California Board of PSYCHOLOGY

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MEMORANDUM

DATE	January 22, 2016
TO	Psychology Licensing Committee Members
FROM	Karen Johnson Karen Johnson Licensing Coordinator
SUBJECT	**Agenda Item 10.** Review and Assessment of Current Licensing Requirements and Recommendations for Possible Amendment **a.** Proposed Amendments to Sections of the Business and Professions Code: 2909, 2909.5, 2911, (Exemptions); 2913 (Psychological Assistant); 2914 (Licensed Psychologist); 2915 (Continuing Education); 2940 & 2941 (Application and Examination Fees); 2942, 2943, & 2944 (Examination Time and Subjects); 2946 (Reciprocity and Temporary Practice; 2947 (Appointment of Commissioners); 2948 (Issuance of License)

Attached are the following:

Licensing staff's proposed amendments to sections 2909, 2909.5, 2911, 2913, 2914, 2915, 2940, 2941, 2942, 2943, 2944, 2946, 2947, and 2948 of the Business and Professions Code.

Action

Review and amend the recommended changes to the statutes that effect the pathway to licensure.

New language effective 1/1/16

§2909. Applicability to school and public employees

This chapter shall not be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed, and do not offer to render or render psychological services as defined in Section 2903:

(a) Persons who hold a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing.

(b) Persons who are employed in positions as psychologists or psychological assistants by accredited or approved colleges, junior colleges, or universities, or by federal, state, county, or municipal governmental organizations that are not primarily involved in the provision of direct health or mental health services, may conduct research and disseminate their research findings and scientific information.

Comment [KJ1]: Pathway review changed this to Community colleges.

New legislation effective 1/1/16:

§2909.5.

This chapter shall not be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which persons were employed on the part of persons who meet the educational requirements of subdivision (b) of Section 2914 and who have one year or more of the supervised professional experience referenced in subdivision (c) of Section 2914, if they are employed by nonprofit community agencies that receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not render or offer to render psychological services, as defined in Section 2903. Those persons shall be registered by the agency with the board at the time of employment and shall be identified in the setting as a "registered psychologist." Those persons shall be exempt from this chapter for a maximum period of 30 months from the date of registration.

(Added by Stats. 2015, Ch. 218, Sec. 2. Effective January 1, 2016.)

Suggested amendments from pathways review:

§2909.5.

(a)This chapter shall not be construed as restricting or preventing activities of a psychological nature ~~or the use of the official title of the position for which persons were employed~~ on the part of persons who are: (1) employed by nonprofit community agencies that receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services; (2) performing those activities as part of the duties for which they were employed; (3) performing those activities solely within the confines of or under the jurisdiction of the agency in which they are employed; and (4) not rendering or offering to render psychological services as defined in Section 2903.

(b) Such persons must meet the educational requirements of subdivision (b) of Section 2914 and ~~who~~ have one year or more of the supervised professional experience referenced in subdivision (c) of Section 2914~~., if they are employed by nonprofit community agencies that receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services, provided those persons are performing those~~

Comment [KJ2]: Should it read 2914(b) 2914 (c) instead of subdivision (b) of Section 2914...

~~activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not offer to render or render psychological services as defined in Section 2903.~~

(c) Those persons shall be registered by the agency with the B~~b~~oard at the time of employment and shall be identified in the setting as a "registered community psychologist."

(d) Those persons shall be exempt from this chapter for a maximum period of 30 months from the date of registration.

Internship—Exemption

§ 2911. Nothing in this chapter shall be construed as restricting the activities and services of a graduate student, ~~or psychological intern in psychology pursuing a course of study leading to a graduate degree in psychology at an accredited or approved college or university and working in a training program, or a postdoctoral trainee working in a postdoctoral placement overseen by the American Psychological Association (APA), the Association of Psychology Postdoctoral and Internship Centers (APPIC), or the California Psychology Internship Council (CAPIC), provided that these activities and services constitute a part of his or her supervised course of study and that those persons are designated by the title "~~psychological intern~~,"~~ " or psychological trainee,"~~ ~~"postdoctoral intern," or another title clearly indicating the training status appropriate to his or her level of training. The aforementioned terms shall be reserved for persons~~ enrolled in the doctoral program leading to one of the degrees listed in subdivision (b) of Section 2914 at an accredited or approved college or university or in a formal postdoctoral internship. All must be overseen by the American Psychological Association (APA), Association of Psychology Postdoctoral and Internship Centers (APPIC), or California Psychology Internship Council (CAPIC).

B&P Section 2913 (effective 1/1/16) to be reviewed by the Policy and Advocacy Committee at their January 6, 2016 meeting.

§2913.

A person other than a licensed psychologist ~~may~~ shall be supervised in accordance with the Board's regulations, ~~employed~~ by a licensed psychologist, or by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology~~, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation~~ to perform ~~limited~~ psychological functions provided that all of the following apply:

(a) The person is termed a "psychological assistant."

(b) The person (1) has completed a master's degree in psychology or education with the field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (3) has completed a doctoral degree which qualifies for licensure under Section 2914, in an accredited or approved university, college, or professional school located in the United States or Canada.

(c) The person is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

(d) The licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has registered the psychological assistant with the board. The registration shall be renewed annually in accordance with regulations adopted by the board.

No licensed psychologist may register, employ, or supervise more than three psychological assistants at any given time unless specifically authorized to do so by the board. No board certified psychiatrist may register, employ, or supervise more than one psychological assistant at any given time. No contract clinic, psychological corporation, or medical corporation may employ more than 10 assistants at any one time. No

contract clinic may register, employ, or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises the psychological assistants. No psychological assistant may provide psychological services to the public for a fee, monetary or otherwise, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation.

(e) The psychological assistant shall comply with regulations that the board may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.

(f) No person shall practice as a psychological assistant who is found by the board to be in violation of Section 2960 and the rules and regulations duly adopted thereunder.

Reviewed by Licensing Unit staff and Legal Counsel in pathways meetings.

§ 2913. Services by psychological assistants

a) A person other than a licensed psychologist ~~may~~ shall be ~~employed~~ supervised, in accordance with the Board's regulations,

by a licensed

Psychologist or, by a licensed physician and surgeon who is board certified in psychiatry

by the American Board of Psychiatry and Neurology, ~~by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation~~ to perform ~~limited~~ psychological functions provided that all of the following apply:

(1a) The person is termed a "psychological assistant."

(~~b~~)2 The person (1) has completed a master's degree in psychology or education with the

field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (3) has completed a doctoral degree which qualifies for licensure under Section 2914, ~~in an accredited or approved university, college, or professional school located in the United States or Canada.~~

~~(c) The person is at all times under the immediate supervision, as defined in regulations adopted by the Bboard, of a licensed psychologist, or board certified psychiatrist, who~~ supervisor

~~shall be responsible for e~~insuring that the ~~extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960~~.

(3d) The ~~licensed psychologist, board certified psychiatrist, contract clinic, psychological~~

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Comment [KJ3]: The following language in 2914. possess an earned doctorate degree in (1) an applied area of ~~in~~ psychology or (2) ~~in~~ education with the field of specialization in counseling psychology, educational psychology or school psychology. Except as provided in subdivision (g), this degree or training shall be obtained from an accredited university, college, or professional school. A doctorate degree in an applied area of psychology is one that integrates training to apply psychological principles, research, and theory with the delivery of services to individuals, groups, or organizations. The Board shall make the final determination ~~as to whether~~ if a degree meets the requirements of this section

Comment [KJ4]: Move to 1391.6

~~corporation, or medical corporation,~~psychological assistant person ~~has~~shall register~~ed the psychological assistant~~ with the Bboard and renew .

~~t~~The registration ~~shall be renewed~~ annually in accordance with regulations adopted by the Bboard.

~~No licensed psychologist may register, employ, or supervise more than three psychological assistants at any given time unless specifically authorized to do so by the Bboard. No board certified psychiatrist may register, employ, or supervise more than one psychological assistant at any given time. No contract clinic, psychological corporation, or medical corporation may employ more than 10 assistants at any one time. No contract clinic may register, employ, or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises the psychological assistants.~~

(be) ~~No psychological assistant~~Psychological assistants ~~may~~shall not:

(1) ~~-~~independently provide psychological services

(2) receive payments, monetary or otherwise, directly from clients or patients ~~to the public for a fee, monetary or otherwise~~ ~~, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation~~.

~~(e) The psychological assistant shall comply with regulations that the Bboard may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education~~

(c~~f~~) No person shall practice as a psychological assistant who is found by the B~~b~~oard to be in violation of Section 2960 and the rules and regulations duly adopted thereunder.

2914. Each applicant for licensure shall ~~comply with all of the following requirements~~:

(a) ~~Is~~ not be subject to denial of licensure under Division 1.5 (commencing with Section 475).

(b) ~~(1) P~~possess an earned doctorate degree in ~~(1)(A) in~~ an applied area of psychology, or ~~(2) (B) in educational psychology, or (C) in~~ education with the field of specialization in counseling psychology, ~~or~~ educational psychology or school psychology. Except as provided in subdivision (g), this degree or training shall be obtained from an accredited university, college, or professional school. A doctorate degree in an applied area of psychology is one that integrates training to apply psychological principles, research, and theory with the delivery of services to individuals, groups, or organizations. The B~~b~~oard shall make the final determination ~~as to whether~~ if a degree meets the requirements of this section.

~~(2) No educational institution shall be denied recognition as an accredited academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this chapter or in the administration of this chapter shall require the registration with the board by educational institutions of their departments of psychology or their doctoral programs in psychology.~~

~~(3)~~ An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the B~~b~~oard that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. These applicants shall provide the B~~b~~oard with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and any other documentation the board deems necessary.

(c) ~~(1) H~~have engaged for at least two years in supervised professional experience (SPE) under the direction of a licensed psychologist, the specific requirements of which shall be defined by the B~~b~~oard in its regulations, or under suitable alternative supervision as determined by the B~~b~~oard in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology. The supervisor shall submit verification of the experience ~~required by this subdivision~~ to the trainee ~~in a manner~~as prescribed by the B~~b~~oard. If the supervising licensed psychologist fails to provide verification to the trainee in a timely manner, the B~~b~~oard may establish alternative procedures for obtaining the necessary documentation.

Absent good cause, the failure of a supervising licensed psychologist to provide the verification to the Bboard upon request shall constitute unprofessional conduct.

~~(2)~~ The Bboard shall establish qualifications by regulation for supervising psychologists.

(d) _t~~T~~ake and pass the examination required by Section 2941 unless otherwise exempted by the Bboard under this chapter.

(e) ~~Show by evidence satisfactory to the board that he or she has completed training~~ complete coursework in the detection and treatment of alcohol and other chemical substance dependency~~. This requirement applies only to applicants who matriculate on or after September 1, 1985~~ as prescribed by the Board.

(f) ~~(1) Show by evidence satisfactory to the board that he or she has completed~~complete coursework in spousal or partner abuse assessment, detection, and intervention~~. This requirement applies to applicants who began graduate training during the period commencing on January 1, 1995, and ending on December 31, 2003~~ as prescribed by the Board.

~~(2) An applicant who began graduate training on or after January 1, 2004, shall show by evidence satisfactory to the board that he or she has completed a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.~~ An applicant may request an exemption from this requirement if he or she intends to practice in an area that does not include the direct provision of mental health services.

_~~(3) Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. This requirement for coursework shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.~~

(g) An applicant holding a doctoral degree in psychology from an approved institution is deemed to meet the requirements of this section if both of the following are true:

(1) The approved institution offered a doctoral degree in psychology designed to prepare students for a license to practice psychology and was approved by

the former Bureau for Private Postsecondary and Vocational Education on or before July 1, 1999.

(2) The approved institution has not, since July 1, 1999, had a new location, as described in Section 94823.5 of the Education Code.

(Amended by Stats. 2015, Ch. 529, Sec. 3. Effective January 1, 2016.)

§2915.

(a) Except as provided in this section, ~~on or after January 1, 1996, the board shall not issue any renewal license unless the applicant submits proof that he or she has completed no less than 18 hours of approved continuing education in the preceding year. On or after January 1, 1997, except as provided in this section,~~ the board shall issue renewal licenses only to those applicants who have completed 36 hours of approved continuing ~~education~~ professional development in the preceding two years.

(b) Each person ~~renewing~~ applying for renewal or reinstatement of his or her license issued pursuant to this chapter shall ~~submit~~ certify under penalty of perjury that he or she is in compliance with this section and retain proof of compliance with this section for submission to the board upon request. False statements submitted pursuant to this section shall be a violation of Section 2970.

~~(c) A person applying for relicensure or for reinstatement to an active license status shall certify under penalty of perjury that he or she is in compliance with this section.~~

~~(d) (1) The continuing education requirement shall include, but shall not be limited to, courses required pursuant to Sections 25 and 28. The requirement may include courses pursuant to Sections 32 and 2914.1.~~

(~~1~~2) (A) The board shall require a licensed psychologist who began graduate study prior to January 1, 2004, to take a continuing education course during his or her first renewal period after the operative date of this section in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement.

(B) Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing ~~education~~ professional development required under subdivision (a).

~~(C) A licensed psychologist whose practice does not include the direct provision of mental health services may apply to the board for an exemption from the requirements of this paragraph.~~

(~~2~~3) Continuing education ~~instruction~~ courses approved to meet the requirements of this section ~~shall be completed within the State of California, or~~ shall be approved for ~~continuing education~~ credit by ~~the American Psychological Association or its equivalent as~~ organizations approved by the board.

(ce) The board may ~~establish a policy for exceptions~~ grant exemptions or extensions from the continuing ~~education~~ professional development requirement of this section.

~~(f) The board may recognize continuing education courses that have been approved by one or more private nonprofit organizations that have at least 10 years' experience managing continuing education programs for psychologists on a statewide basis, including, but not limited to:~~

~~(1) Maintaining and managing related records and data.~~

~~(2) Monitoring and approving courses.~~

(dg) The board shall adopt regulations as necessary for implementation of this section.

~~(h) A licensed psychologist shall choose continuing education instruction that is related to the assessment, diagnosis, and intervention for the client population being served or to the fields of psychology in which the psychologist intends to provide services, that may include new theoretical approaches, research, and applied techniques. Continuing education instruction shall include required courses specified in subdivision (d).~~

~~(i) A psychologist shall not practice outside his or her particular field or fields of competence as established by his or her education, training, continuing education, and experience.~~

(ej) The administration of this section may be funded through professional license fees and continuing education provider and course approval fees, or both. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

(fk) Continuing ~~education~~ professional development credit may be approved for those licensees who serve as ~~commissioners on any examination pursuant to Section 2947, subject to limitations established by the board~~ selected participants in any examination development or enforcement-related function for the board.

~~(l) This section shall become operative on January 1, 2004.~~

§ 2940. Application and fee

Each person desiring to obtain a license from the Bboard shall make application to the Bboard. The application shall be ~~made upon a form and shall be made~~submitted in a manner prescribed by~~as~~ the Bboard ~~prescribes~~ in regulations duly adopted under this chapter.

The application shall be accompanied by the application fee prescribed by Section 298749. This fee shall not be refunded by the Bboard.

§ 2941. Examination and fee

Each applicant for a psychology license shall be examined by the Bboard, and shall pay ~~to the board, at least 30 days prior to the date of examination,~~ the examination fee prescribed by Section 2987, which ~~fee~~ shall not be refunded by the Bboard.

§ 2942. Time for examinations; Passing grades

The ~~b~~Board may examine by written or computer-assisted examination or by both. All aspects of the examination shall be in compliance with Section 139. The examination shall be available for administration at least twice a year at the time and place and under supervision as the Bboard may determine. The passing grades for the examinations shall be established by the Bboard in regulations and shall be based on psychometrically sound principles of establishing minimum qualifications and levels of competency.

Examinations for a psychologist's license may be conducted by the Bboard under a uniform examination system, and for that purpose the Bboard may make arrangements with organizations furnishing examination material as may in its discretion be desirable.

Comment [D5]: Work on new wording.

§ 2943. Examination subjects

The Bboard may examine for knowledge in whatever theoretical or applied fields in psychology as it deems appropriate. It may examine the candidate with regard to his or her professional skills and his or her judgment in the utilization of psychological techniques and methods.

~~§ 2944. Written examinations~~

~~The board shall grade the written examination and keep the written examination papers for at least one year, unless a uniform examination is conducted pursuant to Section 2942.~~

§ 2946. ~~Reciprocity licenses;~~ Temporary practice by out-of-state licensees; Waiver of examination requirement

The Bboard shall grant a license to any person who passes the Bboard's supplemental licensing examination and, at the time of application, has been licensed for at least five years by a psychology licensing authority in another state or territory of the United States or Canadian province if the requirements for obtaining a certificate or license to practice psychology in that state, territory or province were substantially equivalent to the requirements of this chapter. A psychologist certified or licensed in another state, territory or province and who has made application to the Bboard for a license in this state may perform activities and services of a psychological nature without a valid California license for a period not to exceed 180 calendar days from the time of submitting his or her application or from the commencement of residency in this state, whichever first occurs.

The Bboard at its discretion may waive the examinations, when in the judgment of the Bboard the applicant has already demonstrated competence in areas covered by the examinations. The Bboard at its discretion may waive the examinations for diplomates of the American Board of Professional Psychology.

~~Public commissioners may examine and evaluate candidates in areas of knowledge such as the law, ethics, and awareness of community resources.~~

§ 2948. Issuance of license

The Bboard shall issue a license to all applicants who meet the requirements of this chapter and who pay to the Bboard the initial license fee provided in Section 2987.

~~§ 2947. Appointment of commissioners on examination; Qualifications~~

~~The board may appoint qualified persons to give the whole or any portion of any examination provided for in this chapter, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the board but he or she shall have the same qualifications as a member of the board, including those set forth in Chapter 6 (commencing with Section 450) of Division 1. The board may also appoint occasional professional commissioners for short-term specified periods to assist in its nonpolicy workload.~~

~~Public commissioners may examine and evaluate candidates in areas of knowledge such as the law, ethics, and awareness of community resources.~~