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To: Committee Members **Date:** January 9, 2025

From: Rosanne Helms
Legislative Manager

Subject: **Acceptance of Association of Marital and Family Therapist
Regulatory Board's National Examination: Required Regulatory
Amendments**

Background

To become a Licensed Marriage and Family Therapist (LMFT) in California, passing the Board-administered LMFT clinical exam is mandatory. This exam is developed by the Board with the assistance of Department of Consumer Affairs' (DCA's) Office of Professional Examination Services (OPES). In contrast, all other states require passing the Association of Marital and Family Therapy Regulatory Board's (AMFTRB) Marital and Family Therapy National Examination (AMFTRB National Exam).

While the Board has already adopted national clinical examinations for Licensed Clinical Social Workers (LCSW) and Licensed Professional Clinical Counselors (LPCC), it has yet to adopt the AMFTRB National Exam for LMFT licensure. Goal 2.3 of the Board's 2022-2026 Strategic Plan seeks to explore the feasibility of adopting the AMFTRB National Exam for LMFT licensure.

At recent Board meetings, the Board has been working toward adoption of the Association of Marital and Family Therapy Regulatory Board's (AMFTRB) Marital and Family Therapy National Examination (AMFTRB National Exam) as the clinical exam required for licensure as a marriage and family therapist (LMFT) if certain requirements can be met. The goal is to increase license portability across state lines. At its September 20, 2024 meeting, the Board identified the following next steps:

Implementation Steps

1. Collaborate with AMFTRB on addressing examination content and measurement scope concerns.
2. Collaborate with AMFTRB on addressing accessibility for testing candidates to ensure exam candidates are not adversely affected by the transition to the AMFTRB National Exam.

3. Work with DCA's Office of Information Services (OIS) to ensure an automated system is in place for transferring national examination eligibilities and test scores.
4. Pursue the statute and regulatory amendments necessary to accept the AMFTRB National Exam for licensure. (The statutory amendments were approved by the Board at this meeting (**Attachment B**), and staff was directed to pursue legislation to make those amendments in 2025.

Required Law Changes

As noted above, both statutory and regulatory amendments are required in order to accept the AMFTRB National Exam. The statutory amendments are needed as a first step in order to allow the Board the choice of adopting the national exam via regulations. Regulatory amendments would be the final step for accepting the national exam.

- **Statutory Amendments:** First, statutory amendments are needed to allow the Board the authority to adopt a national clinical exam via regulations if it chooses. An amendment to the Board's clinical exam fee in statute is also needed to allow a national examination entity to charge the fee they determine necessary. (The Board currently charges \$250 for its clinical exam, while AMFTRB currently charges \$370 for its exam.)

Statutory amendments would not adopt the AMFTRB National Exam; they would simply lay the groundwork to allow the adoption of the AMFTRB National Exam if the Board chose to do so via regulations. If the statutory amendments are successfully run as legislation this year, they would become effective on January 1, 2026.

- **Regulatory Amendments:** Second, after the statutory amendments are successfully adopted via legislation, the Board would need regulatory amendments to officially name the AMFTRB National Exam as the clinical exam accepted by the Board for LMFT licensure. Adoption of regulatory amendments would officially adopt the AMFTRB National Exam as the Board's clinical exam.

Proposed regulations require an initial review process with the Director of DCA, the DCA Budget Office, and the California Business, Consumer Services, and Housing Agency before they can be officially filed with the Office of Administrative Law for consideration as a regulatory amendment. To streamline the process as much as possible, staff recommends that the Board approve in concept the proposed regulations shown in **Attachment A**. Once staff has finished collaborating with AMFTRB and OIS to meet the criteria the Board had identified in steps 1 through 3 above, the regulatory proposal will be brought back to the full Board for final consideration and authorization to begin the rulemaking process.

Recommendation

Conduct an open discussion regarding the proposed regulatory amendments shown in **Attachment A** to adopt the AMFTRB National Exam. Staff requests the Committee consider one of the following motions:

Motion A: (No changes are requested by the Committee to **Attachment A.**):

Recommend to the Board approval of the proposed regulatory text in **Attachment A** in concept and recommend the Board consider all of the following actions:

- (1) Approve the proposed regulatory text in **Attachment A** in concept and direct staff to draft the initial rulemaking documents in preparation for possible submission to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency (Agency) for initial review and approval.
- (2) Once the criteria in steps 1 through 3 under the section “Implementation Steps” set forth in the meeting materials have been met, bring the proposal in **Attachment A** back to the Board for final consideration and authorization to submit the rulemaking package to the Director and Agency for review and approval.

Motion B: (The Committee has suggested changes to the text in **Attachment A.**)

Recommend approval of the proposed regulatory text in **Attachment A** in concept with the following changes (describe what the Committee would recommend changing here) and recommend the Board consider all of the following actions:

- (1) Approve the proposed regulatory text in **Attachment A** in concept with the changes discussed at this meeting and direct staff to draft the initial rulemaking documents in preparation for possible submission to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency (Agency) for initial review and approval.
- (2) Once the criteria in steps 1 through 3 above have been met, bring the proposal in **Attachment A** as amended back to the Board for final consideration and authorization to submit the rulemaking package to the Director and the Business, Consumer Services and Housing Agency for review and approval.

Attachments

Attachment A: Proposed LMFT Clinical Exam-Related Regulations

Attachment B: LMFT Clinical Exam Related Statutes (*Board Approved 9/20/24 – Pending in Legislature*)

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ATTACHMENT A
Proposed LMFT Clinical Exam-Related Regulations

§ 1816.2. Examination Fees.

(a) The licensed clinical social worker California law and ethics examination fee shall be one hundred fifty dollars (\$150).

(b) The licensed marriage and family therapist California law and ethics examination fee shall be one hundred fifty dollars (\$150).

~~(c) The board administered licensed marriage and family therapist clinical examination fee shall be two hundred fifty dollars (\$250).~~

~~(d)~~(c) The licensed educational psychologist written examination fee shall be two hundred fifty dollars (\$250).

~~(e)~~(d) The licensed professional clinical counselor California law and ethics examination shall be one hundred fifty dollars (\$150).

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3 and 4999.120, Business and Professions Code.

§ 1829.1. Required Examinations.

(a) The written examinations shall test for minimum acceptable competency to practice marriage and family therapy without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant's knowledge of and ability to apply legal and ethical standards relating to the practice of marriage and family therapy.

(2) A clinical examination designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the marriage and family therapist scope of practice.

(b) The clinical examination as described in subsection (a)(2) shall be ~~a board administered examination~~the Association of Marital and Family Therapy Regulatory Board's (AMFTRB) Marital and Family Therapy National Examination.

Note: Authority cited: Sections 4980.397, 4980.40 and 4980.60, Business and Professions Code. Reference: Sections 4980.397, 4980.40, 4980.398, 4980.399 and 4980.50, Business and Professions Code.

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ATTACHMENT B
LMFT Clinical Exam Related Statutes
Board Approved 9/20/24 – Pending in Legislature

AMEND Business and Professions Code (BPC) §4980.397.

(a) A registrant or an applicant for licensure as a marriage and family therapist shall pass the following two examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination administered by the board or administered by a public or private organization, as specified by the board in regulations.

(b) Upon registration with the board, an associate marriage and family therapist shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant or an applicant for licensure may take the clinical examination only upon meeting all of the following requirements:

(1) Completion of all required supervised work experience.

(2) Completion of all education requirements.

(3) Passage of the California law and ethics examination.

AMEND BPC §4980.40.

An applicant for licensure shall satisfy all of the following qualifications:

(a) Meet the educational requirements of Section 4980.36 or both Sections 4980.37 and 4980.41, as applicable.

(b) Be at least 18 years of age.

(c) Have at least two years of supervised experience as specified in this chapter and its corresponding regulations.

(d) Successfully pass a California law and ethics examination and a clinical examination, as specified in section 4980.397. An applicant who has successfully

passed a previously administered written examination may be subsequently required to take and pass another written examination.

(e) Not be subject to denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory, in accordance with Section 480.

AMEND BPC §4980.41.

(a) An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete the following coursework or training in order to be eligible to sit for the licensing examinations as specified in ~~subdivision (d) of Section 4980.40~~section 4980.397:

(1) A two semester or three quarter unit course in California law and professional ethics for marriage and family therapists, which shall include, but not be limited to, the following areas of study:

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

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including family law.

(C) The current legal patterns and trends in the mental health profession.

(D) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

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

This course may be considered as part of the 48 semester or 72 quarter unit requirements contained in Section 4980.37.

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

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

in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.37.

(4) For persons who began graduate study on or after January 1, 1986, a master's or doctor's degree qualifying for licensure shall include specific instruction in alcoholism and other chemical substance dependency as specified by regulation. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.37. Coursework required under this paragraph may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The applicant may satisfy this requirement by successfully completing this coursework from a master's or doctoral degree program at an accredited or approved institution, as described in subdivision (b) of Section 4980.37, or from a board-accepted provider of continuing education, as described in Section 4980.54.

(5) For persons who began graduate study during the period commencing on January 1, 1995, and ending on December 31, 2003, a master's or doctor's degree qualifying for licensure shall include coursework in spousal or partner abuse assessment, detection, and intervention. For persons who began graduate study on or after January 1, 2004, a master's or doctor's degree qualifying for licensure shall include a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. Coursework required under this paragraph may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The applicant may satisfy this requirement by successfully completing this coursework from a master's or doctoral degree program at an accredited or approved institution, as described in subdivision (b) of Section 4980.37, or from a board-accepted provider of continuing education, as described in Section 4980.54.

(6) For persons who began graduate study on or after January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychological testing. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.37.

(7) For persons who began graduate study on or after January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychopharmacology. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.37.

(b) The requirements added by paragraphs (6) and (7) of subdivision (a) are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice and are not intended in any way to expand or restrict the scope of practice for licensed marriage and family therapists.

AMEND BPC §4980.50.

(a) Every applicant who meets the educational and experience requirements and applies for a license as a marriage and family therapist shall be examined by the board. The examinations shall be as set forth in ~~subdivision (d) of Section 4980.40~~ [section 4980.397](#). The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to the candidate's knowledge and professional skills and judgment in the utilization of appropriate techniques and methods.

(b) The board shall not deny any applicant who has submitted a complete application for examination, admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the clinical examination, nor shall the board postpone or delay any applicant's clinical examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(d) If an applicant for examination who has passed the California law and ethics examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the clinical examination for licensure, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the California law and ethics examination or the clinical examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(f) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(g) An applicant for licensure shall not be eligible to participate in the clinical examination if the applicant fails to obtain a passing score on the clinical examination within seven years from their initial attempt, unless the applicant takes and obtains a passing score on the current version of the California law and ethics examination.

(h) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(i) An applicant for licensure who has qualified pursuant to this chapter shall be issued a license as a marriage and family therapist in the form that the board deems appropriate.

AMEND BPC §4980.54.

(a) The Legislature recognizes that the education and experience requirements in this chapter constitute only minimal requirements to ensure that an applicant is prepared and qualified to take the licensure examinations as specified in ~~subdivision (d) of Section 4980.40~~ [section 4980.397](#) and, if an applicant passes those examinations, to begin practice.

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

(c) (1) Except as provided in subdivision (e), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that the applicant has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board.

(2) The board shall not renew any registration pursuant to this chapter unless the registrant certifies under penalty of perjury to the board, and on a form prescribed by the board, that they have completed not less than three hours of continuing education on the subject of California law and ethics during the preceding year.

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

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

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

(1) An accredited school or state-approved school that meets the requirements set forth in Section 4980.36 or 4980.37. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, as specified by the board by regulation.

(g) The board shall establish, by regulation, a procedure for identifying acceptable providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (f), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with this section or any regulation adopted pursuant to this section.

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

(1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.

(2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

(i) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

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

AMEND BPC §4980.72.

The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a license in another jurisdiction of the United

States as a marriage and family therapist at the highest level for independent clinical practice if all of the following requirements are met:

(a) The applicant's license in the other jurisdiction has been current, active, and unrestricted in that jurisdiction for at least two years immediately before the date the application was received by the board. The applicant shall disclose to the board for review any past restrictions or disciplinary action on an out-of-state license, and the board shall consider these actions in determining whether to issue a license to the applicant.

(b) The applicant's degree that qualified the person for the out-of-state license is a master's or doctoral degree that was obtained from an accredited or approved institution.

(c) The applicant complies with the fingerprint requirements established by Section 144.

(d) The applicant completes the coursework specified in paragraphs (1) and (2) from an accredited institution or an approved institution or from an acceptable provider of continuing education as specified in Section 4980.54. Undergraduate coursework shall not satisfy these requirements.

(1) A minimum of 12 hours of coursework in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, the application of legal and ethical standards in different types of work settings, and licensing law and the licensing process.

(2) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(e) The applicant obtains a minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated pursuant to that section.

(f) On or after January 1, 2021, the applicant shall show proof of completion of at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention using one of the methods specified in Section 4980.396.

(g) The applicant passes the board-administered California law and ethics examination specified in ~~subdivision (d) of Section 4980.40~~ [section 4980.397](#). The clinical examination specified in ~~subdivision (d) of Section 4980.40~~ [section 4980.397](#) shall be waived for an applicant qualifying under this section.

(h) This section was developed based on an examination of the licensure requirements for marriage and family therapists on a national level. This section shall not be construed to apply to any provisions under this division or Division 3 (commencing with Section 5000) other than this act.

AMEND BPC §4980.74.

(a) This section applies to persons with education gained from an out-of-state school or experience gained outside of California who apply for licensure or registration and who do not qualify for a license under Section 4980.72.

(b) The board shall accept education gained from an out-of-state school for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4980.78, and the applicant complies with Section 4980.76, if applicable. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to the experience required by this chapter. If the applicant has fewer than 3,000 hours of qualifying supervised experience, the board shall accept as qualifying supervised experience the amount of time the applicant held an active license in good standing in another state or country as a marriage and family therapist at the highest level for independent clinical practice at a rate of 100 hours per month, up to a maximum of 1,200 hours.

(d) An applicant who obtained a license or registration in another state or country may qualify for licensure with the board without taking the clinical examination specified in Section ~~4980.40~~ [4980.397](#) if both of the following conditions are met:

(1) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(2) The applicant's license or registration in that state or country is active, in good standing at the time of the application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

AMEND BPC §4984.7.

(a) The board shall assess the following fees relating to the licensure of marriage and family therapists:

(1) The application fee for an associate registration shall be one hundred fifty dollars (\$150). The board may adopt regulations to set the fee at a higher amount, up to a maximum of three hundred dollars (\$300).

(2) The annual renewal fee for an associate registration shall be one hundred fifty dollars (\$150). The board may adopt regulations to set the fee at a higher amount, up to a maximum of three hundred dollars (\$300).

(3) The fee for the application for licensure shall be two hundred fifty dollars (\$250). The board may adopt regulations to set the fee at a higher amount, up to a maximum of five hundred dollars (\$500).

(4) (A) (i) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be two hundred fifty dollars (\$250). The board may adopt regulations to set the fee at a higher amount, up to a maximum of five hundred dollars (\$500). If the board chooses to adopt an examination administered by a public or private organization, as specified by the board in regulations, then the examination fee shall be determined by and paid directly to that organization.

(ii) The fee for the California law and ethics examination shall be one hundred fifty dollars (\$150). The board may adopt regulations to set the fee at a higher amount, up to a maximum of three hundred dollars (\$300).

(B) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.

(C) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars (\$20).

(6) The fee for the issuance of an initial license shall be two hundred dollars (\$200). The board may adopt regulations to set the fee at a higher amount, up to a maximum of four hundred dollars (\$400).

(7) The fee for the two-year license renewal shall be two hundred dollars (\$200). The board may adopt regulations to set the fee at a higher amount, up to a maximum of four hundred dollars (\$400).

(8) The renewal delinquency fee shall be one-half of the fee for license renewal. A person who permits their license to expire is subject to the delinquency fee.

(9) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).

(10) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

(11) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) This section shall become operative on January 1, 2021.