

# SUPERVISORS' MOST COMMONLY ASKED QUESTIONS

Ann Tran-Lien, JD  
Staff Attorney  
July/August 2013

---

## **1 Do I qualify to supervise MFT Interns and Trainees gaining hours toward licensure?**

Those interested in supervising MFT Interns and Trainees must meet the following qualifications:

- The supervisor possesses and maintains a current valid California license as a Marriage and Family Therapist, Licensed Clinical Social Worker, Licensed Professional Clinical Counselor, Licensed Psychologist, or physician who is Board-certified in psychiatry, and has been so licensed in California for at least two (2) years prior to commencing any supervision;
- The supervisor has and maintains a license that is in good standing;
- The supervisor has practiced psychotherapy or provided direct supervision of Trainees, Interns, Associate Clinical Social Workers, or Professional Clinical Counselor Interns who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision;
- A supervisor who is not licensed as a Marriage and Family Therapist must have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California;
- The supervisor has sufficient experience, training and education in the area of clinical supervision to competently supervise Trainees or Interns;
- The supervisor knows and understands the laws and regulations pertaining to both the supervision of Trainees and Interns and the experience required for licensure as a Marriage and Family Therapist;
- Persons licensed by the BBS who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. The coursework also needs to be completed prior to, or within 60 days of, commencement of supervision. This training or coursework may apply towards the continuing education requirements. This requirement does not apply to individuals who are Licensed Psychologists and psychiatrists.<sup>1</sup>

## **2 What are my responsibilities as a supervisor for MFT Interns and Trainees?**

The following are responsibilities of a supervisor for MFT Interns and Trainees according to regulations:

- The supervisor must keep himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy;
- The supervisor will immediately notify the Trainee or Intern of any disciplinary action, including revocation or suspension, even if stayed, terms of probation, inactive license status, or any lapse in licensure, that affects the supervisor's ability or right to supervise;

- The supervisor must ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the Trainee or Intern;
- The supervisor must monitor and evaluate the extent, kind, and quality of counseling performed by the Trainee or Intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor;
- The supervisor must address with the Trainee or Intern the manner in which emergencies will be handled;
- Each supervisor must provide the Intern or Trainee with the original signed “*Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee*” prior to the commencement of any counseling or supervision;
- A supervisor must give at least one (1) week’s prior written notice to a Trainee or Intern if the supervisor intends not to sign for any further hours of experience. A supervisor who has not provided such notice must sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision;
- The supervisor must obtain from each Intern or Trainee for whom supervision will be provided, the name, address, and telephone number of the Intern’s or Trainee’s most recent supervisor and employer;
- In any setting that is not a private practice, a supervisor must evaluate the site(s) where an Intern or Trainee will be gaining hours of experience toward licensure and must determine that: (1) the site(s) provides experience which is within the scope of practice of a Marriage and Family Therapist; and (2) the experience is in compliance with the requirements set forth in the regulations and licensing laws.<sup>2</sup>

Additionally, Section 4 of the *CAMFT Code of Ethics*, Part I, addresses the ethical standards pertaining to supervision of MFT Interns and Trainees. It is recommended that supervisors be familiar with this section. For a copy of the *CAMFT Code of Ethics*, visit the CAMFT website at [www.camft.org](http://www.camft.org).

### **3 Does the Intern or Trainee have to work at the employer’s/supervisor’s place of business?**

The Intern or Trainee must work where the employer *regularly* conducts business, which means in the employer’s facility or office(s), as well as other locations, so long as the services are performed under the direction and control of their employer and supervisor.<sup>3</sup> The employer/supervisor may also allow for the Intern or Trainee to provide services to a client at the client’s home when it is necessary or at other locations as deemed appropriate by the employer and supervisor. The Intern or Trainee cannot work out of the Intern’s or Trainee’s home or from an office rented by the Intern or Trainee. If the employer/supervisor has another office space or location that the employer/supervisor also regularly conducts business at, then the Intern may work out of that site. The employer/supervisor is not required to always be present when the Intern or Trainee is working.

### **4 Can I hire an Intern or Trainee as an Independent Contractor (1099)?**

No. Registered Interns, Trainees, and Applicants for the MFT license who are providing therapy services and gaining hours toward licensure must be under supervision at all times and must do so as an employee or as a volunteer, and not as an independent contractor.<sup>4</sup> Effective January 1, 2010, to verify that an applicant did not acquire hours of experience as an independent contractor, the applicant is required to provide, with his or her application for licensure, a W-2 tax form for each year of experience claimed after January 1, 2010. If the applicant does not have a W-2 tax form, he or she will need to include paystubs as verification of his or her

employee status. In cases where the applicant was a volunteer, the applicant must provide the BBS with a letter from his or her employer verifying the applicant's employment as a volunteer.

### **5 I employ and supervise an Intern. Can I charge the Intern for supervision and trainings? What about Trainees working in an exempt setting?**

This question is very complicated and it does depend on a variety of factors. Accordingly, CAMFT has consulted with an outside wage and hour attorney regarding this important issue. According to the legal opinion that was provided, generally speaking, employers should not request or require employees to relinquish or pay back a portion of their wages to their employers. This would include paying for supervision or trainings. There are however certain exceptions in exempt settings. Such exceptions would be training facilities (where many trainees receive practicum hours as volunteers) or non-profit charitable entities that do not require registration or supervision. For further reading on this issue, see Sara Kashing's article, "[Part 1: Charging Trainees and Intern Employees For Supervision](#)" on page 57 and David Jensen's article, "[Are Nonprofits 'Commercial Enterprises'?](#)" on page 62.

Given the complexity of this issue, it is recommended that employers seek legal advice regarding specific employment wage and hour issues.

### **6 May my employed Intern assist with my increased costs of rent, telephone expenses, advertising, office supplies, furnishings, etc.?**

No. Interns should not share in these costs as they are not permitted to have a proprietary interest in their employers' businesses, including leasing or renting space, paying for furnishings, equipment or supplies, or in any other way paying for the obligations of their employers.<sup>5</sup> See also #5 above.

### **7 Can an Intern volunteer in my private practice?**

Employers in private practice settings probably should not permit Interns to be volunteers since private practices are generally set up to operate a commercial enterprise, which generates income for the owner of the business and the Intern. Therefore, Interns, who are employed by private practices that charge consumers for services rendered by the Interns, should be classified and paid as employees. However, if an Intern volunteers his or her own time, and services are offered to consumers on a pro bono basis, arguably, it may be allowable for the Intern to be classified as a volunteer in that private practice. For further reading on this topic, see David Jensen's article, "[Are Nonprofits 'Commercial Enterprises'?](#)" on page 62.

### **8 An Intern is employed with a nonprofit organization and is requesting that I provide the Intern with off-site supervision. Can I do this? If yes, can I charge the Intern for supervision?**

In a setting that is not a private practice, you may provide supervision to an Intern as an "off-site supervisor." If the setting does not employ you or independently contract with you to provide supervision, a letter of agreement for off-site supervision must be signed by the Intern, a representative of the employer, and yourself.<sup>6</sup> For a sample of this letter of agreement, visit CAMFT's website at [www.camft.org](http://www.camft.org). This agreement letter is to be submitted with the Intern's application for exam eligibility.

The California MFT licensing laws do not prohibit Interns from paying for off-site supervision. However, supervisors and employers should be aware of other bodies of law that govern these complex labor issues. An outside counsel whom CAMFT consulted regarding this issue has opined that an exempt setting employer, who hires Interns where supervision for licensure is not required by the employer, may allow its Interns to pay for off-site supervision. For example, a church employs counselors to provide counseling services. The church does not require its counselors to be registered with the BBS nor be under supervision for licensure. In this case, the church may allow its Interns to pay for off-site supervision.

Conversely, if the Intern is required to have a valid registration in order to be employed by the setting, the employer should not allow or require the Intern to pay for the supervision. For example, a nonprofit organization bills Medi-Cal on behalf of its clients and requires its Intern employees to maintain a valid registration in order to render services. The nonprofit organization should provide either on-site supervision or allow Intern employees to receive off-site supervision, but the nonprofit organization should not require or allow its Intern employees to pay for any of the on-site or off-site supervision fees. In situations where the employer pays for the off-site supervision, a letter of agreement is not required to be executed and submitted to the BBS.

Employers may choose to rely on this legal opinion, but ultimately, the potential risk of any labor law violations is on the employer. Therefore, it is recommended that employers consult with legal counsel specializing in wage and hour laws regarding their specific labor issues.

## **9 How do I advertise my Interns and Trainees lawfully?**

All advertisements for Intern and Trainee services must be approved by and done under the oversight of the employer/supervisor. Advertisements for MFT Registered Intern services must include all of the following information: 1) he or she is a “Marriage and Family Therapist Registered Intern” or “MFT Registered Intern”; 2) the Intern’s registration number; 3) the name of his or her employer or the name of the entity for which he or she volunteers; and 4) he or she is supervised by a licensed person. In addition, if the acronym “MFTI” is used in an advertisement, the title “Marriage and Family Therapist Registered Intern” must also be written in the advertisement.<sup>7</sup>

Advertisements for MFT Trainee services must include all of the following: 1) he or she is a “Marriage and Family Therapist Trainee” or “MFT Trainee”; 2) the name of his or her employer or the name of the entity for which he or she volunteers; and 3) he or she is supervised by a licensed person.<sup>8</sup>

## **10 Do I need to notify the BBS that I am supervising an MFT Intern or Trainee?**

No. A supervisor has the responsibility to complete and sign certain required BBS forms, including the *Responsibility Statement for Supervisors*, the *Weekly Summary of Hours Log*, and the *Experience Verification Form*, so that the Intern or Trainee can submit the necessary forms to the BBS with his or her exam eligibility application. (The *Weekly Summary of Hours Logs* do not need to be submitted to the BBS unless the applicant is requested to provide the logs after review of the application.) The BBS may audit you to ensure that you have met all the qualifications and requirements of a supervisor for MFT Interns and Trainees as set forth in the regulations (see #1 and #2), which may include verifying your license and completion of the required supervision coursework or training.

## **11 Can I supervise an Intern or Trainee to whom I have previously provided psychotherapy services?**

No. Hours gained by an Intern or Trainee under supervision of a licensed professional who has provided therapeutic services to the Intern or Trainee will not count toward licensure.<sup>9</sup> Also, it is important to note that other relationships that may undermine the supervisor’s authority or reasonably lead to exploitation of the Intern or Trainee may be unethical. The [CAMFT Code of Ethics](#), Part I, Section 4 states, “Marriage and family therapists are aware of their influential position with respect to students and supervisees, and they avoid exploiting the trust and dependency of such persons. Marriage and family therapists therefore avoid dual relationships that are reasonably likely to impair professional judgment or lead to exploitation. Provision of therapy to students or supervisees is unethical. Provision of marriage and family therapy supervision to clients is unethical. Sexual intercourse, sexual contact or sexual intimacy and/or harassment of any kind with students or supervisees is unethical. Other acts which could result in unethical dual relationships include, but are not limited to, borrowing money from a supervisee, engaging in a business venture with a supervisee, or engaging in a close personal relationship with a supervisee. Such acts with a supervisee’s spouse, partner or family member may also be considered unethical dual relationships.”

## **12 What can my Intern and I do when I go on vacation or sick leave?**

Interns in private practice must be under the direct supervision of a licensee that is either employed by and practices at the same site as the Intern's employer, or must be the owner or shareholder of the private practice. However, if you go on vacation or sick leave, alternative supervision may be arranged. The alternative supervisor would still have to meet all the qualifications as specified in #1 above.<sup>10</sup> Additionally, the alternate supervisor would need to complete and sign his or her own BBS forms for the Intern, including the *Responsibility Statement for Supervisors*, the *Weekly Hours of Experience Log*, and the *Experience Verification Form*.

## **13 Can I be held liable for my Intern or Trainee's actions?**

Supervisors, who employ Interns in their private practices, are generally responsible for the acts of their Interns committed within the scope of employment. On the other hand, the risk of liability for supervisors, who are employed to provide supervision for an agency or a private practice, is generally limited to the quality and appropriateness of the supervision. As a supervisor, you are required to ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the intern or trainee. Supervisors are also required to monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.<sup>11</sup> Therefore, you must ensure that Interns and Trainees under your supervision are not given cases beyond their scope of competence and scope of practice. Also, it is important that you continually monitor cases given to your Interns and Trainees to ensure that quality care is being provided.

## **14 What supervision, if any, would an applicant need when he or she has collected all the required hours for licensure?**

The applicant must be under supervision until he or she is licensed. The BBS recommends that the applicant meet with his or her supervisor for at least one individual hour of supervision or two hours of group supervision a week. Keep in mind that an individual is not considered licensed once he or she passes all the required licensing examinations. An individual is licensed only when the BBS issues the individual a license, which does not immediately occur after passage of the examinations.<sup>12</sup>

## **15 I employ and supervise MFT Interns. Do I have to pay for workers' compensation insurance for my Interns?**

All employers in California are required by law to have workers' compensation insurance, even if they have only one employee.<sup>13</sup> This would include supervisors who employ MFT Interns in their practice. When an employee is injured due to work, employers in California are required to pay for workers' compensation benefits. Employees cannot pay for or offset the cost of workers' compensation insurance. Failure to provide such insurance could be costly. It is recommended that the employer shop around for an insurance carrier that best meets his or her needs. If the Division of Labor Standards Enforcement finds that an employer is operating without appropriate workers' compensation coverage, the Division may issue a stop order (prohibits the employer from using employee labor until coverage is obtained). If the order is not followed, imprisonment or fines, or both may be imposed.

## **16 How many MFT Interns can I employ and supervise in my private practice? How about in an MFT professional corporation?**

A licensed professional in private practice may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.<sup>14</sup>

A marriage and family therapy corporation may employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or owner supervisor. A marriage and family therapy corporation can employ, at any one time, no more than a total of 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker.<sup>15</sup>

**17 If I employ and supervise three MFT Interns in my private practice, can I also supervise MFT Interns and Trainees in exempt work settings?**

Yes. The maximum number only applies to Interns employed and supervised in a private practice setting. Therefore, a supervisor who employs and supervises three MFT Interns in his or her private practice may supervise an unlimited number of MFT Interns or Trainees employed in exempt work settings, such as non-profit and charitable organizations, licensed health facilities, governmental entities and schools, colleges and universities.

**18 Can I employ and supervise a post-graduate student in a private practice who has not received his or her registration number?**

No. An individual must have his or her registration number in order to work in a private practice. Once an individual's degree has posted and the individual has applied for his or her registration number within 90 days from the date the degree posts, he or she may work in an exempt setting and gain hours of experience as a "post-graduate applicant with registration pending."<sup>16</sup>

**19 To whom should payment be made for services rendered by an Intern or Trainee?**

Payment for services rendered by Interns and Trainees must always be made to the employer. Interns and Trainees should never receive payment directly from patients and should only be paid by their employers.<sup>17</sup>

**20 Can I bill for insurance reimbursements for services rendered by my Intern or Trainee?**

California's Freedom of Choice laws do not mandate that services Interns and Trainees be reimbursed, so it is unlikely that insurance companies will reimburse for services rendered by Interns.<sup>18</sup> If a claim form is submitted, it should clearly indicate that the Intern or Trainee was the provider of services and both the supervisor and the Intern or Trainee should sign the claim form. A cover letter may also be attached to the claim form clearly pointing out the fact that the services were provided by the Intern who is registered or Trainee and under supervision.

It is recommended that clients be informed of the fact that their insurance plans may not provide reimbursement for the services provided by the Intern or Trainee. Generally, therapists who are individually contracted with an insurance plan are the only providers that may render services to clients insured by that particular plan. The therapist will not be able to delegate the contracted services out to his or her Intern. On the other hand, a corporation or agency may engage in contracts with insurance plans where their employees are allowed to provide services pursuant to the contract. In these circumstances, it may be possible for Interns or Trainees working at the corporation or agency to provide services and the corporation or agency be reimbursed for the Intern's or Trainee's services. Check with the client's insurance plan for more information regarding billing for Interns' or Trainees' services. For further reading on this topic, see Michael Griffin's article, "*On Ethics: Avoiding Problems with Fees, Payment Agreements and Health Insurance*" (*The Therapist*, March/April 2012).

**21 Are there any circumstances under which an individual may supervise an Intern in a private practice and not be the employer?**

An individual may supervise an Intern in a private practice and not be the employer when the individual is

employed by and practices at the same site as the Intern's employer.<sup>19</sup> For supervision of Interns in an MFT professional corporation, the supervisor must be either the owner of the professional corporation or a full-time employee of the professional corporation.<sup>20</sup> Additionally, alternative supervision may be arranged during a supervisor's vacation or sick leave (see #12).

## **22 If I fail to take the required supervision coursework/training, will my Intern or Trainee lose his or her hours of experience?**

No. The BBS will not deny hours of experience gained towards licensure by any Intern or Trainee due to failure of his or her supervisor to complete the supervision training or coursework requirements.<sup>21</sup> However, if you fail to renew your license in a timely manner, your Intern or Trainee will lose their hours for the time period that your license was not renewed.

*Ann Tran-Lien, JD, is a staff attorney for CAMFT. Ann is available to answer member calls regarding legal, ethical, and licensure issues.*

### Endnotes

1. 16 CCR § 1833.1
2. 16 CCR § 1833.1
3. Cal. Bus. & Prof. Code § 4980.43(i)
4. Cal. Bus. & Prof. Code § 4980.43(b)
5. Cal. Bus. & Prof. Code § 4980.43(i)
6. 16 CCR § 1833
7. Cal. Bus. & Prof. Code § 4980.44(d)
8. Cal. Bus. & Prof. Code § 4980.48
9. Cal. Bus. & Prof. Code 4980.03(g)(3)
10. Cal. Bus. & Prof. Code 4980.43(e)(4)
11. 16 CCR § 1833.1
12. Cal. Bus. & Prof. Code § 4980.43
13. Cal. Labor Code § 3722
14. Cal. Bus. & Prof. Code § 4980.45(a)
15. Cal. Bus. & Prof. Code § 4980.45(b)
16. Cal. Bus. & Prof. Code § 4980.43(g)
17. Cal. Bus. & Prof. Code § 4980.43(h)
18. Cal. Health & Saf. Code § 1373; Cal. Ins. Code §§ 10176, 10176.7, 10177, 10177.8
19. Cal. Bus. & Prof. Code § 4980.43(e)(4)
20. Cal. Bus. & Prof. Code § 4980.45(b)
21. 16 CCR § 1833.1(g)