

LAW CHANGES EFFECTIVE 2015

The following bills became effective January 1, 2015. Below is a brief summary of the changes that affect Board of Behavioral Sciences (Board) licensees and registrants. The full text of the bills is incorporated in the Board's Statutes and Regulations publication at www.bbs.ca.gov/pdf/publications/lawsregs.pdf.

Assembly Bill 809 (Logue), Chapter 104, Statutes of 2014 – This bill amends Business and Professions Code section 2290.5 and requires, prior to telehealth, the health care provider initiating the use of telehealth to inform the patient about the use of telehealth. The provider must obtain and document verbal or written consent from the patient.

AB 1775 (Melendez) Chapter 264, Statutes of 2014 – This bill amends Penal Code section 11165.1, which makes downloading, streaming, or accessing through electronic or digital media, material in which a child is engaged in an obscene sexual act a mandated report under the Child Abuse and Neglect Reporting Act (CANRA).

AB 1843 (Jones) Chapter 283, Statutes of 2014 – The bill amends Business and Professions Code section 129 and Family Code sections 3025.5 and 3111 to allow the Board access to a child custody evaluation report for the purposes of investigating allegations that one of its licensees, while serving as a child custody evaluator, engaged in unprofessional conduct in the creation of the report.

AB 2213 (Eggman) Chapter 387, Statutes of 2014 – This bill amends the following Business and Professions Code sections 4980.72, 4980.78, 4980.80, 4980.90, 4999.57, 4999.58, 4999.59, 4999.60, and 4999.62, and adds sections 4980.79, 4980.81, and 4999.63 to allow out-of-state applicants to count

time licensed in another state in lieu of supervised experience. Additionally, out-of-state licensed professional clinical counselor (LPCC) applicants who meet the California law and ethics course requirement are no longer required to take an additional 18-hour California law and ethics course.

Senate Bill 578 (Wyland) Chapter 312, Statutes of 2014 – This bill amends Business and Professions Code sections 4980.49, 4989.51, 4993, and 4999.75 and requires Board licensees to retain patient records for a minimum of seven years from the date therapy is terminated.

SB 1012 (Wyland) Chapter 435, Statutes of 2014 – This bill amends Business and Professions Code sections 4980.43 and 4999.46 and increases the hours of direct supervisor contact experience that a marriage and family therapist intern, marriage and family therapist trainee, and professional clinical counselor intern may count toward licensure from five hours per week to six hours per week. This applies to supervision hours gained on or after January 1, 2009.

SB 1256 (Mitchell) Chapter 256, Statutes of 2014 – This bill amends Business and Professions Code section 654.3 and prohibits a healing arts licensee from doing the following:

- Arranging for patient credit or a loan from a third party without first providing written or electronic notice and a written treatment plan.
- Charging for treatment or costs not yet rendered to an open-end credit or third-party loan without providing a treatment plan and a list of which treatment and services are being charged in advance.

Any advance payment received through credit or third-party loan for treatment not yet rendered or costs not yet incurred must be refunded by the licensee within 15 days of the patient's request.

