



April 4, 2025

Marc Berman
Chair, Assembly Committee on Business and Professions
1020 N Street, Room 379
Sacramento, CA 95814

Angelique Ashby
Chair, Senate Committee on Business, Professions, and Economic Development
1021 O Street, Room 3320
Sacramento, CA 95814

RE: Joint Sunset Review – Board of Psychology – Exception to Psychotherapist-Patient Privilege for Board Investigations—CONCERNS

Dear Chair Berman and Chair Ashby:

On behalf of the California Alliance of Child and Family Services (CAAlliance), we would like to express concerns with the Board of Psychology's Sunset Review Issue #11 on page 26 of the Joint Sunset Review Committee background [paper](#) and request that the proposal not move forward.

The proposal would establish a psychotherapist-patient privilege exception for Board investigations. We are concerned that the Board of Psychology's proposal circumvents legally protected consumer privacy and sets a dangerous precedent with other regulatory boards. The need to protect psychotherapist-patient privilege is of utmost importance.

It is our belief that there is no need for this additional psychotherapist-patient privilege exception. Like the Board of Psychology stated in their proposal, if a client refuses to disclose records, the Board's recourse to obtain the records is to formally request them with a subpoena and obtain a civil court order to enforce the subpoena. What this means is that the Board may still obtain the patient's psychotherapy records, but it must first demonstrate compelling interest to the court that the disclosure of such records is relevant and material to the issue. This court process offers the Board an avenue to obtain records while upholding the psychotherapist's duty to patient privilege and protecting the patient's constitutional right to privacy. The Board has also reported that over the last four years it has had to close only three cases due to an inability to access records, which proves that this is not necessary.

Creating an unnecessary exception, when a court process to access private records already exists, is both detrimental to the integrity of psychotherapy and will likely have many significant far-reaching unintended consequences for all individuals seeking treatment. As mentioned, this

proposed exception undermines California law that protects a patient's private health information from being disclosed without proper authorization by the patient or their representative. The fallout from this proposal would impact both patients and therapists. Patients may potentially lose trust in the confidentiality of their mental health care, start to withhold sensitive information in psychotherapy, or even decline to fully engage or seek treatment altogether. Moreover, the ramifications of this proposal will likely disproportionately impact certain populations including, but not limited to, LGBTQ+ communities, individuals seeking gender affirming care, undocumented individuals and immigrants fearful of deportation, among many other demographics in the mental health landscape. On the other end, therapists may feel a need to lower the level of detail in their notes out of fear of potential scrutiny or unauthorized disclosure that may hurt the patient.

For these reasons, we respectfully request that issue # 11 of the Board of Psychology's Sunset Review background paper not move forward. Thank you for your attention to these concerns and we welcome any dialogue on these issues, please contact us at sraphael@cacfs.org.

Sincerely,

A handwritten signature in black ink, reading "Selena Liu Raphael". The signature is fluid and cursive, with the first name "Selena" being the most prominent.

Selena Liu Raphael, Senior Behavioral Health Policy Advocate

cc: Honorable Members, Assembly Business and Professions Committee
Honorable Members, Senate Business and Professions and Economic Development Committee
Kaitlin Curry, Consultant, Assembly Business and Professions Committee
Anna Billy, Consultant, Senate Business and Professions and Economic Development Committee

CALIFORNIA ACADEMY *of* CHILD & ADOLESCENT PSYCHIATRY

April 8, 2025

Honorable Marc Berman
Chair, Assembly Committee on Business and Professions
1020 N Street, Room 379
Sacramento, CA 95814

Honorable Angelique Ashby
Chair, Senate Committee on Business, Professions, and
Economic Development
1021 O Street, Room 3320
Sacramento, CA 95814

RE: Joint Sunset Review – Board of Psychology – Exception to Psychotherapist-Patient Privilege for Board Investigations—
CONCERNS

Dear Chair Berman and Chair Ashby:

On behalf of the California Academy of Child & Adolescent Psychiatry, we would like to express concerns with the Board of Psychology's Sunset Review Issue #11 on page 26 of the Joint Sunset Review Committee background [paper](#) and request that the proposal not move forward.

The proposal would establish a psychotherapist-patient privilege exception for Board investigations. We are concerned that the Board of Psychology's proposal circumvents legally protected consumer privacy and sets a dangerous precedent with other regulatory boards. The need to protect psychotherapist-patient privilege is of utmost importance.

It is our belief that there is no need for this additional psychotherapist-patient privilege exception. Like the Board of Psychology stated in their proposal, if a client refuses to disclose records, the Board's recourse to obtain the records is to formally request them with a subpoena and obtain a civil court order to enforce the subpoena. What this means is that the Board may still obtain the patient's psychotherapy records, but it must first demonstrate compelling interest to the court that the disclosure of such records is relevant and material to the issue. This court process offers the Board an avenue to obtain records while upholding the psychotherapist's duty to patient privilege and protecting the patient's constitutional right to privacy. The Board has also reported that over the last four years it has had to close only three cases due to an inability to access records, which proves that this is not necessary.

Creating an unnecessary exception, when a court process to access private records already exists, is both detrimental to the integrity of psychotherapy and will likely have many significant far-reaching unintended consequences for all individuals seeking treatment. As mentioned, this proposed exception undermines California law that protects a patient's private health information from being disclosed without proper authorization by the patient or their representative. The fallout from this proposal would impact both patients and therapists.

Patients may potentially lose trust in the confidentiality of their mental health care, start to withhold sensitive information in psychotherapy, or even decline to fully engage or seek treatment altogether. Moreover, the ramifications of this proposal will likely disproportionately impact certain populations including, but not limited to, LGBTQ+ communities, individuals seeking gender affirming care, undocumented individuals and immigrants fearful of deportation, among many other demographics in the mental health landscape. On the other end, therapists may feel a need to lower the level of detail in their notes out of fear of potential scrutiny or unauthorized disclosure that may hurt the patient.

For these reasons, we respectfully request that issue # 11 of the Board of Psychology's Sunset Review background paper not move forward. Thank you for your attention to these concerns and we welcome any dialogue on these issues, please contact us at (530) 592-5547.

Sincerely,

CALIFORNIA ACADEMY *of*
CHILD & ADOLESCENT PSYCHIATRY

Lingjie Yootsana

Legislative Advocate

California Academy of Child and Adolescent Psychiatry

cc: Honorable Members, Assembly Business and Professions Committee
Honorable Members, Senate Business and Professions and Economic Development Committee
Kaitlin Curry, Consultant, Assembly Business and Professions Committee
Anna Billy, Consultant, Senate Business and Professions and Economic Development Committee



**CONNECT
ENRICH
ACHIEVE**

California Association of Marriage and Family Therapists
3298 Governor Dr. #22627, San Diego, CA 92192
Phone: (858) 292-2638 | Fax: (858) 292-2666 | www.camft.org

February 19, 2025

Marc Berman
Chair, Assembly Committee on Business and Professions
1020 N Street, Room 379
Sacramento, CA 95814

Angelique Ashby
Chair, Senate Committee on Business, Professions, and Economic Development
1021 O Street, Room 3320
Sacramento, CA 95814

RE: Joint Sunset Review – Board of Psychology – Exception to Psychotherapist-Patient Privilege for Board Investigations—CONCERNS

Dear Chair Berman and Chair Ashby:

The California Association of Marriage and Family Therapists (CAMFT) is a membership non-profit association that represents over 38,000 Marriage and Family Therapists (MFTs) in California. We would like to express concerns with the Board of Psychology's issue #1 under Section 10 of their [Sunset Review Report 2025](#) (page 97 of the report) and request that the proposal not move forward.

The proposal would establish a psychotherapist-patient privilege exception for Board investigations. While licensed and associate MFTs are regulated under the Board of Behavioral Sciences, we are concerned that the Board of Psychology's proposal circumvents legally protected consumer privacy and sets a dangerous precedent with other regulatory boards. The need to protect psychotherapist-patient privilege is of utmost importance, especially given the current political climate and storm of White House executive orders and other federal directives.

It is CAMFT's belief that there is no need for this additional psychotherapist-patient privilege exception. Like the Board of Psychology stated in their proposal, if a client refuses to disclose records, the Board's recourse to obtain the records is to formally request them with a subpoena and obtain a civil court order to enforce the subpoena. What this means is that the Board may still obtain the patient's psychotherapy records, but it must first demonstrate compelling interest to the court that the disclosure of such records is relevant and material to the issue. This court process offers the Board an avenue to obtain records while upholding the

psychotherapist's duty to patient privilege and protecting the patient's constitutional right to privacy.

Creating an unnecessary exception, when a court process to access private records already exists, is both detrimental to the integrity of psychotherapy and will likely have many significant far-reaching unintended consequences for all individuals seeking treatment. As mentioned, this proposed exception undermines California law that protects a patient's private health information from being disclosed without proper authorization by the patient or their representative. The fallout from this proposal would impact both patients and therapists. Patients may potentially lose trust in the confidentiality of their mental health care, start to withhold sensitive information in psychotherapy, or even decline to fully engage or seek treatment altogether. Moreover, the ramifications of this proposal will likely disproportionately impact certain populations including, but not limited to, LGBTQ+ communities, individuals seeking gender affirming care, undocumented individuals and immigrants fearful of deportation, among many other demographics in the mental health landscape. On the other end, therapists may feel a need to lower the level of detail in their notes out of fear of potential scrutiny or unauthorized disclosure that may hurt the patient.

For these reasons, we respectfully request that issue # 1 on Section 10 of the Board of Psychology's Sunset Review Report 2025 not move forward. Thank you for your attention to these concerns and we welcome any dialogue on these issues.

Sincerely,



Shanti Ezrine, MPA
State Government Affairs Associate



Cathy Atkins, JD
Deputy Executive Director

cc: Honorable Members, Assembly Business and Professions Committee
Honorable Members, Senate Business and Professions and Economic Development Committee
Kaitlin Curry, Consultant, Assembly Business and Professions Committee
Anna Billy, Consultant, Senate Business and Professions and Economic Development Committee



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Chinatown Service Center

Yolanda Whittington
SISTA/FRIENDS Women's
Counseling and Eldercare
Management

CHIEF EXECUTIVE OFFICER

Le Ondra Clark Harvey, Ph.D.

Sent via electronic transmission

April 8th, 2025

The Honorable Marc Berman
Chair, Assembly Business and Professions Committee
1020 N Street, Room 379
Sacramento, CA 95814

The Honorable Angelique Ashby
Chair, Senate Business, Professions, and Economic Development Committee
1021 O Street, Room 3320
Sacramento, CA 95814

**RE: Joint Sunset Review – Board of Psychology – Exception to
Psychotherapist-Patient Privilege for Board Investigations – CONCERNS**

Dear Chair Berman and Chair Ashby,

The California Behavioral Health Association (CBHA) is submitting this letter of concern regarding the state Board of Psychology's Sunset Review Issue #11 on page 26 of the Joint Sunset Review Committee [background paper](#). We request the proposal not move forward for consideration.

CBHA is a statewide association of mental health and substance use disorder agencies and business which provide behavioral health services to over two million Californians across the lifespan. We believe in an adequately funded, comprehensive, community-based behavioral health system for all. We value outcome-based, data-driven, culturally responsive, and linguistically appropriate approaches to service provision. CBHA works strategically and collaboratively to pursue policy initiatives that create positive system change for diverse communities across California. We are committed to state efforts to develop and maintain a professional workforce while simultaneously protecting the privacy of the clients they serve.

The proposal outlined in the Board of Psychology's Sunset Review Issue #11 would establish a psychotherapist-patient privilege exception for the purpose of Board investigations. We are concerned the proposal circumvents legally protected consumer privacy and sets a dangerous precedent with other state regulatory boards. The need to protect psychotherapist-patient privilege is of utmost importance to providers and patients alike.

There is no need for this additional psychotherapist-patient privilege for Board investigations. As stated in the proposal, if a client refuses to disclose records, the Board's recourse to obtain the records is to formally request them with a subpoena and obtain a civil court order to enforce it. This means the Board



may still obtain a patient's psychotherapy records, but it must first demonstrate compelling interest to the court that's the disclosure of the records is relevant and material to the issue at hand. This court process offers the Board an avenue to obtain records while upholding the psychotherapist's duty to patient privilege and protecting the patient's constitutional right to privacy. The Board has additionally reported it has only had to close three cases over the past four years due to an inability to access records, which ultimately renders the proposal unnecessary.

Creating this unnecessary exception, when a court process to access private records already exists, is detrimental to the integrity of psychotherapy and will likely lead to unintended adverse consequences for all individuals seeking treatment. As mentioned, this proposed exception undermines California law protecting a patient's private health information from being disclosed without proper authorization by the patient or their representative. The fallout of this proposal would impact both providers and patients. Patients may potentially lose trust in the confidentiality of their mental health care, withhold sensitive information in sessions, or even decline to fully engage or seek treatment altogether. Moreover, the ramifications will likely disproportionately impact populations who have been historically underserved – the LGBTQ2S+ community, individuals seeking gender-affirming care, and undocumented and documented immigrants alike who are fearful of deportation, among others – in the mental health landscape. And providers may feel the need to lower the level of detail in their documentation out of fear of potential scrutiny or unauthorized disclosure which may harm the patient.

For these reasons, CBHA respectfully requests that the Board of Psychology's Sunset Review Issue #11 not move forward for consideration. For more information about CBHA and the providers we represent, please feel free to follow up with any questions to either myself at cstelzer@calbha.org or our CEO, Le Ondra Clark Harvey, Ph.D. at lclarkharvey@calbha.org.

Respectfully,

Carli Stelzer, MPH
Senior Policy and Legislative Affairs Advisor

Le Ondra Clark Harvey, Ph.D.
Chief Executive Officer, CBHA

CC: Honorable Members, Assembly Business & Professions Committee



Honorable Members, Senate Business, Professions, and Economic Development Committee

Kaitlin Curry, Consultant, Assembly Business & Professions Committee

Anna Billy, Consultant, Senate Business, Professions, and Economic Development Committee



February 14, 2025

Marc Berman
Chair, Assembly Committee on Business and Professions
1020 N Street, Room 379
Sacramento, CA 95814

Angelique Ashby
Chair, Senate Committee on Business, Professions, and Economic Development
1021 O Street, Room 3320
Sacramento, CA 95814

RE: Joint Sunset Review – Board of Psychology – Exception to Psychotherapist-Patient Privilege for Board Investigations—CONCERNS

On behalf of the California Psychological Association (CPA), representing licensed psychologists and others affiliated with delivering psychological services, we are deeply concerned with the California Board of Psychology's proposed exception to the psychotherapist-patient privilege in Board investigations, as outlined in proposal #1 under Section 10 of the [Sunset Report](#), page 97 of the report. We believe that this proposal should not move forward as it will be detrimental to the integrity of therapy and the psychotherapist-patient privilege and have significant unintended consequences.

This proposal threatens to erode fundamental privacy protections for consumers seeking mental health care. Confidentiality is a cornerstone of psychotherapy, creating an environment in which individuals can openly discuss personal and sensitive matters without fear that their private thoughts will be exposed. The integrity of this relationship is essential for effective therapy, especially for vulnerable populations such as LGBTQ+ youth, individuals experiencing domestic violence, individuals seeking abortion services or discussing their decision to have an abortion, and undocumented individuals fearful of deportation. The proposed change undermines this essential trust, potentially causing individuals to withhold information or avoid seeking help altogether.

The vast majority of Board investigations stem from patient-initiated complaints, where the patient voluntarily consents to the release of their records to pursue action against their current or former psychotherapists. California law already allows for penalties and disciplinary measures against psychologists who fail to disclose records when authorized by a patient or their legal representative. This is the primary way the Board accesses private

health records in cases where complaints are made against psychologists, thus enabling the Board to address unprofessional and unlawful conduct.

However, in some cases, complaints are made by third parties, such as parents in custody disputes or others with vested interests. This group is relatively small and represents a low percentage of the total complaints received. In cases where the complaint involves confidential communication between a patient and a psychologist, the psychologist is prohibited from disclosing the private health information of someone who has not raised a concern about their services. In such situations, psychologists inform the Board that they cannot release confidential records without proper authorization.

In these instances, the proposal would allow the Board to access confidential records without patient consent. This could create unintended and damaging consequences, such as disclosing sensitive information about a patient's therapy to a third party against their will. For example, a parent might file a complaint about a psychologist's treatment of an LGBTQ+ youth, prompting the Board to access private records detailing the patient's gender identity or other sensitive issues. This could cause profound harm, particularly for younger individuals whose privacy and well-being are at stake.

It is important to note that this proposed erosion of the psychotherapist-patient privilege is completely unnecessary. If the Board wishes to obtain access to records without the patient's consent, it can subpoena those records and pursue a civil court order to enforce the subpoena. The subpoena process allows a judge to determine whether or not access to records without the patient's consent is warranted and appropriate. The judge may also grant protective orders covering any such records.

When investigative subpoenas are issued, a copy is sent to the patient, who has the opportunity to respond or object. The Board informs the consumer that if they do not object, the Board will obtain the records from the psychologist, who must then comply, facing disciplinary action for noncompliance. If the patient receiving the notice does not respond or chooses not to object, the records are typically disclosed. This protects the psychologist from accusations of unlawfully breaching confidentiality and allows the Board to access the relevant health care records. The Board can further seek a civil court order to enforce the subpoena if the patient objects and the Board believes there is a compelling need to access the records.

Additionally, the Board of Psychology has cited that this proposal is based on language that exists for the Medical Board of California. The Medical Board provision, Business and Professions Code 2225 (b), however, only grants authority to inspect patient documents where patient consent is given. The Medical Board does have authority to inspect documents relevant to business operations of a licensee, not involving medical records with identifiable patients, if they are relevant to an investigation of a licensee.

Furthermore, the proposal introduces a significant risk of a "chilling effect" on both patients and therapists. Patients may fear that their confidentiality could be breached, discouraging them from seeking treatment or fully engaging in therapy. This is particularly dangerous for those with sensitive needs who rely on the assurance that their personal information will remain protected. Additionally, therapists may feel compelled to alter their note-taking practices by censoring their records. This compromises the quality of care and the ethical foundation of the therapeutic process.

The current process for accessing private records through subpoenas already ensures proper oversight and safeguards, including judicial review. Subpoenas provide a necessary check on the Board's ability to access confidential health records without patient consent, allowing a judge to assess whether access is warranted. This process balances the need for investigative authority with the protection of privacy. The proposed change would bypass this necessary oversight, creating a routine and unchecked path to accessing psychotherapy records, regardless of patient objections.

There is no evidence that this change is necessary to address any persistent or widespread issue in Board investigations. The existing process works effectively, providing the Board with sufficient authority to protect public safety while respecting the confidentiality rights of patients. The proposed revision represents an unnecessary and disproportionate response that would undermine privacy protections without justifiable cause.

Considering these concerns, we respectfully urge the California legislature to reject Proposal #1 in Section 10 the Sunset Review Report. The protection of patient privacy and the integrity of the therapeutic relationship must remain paramount. We believe that the current system already provides a robust framework for addressing complaints and regulating the practice of psychology while safeguarding the confidential nature of psychotherapy. Allowing this proposal to move forward would set a dangerous precedent, harming patients and therapists. If you have any questions, please contact me at trinde@cpapsych.org.

Sincerely,

A handwritten signature in cursive script that reads "Tyler Rinde". The signature is written in dark ink on a white background.

Tyler Rinde
Director of Government Affairs

cc: Honorable Members, Assembly Business and Professions Committee
Honorable Members, Senate Business and Professions and Economic Development Committee
Kaitlin Curry, Consultant, Assembly Business and Professions Committee

Sarah Mason, Chief Consultant, Senate Business and Professions and Economic Development Committee

Anna Billy, Consultant, Senate Business and Professions and Economic Development Committee

Jonathan Burke, California Board of Psychology

April 9, 2025

Marc Berman
Chair, Assembly Committee on Business and Professions
1020 N Street, Room 379
Sacramento, CA 95814

Angelique Ashby
Chair, Senate Committee on Business, Professions, and Economic Development
1021 O Street, Room 3320
Sacramento, CA 95814

RE: Joint Sunset Review – Board of Psychology – Exception to Psychotherapist-Patient Privilege for Board Investigations—CONCERNS

Dear Berman and Chair Ashby,

On behalf of the **National Association of Social Workers, California Chapter (NASW-CA)**, the largest professional association of social workers in California, I am writing to express our concerns regarding Issue #11 on page 26 of the Joint Sunset Review Committee background paper, which proposes a psychotherapist-patient privilege exception for Board investigations. We respectfully request that this proposal not move forward.

NASW-CA's mission is to elevate the social work profession and protect vulnerable communities, and we believe that this proposal poses significant risks to the confidentiality and privacy of patients. The psychotherapist-patient privilege is a cornerstone of ethical practice and patient trust in mental health care. Creating an exception for Board investigations undermines this fundamental protection and sets a troubling precedent for other regulatory boards.

We are concerned that the proposed exception circumvents legally protected consumer privacy rights, potentially leading to unintended consequences for both patients and providers. As noted in the proposal, the Board of Psychology already has the option to request records through a formal subpoena and obtain a civil court order to enforce this request. This process ensures that records are disclosed only when the Board can demonstrate a compelling interest, thereby balancing the need for investigation with the protection of patient privacy. The fact that the Board has reported closing only three cases in the last four years due to an inability to access records further suggests that such an exception is unnecessary.

The creation of this exception risks eroding patient trust in psychotherapy, particularly for vulnerable populations who already face significant barriers to accessing mental health care. Patients, especially those from marginalized groups—such as LGBTQ+ individuals, immigrants, or those seeking gender-affirming care—may feel less secure in seeking help if they fear that their confidential information could be exposed without their consent.

Additionally, therapists may feel compelled to reduce the detail and transparency of their notes, potentially compromising the quality of care provided.

NASW-CA urges you to reconsider the impact this proposed exception could have on the integrity of psychotherapy and the confidentiality patients rely on when seeking care. We believe that the current legal framework, which includes the court process for obtaining records, is sufficient to protect both the Board's investigative needs and the privacy rights of patients.

For these reasons, we respectfully request that Issue #11 of the Board of Psychology's Sunset Review background paper not move forward. We are available to discuss this issue further and welcome any opportunity for dialogue. Please feel free to contact us at

naswca@socialworkers.org

Thank you for your attention to this critical matter.

Sincerely,

Kimberly Warmesley, MSW, LCSW

Executive Director
NASW California Chapter

cc: Honorable Members, Assembly Business and Professions Committee
Honorable Members, Senate Business and Professions and Economic Development Committee
Kaitlin Curry, Consultant, Assembly Business and Professions Committee
Anna Billy, Consultant, Senate Business and Professions and Economic Development Committee

ISSUE #14: (TEMPORARY PRACTICE) Do provisions allowing out-of-state psychologists to temporarily practice in California need clarifying?

Background: This is a continuation of Issue #15 from the Board's 2021 sunset review.

BPC § 2912 allows a psychologist licensed in another state or Canada at the doctoral level to offer psychological services in California for 30 days in a calendar year. It is currently unclear whether the limit applies to consecutive or nonconsecutive days. Moreover, it is uncertain whether "day" means any portion of a day or a specific number of hours in a single day. The Board requests clarifying amendments.

Staff Recommendation: *The committees may wish to consider amending BPC § 2912 to mirror BPC § 4980.11, which authorizes therapists licensed by the Board of Behavioral Sciences to temporarily practice in California for up to 30 consecutive days in any calendar year, if stated conditions are met.*

Board Response:

Currently, the Board does not have a tracking mechanism for temporary practice for psychologists licensed in another state. If the Board receives complaints regarding excessive use of the temporary practice provision, the Board would investigate those allegations. The Board had requested a clarifying change that for those who are operating within the 30-day requirement those days are nonconsecutive calendar days. The Board proposed this change in Attachment #4 of its Sunset Report.

At the March 24, 2025 Sunset Hearing Senator Ashby expressed concern that out-of-state practitioners are not registered and could be practicing on California consumers without the Board's knowledge and suggested that the Board look to recent statutory amendments addressing this issue by the Board of Behavioral Sciences (BBS).

In 2023, AB 232 (Aguiar-Curry, Chapter 640, Statutes of 2023) amended BBS's practice act to allow greater oversight of those practicing in California temporarily from out-of-state. The amended law does the following:

- Allows an out-of-state licensee with a current, active, and unrestricted license in psychology at the doctoral level to obtain a temporary practice allowance to see a travelling or relocating client for a period of 30 consecutive days in a calendar year.
- Requires the client to be located in California, and requires the client to have been the licensee's client immediately before the client travels to California.
- Requires the therapist to inform the client of the limited time frame of the services, provide their license information, and provide the Board's internet website address.
- Prior to providing services, the licensee must provide the Board with specified information about their license, identity, and contact information.

Below is proposed language mirroring the BBS provisions for possible inclusion in the Board's practice act.

Current Law:

Business and Professions Code §2912.

Nothing in this chapter shall be construed to restrict or prevent a person who is licensed as a psychologist at the doctoral level in another state or territory of the United States or in Canada from offering psychological services in this state for a period not to exceed 30 days in any calendar year.

Proposed Law:

Business and Professions Code §2912.

~~Nothing in this chapter shall be construed to restrict or prevent a person who is licensed as a psychologist at the doctoral level in another state or territory of the United States or in Canada from offering psychological services in this state for a period not to exceed 30 days in any calendar year.~~

(a) Notwithstanding Section 2903, a person who holds a license in another jurisdiction of the United States or in Canada as a psychologist at the doctoral level may provide psychological 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 doctoral level 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 Psychology's 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 psychological 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) An official license verification letter provided by the jurisdiction, or entity authorized by the jurisdiction, in which the license was granted.

(4) The date on which the person will begin providing psychological 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, 20XX, and as of that date is repealed.



Board of Behavioral Sciences



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Gavin Newsom, Governor
State of California
Business, Consumer Services and Housing Agency
Department of Consumer Affairs

TEMPORARY PRACTICE ALLOWANCE FOR OUT-OF-STATE LICENSEES

The Board now offers a one-time per calendar year, 30-day temporary practice allowance, which allows qualifying marriage and family therapists, professional clinical counselors, and clinical social workers who are licensed in other states or jurisdictions of the U.S. to provide therapy services to an existing client while the client is travelling in California. If granted, the temporary practice allowance is valid for 30 consecutive days per calendar year.

To qualify for the temporary practice allowance, you must meet all of the following requirements:

- You must hold a license as either a marriage and family therapist, professional clinical counselor, or clinical social worker in another jurisdiction of the United States. That license must permit you to practice at the highest level for independent clinical practice in that jurisdiction.
- Your license must be current, active, and unrestricted.
- You must never have held a license that was suspended or revoked by the California Board of Behavioral Sciences.
- Your client must be located in California during the time for which you are seeking to provide care. The client must also be a current client of yours, and you must already have an established, ongoing client-provider relationship with that person.
- You must inform your client that you are not licensed in California, and that the services you are providing them while they are located in California are for a limited time.
- You must provide your client with the California Board of Behavioral Sciences' website address (www.bbs.ca.gov).

- You must inform your client of the jurisdiction in which you hold a license, and provide them with the type of license held and your license number.
- You must provide the California Board of Behavioral Sciences (Board) with the following information:
 - The name you are licensed under, mailing address, phone number, social security number or individual taxpayer identification number, and email address.
 - The jurisdiction in which you are licensed, type of license held, and license number.
 - The date on which you will begin providing services to your client while they are in California.
- If you are issued a temporary practice allowance, you are deemed to have agreed to be practicing under the Board's jurisdiction, and are bound by the laws of the State of California.

How to Apply

You will need to create an account on Breeze, which is the Board's online licensing system, by clicking [here](#). If you need assistance creating an account, see our [Breeze Helpful Hints](#).

Once you have created a Breeze account, under Start a New Application or Take an Exam section choose California Board of Behavioral Sciences from the first drop-down menu. Then choose Temporary 30 Day Practice Allowance (Out of State Licensees Only) from the next drop-down menu. It is important that you provide an email address and check the box to receive email notifications when applying, as all correspondence from the Board will be by email.

If you qualify and have been approved for a Temporary 30 Day Practice Allowance, you will receive a notice by email. (A paper certificate will NOT be issued.) The notice will contain instructions, including the start date and end date for your temporary practice allowance. At this point, you may proceed with practicing with your client during the dates specified on your notice.

FAQS

What is the purpose of the temporary practice allowance?

The purpose is to allow therapists licensed in other states to have continuity of care with their clients who may need to continue therapy sessions while they are in California. For example, a client may be vacationing or traveling for work in California, and may still wish to see their therapist during that time via telehealth. Or a client may be in the process of moving to California, and may wish to continue to see their old therapist for a short time while they are in the process of finding a new, California licensed therapist.

Is there a cost to obtain the temporary practice allowance?

No - it is free. You will need to create a Breeze account with the Board (also free).

Can I be granted multiple temporary practice allowances in a calendar year?

No. You can only be granted one temporary practice allowance per calendar year (January 1 through December 31), which is valid for 30 consecutive days.

If you find that you need multiple temporary practice allowances in any given year, we recommend that you consider obtaining a California license in your profession. If you have been actively licensed for at least 2 years in your home state, you may be eligible for a streamlined process of obtaining a California license. Information about the process for out-of-state licensees to obtain a California license can be found here:

- For LMFTs: https://www.bbs.ca.gov/pdf/forms/mft/lmft_oos_req_chart_01012016.pdf
- For LPCCs: https://www.bbs.ca.gov/pdf/forms/lpc/lpcc_oos_req_guide.pdf
- For LCSWs: https://www.bbs.ca.gov/pdf/lcsw_guide.pdf

Can I see multiple clients during the time I have been granted a temporary practice allowance?

If you qualify for a temporary practice allowance and you have more than one client travelling in California during the dates it is valid, you may see them as long as each client meets the criteria. This means that each person needs to be a current client of yours, with whom you have an established, ongoing client-provider relationship with. You must also provide each client with all of the required information, as listed above.

For example, if you have current, established clients that are a couple or a family, and they are visiting California on vacation, then you may obtain a temporary practice allowance to continue treating them (for up to 30 consecutive calendar days) while they are on vacation.

Once I obtain the temporary practice allowance, can I change the start date?

No. When you apply for the temporary practice allowance, you enter the date in which you plan to start seeing your client while they are in California. From this, an end date 30 days later automatically generates, and your receipt letter will show the dates for which your allowance is valid. It is not possible to change the dates once the allowance is granted. If you do not yet know the dates that your client will be travelling in California, do not apply for the temporary practice allowance until you know them.

I am a pre-licensed associate or intern in another state. Can I obtain a temporary practice allowance?

No. The temporary practice allowance is only available to persons fully licensed in other states or U.S. jurisdictions as a marriage and family therapist, professional clinical counselor, or clinical social worker, at the highest level for independent clinical practice.

What do I need to know about California's laws?

When you are issued a temporary practice allowance, you are deemed to have agreed to practice under the jurisdiction of the California Board of Behavioral Sciences and to be bound by the laws of this state.

California has specific laws related to the practices of marriage and family therapy, professional clinical counseling, and clinical social work which may differ from those in the state in which you are licensed, and therefore you should become familiar with them. For example, some differences may include, but not be limited to, the following:

- Differences in the processes for reporting child and elder abuse.
- California law prohibits engaging in sexual orientation change efforts with a patient under age 18.
- California has specific laws and regulations related to [telehealth](#).

We strongly recommend that you take a California Law and Ethics course prior to initiating services with a client in California. There are many online continuing education providers who offer such courses. If you have questions or need legal advice, you should contact your professional association or a qualified attorney.

What if I have further questions?

For questions, click here to [Message the Board](#) and choose Temporary Practice Allowance - Out of State Licensees Only.

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.

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.

BOARD OF BEHAVIORAL SCIENCES: TEMPORARY PRACTICE ALLOWANCE FOR OUT-OF-STATE LICENSEES

OVERVIEW

This bill proposes a 30-day temporary practice allowance to qualifying therapists licensed out-of-state whose client is visiting California, or is in the process of moving here.

DISCUSSION OF THE PROBLEM

Current Board of Behavioral Sciences (Board) licensing law requires a therapist to hold a valid and current California license or registration in order to provide therapy with a client who is physically located in California. There are no exceptions to this.

This can cause continuity of care issues for a client who is temporarily visiting California and needs to see their out-of-state licensed therapist via telehealth. It can also complicate the process for a client who permanently moves to California and needs to see their current therapist temporarily while they search for a therapist who is licensed in California.

PROPOSED SOLUTION

Several other states have temporary practice allowances for equivalent out-of-state licensees so that visiting or relocated clients can obtain services from their current therapist for a limited period of time. The Board examined the varying features of these laws in order to draft its proposal, which does the following:

- Allows an out-of-state licensee with a current, active, and unrestricted license in a profession equivalent to the Board's marriage and family therapist, clinical social work, or professional clinical counselor professions to obtain

a temporary practice allowance to see a travelling or relocating client for a period of 30 consecutive days in a calendar year.

- Requires the client to be located in California, and requires the client to have been the licensee's client immediately before the client travels to California.
- Requires the therapist to inform the client of the limited time frame of the services, provide their license information, and provide the Board's internet website address.
- Prior to providing services, the therapist must provide the Board with specified information about their license, identity, and contact information.

The proposal also includes a sunset date that aligns with the Board's sunset date, in case any adjustments to the law need to be made after implementation.

SUPPORT/OPPOSITION

Support

- No official support currently. However, the Board believes its major stakeholders will support the proposal. This includes the following:
 - California Association for Professional Clinical Counselors (CALPCC)
 - National Association of Social Workers – California Chapter (NASW-CA)
 - California Association of Marriage and Family Therapists (CAMFT)

Oppose

- None at this time.

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