


MEMORANDUM

DATE	April 14, 2017
TO	Board of Psychology
FROM	 Cherise Burns Central Services Manager
SUBJECT	Agenda Item # 4(b)(1)(A)(6) – SB 798 (Hill) Healing Arts: Boards

Background:

This bill will become the Sunset Bill for the Medical Board of California (Medical Board), which will include provisions transferring the licensing and regulation of Research Psychoanalysts to the Board of Psychology (Board). Currently Research Psychoanalysts are licensed and regulated by the Medical Board, which organizationally is a historical remnant that the Senate Committee on Business, Professions, and Economic Development and the Medical Board believe it is time to remedy. The Committee on Business, Professions, and Economic Development expressed to Board staff that the Board appears to be the most appropriate regulatory body for these professionals and wishes to transfer their oversight to the Board.

The bill is currently still a Spot bill and the new language has not yet been published. Upon publication of the new language, Board staff will analyze the bill and provide a recommendation to the Board at that time.

A full analysis of SB 798 and the amended text will be sent to the Board upon publication of the amended bill.

Location: Senate Committee on Business, Professions, and Economic Development

Status: 03/09/2017 Referred to Assembly Committee on Business, Professions, and Economic Development

Action Requested:

Staff will make a recommendation and provide supporting information and analysis upon amendment of SB 798.

Attachment A: Research Psychoanalyst Statutes and Regulations

Attachment B: (Hand Carry - Upon Amendment of the Bill) SB 798 (Hill) Analysis

Attachment B: (Hand Carry - Upon Amendment of the Bill) SB 798 (Hill) Text

Research Psychoanalysts Statutes and Regulations

Statutory Requirements

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129]

(Division 2 enacted by Stats. 1937, Ch. 399.)

CHAPTER 5.1. Research Psychoanalysts [2529 - 2529.6]

(Chapter 5.1 added by Stats. 1977, Ch. 1191.)

2529.

(a) Graduates of the Southern California Psychoanalytic Institute, the Los Angeles Psychoanalytic Society and Institute, the San Francisco Psychoanalytic Institute, the San Diego Psychoanalytic Center, or institutes deemed equivalent by the Medical Board of California who have completed clinical training in psychoanalysis may engage in psychoanalysis as an adjunct to teaching, training, or research and hold themselves out to the public as psychoanalysts, and students in those institutes may engage in psychoanalysis under supervision, if the students and graduates do not hold themselves out to the public by any title or description of services incorporating the words "psychological," "psychologist," "psychology," "psychometrists," "psychometrics," or "psychometry," or that they do not state or imply that they are licensed to practice psychology.

(b) Those students and graduates seeking to engage in psychoanalysis under this chapter shall register with the Medical Board of California, presenting evidence of their student or graduate status. The board may suspend or revoke the exemption of those persons for unprofessional conduct as defined in Sections 726, 2234, 2235, and 2529.1

(Amended by Stats. 2016, Ch. 303, Sec. 9. Effective January 1, 2017.)

2529.1.

(a) The use of any controlled substance or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the registrant, or to any other person or to the public, or to the extent that this use impairs the ability of the registrant to practice safely or more than one misdemeanor or any felony conviction involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of this unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order discipline of the registrant in accordance with Section 2227 or may order the denial of the registration when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

(Added by Stats. 2016, Ch. 303, Sec. 10. Effective January 1, 2017.)

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2529.5.

Each person to whom registration is granted under the provisions of this chapter shall pay into the Contingent Fund of the Medical Board of California a fee to be fixed by the Medical Board of California at a sum not in excess of one hundred dollars (\$100).

The registration shall expire after two years. The registration may be renewed biennially at a fee to be fixed by the board at a sum not in excess of fifty dollars (\$50). Students seeking to renew their registration shall present to the board evidence of their continuing student status.

The money in the Contingent Fund of the Medical Board of California shall be used for the administration of this chapter.

(Amended by Stats. 2007, Ch. 678, Sec. 26. Effective January 1, 2008.)

2529.6.

(a) Except as provided in subdivisions (b) and (c), the board shall revoke the registration of any person who has been required to register as a sex offender pursuant to Section 290 of the Penal Code for conduct that occurred on or after January 1, 2017.

(b) This section shall not apply to a person who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.

(c) This section shall not apply to a person who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law.

(d) A proceeding to revoke a registration pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 2016, Ch. 303, Sec. 11. Effective January 1, 2017.)

Regulatory Requirements

**CALIFORNIA CODE OF REGULATIONS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 13. MEDICAL BOARD OF CALIFORNIA
CHAPTER 3. AFFILIATED HEALING ARTS
ARTICLE 3. RESEARCH PSYCHOANALYSTS**

16 CCR § 1367 Citation

This chapter may be cited and referred to as the “Research Psychoanalyst Regulations.”

NOTE: Authority and reference cited: Section 2018, Business and Professions Code.

HISTORY: 1. Repealer of former Article 3 (Sections 1370-1374) and renumbering and amendment of former Article 5 (Sections 1378-1378.32, not consecutive) to Article 3 (Sections 1367-1378, not

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consecutive) filed 8-3-83; effective thirtieth day thereafter (Register 83, No. 32). For prior history, see Registers 81, No. 32; and 79, No. 29

16 CCR § 1367.1 Definitions

As used in this article:

- (a) "Research Psychoanalyst" means psychoanalyst who is registered with the division.
- (b) "Student" means a person enrolled in a psychoanalytic institution for training in psychoanalysis who is registered with the division.
- (c) "Graduate psychoanalyst" means a licensed physician, psychologist, clinical social worker or marriage, family and child counselor who has had training in psychoanalysis equal to that specified in Section 1374 or a research psychoanalyst who is a graduate of either a psychoanalytic institute specified in Section 2529 of the code or a psychoanalytic institution deemed equivalent by the division which meets the criteria set forth in Section 1374.
- (d) "Psychoanalytic institution" means any institution, institute, department or program organized to provide training in psychoanalytic theory and technique meeting the criteria of Section 1374 and which certifies or graduates students engaged in such training.
- (e) "Research psychoanalysts law" means Chapter 5.1 of Division 2 of the code.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1367.2 Delegation of Authority

The power and discretion conferred upon the division to review and approve applications for registration and to enforce the provisions of the research psychoanalysts law are hereby delegated and conferred upon the executive director of the board or his or her staff.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2529 and 2529.5, Business and Professions Code.

16 CCR § 1367.3 Applications Generally

All applications for registration shall be submitted on a form provided by the division and shall be accompanied by such evidence or documents which may be necessary to determine the applicant's qualifications for registration. All such applications shall be filed with the division's principal office in Sacramento and shall be accompanied by the required registration fee.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1367.4 Review of Research Psychoanalyst Applications; Processing Time

- (a) The division shall inform in writing an applicant for registration as a research psychoanalyst within 11 days of receipt of the initial application form whether the application is complete and accepted for filing or is deficient and what specific information is required.

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(b) The division shall inform an applicant for registration as a research psychoanalyst within 71 days after completion of the application of its decision whether the applicant meets the requirements for registration. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.

(c) The minimum, median and maximum processing times for an application for registration as a research psychoanalyst from the time of receipt of the initial application until the division makes a final decision on the application are:

(1) Minimum - 7 days

(2) Median - 22 days

(3) Maximum - 95 days

NOTE: Authority cited: Section 2018, Business and Professions Code; Section 15376, Government Code. Reference: Section 15376, Government Code.

HISTORY: 1. New section filed 10-3-83; effective thirtieth day thereafter (Register 83, No. 41).

16 CCR § 1368 Evidence Required of Graduate or Student Status

All applicants shall submit to the division with the application for registration official certification of graduation or student status, as the case may be, from the registrar or a similar office of the institution attended.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1369 Registration Not Required

Physicians and surgeons, psychologists, clinical social workers, and marriage, family and child counselors, licensed in this state, and any other persons otherwise exempt from the Medical Practice Act (Section 2000 et seq. of the code) or otherwise exempt from other state licensure laws are not required to register with the division in order to engage in research psychoanalysis.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1370 Completion of Clinical Training Defined

The term "completed clinical training" as used in Section 2529 of the code means completion of psychoanalytic training in a psychoanalytic institute referred to in that section or from an institute, department or program deemed equivalent by the division.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

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16 CCR § 1371 Adjunct Defined

A research psychoanalyst may engage in psychoanalysis as an adjunct to teaching, training or research. "Adjunct" means that the research psychoanalyst may not engage in a full-time clinical practice rendering psychoanalytic services on a fee-for-service basis. A research psychoanalyst may render psychoanalytic services on a fee-for-service basis for not more than an average of one-third of his or her total professional time including time spent in practice, teaching, training or research. Such teaching, training or research shall be the primary activity of the research psychoanalyst. This primary activity may be demonstrated by

(a) A full-time faculty appointment at the University of California, a state university or college, or an accredited or approved educational institution as defined in Section 94310, subdivisions (a) and (b), of the Education Code.

(b) Significant ongoing responsibility for teaching or training as demonstrated by the amount of time devoted to such teaching or training or the number of students trained; or

(c) A significant research effort demonstrated by publications in professional journals or publication of books.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1372 Supervision of Students Required

Students may practice psychoanalysis under proper supervision as set forth in Section 1373.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1373 Criteria for Supervision

(a) Each supervisor of a student shall be a graduate psychoanalyst who has a minimum of five years of postgraduate clinical experience in psychoanalysis following completion of his or her psychoanalytic education.

(b) Each such supervisor shall

(1) provide individual supervision of each student for a minimum of one (1) hour for each week per case of patient psychoanalysis for the first year of such supervision, then no less than one (1) hour per case each month thereafter;

(2) supervise no more students than, in the judgment of the training institute, can be effectively supervised.

(c) There shall be a minimum of 50 hours of supervision for each case for a total of at least 150 hours of supervision during training.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

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16 CCR § 1373.1 Registration After Graduation

Any person who has been registered with the division as a research psychoanalyst student who wishes to continue to perform psychoanalysis shall, upon completion of training in psychoanalysis, register with the division as a research psychoanalyst.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1374 Criteria for Equivalent Psychoanalytic Institutes

In order to be deemed an equivalent psychoanalytic institute, such an institute, department or program shall meet the following criteria:

- (a) Have a curriculum which is designed and implemented by a faculty which is predominantly graduate psychoanalysts;
- (b) Insure that each student has practical clinical exposure to a wide variety of psychopathologies and training in their differential diagnosis;
- (c) Require each research psychoanalyst student prior to admission to have received a doctorate degree, or its equivalent in education and experience from the University of California, a state university or college, an educational institution which is accredited or approved pursuant to section 94310 of the Education Code or an educational institution located outside the state which has accreditation by a national or applicable regional accrediting agency recognized by the United States Department of Education;
- (d) Require each research psychoanalyst student prior to admission to have shown achievement in teaching, training or research with demonstrated aptitude in his or her primary field of scholarly or scientific endeavor;
- (e) Require each student to participate in at least 560 hours of classroom training over at least three (3) years on all phases of psychoanalysis;
- (f) Require each student to participate in continuous case conferences conducted by graduate psychoanalysts;
- (g) Require each student to undergo a minimum of 300 hours personal psychoanalysis conducted by a graduate psychoanalyst who has a minimum of five years of postgraduate clinical experience in psychoanalysis following the completion of his or her psychoanalytic education;
- (h) Require each student to conduct at least three (3) psychoanalyses under the supervision of three different graduate psychoanalysts, at least one of which is taken to termination except in those rare instances where a delay may pose an extreme hardship to the student and the institute has made provision for continuing supervision of the student after graduation until at least one case is taken to termination;
- (i) Require each student to either pass a comprehensive examination or write an approved thesis.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

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*HISTORY: 1. Editorial correction of printing error restoring subsection (g) designation (Register 90, No. 51).
2. Amendment of subsection (h) filed 11-9-90; operative 12-9-90 (Register 90, No. 51).*

16 CCR § 1375 Applicants from Equivalent Institutions

(a) Any applicant from a psychoanalytic institution which is claimed to be equivalent to an institute specified in Section 2529 shall have presented to the division evidence that such institution complies with the criteria set forth in Section 1374.

(b) In its discretion the division may register an applicant who graduated from an equivalent institution before the time of its approval by the division, if the program undertaken by the applicant as a student otherwise complies with the provisions of Section 1374.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1376 Unprofessional Conduct

The division may deny, suspend, revoke or impose probationary conditions upon a registrant for unprofessional conduct as specified in Section 2529 of the code which includes, but is not limited to, the following:

(a) Any violation of the research psychoanalysts law.

(b) Any violation of the Research Psychoanalysts Regulations.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1376.1 Disciplinary Actions

Any action taken by the division to deny, suspend, revoke or impose probationary conditions upon a registrant shall be pursuant to the Administrative Procedure Act (Section 11500 et seq. of the Government Code).

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529, Business and Professions Code.

16 CCR § 1377 Fees

(a) The registration fee is \$100 for research psychoanalysts and students, except that if the registration will expire less than one (1) year after its issuance, then the registration fee is \$75.

(b) The biennial renewal fee is \$50.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529.5, Business and Professions Code.

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16 CCR § 1377.5 Verification of Student Status

Students renewing their registration shall present to the division verification of their continuing student status from the registrar or similar official of the psychoanalytic institute attended.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2529.5, Business and Professions Code.

16 CCR § 1378 Expiration of Registration

All registrations expire and become invalid at midnight on the last day of February of each even-numbered year if not renewed. To renew an unexpired registration, the registrant shall, on or before the date on which it would otherwise expire, apply for renewal on a form provided by the division, accompanied by a required verification and the prescribed renewal fee.

Note: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 152.6 and 2529.5, Business and Professions Code.