

1 **Senate Bill 707 – Proposed Amendments**

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3
4 SECTION 1. Part 4 (commencing with Section 11975.10) is added to
5 Division 10.5 of the Health and Safety Code, to read:

6
7 PART 4. Alcohol and ~~o~~Other Drug Counselor Licensing and
8 Certification
9

10
11 CHAPTER 1. GENERAL PROVISIONS
12

13
14 11975.10. (a) This part shall be known, and may be cited, as the
15 Alcohol and Other Drug Counselor Licensing and Certification Act.

16 (b) This part shall be liberally construed to achieve its
17 objectives.
18

19 11975.15. For purposes of this part, the following terms have the
20 following meanings:

21 (a) "Certified Alcohol and Other Drug Counselor" or "CAODC" means
22 a person certified by the department pursuant to subdivision (a) of
23 Section 11975.35 **or 11975.36** to practice alcohol and drug counseling under
24 clinical supervision in a program licensed or certified by the
25 department under this division.

26 (b) "Certified Alcohol and Other Drug Counselor-Advanced" or
27 "CAODC-A" means a person certified by the department pursuant to
28 subdivision (b) of Section 11975.37 **or 11975.38** to practice alcohol and drug
29 counseling in a program licensed or certified by the department under
30 this division.

31 (c) "Certified Alcohol and Other Drug Counselor-Clinical
32 Supervisor" or "CAODC-CS" means a person certified by the department
33 pursuant to subdivision (c) of Section 11975.39 **or 11975.40** to practice alcohol
34 and drug counseling in a program licensed or certified by the
35 department under this division, and who may provide clinical
36 supervision to registrants, CAODCs, and CAODC-As.

37 (d) "Licensed Alcohol and Other Drug Counselor" or "LAODC" means a
38 person licensed by the department pursuant to Section 11975.41 **or 11975.42** to
39 practice alcohol and other drug counseling, and who may provide
40 clinical supervision to any other person licensed, certified, or
41 registered under this part and who may maintain an independent
42 counseling practice.

43 (e) "Clinical supervision" means the ongoing process in which the
44 supervisor participates with one or more supervisees to ensure
45 **high-quality care-service delivery across domains of counselor development,**
46 **professional and ethical standards, program development and quality assurance,**
47 **performance evaluation, and administration,** as described in "Competencies for
48 Substance Abuse Treatment Clinical Supervisors," Technical Assistance Publication
49 Series No. 21-A, 2007, published by the United States Department of Health and

1 Human Services, Substance Abuse and Mental Health Services Administration Center
2 for Substance Abuse Treatment, or other
3 sources as the department may specify by regulation.

4 (f) "Advertise" includes, but is not limited to, the issuance of
5 any card, sign, or device to any person, or the causing, permitting,
6 or allowing of any sign or marking on or in any building or
7 structure, or in any newspaper or magazine or in any directory, or
8 any printed matter, with or without any limiting qualification. It
9 also includes business solicitations communicated by radio or
10 television broadcasting, the Internet, or any other electronic
11 medium.

12 (g) "Registrant" means an uncertified or unlicensed person who is
13 in the course of completing the requirements for certification or
14 licensure under this part and is registered with the department who
15 has completed no less than 12 semester units or 18 quarter units of
16 the education required under this part.

17 (h) "Supervision" means responsibility for, and control of, the
18 quality of alcohol and other drug counseling services being provided.
19 Consultation or peer discussion shall not be considered to be
20 supervision.

21 (i)"Supervisee" means a registrant or certified or licensed
22 counselor under this part, as the case may be, who is seeking to
23 meet the supervised experience requirements of this part.

24 25 CHAPTER 2. ADMINISTRATION

26
27 11975.20. (a) The department shall administer and enforce this
28 part.

29 (b) The department may enter into an agreement with any
30 governmental agency or other entity, public or private, to administer
31 any portion of this part.

32
33 11975.25. In order to carry out the provisions of this part, the
34 department shall do, but shall not be limited to, all of the
35 following:

36 (a) Adopt rules and regulations as necessary to administer and
37 enforce this part. The adoption, amendment, and repeal of those rules
38 and regulations shall be made in accordance with the rulemaking
39 provisions of the Administrative Procedure Act (Chapter 3.5
40 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of
41 the Government Code).

42 (b) Develop standards for **registration**, certification and licensure of alcohol and other
43 drug counselors, including those persons presently
44 certified pursuant to regulations adopted by the department so that
45 they have an opportunity for certification or licensure under this
46 part with appropriate credit for the education, training, and
47 experience obtained prior to the department's implementation of this
48 part. The department shall establish standards for multiple levels of
49 alcohol and other drug counselors and may establish subspecialties
50 with distinct requirements.

1 (c) Issue licenses, certificates, and registrations beginning
2 January 1, 2011, to those who meet the qualifications of this part
3 and any regulations promulgated pursuant to this part.

4 (d) Take disciplinary action against counselors where appropriate,
5 including reprimand or probation, suspension, or revocation of the
6 license, certificate, or registration, issuance of administrative
7 citations, or imposition of administrative fines not to exceed five
8 thousand dollars (\$5,000), or any combination of these.

9 (e) Establish continuing education requirements.

10 (f) Establish procedures for the receipt, investigation, and
11 resolution of complaints.

12 (g) Establish criteria to determine whether the curriculum of an
13 educational institution satisfies the requirements imposed by this
14 part.

15 (h) Establish parameters of unprofessional conduct that are
16 consistent with generally accepted ethics codes for the profession.

17 (i) Establish reinstatement procedures for an expired or revoked
18 certificate or license.

19 (j) Establish registration and supervision requirements for
20 registrants, including those persons presently registered pursuant to
21 regulations adopted by the department, so that they have an
22 opportunity for registration, certification, and licensure under this
23 part with appropriate credit for the education, training, and
24 experience obtained prior to the department's implementation of this
25 part.

26 (k) Develop or adopt one or more examinations for administering to
27 prospective ***certificants and*** licensees. The test may be administered by the
28 department or by any public or private entity selected by the department.

29 (l) Maintain a database of certified and licensed counselors and
30 registrants, including the individual's status, any public record of
31 discipline, and other information as the department may require.

32 33 CHAPTER 3. LICENSING AND CERTIFICATION

34
35 11975.30. (a) The department shall **provisionally** certify ***or license, at the***
36 ***appropriate level specified in Section 11975.36, 11975.38, 11975.40 or 11975.42,*** as
37 ***a Certified Alcohol and Other Drug Counselor applicable,*** each person who the
38 department determines was certified as a counselor on ***January 1 December 31,***
39 2010, in accordance with regulations of the department ***then*** in effect ***immediately***
40 ***prior to January 1, 2010.***

41 (b) ***Provisional certification Certification or licensure provided pursuant to this***
42 ***section*** shall be in force for at least two, but not more than four, years, as the
43 department may determine by ***regulation, and shall then be renewable in the same***
44 ***manner as any other certification or license provided in this part.*** regulation.

45 (c) ***The department may withdraw or condition a provisional registration,***
46 ***certification for any reason for which it could or licensure provided pursuant to***
47 ***this section shall be subject to all of the same actions to*** deny, suspend, revoke, or
48 condition ***a any other*** registration, certificate, or license under this part.

49 (d) ***The department may specify, by regulations, conditions under***
50 ***which eligible persons may be provisionally certified at the level of***

1 ~~Certified Alcohol and Other Drug Counselor-Advanced or Certified~~
2 ~~Alcohol and Other Drug Counselor-Clinical Supervisor.~~

3 ~~—(e) The department shall specify by regulation the conditions under which persons~~
4 ~~registered to become certified, pursuant to the department's regulations in effect~~
5 ~~immediately prior to January 1, on December 31, 2010, may be eligible to be~~
6 ~~registered or certified under this part and receive appropriate credit for education,~~
7 ~~supervised experience, and work experience previously completed.~~

8 ~~—(f) This (e) The department shall not issue a registration, certification or license~~
9 ~~pursuant to this section ~~shall remain in effect only until January 1,~~~~
10 ~~2017, and as of that date is repealed, unless a later enacted~~
11 ~~statute, that is enacted complete application for same is actually received on or~~
12 ~~before January 1, 2017, deletes or extends December 31, 2013, that date.~~

13
14
15 ~~—11975.35. (a) Commencing January 1, 2011, the department shall~~
16 ~~issue CAODC certificates to a person who meets all of the following~~
17 ~~requirements:~~

18 ~~—(1) Meets one or more of the following:~~

19 ~~—(A) Completes 350 hours of education as specified in Section~~
20 ~~11975.45 and possesses a high school diploma or GED.~~

21 ~~—(B) Possesses an earned Associate of Arts, Associate of Science in~~
22 ~~alcohol and drug counseling, or other major or an equivalent degree~~
23 ~~recognized by the department by regulation, from an institution of~~
24 ~~higher learning accredited by the Western Association of Schools and~~
25 ~~Colleges or an equivalent regional accrediting agency approved by the~~
26 ~~United States Department of Education.~~

27 ~~—(2) Passes the test specified in Section 11975.50.~~

28 ~~—(3) Completes 250 hours of supervised experience as specified in~~
29 ~~Section 11975.55.~~

30 ~~—(4) Completes 2,080 hours of work experience as specified in~~
31 ~~Section 11975.60.~~

32 ~~—(5) Submits to a state and federal level criminal offender record~~
33 ~~information search and passes both background checks as specified in~~
34 ~~Section 11976.10.~~

35 ~~—(6) Pays the required fees as set by the department.~~

36 ~~—(7) Completes the application for a certificate and satisfies all~~
37 ~~other requirements of this part for certification as a CAODC.~~

38 ~~—(b) Commencing January 1, 2011, the department shall issue CAODC-A~~
39 ~~certificates to a person who meets all of the following~~
40 ~~requirements:~~

41 ~~—(1) Meets either of the following:~~

42 ~~—(A) Possesses an earned Bachelor of Arts, Bachelor of Science in~~
43 ~~alcohol and drug counseling, or other major or an equivalent degree~~
44 ~~recognized by the department by regulation, from an institution of~~
45 ~~higher learning accredited by the Western Association of Schools and~~
46 ~~Colleges or an equivalent regional accrediting agency approved by the~~
47 ~~United States Department of Education.~~

48 ~~—(B) Completes 10,000 hours of work experience as specified in~~
49 ~~Section 11975.60, within a period not exceeding 10 years prior to the~~
50 ~~date the application for certification was filed and possesses a~~

1 ~~high school diploma or GED.~~

2 ~~—(2) Meets all of the requirements of paragraphs (2) to (6),~~
3 ~~inclusive, of subdivision (a), plus both of the following additional~~
4 ~~requirements:~~

5 ~~—(A) Completes an additional 150 hours of supervised experience as~~
6 ~~specified in Section 11975.55.~~

7 ~~—(B) Completes the application for a certificate and satisfies all~~
8 ~~other requirements of this part for certification as a CAODC-A.~~

9 ~~—(c) Commencing January 1, 2011, the department shall issue~~
10 ~~CAODC-CS certificates to a person who meets all of the following~~
11 ~~requirements:~~

12 ~~—(1) Meets both of the following:~~

13 ~~—(A) Possesses an earned Bachelor of Arts, Bachelor of Science in~~
14 ~~alcohol and drug counseling, or other major or an equivalent degree~~
15 ~~recognized by the department by regulation, from an institution of~~
16 ~~higher learning accredited by the Western Association of Schools and~~
17 ~~Colleges or an equivalent regional accrediting agency approved by the~~
18 ~~United States Department of Education.~~

19 ~~—(B) Completes a course of education as specified in paragraph (3)~~
20 ~~of subdivision (b) of Section 11976.50 specifically directed to the~~
21 ~~competencies of clinical supervision.~~

22 ~~—(2) Meets all of the requirements of subparagraph (A) of paragraph~~
23 ~~(2) of subdivision (b), plus both of the following additional~~
24 ~~requirements:~~

25 ~~—(A) Completes an additional 150 hours of supervised experience as~~
26 ~~specified in Section 11975.55.~~

27 ~~—(B) Completes the application for a certificate and satisfies all~~
28 ~~other requirements of this part for certification as a CAODC-CS,~~
29 ~~including any additional requirements specified by the department~~
30 ~~related to clinical supervision.~~

31
32 **11975.35. Certified Alcohol and Other Drug Counselor. Commencing January 1,**
33 **2011, the department shall issue a CAODC certificate to each person who meets**
34 **all of the following requirements:**

35 **(a) Meets either of the following:**

36 **(1) Completes 350 hours of education as specified in Section**
37 **11975.45 and possesses a high school diploma or GED, or**

38 **(2) Possesses an earned Associate of Arts, Associate of Science in**
39 **alcohol and drug counseling, or other major or an equivalent degree**
40 **recognized by the department by regulation, from an institution of**
41 **higher learning accredited by the Western Association of Schools and**
42 **Colleges or an equivalent regional accrediting agency approved by the**
43 **United States Department of Education.**

44 **(b) Passes the test specified in Section 11975.50.**

45 **(c) Completes 250 hours of supervised experience as specified in**
46 **Section 11975.55.**

47 **(d) Completes 2,080 hours of work experience as specified in**
48 **Section 11975.60.**

49 **(e) Submits to a state and federal level criminal offender record**
50 **information search and passes both background checks as specified in**

1 **Section 11976.45.**

2 **(f) Pays the required fees as set by the department.**

3 **(g) Completes the application for a certificate and satisfies all**
4 **other requirements of this part for certification as a CAODC.**

6
7 **11975.36. Certified Alcohol and Other Drug Counselor; Previously Certified**
8 **Counselors. Commencing January 1, 2011 and ceasing with the disposition of all**
9 **complete applications actually received by the department by December 31, 2013,**
10 **the department shall issue a CAODC certificate pursuant to section 11975.30 to**
11 **each person who the department determines was certified as a counselor on**
12 **December 31, 2010, in accordance with regulations of the department then in**
13 **effect, and who meets the following requirements:**

14 **(a) Submits to a state and federal level criminal offender record**
15 **information search not later than June 30, 2011 and passes both background**
16 **checks as specified in Section 11976.45.**

17 **(b) Pays the required fees as set by the department.**

18 **(c) Completes the application for a certificate.**

19
20 **11975.37. Certified Alcohol and Other Drug Counselor—Advanced.**
21 **Commencing January 1, 2011, the department shall issue a CAODC-A certificate**
22 **to each person who meets all of the following requirements:**

23 **(a) Meets either of the following:**

24 **(1) Possesses an earned Bachelor of Arts, Bachelor of Science in**
25 **alcohol and drug counseling, or other major or an equivalent degree recognized**
26 **by the department by regulation, from an institution of higher learning accredited**
27 **by the Western Association of Schools and Colleges or an equivalent regional**
28 **accrediting agency approved by the United States Department of Education, or**

29 **(2) Completes 10,000 hours of work experience as specified in**
30 **Section 11975.60, within a period not exceeding 10 years prior to the**
31 **date the application for certification was filed and possesses a**
32 **high school diploma or GED.**

33 **(b) Passes the test specified in Section 11975.50.**

34 **(c) Completes 400 hours of supervised experience as specified in**
35 **Section 11975.55. Up to 250 hours credited to obtain a CAODC certificate may be**
36 **applied toward this requirement.**

37 **(d) Completes 2,080 hours of work experience as specified in**
38 **Section 11975.60.**

39 **(e) Submits to a state and federal level criminal offender record**
40 **information search and passes both background checks as specified in**
41 **Section 11976.45.**

42 **(f) Pays the required fees as set by the department.**

43 **(g) Completes the application for a certificate and satisfies all**
44 **other requirements of this part for certification as a CAODC-A.**

45
46
47 **11975.38. Certified Alcohol and Other Drug Counselor—Advanced; Previously**
48 **Certified Counselors. Commencing January 1, 2011 and ceasing with the**
49 **disposition of all complete applications actually received by the department by**
50 **December 31, 2013, the department shall issue a CAODC-A certificate pursuant to**

1 section 11975.30 to each person who the department determines was certified as
2 a counselor on December 31, 2010, in accordance with regulations of the
3 department then in effect, and who meets the following requirements:

4 (a) Submits to a state and federal level criminal offender record
5 information search not later than June 30, 2011 and passes both background
6 checks as specified in Section 11976.45.

7 (b) Pays the required fees as set by the department.

8 (c) Completes the application for a certificate.

9 (d) Prior to January 1, 2011, meets the requirements of Section 11975.37, or
10 possesses an advanced certification issued by one of the certifying organizations
11 recognized by the department under its regulations in effect on December 31,
12 2010, which certification the department determines by regulation makes the
13 holder eligible for certification at the CAODC-A level.

14
15 11975.39. Certified Alcohol and Other Drug Counselor—Clinical Supervisor.
16 Commencing January 1, 2011, the department shall issue a
17 CAODC-CS certificate to each person who meets all of the following
18 requirements:

19 (a) Meets both of the following:

20 (1) Possesses an earned Bachelor of Arts, Bachelor of Science in
21 alcohol and drug counseling, or other major or an equivalent degree recognized
22 by the department by regulation, from an institution of higher learning accredited
23 by the Western Association of Schools and Colleges or an equivalent regional
24 accrediting agency approved by the United States Department of Education.

25 (2) Completes 40 hours of continuing education specifically directed to the
26 competencies of clinical supervision, as approved by the department.

27 (b) Passes the test specified in Section 11975.50.

28 (c) Completes 550 hours of supervised experience as specified in
29 Section 11975.55. Up to 400 hours credited to obtain a CAODC-A certificate,
30 which may include up to 250 hours credited to obtain a CAODC certificate, may
31 be applied toward this requirement.

32 (d) Completes 2,080 hours of work experience as specified in
33 Section 11975.60.

34 (e) Submits to a state and federal level criminal offender record
35 information search and passes both background checks as specified in
36 Section 11976.45.

37 (f) Pays the required fees as set by the department.

38 (g) Completes the application for a certificate and satisfies all
39 other requirements of this part for certification as a CAODC-CS,
40 including any additional requirements specified by the department
41 related to clinical supervision.

42
43 11975.40. Certified Alcohol and Other Drug Counselor—Clinical Supervisor;
44 Previously Certified Counselors. Commencing January 1, 2011 and ceasing with
45 the disposition of all complete applications actually received by the department
46 by December 31, 2013, the department shall issue a CAODC-CS certificate
47 pursuant to section 11975.30 to each person who the department determines was
48 certified as a counselor on December 31, 2010, in accordance with regulations of
49 the department then in effect, and who meets the following requirements:

50 (a) Submits to a state and federal level criminal offender record

1 information search not later than June 30, 2011 and passes both background
2 checks as specified in
3 Section 11976.45.

4 (b) Pays the required fees as set by the department.

5 (c) Completes the application for a certificate.

6 (d) Prior to January 1, 2011:

7 (1) Meets the requirements of section 11975.39, or

8 (2) Possesses an advanced certification issued by one of the certifying
9 organizations recognized by the department under its regulations in effect on
10 December 31, 2010, which certification the department determines by regulation
11 makes the holder eligible for certification at the CAODC-CS level, or

12 (3)(A) Completes 10,000 hours of work experience in clinical supervision as
13 specified in Section 11975.60, within a period not exceeding 10 years prior to the
14 date the application for certification was filed, and

15 (B) Completes 40 hrs of continuing education specifically directed to the
16 competencies of clinical supervision, as approved by the department.

17
18
19 11975.41. Licensed Alcohol and Other Drug Counselor. Commencing January 1,
20 2011, the department shall issue an LAODC license to a person who meets all of the
21 following requirements:

22 (a) Possesses an earned Master of Arts, Master of Science, or Doctorate degree in
23 alcohol and drug counseling, psychology, or social work, or other
24 major or an equivalent degree recognized by the department by
25 regulation, from an institution of higher learning accredited by the
26 Western Association of Schools and Colleges or an equivalent regional
27 accrediting agency approved by the United States Department of
28 Education.

29 (b) Completes a course of education as specified in paragraph (3)
30 of subdivision (b) of Section 11976.50 specifically directed to the
31 competencies of clinical supervision.

32 (c) Passes the test specified in Section 11975.50.

33 (d) Completes 2,000 hours of supervised experience as specified in
34 Section 11975.55.

35 (e) Completes 6,000 hours of work experience as specified in
36 Section 11975.60.

37 (f) Submits to a state and federal level criminal offender record
38 information search and passes both background checks as specified in
39 Section 11976.45.

40 (g) Pays the required fees as set by the department.

41 (h) Completes the application for a license and satisfies all
42 other requirements of this part for licensure as an LAODC.

43
44 11975.42. Licensed Alcohol and Other Drug Counselor; Previously Certified
45 Counselors. Commencing January 1, 2011 and ceasing with the disposition of all
46 complete applications actually received by the department by December 31, 2013,
47 the department shall issue an LAODC license pursuant to section 11975.30 to
48 each person who the department determines was certified as a counselor on
49 December 31, 2010, in accordance with regulations of the department then in
50 effect, and who meets the following requirements:

1 **(a) Submits to a state and federal level criminal offender record**
2 **information search not later than June 30, 2011 and passes both background**
3 **checks as specified in**
4 **Section 11976.45.**

5 **(b) Pays the required fees as set by the department.**

6 **(c) Completes the application for a certificate.**

7 **(d) Prior to January 1, 2011, meets the requirements of section 11975.41, or**
8 **possesses an advanced certification issued by one of the certifying organizations**
9 **recognized by the department under its regulations in effect on December 31,**
10 **2010, which certification the department determines by regulation makes the**
11 **holder eligible for licensure as an LAODC.**

12
13 ~~11975.45. The education required in Sections 11975.35 and~~
14 ~~11975.40 11975.45. The education required in this part~~ shall meet both of the
15 following requirements:

16 (a) The curriculum shall include all of the following:

17 (1) **For all counselors,** "Addiction Counseling Competencies," Technical Assistance
18 Publication Series No. 21, 2006, published by the United States
19 Department of Health and Human Services, Substance Abuse and Mental
20 Health Services Administration, Center for Substance Abuse Treatment.

21 (2) **For counselors at the CAODC-CS or LAODC level,** "Competencies for
22 Substance Abuse Treatment Clinical Supervisors," Technical Assistance Publication
23 Series No. 21-A, 2007, published by the United States Department of Health and
24 Human Services, Substance Abuse and Mental Health Services Administration, Center
25 for Substance Abuse Treatment.

26 (3) Other materials, sources, and requirements in addition to, or
27 in lieu of, the above, including, but not limited to, more specific
28 subject matter requirements, as the department may specify by
29 regulation.

30 (b) Education provided by ~~either~~ **any** of the following, **as applicable**:

31 (1) An institution of higher learning accredited by the Western
32 Association of Schools and Colleges or an equivalent regional
33 accrediting agency approved by the United States Department of
34 Education.

35 (2) Other providers as approved by the department, whether
36 individually, through accreditation by another entity recognized by
37 the department, or otherwise as the department may specify by
38 regulation.

39 **(3) An education provider accredited in the alcohol and other drug counseling**
40 **field by the National Commission for Certifying Agencies, provided that any**
41 **education delivered on or after January 1, 2011 shall be recognized by the**
42 **department only if it has been validated to effectively cover the curriculum**
43 **specified pursuant to this part.**

44
45 ~~—11975.50. The test required for certification under Sections~~
46 ~~11975.35 and 11975.40 shall be any, or all, of the following as~~
47 ~~determined by the department:~~

48 ~~—(a) The written examination offered by the International~~
49 ~~Certification & Reciprocity Consortium/Alcohol & Other Drug Abuse,~~
50 ~~Inc., an organization comprised of domestic and international~~

1 ~~organizations involved in credentialing and licensing alcohol and~~
2 ~~other drug counselors.~~

3 ~~—(b) Alternate or additional test or tests as the department may~~
4 ~~develop.~~

5 ~~—(c) Alternate or additional test or tests as the department may~~
6 ~~recognize and approve, whether individually, through accreditation by~~
7 ~~another entity recognized by the department, or otherwise as the~~
8 ~~department may specify by regulation.~~

9
10 **11975.50. The department shall develop or recognize a test for each level of**
11 **certification or licensure provided in this part. A test recognized by the**
12 **department shall meet these criteria, as determined by the department:**

13 **(a) Nationally recognized.**

14 **(b) Validated to cover the curriculum specified pursuant to this part.**

15 **(c) Administered at a frequency and under conditions providing reasonable**
16 **access and security.**

17
18 11975.55. The supervised experience required ~~for certification~~
19 ~~under Sections 11975.35 and 11975.40~~ **by this part** shall meet all of the following
20 criteria:

21 (a) The required supervised experience may be gained under the
22 clinical supervision of a CAODC-CS, an LAODC, or another licensed
23 mental health professional specified by the department by regulation.

24 This experience shall consist of all of the following:

25 (1) A minimum of 70 percent of the required hours shall be
26 face-to-face individual or group counseling provided to clients in
27 the context of alcohol and other drug services, unless the department
28 modifies this requirement by regulation.

29 (2) A maximum of 30 percent of the required hours may be in case
30 management, client-centered advocacy, consultation, evaluation, and
31 research, unless the department modifies this requirement by
32 regulation.

33 (3) The required hours of supervised experience shall be obtained
34 over a period of not less than one year and shall have been gained
35 within the six years immediately preceding the date on which the
36 application for certification or licensure was filed.

37 (4) Experience shall not be credited for more than 40 hours in any
38 week.

39 (b) (1) Prior to the commencement of supervision, a supervisor
40 shall comply with all requirements for supervisors as established by
41 the department by regulation.

42 (2) A supervisee shall receive an average of at least one hour of
43 direct supervisor contact for every week in which more than 10 hours
44 of face-to-face counseling is performed in each setting where
45 experience is gained. No more than five hours of supervision, whether
46 individual or group, shall be credited during any single week. For
47 purposes of this section, "one hour of direct supervisor contact"
48 means one hour of face-to-face contact on an individual basis or two
49 hours of face-to-face contact in a group, of not more than eight
50 persons receiving supervision, addressing the substance of the

1 supervisory plan required in subdivision (c).

2 (c) The supervisor and the supervisee shall develop a supervisory
3 plan that describes the goals and objectives of supervision. These
4 goals shall include the ongoing assessment of strengths and
5 limitations and the assurance of practice in accordance with the laws
6 and regulations. The supervisee shall submit to the department the
7 initial original supervisory plan upon application for licensure or
8 certification.

9 (d) Experience shall be gained only in a setting that meets both
10 of the following:

11 (1) Lawfully and regularly provides alcohol and other drug
12 counseling.

13 (2) Provides oversight to ensure that the supervisee's work at the
14 setting meets the experience and supervision requirements set forth
15 in this part and is within the scope of practice for the profession
16 as defined in Section 11975.75.

17 (e) Experience shall not be gained ~~until the applicant has been~~
18 ~~registered as a supervisee. prior to becoming a registrant.~~

19 (f) A supervisee may be either a paid employee or a volunteer.
20 Employers are encouraged to provide fair remuneration to supervisees.

21 (g) A supervisee shall not receive any remuneration from patients
22 or clients, and shall be paid only by his or her employer. A
23 supervisee shall not have any proprietary interest in the employer's
24 business.

25 (h) A supervisee may receive supervision from a person not
26 employed by the supervisee's employer if that person has signed a
27 written agreement with the employer to take supervisory
28 responsibility for the supervisee's alcohol and other drug
29 counseling.

30 (i) Notwithstanding any other provision of law, a supervisee shall
31 receive a minimum of one hour of supervision per week for each
32 setting in which he or she is working.

33 (j) The department may limit, by regulation, the number of
34 registrants that any one supervisor may supervise, the number of
35 registrants that may be supervised in any given program or setting,
36 and the proportion of the workforce in any given program or setting
37 which may be comprised of registrants, or any of these.

38
39 11975.60. The ~~supervised work~~ experience required by ~~Sections 11975.35~~
40 ~~and 11975.40 this part~~ shall meet all of the following criteria:

41 (a) Not more than 40 hours of work in any seven consecutive days
42 shall be recognized.

43 (b) No hours of experience may be gained more than six years prior
44 to the date the application for registration, certification, or
45 licensure, as applicable, was filed, except as specifically provided otherwise in *this*
46 *part. subparagraph (B) of paragraph (1) of subdivision (b) of Section*
47 *11975.35.*

48 (c) ~~All work experience shall be at all times under the~~
49 ~~supervision of a person authorized to provide clinical supervision~~
50 ~~pursuant to this part, who shall be responsible for ensuring that the~~

1 ~~extent, kind, and quality of counseling performed is consistent with~~
2 ~~the training and experience of the person being supervised, and who~~
3 ~~shall be responsible to the department for compliance with all laws,~~
4 ~~rules, and regulations governing the practice of alcohol and other~~
5 ~~drug counseling.~~ Supervised **Work** experience shall be gained either as an
6 employee or as a volunteer. **Experience Work experience** shall not be gained as an
7 independent contractor.

8 (1) Supervision shall include at least one hour of direct
9 supervisor contact in each week for which experience is credited in
10 each work setting, as specified.

11 (2) For purposes of this section, "one hour of direct supervisor
12 contact" means one hour of face-to-face contact on an individual
13 basis or two hours of face-to-face contact in a group of not more
14 than eight persons.

15 (d) Work experience may be completed in any setting that meets all
16 of the following:

17 (1) Lawfully and regularly provides alcohol and other drug
18 counseling.

19 (2) Provides oversight to ensure that the registrant's work at the
20 setting meets the requirements set forth in this part **and is within the scope of**
21 **practice for the profession as defined in Section 11975.75.**

22 (3) Experience may be gained solely as part of the position for
23 which the individual volunteers or is employed. Employers are
24 encouraged to provide fair remuneration to registrants.

25 (e) Except to the extent that the department provides otherwise by
26 regulation, all persons shall register with the department in order
27 to be credited for the work experience necessary for licensure or
28 certification.

29 (f) A registrant shall not receive any remuneration from patients
30 or clients, and shall be paid only by his or her employer.

31
32 11975.65 Nothing in this part shall be construed to constrict,
33 limit, or withdraw the Medical Practice Act (Chapter 5 (commencing
34 with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing
35 with Section 2700)), the Psychology Licensing Act (Chapter 6.6
36 (commencing with Section 2900)), the Marriage and Family Therapist
37 Act (Chapter 13 (commencing with Section 4980)), or the Clinical
38 Social Worker Practice Act (Chapter 14 (commencing with Section
39 4991)) of Division 2 of the Business and Professions Code.

40
41 11975.70. This part shall not apply to any of the following,
42 provided that this exception shall not preclude the department from
43 considering any conduct in any setting in its determination of
44 fitness for registration, certification, or licensure or in any
45 disciplinary matter:

46 (a) A person who engages in the practice of alcohol and drug
47 counseling exclusively for any of the following:

48 (1) For in-custody services of the California Department of
49 Corrections and Rehabilitation.

50 (2) As an employee or volunteer of the State of California.

1 (3) As an employee or volunteer of an agency of the United States
2 government.

3 (b) A person who is an unpaid member of a peer or self-help group
4 who performs peer group or self-help activities if the person does
5 not use a title stating or implying that he or she is a licensed
6 alcohol and drug counselor or any other designation listed in Section
7 11975.85.

8 (c) A cleric or other religious leader who provides advice and
9 guidance to members of his or her congregation or order free of
10 charge.

11 (d) A director, officer, or staff member of a program described in
12 Section 8001 of the Penal Code.

13
14 11975.75. (a) An individual licensed or certified under this part
15 may engage in the practice of alcohol and drug counseling. For
16 purposes of this part, the "practice of alcohol and drug counseling"
17 means performing any of the following services for the purpose of
18 treating alcohol and drug abuse:

- 19 (1) Initial intake.
- 20 (2) Assessment.
- 21 (3) Orientation.
- 22 (4) Treatment planning.
- 23 (5) Alcohol and drug counseling, including individual, group, and
24 significant others.
- 25 (6) Case management.
- 26 (7) Crisis intervention.
- 27 (8) Client education.
- 28 (9) Referral.
- 29 (10) Reports and recordkeeping.
- 30 (11) Consultation with other professionals with regard to client
31 treatment or services.

32 (b) A counselor or registrant may perform the acts listed in this
33 section only for the purpose of treating alcohol and other drug
34 problems.

35
36 11975.80. The department shall issue a license or certification
37 to each applicant meeting the requirements of this part, which
38 license or certification permits the holder to engage in alcohol and
39 other drug counseling as defined in Section 11975.75, entitles the
40 holder to use the title of licensed or certified alcohol and other
41 drug counselor, as applicable, and authorizes the holder to hold
42 himself or herself out as qualified to perform the functions
43 delineated by this part, subject to any limitations relating to the
44 level of the license or certification or other conditions that may be
45 imposed by the department. The form and content of the license or
46 certification shall be determined by the department.

47
48 11975.85. A person who has received a certificate or license
49 under this part may use the title "Certified Alcohol and Other Drug
50 Counselor" or "CAODC," "Certified Alcohol and Other Drug Counselor -

1 Advanced" or "CAODC-A," "Certified Alcohol and Other Drug Counselor -
2 Clinical Supervisor" or "CAODC-CS," or "Licensed Alcohol and Other
3 Drug Counselor" or "LAODC," in accordance with the type of
4 certificate or license possessed. Every person who styles himself or
5 herself or who holds himself or herself out to be a Certified Alcohol
6 and Other Drug Counselor, Certified Alcohol and Other Drug
7 Counselor--Advanced, Certified Alcohol and other Drug
8 Counselor-Clinical Supervisor, or Licensed Alcohol and Other Drug
9 Counselor without holding a license or certification in good standing
10 under this part, is guilty of a misdemeanor.

11
12 11975.90. It is unlawful for a person to engage in the practice
13 of alcohol and other drug counseling unless at the time of so doing
14 the person holds a valid, unexpired, and unrevoked certificate or
15 license under this part.

16
17 11975.95. The department may deny, revoke, suspend, or impose
18 conditions upon a license, certification, or registration for
19 unprofessional conduct. Unprofessional conduct, includes, but is not
20 limited to, any of the following:

21 (a) The conviction of a crime which permits denial of a license,
22 certification, or registration pursuant to Section 11976.45.

23 (b) Securing a license, certification or registration by fraud, deceit, or
24 misrepresentation on any application submitted to the department,
25 whether engaged in by an applicant for a license, certification or registration, or in
26 support of any application by another. ~~by a licensee in support of any application~~
27 ~~for licensure or registration.~~

28 (c) Administering to himself or herself any controlled substance
29 as defined in Section 4021 of the Business and Professions Code, or
30 using any of the dangerous drugs or devices specified in Section 4022
31 of the Business and Professions Code or using any alcoholic beverage
32 to the extent, or in a manner, as to be dangerous or injurious to
33 the person applying for a registration, certification or license or holding a registration,
34 certification or license under this part, or to any other person, or to the public, or, to the
35 extent that the use impairs the ability of the person applying for or holding a registration,
36 certification or license, to conduct with safety to the public the counseling authorized by
37 ~~the registration or license this part.~~ The department may deny an application for a
38 registration, certification or license or license or revoke the license, certification or
39 registration of any person who uses or offers to use a controlled substance as defined in
40 Section 4021 of the Business and Professions Code, a dangerous drug or device
41 specified in Section 4022 of the Business and Professions Code, or alcohol in the
42 course of performing alcohol and other drug counseling. This provision does not apply
43 to any person also licensed as a physician and surgeon under Chapter 5 (commencing
44 with Section 2000) of the Business and Professions Code or the Osteopathic Act who
45 lawfully prescribes drugs to a patient under his or her care.

46 (d) Gross negligence or incompetence in the performance of alcohol and other drug
47 counseling.

48 (e) Violating, attempting to violate, or conspiring to violate
49 this part or any regulation adopted by the department.

50 (f) Misrepresentation as to the type or status of a license,

1 certification, or registration held by the person, or otherwise
2 misrepresenting or permitting misrepresentation of his or her
3 education, professional qualifications, or professional affiliations
4 to any person or entity.

5 (g) Impersonation of another by any counselor or registrant, or
6 applicant for a license, **certification** or registration, or, in the case of a
7 counselor, allowing any other person to use his or her license, **certification** or
8 registration.

9 (h) Aiding or abetting any unlicensed, uncertified, or
10 unregistered person to engage in conduct for which a license,
11 certification, or registration is required under this part.

12 (i) Intentionally or recklessly causing physical or emotional harm
13 to any client.

14 (j) The commission of any dishonest, corrupt, or fraudulent act
15 substantially related to the qualifications, functions, or duties of
16 a counselor or registrant.

17 (k) ~~**Soliciting or E**engaging in sexual relations with a client or with a former
18 client within two years from the termination date of **therapytreatment. with the client,**
19 **soliciting sexual relations with a client, or committing an**
20 **act of sexual abuse, or sexual misconduct with a client, or**
21 **committing an act punishable as a sexually related crime, if that act**
22 **—(l) (l) Engaging in a social or solicitation business relationship for personal gain**
23 **with a current client, client’s family member or other persons significant to a**
24 **client, if the act is substantially related to the qualifications, functions, or duties**
25 **of an alcohol and other drug counselor.**~~

26 ~~(l) (m)~~ Performing, or holding oneself out as being able to perform,
27 or offering to perform, or permitting any licensee under supervision
28 to perform any professional services beyond the scope of the license
29 authorized by this part.

30 ~~(m) (n)~~ Failure to maintain confidentiality, except as otherwise
31 required or permitted by law, including, but not limited to, Part 2
32 (commencing with Section 2.1) of Subchapter A of Chapter 1 of Title
33 42 of the Code of Federal Regulations.

34 ~~(n)(o)~~ Prior to the commencement of treatment, failing to disclose to
35 the client or prospective client the fee to be charged for the
36 professional services, or the basis upon which that fee will be
37 computed.

38 ~~(o)(p)~~ Paying, accepting, or soliciting any consideration,
39 compensation, or remuneration, whether monetary or otherwise, for the
40 referral of professional clients. All consideration, compensation,
41 or remuneration shall be in relation to professional counseling
42 services actually provided by the licensee. Nothing in this
43 subdivision shall prevent collaboration among two or more licensees
44 in a case or cases. However, no fee shall be charged for that
45 collaboration, except when disclosure of the fee has been made in
46 compliance with subdivision ~~(n)~~.

47 ~~(p)~~ (q) Advertising or using a name in a manner that is false,
48 misleading, or deceptive.

49 ~~(q)~~ (r) Conduct in the supervision of any individual licensed,
50 certified, or registered counselor that violates this part or rules

1 or regulations adopted by the department.

2 ~~(r)~~(s) Failure to keep records consistent with sound professional
3 judgment, the standards of the profession, and the nature of the
4 services being rendered.

5 ~~(s)~~(t) Failure to comply with the child abuse reporting requirements
6 of Section 11166 of the Penal Code.

7 ~~(t)~~(u) Failure to comply with the elder and dependent adult abuse
8 reporting requirements of Section 15630 of the Welfare and
9 Institutions Code.

10 ~~(u)~~(v) Willful denial of access to client records as otherwise
11 provided by law.

12
13 11976.10. The department shall revoke a license, certification,
14 or registration issued under this part upon a decision made in
15 accordance with the procedures set forth in the adjudication
16 provisions of the Administrative Procedure Act (Chapter 5 (commencing
17 with Section 11500) of Part 1 of Division 3 of Title 2 of the
18 Government Code) that contains any finding of fact that the counselor
19 or registrant engaged in any act of sexual contact, as defined in
20 Section 729 of the Business and Professions Code, when that act is
21 with a client, or with a former client when the relationship was
22 terminated primarily for the purpose of engaging in that act. The
23 revocation shall not be stayed by the administrative law judge or the
24 department.

25
26 11976.15. The department may deny an application, or may suspend
27 or revoke a license, certification, or registration issued under this
28 part, for denial of licensure, revocation, suspension, restriction,
29 or other disciplinary action imposed by another state or territory of
30 the United States, or by any other governmental agency, on a
31 license, certificate, or registration to practice alcohol and other
32 drug counseling or other healing art. A certified copy of the
33 disciplinary action decision or judgment shall be conclusive evidence
34 of that action.

35
36 11976.20. The director may temporarily suspend a license,
37 certification, or registration prior to a hearing when, in the
38 opinion of the director, the action is necessary to protect a client
39 from physical or mental abuse, abandonment, or other substantial
40 threat to health or safety. The director shall give notice of the
41 temporary suspension and the effective date of the temporary
42 suspension and, at the same time, shall serve an accusation. Upon
43 receipt of a notice of defense to the accusation, the director shall,
44 within 15 days, set the matter for hearing, and the hearing shall be
45 held as soon as possible. The temporary suspension shall remain in
46 effect until the time the hearing is completed and the director has
47 made a final determination on the need for the temporary suspension
48 to remain in place pending resolution of the accusation. However, the
49 temporary suspension shall be deemed vacated if the director fails
50 to make a final determination on the merits within 30 days after the

1 hearing, if the director hears the matter personally or within 30
2 days after the department receives the proposed decision from the
3 Office of Administrative Hearings, or if the matter is heard by a
4 hearing officer.

5
6 11976.25. (a) A person ~~licensed, certified, or registered by~~ who has applied for
7 or received a license, certification, or registration from the department under this
8 part has the right to appeal an adverse decision of the department with regard to his or
9 her application, license, certificate, or registration.

10 (b) Unless the department specifies additional or different due
11 process provisions by regulation, an appeal shall be determined in
12 accordance with the adjudication provisions of the Administrative
13 Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of
14 Division 3 of Title 2 of the Government Code).

15
16 11976.30. The department may impose reasonable terms, conditions,
17 or restrictions on a disciplinary action to protect the health,
18 safety, and welfare of the public.

19
20 11976.35. A person may request reinstatement of a license or
21 certification, or a reduction of discipline, by applying for
22 reinstatement or reduction pursuant to Section 11522 of the
23 Government Code.

24
25 11976.40. An applicant who fails a written or oral examination
26 administered by or on behalf of the department may within one year
27 from the notification date of failure retake that examination at the
28 next regularly scheduled examination date, without further
29 application, upon payment of the required examination fees.
30 Thereafter, the applicant shall not be eligible for further
31 examination until he or she files a new application, meets all
32 current requirements, and pays all required fees.

33
34 11976.45. (a) An applicant for a license, certification, or
35 registration under this part shall consent to a state and federal
36 level criminal offender record information search as part of a
37 criminal history background check. Refusal to consent to the criminal
38 history background check, as delineated in this section, shall
39 result in denial of the license, certification, or registration.

40 ~~(b) In addition to the persons specified in subdivision (a), this~~
41 ~~section also applies to all employees and volunteers of programs,~~
42 ~~facilities, or services licensed or certified by the department, who~~
43 ~~may have unsupervised contact with clients.~~

44 ~~(c)~~ The following procedure shall be followed for criminal
45 offender record information searches:

46 (1) The department shall submit to the Department of Justice
47 fingerprint images and related information required by the Department
48 of Justice of all alcohol and other drug counselor licensure,
49 certification, or registration applicants, as defined by Section
50 11975.25, ~~and all employees and volunteers of programs, facilities,~~

1 ~~or services licensed or certified by the department, who may have~~
2 ~~unsupervised contact with clients~~ for the purposes of obtaining information as to the
3 existence and content of a record of state or federal convictions and state or federal
4 arrests and also information as to the existence and content of a record of state or
5 federal arrests for which the Department of Justice establishes that the person is free on
6 bail or on his or her own recognizance pending trial or appeal.

7 (2) When received, the Department of Justice shall forward to the
8 Federal Bureau of Investigation requests for federal summary criminal
9 history information received pursuant to this section. The
10 Department of Justice shall review the information returned from the
11 Federal Bureau of Investigation and compile and disseminate a
12 response to the department.

13 (3) The Department of Justice shall provide a response to the
14 department pursuant to paragraph (1) of subdivision (p) of Section
15 11105 of the Penal Code.

16 (4) The department shall request from the Department of Justice
17 subsequent arrest notification service, as provided pursuant to
18 Section 11105.2 of the Penal Code, for persons described in paragraph
19 (1).

20 (5) The Department of Justice shall charge fees sufficient to
21 cover the cost of processing the request described in this section.
22 The applicant shall be responsible for payment of these fees.

23 (6) The applicant shall pay the fingerprint image rolling -
24 electronic submission fee charged by the Live Scan device operator.

25 (d) Before issuing a registration, certification, or license ~~to an~~
26 ~~individual defined in subdivision (a) or a clearance to an~~
27 ~~individual defined in subdivision (b)~~, the department shall ensure that the state and
28 federal level criminal history of the applicant is reviewed.

29 ~~—(e) The department shall deny or revoke a license, certification,~~
30 ~~or registration to an individual if, at the time of the department's~~
31 ~~determination, the person would be ineligible to be sentenced to~~
32 ~~probation pursuant to Section 1210.1 of the Penal Code, subject to~~
33 ~~all of the following conditions:~~

34 ~~—(1) The department shall treat its date of determination as~~
35 ~~equivalent to the date of conviction of a nonviolent drug possession~~
36 ~~offense under Section 1210.1 of the Penal Code.~~

37 ~~—(2) The department shall apply the five-year clearing period in~~
38 ~~paragraph (1) of subdivision (b) of Section 1210.1 of the Penal Code~~
39 ~~to all of the exclusions described in subdivision (b) of Section~~
40 ~~1210.1 of the Penal Code.~~

41 ~~—(f) Notwithstanding subdivision (e), and unless the individual~~
42 ~~concerned has obtained a certificate of rehabilitation as provided in~~
43 ~~Chapter 3.5 (commencing with Section 4852.01) of Part 3 of Title 6~~
44 ~~of the Penal Code, the department shall permanently deny or revoke a~~
45 ~~license, certification, or registration to a person convicted of any~~
46 ~~violent felony as defined in subdivision (c) of Section 667.5 of the~~
47 ~~Penal Code, except that a person convicted of robbery, as specified~~
48 ~~in paragraph (9) of subdivision (c) of Section 667.5 of the Penal~~
49 ~~Code, or burglary as specified in paragraph (21) of subdivision (c)~~
50 ~~of Section 667.5 of the Penal Code, is not excluded for this reason~~

1 ~~after a period of 10 years in which the person remained free of both~~
2 ~~prison custody and the commission of an offense that results in a~~
3 ~~felony conviction other than a nonviolent drug possession offense, or~~
4 ~~a misdemeanor conviction involving physical injury or the threat of~~
5 ~~physical injury to another person.~~

6
7 (e) The department shall deny or revoke a license, certification,
8 or registration to an individual if, at the time of the department's determination,
9 the person meets one or more of the following:

10 (1) Has been convicted of five or more criminal offenses within a thirty-month
11 period ending two years or less prior to the date of the department's
12 determination.

13 (2) Is required to register as a sex offender pursuant to Section 290 of the Penal
14 Code.

15 (3) Has been convicted of a violent felony, as defined in Section 667.5 of the
16 Penal Code, within three years prior to the date of the department's
17 determination.

18 (f) The department may establish by regulation additional criteria
19 to implement subdivision (ge), which may include, but not be limited
20 to, standards, exemptions, and terms of rehabilitation, and may
21 include rebuttable presumptions with regard to any of those.

22 (g) This section shall become operative July 1, 2010.

23 11976.50. (a) Licenses or certifications issued under this part
24 shall expire within two years after the issue date. The expiration
25 date of the original license or certification shall be set by the
26 department.

27 (b) To renew an unexpired license or certification, the counselor
28 shall, on or before the expiration date of the license or
29 certification, complete the following actions:

30 (1) Apply for a renewal on a form prescribed by the department.

31 (2) Pay a two-year renewal fee prescribed by the department.

32 (3) Complete at least 40 hours of continuing education, as
33 approved by the department.

34 (4) Notify the department whether he or she has been convicted, as
35 defined in subdivision (a) of Section 11975.95 of a misdemeanor or
36 felony, or whether any disciplinary action has been taken by any
37 regulatory or licensing board in this or any other state, subsequent
38 to the licensee's last renewal.

39 (c) To renew an expired license or certification within three
40 years of its expiration, the counselor shall, as a condition
41 precedent to renewal, do all of the following:

42 (1) Apply for renewal on a form prescribed by the department
43 within three years of the expiration date of the license.

44 (2) Pay the renewal fees that would have been paid if the license
45 had not been delinquent.

46 (3) Pay all delinquency fees.

47 (4) Complete the applicable continuing education requirements.

48 (5) Notify the department whether he or she has been subject to,
49 or whether another department or board has taken, disciplinary action
50 since the last renewal.

1 (d) A license or certification that is not renewed within three
2 years after its expiration ~~is prohibited from being renewed,~~
3 ~~restored, reinstated, or reissued thereafter. However, may be reinstated if~~ the
4 counselor
5 ~~may apply for and obtain a new license or certification if he or she~~
6 ~~satisfies all of the following~~ requirements as set forth in regulation. ÷
7 ~~—(1) No fact, circumstance, or condition exists that, if the~~
8 ~~license or certification were issued, would justify its revocation or~~
9 ~~suspension.~~
10 ~~—(2) He or she submits an application for examination eligibility.~~
11 ~~—(3) He or she takes and passes the current applicable examination.~~
12 ~~—(4) He or she | the submits the fees for examination eligibility and for initial~~
13 ~~license or certification issuance~~

14
15 11976.55. A counselor shall display his or her license or
16 certification in a conspicuous place in the counselor's primary place
17 of business. The current renewal receipt shall be displayed near the
18 license.

19
20 11976.60. A licensed alcohol and other drug counselor who
21 conducts a private practice under a fictitious business name shall
22 not use a name that is false, misleading, or deceptive, and shall
23 inform the patient, prior to the commencement of treatment, of the
24 name and license designation of the owner or owners of the practice.

25
26 ~~11976.65. A license or certification that is not renewed within~~
27 ~~three years after its expiration is prohibited from being renewed,~~
28 ~~restored, reinstated, or reissued thereafter, but the former licensed~~
29 ~~or certified individual may apply for and obtain a new license or~~
30 ~~certification if all of the following are satisfied:~~
31 ~~—(a) No fact, circumstance, or condition exists that, if the~~
32 ~~license or certification were issued, would justify its revocation or~~
33 ~~suspension.~~
34 ~~—(b) He or she pays the fees that would be required if he or she~~
35 ~~were applying for a license or certification for the first time.~~
36 ~~—(c) He or she meets the current requirements for licensure or~~
37 ~~certification as a licensed or certified alcohol and other drug~~
38 ~~counselor under Section 11975.35 or 11975.40.~~

39
40 11976.70. A suspended license or certification is subject to
41 expiration and may be renewed as provided in this part, but the
42 renewal does not entitle the counselor, while it remains suspended
43 and until it is reinstated, to engage in the activity to which the
44 license or certification relates, or in any other activity or conduct
45 in violation of the order or judgment by which it was suspended.

46
47 ~~11976.75. An individual whose license or certificate has been~~
48 ~~revoked may apply for reinstatement pursuant to Section 11522 of the~~
49 ~~Government Code.~~

1 11976.80. A licensed or certified alcohol and other drug
2 counselor may apply to the department to request that his or her
3 license or certification be placed on inactive status. A person who
4 holds an inactive license or certification shall pay a biennial fee
5 of one-half of the active renewal fee and shall be exempt from
6 continuing education requirements specified in paragraph (3) of
7 subdivision (b) of Section 11976.50, but shall otherwise be subject
8 to this part and shall not engage in the practice of alcohol and
9 other drug counseling in this state. A counselor on inactive status
10 who has not committed any acts or crimes constituting grounds for
11 denial of licensure or certification may, upon his or her request,
12 have his or her license or certification to practice alcohol other
13 and drug counseling placed on active status. A person requesting his
14 or her license or certification to be placed on active status at any
15 time during a renewal cycle shall pay a pro rata portion of the
16 renewal fees. A person requesting to reactivate from an inactive
17 status whose license or certification will expire less than one year
18 from the date of the request shall be required to complete 20 hours
19 of continuing education for license renewal. A person requesting to
20 reactivate from an inactive status whose license or certification
21 will expire more than one year from the date of the request shall be
22 required to complete 40 hours of continuing education for license or
23 certification renewal.

24
25 11976.85. A person licensed, certified, or registered under this
26 part shall comply with both of the following:

27 (a) Provide written notice to the department within 30 days of any
28 change of address.

29 (b) Provide written notice to the department within 30 days of a
30 name change giving both the old and the new names along with a copy
31 of the legal document authorizing the name change, including, but not
32 limited to, a court order or marriage license.

33
34 11976.90. (a) Except as otherwise provided in this part, an
35 accusation filed pursuant to Section 11503 of the Government Code
36 against a person licensed, certified, or registered under this part
37 shall be filed within three years from the date the department
38 discovers the alleged act or omission that is the basis for
39 disciplinary action or within seven years from the date the alleged
40 act or omission that is the basis for disciplinary action occurred,
41 whichever occurs first.

42 (b) An accusation filed against a person licensed, certified, or
43 registered alleging the procurement of a license, certification, or
44 registration by fraud or misrepresentation is not subject to the
45 limitations set forth in subdivision (a).

46 (c) An accusation alleging sexual misconduct shall be filed within
47 three years after the department discovers the act or omission
48 alleged as the grounds for disciplinary action or within 10 years
49 after the act or omission alleged as the grounds for disciplinary
50 action occurred, whichever occurs first.

1 (d) If an alleged act or omission involves a minor, the seven-year
2 limitation period provided for by subdivision (a) and the 10-year
3 limitation period provided for by subdivision (d) shall be tolled
4 until the minor reaches the age of majority.

5 (e) The limitation period provided by subdivision (a) shall be
6 tolled during any period if material evidence necessary for
7 prosecuting or determining whether a disciplinary action would be
8 appropriate is unavailable to the department due to an ongoing
9 criminal investigation.

10 (f) For purposes of this section, "discovers" means the latest of
11 the occurrence of any of the following with respect to each act or
12 omission alleged as the basis for disciplinary action:

13 (1) The date the department received a complaint or report
14 describing the act or omission.

15 (2) The date, subsequent to the original complaint or report, on
16 which the department became aware of any additional acts or omissions
17 alleged as the basis for disciplinary action against the same
18 individual.

19 (3) The date the department receives from the complainant a
20 written release of information pertaining to the complainant's
21 diagnosis and treatment.

22
23 11976.95. Nothing in this part shall apply to any alcohol and
24 other drug counselor from outside this state, when in actual
25 consultation with a licensed practitioner of this state, or when an
26 invited guest of a professional association, or of an educational
27 institution for the sole purpose of engaging in professional
28 education through lectures, clinics, or demonstrations, if he or she
29 is at the time of the consultation, lecture, or demonstration
30 licensed to practice alcohol and other drug counseling in the state
31 or country in which he or she resides. These alcohol and other drug
32 counselors shall not open an office or appoint a place to meet
33 clients or receive calls from clients within the limits of this
34 state.

35
36 11976.97. (a) Education, supervised experience, and work
37 experience gained outside of California may be accepted toward the
38 licensure or certification requirements if it is substantially the
39 equivalent of the requirements of this part.

40 (b) The department may issue a license or certification to any
41 person who, at the time of application, meets all of the following
42 requirements:

43 (1) Has held a valid active alcohol and other drug counseling
44 license or certification issued by a board of alcohol and other drug
45 counseling examiners or corresponding authority of any state.

46 (2) Passes ~~the licensing examinations as specified in Section~~
47 ~~11975.35 or 11975.40.~~ **current applicable examination.**

48 (3) Pays the required fees.

49 (4) Passes the required background check.

50 (5) Is not subject to denial of licensure **or certification** under this part.

1
2 CHAPTER 4. FISCAL PROVISIONS
3

4 11977.10. The Alcohol and Other Drug Counselors License Fund is
5 hereby established in the State Treasury. All fees and fines
6 collected by the department in accordance with this part shall be
7 deposited in this fund. The money in the fund shall be available,
8 upon appropriation by the Legislature, for the purpose of supporting
9 the counselor licensing activities of the department.
10

11 11977.15. (a) Until the department establishes different fees by
12 regulation, the department shall assess the following fees relating
13 to the licensure, certification, or registration of alcohol and other
14 drug counselors:

15 (1) The application fee for registration as a registrant shall be
16 seventy-five dollars (\$75).

17 (2) The fee for renewal of a registration shall be seventy-five
18 dollars (\$75).

19 (3) The fee for application for examination eligibility shall be
20 one hundred dollars (\$100).

21 (4) The fee for a written examination administered by or on behalf
22 of the department shall be one hundred fifty dollars (\$150).

23 (5) The fee for an oral examination, if any, administered by or on
24 behalf of the department, shall be one hundred dollars (\$100).

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

28 (B) This subdivision shall not establish or limit the examination
29 fee charged for the examination recognized in subdivision (a) of
30 Section 11975.50 or any other examination that is recognized by the
31 department but not administered by or on behalf of the department.

32 (6) The fee for rescoring an examination shall be twenty dollars
33 (\$20).

34 (7) The fee for issuance of an initial license or certification
35 shall be one hundred fifty-five dollars (\$155).

36 (8) The fee for a license or certification renewal shall be one
37 hundred fifty-five dollars (\$155).

38 (9) The fee for an inactive license or certification renewal shall
39 be seventy-seven dollars and fifty cents (\$77.50).

40 (10) The renewal delinquency fee shall be seventy-five dollars
41 (\$75). A person who permits his or her license or certification to
42 expire is subject to the delinquency fee.

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

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

47 (13) The fee for department review of the criminal records
48 information shall be thirty dollars (\$30).

49 (14) The fee for the state level criminal offender record
50 information search shall be set by the Department of Justice and the

1 fee for the federal level criminal offender record information search
2 shall be set by the Federal Bureau of Investigation.

3 (b) The department may establish fees based on other
4 categories or classifications that the department deems necessary or
5 convenient to maintain an effective and equitable fee structure.
6 However, the total fees collected by the department pursuant to this
7 part shall not exceed the total cost to the department of
8 administering this part.

9 (c) Unless funds are specifically appropriated from the General
10 Fund in the annual Budget Act or other legislation to support the
11 activities of the department pursuant to this part, those activities
12 shall be supported entirely by federal funds and special funds.

13
14 SEC. 2. Section 11165.7 of the Penal Code is amended to read:

15 11165.7. (a) As used in this article, "mandated reporter" is
16 defined as any of the following:

- 17 (1) A teacher.
- 18 (2) An instructional aide.
- 19 (3) A teacher's aide or teacher's assistant employed by any public
20 or private school.
- 21 (4) A classified employee of any public school.
- 22 (5) An administrative officer or supervisor of child welfare and
23 attendance, or a certificated pupil personnel employee of any public
24 or private school.
- 25 (6) An administrator of a public or private day camp.
- 26 (7) An administrator or employee of a public or private youth
27 center, youth recreation program, or youth organization.
- 28 (8) An administrator or employee of a public or private
29 organization whose duties require direct contact and supervision of
30 children.
- 31 (9) Any employee of a county office of education or the State
32 Department of Education, whose duties bring the employee into contact
33 with children on a regular basis.
- 34 (10) A licensee, an administrator, or an employee of a licensed
35 community care or child day care facility.
- 36 (11) A Head Start program teacher.
- 37 (12) A licensing worker or licensing evaluator employed by a
38 licensing agency as defined in Section 11165.11.
- 39 (13) A public assistance worker.
- 40 (14) An employee of a child care institution, including, but not
41 limited to, foster parents, group home personnel, and personnel of
42 residential care facilities.
- 43 (15) A social worker, probation officer, or parole officer.
- 44 (16) An employee of a school district police or security
45 department.
- 46 (17) Any person who is an administrator or presenter of, or a
47 counselor in, a child abuse prevention program in any public or
48 private school.
- 49 (18) A district attorney investigator, inspector, or local child
50 support agency caseworker unless the investigator, inspector, or

1 caseworker is working with an attorney appointed pursuant to Section
2 317 of the Welfare and Institutions Code to represent a minor.

3 (19) A peace officer, as defined in Chapter 4.5 (commencing with
4 Section 830) of Title 3 of Part 2, who is not otherwise described in
5 this section.

6 (20) A firefighter, except for volunteer firefighters.

7 (21) A physician, surgeon, psychiatrist, psychologist, dentist,
8 resident, intern, podiatrist, chiropractor, licensed nurse, dental
9 hygienist, optometrist, marriage, family and child counselor,
10 clinical social worker, or any other person who is currently licensed
11 under Division 2 (commencing with Section 500) of the Business and
12 Professions Code.

13 (22) Any emergency medical technician I or II, paramedic, or other
14 person certified pursuant to Division 2.5 (commencing with Section
15 1797) of the Health and Safety Code.

16 (23) A psychological assistant registered pursuant to Section 2913
17 of the Business and Professions Code.

18 (24) A marriage, family, and child therapist trainee, as defined
19 in subdivision (c) of Section 4980.03 of the Business and Professions
20 Code.

21 (25) An unlicensed marriage, family, and child therapist intern
22 registered under Section 4980.44 of the Business and Professions
23 Code.

24 (26) A state or county public health employee who treats a minor
25 for venereal disease or any other condition.

26 (27) A coroner.

27 (28) A medical examiner, or any other person who performs
28 autopsies.

29 (29) A commercial film and photographic print processor, as
30 specified in subdivision (e) of Section 11166. As used in this
31 article, "commercial film and photographic print processor" means any
32 person who develops exposed photographic film into negatives,
33 slides, or prints, or who makes prints from negatives or slides, for
34 compensation. The term includes any employee of such a person; it
35 does not include a person who develops film or makes prints for a
36 public agency.

37 (30) A child visitation monitor. As used in this article, "child
38 visitation monitor" means any person who, for financial compensation,
39 acts as monitor of a visit between a child and any other person when
40 the monitoring of that visit has been ordered by a court of law.

41 (31) An animal control officer or humane society officer. For the
42 purposes of this article, the following terms have the following
43 meanings:

44 (A) "Animal control officer" means any person employed by a city,
45 county, or city and county for the purpose of enforcing animal
46 control laws or regulations.

47 (B) "Humane society officer" means any person appointed or
48 employed by a public or private entity as a humane officer who is
49 qualified pursuant to Section 14502 or 14503 of the Corporations
50 Code.

1 (32) A clergy member, as specified in subdivision (d) of Section
2 11166. As used in this article, "clergy member" means a priest,
3 minister, rabbi, religious practitioner, or similar functionary of a
4 church, temple, or recognized denomination or organization.

5 (33) Any custodian of records of a clergy member, as specified in
6 this section and subdivision (d) of Section 11166.

7 (34) Any employee of any police department, county sheriff's
8 department, county probation department, or county welfare
9 department.

10 (35) An employee or volunteer of a Court Appointed Special
11 Advocate program, as defined in Rule 1424 of the California Rules of
12 Court.

13 (36) A custodial officer as defined in Section 831.5.

14 (37) Any person providing services to a minor child under Section
15 12300 or 12300.1 of the Welfare and Institutions Code.

16 (38) An alcohol and other drug counselor licensed, certified, or registered under
17 Part 4

18 (commencing with Section 11975.10) of Division 10.5 of the Health and
19 Safety Code . ~~As used in this article, an "alcohol~~

20 ~~and drug counselor" is a person providing counseling, therapy, or~~
21 ~~other clinical services for a state licensed or certified drug,~~
22 ~~alcohol, or drug and alcohol treatment program.~~ However,

23 alcohol or drug abuse, or both alcohol and drug abuse, is not in and
24 of itself a sufficient basis for reporting child abuse or neglect.

25 (b) Except as provided in paragraph (35) of subdivision (a),
26 volunteers of public or private organizations whose duties require
27 direct contact with and supervision of children are not mandated
28 reporters but are encouraged to obtain training in the identification
29 and reporting of child abuse and neglect and are further encouraged
30 to report known or suspected instances of child abuse or neglect to
31 an agency specified in Section 11165.9.

32 (c) Employers are strongly encouraged to provide their employees
33 who are mandated reporters with training in the duties imposed by
34 this article. This training shall include training in child abuse and
35 neglect identification and training in child abuse and neglect
36 reporting. Whether or not employers provide their employees with
37 training in child abuse and neglect identification and reporting, the
38 employers shall provide their employees who are mandated reporters
39 with the statement required pursuant to subdivision (a) of Section
40 11166.5.

41 (d) School districts that do not train their employees specified
42 in subdivision (a) in the duties of mandated reporters under the
43 child abuse reporting laws shall report to the State Department of
44 Education the reasons why this training is not provided.

45 (e) Unless otherwise specifically provided, the absence of
46 training shall not excuse a mandated reporter from the duties imposed
47 by this article.

48 (f) Public and private organizations are encouraged to provide
49 their volunteers whose duties require direct contact with and
50 supervision of children with training in the identification and

1 reporting of child abuse and neglect.

2 SEC. 3. Section 15630 of the Welfare and Institutions Code is
3 amended to read:

4 15630. (a) Any person who has assumed full or intermittent
5 responsibility for the care or custody of an elder or dependent
6 adult, whether or not he or she receives compensation, including
7 administrators, supervisors, and any licensed staff of a public or
8 private facility that provides care or services for elder or
9 dependent adults, or any elder or dependent adult care custodian,
10 health practitioner, clergy member, or employee of a county adult
11 protective services agency or a local law enforcement agency, is a
12 mandated reporter. **An alcohol and other drug counselor licensed, certified, or**
13 **registered pursuant to Part 4**
14 **(commencing with Section 11975.10) of Division 10.5 of the Health and**
15 **Safety Code is also a mandated reporter.**

16 (b) (1) Any mandated reporter who, in his or her professional
17 capacity, or within the scope of his or her employment, has observed
18 or has knowledge of an incident that reasonably appears to be
19 physical abuse, as defined in Section 15610.63 ~~of the~~
20 ~~Welfare and Institutions Code~~, abandonment, abduction,
21 isolation, financial abuse, or neglect, or is told by an elder or
22 dependent adult that he or she has experienced behavior, including an
23 act or omission, constituting physical abuse, as defined in Section
24 15610.63 ~~of the Welfare and Institutions Code~~,
25 abandonment, abduction, isolation, financial abuse, or neglect, or
26 reasonably suspects that abuse, shall report the known or suspected
27 instance of abuse by telephone immediately or as soon as practicably
28 possible, and by written report sent within two working days, as
29 follows:

30 (A) If the abuse has occurred in a long-term care facility, except
31 a state mental health hospital or a state developmental center, the
32 report shall be made to the local ombudsperson or the local law
33 enforcement agency.

34 The local ombudsperson and the local law enforcement agency shall,
35 as soon as practicable, except in the case of an emergency or
36 pursuant to a report required to be made pursuant to clause (v), in
37 which case these actions shall be taken immediately, do all of the
38 following:

39 (i) Report to the State Department of Public Health any case of
40 known or suspected abuse occurring in a long-term health care
41 facility, as defined in subdivision (a) of Section 1418 of the Health
42 and Safety Code.

43 (ii) Report to the State Department of Social Services any case of
44 known or suspected abuse occurring in a residential care facility
45 for the elderly, as defined in Section 1569.2 of the Health and
46 Safety Code, or in an adult day care facility, as defined in
47 paragraph (2) of subdivision (a) of Section 1502.

48 (iii) Report to the State Department of Public Health and the
49 California Department of Aging any case of known or suspected abuse
50 occurring in an adult day health care center, as defined in

1 subdivision (b) of Section 1570.7 of the Health and Safety Code.

2 (iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse any
3 case of known or suspected criminal activity.

4 (v) Report all cases of known or suspected physical abuse and
5 financial abuse to the local district attorney's office in the county
6 where the abuse occurred.

7 (B) If the suspected or alleged abuse occurred in a state mental
8 hospital or a state developmental center, the report shall be made to
9 designated investigators of the State Department of Mental Health or
10 the State Department of Developmental Services, or to the local law
11 enforcement agency.

12 Except in an emergency, the local law enforcement agency shall, as
13 soon as practicable, report any case of known or suspected criminal
14 activity to the Bureau of Medi-Cal Fraud and Elder Abuse.

15 (C) If the abuse has occurred any place other than one described
16 in subparagraph (A), the report shall be made to the adult protective
17 services agency or the local law enforcement agency.

18 (2) (A) A mandated reporter who is a clergy member who acquires
19 knowledge or reasonable suspicion of elder or dependent adult abuse
20 during a penitential communication is not subject to paragraph (1).
21 For purposes of this subdivision, "penitential communication" means a
22 communication that is intended to be in confidence, including, but
23 not limited to, a sacramental confession made to a clergy member who,
24 in the course of the discipline or practice of his or her church,
25 denomination, or organization is authorized or accustomed to hear
26 those communications and under the discipline tenets, customs, or
27 practices of his or her church, denomination, or organization, has a
28 duty to keep those communications secret.

29 (B) Nothing in this subdivision shall be construed to modify or
30 limit a clergy member's duty to report known or suspected elder and
31 dependent adult abuse when he or she is acting in the capacity of a
32 care custodian, health practitioner, or employee of an adult
33 protective services agency.

34 (C) Notwithstanding any other provision in this section, a clergy
35 member who is not regularly employed on either a full-time or
36 part-time basis in a long-term care facility or does not have care or
37 custody of an elder or dependent adult shall not be responsible for
38 reporting abuse or neglect that is not reasonably observable or
39 discernible to a reasonably prudent person having no specialized
40 training or experience in elder or dependent care.

41 (3) (A) A mandated reporter who is a physician and surgeon, a
42 registered nurse, or a psychotherapist, as defined in Section 1010 of
43 the Evidence Code, shall not be required to report, pursuant to
44 paragraph (1), an incident where all of the following conditions
45 exist:

46 (i) The mandated reporter has been told by an elder or dependent
47 adult that he or she has experienced behavior constituting physical
48 abuse, as defined in Section 15610.63 ~~of the Welfare and~~
49 ~~Institutions Code~~, abandonment, abduction, isolation,
50 financial abuse, or neglect.

1 (ii) The mandated reporter is not aware of any independent
2 evidence that corroborates the statement that the abuse has occurred.

3
4 (iii) The elder or dependent adult has been diagnosed with a
5 mental illness or dementia, or is the subject of a court-ordered
6 conservatorship because of a mental illness or dementia.

7 (iv) In the exercise of clinical judgment, the physician and
8 surgeon, the registered nurse, or the psychotherapist, as defined in
9 Section 1010 of the Evidence Code, reasonably believes that the abuse
10 did not occur.

11 (B) This paragraph shall not be construed to impose upon mandated
12 reporters a duty to investigate a known or suspected incident of
13 abuse and shall not be construed to lessen or restrict any existing
14 duty of mandated reporters.

15 (4) (A) In a long-term care facility, a mandated reporter shall
16 not be required to report as a suspected incident of abuse, as
17 defined in Section 15610.07, an incident where all of the following
18 conditions exist:

19 (i) The mandated reporter is aware that there is a proper plan of
20 care.

21 (ii) The mandated reporter is aware that the plan of care was
22 properly provided or executed.

23 (iii) A physical, mental, or medical injury occurred as a result
24 of care provided pursuant to clause (i) or (ii).

25 (iv) The mandated reporter reasonably believes that the injury was
26 not the result of abuse.

27 (B) This paragraph shall not be construed to require a mandated
28 reporter to seek, nor to preclude a mandated reporter from seeking,
29 information regarding a known or suspected incident of abuse prior to
30 reporting. This paragraph shall apply only to those categories of
31 mandated reporters that the State Department of Public Health
32 determines, upon approval by the Bureau of Medi-Cal Fraud and Elder
33 Abuse and the state long-term care ombudsperson, have access to plans
34 of care and have the training and experience necessary to determine
35 whether the conditions specified in this section have been met.

36 (c) (1) Any mandated reporter who has knowledge, or reasonably
37 suspects, that types of elder or dependent adult abuse for which
38 reports are not mandated have been inflicted upon an elder or
39 dependent adult, or that his or her emotional well-being is
40 endangered in any other way, may report the known or suspected
41 instance of abuse.

42 (2) If the suspected or alleged abuse occurred in a long-term care
43 facility other than a state mental health hospital or a state
44 developmental center, the report may be made to the long-term care
45 ombudsperson program. Except in an emergency, the local ombudsperson
46 shall report any case of known or suspected abuse to the State
47 Department of Public Health and any case of known or suspected
48 criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as
49 soon as is practicable.

50 (3) If the suspected or alleged abuse occurred in a state mental

1 health hospital or a state developmental center, the report may be
2 made to the designated investigator of the State Department of Mental
3 Health or the State Department of Developmental Services or to a
4 local law enforcement agency or to the local ombudsperson. Except in
5 an emergency, the local ombudsperson and the local law enforcement
6 agency shall report any case of known or suspected criminal activity
7 to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is
8 practicable.

9 (4) If the suspected or alleged abuse occurred in a place other
10 than a place described in paragraph (2) or (3), the report may be
11 made to the county adult protective services agency.

12 (5) If the conduct involves criminal activity not covered in
13 subdivision (b), it may be immediately reported to the appropriate
14 law enforcement agency.

15 (d) When two or more mandated reporters are present and jointly
16 have knowledge or reasonably suspect that types of abuse of an elder
17 or a dependent adult for which a report is or is not mandated have
18 occurred, and when there is agreement among them, the telephone
19 report may be made by a member of the team selected by mutual
20 agreement, and a single report may be made and signed by the selected
21 member of the reporting team. Any member who has knowledge that the
22 member designated to report has failed to do so shall thereafter make
23 the report.

24 (e) A telephone report of a known or suspected instance of elder
25 or dependent adult abuse shall include, if known, the name of the
26 person making the report, the name and age of the elder or dependent
27 adult, the present location of the elder or dependent adult, the
28 names and addresses of family members or any other adult responsible
29 for the elder's or dependent adult's care, the nature and extent of
30 the elder's or dependent adult's condition, the date of the incident,
31 and any other information, including information that led that
32 person to suspect elder or dependent adult abuse, as requested by the
33 agency receiving the report.

34 (f) The reporting duties under this section are individual, and no
35 supervisor or administrator shall impede or inhibit the reporting
36 duties, and no person making the report shall be subject to any
37 sanction for making the report. However, internal procedures to
38 facilitate reporting, ensure confidentiality, and apprise supervisors
39 and administrators of reports may be established, provided they are
40 not inconsistent with this chapter.

41 (g) (1) Whenever this section requires a county adult protective
42 services agency to report to a law enforcement agency, the law
43 enforcement agency shall, immediately upon request, provide a copy of
44 its investigative report concerning the reported matter to that
45 county adult protective services agency.

46 (2) Whenever this section requires a law enforcement agency to
47 report to a county adult protective services agency, the county adult
48 protective services agency shall, immediately upon request, provide
49 to that law enforcement agency a copy of its investigative report
50 concerning the reported matter.

1 (3) The requirement to disclose investigative reports pursuant to
2 this subdivision shall not include the disclosure of social services
3 records or case files that are confidential, nor shall this
4 subdivision be construed to allow disclosure of any reports or
5 records if the disclosure would be prohibited by any other provision
6 of state or federal law.

7 (h) Failure to report, or impeding or inhibiting a report of,
8 physical abuse, as defined in Section 15610.63 ~~of the~~
9 ~~Welfare and Institutions Code~~, abandonment, abduction,
10 isolation, financial abuse, or neglect of an elder or dependent
11 adult, in violation of this section, is a misdemeanor, punishable by
12 not more than six months in the county jail, by a fine of not more
13 than one thousand dollars (\$1,000), or by both that fine and
14 imprisonment. Any mandated reporter who willfully fails to report, or
15 impedes or inhibits a report of, physical abuse, as defined in
16 Section 15610.63 ~~of the Welfare and Institutions Code~~
17, abandonment, abduction, isolation, financial abuse, or
18 neglect of an elder or dependent adult, in violation of this section,
19 where that abuse results in death or great bodily injury, shall be
20 punished by not more than one year in a county jail, by a fine of not
21 more than five thousand dollars (\$5,000), or by both that fine and
22 imprisonment. If a mandated reporter intentionally conceals his or
23 her failure to report an incident known by the mandated reporter to
24 be abuse or severe neglect under this section, the failure to report
25 is a continuing offense until a law enforcement agency specified in
26 paragraph (1) of subdivision (b) of Section 15630 ~~of the~~
27 ~~Welfare and Institutions Code~~ discovers the offense.

28 (i) For purposes of this section, "dependent adult" shall have the
29 same meaning as in Section 15610.23.

30 SEC. 4. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of the
36 Government Code, or changes the definition of a crime within the
37 meaning of Section 6 of Article XIII B of the California
38 Constitution.