AB 2435 (Lowenthal)- Elder and Dependent Adult Abuse

Introduced February 19, 2010, Read second time. To third reading June 30, 2010

This bill requires specified professionals to complete training regarding elder and dependent adult abuse. Specifically, this bill:

1) Encourages the Board of Psychology (BOP) and the Board of Behavioral Science (BBS) to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure or license renewal.

2) Adds instruction on the assessment, reporting, and treatment related to elder and dependent adult abuse and neglect, to the coursework required for licensure and to the continuing education requirements for license renewal for a psychologist, MFT, LCSW, or LPCC beginning January 1, 2012.

3) States that it is anticipated and encouraged that hours of experience gained prior to being licensed as an MFT will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

4) States legislative intent and findings.

5) Makes technical and conforming changes.

AMENDED IN SENATE JUNE 16, 2010

AMENDED IN ASSEMBLY APRIL 22, 2010

AMENDED IN ASSEMBLY MARCH 24, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL No. 2435

Introduced by Assembly Member Bonnie Lowenthal
(Coauthor: Assembly Member Ma)

February 19, 2010

An act to amend Sections 28, 2915.5, 2915.7, 4980.37, 4980.39, 4980.43, 4996.25, 4996.26, 4999.32, and 4999.33 of the Business and Professions Code, relating to elder and dependent adult abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2435, as amended, Bonnie Lowenthal. Elder and dependent adult abuse.

(1) Existing law provides for the licensing and regulation of psychologists, professional clinical counselors, clinical social workers, and marriage and family therapists. Existing law requires a person applying for licensure in these professions to have completed specified coursework or training in child abuse assessment and reporting from certain types of institutions.

This bill would encourage the Board of Psychology and the Board of Behavioral Sciences to include in that training elder and dependent adult abuse assessment and reporting, and would ~~make legislative findings with regard to~~ *also apply* that training *and coursework requirement to professional clinical counselors*.

(2) Existing law, with respect to psychologists, licensed clinical social workers, and licensed professional clinical counselors, requires a

licensee to complete, as a condition of licensure and relicensure, specified coursework in aging.

This bill, on and after January 1, 2012, would expand the required coursework to additionally cover elder and dependent adult abuse assessment and reporting.

(3) Existing law, with respect to marriage and family therapists, requires an applicant for licensure or registration to possess a doctor's or master's degree in various disciplines, including marriage, family, and child counseling, relative to applicants who begin graduate study before August 1, 2012, and complete that study on or before December 31, 2018.

This bill would authorize the requisite coursework related to developmental issues and life events to include coursework in abuse and neglect of older and dependent adults.

(4) Existing law requires an applicant for licensure as a marriage and family therapist under (3) to complete a minimum of 10 contact hours of coursework in aging and long-term care, which may include the biological, social, and psychological aspects of aging.

This bill, on and after January 1, 2012, would require the coursework to include instruction on the assessment and reporting of elder and dependent adult abuse and neglect and associated treatment.

(5) Existing law requires an applicant for licensure as a marriage and family counselor, prior to applying for a licensure examination, to complete certain hours of experience.

This bill would encourage those hours of experience to include working with elders and dependent adults.

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 28 of the Business and Professions Code
2 is amended to read:
3 28. The Legislature finds that there is a need to ensure that
4 professionals of the healing arts who have demonstrable contact
5 with victims and potential victims of child, elder, and dependent
6 adult abuse, and abusers and potential abusers of children, elders,
7 and dependent adults are provided with adequate and appropriate
8 training regarding the assessment and reporting of child, elder,
9 and dependent adult abuse which will ameliorate, reduce, and

eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.

The Board of Psychology and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, *professional clinical counselor,* or marriage and family therapist. This training shall be required one time only for all persons applying for initial licensure or for licensure renewal.

All persons applying for initial licensure ~~and~~ *or* renewal of a license as a psychologist, clinical social worker, *professional clinical counselor,* or marriage and family therapist shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of ~~Section 11165 of the Penal Code~~ *the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code).* The training shall meet all of the following requirements:

(a) Be obtained from one of the following sources:

(1) An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, ~~and 4996.18~~ *4996.18, and 4999.12,* including extension courses offered by those institutions.

(2) A continuing education provider approved by the responsible board.

(3) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved by the responsible board.

(b) Have a minimum of seven contact hours.

(c) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(d) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.

The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from the requirements of this section and who shows to the satisfaction of the board that there would be no need for the training in his or her practice because of the nature of that practice.

It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, *professional clinical counselor,* or marriage and family therapist have minimal but appropriate training in the areas of child, elder, and dependent adult abuse assessment and reporting. It is not intended that by solely complying with the requirements of this section, a practitioner is fully trained in the subject of treatment of child, elder, and dependent adult abuse victims and abusers.

The Board of Psychology and the Board of Behavioral Sciences are encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure or license renewal.

SEC. 2. Section 2915.5 of the Business and Professions Code is amended to read:

2915.5. (a) Any applicant for licensure as a psychologist who began graduate study on or after January 1, 2004, shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which may include, but need not be limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for

1 graduation, or within the coursework, that was completed by the
2 applicant.
3 (d) The board shall not issue a license to the applicant until the
4 applicant has met the requirements of this section.
5 SEC. 3. Section 2915.7 of the Business and Professions Code
6 is amended to read:
7 2915.7. (a) A licensee who began graduate study prior to
8 January 1, 2004, shall complete a three-hour continuing education
9 course in aging and long-term care during his or her first renewal
10 period after the operative date of this section, and shall submit to
11 the board evidence acceptable to the board of the person's
12 satisfactory completion of that course.
13 (b) The course should include, but is not limited to, the
14 biological, social, and psychological aspects of aging. On and after
15 January 1, 2012, this coursework shall include instruction on the
16 assessment and reporting of, as well as treatment related to, elder
17 and dependent adult abuse and neglect.
18 (c) Any person seeking to meet the requirements of subdivision
19 (a) of this section may submit to the board a certificate evidencing
20 completion of equivalent courses in aging and long-term care taken
21 prior to the operative date of this section, or proof of equivalent
22 teaching or practice experience. The board, in its discretion, may
23 accept that certification as meeting the requirements of this section.
24 (d) The board may not renew an applicant's license until the
25 applicant has met the requirements of this section.
26 (e) A licensee whose practice does not include the direct
27 provision of mental health services may apply to the board for an
28 exception to the requirements of this section.
29 SEC. 4. Section 4980.37 of the Business and Professions Code
30 is amended to read:
31 4980.37. (a) This section shall apply to applicants for licensure
32 or registration who begin graduate study before August 1, 2012,
33 and complete that study on or before December 31, 2018. Those
34 applicants may alternatively qualify under paragraph (2) of
35 subdivision (a) of Section 4980.36.
36 (b) To qualify for a license or registration, applicants shall
37 possess a doctor's or master's degree in marriage, family, and child
38 counseling, marriage and family therapy, psychology, clinical
39 psychology, counseling psychology, or counseling with an
40 emphasis in either marriage, family, and child counseling or

marriage and family therapy, obtained from a school, college, or university accredited by a regional accrediting agency recognized by the United States Department of Education or approved by the Bureau for Private Postsecondary and Vocational Education. 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. In order to qualify for licensure pursuant to this section, a doctor's or master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. This instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment. The coursework shall include all of the following areas:

(1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment.

(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect on 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, abuse and neglect of older and dependent adults, and geropsychology.

(4) A variety of approaches to the treatment of children.

The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(c) (1) In addition to the 12 semester or 18 quarter units of coursework specified in subdivision (b), the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic technique, assessments, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness

1 prevention, in a supervised clinical placement that provides
2 supervised fieldwork experience within the scope of practice of a
3 marriage and family therapist.
4 (2) For applicants who enrolled in a degree program on or after
5 January 1, 1995, the practicum shall include a minimum of 150
6 hours of face-to-face experience counseling individuals, couples,
7 families, or groups.
8 (3) The practicum hours shall be considered as part of the 48
9 semester or 72 quarter unit requirement.
10 (d) As an alternative to meeting the qualifications specified in
11 subdivision (b), the board shall accept as equivalent degrees those
12 master's or doctor's degrees granted by educational institutions
13 whose degree program is approved by the Commission on
14 Accreditation for Marriage and Family Therapy Education.
15 (e) In order to provide an integrated course of study and
16 appropriate professional training, while allowing for innovation
17 and individuality in the education of marriage and family therapists,
18 a degree program that meets the educational qualifications for
19 licensure or registration under this section shall do all of the
20 following:
21 (1) Provide an integrated course of study that trains students
22 generally in the diagnosis, assessment, prognosis, and treatment
23 of mental disorders.
24 (2) Prepare students to be familiar with the broad range of
25 matters that may arise within marriage and family relationships.
26 (3) Train students specifically in the application of marriage
27 and family relationship counseling principles and methods.
28 (4) Encourage students to develop those personal qualities that
29 are intimately related to the counseling situation such as integrity,
30 sensitivity, flexibility, insight, compassion, and personal presence.
31 (5) Teach students a variety of effective psychotherapeutic
32 techniques and modalities that may be utilized to improve, restore,
33 or maintain healthy individual, couple, and family relationships.
34 (6) Permit an emphasis or specialization that may address any
35 one or more of the unique and complex array of human problems,
36 symptoms, and needs of Californians served by marriage and
37 family therapists.
38 (7) Prepare students to be familiar with cross-cultural mores
39 and values, including a familiarity with the wide range of racial
40 and ethnic backgrounds common among California's population,

1 including, but not limited to, Blacks, Hispanics, Asians, and Native
2 Americans.
3 (f) Educational institutions are encouraged to design the
4 practicum required by this section to include marriage and family
5 therapy experience in low-income and multicultural mental health
6 settings.
7 (g) This section shall remain in effect only until January 1, 2019,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2019, deletes or extends that date.
10 SEC. 5. Section 4980.39 of the Business and Professions Code
11 is amended to read:
12 4980.39. (a) An applicant for licensure whose education
13 qualifies him or her under Section 4980.37 shall complete, as a
14 condition of licensure, a minimum of 10 contact hours of
15 coursework in aging and long-term care, which may include, but
16 is not limited to, the biological, social, and psychological aspects
17 of aging. On and after January 1, 2012, this coursework shall
18 include instruction on the assessment and reporting of, as well as
19 treatment related to, elder and dependent adult abuse and neglect.
20 (b) Coursework taken in fulfillment of other educational
21 requirements for licensure pursuant to this chapter, or in a separate
22 course of study, may, at the discretion of the board, fulfill the
23 requirements of this section.
24 (c) In order to satisfy the coursework requirement of this section,
25 the applicant shall submit to the board a certification from the chief
26 academic officer of the educational institution from which the
27 applicant graduated stating that the coursework required by this
28 section is included within the institution's required curriculum for
29 graduation, or within the coursework, that was completed by the
30 applicant.
31 (d) The board shall not issue a license to the applicant until the
32 applicant has met the requirements of this section.
33 (e) This section shall remain in effect only until January 1, 2019,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2019, deletes or extends that date.
36 SEC. 6. Section 4980.43 of the Business and Professions Code
37 is amended to read:
38 4980.43. (a) Prior to applying for licensure examinations, each
39 applicant shall complete experience that shall comply with the
40 following:

(1) A minimum of 3,000 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 1,700 hours of supervised experience completed subsequent to the granting of the qualifying master's or doctor's degree.

(4) Not more than 1,300 hours of supervised experience obtained prior to completing a master's or doctor's degree.

The applicant shall not be credited with more than 750 hours of counseling and direct supervisor contact prior to completing the master's or doctor's degree.

(5) No hours of experience may be gained prior to completing either 12 semester units 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 examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(7) Not more than a combined total of 1,250 hours of experience in the following:

(A) Direct supervisor contact.

(B) Professional enrichment activities. For purposes of this chapter, "professional enrichment activities" include the following:

(i) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor. An applicant shall have no more than 250 hours of verified attendance at these workshops, seminars, training sessions, or conferences.

(ii) Participation by the applicant in personal psychotherapy, which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional. An applicant shall have no more than 100 hours of participation in personal psychotherapy. The applicant shall be credited with three hours of experience for each hour of personal psychotherapy.

(C) Client centered advocacy.

(8) Not more than 500 hours of experience providing group therapy or group counseling.

(9) Not more than 250 hours of experience administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes.

(10) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children. For the first 150 hours of treating couples and families in conjoint therapy, the applicant shall be credited with two hours of experience for each hour of therapy provided.

(11) Not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telemedicine in accordance with Section 2290.5.

(12) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

(b) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by interns and trainees either as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

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

(2) If volunteering, an intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure.

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

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

(2) An individual supervised after being granted a qualifying degree shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact is gained in each setting. No more than five hours of supervision, whether individual or group, shall be credited during any single week.

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.

(4) Direct supervisor contact shall occur within the same week as the hours claimed.

(5) Direct supervisor contact provided in a group shall be provided in a group of not more than eight supervisees and in segments lasting no less than one continuous hour.

(6) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

(7) 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 4980.02.

(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 4980.02.

(2) An applicant 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 that has satisfied the requirements of subdivision (g) of Section 4980.03. 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.

(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 their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.

(j) Trainees, interns, or applicants who provide volunteered 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.

SEC. 7. Section 4996.25 of the Business and Professions Code is amended to read:

4996.25. (a) Any applicant for licensure as a licensed clinical social worker who began graduate study on or after January 1, 2004, shall complete, as a condition of licensure, 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. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

SEC. 8. Section 4996.26 of the Business and Professions Code is amended to read:

4996.26. (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 after the operative date of this section, 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, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(c) Any 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 taken prior to the operative date of this section, 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 4996.22.

(f) This section shall become operative on January 1, 2005.

SEC. 9. Section 4999.32 of the Business and Professions Code is amended to read:

4999.32. (a) This section shall apply to applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and complete that study on or before

December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.

(b) To qualify for examination eligibility or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 48 graduate semester or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and

1 literature, group counseling methods, and evaluation of
2 effectiveness.
3 (E) Assessment, appraisal, and testing of individuals, including
4 basic concepts of standardized and nonstandardized testing and
5 other assessment techniques, norm-referenced and
6 criterion-referenced assessment, statistical concepts, social and
7 cultural factors related to assessment and evaluation of individuals
8 and groups, and ethical strategies for selecting, administering, and
9 interpreting assessment instruments and techniques in counseling.
10 (F) Multicultural counseling theories and techniques, including
11 counselors' roles in developing cultural self-awareness, identity
12 development, promoting cultural social justice, individual and
13 community strategies for working with and advocating for diverse
14 populations, and counselors' roles in eliminating biases and
15 prejudices, and processes of intentional and unintentional
16 oppression and discrimination.
17 (G) Principles of the diagnostic process, including differential
18 diagnosis, and the use of current diagnostic tools, such as the
19 current edition of the Diagnostic and Statistical Manual, the impact
20 of co-occurring substance use disorders or medical psychological
21 disorders, established diagnostic criteria for mental or emotional
22 disorders, and the treatment modalities and placement criteria
23 within the continuum of care.
24 (H) Research and evaluation, including studies that provide an
25 understanding of research methods, statistical analysis, the use of
26 research to inform evidence-based practice, the importance of
27 research in advancing the profession of counseling, and statistical
28 methods used in conducting research, needs assessment, and
29 program evaluation.
30 (I) Professional orientation, ethics, and law in counseling,
31 including professional ethical standards and legal considerations,
32 licensing law and process, regulatory laws that delineate the
33 profession's scope of practice, counselor-client privilege,
34 confidentiality, the client dangerous to self or others, treatment of
35 minors with or without parental consent, relationship between
36 practitioner's sense of self and human values, functions and
37 relationships with other human service providers, strategies for
38 collaboration, and advocacy processes needed to address
39 institutional and social barriers that impede access, equity, and
40 success for clients.

(2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent, in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Other recognized counseling interventions.

(I) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) (1) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

(e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an intern:

(1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.

(2) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(3) A two semester unit or three quarter unit survey course in psychopharmacology.

(4) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.

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

(6) A minimum of 18 contact hours of instruction in California law and professional ethics for professional clinical counselors. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester unit or 72 quarter unit requirement in subdivision (c).

(7) A minimum of 10 contact hours of instruction in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(8) A minimum of 15 contact hours of instruction in crisis or trauma counseling, including multidisciplinary responses to crises, emergencies, or disasters, and brief, intermediate, and long-term approaches.

(f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.

SEC. 10. Section 4999.33 of the Business and Professions Code is amended to read:

4999.33. (a) This section shall apply to the following:

(1) Applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for examination eligibility or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for examination eligibility or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for examination eligibility or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (f), the coursework in the core content areas listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 60 graduate semester or 90 graduate quarter units of instruction, which shall, except as provided in subdivision (f), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in all of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, group developmental stage theories, therapeutic factors of group work, group leadership styles and approaches, pertinent research and

1 literature, group counseling methods, and evaluation of
2 effectiveness.
3 (E) Assessment, appraisal, and testing of individuals, including
4 basic concepts of standardized and nonstandardized testing and
5 other assessment techniques, norm-referenced and
6 criterion-referenced assessment, statistical concepts, social and
7 cultural factors related to assessment and evaluation of individuals
8 and groups, and ethical strategies for selecting, administering, and
9 interpreting assessment instruments and techniques in counseling.
10 (F) Multicultural counseling theories and techniques, including
11 counselors' roles in developing cultural self-awareness, identity
12 development, promoting cultural social justice, individual and
13 community strategies for working with and advocating for diverse
14 populations, and counselors' roles in eliminating biases and
15 prejudices, and processes of intentional and unintentional
16 oppression and discrimination.
17 (G) Principles of the diagnostic process, including differential
18 diagnosis, and the use of current diagnostic tools, such as the
19 current edition of the Diagnostic and Statistical Manual, the impact
20 of co-occurring substance use disorders or medical psychological
21 disorders, established diagnostic criteria for mental or emotional
22 disorders, and the treatment modalities and placement criteria
23 within the continuum of care.
24 (H) Research and evaluation, including studies that provide an
25 understanding of research methods, statistical analysis, the use of
26 research to inform evidence-based practice, the importance of
27 research in advancing the profession of counseling, and statistical
28 methods used in conducting research, needs assessment, and
29 program evaluation.
30 (I) Professional orientation, ethics, and law in counseling,
31 including California law and professional ethics for professional
32 clinical counselors, professional ethical standards and legal
33 considerations, licensing law and process, regulatory laws that
34 delineate the profession's scope of practice, counselor-client
35 privilege, confidentiality, the client dangerous to self or others,
36 treatment of minors with or without parental consent, relationship
37 between practitioner's sense of self and human values, functions
38 and relationships with other human service providers, strategies
39 for collaboration, and advocacy processes needed to address

1 institutional and social barriers that impede access, equity, and
2 success for clients.
3 (J) Psychopharmacology, including the biological bases of
4 behavior, basic classifications, indications, and contraindications
5 of commonly prescribed psychopharmacological medications so
6 that appropriate referrals can be made for medication evaluations
7 and so that the side effects of those medications can be identified.
8 (K) Addictions counseling, including substance abuse,
9 co-occurring disorders, and addiction, major approaches to
10 identification, evaluation, treatment, and prevention of substance
11 abuse and addiction, legal and medical aspects of substance abuse,
12 populations at risk, the role of support persons, support systems,
13 and community resources.
14 (L) Crisis or trauma counseling, including crisis theory;
15 multidisciplinary responses to crises, emergencies, or disasters;
16 cognitive, affective, behavioral, and neurological effects associated
17 with trauma; brief, intermediate, and long-term approaches; and
18 assessment strategies for clients in crisis and principles of
19 intervention for individuals with mental or emotional disorders
20 during times of crisis, emergency, or disaster.
21 (M) Advanced counseling and psychotherapeutic theories and
22 techniques, including the application of counseling constructs,
23 assessment and treatment planning, clinical interventions,
24 therapeutic relationships, psychopathology, or other clinical topics.
25 (2) In addition to the course requirements described in paragraph
26 (1), 15 semester units or 22.5 quarter units of advanced coursework
27 to develop knowledge of specific treatment issues or special
28 populations.
29 (3) Not less than six semester units or nine quarter units of
30 supervised practicum or field study experience, or the equivalent,
31 in a clinical setting that provides a range of professional clinical
32 counseling experience, including the following:
33 (A) Applied psychotherapeutic techniques.
34 (B) Assessment.
35 (C) Diagnosis.
36 (D) Prognosis.
37 (E) Treatment.
38 (F) Issues of development, adjustment, and maladjustment.
39 (G) Health and wellness promotion.

(H) Professional writing including documentation of services, treatment plans, and progress notes.

(I) How to find and use resources.

(J) Other recognized counseling interventions.

(K) A minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

(1) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.

(2) The understanding of human behavior within the social context of a representative variety of the cultures found within California.

(3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.

(4) An understanding of the effects of socioeconomic status on treatment and available resources.

(5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.

(6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(7) Human sexuality, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(8) Spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(9) Child abuse assessment and reporting.

(10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. ~~On and after January 1, 2012, this~~ *This* coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

(1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.

(2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.

(3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(f) (1) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

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