

AMENDED IN SENATE APRIL 15, 1998

SENATE BILL

No. 1983

**Introduced by Senator Greene**  
*(Principal coauthor: Senator Polanco)*

February 19, 1998

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~~An act to amend Sections 2920, 2933, 4989, 4990.1, and 4990.8~~  
~~of An act to amend Sections 2920, 2922, 2925, 2933, 2936, 2942,~~  
~~2946, 4980.34, 4989, 4990.1, 4990.8, 4992.1, 4996.3, 4996.4,~~  
~~4996.18, and 4996.20 of, and to add Sections 2964.3, 2966, and~~  
~~4996.21 to, the Business and Professions Code, relating to~~  
healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1983, as amended, Greene. Healing arts: boards.

Existing law establishes the Board of Psychology, *consisting of 8 members*, and authorizes it to employ all personnel necessary to carry out its duties of administering and enforcing the law regulating the practice of psychology. The board's existence terminates on July 1, 1999.

This bill would extend the board's existence until ~~an unspecified time~~ *July 1, 2005*, and would provide for an *additional public member*.

*Existing law requires the Psychology Board, by rule or regulation, to establish standards of ethical conduct relating to the practice of psychology.*

*This bill would instead require the board to adopt a Code of Ethics adopted and published by the American Psychological Association, as specified.*

*Existing law requires the board to examine applicants for a psychologist's license by written or oral examination, or both, and specifies a passing grade of 75%.*

*This bill would, instead, require the board to establish by regulation those passing grades. It would specifically prohibit registered sex offenders from being eligible for licensure or registration by the board, and would provide for license suspension based upon felony conviction, as specified.*

Existing law establishes the Board of Behavioral Science and requires it to administer and enforce the law regulating the practice of marriage, family and child counseling and clinical social work. The board's existence terminates on July 1, 1999.

This bill would extend the board's existence until ~~an unspecified time~~ July 1, 2005, and make conforming changes.

*Existing law provides that an applicant for a clinical social workers license is subject to examination by the Board of Behavioral Science, and provides that an applicant who fails the written examination may be reexamined upon payment of a fee of up to \$150, and for failure of the oral examination upon payment of a fee of \$200.*

*This bill would prohibit the use of an oral examination as a condition for licensure as a clinical social worker and would provide for one fee for reexamination, not to exceed \$150. The bill would revise and recast certain experience credit provisions, as specified.*

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

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

1    ~~SECTION 1. Section 2920 of the Business and~~  
 2    ~~Professions Code is amended to read:~~  
 3    ~~2920. The Board of Psychology of the Medical Board~~  
 4    ~~of California of the Department of Consumer Affairs shall~~  
 5    ~~administer this chapter. The board shall consist of eight~~  
 6    ~~members, three of whom shall be public members.~~  
 7    ~~This section shall become inoperative on July 1,~~  
 8    ~~\_\_\_\_, and, as of January 1, \_\_\_\_\_, is repealed, unless~~  
 9    ~~a later enacted statute, which becomes effective on or~~



1 ~~before January 1, \_\_\_\_\_, deletes or extends the dates~~  
2 ~~on which it becomes inoperative and is repealed.~~

3 ~~SEC. 2. Section 2933 of the Business and Professions~~  
4 ~~Code is amended to read:~~

5 ~~2933. Except as provided by Section 159.5, the board~~  
6 ~~shall employ and shall make available to the board within~~  
7 ~~the limits of the funds received by the board all personnel~~  
8 ~~necessary to carry out this chapter. The board may~~  
9 ~~employ, exempt from the State Civil Service Act, an~~  
10 ~~executive officer to the Board of Psychology. The board~~  
11 ~~shall make all expenditures to carry out this chapter. The~~  
12 ~~board may accept contributions to effectuate the~~  
13 ~~purposes of this chapter.~~

14 ~~This section shall become inoperative on July 1,~~  
15 ~~\_\_\_\_\_, and, as of January 1, \_\_\_\_\_, is repealed, unless~~  
16 ~~a later enacted statute, which becomes effective on or~~  
17 ~~before January 1, \_\_\_\_\_, deletes or extends the dates~~  
18 ~~on which it becomes inoperative and is repealed.~~

19 ~~SEC. 3. Section 4989 of the Business and Professions~~  
20 ~~Code is amended to read:~~

21 ~~4989. The powers and duties of the board, as set forth~~  
22 ~~in this chapter, shall be subject to the review required by~~  
23 ~~Division 1.2 (commencing with Section 473). The review~~  
24 ~~shall be performed as if this chapter were scheduled to~~  
25 ~~become inoperative on July 1, \_\_\_\_\_, and would be~~  
26 ~~repealed as of January 1, \_\_\_\_\_, as described in Section~~  
27 ~~473.1.~~

28 ~~SEC. 4. Section 4990.1 of the Business and Professions~~  
29 ~~Code is amended to read:~~

30 ~~4990.1. There is in the Department of Consumer~~  
31 ~~Affairs a Board of Behavioral Sciences which consists of 11~~  
32 ~~members.~~

33 ~~This section shall become inoperative on July 1,~~  
34 ~~\_\_\_\_\_, and, as of January 1, \_\_\_\_\_, is repealed, unless~~  
35 ~~a later enacted statute, which becomes effective on or~~  
36 ~~before January 1, \_\_\_\_\_, deletes or extends the dates~~  
37 ~~on which it becomes inoperative and is repealed.~~

38 ~~SEC. 5. Section 4990.8 of the Business and Professions~~  
39 ~~Code is amended to read:~~



1 ~~4990.8. The executive officer shall exercise the powers~~  
2 ~~and perform the duties delegated by the board and~~  
3 ~~vested in him or her by this chapter.~~

4 ~~This section shall become inoperative on July 1,~~  
5 ~~\_\_\_\_, and, as of January 1, \_\_\_\_\_, is repealed, unless~~  
6 ~~a later enacted statute, which becomes effective on or~~  
7 ~~before January 1, \_\_\_\_\_, deletes or extends the dates~~  
8 ~~on which it becomes inoperative and is repealed.~~

9 *SECTION 1. Section 2920 of the Business and*  
10 *Professions Code is amended to read:*

11 2920. The Board of Psychology of the Medical Board  
12 of California of the Department of Consumer Affairs shall  
13 administer this chapter. The board shall consist of ~~eight~~  
14 *nine* members, ~~three~~ *four* of whom shall be public  
15 members.

16 This section shall become inoperative on July 1, ~~1999~~  
17 *2005*, and, as of January 1, ~~2000~~ *2006*, is repealed, unless a  
18 later enacted statute, which becomes effective on or  
19 before January 1, ~~2000~~ *2006*, deletes or extends the dates  
20 on which it becomes inoperative and is repealed.

21 *SEC. 2. Section 2922 of the Business and Professions*  
22 *Code is amended to read:*

23 2922. In appointing the members of the board, except  
24 the public members, the Governor shall use his judgment  
25 to select psychologists who represent, as widely as  
26 possible, the varied professional interests of psychologists  
27 in California.

28 The Governor shall appoint ~~one~~ *two* of the public  
29 members and the five licensed members of the board  
30 qualified as provided in Section 2923. The Senate Rules  
31 Committee and the Speaker of the Assembly shall each  
32 appoint a public member, and their initial appointment  
33 shall be made to fill, respectively, the first and second  
34 public member vacancies which occur on or after January  
35 1, 1983.

36 *SEC. 3. Section 2925 of the Business and Professions*  
37 *Code is amended to read:*

38 2925. The board shall elect annually a ~~chairperson~~  
39 *president* and ~~vice-chairperson~~ *vice president* from  
40 among its members.



1 SEC. 4. Section 2933 of the Business and Professions  
2 Code is amended to read:

3 2933. Except as provided by Section 159.5, the board  
4 shall employ and shall make available to the board within  
5 the limits of the funds received by the board all personnel  
6 necessary to carry out this chapter. The board may  
7 employ, exempt from the State Civil Service Act, an  
8 executive officer to the Board of Psychology. The board  
9 shall make all expenditures to carry out this chapter. The  
10 board may accept contributions to effectuate the  
11 purposes of this chapter.

12 This section shall become inoperative on July 1, 1999  
13 2005, and, as of January 1, 2000 2006, is repealed, unless a  
14 later enacted statute, which becomes effective on or  
15 before January 1, 2000 2006, deletes or extends the dates  
16 on which it becomes inoperative and is repealed.

17 SEC. 5. Section 2936 of the Business and Professions  
18 Code is amended to read:

19 ~~2936. The board shall by rule or regulation, establish~~  
20 ~~standards of ethical conduct relating to the practice of~~  
21 ~~psychology.~~

22 ~~The board shall periodically evaluate the relevancy and~~  
23 ~~efficacy of the standards.~~

24 ~~In establishing these standards, the board may consider~~  
25 ~~codes of ethics of relevant professional organizations,~~  
26 ~~information and complaints regarding issues of ethical~~  
27 ~~conduct from consumers of psychological services and~~  
28 ~~other providers of mental health services.~~ The board shall  
29 adopt a program of consumer and professional education  
30 in matters relevant to the ethical practice of psychology.

31 ~~The adoption, amendment, or repeal of such rules or~~  
32 ~~regulations shall be made in accordance with Chapter 4.5~~  
33 ~~(commencing with Section 11371) of Part 1 of Division 3~~  
34 ~~of Title 2 of the Government Code. The board shall~~  
35 ~~establish as its standards of ethical conduct relating to the~~  
36 ~~practice of psychology, the code of ethics adopted and~~  
37 ~~published by the American Psychological Association~~  
38 ~~(APA). Those standards shall be applied by the board as~~  
39 ~~the accepted standard of care in all licensing examination~~



1 *development and in all board enforcement policies and*  
 2 *disciplinary case evaluations.*

3 To facilitate consumers in receiving appropriate  
 4 psychological services, all licensees and registrants shall  
 5 be required to post, in a conspicuous location *in their*  
 6 *principal psychological business office*, a notice which  
 7 reads as follows:

8  
 9 “NOTICE: The Department of Consumer Affairs  
 10 receives questions and complaints regarding the  
 11 practice of psychology. If you have any questions or  
 12 complaints, you may contact this department by calling  
 13 (insert appropriate regional number) or (insert  
 14 appropriate telephone number), or by writing to the  
 15 following address:

16 ~~Medical Board of California-~~  
 17 ~~Allied Health Complaints-~~  
 18 ~~1430 Howe Avenue-~~  
 19 ~~Sacramento, California 95825”~~  
 20 *Board of Psychology*  
 21 *1426 Howe Avenue*  
 22 *Sacramento, California 95825-3236”*

23  
 24 *SEC. 6. Section 2942 of the Business and Professions*  
 25 *Code is amended to read:*

26 2942. The board may examine by written or oral  
 27 examination or by both. The examination shall be given  
 28 at least twice a year at the time and place and under  
 29 supervision as the board may determine. ~~A grade of 75~~  
 30 ~~percent shall be a passing grade~~ *The passing grades for*  
 31 *the written and oral examinations shall be established by*  
 32 *the board in regulations and shall be based on*  
 33 *psychometrically sound principles of establishing*  
 34 *minimum qualifications and levels of competency.*

35 Examinations for a psychologist’s license may be  
 36 conducted by the board under a uniform examination  
 37 system, and for that purpose the board may make  
 38 arrangements with organizations furnishing examination  
 39 material as may in its discretion be desirable.



1 *SEC. 7. Section 2946 of the Business and Professions*  
2 *Code is amended to read:*

3 2946. The board shall grant a license ~~without~~  
4 ~~examination~~ to any person who *passes the California*  
5 *Jurisprudence and Professional Ethics Oral Examination*  
6 *and*, at the time of application is licensed or certified by  
7 a psychology licensing authority in another state if the  
8 requirements for obtaining a certificate or license in that  
9 state were substantially equivalent to the requirements of  
10 this chapter.

11 A psychologist certified or licensed in another state and  
12 who has made application to the board for a license in this  
13 state may perform activities and services of a  
14 psychological nature without a valid license for a period  
15 not to exceed 180 calendar days from the time of  
16 submitting his or her application or from the  
17 commencement of residency in this state, whichever first  
18 occurs.

19 The board at its discretion may waive those parts of the  
20 examination, including either the whole of the written or  
21 the oral examinations, when in the judgment of the board  
22 the applicant has already demonstrated competence in  
23 areas covered by those parts of the examination. The  
24 board at its discretion may waive the examination for  
25 diplomates of the American Board of Examiners in  
26 Professional Psychology or psychologists who have made  
27 a significant contribution to psychology and have had at  
28 least 10 years of experience.

29 *SEC. 8. Section 2964.3 is added to the Business and*  
30 *Professions Code, to read:*

31 2964.3. *Any person required to register as a sex*  
32 *offender pursuant to Section 290 of the Penal Code, is not*  
33 *eligible for licensure or registration by the board.*

34 *SEC. 9. Section 2966 is added to the Business and*  
35 *Professions Code, to read:*

36 2966. (a) *A psychologist's license shall be suspended*  
37 *automatically during any time that the holder of the*  
38 *license is incarcerated after conviction of a felony,*  
39 *regardless of whether the conviction has been appealed.*  
40 *The board shall, immediately upon receipt of the*



1 certified copy of the record of conviction, determine  
2 whether the license of the psychologist has been  
3 automatically suspended by virtue of his or her  
4 incarceration, and if so, the duration of that suspension.  
5 The board shall notify the psychologist of the license  
6 suspension and of his or her right to elect to have the issue  
7 of penalty heard as provided in this section.

8 (b) Upon receipt of the certified copy of the record of  
9 conviction, if after a hearing it is determined therefrom  
10 that the felony of which the licensee was convicted was  
11 substantially related to the qualifications, functions, or  
12 duties of a psychologist, the board shall suspend the  
13 license until the time for appeal has elapsed, if no appeal  
14 has been taken, or until the judgment of conviction has  
15 been affirmed on appeal or has otherwise become final,  
16 and until further order of the board. The issue of  
17 substantial relationship shall be heard by an  
18 administrative law judge sitting alone or with a panel of  
19 the board, in the discretion of the board.

20 (c) Notwithstanding subdivision (b), a conviction of  
21 any crime referred to in Section 187, 261, 262, or 288 of the  
22 Penal Code, shall be conclusively presumed to be  
23 substantially related to the qualifications, functions, or  
24 duties of a psychologist and no hearing shall be held on  
25 this issue. Upon its own motion or for good cause shown,  
26 the board may decline to impose or may set aside the  
27 suspension when it appears to be in the interest of justice  
28 to do so, with due regard to maintaining the integrity of  
29 and confidence in the psychology profession.

30 (d) (1) Discipline or the denial of the license may be  
31 ordered in accordance with Section 2961, or the board  
32 may order the denial of the license when the time for  
33 appeal has elapsed, the judgment of conviction has been  
34 affirmed on appeal, or an order granting probation is  
35 made suspending the imposition of sentence, irrespective  
36 of a subsequent order under Section 1203.4 of the Penal  
37 Code allowing the person to withdraw his or her plea of  
38 guilty and to enter a plea of not guilty, setting aside the  
39 verdict of guilty, or dismissing the accusation, complaint,  
40 information, or indictment.



1 (2) *The issue of penalty shall be heard by an*  
2 *administrative law judge sitting alone or with a panel of*  
3 *the board, in the discretion of the board. The hearing shall*  
4 *not be commenced until the judgment of conviction has*  
5 *become final or, irrespective of a subsequent order under*  
6 *Section 1203.4 of the Penal Code, an order granting*  
7 *probation has been made suspending the imposition of*  
8 *sentence; except that a licensee may, at his or her option,*  
9 *elect to have the issue of penalty decided before those*  
10 *time periods have elapsed. Where the licensee so elects,*  
11 *the issue of penalty shall be heard in the manner*  
12 *described in this section at the hearing to determine*  
13 *whether the conviction was substantially related to the*  
14 *qualifications, functions, or duties of a psychologist. If the*  
15 *conviction of a licensee who has made this election is*  
16 *overturned on appeal, any discipline ordered pursuant to*  
17 *this section shall automatically cease. Nothing in this*  
18 *subdivision shall prohibit the board from pursuing*  
19 *disciplinary action based on any cause other than the*  
20 *overturned conviction.*

21 (e) *The record of the proceedings resulting in the*  
22 *conviction, including a transcript of the testimony*  
23 *therein, may be received in evidence.*

24 SEC. 10. *Section 4980.34 of the Business and*  
25 *Professions Code is amended to read:*

26 4980.34. *It is the intent of the Legislature that the*  
27 *board employ its resources for each and all of the*  
28 *following functions:*

29 (a) *The licensing of marriage, family, and child*  
30 *counselors, clinical social workers, and ~~educational~~*  
31 *educational psychologists.*

32 (b) *The development and administration of written*  
33 *and oral licensing examinations and examination*  
34 *procedures, as specified, consistent with prevailing*  
35 *standards for the validation and use of licensing and*  
36 *certification tests. Examinations shall measure*  
37 *knowledge and abilities demonstrably important to the*  
38 *safe, effective practice of the profession.*



1 (c) Enforcement of laws designed to protect the  
2 public from incompetent, unethical, or unprofessional  
3 practitioners.

4 (d) Consumer education.

5 *SEC. 11. Section 4989 of the Business and Professions*  
6 *Code is amended to read:*

7 4989. The powers and duties of the board, as set forth  
8 in this chapter, shall be subject to the review required by  
9 Division 1.2 (commencing with Section 473). The ~~first~~  
10 review shall be performed as if this chapter were  
11 scheduled to become inoperative on July 1, ~~1999~~ 2005, and  
12 would be repealed as of January 1, ~~2000~~ 2006, as described  
13 in Section 473.1.

14 *SEC. 12. Section 4990.1 of the Business and*  
15 *Professions Code is amended to read:*

16 4990.1. There is in the Department of Consumer  
17 Affairs a Board of Behavioral Sciences which consists of 11  
18 members.

19 This section shall become inoperative on July 1, ~~1999~~  
20 2005, and, as of January 1, ~~2000~~ 2006, is repealed, unless a  
21 later enacted statute, which becomes effective on or  
22 before January 1, ~~2000~~ 2006, deletes or extends the dates  
23 on which it becomes inoperative and is repealed.

24 *SEC. 13. Section 4990.8 of the Business and*  
25 *Professions Code is amended to read:*

26 4990.8. The executive officer shall exercise the powers  
27 and perform the duties delegated by the board and  
28 vested in him or her by this chapter.

29 This section shall become inoperative on July 1, ~~1999~~  
30 2005, and, as of January 1, ~~2000~~ 2006, is repealed, unless a  
31 later enacted statute, which becomes effective on or  
32 before January 1, ~~2000~~ 2006, deletes or extends the dates  
33 on which it becomes inoperative and is repealed.

34 *SEC. 14. Section 4992.1 of the Business and*  
35 *Professions Code is amended to read:*

36 4992.1. Only individuals who have the qualifications  
37 prescribed by the board under this chapter are eligible to  
38 take the examination.

39 Every applicant who is issued a clinical social worker  
40 license shall be examined by the board. *The examination*



1 shall be a written examination conducted by the board or  
2 its designee. The board shall not utilize any type of oral  
3 examination as a condition of licensure as a clinical social  
4 worker, except when necessary as a reasonable  
5 accommodation for an applicant with a disability.

6 SEC. 15. Section 4996.3 of the Business and  
7 Professions Code is amended to read:

8 4996.3. (a) Each application for an examination  
9 received on or after January 1, 1996, shall be accompanied  
10 by an application fee of one hundred dollars (\$100) and  
11 a fee of up to one hundred fifty dollars (\$150), including  
12 the examination fee and related administrative costs for  
13 ~~the written examination and two hundred dollars (\$200)~~  
14 ~~for the oral examination~~, that shall be deposited by the  
15 board into the State Treasury to the credit of the  
16 Behavioral Sciences Fund.

17 (b) The fee for rescoring a ~~written~~ an examination  
18 shall be twenty dollars (\$20). ~~The fee for an appeal of an~~  
19 ~~oral examination shall be one hundred dollars (\$100).~~

20 (c) The fee for issuance of the initial license shall be a  
21 maximum of one hundred fifty-five dollars (\$155).

22 SEC. 16. Section 4996.4 of the Business and  
23 Professions Code is amended to read:

24 4996.4. Notwithstanding Section 4996.3, an applicant  
25 who has failed the ~~written~~ examination may apply for  
26 reexamination upon payment of the fee of up to one  
27 hundred fifty dollars (\$150), including the examination  
28 fee and related administrative costs ~~and an applicant who~~  
29 ~~has failed the oral examination may apply for~~  
30 ~~reexamination upon payment of the fee of two hundred~~  
31 ~~dollars (\$200)~~, if he or she applies within the 12-month  
32 period subsequent to failure of the examination. Persons  
33 failing to appear for reexamination, once having been  
34 scheduled, shall forfeit any reexamination fees paid.

35 SEC. 17. Section 4996.18 of the Business and  
36 Professions Code is amended to read:

37 4996.18. (a) Any person who wishes to be credited  
38 with experience toward licensure requirements shall  
39 ~~apply to register with the board for registration~~ as an  
40 associate clinical social worker prior to obtaining that



1 experience. The application shall be made on a form  
2 prescribed by the board and shall be accompanied by a  
3 fee of ninety dollars (\$90). An applicant for registration  
4 *who enrolled in a degree program before January 1, 1999,*  
5 shall (1) possess a master's degree from an accredited  
6 school or department of social work; and (2) not have  
7 committed any crimes or acts constituting grounds for  
8 denial of licensure under Section 480. *An applicant for*  
9 *registration who enrolled in a degree program on or after*  
10 *January 1, 1999, shall (1) possess a master's of social work*  
11 *degree with a clinical emphasis from an accredited school*  
12 *or department of social work; and (2) not have*  
13 *committed any crimes or acts constituting grounds for*  
14 *denial of licensure under Section 480.* On and after  
15 January 1, 1993, an applicant who possesses a master's  
16 degree from a school or department of social work that is  
17 a candidate for accreditation by the Commission on  
18 Accreditation of the Council on Social Work Education  
19 shall be eligible, and shall be required, to register as an  
20 associate clinical social worker in order to gain experience  
21 toward licensure if the applicant has not committed any  
22 crimes or acts that constitute grounds for denial of  
23 licensure under Section 480. That applicant shall not,  
24 however, be eligible for examination until the school or  
25 department of social work has received accreditation by  
26 the Commission on Accreditation of the Council on Social  
27 Work Education.

28 (b) Registration as an associate clinical social worker  
29 shall expire one year from the last day of the month  
30 during which it was issued. A registration may be  
31 renewed annually after initial registration by filing an  
32 application for renewal and paying a renewal fee of  
33 seventy-five dollars (\$75) on or before the date on which  
34 the registration expires. Each person who registers or has  
35 registered as an associate clinical social worker, may  
36 retain that status for a total of six years.

37 (c) Notwithstanding the limitations on the length of  
38 an associate registration in subdivision (b), an associate  
39 may apply for, and the board shall grant, one-year  
40 extensions beyond the six-year period when no grounds



1 exist for denial, suspension, or revocation of the  
2 registration pursuant to Section 480. An associate shall be  
3 eligible to receive a maximum of three one-year  
4 extensions. An associate who practices pursuant to an  
5 extension shall not practice independently and shall  
6 comply with all requirements of this chapter governing  
7 experience, including supervision, even if the associate  
8 has completed the hours of experience required for  
9 licensure. Each extension shall commence on the date  
10 when the last associate renewal or extension expires. An  
11 application for extension shall be made on a form  
12 prescribed by the board and shall be accompanied by a  
13 renewal fee of fifty dollars (\$50). An associate who is  
14 granted this extension may work in all work settings  
15 authorized pursuant to this chapter.

16 (d) Experience gained before January 1, 1990, shall be  
17 credited toward the licensure requirements so long as the  
18 applicant applies for registration not later than  
19 December 31, 1989, and that registration is thereafter  
20 granted by the board.

21 (e) A registrant shall not provide clinical social work  
22 services to the public for a fee, monetary or otherwise,  
23 except as an employee of the licensed person by whom  
24 the registrant is being supervised.

25 (f) Within 30 days of employment or termination of  
26 employment, a registrant employed by a person who  
27 meets the requirements of subdivision (b) of Section  
28 4996.20 shall notify the board in writing of the  
29 employment or termination of employment. The notice  
30 shall include the name of the registrant, the full name and  
31 business address of the employer, the employer's license  
32 number, and the date employment commenced or  
33 terminated. If a registrant fails to notify the board within  
34 30 days after the date of his or her employment or  
35 termination of employment, the board shall not accept  
36 any hours of experience gained during that period for the  
37 purposes of meeting the experience requirements for  
38 licensure.

39 (g) A registrant shall inform each client or patient  
40 prior to performing any professional services that he or



1 she is unlicensed and is under the supervision of a licensed  
2 professional.

3 (h) Any experience obtained under the supervision of  
4 a spouse or relative by blood or marriage shall not be  
5 credited toward the required hours of supervised  
6 experience. Any experience obtained under the  
7 supervision of a supervisor with whom the applicant has  
8 a personal relationship that undermines the authority or  
9 effectiveness of the supervision shall not be credited  
10 toward the required hours of supervised experience.

11 (i) An applicant who possesses a master's degree from  
12 an approved school or department of social work shall be  
13 able to apply experience the applicant obtained during  
14 the time the approved school or department was in  
15 candidacy status by the Commission on Accreditation of  
16 the Council on Social Work Education toward the  
17 licensure requirements, if the experience meets the  
18 requirements of Section 4996.20. This subdivision shall  
19 apply retroactively to persons who possess a master's  
20 degree from an approved school or department of social  
21 work and who obtained experience during the time the  
22 approved school or department was in candidacy status  
23 by the Commission on Accreditation of the Council on  
24 Social Work Education.

25 *SEC. 18. Section 4996.20 of the Business and*  
26 *Professions Code is amended to read:*

27 4996.20. The experience required by subdivision (c)  
28 of Section 4996.2 shall meet the following criteria:

29 (a) An applicant shall have at least 3,200 hours of  
30 post-master's experience, supervised by a licensed  
31 clinical social worker, in providing clinical social work  
32 services consisting of psychosocial diagnosis; assessment;  
33 treatment, including psychotherapy and counseling;  
34 client-centered advocacy; consultation; and evaluation as  
35 permitted by Section 4996.9. For persons applying for  
36 licensure on or after January 1, 1992, this experience shall  
37 have been gained in not less than two nor more than six  
38 years and shall have been gained within the six years  
39 immediately preceding the date on which the application  
40 for licensure was filed. The board may credit experience



1 gained more than six years prior to the date on which an  
2 application was filed upon a showing of good cause or  
3 where the applicant is licensed and currently practicing  
4 in another state.

5 (b) Notwithstanding the requirements of subdivision  
6 (a) that 3,200 hours of experience shall be gained under  
7 the supervision of a licensed clinical social worker, up to  
8 1,000 hours of the required experience may be gained  
9 under the supervision of a licensed mental health  
10 professional acceptable to the board.

11 For purposes of this section, “supervision” means  
12 responsibility for and control of the quality of social work  
13 services being provided. Consultation shall not be  
14 considered to be supervision. Supervision shall include at  
15 least one hour of direct supervision for each week of  
16 experience claimed. Not less than one-half of the hours of  
17 required supervision shall be individual supervision. The  
18 remaining hours may be group supervision. “Individual  
19 supervision” means one supervisor meets with one  
20 supervisee at a time. “Group supervision” means a  
21 supervisor meets with a group of no more than eight  
22 supervisees at a time.

23 (c) For purposes of this section, a “private practice  
24 setting” is any setting other than a governmental entity,  
25 a school, college or university, a nonprofit and charitable  
26 corporation or a licensed health facility. Employment in  
27 a private practice setting shall not commence until the  
28 applicant has been registered as an associate clinical social  
29 worker. A registrant employed in a private practice  
30 setting shall not:

31 (1) Pay his or her employer for supervision, and shall  
32 receive fair remuneration from his or her employer.

33 (2) Receive any remuneration from patients or clients  
34 and shall only be paid by his or her employer.

35 (3) Perform services at any place except where the  
36 registrant’s employer regularly conducts business.

37 (4) Have any proprietary interest in the employer’s  
38 business.

39 (d) A person employed in a setting other than a  
40 private practice setting may obtain supervision from a



1 person not employed by the registrant's employer if that  
2 person has signed a written contract with the employer  
3 to take supervisory responsibility for the registrant's  
4 social work services.

5 *(e) This section shall apply only to persons who apply*  
6 *for registration on or before December 31, 1998.*

7 *SEC. 19. Section 4996.21 is added to the Business and*  
8 *Professions Code, to read:*

9 *4996.21. The experience required by subdivision (c)*  
10 *of Section 4996.2 shall meet the following criteria:*

11 *(a) On or after January 1, 1999, a registrant shall have*  
12 *at least 3,200 hours of post-master's experience,*  
13 *supervised by a licensed clinical social worker, in*  
14 *providing clinical social work services as permitted by*  
15 *Section 4996.9. Experience shall consist of the following:*

16 *(1) A minimum of 2,000 hours in psychosocial*  
17 *diagnosis, assessment, and treatment, including*  
18 *psychotherapy and counseling.*

19 *(2) A maximum of 1,200 hours in client-centered*  
20 *advocacy, consultation, evaluation, and research.*

21 *(3) Experience shall have been gained in not less than*  
22 *two nor more than six years and shall have been gained*  
23 *within the six years immediately preceding the date on*  
24 *which the application for licensure was filed.*

25 *(b) Notwithstanding the requirements of subdivision*  
26 *(a), up to 1,000 hours of the required experience may be*  
27 *gained under the supervision of a licensed mental health*  
28 *professional.*

29 *(1) Supervision means responsibility for and control of*  
30 *the quality of clinical social work services being provided.*

31 *(2) Consultation shall not be considered to be*  
32 *supervision.*

33 *(3) Supervision shall include at least one hour of direct*  
34 *supervisor contact for each week of experience claimed*  
35 *and shall include at least one hour of direct supervisor*  
36 *contact for every 10 hours of client contact in each setting*  
37 *where experience is gained. For purposes of this section,*  
38 *"one hour of direct supervisor contact" means one hour*  
39 *of face-to-face contact on an individual basis or two hours*



1 of face-to-face contact in a group setting of not more than  
2 eight persons.

3 (4) Both the supervisor and the supervisee shall  
4 develop a supervisory plan that describes the goals and  
5 objectives of supervision. These goals shall include the  
6 ongoing assessment of strengths and limitations and the  
7 assurance of practice in accordance with the laws and  
8 regulations. The associate shall submit the initial  
9 supervisory plan within 30 days of commencement of  
10 supervision and shall submit the remaining supervisory  
11 plans upon termination of supervision.

12 (c) A “private practice setting” is any setting other  
13 than a governmental entity, a school, college, or  
14 university, a nonprofit and charitable corporation, a  
15 licensed health facility, as defined in Sections 1250, 1250.2,  
16 and 1250.3 of the Health and Safety Code, a social  
17 rehabilitation facility or a community treatment facility,  
18 as defined in subdivision (a) of Section 1502 of the Health  
19 and Safety Code, a pediatric day health and respite care  
20 facility, as defined in Section 1760.2 of the Health and  
21 Safety Code, or a licensed alcoholism or drug abuse  
22 recovery or treatment facility, as defined in Section  
23 11834.02 of the Health and Safety Code.

24 (1) In a setting that is not a private practice, a  
25 registrant shall be employed on either a voluntary or paid  
26 basis.

27 (2) If volunteering, the registrant shall provide the  
28 board with a letter from his or her employer verifying his  
29 or her voluntary status upon application for licensure.

30 (3) If employed, the registrant shall provide the board  
31 with copies of his or her W-2 tax forms for each year of  
32 experience claimed upon application for licensure.

33 (d) Employment in a private practice setting shall not  
34 commence until the applicant has been registered as an  
35 associate clinical social worker. A registrant employed in  
36 a private practice setting shall not do any of the following:

37 (1) Pay his or her employer or supervisor for  
38 supervision, and shall receive fair remuneration from his  
39 or her employer.



1 (2) Receive any remuneration from patients or clients  
2 and shall only be paid by his or her employer.

3 (3) Perform services at any place except where the  
4 registrant's employer regularly conducts business.

5 (4) Have any proprietary interest in the employer's  
6 business.

7 (e) A person employed in a setting other than a  
8 private practice setting may obtain supervision from a  
9 person not employed by the registrant's employer if that  
10 person has signed a written agreement with the employer  
11 to take supervisory responsibility for the registrant's  
12 social work services.

