



Board of Behavioral Sciences

Memo

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Board Members **Date:** February 25, 2025

From: Christy Berger
Regulatory Manager

Subject: **Discussion and Possible Action to Reconsider Previously Approved Text, and to Consider Initiation of a Rulemaking to Amend Continuing Education Regulations (16 CCR §§ 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3, and 1887.12 and Request for Temporary Continuing Education Waiver / Verification of Disability Forms)**

At its September 2024 meeting, the Board approved proceeding with amendments to the above sections of Title 16, California Code of Regulations (16 CCR), including two forms incorporated by reference into the regulations (Request for Temporary Continuing Education (CE) Waiver – Licensee Application” Form No. 37A-635 and Temporary Continuing Education (CE) Waiver -- Verification of Disability or Medical Condition,” Form No. 37A-636).

If you would like to reference the September 2024 meeting materials, they can be accessed [here](http://www.bbs.ca.gov/About%20Us/Meetings/Board%20Meetings/2024/September%2019-20,%202024/Meeting%20Materials/Item%2021) (see [www.bbs.ca.gov/About Us/Meetings/Board Meetings/2024/September 19-20, 2024/Meeting Materials/Item 21](http://www.bbs.ca.gov/About%20Us/Meetings/Board%20Meetings/2024/September%2019-20,%202024/Meeting%20Materials/Item%2021)).

During staff’s preparations of the rulemaking file for review by the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency, it was discovered that some further language changes are necessary to specify the Board’s requirements for renewal of a license or registration, including the requirements for showing “participation” in the law and ethics exam for registrants to renew. The concern is that the Office of Administrative Law may require more detail than what was previously proposed at the Board’s September 2024 meeting. To further specify the Board’s current processes for renewal and notice of eligibility for taking the California law and ethics examination administered by the Board, the proposed additional changes, with major changes highlighted in Attachment A, would do the following:

- Specify the process requirements between the Board, the applicant and the examination vendor pertaining to applicants taking and showing proof of participation in or successful completion of the law and ethics exam.

- Specify the process for renewal of a license or registration, including all requirements to apply for renewal in one location in the Board’s regulations.
- Add a new cross-reference to section 1887.3 that would specify that a registrant must take required CE from “any Board-approved provider specified in Section 1887.4.3” (section 1887.4.3 lists the Board’s currently accepted continuing education providers).
- Make minor technical edits to section 1887.1(b) and the accompanying “Note” at the bottom for section 1887.1 to add relevant statutory references.

Recommendation

Staff recommends that the Board review the proposed regulatory text and consider whether to approve it as written, or to suggest changes to the proposed text. After review and discussion, consider one of the following motions:

Motion Option A: (To be used if the Board has NO suggested changes for the proposed regulatory text)

Rescind the Board’s prior text approval for this item from September 2024 and instead approve the proposed regulatory text as presented in the meeting materials in Attachments A, B and C, and submit the approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations, including the documents incorporated by reference, as noticed for Title 16, California Code of Regulations sections 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3, and 1887.12.

Motion Option B: (To be used if the Board DOES have suggested changes for the proposed regulatory text)

Rescind the Board’s prior text approval for this item from September 2024 and instead approve the proposed regulatory text as presented in the meeting materials in Attachments A, B and C with the following changes: (*specify the proposed changes to the proposed text*). In addition, submit the approved text as revised at this meeting to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed

regulations, including the documents incorporated by reference, as noticed for Title 16, California Code of Regulations sections 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3, and 1887.12.

Attachments

- Attachment A: Proposed Changes to Regulatory Language
- Attachment B: Proposed Amendments to Form No. 37A-635
- Attachment C: Proposed Amendments to Form No. 37A-636

Blank Page

Attachment A

TITLE 16. BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

PROPOSED REGULATORY LANGUAGE

Title 16, Division 18, California Code of Regulations
Sections 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3,
and 1887.12.

Proposed amendments to the regulatory language are shown in single underline for text to be added and ~~single strikethrough~~ for text to be deleted.

AMEND SECTIONS 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3, and 1887.12 IN TITLE 16 OF DIVISION 18 OF THE CALIFORNIA CODE OF REGULATIONS TO READ AS FOLLOWS:

§ 1822.51. ~~Eligibility for~~ Law and Ethics Examination: Eligibility, Notice of Eligibility, and Proof of Participation or Successful Completion.

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(a1) The applicant holds a current, delinquent or cancelled associate registration, submits a request and pays the fee to take the examination.

~~(1) When a registrant who holds a current or delinquent registration takes the examination and does not pass during his or her one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4999.55(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.~~

(b2) The applicant currently has an approved application for licensure.

(b)(1) Upon receiving a request in compliance with paragraph (1) of subsection (a), or in conjunction with the board's approval of an application specified in paragraph (2) of subsection (a), the board shall transmit a written and dated notice of eligibility to take the law and ethics examination to the applicant and the examination administrator Pearson Vue ("Pearson Vue") that specifies the time frames for which the applicant is required to take the examination per section 1822.52. The

notice to the applicant shall also contain the website address, email address, and telephone number for the applicant to contact Pearson Vue to schedule the examination. The notice to the applicant shall be transmitted electronically if the applicant has provided their email address to the board as part of their request or application, or by mail if an email has not been provided by the applicant.

(2) Upon receipt of written notice of eligibility from the board, an applicant is responsible for contacting Pearson Vue to schedule a test date and examination site location and taking the examination within the time frames specified in section 1822.52. Applicants shall also execute any authorizations required by Pearson Vue to consent to the disclosure of their personal information and examination results to the board.

(3) To determine qualifications for licensure or renewal of registration in accordance with section 4999.53 of the Code and section 1887.1, the board shall receive directly from Pearson Vue written notice of either proof of participation or of successful completion of the California law and ethics examination specified in section 1822.50 for each eligible applicant. "Proof of participation or successful completion" shall mean a copy of the applicant's result letter or score report issued by Pearson Vue that lists the applicant's name and pass or fail status.

NOTE: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4999.52, ~~4999.53, 4999.53 and 4999.55 and 4999.100~~, Business and Professions Code.

§ 1829.2. Eligibility for Law and Ethics Examination: Eligibility, Notice of Eligibility, and Proof of Participation or Successful Completion.

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(a1) The applicant holds a current, delinquent or cancelled associate registration, submits a request and pays the fee to take the examination.

~~(1) When a registrant who holds a current or delinquent registration takes the examination and does not pass during his or her one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4980.399(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.~~

(b2) The applicant currently has an approved application for licensure.

(b)(1) Upon receiving a request in compliance with paragraph (1) of subsection (a), or in conjunction with the board’s approval of an application specified in paragraph (2) of subsection (a), the board shall transmit a written and dated notice of eligibility to take the law and ethics examination to the applicant and the examination administrator Pearson Vue (“Pearson Vue”) that specifies the time frames for which the applicant is required to take the examination per section 1829.3. The notice to the applicant shall also contain the website address, email address, and telephone number for the applicant to contact Pearson Vue to schedule the examination. The notice to the applicant shall be transmitted electronically if the applicant has provided their email address to the board as part of their request or application, or by mail if an email has not been provided by the applicant.

(2) Upon receipt of written notice of eligibility from the board, an applicant is responsible for contacting Pearson Vue to schedule a test date and examination site location and taking the examination within the time frames specified in section 1829.3. Applicants shall also execute any authorizations required by Pearson Vue to consent to the disclosure of their personal information and examination results to the board.

(3) To determine qualifications for licensure or renewal of registration in accordance with section 4980.399 of the Code and section 1887.1, the board shall receive directly from Pearson Vue written notice of either proof of participation or of successful completion of the California law and ethics examination specified in section 1829.1 for each eligible applicant. “Proof of participation or successful completion” shall mean a copy of the applicant’s result letter or score report issued by Pearson Vue that lists the applicant’s name and pass or fail status.

NOTE: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.397, ~~4980.398~~, ~~4980.399~~, ~~4980.399~~ and 4980.50 and ~~4984.04~~, Business and Professions Code.

§ 1877.2. ~~Eligibility for~~ Law and Ethics Examination: Eligibility, Notice of Eligibility, and Proof of Participation or Successful Completion.

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(a1) The applicant holds a current, delinquent or cancelled associate registration, submits a request and pays the fee to take the examination.

~~(1) When a registrant who holds a current or delinquent registration takes the examination and does not pass during his or her one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4992.09(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.~~

~~(b2)~~ The applicant currently has an approved application for licensure.

(b)(1) Upon receiving a request in compliance with paragraph (1) of subsection (a), or in conjunction with the board's approval of an application specified in paragraph (2) of subsection (a), the board shall transmit a written and dated notice of eligibility to take the law and ethics examination to the applicant and the examination administrator Pearson Vue ("Pearson Vue") that specifies the time frames for which the applicant is required to take the examination per section 1877.3. The notice to the applicant shall also contain the website address, email address, and telephone number for the applicant to contact Pearson Vue to schedule the examination. The notice to the applicant shall be transmitted electronically if the applicant has provided their email address to the board as part of their request or application, or by mail if an email has not been provided by the applicant.

(2) Upon receipt of written notice of eligibility from the board, an applicant is responsible for contacting Pearson Vue to schedule a test date and examination site location and taking the examination within the time frames specified in section 1877.3. Applicants shall also execute any authorizations required by Pearson Vue to consent to the disclosure of their personal information and examination results to the board.

(3) To determine qualifications for licensure or renewal of registration in accordance with section 4992.09 of the Code and section 1887.1, the board shall receive directly from Pearson Vue written notice of either proof of participation or of successful completion of the California law and ethics examination specified in section 1877.1 for each eligible applicant. "Proof of participation or successful completion" shall mean a copy of the applicant's result letter or score report issued by Pearson Vue that lists the applicant's name and pass or fail status.

NOTE: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4992.05, ~~4992.07, 4992.09, 4992.09 and 4992.1 and 4996.28~~, Business and Professions Code.

§ 1887. Definitions.

As used in this article:

- (a) A continuing education “course” means a form of systematic learning at least one hour in length. This may include, but is not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, written, audio, or visual instruction or activities, including interactive video instruction and activities electronically transmitted from another location, that have been verified and approved by the continuing education provider.
- (b) A “provider” means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered.
- (c) A “renewal period” means one of the following, as applicable:
- (1) Licensees: The two-year period that spans from the first day after the license's issue date or prior expiration date to the current license expiration date.
- (2) Registrants: The one-year period that spans from the first day after the registration's issue date or prior expiration date to the current registration expiration date.
- (d) An “approval agency” means an organization recognized by the board that evaluates and approves providers of continuing education, ensures courses offered by its providers meet the board's continuing education requirements, and monitors the quality of each approved continuing education course.

NOTE: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.
Reference: Sections 4980.54, 4980.399, 4989.34, 4992.09, 4996.22, 4999.55 and 4999.76, Business and Professions Code.

§ 1887.1. Continuing Education Requirements and License or Registration Renewal Requirements.

- (a) ~~Except as provided in section 1887.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed thirty-six (36) hours of continuing education credit as set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code. As a condition of renewal, on or before the expiration date of their license, a licensee shall submit a completed renewal application as prescribed by this subsection and the renewal fee required by section 1816. “Submit” shall mean delivery by mail or in person at the board’s current physical address listed on its website or through the board's online portal accessible through~~

the board's website. A "completed renewal application" shall include all of the following:

(1) The legal name of the licensee. An individual must apply using their full legal name: (Last Name) (First Name) (Middle Name) and/or (Suffix).

(2) License Type (LMFT, LCSW, LEP or LPCC), license number and expiration date.

(3) For licensees renewing online through the board's website, the licensee shall provide their individual National Provider Identifier, if they have one.

(4) A statement indicating whether the licensee, since their last renewal, has been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or felony in the United States and its territories or a foreign country. For the purposes of this paragraph, convictions expunged or dismissed under sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code (or equivalent non-California law) must be disclosed. For the purposes of this paragraph "conviction" does not include any of the following:

(A) Offenses that were adjudicated in the juvenile court.

(B) Charges dismissed under section 1000.3 of the Penal Code.

(C) Convictions under California Health and Safety Code section 11357, or section 11360(b) which are two years old or older.

(D) Traffic citations or infractions for which a fine of \$500 or less was imposed.

(5) A statement indicating whether the licensee, since their last renewal, has had any disciplinary action against any license, registration, certificate, permit or other means to engage in any practice issued to the licensee by any government agency. "Government agency" means any regulatory or licensing board in this State (excluding this board) or any other state, any United States territory, federal agency or another country. "Disciplinary action" means an adverse licensure action that resulted in a restriction or penalty being placed on the license, such as revocation, suspension, probation, voluntary surrender or public reprimand or reproof.

(6) A statement indicating whether the licensee has completed thirty-six (36) hours of continuing education credit as set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code, as applicable, and section 1887.3, as applicable, or, whether they are exempt from or have received a waiver from continuing education requirements from the board in accordance with section 1887.2.

(7) A statement acknowledging the applicant has read the following notice: “The address of record you provide the board will appear on public license searches on the board’s website in accordance with Business and Professions Code (BPC) section 27. Licensees are also required to maintain a current email address with the board if they have one. Email addresses are not subject to public disclosure per BPC section 4990.07.”

(8) A statement signed and dated by the licensee under penalty of perjury under the laws of the State of California that all statements made in the application are true and correct.

(b) As a condition of renewal, on or before the expiration date of their registration, a registrant shall submit a completed renewal application as prescribed by this subsection and the renewal fee required by section 1816. “Submit” shall mean delivery by mail or in person at the board’s current physical address listed on its website or through the board’s online portal accessible through the board’s website. A “completed renewal application” shall include all of the following:

(1) The legal name of the registrant. An individual must apply using their full legal name: (Last Name) (First Name) (Middle Name) and/or (Suffix).

(2) Registration type (AMFT, ASW, APCC), registration number and expiration date.

(3) For registrants renewing online through the board’s website, the registrant shall provide their individual National Provider Identifier, if they have one.

(4) Proof of participation or successful completion of the California law and ethics examination as specified in sections 1822.51, 1829.2 or 1877.2, as applicable.

(5) A statement indicating whether the registrant, since their last renewal, has been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or felony in the United States and its territories or a foreign country. For the purposes of this paragraph, convictions expunged or dismissed under sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code (or equivalent non-California law) must be disclosed. For the purposes of this paragraph “conviction” does not include any of the following:

(A) Offenses that were adjudicated in the juvenile court.

(B) Charges dismissed under section 1000.3 of the Penal Code.

(C) Convictions under California Health and Safety Code section 11357, or section 11360(b) which are two years old or older.

(D) Traffic citations or infractions for which a fine of \$500 or less was imposed.

(6) A statement indicating whether the registrant, since their last renewal, has had any disciplinary action against any license, registration, certificate, permit or other means to engage in any practice issued to the registrant by any government agency. "Government agency" means any regulatory or licensing board in this State (excluding this board) or any other state, any United States territory, federal agency or another country. "Disciplinary action" means an adverse licensure action that resulted in a restriction or penalty being placed on the license, such as revocation, suspension, probation, voluntary surrender or public reprimand or reproof.

(7) A statement indicating whether the registrant has completed three (3) hours of continuing education in California Law and Ethics as specified in sections 4980.399, 4992.09, and 4999.55 of the Code, as applicable.

(8) A statement acknowledging the applicant has read the following notice: "The address of record you provide the board will appear on public license searches on the board's website in accordance with Business and Professions Code (BPC) section 27. Registrants are also required to maintain a current email address with the board if they have one. Email addresses are not subject to public disclosure per BPC section 4990.07."

(9) A statement signed and dated by the registrant under penalty of perjury under the laws of the State of California that all statements made in the application are true and correct.

(bc) A licensee or registrant who falsifies or makes a material misrepresentation of fact when applying for license or registration renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under sections 4982(b), 4989.54 (b), 4992.3(b), and 4999.90(b) of the Code.

(ed) Individuals who hold dual licensure or registration with the board may apply the same continuing education course to both licenses or registrations if the subject matter of the course relates to each license's/license or registration type's scope of practice.

NOTE: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 141, 4980.54, 4984, 4984.01, 4980.399, 4982, 4989.32, 4989.34, 4989.54, 4992.09, 4992.3, 4996.22, 4999.55, 4999.76 and 4999.90, 4999.100, and 4999.102, Business and Professions Code.

§ 1887.2. Temporary Waivers of and Exemptions from Continuing Education Requirements.

- (a) A licensee is exempt from the continuing education requirement if their license is inactive pursuant to sections 4984.8, 4989.44, 4997, or 4999.112 of the Code, or retired pursuant to section 4984.41, 4989.45, 4997.1, or 4999.113 of the Code.
- (b) A licensee may submit a written request for a temporary waiver from the continuing education requirement for the licensee's current renewal period, for any of the reasons listed in subsection (c) below. The request shall be on a form entitled "Request for Temporary Continuing Education (CE) Waiver -- Licensee Application," Form No. DCA BBS 37A-635 (Revised 08/22[OAL to insert new revision date]), hereby incorporated by reference. The request must be submitted to the board in writing at least sixty (60) days prior to the license expiration date.
- (c) The board shall grant a temporary waiver of continuing education if the licensee can provide evidence, as specified in subsections (d) and (e) below, that one of the following occurred:
- (1) For at least one year during the licensee's current license renewal period, the licensee had a physical or mental disability or medical condition that did both of the following:
- (A) Substantially limited one or more life activities as verified by the documentation required in subsection (d), and
- (B) Caused the licensee's earned income, whether earned as an employee, independent contractor, or while self-employed, to drop below the substantial gainful activity amount for non-blind individuals during that year, as set forth by the Social Security Administration per section 404.1574(b)(2) of the Social Security Act.
- (2) For at least one year during the licensee's current license renewal period, the licensee was the primary caregiver for an immediate family member, including a domestic partner, who had a total physical or mental disability. A "total physical or mental disability" means that the family member is both unable to work and unable to perform activities of daily living without substantial assistance, such as eating, bathing, dressing, housework, shopping, or meal preparation.
- (d) The licensee's or immediate family member's physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition healthcare provider who holds a current and active license as a physician, physician assistant, nurse

practitioner, psychologist, marriage and family therapist, clinical social worker or professional clinical counselor. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Temporary Continuing Education (CE) Waiver -- Verification of Disability or Medical Condition," Form No. DCA BBS 37A-636 (Revised 08/22[OAL to insert new revision date]), hereby incorporated by reference. Form No. DCA BBS 37A-636 must include an attached copy of the family member's written authorization for release of their protected health information for the limited purpose of the licensee's request for a temporary waiver of continuing education when the licensee is the family member's primary caregiver.

- (e) A licensee shall provide proof of all income earned from work activity during the one-year period of the licensee's disability. If the licensee did not earn any work income, the licensee shall provide proof of receiving disability payments, or provide other evidence demonstrating that the licensee did not earn any income from work activity.
- (f) The board will notify the licensee whether or not the waiver is granted within thirty (30) days after the request is received. If the request for waiver is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal, if renewing in an active status. If the request for waiver is approved, it shall be valid for the current renewal period only.
- (g) Licensees granted a temporary waiver shall not be exempt from completing the six (6) hours of continuing education in California law and ethics required by section 1887.3.

NOTE: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4984.8, 4984.41, 4989.34, 4989.44, 4989.45, 4996.22, 4997, 4997.1, 4999.76, 4999.112 and 4999.113, Business and Professions Code; and Sections 12926 and 12944, Government Code.

§ 1887.3. Continuing Education Course Requirements and Credit for Specified Activities.

- (a) During each two-year license renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education coursework as defined in section 1887.4.0.
- (b) During each one-year registration renewal period, a registrant shall accrue at least three (3) hours of continuing education coursework in the subject of California law and ethics as specified in sections 4980.399, 4992.09, or 4999.55 of the Code, as applicable, and from any board-approved provider specified in section 1887.4.3.

- (bc) A marriage and family therapist, clinical social worker, and professional clinical counselor licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the effective date of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of section 32 of the Code. This is a one-time requirement for all licensees. Equivalent HIV and AIDS courses taken prior to the effective date of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board for approval in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.
- (ed) Any person renewing a license shall complete a minimum of six (6) hours of continuing education in the subject of [California](#) law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement. A course on law and ethics completed by a supervisor in order to fulfill the supervisor training requirement pursuant to Article 3, 4 or 6 shall not be accepted toward meeting the minimum six (6) hours of law and ethics training but shall count toward the 36-hour continuing education requirement.
- (de) A licensee may not claim the same course more than once per license type during a single renewal period for hours of continuing education credit.
- (ef) If a licensee teaches a course provided by a board-accepted provider, the licensee may claim credit for the course, receiving the same amount of hours of continuing education credit as a licensee who attended the course. The licensee may only claim the course one time during a single renewal period. A maximum of 18 hours of continuing education may be met by teaching courses during a single renewal period.
- (fg) A licensee [or registrant](#) who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.
- (gh) A licensee who attends a [California](#) Board of Behavioral Sciences enforcement case review training shall be credited with up to six (6) hours of continuing education in the renewal cycle during which the case review training was attended. The continuing education hours earned by attending a board enforcement case review training may only be used to satisfy the law and ethics portion of the continuing education requirement.

- (hi) A licensee who acts as a California Board of Behavioral Sciences subject matter expert (SME) for an enforcement case review shall be credited with six (6) hours of continuing education in the renewal cycle during which the enforcement case review was performed. The continuing education hours earned by acting as a board enforcement case SME may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (ij) A licensee who participates in a California Board of Behavioral Sciences examination development workshop shall be credited with six (6) hours of continuing education in the renewal cycle during which the examination development workshop was attended. The continuing education hours earned by participating in a board examination development workshop may only be used to satisfy the law and ethics portion of the continuing education requirement.
- (jk) A licensee who completes a California Board of Behavioral Sciences occupational analysis survey in full shall be credited with six (6) hours of continuing education for the renewal cycle during which the survey was completed.
- (l) Documentation of completion for the activities specified in subsections (h) through (k) (“qualifying activity”) shall consist of a letter or certificate issued by the board or its designee upon completion of the qualifying activity to the licensee indicating the name of the licensee, the type of qualifying activity, the hours of qualifying credit earned, and the date(s) of completion.
- (m) A licensee may earn up to six (6) hours of continuing education credit through attendance at open sessions of California Board of Behavioral Sciences board or committee meetings, virtually or in person, for the renewal cycle during which the meeting(s) occurred.
- (1) Continuing education credit shall be credited on an hour-for-hour basis with one hour credited for each full hour spent in attendance at a meeting.
- (2) To receive credit, the licensee shall maintain a record of attendance including date of meeting, name of meeting, and number of full hours attended. In addition, the licensee shall do the following:
- (A) For a meeting attended in person, the licensee shall sign in and out on the provided attendance sheet, providing their full name and license number as on record with the board, and indicating the time of arrival and time of departure.
- (B) For a meeting held through a virtual, internet-based application (Webex or similar online meeting or videoconferencing platform), the licensee shall sign

into the meeting using their full name and email address as on record with the Board.

(3) Watching a recording of a past board or committee meeting shall not count toward continuing education.

(4) A petitioner seeking the reinstatement of a revoked license or early termination of probation may not earn any continuing education credit for attending a board meeting on the same day in which said petitioner's hearing is conducted.

(n) A licensee who provides direct supervision of a marriage and family therapist trainee or associate marriage and family therapist who is gaining experience under section 4980.43 of the Code, an associate clinical social worker who is gaining experience under section 4996.2 of the Code, or an associate professional clinical counselor who is gaining experience under section 4999.46 of the Code, shall be credited with up to 18 hours of continuing education for the renewal cycle during which the supervision was provided in accordance with this subsection.

(1) For the purposes of calculating hours earned, one hour of continuing education will be credited for each full hour of supervision, up to a maximum of 18 hours credited per renewal cycle.

(2) Licensees shall maintain a written record of this activity that includes all of the following: the dates of supervision, number of hours of supervision provided, and a copy of the supervisee's signed supervision agreement with the licensee pursuant to section 1820(c), 1833(c) or 1869(c), as applicable.

(ko) A licensee who participates in a mental health professional organization's law and ethics review committee shall be credited with up to six (6) hours of continuing education in the renewal cycle during which the participation occurred. The continuing education earned by participating in a professional organization's law and ethics review committee may only be used to satisfy the law and ethics portion of the continuing education requirement. Documentation of completion shall consist of a letter or certificate from the professional organization that lists the name of the licensee, the date(s) and number of hours attended, and the name of the mental health professional organization's law and ethics review committee.

(/p) Documentation of completion for the activities specified in subsections (g) through (j) shall consist of a letter or certificate issued by the board. For subsection (k), documentation of completion shall consist of a letter or certificate from the professional organization. Licensees and registrants shall maintain records of completed activities for a minimum of two years from the date of license or

registration renewal for which the activity was completed and shall make these records available to the board for auditing purposes upon request.

NOTE: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 29, 32, 4980.54, 4980.399, 4989.34, 4992.09, 4996.22, 4999.55 and 4999.76, Business and Professions Code.

§ 1887.4.2. Approval Agency Responsibilities.

Each board-recognized approval agency shall:

- (a) Evaluate each continuing education provider seeking approval in accordance with the requirements of section 1887.4.3.
- (b) Maintain a list of the names and addresses of persons responsible for the provider's continuing education program. The approval agency shall require that any change in the responsible person shall be reported to the approval agency within 15 days of the effective date of the change.
- (c) Provide the board with the name, address and responsible party of each provider upon request.
- (d) Respond to complaints from the board, providers, ~~or~~ licensees, or registrants concerning activities of any of its approved providers or their courses.
- (e) Conduct periodic reviews of courses offered by providers approved by the agency to determine compliance with the agency's requirements and requirements of the board and, upon request, report the findings of such reviews to the board.
- (f) Ensure that the continuing education coursework offered by its providers meets the continuing education requirements of the board.
- (g) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

NOTE: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4980.399, 4989.34, 4992.09, 4996.22, 4999.55 and 4999.76, Business and Professions Code.

§ 1887.4.3. Acceptable Continuing Education Providers and Responsibilities.

- (a) A continuing education provider shall be one of the following:

- (1) An accredited or approved postsecondary institution that meets the requirements set forth in sections 4980.54(f)(1), 4989.34, 4996.22(d)(1), or 4999.76(d) of the Code;
 - (2) A board-recognized approval agency or a continuing education provider that has been approved or registered by a board-recognized approval agency for continuing education; or
 - (3) A professional association that is recognized by the board as a continuing education provider. The following professional associations are recognized by the board as continuing education providers:
 - (A) American Association for Marriage and Family Therapy (AAMFT)
 - (B) American Counseling Association (ACA)
 - (C) California Association for Licensed Professional Clinical Counselors (CALPCC)
 - (D) California Association of Marriage and Family Therapists (CAMFT)
 - (E) California Association of School Psychologists (CASP)
 - (F) California Counseling Association (CCA)
 - (G) California Psychological Association (CPA)
 - (H) California Society for Clinical Social Work (CSCSW)
 - (I) National Association of Social Workers-California Chapter (NASW-CA)
- (b) Each provider shall ensure that each continuing education course complies with the requirements of section 1887.4.0.
 - (c) Each provider shall furnish each licensee and registrant a record of course completion as defined in section 1887.11.0.
 - (d) Each provider shall maintain records of completion of their continuing education courses for four (4) years as defined in section 1887.12(b). Credit hours awarded shall be in compliance with section 1887.5.
 - (e) Each provider shall have a methodology for determining the credit hours awarded for the completion of continuing education courses.

- (f) No provider shall discriminate against any individual or group with respect to any service, program or activity on the basis of gender, race, creed, national origin, sexual orientation, religion, or age, or other prohibited basis.
- (g) No provider shall promote or advocate for a single modality of treatment that is discriminatory or likely to harm clients based upon current accepted standards of practice.
- (h) Each provider must be able to demonstrate that their programs train licensees or registrants to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency, or professional association.
- (i) Each provider must have written policies and procedures for grievance resolution and must respond to grievances from course attendees, regulatory boards, or their governing accreditation agency in a timely manner.
- (j) When a provider works with another party on the development, distribution, and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.
- (k) Each provider is responsible for meeting all applicable local, state and federal standards, including the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2008).
- (l) Each provider shall submit all documents related to an audit of course material to the approval agency or the board upon written request.

NOTE: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.
 Reference: Sections 4980.54, 4980.399, 4989.34, 4992.09, 4996.22, 4999.55 and 4999.76, Business and Professions Code.

§ 1887.12. Licensee and Provider Course RecordsRecord Requirements for Providers, Licensees and Registrants.

- (a) A licensee or registrant shall maintain records of course completion for a period of at least two (2) years from the date of license or registration renewal for which the course was completed.
- (b) A provider shall maintain records related to continuing education courses for a period of at least four (4) years. Records shall include:
 - (1) sSyllabi for all courses;

- (2) ~~t~~The time and location of all courses;
- (3) ~~e~~Course advertisements;
- (4) ~~e~~Course instructors' vitae or resumes;
- (5) ~~a~~Attendance rosters with the names and license or registration numbers of licensees who attended the courses;
- (6) ~~s~~Sign-in sheets; and
- (7) ~~r~~Records of course completion issued to licensees and registrants who attended the courses.

(c) The board may audit the course records of a provider to ensure compliance with the board's continuing education requirements.

NOTE: Authority cited: Sections 4980.60, 4989.34, 4990.20 and 4999.76, Business and Professions Code. Reference: Sections 4980.54, 4980.399, 4989.34, 4992.09, 4996.22, 4999.55 and 4999.76, Business and Professions Code.