



DATE: March 15, 2023

Behavioral Health Information Notice No: 23-008

TO: California Alliance of Child and Family Services
California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Programs
California Association of Social Rehabilitation Agencies
California Consortium of Addiction Programs and Professionals
California Council of Community Behavioral Health Agencies
California Hospital Association
California Opioid Maintenance Providers
California State Association of Counties
Coalition of Alcohol and Drug Associations
County Behavioral Health Directors
County Behavioral Health Directors Association of California
County Drug & Alcohol Administrators

SUBJECT: Exemption from Registration or Certification Requirement: Assembly Bill (AB) 1860

PURPOSE: To advise of the exemption of certain individuals from the counselor registration or certification requirements following the passage of AB1860.

REFERENCE: [Assembly Bill 1860, Chapter 523](#) (Health and Safety Code (HSC) Section 11833)

BACKGROUND:

HSC section 11833 grants DHCS the sole authority in state government to determine the qualifications of personnel working within alcohol and other drug (AOD) programs licensed, certified, or funded under HSC Division 10.5, Part 2. HSC section 11833 requires individuals providing counseling services within AOD programs be registered with, or certified by, a certifying organization (CO) approved by DHCS. Existing law exempts licensed professionals, as defined by DHCS, from this requirement. Licensed professionals are defined as a physician licensed by the Medical Board of California, a psychologist licensed by the Board of Psychology, a clinical social worker or marriage and family therapist licensed by the California Board of Behavioral Sciences (BBS), or an intern registered with the California Board of Psychology or the BBS [California Code of Regulations, Title 9, Chapter 8, Section 13015](#).

POLICY:

AB 1860 amends HSC 11833 to expand those who are exempt from the counselor registration or certification requirements. AB 1860 exempts graduate students affiliated with university programs in psychology, social work, marriage and family therapy, or counseling who are completing supervised practicum hours, associates registered with the BBS, and licensed professionals from registration or certification requirements currently imposed by existing law.

A graduate student providing counseling services in an AOD program shall:

- a. Be enrolled as a university graduate student in psychology, social work, marriage and family therapy, or counseling.
- b. Be completing their supervised practicum hours to meet graduate school requirements; and
- c. Provide proof of enrollment as a graduate student to the AOD program on an annual basis.

A graduate student who is no longer enrolled in a university program identified above shall notify the AOD program in writing of their withdrawal within one working day. An AOD program shall immediately remove the former graduate student from providing counseling services.

AB 1860 requires AOD programs providing practicum for exempted graduate students to report to all DHCS-approved COs if a graduate student is removed from the practicum because of an ethical or professional conduct violation determined by the university or the program. A CO must deny an individual's request for registration if the individual has been removed from a postgraduate practicum for an ethical or professional violation. The notice shall specify the counselor's right to appeal the denial in accordance with applicable statutes and regulations.

Students who have graduated and are completing their required hours for licensure shall register with the BBS as an associate. An associate registered with the BBS providing counseling services in an AOD program shall:

- a. Hold a current associate registration with the BBS; and
- b. Provide proof of registration renewal issued by the BBS to the AOD program on an annual basis.

Students who have graduated will have 90 days to provide documentation of their associate registration with the BBS to the AOD program. The individual shall provide documentation of the date that the initial registration was submitted to the BBS.

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An associate who is no longer registered with the BBS shall notify the AOD program within one working day. An AOD program shall immediately remove the former associate from providing counseling services.

If the registered associate obtains their license, the licensed professional needs to provide their current license to the AOD program to provide counseling services at the AOD program in accordance with Title 9, Chapter 8, § 13015(c).

An AOD program shall obtain and maintain documentation to substantiate compliance with the requirements specified in BHIN. An AOD program is responsible for ensuring that exempt individuals employed at their facility meet the requirements specified in this BHIN.

COMPLIANCE:

HSC 11833(f) authorizes DHCS to conduct periodic reviews of COs to determine compliance with all applicable laws and regulations, and to take actions for noncompliance, including revocation of DHCS' approval. A CO that fails to adhere to HSC 11833 and this BHIN will be cited. DHCS will adopt regulations prior to December 31, 2025, in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Questions regarding this Information Notice should be directed to the Counselor and Medication Assisted Treatment Section by email at DHCSOCOMPLAINT@dhcs.ca.gov.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief
Licensing and Certification Division