

1 BUSINESS AND PROFESSIONS CODE  
2 SECTION 4980-4981  
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5 4980. (a) Many California families and many individual Californians  
6 are experiencing difficulty and distress, and are in need of wise,  
7 competent, caring, compassionate, and effective counseling in order  
8 to enable them to improve and maintain healthy family relationships.  
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10 Healthy individuals and healthy families and healthy relationships  
11 are inherently beneficial and crucial to a healthy society, and are  
12 our most precious and valuable natural resource. Marriage, family,  
13 and child counselors provide a crucial support for the well-being of  
14 the people and the State of California.

15 (b) No person may engage in the practice of marriage, family, and  
16 child counseling as defined by Section 4980.02, unless he or she  
17 holds a valid license as a marriage, family, and child counselor, or  
18 unless he or she is specifically exempted from that requirement, nor  
19 may any person advertise himself or herself as performing the  
20 services of a marriage, family, child, domestic, or marital  
21 consultant, or in any way use these or any similar titles, including  
22 the letters "M.F.T." or "M.F.C.C.," or other name, word initial, or  
23 symbol in connection with or following his or her name to imply that  
24 he or she performs these services without a license as provided by  
25 this chapter. Persons licensed under Article 4 (commencing with  
26 Section 4996) of Chapter 14 of Division 2, or under Chapter 6.6  
27 (commencing with Section 2900) may engage in such practice or  
28 advertise that they practice marriage, family, and child counseling  
29 but may not advertise that they hold the marriage, family, and child  
30 counselor's license.  
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34 4980.01. (a) Nothing in this chapter shall be construed to  
35 constrict, limit, or withdraw the Medical Practice Act, the Social  
36 Work Licensing Law, the Nursing Practice Act, or the Psychology  
37 Licensing Act.

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

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

50 (d) Notwithstanding subdivisions (b) and (c) all persons  
51 registered as interns or licensed under this chapter shall not be  
52 exempt from this chapter or the jurisdiction of the board.  
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56 4980.02. For the purposes of this chapter, the practice of  
57 marriage, family, and child counseling shall mean that service  
58 performed with individuals, couples, or groups wherein interpersonal  
59 relationships are examined for the purpose of achieving more  
60 adequate, satisfying, and productive marriage and family adjustments.  
61 This practice includes relationship and premarriage counseling.

62 The applications of marriage, family, and child counseling  
63 principles and methods includes, but is not limited to, the use of  
64 applied psychotherapeutic techniques, to enable individuals to mature  
65 and grow within marriage and the family, and the provision of  
66 explanations and interpretations of the psychosexual and psychosocial  
67 aspects of relationships.

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71 4980.03. (a) "Board," as used in this chapter, means the Board of  
72 Behavioral Sciences.

73 (b) "Intern," as used in this chapter, means an unlicensed person  
74 who has earned his or her master's or doctor's degree qualifying him  
75 or her for licensure and is registered with the board.

76 (c) "Trainee," as used in this chapter, means an unlicensed person  
77 who is currently enrolled in a master's or doctor's degree program,  
78 as specified in Section 4980.40, that is designed to qualify him or  
79 her for licensure under this chapter, and who has completed no less  
80 than 12 semester units or 18 quarter units of coursework in any  
81 qualifying degree program.

82 (d) "Applicant," as used in this chapter, means an unlicensed  
83 person who has completed a masters or doctoral degree program, as  
84 specified in Section 4980.40, and whose application for registration  
85 as an intern is pending, or an unlicensed person who has completed  
86 the requirements for licensure as specified in this chapter, is no  
87 longer registered with the board as an intern, and is currently in  
88 the examination process.

89 (e) "Advertise," as used in this chapter, includes, but is not  
90 limited to, the issuance of any card, sign, or device to any person,  
91 or the causing, permitting, or allowing of any sign or marking on, or  
92 in, any building or structure, or in any newspaper or magazine or in  
93 any directory, or any printed matter whatsoever, with or without any  
94 limiting qualification. It also includes business solicitations  
95 communicated by radio or television broadcasting. Signs within  
96 church buildings or notices in church bulletins mailed to a  
97 congregation shall not be construed as advertising within the meaning  
98 of this chapter.

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102 4980.07. The board shall administer the provisions of this chapter.

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106 4980.08. (a) The title "licensed marriage, family and child  
107 counselor" or "marriage, family and child counselor" is hereby  
108 renamed "licensed marriage and family therapist" or "marriage and  
109 family therapist," respectively. Any reference in any statute or  
110 regulation to a "licensed marriage, family and child counselor" or  
111 "marriage, family and child counselor" shall be deemed a reference to  
112 a "licensed marriage and family therapist" or "marriage and family  
113 therapist."

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

117 (c) This section shall become operative July 1, 1999.

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121 4980.10. A person engages in the practice of marriage, family, and  
122 child counseling who performs or offers to perform or holds himself

123 or herself out as able to perform such a service for remuneration in  
124 any form, including donations.

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127 4980.30. Except as otherwise provided herein, a person desiring to  
128 practice and to advertise the performance of marriage, family, and  
129 child counseling services shall apply to the board for a license and  
130 shall pay the license fee required by this chapter.

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134 4980.31. A licensee shall display his or her license in a  
135 conspicuous place in the licensee's primary place of practice.

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139 4980.34. It is the intent of the Legislature that the board employ  
140 its resources for each and all of the following functions:

141 (a) The licensing of marriage, family, and child counselors,  
142 clinical social workers, and educational psychologists.

143 (b) The development and administration of written and oral  
144 licensing examinations and examination procedures, as specified,  
145 consistent with prevailing standards for the validation and use of  
146 licensing and certification tests. Examinations shall measure  
147 knowledge and abilities demonstrably important to the safe, effective  
148 practice of the profession.

149 (c) Enforcement of laws designed to protect the public from  
150 incompetent, unethical, or unprofessional practitioners.

151 (d) Consumer education.  
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155 4980.35. (a) The Legislature acknowledges that the basic obligation  
156 to provide a complete and accurate application for a marriage,  
157 family, and child counseling license lies with the applicant. At the  
158 same time, the Legislature recognizes that an effort should be made  
159 by the board to ensure that persons who enter degree programs and  
160 supervisorial training settings that meet the requirements of this  
161 chapter are enabled to discern the requirements for licensing and to  
162 take the examination when they have completed their educational and  
163 experience requirements.

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

168 (1) Apply a portion of its limited resources specifically to the  
169 task of communicating information about its activities, the  
170 requirements and qualifications for licensure, and the practice of  
171 marriage, family, and child counseling to the relevant educational  
172 institutions, supervisors, professional associations, applicants,  
173 trainees, interns, and the consuming public.

174 (2) Develop policies and procedures to assist educational  
175 institutions in meeting the curricula requirements of Section 4980.40  
176 and any regulations adopted pursuant to that section, so that those  
177 educational institutions may better provide assurance to their  
178 students that the curriculum offered to fulfill the educational  
179 requirements for licensure will meet those requirements at the time  
180 of the student's application for licensure.

181 (3) Notify applicants in the application procedure when  
182 applications are incomplete, inaccurate, or deficient, and inform  
183 applicants of any remediation, reconsideration, or appeal procedures

184 that may be applicable.

185 (4) Undertake, or cause to be undertaken, further comprehensive  
186 review, in consultation with educational institutions, professional  
187 associations, supervisors, interns, and trainees, of the supervision  
188 of interns and trainees, which shall include, but not be limited to,  
189 the following, and shall propose regulations regarding the  
190 supervision of interns and trainees which may include, but not be  
191 limited to, the following:

192 (A) Supervisor qualifications.

193 (B) Continuing education requirements of supervisors.

194 (C) Registration or licensing of supervisors, or both.

195 (D) Responsibilities of supervisors in general.

196 (E) The board's authority in cases of noncompliance or negligence  
197 by supervisors.

198 (F) The intern's and trainee's need for guidance in selecting  
199 well-balanced and high quality professional training opportunities  
200 within his or her community.

201 (G) The role of the supervisor in advising and encouraging his or  
202 her intern or trainee regarding the necessity or value and  
203 appropriateness of the intern or trainee engaging in personal  
204 psychotherapy, so as to enable the intern or trainee to become a more  
205 competent marriage, family, and child counselor.

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209 4980.37. (a) In order to provide an integrated course of study and  
210 appropriate professional training, while allowing for innovation and  
211 individuality in the education of marriage, family, and child  
212 counselors, a degree program which meets the educational  
213 qualifications for licensure shall include all of the following:

214 (1) Provide an integrated course of study that trains students  
215 generally in the diagnosis, assessment, prognosis, and treatment of  
216 mental disorders.

217 (2) Prepare students to be familiar with the broad range of  
218 matters that may arise within marriage and family relationships.

219 (3) Train students specifically in the application of marriage and  
220 family relationship counseling principles and methods.

221 (4) Encourage students to develop those personal qualities that  
222 are intimately related to the counseling situation such as integrity,  
223 sensitivity, flexibility, insight, compassion, and personal  
224 presence.

225 (5) Teach students a variety of effective psychotherapeutic  
226 techniques and modalities that may be utilized to improve, restore,  
227 or maintain healthy individual, couple, and family relationships.

228 (6) Permit an emphasis or specialization that may address any one  
229 or more of the unique and complex array of human problems, symptoms,  
230 and needs of Californians served by marriage, family, and child  
231 counselors.

232 (7) Prepare students to be familiar with cross-cultural mores and  
233 values, including a familiarity with the wide range of racial and  
234 ethnic backgrounds common among California's population, including,  
235 but not limited to, Blacks, Hispanics, Asians, and Native Americans.

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237 (b) Educational institutions are encouraged to design the practica  
238 required by subdivision (b) of Section 4980.40 to include marriage,  
239 family, and child counseling experience in low-income and  
240 multicultural mental health settings.

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244 4980.38. (a) Each educational institution preparing applicants to

245 qualify for licensure shall notify each of its students by means of  
246 its public documents or otherwise in writing that its degree program  
247 is designed to meet the requirement of Section 4980.37 and shall  
248 certify to the board that it has so notified its students.

249 (b) In addition to all the other requirements for licensure, each  
250 applicant shall submit to the board a certification by the chief  
251 academic officer, or his or her designee, of the applicant's  
252 educational institution that the applicant has fulfilled the  
253 requirements enumerated in Sections 4980.37 and 4980.40, and  
254 subdivisions (a) and (d) of Section 4980.41.

255 (c) An applicant for an intern registration who has completed a  
256 program to update his or her degree in accordance with subdivision  
257 (k) of Section 4980.40 shall furnish to the board certification by  
258 the chief academic officer of a school, college, or university  
259 accredited by the Western Association of Schools and Colleges, or  
260 from a school, college, or university meeting accreditation standards  
261 comparable to those of the Western Association of Schools and  
262 Colleges, that the applicant has successfully completed all academic  
263 work necessary to comply with the current educational requirements  
264 for licensure as a marriage, family, and child counselor.

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268 4980.40. To qualify for a license an applicant shall have all the  
269 following qualifications:

270 (a) Applicants applying for licensure on or after January 1, 1988,  
271 shall possess a doctor's or master's degree in marriage, family, and  
272 child counseling, marital and family therapy, psychology, clinical  
273 psychology, counseling psychology, counseling with an emphasis in  
274 marriage, family, and child counseling, or social work with an  
275 emphasis in clinical social work, obtained from a school, college, or  
276 university accredited by the Western Association of Schools and  
277 Colleges, or approved by the Bureau for Private Postsecondary and  
278 Vocational Education, pursuant to Section 94774.5 of the Education  
279 Code. For purposes of this chapter, the term "approved by the Bureau  
280 for Private Postsecondary and Vocational Education" shall not  
281 include temporary, conditional, or any other type of interim  
282 approval. In order to qualify for licensure pursuant to this  
283 subdivision, any doctor's or master's degree program shall contain no  
284 less than 48 semester or 72 quarter units of instruction. The  
285 instruction shall include no less than 12 semester units or 18  
286 quarter units of coursework in the areas of marriage, family, and  
287 child counseling, and marital and family systems approaches to  
288 treatment.

289 The coursework shall include all of the following areas:

290 (1) The salient theories of a variety of psychotherapeutic  
291 orientations directly related to marriage, family, and child  
292 counseling, and marital and family systems approaches to treatment.

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

296 (3) Developmental issues and life events from infancy to old age  
297 and their effect upon individuals, couples, and family relationships.

298 This may include coursework that focuses on specific family life  
299 events and the psychological, psychotherapeutic, and health  
300 implications that arise within couples and families, including, but  
301 not limited to, childbirth, child rearing, childhood, adolescence,  
302 adulthood, marriage, divorce, blended families, stepparenting, and  
303 geropsychology.

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

305 The board may, by regulation, further define the content

306 requirements of required courses specified in this subdivision.

307 (b) (1) In addition to the 12 semester or 18 quarter units of  
308 coursework specified above, the doctor's or master's degree program  
309 shall contain not less than six semester or nine quarter units of  
310 supervised practicum in applied psychotherapeutic techniques,  
311 assessment, diagnosis, prognosis, and treatment of premarital,  
312 couple, family, and child relationships, including dysfunctions,  
313 healthy functioning, health promotion, and illness prevention, in a  
314 supervised clinical placement that provides supervised fieldwork  
315 experience within the scope of practice of a marriage, family, and  
316 child counselor.

317 (2) For applicants who enrolled in a degree program on or after  
318 January 1, 1995, the practicum shall include a minimum of 150 hours  
319 of face-to-face experience counseling individuals, couples, families,  
320 or groups.

321 (3) (A) Supervised practicum hours, as specified in this  
322 subdivision, shall be evaluated, accepted, and credited as hours for  
323 trainee experience by the board.

324 (B) The practicum hours shall be considered as part of the 48  
325 semester or 72 quarter unit requirement.

326 (c) As an alternative to meeting the qualifications specified in  
327 subdivision (a), the board shall accept as equivalent degrees, those  
328 master's or doctor's degrees granted by educational institutions  
329 whose degree program is approved by the Commission on Accreditation  
330 for Marriage and Family Therapy Education.

331 (d) All applicants shall, in addition, complete the coursework or  
332 training specified in Section 4980.41.

333 (e) All applicants shall be at least 18 years of age.

334 (f) All applicants shall have at least two years' experience that  
335 meets the requirements of this chapter in interpersonal  
336 relationships, marriage, family, and child counseling and  
337 psychotherapy under the supervision of a licensed marriage, family,  
338 and child counselor, licensed clinical social worker, licensed  
339 psychologist, or a licensed physician certified in psychiatry by the  
340 American Board of Psychiatry and Neurology. Experience shall not be  
341 gained under the supervision of an individual who has provided  
342 therapeutic services to that applicant. For those supervisorial  
343 relationships in effect on or before December 31, 1988, and which  
344 remain in continuous effect thereafter, experience may be gained  
345 under the supervision of a licensed physician who has completed a  
346 residency in psychiatry. Any person supervising another person  
347 pursuant to this subdivision shall have been licensed or certified  
348 for at least two years prior to acting as a supervisor, shall have a  
349 current and valid license that is not under suspension or probation,  
350 and shall meet the requirements established by regulations.

351 (g) The applicant shall pass a written examination and an oral  
352 examination conducted by the board or its designees.

353 (h) The applicant shall not have committed acts or crimes  
354 constituting grounds for denial of licensure under Section 480. The  
355 board shall not issue a registration or license to any person who has  
356 been convicted of any crime in the United States that involves  
357 sexual abuse of children or who has been ordered to register as a  
358 mentally disordered sex offender or the equivalent in another state  
359 or territory.

360 (i) Applicants applying for licensure on or before December 31,  
361 1987, shall possess all of the qualifications specified in  
362 subdivisions (e) to (h), inclusive, and shall possess a doctor's or  
363 master's degree in marriage, family, and child counseling, social  
364 work, clinical psychology, counseling, counseling psychology, child  
365 development and family studies, or a degree determined by the board  
366 to be equivalent, obtained from a school, college, or university

367 accredited by the Western Association of Schools and Colleges, the  
368 Northwest Association of Secondary and Higher Schools, or an  
369 essentially equivalent accrediting agency as determined by the board.

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371 (j) For applicants applying for a license pursuant to subdivision  
372 (i), the board may make a determination that an applicant's master's  
373 or doctor's degree is an equivalent degree if it finds that the  
374 degree was issued upon completion of a course of academic study  
375 primarily designed to train persons as a marriage, family, and child  
376 counselor. The course of study completed by the applicant shall  
377 contain not less than 30 semester or 45 quarter units of coursework  
378 as follows: (1) human biological, psychological, and social  
379 development, (2) human sexuality, (3) psychopathology, (4)  
380 cross-cultural mores and values, (5) theories of marriage, family,  
381 and child counseling, (6) professional ethics and law, (7) human  
382 communication, (8) research methodology, (9) theories and  
383 applications of psychological testing, and (10) not less than six  
384 semester or nine quarter units of supervised practicum in applied  
385 psychotherapeutic techniques, assessment, diagnosis, prognosis, and  
386 treatment of premarital, family, and child relationship dysfunctions.

387 The applicant shall submit to the board satisfactory written  
388 verification by the chief academic officer of the accredited or  
389 approved school, or by an authorized designee, that the applicant has  
390 successfully completed courses, including the practicum required by  
391 the board. The verification shall include, but need not be limited  
392 to, descriptions of the completed courses. The board may request  
393 further written verification of course content and academic  
394 experience to determine that the applicant's training and experience  
395 is equivalent to the course of instruction required by this section.

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397 (k) (1) An applicant applying for intern registration who, prior  
398 to December 31, 1987, met the qualifications for registration, but  
399 who failed to apply or qualify for intern registration may be granted  
400 an intern registration if the applicant meets all of the following  
401 criteria:

402 (A) The applicant possesses a doctor's or master's degree in  
403 marriage, family, and child counseling, marital and family therapy,  
404 psychology, clinical psychology, counseling psychology, counseling  
405 with an emphasis in marriage, family, and child counseling, or social  
406 work with an emphasis in clinical social work obtained from a  
407 school, college, or university currently conferring that degree that,  
408 at the time the degree was conferred, was accredited by the Western  
409 Association of Schools and Colleges, and where the degree conferred  
410 was, at the time it was conferred, specifically intended to satisfy  
411 the educational requirements for licensure by the Board of Behavioral  
412 Sciences.

413 (B) The applicant's degree and the course content of the  
414 instruction underlying that degree have been evaluated by the chief  
415 academic officer of a school, college, or university accredited by  
416 the Western Association of Schools and Colleges to determine the  
417 extent to which the applicant's degree program satisfies the current  
418 educational requirements for licensure, and the chief academic  
419 officer certifies to the board the amount and type of instruction  
420 needed to meet the current requirements.

421 (C) The applicant completes a plan of instruction that has been  
422 approved by the board at a school, college, or university accredited  
423 by the Western Association of Schools and Colleges that the chief  
424 academic officer of the educational institution has, pursuant to  
425 subparagraph (B), certified will meet the current educational  
426 requirements when considered in conjunction with the original degree.

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428 (2) A person applying under this subdivision shall be considered a  
429 trainee, as that term is defined in Section 4980.03, once he or she  
430 is enrolled to complete the additional coursework necessary to meet  
431 the current educational requirements for licensure.

432 (1) This section shall become operative on January 1, 1997.  
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436 4980.41. All applicants for licensure shall complete the following  
437 coursework or training in order to be eligible to sit for the  
438 licensing examinations:

439 (a) A two semester or three quarter unit course in California law  
440 and professional ethics for marriage, family, and child counselors,  
441 which shall include, but not be limited to, the following areas of  
442 study:

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

446 (2) The therapeutic, clinical, and practical considerations  
447 involved in the legal and ethical practice of marriage, family, and  
448 child counseling, including family law.

449 (3) The current legal patterns and trends in the mental health  
450 profession.

451 (4) The psychotherapist/patient privilege, confidentiality, the  
452 patient dangerous to self or others, and the treatment of minors with  
453 and without parental consent.

454 (5) A recognition and exploration of the relationship between a  
455 practitioner's sense of self and human values and his or her  
456 professional behavior and ethics.

457 This course may be considered as part of the 48 semester or 72  
458 quarter unit requirements contained in Section 4980.40.

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

462 (c) A minimum of 10 contact hours of training or coursework in  
463 human sexuality as specified in Section 25, and any regulations  
464 promulgated thereunder. When coursework in a master's or doctor's  
465 degree program is acquired to satisfy this requirement, it shall be  
466 considered as part of the 48 semester or 72 quarter unit requirement  
467 contained in Section 4980.40.

468 (d) Except for persons who began graduate study prior to January  
469 1, 1986, a master's or doctor's degree qualifying for licensure shall  
470 include specific instruction in alcoholism and other chemical  
471 substance dependency as specified by regulation. When coursework in  
472 a master's or doctor's degree program is acquired to satisfy this  
473 requirement, it shall be considered as part of the 48 semester or 72  
474 quarter unit requirement contained in Section 4980.40.

475 (e) Except for persons who began graduate study prior to January  
476 1, 1995, a master's or doctor's degree qualifying for licensure shall  
477 include coursework in spousal or partner abuse assessment,  
478 detection, and intervention. Coursework required under this  
479 subdivision may be satisfactory if taken either in fulfillment of  
480 other educational requirements for licensure or in a separate course.

481 The requirement for coursework in spousal or partner abuse  
482 detection and treatment shall be satisfied by, and the board shall  
483 accept in satisfaction of the requirement, a certification from the  
484 chief academic officer of the educational institution from which the  
485 applicant graduated that the required coursework is included within  
486 the institution's required curriculum for graduation.

487 (f) Except for persons who began graduate study prior to January  
488 1, 2001, an applicant shall complete a minimum of a two semester or

489 three quarter unit survey course in psychological testing. When  
490 coursework in a master's or doctor's degree program is acquired to  
491 satisfy this requirement, it may be considered as part of the 48  
492 semester or 72 quarter unit requirement of Section 4980.40.

493 (g) Except for persons who began graduate study prior to January  
494 1, 2001, an applicant shall complete a minimum of a two semester or  
495 three quarter unit survey course in psychopharmacology. When  
496 coursework in a master's or doctor's degree program is acquired to  
497 satisfy this requirement, it may be considered as part of the 48  
498 semester or 72 quarter unit requirement of Section 4980.40.

499 (h) The requirements added by subdivisions (f) and (g) are  
500 intended to improve the educational qualifications for licensure in  
501 order to better prepare future licentiates for practice, and are not  
502 intended in any way to expand or restrict the scope of licensure for  
503 marriage and family therapists.

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507 4980.42. (a) Trainees performing services in any work setting  
508 specified in subdivision (e) of Section 4980.43 may perform those  
509 activities and services as a trainee, provided that the activities  
510 and services constitute part of the trainee's supervised course of  
511 study and that the person is designated by the title "trainee."  
512 Trainees may gain hours of experience outside the required practicum.  
513 Those hours shall be subject to the requirements of subdivision (b)  
514 and to the other requirements of this chapter.

515 (b) On and after January 1, 1995, all hours of experience gained  
516 as a trainee shall be coordinated between the school and the site  
517 where the hours are being accrued. The school shall approve each  
518 site and shall have a written agreement with each site that details  
519 each party's responsibilities, including the methods by which  
520 supervision shall be provided. The agreement shall provide for  
521 regular progress reports and evaluations of the student's performance  
522 at the site. If an applicant has gained hours of experience while  
523 enrolled in an institution other than the one that confers the  
524 qualifying degree, it shall be the applicant's responsibility to  
525 provide to the board satisfactory evidence that those hours of  
526 trainee experience were gained in compliance with this section.

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531 4980.43. (a) For all applicants, a minimum of two calendar years of  
532 supervised experience is required, which experience shall consist of  
533 3,000 hours obtained over a period of not less than 104 weeks. Not  
534 less than 1,500 hours of experience shall be gained subsequent to the  
535 granting of the qualifying master's or doctor's degree. For those  
536 applicants who enroll in a qualifying degree program on or after  
537 January 1, 1995, not more than 750 hours of counseling and direct  
538 supervisor contact may be obtained prior to the granting of the  
539 qualifying master's or doctor's degree. However, this limitation  
540 shall not be interpreted to include professional enrichment  
541 activities. Except for personal psychotherapy hours gained after  
542 enrollment and commencement of classes in a qualifying degree  
543 program, no hours of experience may be gained prior to becoming a  
544 trainee. All experience shall be gained within the six years  
545 immediately preceding the date the application for licensure was  
546 filed, except that up to 500 hours of clinical experience gained in  
547 the supervised practicum required by subdivision (b) of Section  
548 4980.40 shall be exempt from this six-year requirement.

549 (b) All applicants and registrants shall be at all times under the

550 supervision of a supervisor who shall be responsible for ensuring  
551 that the extent, kind, and quality of counseling performed is  
552 consistent with the training and experience of the person being  
553 supervised, and who shall be responsible to the board for compliance  
554 with all laws, rules, and regulations governing the practice of  
555 marriage, family, and child counseling. Experience shall be gained  
556 by interns and trainees either as an employee or as a volunteer in  
557 any allowable work setting specified in this chapter. The  
558 requirements of this chapter regarding gaining hours of experience  
559 and supervision are applicable equally to employees and volunteers.  
560 Experience shall not be gained by interns or trainees as an  
561 independent contractor.

562 (c) Supervision shall include at least one hour of direct  
563 supervisor contact for each week of experience claimed. A trainee  
564 shall receive an average of at least one hour of direct supervisor  
565 contact for every five hours of client contact in each setting. A  
566 person gaining postdegree experience shall receive an average of at  
567 least one hour of direct supervisor contact for every 10 hours of  
568 client contact in each setting in which experience is gained. For  
569 purposes of this section, "one hour of direct supervisor contact"  
570 means one hour of face-to-face contact on an individual basis or two  
571 hours of face-to-face contact in a group of not more than eight  
572 persons. The contact may be counted toward the experience  
573 requirement for licensure, up to the maximum permitted by subdivision  
574 (d). All experience gained by a trainee shall be monitored by the  
575 supervisor as specified in regulation. The 5-to-1 and 10-to-1 ratios  
576 specified in this subdivision shall be applicable to all hours  
577 gained on or after January 1, 1995.

578 (d) (1) The experience required by Section 4980.40 shall include  
579 supervised marriage, family, and child counseling, and up to  
580 one-third of the hours may include direct supervisor contact and  
581 other professional enrichment activities.

582 (2) "Professional enrichment activities," for the purposes of this  
583 section, may include group, marital or conjoint, family, or  
584 individual psychotherapy received by an applicant. This  
585 psychotherapy may include up to 100 hours taken subsequent to  
586 enrolling and commencing classes in a qualifying degree program, or  
587 as an intern, and each of those hours shall be triple counted toward  
588 the professional experience requirement. This psychotherapy shall be  
589 performed by a licensed marriage, family, and child counselor,  
590 licensed clinical social worker, licensed psychologist, licensed  
591 physician certified in psychiatry by the American Board of Psychiatry  
592 and Neurology, or a licensed physician who has completed a residency  
593 in psychiatry.

594 (e) The experience required by Section 4980.40 may be gained as a  
595 trainee in the following settings: a governmental entity, a school,  
596 college or university, a nonprofit and charitable corporation, a  
597 licensed health facility, as defined in Sections 1250, 1250.2, and  
598 1250.3 of the Health and Safety Code, a social rehabilitation  
599 facility or a community treatment facility, as defined in subdivision  
600 (a) of Section 1502 of the Health and Safety Code, a pediatric day  
601 health and respite care facility, as defined in Section 1760.2 of the  
602 Health and Safety Code, or a licensed alcoholism or drug abuse  
603 recovery or treatment facility, as defined in Section 11834.02 of the  
604 Health and Safety Code, if the experience is gained by the trainee  
605 solely as part of the position for which he or she is employed.

606 (f) The experience required by Section 4980.40 may be gained as an  
607 intern as specified in subdivision (e), or when employed in a  
608 private practice owned by a licensed marriage, family, and child  
609 counselor, a licensed psychologist, a licensed clinical social  
610 worker, a licensed physician and surgeon, or a professional

611 corporation of any of those licensed professions. Employment in a  
612 private practice setting shall not commence until the applicant has  
613 been registered as an intern. When an intern is employed in a  
614 private practice setting by any licensee enumerated in this section,  
615 or by a professional corporation of any of those licensees, the  
616 intern shall be under the direct supervision of a licensee enumerated  
617 in subdivision (f) of Section 4980.40 who shall be employed by and  
618 practice at the same site as the intern's employer. An intern  
619 employed in a private practice setting shall not pay his or her  
620 employer for supervision. While an intern may be either a paid  
621 employee or a volunteer, employers are encouraged to provide fair  
622 remuneration.

623 (g) All interns shall register with the board in order to be  
624 credited for postdegree hours of experience gained toward licensure,  
625 regardless of the setting where those hours are to be gained. Except  
626 as provided in subdivision (h), all postdegree hours shall be gained  
627 as a registered intern.

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

633 (i) Trainees and interns shall not receive any remuneration from  
634 patients or clients, and shall only be paid by their employer.

635 (j) Trainees and interns shall only perform services at the place  
636 where their employer regularly conducts business, which may include  
637 performing services at other locations, so long as the services are  
638 performed under the direction and control of their employer and  
639 supervisor, and in compliance with the laws and regulations  
640 pertaining to supervision. Trainees and interns shall have no  
641 proprietary interest in the employer's business.

642 (k) An intern or trainee who provides volunteered services or  
643 other services, and who receives no more than a total, from all work  
644 settings, of five hundred dollars (\$500) per month as reimbursement  
645 for expenses actually incurred by that intern or trainee for services  
646 rendered in any lawful work setting other than a private practice  
647 shall be considered an employee and not an independent contractor.  
648 The board may audit applicants who receive reimbursement for  
649 expenses, and the applicant shall have the burden of demonstrating  
650 that the payments received were for reimbursement of expenses  
651 actually incurred.

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

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666 4980.44. (a) An unlicensed marriage, family, and child counselor  
667 intern employed under this chapter shall:

668 (1) Have earned at least a master's degree as specified in Section  
669 4980.40.

670 (2) Be registered with the board prior to the intern performing  
671 any duties, except as otherwise provided in subdivision (e) of

672 Section 4980.43.

673 (3) File for renewal of registration annually for a maximum of  
674 five years after initial registration with the board.

675 (4) Inform each client or patient prior to performing any  
676 professional services that he or she is unlicensed and under the  
677 supervision of a licensed marriage, family, and child counselor,  
678 licensed clinical social worker, licensed psychologist, licensed  
679 physician certified in psychiatry by the American Board of Psychiatry  
680 and Neurology, or a licensed physician who has completed a residency  
681 in psychiatry and who is described in subdivision (f) of Section  
682 4980.40, whichever is applicable. Continued employment as an  
683 unlicensed marriage, family, and child counselor intern shall cease  
684 after six years unless the requirements of subdivision (b) are met.

685 (b) When no further renewals are possible, either because the  
686 applicant has exhausted the number of renewals available or because  
687 of the repeal of Section 4980.44, as amended by Chapter 1114 of the  
688 Statutes of 1991, an applicant may apply for and obtain new intern  
689 registration status if the applicant meets the educational  
690 requirements for registration in effect at the time of the  
691 application for a new intern registration. An applicant who is  
692 issued a subsequent intern registration pursuant to this subdivision  
693 may be employed or volunteer in all allowable work settings except in  
694 private practice, and shall fulfill all of the required hours of  
695 experience for licensure within that intern registration period.  
696 Hours of experience fulfilled under a prior intern registration shall  
697 not be used to satisfy licensure requirements.

698 (c) This section shall become operative on January 1, 1999.

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703 4980.45. (a) A licensed professional in private practice who is a  
704 marriage, family, and child counselor, a psychologist, a clinical  
705 social worker, a licensed physician certified in psychiatry by the  
706 American Board of Psychiatry and Neurology, or a licensed physician  
707 who has completed a residency in psychiatry and who is described in  
708 subdivision (f) of Section 4980.40 may supervise or employ, at any  
709 one time, no more than two unlicensed marriage, family, and child  
710 counselor registered interns in that private practice.

711 (b) A marriage, family, and child counseling corporation may  
712 employ, at any one time, no more than two registered interns for each  
713 employee or shareholder who is qualified to provide supervision  
714 pursuant to subdivision (f) of Section 4980.40. In no event shall  
715 any corporation employ, at any one time, more than 10 registered  
716 interns. In no event shall any supervisor supervise, at any one  
717 time, more than two registered interns. Persons who supervise  
718 interns shall be employed full time by the professional corporation  
719 and shall be actively engaged in performing professional services at  
720 and for the professional corporation. Employment and supervision  
721 within a marriage, family, and child counseling corporation shall be  
722 subject to all laws and regulations governing experience and  
723 supervision gained in a private practice setting.

724 (c) Within 30 days of employment and within 30 days of termination  
725 of employment, in any allowable work setting, a registered intern  
726 shall notify the board in writing of the employment or termination of  
727 employment. The notice shall include the name of the registered  
728 intern, the full name and business address of the employer, the type  
729 of work setting where the intern is gaining hours of experience, and  
730 the date employment commenced or terminated. If an intern fails to  
731 notify the board within 30 days after the date of his or her  
732 employment or termination of employment, the board shall not accept

733 any hours of experience gained during that period of employment prior  
734 to notification for the purposes of meeting the experience  
735 requirements for licensure. The board may, at its discretion, waive  
736 this requirement when it believes good cause exists. "Employment,"  
737 as used in this section, means the gaining of hours of experience in  
738 an allowable setting as an employee or as a volunteer. This  
739 subdivision does not apply to hours gained on or after January 1,  
740 1994.

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743 4980.46. Any licensed marriage, family, and child counselor who  
744 conducts a private practice under a fictitious business name shall  
745 not use any name which is false, misleading, or deceptive, and shall  
746 inform the patient, prior to the commencement of treatment, of the  
747 name and license designation of the owner or owners of the practice.

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752 4980.48. A trainee shall inform each client or patient, prior to  
753 performing any professional services, that he or she is unlicensed  
754 and under the supervision of a licensed marriage, family, and child  
755 counselor, a licensed clinical social worker, a licensed  
756 psychologist, or a licensed physician certified in psychiatry by the  
757 American Board of Psychiatry and Neurology.

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761 4980.50. Every applicant who meets the educational and experience  
762 requirements and applies for a license as a marriage, family, and  
763 child counselor shall be examined by the board. The examinations  
764 shall be as set forth in subdivision (g) of Section 4980.40. The  
765 examinations shall be given at least twice a year at a time and place  
766 and under supervision as the board may determine. The board shall  
767 examine the candidate with regard to his or her knowledge and  
768 professional skills and his or her judgment in the utilization of  
769 appropriate techniques and methods.

770 The board shall not deny any applicant, who has submitted a  
771 complete application for examination, admission to the licensure  
772 examinations required by this section if the applicant meets the  
773 educational and experience requirements of this chapter, and has not  
774 committed any acts or engaged in any conduct which would constitute  
775 grounds to deny licensure.

776 The board shall not deny any applicant, whose application for  
777 licensure is complete, admission to the written examination, nor  
778 shall the board postpone or delay any applicant's written examination  
779 or delay informing the candidate of the results of any written  
780 examination, solely upon the receipt by the board of a complaint  
781 alleging acts or conduct which would constitute grounds to deny  
782 licensure.

783 When an applicant for examination who has passed the written  
784 examination is the subject of a complaint or is under board  
785 investigation for acts or conduct which, if proven to be true, would  
786 constitute grounds for the board to deny licensure, the board shall  
787 permit the applicant to take the oral examination for licensure, but  
788 may withhold the results of the examination or notify the applicant  
789 that licensure will not be granted pending completion of the  
790 investigation.

791 Notwithstanding Section 135, the board may deny any applicant who  
792 has previously failed either the written or oral examination  
793 permission to retake either examination pending completion of the

794 investigation of any complaints against the applicant. Nothing in  
795 this section shall prohibit the board from denying an applicant  
796 admission to any examination, withholding the results, or refusing to  
797 issue a license to any applicant when an accusation or statement of  
798 issues has been filed against the applicant pursuant to Sections  
799 11503 and 11504 of the Government Code, respectively, or the  
800 applicant has been denied in accordance with subdivision (b) of  
801 Section 485 of the Business and Professions Code.

802 Notwithstanding any other provision of law, the board may destroy  
803 all written and oral examination materials two years following the  
804 date of the examination.

805 An applicant who has qualified pursuant to this chapter shall be  
806 issued a license as a marriage, family, and child counselor in the  
807 form that the board may deem appropriate.

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811 4980.54. (a) The Legislature recognizes that the education and  
812 experience requirements in this chapter constitute only minimal  
813 requirements to assure that an applicant is prepared and qualified to  
814 take the licensure examinations and, if he or she passes those  
815 examinations, to begin practice.

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

821 (c) (1) Except as provided in subdivision (e), on and after  
822 January 1, 2000, the board shall not renew any license pursuant to  
823 this chapter unless the applicant certifies to the board, on a form  
824 prescribed by the board, that he or she has completed not less than  
825 36 hours of approved continuing education in or relevant to the field  
826 of marriage, family, and child counseling in the preceding two  
827 years, as determined by the board.

828 (2) For those persons renewing during 1999, the board shall not  
829 renew any license pursuant to this chapter unless the applicant  
830 certifies to the board, on a form prescribed by the board, that he or  
831 she has completed not less than 18 hours of approved continuing  
832 education in or relevant to the field of marriage, family, and child  
833 counseling, as determined by the board. The coursework of continuing  
834 education described in this paragraph may be taken on or after the  
835 effective date of the continuing education regulations adopted by the  
836 board pursuant to the other provisions of this section.

837 (d) The board shall have the right to audit the records of any  
838 applicant to verify the completion of the continuing education  
839 requirement. Applicants shall maintain records of completion of  
840 required continuing education coursework for a minimum of two years  
841 and shall make these records available to the board for auditing  
842 purposes upon request.

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

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

848 (1) An accredited school or state-approved school that meets the  
849 requirements set forth in Section 4980.40. Nothing in this paragraph  
850 shall be construed as requiring coursework to be offered as part of  
851 a regular degree program.

852 (2) Other continuing education providers, including, but not  
853 limited to, a professional marriage, family, and child counseling  
854 association, a licensed health facility, a governmental entity, a

855 continuing education unit of an accredited four-year institution of  
856 higher learning, or a mental health professional association,  
857 approved by the board.

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

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

868 (1) Aspects of the discipline that are fundamental to the  
869 understanding, or the practice, of marriage, family, and child  
870 counseling.

871 (2) Aspects of the discipline of marriage, family, and child  
872 counseling in which significant recent developments have occurred.

873 (3) Aspects of other disciplines that enhance the understanding,  
874 or the practice, of marriage, family, and child counseling.

875 (h) A system of continuing education for licensed marriage,  
876 family, and child counselors shall include courses directly related  
877 to the diagnosis, assessment, and treatment of the client population  
878 being served.

879 (i) The board shall submit a report to the Legislature no later  
880 than January 1, 2001, evaluating the progress of continuing education  
881 required by this section, and making recommendations therefor.

882 (j) On and after January 1, 1997, the board shall, by regulation,  
883 fund the administration of this section through continuing education  
884 provider fees to be deposited in the Behavioral Science Examiners  
885 Fund. The fees related to the administration of this section shall  
886 be sufficient to meet but shall not exceed the costs of administering  
887 the corresponding provisions of this section. For purposes of this  
888 subdivision, a provider of continuing education as described in  
889 paragraph (1) of subdivision (f) shall be deemed to be an approved  
890 provider.

891 (k) The continuing education requirements of this section shall  
892 comply fully with the guidelines for mandatory continuing education  
893 established by the Department of Consumer Affairs pursuant to Section  
894 166.

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897 4980.55. As a model for all therapeutic professions, and to  
898 acknowledge respect and regard for the consuming public, all  
899 marriage, family, and child counselors are encouraged to provide to  
900 each client, at an appropriate time and within the context of the  
901 psychotherapeutic relationship, an accurate and informative statement  
902 of the therapist's experience, education, specialities, professional  
903 orientation, and any other information deemed appropriate by the  
904 licensee.

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907 4980.57. (a) The board shall encourage marriage, family, and child  
908 counselors to take continuing education classes in spousal or partner  
909 abuse assessment, detection, and intervention.

910 (b) In the event the board establishes a requirement for  
911 continuing education coursework in spousal or partner abuse detection  
912 or treatment, that requirement shall be met by each licensee within  
913 no more than four years from the date the requirement is imposed.

914 (c) This section shall only become operative if Senate Bill 404,  
915 adding Sections 4980.56 and 4996.22, is enacted and takes effect on

916 or before January 1, 1995.

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920 4980.60. The board may adopt those rules and regulations as may be  
921 necessary to enable it to carry into effect the provisions of this  
922 chapter. The adoption, amendment, or repeal of those rules and  
923 regulations shall be made in accordance with Chapter 3.5 (commencing  
924 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
925 Government Code.

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

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936 4980.70. Except as provided by Section 159.5, the board may employ  
937 whatever additional personnel is necessary to carry out the  
938 provisions of this chapter.

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941 4980.80. The board may issue a license to any person who, at the  
942 time of application, has held for at least two years a valid license  
943 issued by a board of marriage counselor examiners, marriage therapist  
944 examiners, or corresponding authority of any state, if the education  
945 and supervised experience requirements are substantially the  
946 equivalent of this chapter and the person successfully completes the  
947 written and oral licensing examinations administered in this state  
948 and pays the fees specified. Issuance of the license is further  
949 conditioned upon the person's completion of the following coursework  
950 or training:

951 (a) A two semester or three quarter unit course in California law  
952 and professional ethics for marriage, family, and child counselors  
953 which shall include areas of study as specified in Section 4980.41.

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

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

960 (d) A minimum of 15 contact hours of training or coursework in  
961 alcoholism and other chemical substance dependency as specified by  
962 regulation.

963 (e) Instruction in spousal or partner abuse assessment, detection,  
964 and intervention. This instruction may be taken either in  
965 fulfillment of other requirements for licensure or in a separate  
966 course.

967 (f) On and after January 1, 2003, a minimum of a two semester or  
968 three quarter unit survey course in psychological testing. This  
969 course may be taken either in fulfillment of other requirements for  
970 licensure or in a separate course.

971 (g) On and after January 1, 2003, a minimum of a two semester or  
972 three quarter unit survey course in psychopharmacology. This course  
973 may be taken either in fulfillment of other requirements for  
974 licensure or in a separate course.

975 (h) With respect to human sexuality, alcoholism and other chemical  
976 substance dependency, spousal or partner abuse assessment,

977 detection, and intervention, psychological testing, and  
978 psychopharmacology, the board may accept training or coursework  
979 acquired out of state.

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983 4980.90. (a) Experience gained outside of California shall be  
984 accepted toward the licensure requirements if it is substantially  
985 equivalent to that required by this chapter provided that the  
986 applicant has gained a minimum of 250 hours of supervised experience  
987 in direct counseling within California while registered as an intern  
988 with the board.

989 (b) Education gained outside of California shall be accepted  
990 toward the licensure requirements if it is substantially equivalent  
991 to the education requirements of this chapter, provided that the  
992 applicant has completed all of the following:

993 (1) A two semester or three quarter unit course in California law  
994 and professional ethics for marriage, family, and child counselors  
995 which shall include areas of study as specified in Section 4980.41.

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

999 (3) A minimum of 10 contact hours of training or coursework in  
1000 sexuality as specified in Section 25, and any regulations promulgated  
1001 thereunder.

1002 (4) A minimum of 15 contact hours of training or coursework in  
1003 alcoholism and other chemical substance dependency as specified by  
1004 regulation.

1005 (5) Instruction in spousal or partner abuse assessment, detection,  
1006 and intervention. This instruction may be taken either in  
1007 fulfillment of other educational requirements for licensure or in a  
1008 separate course.

1009 (6) On and after January 1, 2003, a minimum of a two semester or  
1010 three quarter unit survey course in psychological testing. This  
1011 course may be taken either in fulfillment of other requirements for  
1012 licensure or in a separate course.

1013 (7) On and after January 1, 2003, a minimum of a two semester or  
1014 three quarter unit survey course in psychopharmacology. This course  
1015 may be taken either in fulfillment of other requirements for  
1016 licensure or in a separate course.

1017 (8) With respect to human sexuality, alcoholism and other chemical  
1018 substance dependency, spousal or partner abuse assessment,  
1019 detection, and intervention, psychological testing, and  
1020 psychopharmacology, the board may accept training or coursework  
1021 acquired out of state.

1022 (c) For purposes of this section, the board may, in its  
1023 discretion, accept education as substantially equivalent if the  
1024 applicant has been granted a degree in a single integrated program  
1025 primarily designed to train marriage, family, and child counselors  
1026 and if the applicant's education meets the requirements of Sections  
1027 4980.37 and 4980.40 provided, however, that the degree title and  
1028 number of units in the degree program need not be identical to those  
1029 required by subdivision (a) of Section 4980.40. Where the applicant's  
1030 degree does not contain the number of units required by subdivision  
1031 (a) of Section 4980.40, the board may, in its discretion, accept the  
1032 applicant's education as substantially equivalent if the applicant's  
1033 degree otherwise complies with this section and the applicant  
1034 completes the units required by subdivision (a) of Section 4980.40.

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1038 4981. This article applies to licenses to engage in the business of  
1039 marriage, family, and child counseling, and does not apply to the  
1040 licenses provided for in Article 5 (commencing with Section 4986)  
1041 except that the board shall have all powers provided in this article  
1042 not inconsistent with this chapter.

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