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AB-232 Temporary practice allowances. (2023-2024)

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Assembly Bill No. 232

CHAPTER 640

An act to amend Sections 4980, 4980.30, and 4991.2 of, to add the heading of Article 1 (commencing with Section 4991) to Chapter 14 of Division 2 of, and to add and repeal Sections 4980.11, 4996.16.1, and 4999.23 of, the Business and Professions Code, relating to healing arts.

[Approved by Governor October 10, 2023. Filed with Secretary of State October 10, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 232, Aguiar-Curry. Temporary practice allowances.

Existing law, the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act, generally govern the provision of marriage and family therapy services, clinical social work services, and professional clinical counseling services, respectively, in the state and prohibit a person from practicing those healing arts without a license granted pursuant to the respective provisions of each act.

This bill, until January 1, 2026, would, under all of the acts described above, authorize a person who holds a license in another jurisdiction of the United States as a marriage and family therapist, clinical social worker, or professional clinical counselor to provide services in the state for a period not to exceed 30 consecutive days in any calendar year if certain conditions are met, including the license from another jurisdiction is at the highest level for independent clinical practice in the jurisdiction in which the license was granted, the client is located in California during the time the person seeks to provide care in California, and the client is a current client of the person and had an established, ongoing client-provider relationship with the person at the time the client became located in California. The bill would require a person who intends to provide services pursuant to those provisions to provide the Board of Behavioral Sciences with certain information before providing services, including the jurisdiction in which the person is licensed, the type of license held, and the license number. The bill would also make various nonsubstantive and conforming changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4980 of the Business and Professions Code is amended to read:

4980. (a) (1) Many California families and many individual Californians are experiencing difficulty and distress and are in need of wise, competent, caring, compassionate, and effective counseling in order to enable them to improve and maintain healthy family relationships.

(2) Healthy individuals and healthy families and healthy relationships are inherently beneficial and crucial to a healthy society and are our most precious and valuable natural resource. Licensed marriage and family therapists provide a crucial support for the well-being of the people and the State of California.

(b) A person shall not engage in the practice of marriage and family therapy, as defined by Section 4980.02, unless the person holds a valid license as a marriage and family therapist pursuant to this chapter.

(c) Except as provided in subdivision (d), a person shall not do either of the following without a license obtained pursuant to this chapter.

(1) Advertise that the person performs the services of a marriage, family, child, domestic, or marital consultant.

(2) Use the titles listed in paragraph (1) or any similar titles, including the letters "L.M.F.T.," "M.F.T.," or "M.F.C.C.," or another name, word, initial, or symbol in connection with or following the person's name to imply that the person performs the services suggested by those titles.

(d) (1) A person licensed under Article 4 (commencing with Section 4996) of Chapter 14 or under Chapter 6.6 (commencing with Section 2900) may engage in the practice of marriage and family therapy and advertise that the person practices marriage and family therapy.

(2) A person described in paragraph (1) shall not advertise that the person holds the marriage and family therapist's license, including by using the letters "L.M.F.T.," "M.F.T.," or "M.F.C.C.," or another name, word, initial, or symbol in connection with or following the person's name to imply licensure as a marriage and family therapist, unless the person is licensed pursuant to this chapter.

SEC. 2. Section 4980.11 is added to the Business and Professions Code, to read:

4980.11. (a) Notwithstanding Section 4980, a person who holds a license in another jurisdiction of the United States as a marriage and family therapist may provide marriage and family therapy 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 marriage and family therapy 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 marriage and family therapy 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.

SEC. 3. Section 4980.30 of the Business and Professions Code is amended to read:

4980.30. Except as otherwise provided by this chapter, a person shall not practice, or advertise the performance of, marriage and family therapy services unless the person has applied to the board for a license, paid the license fee required by this chapter, and obtained a license from the board.

SEC. 4. The heading of Article 1 (commencing with Section 4991) is added to Chapter 14 of Division 2 of the Business and Professions Code, to read:

Article 1. General Provisions

SEC. 5. Section 4991.2 of the Business and Professions Code is amended to read:

4991.2. For purposes of this chapter:

(a) "Accredited school of social work" means a school that is accredited by the Commission on Accreditation of the Council on Social Work Education.

(b) "Board" means the Board of Behavioral Sciences.

SEC. 6. Section 4996.16.1 is added to the Business and Professions Code, to read:

4996.16.1. (a) Notwithstanding Section 4996, a person who holds a license in another jurisdiction of the United States as a clinical social worker may provide clinical social work 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 clinical social work 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 clinical social work 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.

SEC. 7. Section 4999.23 is added to the Business and Professions Code, to read:

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.