



Board of Behavioral Sciences



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Gavin Newsom, Governor  
State of California

Business, Consumer Services and Housing Agency  
Department of Consumer Affairs

## d). AB 1651

### Licensed Educational Psychologists (LEPs) as Supervisors

Effective January 1, 2020, associate marriage and family therapists, marriage and family therapist trainees, associate clinical social workers, and associate professional clinical counselors will be able to gain **up to 1,200 hours** of supervised experience under the supervision of a licensed educational psychologist (LEP) if certain conditions are met. LEPs may only supervise the provision of educationally related mental health services that fall in their scope of practice. Additionally, the LEP must meet the requirements for a supervisor specified in the Board of Behavioral Sciences' (Board's) statutes and regulations.

#### What are "Educationally Related Mental Health Services?"

The new law defines "educationally related mental health services" as mental health services provided for clients who have social, emotional, or behavioral issues that interfere with their educational progress, including all of the following:

- (1) Educationally related counseling services to clients qualified for special education that are necessary to receive a free appropriate public education in the least restrictive environment pursuant to the federal requirements of Section 1412 of Title 20 of the United States Code.
- (2) Intensive counseling services on a continuum which may reflect an increase in frequency, duration, or staff specialization to address the client's emotional and behavioral needs.
- (3) Counseling services provided by qualified practitioners.
- (4) Parent counseling and training.
- (5) Psychological services that include consulting with staff members in planning school programs to meet the client's educational needs and assisting in developing positive behavioral intervention strategies for the client.
- (6) Social work services such as preparing a social or developmental history on a client with a disability.
- (7) Group and individualized counseling with the client and family.

(8) Mobilizing school and community resources to enable the client to learn as effectively as possible in their educational program, as outlined in Section 300.34 of Title 34 of the Code of Federal Regulations.

### **What are the Requirements to Be a Supervisor?**

An LEP meeting the following requirements may supervise individuals gaining educationally related mental health services experience toward Board licensure<sup>1</sup>:

- Has held an active license as an LEP for at least two years within the five-year period immediately preceding any supervision. (This license is permitted to have been a California license or an equivalent out-of-state license);
- Has provided psychological counseling that is within the scope of practice of an LEP for at least two years within the five-year period immediately preceding supervision;
- Has received training in supervision (see next question below); and
- Maintains a current, active California LEP license. An LEP whose license is suspended or on probation is not permitted to supervise.

As a supervisor, you must not have provided therapeutic services to your supervisee, must not be a spouse, domestic partner, or relative of your supervisee, and must not have or previously had a personal, professional, or business relationship with your supervisee that undermines the authority or effectiveness of the supervision.

### **What Supervision Training am I Required to Have?**

The supervision training requirements are different depending on the type of pre-licensurees you will be supervising<sup>2</sup>:

- If you are supervising marriage and family therapist trainees, associate marriage and family therapists, or associate professional clinical counselors, you will need to have completed a supervision training course that is at least six hours in length. The course must be completed either before beginning supervision or within 60 days after beginning supervision. In addition, the supervision course must be retaken every renewal period while supervising. If you take this course from a continuing education provider that is acceptable to the Board, you can also count it toward the 36 hours of continuing education that is required to renew your license.
- If you are supervising any associate clinical social workers, you will need to have completed a one-time supervision training course that is at least fifteen hours in

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<sup>1</sup> Business and Professions Code sections 4980.03, 4996.20, 4999.12

<sup>2</sup> California Code of Regulations Title 16, Division 18, sections 1821, 1833.1, 1870

length. There is no additional follow-up course requirement. The course may be taken from a state agency or a continuing education provider that is acceptable to the Board. If you take this course from a continuing education provider that is acceptable to the Board, you can also count it toward the 36 hours of continuing education that is required to renew your license. (A word of caution: state agencies are not necessarily acceptable continuing education providers, so if you take the course from a state agency and also want to count it toward your 36 hours of continuing education required for renewal, make sure that the state agency is an acceptable continuing education provider.)

Information about finding acceptable continuing education coursework can be found on the Board's website at the following link: [https://bbs.ca.gov/licensees/cont\\_ed.html](https://bbs.ca.gov/licensees/cont_ed.html)

If you are not immediately planning on supervising an associate clinical social worker but think there is a chance you might want to do so at some point, the Board recommends that you initially take the 15-hour supervision course. This way, if the opportunity arises, you will be ready.

### **What are my Responsibilities as a Supervisor?**

As a supervisor, you have control of, and are responsible for the quality of services provided by your supervisees. Some of your responsibilities include the following<sup>3</sup>:

- (1) Ensuring the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.
- (2) Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.
- (3) Monitoring and evaluating the supervisee's ability to provide services at the site or sites where the supervisee is practicing and to the particular clientele being served.
- (4) Monitoring and addressing clinical dynamics, including, but not limited to, countertransference-, intrapsychic-, interpersonal-, or trauma-related issues that may affect the supervisory or the practitioner-patient relationship.
- (5) Ensuring the supervisee's compliance with laws and regulations governing the practice of clinical social work.
- (6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.
- (7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.

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<sup>3</sup> Business and Professions Code sections 4980.43.1, 4996.20, 4999.12

For more information about supervisor responsibilities, please see the supervisor responsibility statement forms on the Board's website, and the Board's [Statutes and Regulations](#).

### **How Many Supervisees May I Supervise?**

Supervisors at a private practice or a professional corporation are limited to 3 supervisees. There is no limit on the number of supervisees per supervisor in other settings, however, supervisors should take care to ensure that they can provide quality supervision and oversight to all of their supervisees.

### **Can I Begin Supervising Prior to January 1, 2020?**

No. The law only permits supervised experience hours gained under an LEP on or after January 1, 2020.

### **Can I be Audited as a Supervisor?**

Yes. The Board is permitted to audit supervisors to make sure they meet supervisor qualifications. You are required to maintain documentation that you met the supervisor qualifications for at least seven years after you stop supervising. You are required to provide this documentation to the Board if you are audited.

### **What else should I Know if I am an LEP Planning to Serve as a Supervisor?**

All LEPs who are supervising pre-licensees need to make sure they have a thorough understanding of the Board's laws related to supervision. Additional resources for supervisors can be found on the Board's website here: <https://bbs.ca.gov/licensees/supervisor.html> Supervisors should also review the Board's statutes and regulations related to supervision.

Failure to comply with the Board's statutes and regulations related to supervising experience hours is considered unprofessional conduct and may subject the supervisor to disciplinary action.