
8 renewal.

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

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

24 (e) The board shall not issue a subsequent registration number
25 unless the registrant has passed the California law and ethics
26 examination.

27 (f) This section shall become operative on January 1, ~~2013~~ 2014.

28 SEC. 4. Section 4980.40 of the Business and Professions Code,
29 as amended by Section 5 of Chapter 387 of the Statutes of 2011,
30 is amended to read:

31 4980.40. To qualify for a license, an applicant shall have all
32 of the following qualifications:

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

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

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

38 (d) Pass a board administered written or oral examination or
39 both types of examinations, except that an applicant who passed
40 a written examination and who has not taken and passed an oral

1 examination shall instead be required to take and pass a clinical
2 vignette written examination.

3 (e) Not have committed acts or crimes constituting grounds for
4 denial of licensure under Section 480. The board shall not issue a
5 registration or license to any person who has been convicted of a
6 crime in this or another state or in a territory of the United States
7 that involves sexual abuse of children or who is required to register
8 pursuant to Section 290 of the Penal Code or the equivalent in
9 another state or territory.

10 (f) This section shall remain in effect only until January 1, ~~2013~~,
11 2014, and as of that date is repealed, unless a later enacted statute,
12 that is enacted before January 1, ~~2013~~, 2014, deletes or extends
13 that date.

14 SEC. 5. Section 4980.40 of the Business and Professions Code,
15 as added by Section 6 of Chapter 387 of the Statutes of 2011, is
16 amended to read:

17 4980.40. To qualify for a license, an applicant shall have all
18 of the following qualifications:

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

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

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

24 (d) Effective January 1, ~~2013~~, 2014, successfully pass a
25 California law and ethics examination and a clinical examination.
26 An applicant who has successfully passed a previously
27 administered written examination may be subsequently required
28 to take and pass another written examination.

29 (e) Not have committed acts or crimes constituting grounds for
30 denial of licensure under Section 480. The board shall not issue a
31 registration or license to any person who has been convicted of a
32 crime in this or another state or in a territory of the United States
33 that involves sexual abuse of children or who is required to register
34 pursuant to Section 290 of the Penal Code or the equivalent in
35 another state or territory.

36 (f) This section shall become operative on January 1, ~~2013~~ 2014.

37 SEC. 6. Section 4980.50 of the Business and Professions Code,
38 as amended by Section 7 of Chapter 387 of the Statutes of 2011,
39 is amended to read:

1 4980.50. (a) Every applicant who meets the educational and
2 experience requirements and applies for a license as a marriage
3 and family therapist shall be examined by the board. The
4 examinations shall be as set forth in subdivision (d) of Section
5 4980.40. The examinations shall be given at least twice a year at
6 a time and place and under supervision as the board may determine.
7 The board shall examine the candidate with regard to his or her
8 knowledge and professional skills and his or her judgment in the
9 utilization of appropriate techniques and methods.

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

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

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

31 (e) Notwithstanding Section 135, the board may deny any
32 applicant who has previously failed either the standard written or
33 clinical vignette written examination permission to retake either
34 examination pending completion of the investigation of any
35 complaints against the applicant. Nothing in this section shall
36 prohibit the board from denying an applicant admission to any
37 examination, withholding the results, or refusing to issue a license
38 to any applicant when an accusation or statement of issues has
39 been filed against the applicant pursuant to Sections 11503 and

1 11504 of the Government Code, respectively, or the applicant has
2 been denied in accordance with subdivision (b) of Section 485.

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

6 (g) On or after January 1, 2002, no applicant shall be eligible
7 to participate in a clinical vignette written examination if his or
8 her passing score on the standard written examination occurred
9 more than seven years before.

10 (h) An applicant who has qualified pursuant to this chapter shall
11 be issued a license as a marriage and family therapist in the form
12 that the board may deem appropriate.

13 (i) This section shall remain in effect only until January 1, ~~2013~~,
14 2014, and as of that date is repealed, unless a later enacted statute,
15 that is enacted before January 1, ~~2013~~, 2014, deletes or extends
16 that date.

17 SEC. 7. Section 4980.50 of the Business and Professions Code,
18 as added by Section 8 of Chapter 387 of the Statutes of 2011, is
19 amended to read:

20 4980.50. Effective January 1, ~~2013~~, 2014, the following shall
21 apply:

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

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

37 (c) The board shall not deny any applicant, whose application
38 for licensure is complete, admission to the clinical examination,
39 nor shall the board postpone or delay any applicant's clinical
40 examination or delay informing the candidate of the results of the

1 clinical examination, solely upon the receipt by the board of a
2 complaint alleging acts or conduct that would constitute grounds
3 to deny licensure.

4 (d) If an applicant for examination who has passed the California
5 law and ethics examination is the subject of a complaint or is under
6 board investigation for acts or conduct that, if proven to be true,
7 would constitute grounds for the board to deny licensure, the board
8 shall permit the applicant to take the clinical examination for
9 licensure, but may withhold the results of the examination or notify
10 the applicant that licensure will not be granted pending completion
11 of the investigation.

12 (e) Notwithstanding Section 135, the board may deny any
13 applicant who has previously failed either the California law and
14 ethics examination or the clinical examination permission to retake
15 either examination pending completion of the investigation of any
16 complaints against the applicant. Nothing in this section shall
17 prohibit the board from denying an applicant admission to any
18 examination, withholding the results, or refusing to issue a license
19 to any applicant when an accusation or statement of issues has
20 been filed against the applicant pursuant to Sections 11503 and
21 11504 of the Government Code, respectively, or the applicant has
22 been denied in accordance with subdivision (b) of Section 485.

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

26 (g) Effective January 1, ~~2013~~, 2014, no applicant shall be
27 eligible to participate in the clinical examination if he or she fails
28 to obtain a passing score on the clinical examination within seven
29 years from his or her initial attempt, unless he or she takes and
30 obtains a passing score on the current version of the California
31 law and ethics examination.

32 (h) An applicant who has qualified pursuant to this chapter shall
33 be issued a license as a marriage and family therapist in the form
34 that the board may deem appropriate.

35 (i) This section shall become operative on January 1, ~~2013~~ 2014.

36 SEC. 8. Section 4984.01 of the Business and Professions Code,
37 as amended by Section 9 of Chapter 387 of the Statutes of 2011,
38 is amended to read:

1 4984.01. (a) The marriage and family therapist intern
2 registration shall expire one year from the last day of the month
3 in which it was issued.

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

- 7 (1) Apply for renewal on a form prescribed by the board.
- 8 (2) Pay a renewal fee prescribed by the board.
- 9 (3) Notify the board whether he or she has been convicted, as
10 defined in Section 490, of a misdemeanor or felony, and whether
11 any disciplinary action has been taken against him or her by a
12 regulatory or licensing board in this or any other state subsequent
13 to the last renewal of the registration.

14 (c) The registration may be renewed a maximum of five times.
15 No registration shall be renewed or reinstated beyond six years
16 from the last day of the month during which it was issued,
17 regardless of whether it has been revoked. When no further
18 renewals are possible, an applicant may apply for and obtain a new
19 intern registration if the applicant meets the educational
20 requirements for registration in effect at the time of the application
21 for a new intern registration. An applicant who is issued a
22 subsequent intern registration pursuant to this subdivision may be
23 employed or volunteer in any allowable work setting except private
24 practice.

25 (d) This section shall remain in effect only until January 1, ~~2013,~~
26 ~~2014~~, and as of that date is repealed, unless a later enacted statute,
27 that is enacted before January 1, ~~2013,~~ ~~2014~~, deletes or extends
28 that date.

29 SEC. 9. Section 4984.01 of the Business and Professions Code,
30 as added by Section 10 of Chapter 387 of the Statutes of 2011, is
31 amended to read:

32 4984.01. (a) The marriage and family therapist intern
33 registration shall expire one year from the last day of the month
34 in which it was issued.

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

- 38 (1) Apply for renewal on a form prescribed by the board.
- 39 (2) Pay a renewal fee prescribed by the board.

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

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

9 (c) The registration may be renewed a maximum of five times.
10 No registration shall be renewed or reinstated beyond six years
11 from the last day of the month during which it was issued,
12 regardless of whether it has been revoked. When no further
13 renewals are possible, an applicant may apply for and obtain a new
14 intern registration if the applicant meets the educational
15 requirements for registration in effect at the time of the application
16 for a new intern registration and has passed the California law and
17 ethics examination described in Section 4980.399. An applicant
18 who is issued a subsequent intern registration pursuant to this
19 subdivision may be employed or volunteer in any allowable work
20 setting except private practice.

21 (d) This section shall become operative on January 1, ~~2013~~
22 *2014*.

23 SEC. 10. Section 4984.7 of the Business and Professions Code,
24 as amended by Section 11 of Chapter 387 of the Statutes of 2011,
25 is amended to read:

26 4984.7. (a) The board shall assess the following fees relating
27 to the licensure of marriage and family therapists:

28 (1) The application fee for an intern registration shall be
29 seventy-five dollars (\$75).

30 (2) The renewal fee for an intern registration shall be
31 seventy-five dollars (\$75).

32 (3) The fee for the application for examination eligibility shall
33 be one hundred dollars (\$100).

34 (4) The fee for the standard written examination shall be one
35 hundred dollars (\$100). The fee for the clinical vignette
36 examination shall be one hundred dollars (\$100).

37 (A) An applicant who fails to appear for an examination, after
38 having been scheduled to take the examination, shall forfeit the
39 examination fee.

1 (B) The amount of the examination fees shall be based on the
2 actual cost to the board of developing, purchasing, and grading
3 each examination and the actual cost to the board of administering
4 each examination. The examination fees shall be adjusted
5 periodically by regulation to reflect the actual costs incurred by
6 the board.

7 (5) The fee for rescoring an examination shall be twenty dollars
8 (\$20).

9 (6) The fee for issuance of an initial license shall be a maximum
10 of one hundred eighty dollars (\$180).

11 (7) The fee for license renewal shall be a maximum of one
12 hundred eighty dollars (\$180).

13 (8) The fee for inactive license renewal shall be a maximum of
14 ninety dollars (\$90).

15 (9) The renewal delinquency fee shall be a maximum of ninety
16 dollars (\$90). A person who permits his or her license to expire is
17 subject to the delinquency fee.

18 (10) The fee for issuance of a replacement registration, license,
19 or certificate shall be twenty dollars (\$20).

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

22 (12) The fee for issuance of a retired license shall be forty dollars
23 (\$40).

24 (b) With regard to license, examination, and other fees, the
25 board shall establish fee amounts at or below the maximum
26 amounts specified in this chapter.

27 (c) This section shall remain in effect only until January 1, ~~2013,~~
28 ~~2014~~, and as of that date is repealed, unless a later enacted statute,
29 that is enacted before January 1, ~~2013,~~ ~~2014~~, deletes or extends
30 that date.

31 SEC. 11. Section 4984.7 of the Business and Professions Code,
32 as added by Section 12 of Chapter 387 of the Statutes of 2011, is
33 amended to read:

34 4984.7. (a) The board shall assess the following fees relating
35 to the licensure of marriage and family therapists:

36 (1) The application fee for an intern registration shall be
37 seventy-five dollars (\$75).

38 (2) The renewal fee for an intern registration shall be
39 seventy-five dollars (\$75).

1 (3) The fee for the application for examination eligibility shall
2 be one hundred dollars (\$100).

3 (4) The fee for the clinical examination shall be one hundred
4 dollars (\$100). The fee for the California law and ethics
5 examination shall be one hundred dollars (\$100).

6 (A) An applicant who fails to appear for an examination, after
7 having been scheduled to take the examination, shall forfeit the
8 examination fee.

9 (B) The amount of the examination fees shall be based on the
10 actual cost to the board of developing, purchasing, and grading
11 each examination and the actual cost to the board of administering
12 each examination. The examination fees shall be adjusted
13 periodically by regulation to reflect the actual costs incurred by
14 the board.

15 (5) The fee for rescoring an examination shall be twenty dollars
16 (\$20).

17 (6) The fee for issuance of an initial license shall be a maximum
18 of one hundred eighty dollars (\$180).

19 (7) The fee for license renewal shall be a maximum of one
20 hundred eighty dollars (\$180).

21 (8) The fee for inactive license renewal shall be a maximum of
22 ninety dollars (\$90).

23 (9) The renewal delinquency fee shall be a maximum of ninety
24 dollars (\$90). A person who permits his or her license to expire is
25 subject to the delinquency fee.

26 (10) The fee for issuance of a replacement registration, license,
27 or certificate shall be twenty dollars (\$20).

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

30 (12) The fee for issuance of a retired license shall be forty dollars
31 (\$40).

32 (b) With regard to license, examination, and other fees, the
33 board shall establish fee amounts at or below the maximum
34 amounts specified in this chapter.

35 (c) This section shall become operative on January 1, ~~2013~~
36 *2014*.

37 SEC. 12. Section 4984.72 of the Business and Professions
38 Code, as amended by Section 13 of Chapter 387 of the Statutes of
39 2011, is amended to read:

1 4984.72. (a) An applicant who fails a standard or clinical
2 vignette written examination may, within one year from the
3 notification date of that failure, retake the examination as regularly
4 scheduled without further application upon payment of the fee for
5 the examination. Thereafter, the applicant shall not be eligible for
6 further examination until he or she files a new application, meets
7 all requirements in effect on the date of application, and pays all
8 required fees.

9 (b) This section shall remain in effect only until January 1, ~~2013,~~
10 ~~2014~~, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2013, 2014~~, deletes or extends
12 that date.

13 SEC. 13. Section 4984.72 of the Business and Professions
14 Code, as added by Section 14 of Chapter 387 of the Statutes of
15 2011, is amended to read:

16 4984.72. (a) Effective January 1, ~~2013, 2014~~, an applicant
17 who fails the clinical examination may, within one year from the
18 notification date of that failure, retake the examination as regularly
19 scheduled without further application upon payment of the fee for
20 the examination. Thereafter, the applicant shall not be eligible for
21 further examination until he or she files a new application, meets
22 all requirements in effect on the date of application, and pays all
23 required fees.

24 (b) This section shall become operative on January 1, ~~2013~~
25 ~~2014~~.