California Board of
PSYCHOLOGY

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MEMORANDUM

DATE	May 6, 2016
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #22 (a)(13) – Legislative Update – SB 1194 (Hill) Psychology: Board of Psychology: Personnel

Background:

This bill amends statutes related to psychological assistants, psychologist academic requirements, and continuing education (CE); establishes policies for posting licensee information on the Board of Psychology's (Board) Web site; extends the Board's sunset date to 2021; authorizes the issuance of a retired license; and makes technical amendments.

Location: Senate Appropriations Committee

Status: In Senate. Read second time and amended. Re-referred to Committee on Appropriations

Hearing: 05/09/2016 10:00 am, John L. Burton Hearing Room (4203)

Action Requested:
The Policy and Advocacy Committee recommendation is to recommend the full Board take a "Support" position on SB 1194 (Hill).

Attachment A is the Analysis for SB 1194 (Hill)
Attachment B is the language of SB 1194 (Hill)
Attachment C is the Senate Business, Professions and Economic Development Committee Analysis of SB 1194 (Hill)

CALIFORNIA STATE BOARD OF PSYCHOLOGY

BILL ANALYSIS

BILL NUMBER: SB 1194 **VERSION:** AMENDED: APRIL 21, 2016

AUTHOR: HILL (D) **SPONSOR:** AUTHOR

BOARD POSITION: NONE

SUBJECT: PSYCHOLOGY: BOARD OF PSYCHOLOGY: PERSONNEL

Overview: This bill amends statutes related to psychological assistants (PAs), psychologist academic requirements, and continuing education (CE); establishes policies for posting licensee information on the Board of Psychology's (Board) Web site; extends the Board's sunset date to 2021; authorizes the issuance of a retired license; and makes technical amends.

Existing Law:

1) Establishes the Board to enforce and administer the Psychology Licensing Law. (Business and Professions Code (BPC) § 2900 et seq.)

2) Requires a PA to be employed by a clinic, as specified; a psychological corporation; a licensed psychology clinic, as specified; or by a medical corporation. (BPC § 2913)

3) Prohibits a licensed psychologist from supervising more than three PAs at a time unless otherwise authorized by the Board. (BPC § 2913)

4) Prohibits a board certified psychiatrist from registering, employing, or supervising more than one PA at a time. (BPC § 2913)

5) Requires the licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, to register the PA with the Board. (BPC § 2913)

6) Prohibits a contract clinic, psychology clinic, psychological corporation, or medical corporation from employing more than ten PAs at any time, and limits the number of PAs a contract clinic may register, employ, or supervise to one PA for each designated full-time staff psychiatrist. (BPC § 2913)

7) States that an applicant holding a doctoral degree in psychology from an approved institution is deemed to meet certain licensing requirements if both of the following are true:

a) 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; and,

b) The approved institution has not, since July 1, 1999, had a new location, as described in § 94823.5 of the Education Code. (BPC § 2914)

8) Establishes requirements for CE. (BPC § 2915)

9) Sunsets the Board on January 1, 2017. (BPC §§ 2920, 2933)

This Bill:

1) Deletes Psychological Assistant employment restrictions and related provisions.

2) Deletes the limitation for a licensed psychologist to supervise, register, or employ more than three PAs with specific authorization from the BOP.

3) Deletes provisions of law related to the employment, supervision, and registration of a PA by a board certified psychiatrist.

4) Deletes requirements related to an approved school and instead requires that an applicant graduate from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. Authorizes the Board, until January 1, 2020, to accept an applicant who possesses a doctorate degree from an institution that is not accredited by an accrediting agency recognized by the United States Department of Education but is approved to operate in this state by the Bureau for Private Postsecondary Education (BPPE).

5) Changes references from CE to "continuing professional development" (CPD) and instead of requiring licensees to submit proof of compliance to BOP, requires licensees to retain proof of compliance for submission to the Board upon request.

6) Deletes the requirement that CE instruction be completed in California or be approved for CE credit by the American Psychological Association or its equivalent; states instead that courses shall be approved for credit by organizations approved by the Board.

7) Deletes the Board's authority to recognize CE courses that have been approved by a nonprofit organization with at least 10 years' experience managing CE programs for psychologists.

8) Deletes the exemption from CE requirements for a licensed psychologist whose practice does not include the direct provision of mental health services.

9) Deletes the requirement that a licensed psychologist choose CE 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.

10) Allows CPD credit for individuals selected by the Board for enforcement-related functions.

11) Authorizes the Board to post the following licensee information:

a) Whether or not the licensee has any record of a disciplinary action;

b) The following enforcement actions or proceedings against the licensee:

i) Temporary restraining orders;

ii) Interim suspension orders;

iii) Revocations, suspensions, probations, or limitations on practice ordered by the Board or by a court with jurisdiction in the State, including those made part of a probationary order, cease practice order, or stipulated agreement;

iv) Accusations filed by the Board, including those accusations that are on appeal, excluding ones that have been dismissed or withdrawn where the action is no longer pending; and,

v) Citations issued by the Board. Unless withdrawn, citations shall be posted for five years from the date of issuance.

c) Institutions that awarded the qualifying educational degree and type of degree awarded;

d) A link to the licensee's professional website; and,

e) Other information designated by the Board in regulation.

12) Authorizes the Board to issue a retired psychologist license, as specified.

13) Extends the Board's sunset to January 1, 2021.

Review of the BOP – Issues Identified and Recommended Changes

a) **Issue: Approved schools and national accreditation.**

Background: California is the only state that allows students from unaccredited schools to sit for psychology licensing examinations. Current law requires the BOP to accept doctoral degrees in psychology from either accredited or approved institutions. An institution is deemed approved if it is not a franchise, was approved by the Bureau for Private Postsecondary and Vocational Education on or before 1999, and has not moved to a new location since 1999. There are six schools meeting these criteria, and approvals and oversight are conducted solely by the BPPE.

This issue was raised during the previous review of the BOP in 2011. At that time, the BOP was concerned about the lack of quality control over the schools' operations and curriculum and that students attending approved schools have a low pass rate on the national exam, among other issues. The Board stated that the students from these

schools should not be eligible for licensure and expressed their preference for a change in law to prohibit applicants from approved schools. This law was not changed.

In an effort to increase the quality of educational programs in California, the California Private Postsecondary Education Act of 2009 was amended in 2014 (SB 1247, Lieu, Chapter 840, Statutes of 2014) to require degree granting institutions to be accredited by an agency recognized by the U.S. Department of Education (which includes national accreditation) by July 1, 2020 in order to receive BPPE approval.

However, these changes are insufficient to raise California's psychologists to the national standard. The main barrier is that the Association of State and Provincial Psychology Boards (ASPPB) requires member states to have regionally accredited schools to participate in their Agreement of Reciprocity for licensure. Current law will only require national accreditation. Further, California psychologists cannot join the American Psychological Association as full members; participate in certain pre-doctoral or post-doctoral programs necessary for some types of employment, including the U.S. Department of Veterans' Affairs Health and Medical Centers -- the largest employer of psychologists in the U.S; or be eligible for licensure in some states.

Recommendation and Proposed Statutory Change: The Committees should remove current language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the Board and ensure that timeframes for this change accommodate current students. The Board should provide information to the Committees as to whether regional accreditation may be preferable to other types of accreditation, and the Committees should specify the type of accreditation that should be required of institutions offering degrees intended to lead to licensure.

This bill deletes current requirements related to an approved school and instead requires that an applicant for psychologist licensure graduate from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. This bill also authorizes the Board, until January 1, 2020, to accept an applicant who possesses a doctorate degree from an institution that is not accredited by an accrediting agency recognized by the U.S. Department of Education but is approved to operate in this state by the BPPE.

b) **Issue: Continuing education.**

Background: Traditional models of CE entail formal learning activities conducted in classroom or workshop settings. The Board is seeking changes to its CE program to accommodate a broader competency model called CPD. The model was developed by the ASPPB and provides additional avenues for maintaining professional competence. These options are meant to expand the ways licensees can increase their learning and to include performance-based assessments.

Changes should include:

1. Redefining CE requirements as CPD requirements;

2. Removing specific course requirements found in the BPC; and,

3. Enabling the Board to approve specific organizations that provide CPD activities.

Recommendation and Proposed Statutory Change: The Board should provide recommendations to the Committee for updating CE statutes.

This bill changes references from "continuing education" to "continuing professional development," requires licensees to retain proof of CPD compliance for submission to the Board upon request; requires CPD courses to be approved for credit by organizations approved by the Board; allows CPD credit for individuals selected by the Board for enforcement-related functions; and requires the Board to promulgate regulations relating to CPD.

c) **Issue: Expansion of PA practice areas.**

Background: Applicants must accrue 3,000 hours of supervised professional experience in order to qualify for psychologist licensure. Individuals who have a Master's degree and are admitted into a doctoral program may obtain these hours by registering with the Board as a PA. A PA provides psychological services to individuals or groups while under the supervision of a licensed psychologist or a board certified psychiatrist.

Current law requires that a PA be employed only by a psychological or medical corporation, a California licensed psychology clinic, a Bronzan-McCorquodale contract clinic, a licensed psychologist, or a board certified psychiatrist.

The Board recognizes that these statutes are outdated and do not reflect the employment, contract, or volunteer opportunities available in settings beyond current limitations, such as hospitals, nursing homes, and rehabilitation centers.

Recommendation and Proposed Statutory Change: The Board should provide recommendations to the Committee for updating PA statutes to focus on appropriate supervision, rather than physical setting.

This bill deletes PA employment restrictions and related provisions and deletes the restriction for a licensed psychologist to supervise, register, or employ no more than three PAs without specific authorization from the Board.

d) **Issue: Retired license.**

Background: The Psychology Licensing Law does not authorize a retired license. Under existing law, a retired licensee may choose only between "inactive" status, which costs $50 per renewal cycle, or "delinquent" status. These have negative connotations and may not respect a long and honorable career.

The Board is seeking to establish a "retired" licensure category, similar to many other healing arts programs such as the Medical Board of California, Professional Fiduciaries Bureau, Board of Behavioral Sciences, and Board of Optometry. The creation of this license would require a one-time fee and would provide a means for a retired licensee to return to active status under certain circumstances.

Adding this license designation is a consistent request from licensees and is included in the Board's 2014-2018 Strategic Plan.

Recommendation and Proposed Statutory Change: The Board should provide recommendations to the Committee for establishing a retired license.

This bill authorizes the Board to issue a retired license.

e) **Issue: Web site information.**

Background: The Board has been very active in providing information to consumers and seeks legislative authority to post historical information on existing and past licensees' approved graduate and post-graduate education on its website. This will enable consumers to make informed decisions when selecting a psychology provider.

Recommendation and Proposed Statutory Change: The Board should provide recommendations to the Committee for updating its public information policies.

This bill authorizes the Board to post the information on the status of its licensees relating to disciplinary and enforcement actions, academic credentials, a licensee's website, and other information designated by the Board in regulations.

Previous Legislation.

AB 773 (Baker, Chapter 336, Statutes of 2015) recast the expiration dates for certain licenses, certificates, and registrations issued by the Board based on the date of issuance instead of a licensee's birthdate.

AB 705 (Eggman, Chapter 218, Statutes of 2015) updated the Psychology Licensing Law to require employees in exempt settings be supervised by a licensed psychologist and become licensed within five years of practice, and made technical and clarifying changes.

AB 1374 (Levine, Chapter 529, Statutes of 2015) eliminated the requirement for a fee in the definition of the practice of psychology so that psychological services may be provided for free, revised terms related to the practice of psychology, amended the process by which an applicant submits a verification of experience to the Board, and made technical and clarifying changes.

Support

The California Psychological Association

Opposition

None on file

1) History
04/29/16 Set for hearing May 9.

04/21/16 Read second time and amended. Re-referred to Com. on APPR.
04/20/16 From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 9. Noes 0. Page 3591.) (April 18).
04/11/16 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & E.D.
03/29/16 Set for hearing April 18.
03/03/16 Referred to Com. on B., P. & E.D.
02/19/16 From printer. May be acted upon on or after March 20.
02/18/16 Introduced. Read first time. To Com. on RLS. for assignment. To print.

California LEGISLATIVE INFORMATION

SB-1194 Psychology: Board of Psychology: personnel. (2015-2016)

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 11, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL **No. 1194**

Introduced by Senator Hill

February 18, 2016

An act to amend Sections 2913, 2914, ~~2914.1,2914.2,~~ *2914.1, 2914.2* 2915, 2920, and 2933 of, to add Sections 2934.1 and 2988.5 to, and to repeal Section 2947 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1194, as amended, Hill. Psychology: Board of Psychology: personnel.

(1) Existing law, the Psychology Licensing Law (hereafter law), establishes the Board of Psychology to license and regulate the practice of psychology, and authorizes the board to employ all personnel necessary to carry out that law and to employ an executive officer, as specified. These provisions are in effect only until January 1, 2017.

This bill would extend those provisions to January 1, 2021.

(2) The law defines the practice of psychology as rendering or offering to render, for a fee, psychological services involving the application of psychological principles and methods, including the diagnosis, prevention, and treatment of psychological problems and emotional and mental disorders. The law prohibits unlicensed persons from practicing psychology, but authorizes unlicensed persons, including psychological assistants who meet certain requirements and do not provide psychological services to the public, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation, to perform limited psychological functions. The law provides that a violation of any of its provisions is a misdemeanor.

This bill would recast these provisions to authorize an unlicensed person preparing for licensure as a psychologist to perform psychological functions under certain conditions, including registration with the board as a psychological assistant and immediate supervision by a licensed psychologist or physician and surgeon who is board certified in psychiatry, as specified. ~~This~~ *The* bill would prohibit a psychological assistant from providing psychological services to the public except as a supervisee. By changing the definition of a crime, this bill would create a state-mandated local program.

(3) The law conditions the issuance of a psychology license upon an applicant having received any of certain kinds of doctorate degrees, from an accredited educational institution. The law requires, with certain exceptions, the board to issue renewal licenses for psychology only to those applicants who have completed 36 hours of approved continuing education in the preceding two years. Existing law prescribes a biennial license renewal fee of not more than $500. Existing law also requires a person applying for relicensure or for reinstatement to an active license to certify under penalty of perjury that he or she is in compliance with the continuing education requirements. Existing law requires continuing education instruction to be completed within the state or be approved for credit by the American Psychological Association or its equivalent.

This bill would revise and recast the doctorate degree requirements for licensure to include, until January 1, 2020, a doctorate degree from an unaccredited institution that is approved for operation by *a* specified entity. The ~~law~~ *bill* would replace the term "continuing education" with "continuing professional development," *define "continuing professional development,"* require a person applying for renewal or reinstatement to certify compliance with these requirements under penalty of perjury, require continuing professional courses to be approved ~~for credit~~ by organizations approved by the board, *as specified,* and authorize the board to grant exemptions from, or extensions for compliance with, these requirements. ~~This bill would also authorize professional development credit to be approved for selected participants in any examination development or enforcement related function for the board.~~

This bill would authorize the board to issue a retired license to a licensed psychologist if the psychologist has applied to the board for a retired license and pays a fee of not more than $75. The bill would also prohibit the holder of a retired license from engaging in the practice of psychology in the same manner as an active licensee. Because a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

(4) The law authorizes the board to appoint qualified persons to give the whole or any portion of any examination provided for in the law, to be designated as commissioners on examination.

This bill would repeal this authorization.

This bill would authorize the board to post on its Internet Web site the prescribed information regarding all current and former licensees.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2913 of the Business and Professions Code is amended to read:

2913. A person other than a licensed psychologist may perform psychological functions in preparation for licensure as a psychologist only if all of the following conditions are met:

(a) The person ~~is registered~~ *shall register himself or herself* with the board as a "psychological assistant." This registration shall be renewed annually in accordance with regulations adopted by the board.

(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 that qualifies for licensure under Section 2914.

(c) (1) The psychological assistant is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or a licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, who shall be responsible for insuring that the extent, kind, and quality of the psychological services that the psychological assistant performs are consistent with his or her training and experience and be responsible for the psychological assistant's compliance with this chapter and regulations.

(2) A licensed psychologist *or board certified psychiatrist* shall not supervise more than three psychological assistants at any given time. No psychological assistant may provide psychological services to the public except

as a supervisee pursuant to this section.

(d) 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.

SEC. 2. Section 2914 of the Business and Professions Code is amended to read:

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

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

(b) Possess an earned doctorate degree (1) in psychology, (2) in educational psychology, or (3) in education with the field of specialization in counseling psychology or educational psychology. Except as provided in subdivision (h), this degree or training shall be obtained from an accredited university, college, or professional school. The board shall make the final determination as to whether a degree meets the requirements of this section.

~~(b)~~

(c) (1) On or after January 1, 2020, possess an earned doctorate degree in psychology, in educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. Until January 1, 2020, the board may accept an applicant who possesses a doctorate degree in psychology, educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from an institution that is not accredited by an accrediting agency recognized by the United States Department of Education, but is approved to operate in this state by the Bureau for Private Postsecondary Education.

(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 board 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 board 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)~~

(d) (1) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the board in its regulations, or under suitable alternative supervision as determined by the board 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 prescribed by the board. If the supervising licensed psychologist fails to provide verification to the trainee in a timely manner, the board 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 board upon request shall constitute unprofessional conduct.

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

~~(d)~~

(e) Take and pass the examination required by Section 2941 unless otherwise exempted by the board under this chapter.

~~(e)~~

(f) Show by evidence satisfactory to the board that he or she has completed training 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.

~~(f)~~

(g) (1) Show by evidence satisfactory to the board that he or she has completed 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.

(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.

(h) Until January 1, 2020, 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.

SEC. 3. Section 2914.1 of the Business and Professions Code is amended to read:

2914.1. The board shall encourage every licensed psychologist to take a continuing professional development course in geriatric pharmacology as a part of his or her continuing professional development.

SEC. 4. Section 2914.2 of the Business and Professions Code is amended to read:

2914.2. The board shall encourage licensed psychologists to take continuing professional development courses in psychopharmacology and biological basis of behavior as part of their continuing professional development.

SEC. 5. Section 2915 of the Business and Professions Code is amended to read:

2915. (a) Except as provided in this section, the board shall issue a renewal license only to an applicant who has completed 36 hours of approved continuing professional development in the preceding two years.

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

(c) Continuing professional development means certain continuing education learning activities approved in four different categories:

(1) Professional.

(2) Academic.

(3) Sponsored continuing education coursework.

(4) Board certification from the American Board of Professional Psychology according to the standards the American Board of Professional Psychology used for certification as of January 1, 2016.

The board may develop regulations further defining acceptable continuing professional development activities.

~~(c)~~

(d) (1) 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.

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

~~(d)~~

(e) Continuing education courses approved to meet the requirements of this section shall be approved ~~credit~~ by organizations approved by the board. *An organization approved by the board to provide or approve continuing education on March 1, 2016, is deemed approved under this section.*

(f) The board may accept sponsored continuing education courses that have been approved by a private, nonprofit organization that has demonstrated to the board in writing that it has, at a minimum, a 10-year history of providing educational programming for psychologists and has documented procedures for maintaining a continuing education approval program. The board shall adopt regulations as necessary for implementing this section.

~~(e)~~

(g) The board may grant an exemption, or an extension of the time for compliance with, from the continuing professional development requirement of this section.

~~(f)~~

(h) 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.

~~(g)Continuing professional development credit may be approved for those licensees who serve as selected participants in an exam development or enforcement related function for the board.~~

SEC. 6. Section 2920 of the Business and Professions Code is amended to read:

2920. (a) The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

(c) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 7. Section 2933 of the Business and Professions Code is amended to read:

2933. (a) Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

SEC. 8. Section 2934.1 is added to the Business and Professions Code, to read:

2934.1. (a) The board may post on its Internet Web site the following information on the current status of the license for all current and former licensees:

(1) Whether or not the licensee has a record of a disciplinary action.

(2) Any of the following enforcement actions or proceedings against the licensee:

(A) Temporary restraining orders.

(B) Interim suspension orders.

(C) Revocations, suspensions, probations, or limitations on practice ordered by the board or by a court with jurisdiction in the state, including those made part of a probationary order, cease practice order, or stipulated agreement.

(D) Accusations filed by the board, including those accusations that are on appeal, excluding ones that have been dismissed or withdrawn where the action is no longer pending.

(E) Citations issued by the board. Unless withdrawn, citations shall be posted for five years from the date of issuance.

(b) The board may also post on its Internet Web site all of the following historical information in its possession, custody, or control regarding all current and former licensees:

(1) Institutions that awarded the qualifying educational degree and type of degree awarded.

(2) A link to the licensee's professional Internet Web site.

(c) The board may also post other information designated by the board in regulation.

SEC. 9. Section 2947 of the Business and Professions Code is repealed.

SEC. 10. Section 2988.5 is added to the Business and Professions Code, to read:

2988.5. (a) The board may issue, upon an application prescribed by the board and payment of a fee not to exceed seventy-five dollars ($75), a retired license to a psychologist who holds a current license issued by the board, or one capable of being renewed, and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active license is required. A psychologist holding a retired license shall be permitted to use the title "psychologist, retired" or "retired psychologist." The designation of retired shall not be abbreviated in any way.

(c) A retired license shall not be subject to renewal.

(d) The holder of a retired license may apply to obtain an active status license as follows:

(1) If that retired license was issued less than three years prior to the application date, the applicant shall meet all of the following requirements:

(A) Has not committed an act or crime constituting grounds for denial or discipline of a license.

(B) Pays the renewal fee required by this chapter.

(C) Completes the continuing professional development required for the renewal of a license within two years of the date of application for restoration.

(D) Complies with the fingerprint submission requirements established by the board.

(2) Where the applicant has held a retired license for three or more years, the applicant shall do all of the following:

(A) Submit a complete application for a new license.

(B) Take and pass the California Psychology Law and Ethics Examination.

(C) Pay all fees required to obtain a new license.

(D) Comply with the fingerprint submission requirements established by the board.

(E) Be deemed to have met the educational and experience requirements of subdivisions (b) and (c) of Section 2914.

(F) Establish that he or she has not been subject to denial or discipline of a license.

SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SENATE COMMITTEE ON APPROPRIATIONS
Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

SB 1194 (Hill) - Psychology: Board of Psychology: personnel

Version: April 21, 2016
Urgency: No
Hearing Date: May 9, 2016

Policy Vote: B., P. & E.D. 9 - 0
Mandate: Yes
Consultant: Brendan McCarthy

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 1194 would extend the statutory sunset on the Board of Psychology to 2021. The bill would authorize the Board to issue a Retired Psychologist license and make a variety of other changes to the licensing requirements for psychologists and Board operations.

Fiscal Impact:

- Ongoing costs of about $5 million per year for the continued operation of the Board of Psychology (Psychology Fund). The Board is entirely funded with licensing fees.

- Ongoing revenue loss of about $57,000 per year offset initially by one-time revenue of $86,000, due to current licensees shifting from an inactive psychology license to a retired psychology license (Psychology Fund). Over time, there will be minor annual revenue from new retired license applications, which will partially offset the ongoing revenue loss. The reduction in annual renewal fees will generally be offset by a reduction in administrative workload for the Board to process renewal applications.

  Under current law, a licenses psychologist who is no longer practicing can apply for and be granted an inactive license. An inactive license must be renewed every two years and requires a $50 renewal fee. This bill creates a retired psychologist license that would require a one-time $75 fee. Most of the applicants for the new license are likely to currently have an inactive license or would apply for one upon retirement. Therefore, the Board will experience a revenue loss from the shift from licensees shifting from a renewable license to one with a one-time fee.

- No other significant costs are anticipated to the Board from the other changes in the bill.

Background: Under current law, the Board of Psychology licenses and regulates the practice of licensed psychologists, registered psychological assistants, and registered psychologists. Current law imposes specified requirements on those professionals, including academic and professional training requirements and continuing education requirements.

Under current law, the Board is not authorized to issue a retired psychologist license to a psychologist who is no longer practicing. (Several other Department of Consumer Affairs licensing boards and bureaus have such a license category.) Under current law, a licensed psychologist can apply for an inactive license. That license must be renewed every two years and requires a $50 renewal fee.

Proposed Law: SB 1194 would extend the statutory sunset on the Board of Psychology to 2021. The bill would authorize the Board to issue a Retired Psychologist license and make a variety of other changes to the licensing requirements for psychologists and Board operations.

Specific provisions of the bill would:

- Delete existing employment restrictions on psychological assistants;
- Delete the option for a licensed psychologist to supervise more than three psychological assistants with Board authorization;
- Delete provisions of law related to the employment or supervision of a psychological assistant by a licensed psychiatrist;
- Require applicants for licensure to have graduated from an institution of higher learning accredited by a regional accreditation agency approved by the federal Department of Education;
- Authorize the Board, until 2020, to accept an applicant for licensure who possesses a doctoral degree from an unaccredited institution but that is approved to operate in the state by the Bureau for Private Postsecondary Education;
- Revise the term "continuing education" to "continuing professional development" and makes several changes to existing requirements;
- Authorize the Board to post specified information on licensees on its website;
- Authorize the Board to issue a retired psychologist license, with a one-time $75 fee;
- Extend the statutory sunset of the Board to January 1, 2021;
- Make a number of technical changes.

Staff Comments: This bill is one of a number of Department of Consumer Affairs licensing board and bureau sunset extension bills authored by the chair of either the Senate or Assembly Business and Professions Committees. The changes to the licensing and operational requirements of the Board have been developed through those committees' sunset review process.

The only costs that may be incurred by a local agency relate to crimes and infractions. Under the California Constitution, such costs are not reimbursable by the state.

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