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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 2. HEALING ARTS [500 - 4999.129]** ( *Division 2 enacted by Stats. 1937, Ch. 399.* )

**CHAPTER 16. Licensed Professional Clinical Counselors [4999.10 - 4999.129]** ( *Chapter 16 added by Stats. 2009, Ch. 619, Sec. 3.* )

**ARTICLE 2. Scope of Practice [4999.20 - 4999.27]** ( *Article 2 added by Stats. 2009, Ch. 619, Sec. 3.* )

**4999.20.** (a) (1) "Professional clinical counseling" means the application of counseling interventions and psychotherapeutic techniques to identify and remediate cognitive, mental, and emotional issues, including personal growth, adjustment to disability, crisis intervention, and psychosocial and environmental problems, and the use, application, and integration of the coursework and training required by Sections 4999.32 and 4999.33. "Professional clinical counseling" includes conducting assessments for the purpose of establishing counseling goals and objectives to empower individuals to deal adequately with life situations, reduce stress, experience growth, change behavior, and make well-informed, rational decisions.

(2) "Professional clinical counseling" is focused exclusively on the application of counseling interventions and psychotherapeutic techniques for the purposes of improving mental health, and is not intended to capture other, nonclinical forms of counseling for the purposes of licensure. For purposes of this paragraph, "nonclinical" means nonmental health.

(3) "Professional clinical counseling" does not include the provision of clinical social work services.

(b) "Counseling interventions and psychotherapeutic techniques" means the application of cognitive, affective, verbal or nonverbal, systemic or holistic counseling strategies that include principles of development, wellness, and maladjustment that reflect a pluralistic society. These interventions and techniques are specifically implemented in the context of a professional clinical counseling relationship and use a variety of counseling theories and approaches.

(c) "Assessment" means selecting, administering, scoring, and interpreting tests, instruments, and other tools and methods designed to measure an individual's attitudes, abilities, aptitudes, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral concerns and development and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or ameliorating changing life situations, as part of the counseling process. "Assessment" shall not include the use of projective techniques in the assessment of personality, individually administered intelligence tests, neuropsychological testing, or utilization of a battery of three or more tests to determine the presence of psychosis, dementia, amnesia, cognitive impairment, or criminal behavior.

(d) Professional clinical counselors shall refer clients to other licensed health care professionals when they identify issues beyond their own scope of education, training, and experience.

(*Amended by Stats. 2021, Ch. 440, Sec. 3. (AB 462) Effective January 1, 2022.*)

**4999.22.** (a) Nothing in this chapter shall prevent qualified persons from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, these qualified persons shall not hold themselves out to the public by any title or description of services incorporating the words "licensed professional clinical counselor" and shall not state that they are licensed to practice professional clinical counseling, unless they are otherwise licensed to provide professional clinical counseling services.

(b) Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Licensed Marriage and Family Therapist Act.

(c) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination who performs counseling services as part of their pastoral or professional duties, or to any person who is admitted to practice law in this state, or who is licensed to practice medicine, who provides counseling services as part of their professional practice.

(d) This chapter shall not apply to an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable, if both of the following apply:

(1) The work of the employee or volunteer is performed under the oversight and direction of the entity.

(2) (A) On and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy services or as soon as practicably possible thereafter, a notice written in at least 12-point type that is in substantially the following form:

#### NOTICE TO CLIENTS

The (Name of office or unit) of the (Name of agency) receives and responds to complaints regarding the practice of psychotherapy by any unlicensed or unregistered practitioner providing services at (Name of agency). To file a complaint, contact (Telephone number, email address, internet website, or mailing address of agency).

The Board of Behavioral Sciences receives and responds to complaints regarding services provided by individuals licensed and registered by the board. If you have a complaint and are unsure if your practitioner is licensed or registered, please contact the Board of Behavioral Sciences at 916-574-7830 for assistance or utilize the board's online license verification feature by visiting [www.bbs.ca.gov](http://www.bbs.ca.gov).

(B) The delivery of the notice described in subparagraph (A) to the client shall be documented.

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

*(Amended by Stats. 2021, Ch. 747, Sec. 18.5. (AB 690) Effective January 1, 2022.)*

**4999.23.** (a) Notwithstanding Section 4999.30, a person who holds a license in another jurisdiction of the United States as a professional clinical counselor may provide professional clinical counseling services in this state for a period not to exceed 30 consecutive days in any calendar year, if all of the following conditions are met:

(1) The license from another jurisdiction is at the highest level for independent clinical practice in the jurisdiction in which the license was granted.

(2) The license from another jurisdiction is current, active, and unrestricted.

(3) The client is located in California during the time the person seeks to provide care in California.

(4) The client is a current client of the person and has an established, ongoing client-provider relationship with the person at the time the client became located in California.

(5) The person informs the client of the limited timeframe of the services and that the person is not licensed in California.

(6) The person provides the client with the Board of Behavioral Sciences' internet website address.

(7) The person informs the client of the jurisdiction in which the person is licensed and the type of license held and provides the client with the person's license number.

(b) A person who intends to provide professional clinical counseling services pursuant to this section shall provide the board with all of the following information before providing services:

(1) The name under which the person is licensed in another jurisdiction, the person's mailing address, the person's phone number, the person's social security number or individual taxpayer identification number, and the person's electronic mailing address, if the person has an electronic mailing address.

(2) The jurisdiction in which the person is licensed, the type of license held, and the license number.

(3) The date on which the person will begin providing professional clinical counseling services to the person's client in California.

(c) A person who provides services pursuant to this section is deemed to have agreed to practicing under the jurisdiction of the board and to be bound by the laws of this state.

(d) This section does not apply to any person licensed by the board whose license has been suspended or revoked.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

*(Added by Stats. 2023, Ch. 640, Sec. 7. (AB 232) Effective January 1, 2024. Repealed as of January 1, 2026, by its own provisions.)*

**4999.25.** The settings described in Section 4999.22 are exempt settings and do not fall under the jurisdiction of this chapter or the board except as specified in Section 4999.22, and with the following exceptions:

(a) Any individual working or volunteering in an exempt setting who is licensed or registered under this chapter shall fall under the jurisdiction of the board and is not exempt from this chapter.

(b) An entity that is licensed or certified by a government regulatory agency to provide health care services shall not be considered an exempt setting unless it directly meets the criteria described in Section 4999.22.

*(Added by Stats. 2021, Ch. 747, Sec. 20. (AB 690) Effective January 1, 2022.)*

**4999.26.** (a) For the purposes of this chapter, the following definitions apply:

(1) "Nonexempt setting" means a setting that does not qualify as an exempt setting, as specified in Section 4999.22.

(2) "Private practice" means a type of nonexempt setting that meets all of the following criteria:

(A) The practice is owned by a health professional who is licensed under this division, either independently or jointly with one or more other health professionals who are licensed under this division.

(B) The practice provides clinical mental health services, including psychotherapy, to clients.

(C) One or more licensed health professionals are responsible for the practice and for the services provided and set conditions of client payment or reimbursement for the provision of services.

(3) "Professional corporation" means a type of nonexempt setting and private practice that has been formed pursuant to Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code.

(b) An active license or registration number shall be required to engage in the practice of professional clinical counseling, as defined in Section 4999.20, in nonexempt settings at all times, except as follows:

(1) A trainee may engage in the practice of professional clinical counseling in a nonexempt setting that is not a private practice or a professional corporation while they are gaining supervised experience that meets the requirements of this chapter under the jurisdiction and supervision of their school as specified in Section 4999.36.

(2) An applicant for registration as an associate may engage in the practice of professional clinical counseling in a nonexempt setting that is not a private practice or a professional corporation before the registration number is issued if they are in compliance with subdivision (b) of Section 4999.46 and are gaining supervised experience that meets the requirements of this chapter.

*(Added by Stats. 2021, Ch. 747, Sec. 21. (AB 690) Effective January 1, 2022.)*

**4999.27.** (a) Nothing in this chapter shall restrict or prevent activities of a psychotherapeutic or counseling nature on the part of persons employed by accredited or state-approved academic institutions, public schools, government agencies, or nonprofit institutions who train graduate students pursuing a degree that qualifies for professional clinical counselor licensure at an accredited or state-approved college or university, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as "clinical counselor trainee" or other title clearly indicating the training status appropriate to the level of training.

(b) Notwithstanding subdivision (a), a graduate student shall not perform professional clinical counseling in a private practice or a professional corporation.

*(Added by renumbering Section 4999.24 by Stats. 2021, Ch. 747, Sec. 19. (AB 690) Effective January 1, 2022.)*