

Licensure of Mental Health Professionals

Penal Code Section 5068.5 is amended to read:

(a) Notwithstanding any other law, except as provided in subdivisions (b) and (c), any person employed or under contract to provide diagnostic, treatment, or other mental health services in the state or to supervise or provide consultation on these services in the state correctional system shall be a ~~physician and surgeon, a psychologist, or other health professional~~, licensed to practice in this state in mental health professions identified by the department to provide mental health services to incarcerated persons.

(b) Notwithstanding Section 5068 ~~or Section 704 of the Welfare and Institutions Code~~, the following persons are exempt from the requirements of subdivision (a), so long as they continue in employment in the same class and in the same department:

(1) Persons employed on January 1, 1985, as psychologists to provide diagnostic or treatment services, including those persons on authorized leave, but not including intermittent personnel.

(2) Persons employed on January 1, 1989, to supervise or provide consultation on the diagnostic or treatment services, including persons on authorized leave, but not including intermittent personnel.

(c) (1) (A) The requirements of subdivision (a) may be waived by the secretary solely for persons in mental health professions ~~the professions of psychology or clinical social work~~ who are gaining qualifying experience for licensure in those professions in this state. Mental health professionals ~~Providers~~ working in a licensed health care facility operated by the department shall also obtain ~~receive~~ a waiver in accordance with Section 1277 of the Health and Safety Code.

(B) For the purposes of this paragraph, "qualifying experience" means experience that satisfies the requirements of the licensure law applicable to the mental health professional as set forth in Division 2 of the Business and Professions Code, subdivision (d) of Section 2914 of, or Section 4996.23 of, the Business and Professions Code.

(2) A waiver granted pursuant to this subdivision shall not exceed four years from commencement of the employment in this state in a position that includes

qualifying experience, at which time licensure shall have been obtained or the employment shall be terminated, except that an extension of a waiver of licensure may be granted for one additional year, based on extenuating circumstances determined by the department pursuant to subdivision (d). For persons employed as mental health professionals ~~psychologists or clinical social workers~~ less than full time, an extension of a waiver of licensure may be granted for additional years proportional to the extent of part-time employment, as long as the person is employed without interruption in service, but in no case shall the waiver of licensure exceed six years in the case of clinical social workers or five years in the case of psychologists. However, this durational limitation upon waivers shall not apply to active candidates for a doctoral degree in social work, social welfare, or social science who are enrolled at an accredited university, college, or professional school, but these limitations shall apply following completion of that training.

(3) A waiver pursuant to this subdivision shall be granted only to the extent necessary to qualify for licensure, except that personnel recruited for employment from outside this state and whose experience is sufficient to gain admission to a licensure examination shall nevertheless have one year from the date of their employment in California to become licensed, at which time licensure shall have been obtained or the employment shall be terminated, provided that the employee shall take the licensure examination at the earliest possible date after the date of the employee's employment, and if the employee does not pass the examination at that time, the employee shall have a second opportunity to pass the next possible examination, subject to the one-year limit.

(d) The department shall grant a request for an extension of a waiver of licensure pursuant to subdivision (c) based on extenuating circumstances if any of the following circumstances exist:

(1) The person requesting the extension has experienced a recent catastrophic event that may impair the person's ability to qualify for and pass the licensure examination. Those events may include, but are not limited to, significant hardship caused by a natural disaster; serious and prolonged illness of the person; serious and prolonged illness or death of a child, spouse, or parent; or other stressful circumstances.

(2) The person requesting the extension has difficulty speaking or writing the English language, or other cultural and ethnic factors exist that substantially impair the person's ability to qualify for and pass the license examination.

(3) The person requesting the extension has experienced other personal hardship that the department, in its discretion, determines to warrant the extension.

(Amended by Stats. 2020, Ch. 279, Sec. 2. (AB 2253) Effective January 1, 2021.)