
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

SB 801 (Roth) - Healing arts: Board of Behavioral Sciences: licensees

Version: April 13, 2021

Urgency: No

Hearing Date: May 17, 2021

Policy Vote: B., P. & E.D. 13 - 0

Mandate: Yes

Consultant: Janelle Miyashiro

Bill Summary: SB 801 makes various technical and conforming changes to the various practice acts administered by the Board of Behavioral Sciences recommended during the joint sunset review of the Board.

Fiscal Impact: The Board anticipates costs of approximately \$1,314 (Behavioral Sciences Fund) to revise forms for applicants, registrants, and licensees; update website documents; and perform outreach to its licensing population. These costs are anticipated to be absorbable within existing resources.

The Office of Information Services anticipates costs of approximately \$1,600 to change the email address field on initial and renewal application forms, which is anticipated to be absorbable through the redirection of existing maintenance resources.

Background: The Board is responsible for the regulatory oversight of over 120,000 licensees and registrants. Each profession has its own scope of practice, entry-level requirements, and professional settings with some overlap in areas.

- Licensed Marriage and Family Therapists (LMFTs) are employed in mental health agencies, counseling centers, and private practice. LMFTs utilize counseling or therapeutic techniques to assist individuals, couples, families, and groups with a focus on marriage, family, and relationship issues.
 - Associate Marriage and Family Therapist registrants have completed the required educational program and are in the process of obtaining the hours of supervisory experience required for licensure.
- Licensed Clinical Social Workers (LCSWs) are employed in health facilities, private practice, and state and county mental health agencies. LCSWs utilize counseling and psychotherapeutic techniques to assist individuals, couples, families, and groups.
 - Associate Clinical Social Worker registrants have completed the required educational program and are in the process of obtaining the hours of supervisory experience required for licensure.
- Licensed Educational Psychologists (LEPs) work in schools or in private practice and provide educational counseling services such as aptitude and achievement testing or psychological testing. LEPs may not provide psychological testing or counseling services that are unrelated to academic learning processes in the education 2 system.

- Licensed Professional Clinical Counselors (LPCCs) apply 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. LPCCs work in a variety of settings including hospitals, private practice, and community-based mental health organizations.
 - Associate Professional Clinical Counselor (APCC) registrants have completed the required educational program and are in the process of obtaining the hours of supervisory experience required for licensure.

The Senate Business and Professions Committee and the Assembly Business and Professions Committee conducted several oversight hearings in November 2020 and March/April 2021. This bill is one of a number of sunset bills intended to implement legislative changes as recommended by staff of the Committees and which are reflected in the Background Papers prepared by Committee staff for each agency and program reviewed this year. According to the Author, this bill is necessary to make changes to the Board's operations and the various practice acts the Board administers in order to improve oversight of its various licensed professionals. Recommendations were made by Committee staff regarding the particular issue areas which needed to be addressed.

Proposed Law:

- Includes an associate clinical social worker and an associate professional clinical counselor, as specified, in the definition of a "health care provider" for purposes of providing telehealth services.
- Requires exempted employees or volunteers providing services, as specified, to include the following statement in a notice to a client prior to initiating services to as soon as practicably possible thereafter:

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.

- Requires the delivery of a notice to a client to be documented.
- Prohibits a licensed educational psychologist in private practice to use any name that is false, misleading, or deceptive without first informing the patient of the name and license designation of the owner of the practice prior to the commencement of treatment.
- By July 1, 2022, requires applicants, registrants, and licensees to provide the Board with an electronic mail address and to update the Board with any changes to that address within 30 days of any change. Requires the Board to send out a reminder with a renewal application to report and keep current their electronic mail address.

- Adds a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education or a school, college, or university that is approved by the Bureau for Private Postsecondary Education to the list of approved continuing education providers for LCSWs.
- Deletes the requirement that the Board promulgate regulations to determine continuing education provider fees.
- Provides that a denial of an application must comply with the conditions for denial specified in Business and Professions Code Section 480.
- Specifies renewal fee timeframes.
- Makes technical and conforming changes.

Related Legislation: SB 800 (Roth, 2021) extends the operation of the Department of Real Estate and the Bureau of Real Estate Appraisers from January 1, 2022 to 2026 and makes other changes to the Real Estate Law recommended during the joint sunset review of the Department.

SB 802 (Roth, 2021) modifies definitions; specifies advisory committee membership terms; expands the conditions that require prior authorization; and makes technical and other conforming changes to the California Private Postsecondary Education Act recommended during the joint sunset review of the Bureau for Private Postsecondary Education.

SB 803 (Roth, 2021) makes changes to the Barbering and Cosmetology Act recommended during the joint sunset review of the Board of Barbering and Cosmetology.

SB 806 (Roth, 2021) is the Medical Board of California sunset bill.

Staff Comments: This bill is the sunset vehicle for the Board of Behavioral Sciences. The 2021 Governor's Budget proposes 60.1 positions and an annual budget of approximately \$12.96 million (Behavioral Sciences Fund) to support the Board's licensing and enforcement activities.

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