California Board of
PSYCHOLOGY

1625 North Market Blvd., Suite N-215, Sacramento, CA 95834
T (916) 574-7720 F (916) 574-8672 Toll-Free (866) 503-3221
www.psychology.ca.gov

MEMORANDUM

DATE	July 7, 2016
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #4(n) – 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.

At the May Board Meeting, the Board took a Support Position on SB 1194.

Location: Assembly Appropriations Committee

Status: From Assembly Committee on Business and Professions: Do pass to Committee on Appropriations.

Action Requested:
This is for informational purposes only. No change in position is recommended.

Attachment A is the Analysis for SB 1194 (Hill)
Attachment B is the proposed additional language for SB 1194 (Hill)
Attachment C is a letter from the American Osteopathic Association
Attachment D is the current language of SB 1194 (Hill)
Attachment E is the Assembly Business and Professions Committee Analysis of SB 1194 (Hill)
Attachment F is the Board's position letter submitted to the Assembly Appropriations Committee.

CALIFORNIA STATE BOARD OF PSYCHOLOGY
BILL ANALYSIS

BILL NUMBER: SB 1194 **VERSION:** AMENDED: MAY 31, 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 amendments.

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) Clarifies that a registered psychologist can only provide services solely within the confines of or under the jurisdiction of the organization in which they are employed.

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, graduates of approved schools 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

History

06/28/16 From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 16. Noes 0.) (June 28). Re-referred to Com. on APPR.
06/13/16 Referred to Com. on B. & P.
06/02/16 In Assembly. Read first time. Held at Desk.
06/01/16 Read third time. Passed. (Ayes 39. Noes 0. Page 4106.) Ordered to the Assembly.
05/31/16 Read second time and amended. Ordered to third reading.
05/27/16 From committee: Do pass as amended. (Ayes 7. Noes 0. Page 4005.) (May 27).
05/20/16 Set for hearing May 27.
05/09/16 May 9 hearing: Placed on APPR. suspense file.
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

SECTION 1.

Section 2909.5 of the Business and Professions Code is amended to read:

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,~~ *services to the public,* 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.

~~SECTION 1.~~*SEC. 2.*

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

2913.

A person other than a licensed psychologist may ~~be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic that 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~~ *perform psychological functions in preparation for licensure as a psychologist only* if all of the following ~~apply:~~ *conditions are met.*

(a) The person ~~is termed~~ *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, in an accredited or approved university, college, or professional school located in the United States or Canada.~~ *2914.*

(c) *(1)* The ~~person~~ *psychological assistant* is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or ~~board certified psychiatrist,~~ *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 ~~he or she~~ *that the psychological assistant* performs are consistent with his or her training and experience and be responsible for ~~his or her~~ *the psychological assistant's* compliance with this chapter and ~~regulations duly adopted hereunder, including those provisions set forth in Section 2960.~~ *regulations.*

~~(d) (1) 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.~~

(2) ~~No~~ *A* 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~~ *or* board certified psychiatrist ~~may register, employ, or~~ *shall not* supervise more than ~~one~~ *three* psychological ~~assistant~~ *assistants* 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~~ *psychological assistant* may provide psychological services to the public except as ~~an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation.~~ *a supervisee pursuant to this section.*

~~(e)~~ *(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.

~~(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 pursuant to that section.~~

~~SEC. 2.~~*SEC. 3.*

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) ~~(1)~~ Possess an earned doctorate degree ~~(A)~~ *(1)* in psychology, ~~(B)~~ *(2)* in educational psychology, or ~~(C)~~ *(3)* in education with the field of specialization in counseling psychology or educational psychology. Except as provided in subdivision

~~(g),~~ *(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.

(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.

~~(g)~~ *(h)* ~~An~~ *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.~~*SEC. 4.*

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 ~~education course in geriatric pharmacology as a part of his or her continuing education.~~ *professional development in geriatric pharmacology.*

~~SEC. 4.~~*SEC. 5.*

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

2914.2.

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

~~SEC. 5.~~*SEC. 6.*

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

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~~ *a renewal license only to an applicant who has* completed 36 hours of approved continuing ~~education~~ *professional development* in the preceding two years.

(b) Each person ~~renewing~~ *who applies to renew or reinstate* his or her license issued pursuant to this chapter shall ~~submit proof of~~ *certify under penalty of perjury that he or she is in* compliance with this section ~~to the board.~~ *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) ~~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.~~ *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

~~(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.~~ *board may develop regulations further defining acceptable continuing professional development activities.*

~~(2)~~ *(d)* ~~(A)~~ *(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.

~~(B)~~ *(2)* Continuing education courses taken pursuant to this ~~paragraph~~ *subdivision* 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.~~

~~(3)~~ *(e)* 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~~ *approved by organizations approved by the board. An organization previously* approved by the ~~board.~~ *board to provide or approve continuing education is deemed approved under this section*

~~(e) The board may establish a policy for exceptions from the continuing education requirement of this section.~~

(f) The board may ~~recognize~~ *accept* ~~sponsored~~ 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:~~ an entity ~~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*

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

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

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

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

~~(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.~~

~~(j)~~ *(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.

~~(k) Continuing education credit may be approved for those licensees who serve as commissioners on any examination pursuant to Section 2917, subject to limitations established by the board.~~

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

~~SEC. 6.~~*SEC. 7.*

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, ~~2017,~~ *2021* and as of that date is ~~repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~ *repealed*

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

~~SEC. 7.~~*SEC. 8.*

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, ~~2017,~~ *2021* and as of that date is ~~repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~ *repealed*

SEC. 9.

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.~~*SEC. 10.*

Section 2947 of the Business and Professions Code is repealed.

~~2947.~~

~~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 150) 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.~~

SEC. 11.

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. 12.

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.

May 5, 2016

The Honorable Ricardo Lara
Chairman
California State Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, CA 95814

Dear Senator Lara:

The American Osteopathic Association (AOA), the Osteopathic Physicians and Surgeons of California (OPSC) and the American College of Osteopathic Neurologists and Psychiatrists (ACONP) are writing to request an amendment to SB 1194. This bill establishes requirements for individuals registered as "psychological assistants. " These requirements include supervision by a physician certified in psychiatry by the American Board of Psychiatry and Neurology, which fails to recognize the equivalent certification board for osteopathic psychiatrists, the American Osteopathic Board of Neurology and Psychiatry. California law confers equal professional status and privileges upon MDs and DOs, and we respectfully request that the bill be amended to reflect osteopathic equivalency.[1]

The AOA represents more than 123,000 osteopathic physicians (DOs) and osteopathic medical students, promotes public health, encourages scientific research, serves as the primary certifying body for DOs, is the accrediting agency for osteopathic medical schools, and has federal authority to accredit hospitals and other health care facilities. More information on DOs/osteopathic medicine can be found at www.osteopathic.org. OPSC is a professional organization that represents over 6,000 DOs providing patient care in California. The ACONP represents 890 osteopathic neurologists and psychiatrists from across the United States.

The AOA, OPSC and ACONP request that the language be amended as follows:

Sec. 2913. "(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 **or the American Osteopathic Board of Neurology and Psychiatry**…"

[1] Cal. Bus. and Prof. Code §2453 (a). Available at: http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=02001-03000&file=2453-2457.

We appreciate your consideration of this request to amend SB 1194. Should you need any additional information, please feel free to contact Nick Schilligo, MS, Associate Vice President, State Government Affairs at nschilligo@osteopathic.org or (800) 621-1773, ext. 8185.

Sincerely,

John Becher, DO
President, AOA

Abraham Pera, DO
President, OPSC

Stephen M. Scheinthal, DO
President, ACONP

CC: Boyd R. Buser, DO, AOA President-elect
Joseph Giaimo, DO, Chair, AOA Department of Governmental Affairs
Michael Murphy, DO, Chair, AOA Bureau of State Government Affairs
Adrienne White-Faines, MPA, AOA Chief Executive Officer
Ray Quintero, Senior Vice President, AOA Public Policy
Nicholas Schilligo, MS, Associate Vice President, AOA, State Government Affairs
Kathleen Creason, Executive Director, OPSC
Sue Wesserling, Executive Director, ACONP

California. LEGISLATIVE INFORMATION

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

SECTION 1. Section 2909.5 of the Business and Professions Code is amended to read:

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,~~ *services to the public,* 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.

~~SECTION 1.~~*SEC. 2.* Section 2913 of the Business and Professions Code is amended to read:

2913. A person other than a licensed psychologist may ~~be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic that 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.~~ *perform psychological functions in preparation for licensure as a psychologist only* if all of the following ~~apply:~~ *conditions are met.*

(a) The person ~~is termed~~ *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, in an accredited or approved university, college, or professional school located in the United States or Canada.~~ *2914.*

(c) *(1)* The ~~person~~ *psychological assistant* is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or ~~board certified psychiatrist,~~ *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 ~~he or she~~ *that the psychological assistant* performs are consistent with his or her training and experience and be responsible for ~~his or her~~ *the psychological assistant's* compliance with this chapter and ~~regulations duly adopted hereunder, including those provisions set forth in Section 2960.~~ *regulations.*

~~(d) (1) 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.~~

(2) ~~No~~ *A* 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~~ *or* board certified psychiatrist ~~may register, employ, or~~ *shall not* supervise more than ~~one~~ *three* psychological ~~assistant~~ *assistants* 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~~ *psychological assistant* may provide psychological services to the public except as ~~an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation.~~ *a supervisee pursuant to this section.*

~~(e)~~ *(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.

~~(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 pursuant to that section.~~

~~SEC. 2.~~*SEC. 3.* 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) ~~(1)~~ Possess an earned doctorate degree ~~(A)~~ *(1)* in psychology, ~~(B)~~ *(2)* in educational psychology, or ~~(C)~~ *(3)* in education with the field of specialization in counseling psychology or educational psychology. Except as provided in subdivision ~~(g),~~ *(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.

(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.

~~(g)~~ *(h)* ~~An~~ *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.~~*SEC. 4.* 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 ~~education course in geriatric pharmacology as a part of his or her continuing education.~~ *professional development in geriatric pharmacology.*

~~SEC. 4.~~*SEC. 5.* Section 2914.2 of the Business and Professions Code is amended to read:

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

~~SEC. 5.~~*SEC. 6.* Section 2915 of the Business and Professions Code is amended to read:

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~~ *a renewal license only to an applicant who has* completed 36 hours of approved continuing ~~education~~ *professional development* in the preceding two years.

(b) Each person ~~renewing~~ *who applies to renew or reinstate* his or her license issued pursuant to this chapter shall ~~submit proof of~~ *certify under penalty of perjury that he or she is in* compliance with this section ~~to the board.~~ *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) ~~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.~~ *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.

~~(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.~~ *board may develop regulations further defining acceptable continuing professional development*

activities.

~~(2)~~ (d) ~~(A)~~ (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.

~~(B)~~ (2) Continuing education courses taken pursuant to this ~~paragraph~~ subdivision 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.~~

~~(3)~~ (e) 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~~ approved by organizations approved by the board. An organization previously approved by the ~~board.~~ board to provide or approve continuing education is deemed approved under this section.

~~(e) The board may establish a policy for exceptions from the continuing education requirement of this section.~~

(f) The board may ~~recognize~~ accept sponsored 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:~~ 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.

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

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

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

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

~~(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.~~

~~(j)~~ (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.

~~(k) Continuing education 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.~~

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

~~SEC. 6.~~ SEC. 7 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, ~~2017~~, 2021, and as of that date is ~~repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~ repealed.

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

~~SEC. 7.~~ *SEC. 8.* 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, ~~2017,~~ *2021,* and as of that date is ~~repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~ *repealed.*

SEC. 9. 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.~~ *SEC. 10.* Section 2947 of the Business and Professions Code is repealed.

~~2947. 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.~~

SEC. 11. 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. 12. 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.

Date of Hearing: June 28, 2016

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS
Rudy Salas, Chair
SB 1194(Hill) – As Amended May 31, 2016

SENATE VOTE: 39-0

SUBJECT: Psychology: Board of Psychology: personnel

SUMMARY: Extends the sunset date for the Board of Psychology (BOP) by four years, until January 1, 2021; amends statutes pertaining to psychological assistants (PA); revises continuing education (CE) requirements; establishes policies for posting licensee information on the BOP's website; authorizes the BOP to issue a retired license; revises the requirements related to approved schools; and, makes other technical, clarifying and conforming changes to the BOP and the psychology practice act (act).

EXISTING LAW:

1) Establishes the BOP to enforce and administer the Psychology Licensing Law. (Business and Professions Code (BPC) Section 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 Section 2913)

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

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

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

6) Prohibits a contract 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 Section 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 Section 94823.5 of the Education Code. (BPC Section 2914)

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

9) Sunsets the BOP on January 1, 2017. (BPC Sections 2920, 2933)

THIS BILL:

1) Revises employment restrictions for PAs, as specified.

2) Clarifies that PAs are required to register themselves with the BOP, and the registration must be renewed annually in accordance with BOP regulations, as specified.

3) Deletes the provision allowing a licensed psychologist to register, employ or supervise more than three psychological assistants at a time with specific authorization from the BOP.

4) Requires on or after January 1, 2020 that an applicant for licensure as a psychologist 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 (USDE) and authorizes the BOP to accept only until January 1, 2020, 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 USDE but is approved to operate by the BPPE.

5) Changes references to CE to continuing professional development (CPD).

6) Requires applicants for licensure renewal to submit under penalty of perjury that he or she is in compliance with specified CPD requirements.

7) Specifies that CPD means certain continuing education learning activities approved in the following four categories: 1) professional; 2) academic; 3) sponsored continuing education coursework; and, 4) Board certification from the American Board of Professional Psychology.

8) Authorizes the BOP to develop regulations further defining CPD activities.

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

10) Deletes the requirement that CE instruction be completed in California or be approved for credit by the American Psychological Association or its equivalent and instead specifies that courses must be approved for credit by organizations approved by the BOP, and those organizations previously approved by the BOP to provide CE is deemed approved, as specified.

11) Revises the BOPs authority to accept CE courses from certain nonprofit organizations.

12) Deletes the requirement that a licensed psychologist must choose CE instruction that is related to the assessment, diagnosis, and intervention for the client population that is being

served or to the fields of psychology in which the psychologist intends to provide services, as specified.

13) Authorizes the BOP to grant an exemption or an extension of the time for compliance with, from CPD, as specified.

14) Deletes the authorization for CE credit to be approved for licensees who serve as commissioners on any examination.

15) Extends the sunset date for the BOP by four years, until January 1, 2021.

16) Authorizes the BOP to post on its Internet website the following information on the current status of the license for all current and former licensees:

a) Whether or not the license has a record of disciplinary action; and,

b) Any of the following enforcement actions or proceedings:

i) Temporary restraining orders;

ii) Interim suspension orders;

iii) Revocations, suspensions, probations, or limitations on practice ordered by the BOP 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 BOP 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 BOP, unless withdrawn, posted for five years from the date of issuance.

17) Authorizes the BOP to post on its Internet website all of the following historical information in its possession, custody, or control regarding all current and former licensees:

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

b) A link to the licensee's professional website.

18) Permits the BOP to post other information as determined through regulation.

19) Deletes the section on appointment of commissioners on examinations, as specified.

20) Permits the BOP to issue a retired license, as specified.

21) Authorizes the holder of a retired license to return to active status if specified conditions are met including, the retired license not being issued more than three years for the date of return to active status; not committed acts or crimes constituting grounds for denial; paying the renewal fee; completing CPD, and complying with fingerprint submission requirements.

22) Authorizes the holder of a retired license to return to active status if the retired license was issued three or more years from the application date if specified conditions are met including, completing an application packet, taking and passing the California Psychology Law and Ethics Examination; paying all fees; complying with fingerprint submission requirements, having met educational and experience requirements, as specified, and establishing that he or she has not been subject to denial or discipline of a license.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill will result in,

- 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.

COMMENTS:

Purpose. This bill is a sunset bill which seeks to extend the sunset date of the BOP by four years, until January 1, 2021, makes other regulatory and programmatic changes as raised during the 2016 sunset review hearing, and makes other technical, clarifying, and conforming amendments pertaining to the BOP. This bill is sponsored by the author. "According to the author's office, 'This bill is necessary to update provisions of the Psychology Licensing Law to reflect current practices and improve information available to consumers."

Background. *Board of Psychology.* The BOP regulates licensed psychologists, registered PAs, and registered psychologists. Only licensed psychologists can practice psychology independently in the private sector in California. In order to be a licensed psychologist, an individual must obtain a doctorate degree in psychology, educational psychology, or education within the field of specialization in counseling psychology or educational psychology from an accredited or approved institution, and have completed two years (3,000) hours of supervised professional experience, where at least 1,500 of those hours be completed post-doctoral. PAs are registered to a licensed psychologist or to a board-certified psychiatrist as employees who provide limited psychological services. Those registered psychologists are registered with the BOP and work and train under supervision in non-profit agencies that receive government funding. PAs are employed and supervised by a qualified licensed psychologist as employees

who may provide limited services. PAs are required to have a master's degree, but no specified experience requirements. The BOP's current licensing population includes approximately 20,000 psychologists, approximately 280 registered psychologist and approximately 1,600 PAs.

Joint Oversight Hearings and Sunset Review of DCA Licensing Boards. In March of 2016, the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee (Committees) conducted multiple joint oversight hearings to review 11 regulatory boards within the DCA and one regulatory entity outside of the DCA. The sunset bills are intended to implement legislative changes recommended in the respective background reports drafted by the Committee staff for the agencies reviewed this year.

The Sunset Review Process. The sunset review process provides a formal mechanism for the DCA, the Legislature, the regulatory boards, bureaus and committees, interested parties, and stakeholders to make recommendations for improvements to the authority of consumer protection boards and bureaus. This is performed on a standard four-year cycle and was mandated by SB 2036 (McCorquodale), Chapter 908, Statutes of 1994. Each eligible agency is required to submit to the Committees a report covering the entire period since last reviewed that includes, among other things, the purpose and necessity of the agency and any recommendations of the agency for changes or reorganization in order to better fulfill its purpose. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency is allowed to sunset unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency.

The BOP was last reviewed in 2011 and received a four-year sunset extension at that time The legislation pertaining to this bill is based on specific issues raised and addressed in the report released by the Senate Committee on Business and Professions along with the sunset review hearing on March 14, 2016.

Approved Schools and National Accreditation. 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 former Bureau of Private Postsecondary Vocational Education on or before 1999, and has not moved to a new location since 1999. There are six schools meeting these criteria, with approvals and oversight conducted solely by the BPPE. This issue was raised during the previous review of the BOP. At that time, the BOP noted that it was concerned that there is little quality control over the schools' operations or curriculum and students have a low pass rate on the national exam, among other issues. At that time, the BOP 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. The law was not changed during the previous sunset review.

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, required degree granting institutions to be accredited by an agency recognized by the USDE by July 1, 2020 in order to receive BPPE approval. Further, AB 2099 (Frazier), Chapter 676, Statutes of 2014 also established requirements for unaccredited degree granting programs participating in Title 38, the program that provides educational awards for eligible active duty military members and veterans. While the BOP recognizes recent Legislative actions as significant progress, there remains a concern that these changes may be insufficient to raise

California's psychologists to the national standard. As a result, in the *2016 Committee Staff Background Paper*, it was recommended that current language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the BOP be removed, and ensure that timeframes for this change accommodate current students. Additionally, it was requested for the BOP to 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.

As a result of that recommendation, this bill will delete the current requirements pertaining to school approval and instead require that an applicant for a psychologists' license graduate from an institution that is accredited by a regional accrediting agency recognized by the USDE. This bill will allow the BOP to continue to accept applicant who possesses a doctorate degree from an institution that is not accredited by an agency accredited by an accrediting agency recognized by the USDE, but is approved to operate in this state by the BPPE until January 1, 2020; thereby giving persons who may be in a current program time to complete a program.

Continuing Professional Development. Traditional models of CE entail formal learning activities conducted in classroom or workshop settings. As referenced earlier in the report, the BOP seeks changes to their CE program to accommodate a broader competency model called CPD. The CPD model provides additional avenues for maintaining competence. These options are meant to expand the ways licensees can increase their learning and to include performance-based assessments of licensees' competence.

In the *2016 Committee Staff Background Paper*, it was recommended that the BOP provide recommendations to the Committee with respect to establishing changes in CE requirements. To address the issues raised by the BOP, this bill will change current references to CE and replace it with CPD. This bill will define CPD to include activities in four different categories including professional, academic, sponsoring CE coursework, and board certification from the American Board of Professional Psychology. This bill will allow the BOP to grant an extension in addition to an exemption from CPD requirements. This bill requires licensees to certify under penalty of perjury that he or she has completed the required CPD instead of submitting all documentation. This bill will require CPD courses to be approved by organizations that are approved by the BOP.

Psychological Assistants. In order to become a licensed psychologist, applicants must accrue 3,000 hours of supervised professional experience. Individuals who have a Master's degree and are admitted into a doctoral program may obtain these hours by registering with the BOP 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 BOP 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. In the *2016 Committee Staff Background Paper*, it was recommended that the BOP should provide recommendations to the Committees for updating PA statutes to focus on appropriate supervision, rather than the physical setting. This bill makes changes related to PAs by deleting outdated employment restrictions and deletes the option for a licensed psychologist to supervise, register, or employ more than

three PAs. In addition, this bill makes it clear that a PA registers with the BOP and not the PAs supervisor.

Retired License. The Psychology Act does not authorize a retired license. Under existing law, a retired licensee may choose only between "inactive" status, which costs $25 per year, or "delinquent" status. These have negative connotations and may not respect a long and honorable career. The BOP is seeking to establish a "retired" licensure category, similar to many other healing arts programs such as the Medical Board, Professional Fiduciaries Bureau, Board of Behavioral Sciences, and Board of Optometry. Adding this license designation is a consistent request from licensees and is included in the BOP's *2014-2018 Strategic Plan.*

This bill authorizes the BOP to establish a retired license and sets up the criteria for such a license. This bill provides two pathways to return a retired license to active status; 1) for those retired licensees whose retired license is less than three years old, and 2) for those retired licensees who retired license is more than three years old.

Website Information for Consumers. The BOP's website contains information for the benefit of consumers. As such, the BOP has requested additional legislative authority to post historical information on existing and past licensees' approved graduate and post-graduate education on its website. This bill will authorize the BOP to post specified information about licensees on its website including information about disciplinary licenses, enforcement actions or proceedings, information about revocations, probations, or limitations on practice ordered by the BOP, accusations filed by the BOP, citations issued by the BOP, and specified information about licensee education, professional information or other information as established by the BOP through regulations.

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

AB 1374 (Levine), Chapter 529, Statutes of 2015, eliminated the requirement for a fee in 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 BOP, and made technical and clarifying changes.

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.

SB 1236 (Price) Chapter 322, Statutes of 2012, extended the sunset date for the BOP, until 2017, among other provisions.

ARGUMENTS IN SUPPORT:

The California Psychological Association writes in support, "On behalf of the California Psychological Association, I'm pleased to inform you of our SUPPORT position on [this bill], legislation related to the [BOP] sunset extension... Without the sunset extension, the licensure, regulation and discipline of psychologists and pre-licensed psychologists would cease to exist in the state, cutting off access to services for millions of Californians. We are fully supportive of

the four year extension in the bill, as well as language that ensures all eligible licensees will have graduated from an accredited institution and the establishment of a 'retired licensee' status."

REGISTERED SUPPORT:

California Psychological Association

REGISTERED OPPOSITION:

None on file.

Analysis Prepared by: Elissa Silva / B. & P. / (916) 319-3301

California Board of
PSYCHOLOGY

1625 North Market Blvd., Suite N-215, Sacramento, CA 95834
T (916) 574-7720 F (916) 574-8672 Toll-Free (866) 503-3221
www.psychology.ca.gov

July 11, 2016

The Honorable Lorena S. Gonzalez
California State Assembly
State Capitol, Room 2114
Sacramento, CA 95814

RE: **SB 1194 (HILL) – PSYCHOLOGY: BOARD OF PSYCHOLOGY: PERSONNEL**

Dear Assembly Member Gonzalez:

At its May 20, 2016 meeting, the Board of Psychology (Board) adopted a **Support** position on SB 1194 (Hill). This bill would extend the statutory sunset of the Board of Psychology to 2021, 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.

The Board supports and agrees with the Sunset Review Committee staff recommendation that "the practice of psychology continue to be regulated by the current Board members in order to protect the interests of the public and be reviewed once again in four years."

The Board appreciates the confidence the Committees have demonstrated in recommending the continuance of the regulation of the practice of psychology by the Board in its current configuration. In the next four years the Board is committed to addressing the following issues:

1. Ensuring greater access to mental health care in California.
2. Establishing higher criteria for applicants for licensure to ensure consistency with other licensing jurisdictions across the nation.
3. Establishing continuing professional development to ensure competence of its licensees
4. Redefining the psychological assistant statute to focus on appropriate supervision rather than physical setting.
5. Developing a mechanism to provide licensees an alternative license status at the end of their career.
6. Increasing transparency to the consumers of psychological services in California by providing expanded educational and disciplinary data on its licensees.
7. Continuing to review and amend the statutes and regulations in order to be more transparent, more understandable to consumers, and evolve with the field.

The Board's mission is to advance quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession.

If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113. Thank you.

Sincerely,

STEPHEN C. PHILLIPS, JD, PsyD
President, Board of Psychology

cc: Assembly Committee on Appropriations
Senator Jerry Hill
Assembly Republican Caucus