

LEGISLATIVE ADVISORY: SB 1193 (HILL) – CHAPTER 484, STATUTES OF 2016 – HEALING ARTS

Attention Board of Psychology Stakeholders:

Senate Bill 1193 (Hill) Chapter 484, Statutes of 2016, was signed by Governor Brown and becomes effective January 1, 2017. The legislation amends Business and Professions Code Sections 2909.5, 2913, 2914, 2914.1, 2914.2, 2915, 2920, 2933, and adds Sections 2934.1 and 2988.5.

SUMMARY OF CHANGES:

Changes Effective January 1, 2017:

SUNSET EXTENSION:

This bill makes changes to the Board of Psychology section of the Business and Professions Code (Section 2920) as follows:

- The statutory authority of the Board of Psychology is extended until January 1, 2021.

PSYCHOLOGICAL ASSISTANTS:

This bill makes changes to the Psychological Assistant section of the Business and Professions Code (Section 2913) as follows:

- All existing psychological assistants will now only have one (1) registration with the Board of Psychology. This registration number will be used in all settings where psychological services will be provided. Previously, each employer of a psychological assistant was required to obtain a registration number for each psychological assistant under their employment/supervision.
- This single registration will be renewed annually by the psychological assistant. Previously, the employer or supervisor was required to renew the registration annually.
- New applicants requesting a psychological assistant registration will be required to submit their own application for registration. Previously, this application was submitted by the employer or supervisor on behalf of the psychological assistant.
- There is no longer a restriction on the types of settings in which a psychological assistant can work. Previously psychological assistants were restricted to be employed in private practice settings or by Contract Clinics, Psychological Corporations, or Medical Corporations.
- Psychological assistants may now be supervised by a licensed physician or surgeon who is certified in psychiatry (psychiatrist) by either the American College of Osteopathic Board of Neurology and Psychiatry or the American Board of Psychiatry

and Neurology. Previously, psychological assistants were only able to be supervised by a psychiatrist certified by the American Board of Psychiatry and Neurology.

- A board certified psychiatrist may supervise up to three psychological assistants, instead of one, at any given time.

NOTE: For additional details regarding the changes related to psychological assistants click [here](#).

Changes Effective After January 1, 2017:

NATIONALLY ACCREDITED AND APPROVED EDUCATIONAL INSTITUTIONS:

This bill makes changes to Requirements for licensure as a Psychologist in section 2914 of the Business and Professions Code as follows:

This section of the Business and Professions Code will gradually require applicants for licensure to obtain their qualifying degree from a regionally accredited university. The timeline for implementation is below:

- Applicants for licensure that are enrolled as of December 31, 2016, in a doctoral program in psychology, educational psychology, or education with a field of specialization in counseling psychology or educational psychology at a nationally accredited institution, or an approved institution that meets the requirements of Section 2914 (h), will be able to apply for licensure at any time, and this requirement will not apply.
- Applicants for licensure that enroll in a doctoral program on or after January 1, 2017, in psychology, educational psychology, or education with a field of specialization in counseling psychology or educational psychology at a nationally accredited institution, or an approved institution that meets the requirements of Section 2914 (h), will need to meet the requirements for and apply for licensure on or before December 31, 2019.
- Applicants for licensure that apply after on or January 1, 2020, must possess an earned doctorate degree in psychology, educational psychology, or 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.

CONTINUING PROFESSIONAL DEVELOPMENT:

This bill makes changes to the Continuing Education section of the Business and Professions Code (Section 2915) as follows:

- The language in Section 2915 was amended to require that a licensee who wishes to renew or reinstate their license, must complete 36 hours of approved continuing professional development versus the prior requirement of 36 hours of continuing education.

- Continuing professional development is defined as 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.
- Redefines the types of organizations that can be approved by the Board to provide or approve continuing professional development.

NOTE: These changes will not become effective until the Board promulgates regulations to further define acceptable continuing professional development and approval criteria for continuing professional development providers.

INTERNET POSTING:

This bill adds Section 2934.1 to the Business and Professions Code and provides that:

- 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.
- 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. Any link that provides access to a licensee's professional Internet Web site, once clicked, shall be accompanied by a notification that informs the Internet Web site viewer that they are no longer on the Board's Internet Web site.

NOTE: Although the entire section is new, the only change is the addition of the qualifying degree and personal Internet Web site shown in the BreZE database. All other information on disciplinary actions against current and former licensees is currently displayed on the Board's Internet Web site as mandated under section 27 of the Business and Professions Code. The Board will notify licensees once the BreZE database is modified to be able to reflect the additional information.

RETIRED LICENSES:

This bill adds Section 2988.5 to the Business and Professions Code and provides that:

- The Board may issue 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.
- 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.
- A retired licensee may apply to obtain an active license if, among other requirements, the retired license was issued less than three (3) years ago, and the retired licensee has met the continuing education and examination requirements as prescribed by the Board.
- If a licensee has held a retired license for three or more years, the licensee shall be required to do all of the following:
 - Submit a complete application for a new license.
 - Take and pass the California Psychology Law and Ethics Examination.
 - Pay all fees required to obtain a new license.
 - Comply with the fingerprint submission requirements established by the Board.
 - Be deemed to have met the educational and experience requirements of subdivisions (b) and (c) of Section 2914.
 - Establish that he or she has not been subject to denial or discipline of a license.

NOTE: These changes will not become effective until the Board promulgates regulations to further define the requirements and processes for obtaining a retired license and for returning to an active license.

NEW STATUTORY LANGUAGE:

[SB 1193 – Today's Law as Amended](#)