


MEMORANDUM

DATE	January 25, 2017
TO	Board of Psychology Members
FROM	 Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21 (a) and (b) Regulation Update and Review

a) Update on 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants

Staff is currently working to create the Initial Statement of Reasons, and Notice of Proposed Regulations with Informative Digest, which are needed to begin the regulatory process with the Department of Consumer Affairs. Staff have made additional changes to the Proposed language for the regulatory package.

Action Requested:

Staff recommends the Board review and approve the changes in the attached proposed language and give the Executive Officer the authority to proceed with the rulemaking file.

Attachment A: Proposed language

b) Title 16, CCR, Section 1387(b)(10)(11) and 1387.1 – Verification of Experience and Supervision Agreement Forms.

This Rulemaking File was noticed for the initial 45 day comment period on April 1, 2016. The hearing took place at the May 2016 Board meeting. The final regulatory package was approved by the Department of Consumer Affairs and the Department of Finance, and was delivered to Office of Administrative Law (OAL) for review on December 22, 2016. OAL must review the rulemaking and provide the Board its decision by February 7, 2017.

Action Requested:

This item is for informational purposes only. No action is required at this time.

Attachment B: Order of Adoption

1 **§1391.1. Registration; Limitation of Registration Period.**

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3 (a) Any person who meets the requirements of section 2913 of the Code desiring to
4 supervise may apply for registration as a psychological assistant by submitting shall
5 submit an application on a form 15-303 (rev. 9/16), which is hereby incorporated by
6 reference provided by the Board. If applying for a registration with more than one
7 supervisor, the person shall also submit form **PSB 100 (10/16).**

8 (b) Registration as a psychological assistant shall be limited to a cumulative total of six
9 years (72 months). Each registration shall be subject to annual renewal pursuant to
10 section 1391.12. For any psychological assistant registered prior to the effective date of
11 this subdivision, subsequent renewals or registrations shall be limited to a cumulative
12 total of six years (72 months) from the date of the psychological assistant's next
13 registration or renewal, whichever occurs first.

14 Upon showing of good cause as determined by the Board, these specified time
15 limitations may be reasonably modified.

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17 **NOTE: Authority cited:** Section 2930, Business and Professions Code. Reference:
18 Section 2913, Business and Professions Code.

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21 **§ 1391.2. Withdrawal of Applications.**

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23 An aApplications for registration which that hasve-not been completed within ninety (90)
24 days after additional information has been requested by the Board shall be deemed to
25 be withdrawn.

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27 **NOTE: Authority cited:** Section 2930, Business and Professions Code. Reference:
28 Section 2913, Business and Professions Code.

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31 **§ 1391.5. Statement of Purpose; Supervision Required.**

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33 (a) A psychological assistant shall be under the direction and supervision of a licensed
34 psychologist or board-certified psychiatrist who is employed in the same setting in which
35 the psychological assistant is employed. A licensed psychologist who is supervising
36 psychological assistants must comply with the supervision course requirements set forth
37 in section 1387.1.

38 (b) The supervisor shall provide a minimum of one (1) hour per week of individual
39 supervision to the psychological assistant, unless more such supervision is required
40 under Section 1387 or by the nature of the psychological functions performed by the
41 psychological assistant.

42 (c) A registered psychological assistant ~~employed by one of the organizations specified~~
43 ~~in section 2913 of the code~~ may receive delegated supervision pursuant to section
44 1387(c) from a qualified psychologist or a board certified psychiatrist other than the
45 primary supervisor to whom he/she is registered if the delegated supervisor is also

46 employed within the same organization. ~~Otherwise, supervision may not be delegated~~
47 ~~under a psychological assistant registration.~~

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49 **Note: Authority cited:** Section 2930, Business and Professions Code. Reference:
50 Section 2913, Business and Professions Code.

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53 **§1391.6. Supervisor's Responsibility.**

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55 (a) Every supervisor of a psychological assistant shall ~~have~~ be responsible for
56 supervising the ~~psychological functions performed by the psychological assistant and~~
57 ensuring that the education, training and experience in the areas of psychological
58 practice for which they will supervise, and shall be responsible for supervising the
59 psychological functions performed by the psychological assistant ~~extent, kind and~~
60 ~~quality of the psychological functions performed by the assistant are consistent with the~~
61 ~~supervisor's training and experience, and ensure that the psychological assistant~~
62 complies with the provisions of the code, the Board's regulations, and the ethical
63 standards established by the American Psychological Association.

64 (b) The supervisor shall ~~inform~~ ensure that each client or patient is informed, prior to the
65 rendering of services ~~by the psychological assistant~~, that the psychological assistant is
66 unlicensed and is under the direction and supervision of the supervisor, ~~as an employee~~
67 Each client or patient shall also be informed and that the supervisor shall have access
68 to the client or patient's chart in fulfilling his/or her supervisory duties.

69 (c) The supervisor shall be available to the psychological assistant 100% of the time the
70 psychological assistant is performing psychological functions. The availability can be in-
71 person, by telephone, by pager or by other appropriate technology.

72 (d) The supervisor shall ensure that a plan is in place to protect the client or patient or
73 client in the event a client or patient/client crisis or emergency occurs during any time
74 the supervisor is not physically present at the established site at which the supervisee is
75 working. The supervisor shall ensure that the supervisee thoroughly understands the
76 plan in the event a client or patient crisis or emergency occurs.

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78 **Note: Authority cited:** Section 2930, Business and Professions Code. Reference:
79 Section 2913, Business and Professions Code.

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82 **§ 1391.8. Employer Supervisor-Employee Psychological Assistant Business**
83 **Relationship.**

84
85 (a) No ~~supervisor or employer of a psychological assistant~~ may ~~charge~~ pay a fee,
86 monetary or otherwise, ~~require monetary payment in consideration for the employment~~
87 ~~or supervision~~ provided of a psychological assistant. The supervisor or employer shall
88 supply all provisions necessary to function as a psychological assistant.

89 (b) The psychological assistant shall have no proprietary interest in the business of the
90 supervisor or the employer.

91 (c) The psychological assistant shall not rent, lease, sublease, or lease-purchase office
92 space from any entity for purposes of functioning as a psychological assistant.

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94 **Note: Authority cited:** Section 2930, Business and Professions Code. Reference:
95 Section 2913, Business and Professions Code.

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98 **§ 1391.10. Annual Reports Update.**

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100 One year after the effective date of the psychological assistant registration and annually
101 thereafter, every psychological assistant shall submit to the Board On or before the
102 expiration of a registration, every supervisor of a psychological assistant shall submit to
103 the Board an update for the registration that is completed by the supervisor, and signed
104 by the psychological assistant on a form provided by the Board. a report for the
105 registration period showing: Such form shall include the following:

106 (a) ~~The nature of the psychological functions performed by the psychological assistant~~
107 ~~being supervised.~~ **Name and registration number of the psychological assistant.**

108 **(b) Identification of the primary psychological functions that the psychological**
109 **assistant is performing.**

110 **(c) Name, license number, phone number and email address of all primary**
111 **supervisors since the effective date of the registration or the last update.**

112 (c) ~~Certification of employment.~~ Address of all locations where psychological services
113 are currently being provided.

114 **(d) The period of supervision.**

115 **(e) The type and amount of supervision received.**

116 **(f) Attestation that the primary supervisor has completed the required six-hour**
117 **course in supervision within the last two years.**

118 (e) ~~The locations at which the psychological assistant provided the psychological~~
119 ~~functions and the type, extent and amount of supervision.~~

120 **(g) A certification A signed attestation from all current primary supervisors that during**
121 **the period supervised, the psychological functions performed by the psychological**
122 **assistant has demonstrated an overall performance at or above the level of competence**
123 **expected for his or her level of education, training and experience, and were performed**
124 **at a level satisfactory to ensure safety to the public.**

125 **(h) Failure to submit a completed annual update shall render the registration ineligible**
126 **for renewal.**

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128 **Note: Authority cited:** Section 2930, Business and Professions Code. Reference:
129 Section 2913, Business and Professions Code.

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132 **§ 1391.11. Notification of Termination. Change of Primary Supervisor or Location**

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134 Within thirty (30) days after the termination of the employment any change or addition of
135 a primary supervisor or in the location where services are being rendered by the of a
136 psychological assistant, the employer psychological assistant shall notify the Board in

137 ~~writing of such termination, on form PSB 101 (11/16), setting forth the date thereof. If a~~
138 ~~change of supervisor has occurred and the psychological assistant is accruing~~
139 ~~Supervised Professional Experience, a new supervision agreement, pursuant to section~~
140 ~~1387, is required.~~

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142 **NOTE: Authority cited:** Section 2930, Business and Professions Code. Reference:
143 Section 2913, Business and Professions Code.

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146 § 1391.12. Psychological Assistant Renewals.

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148 (a) A new registration shall expire one year after issuance. The registration of a
149 psychological assistant shall be renewed ~~by the employer~~ annually, on or before its
150 expiration on a form provided by the board. Such form shall include the following:

151 (1) Name, registration number, registration expiration date, and renewal amount
152 of the psychological assistant;

153 (2) Disclosure of whether the psychological assistant has been convicted or has
154 had a license or registration discipline since their last renewal;

155 (3) Disclosure of whether the psychological assistant has complied with the
156 fingerprint requirements and submitted a full set of fingerprints to the Department
157 of Justice;

158 (4) Phone number and email of the psychological assistant; and

159 (5) A signed declaration under penalty of perjury that the information provided is
160 true and correct.

161 (b) A registration renewed 30 days after its expiration must be accompanied by the
162 delinquency fee required in section 1392.1 in order to be renewed.

163 (c) A psychological assistant who has been registered with the Board but whose
164 registration has expired and has not been renewed ~~by the employer~~ shall not function
165 as a psychological assistant.

166 ~~(d) A psychological assistant employed and registered by more than one employer shall~~
167 ~~have his or her registration renewed by each employer.~~

168 ~~(de) A registration not renewed within 60 days after its expiration shall become void~~
169 ~~cancel, and a new application for registration shall be submitted by the employer will be~~
170 ~~required for a registration to issue.~~

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172 **NOTE: Authority cited:** Section 2930, Business and Professions Code. Reference:
173 Section 2913, Business and Professions Code.

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176 § 1392.1. Psychological Assistant Fees.

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178 (a) The application fee for registration ~~as of~~ a psychological assistant ~~which is payable~~
179 ~~by the supervisor~~ is \$40.00.

180 (b) The annual renewal fee for registration of a psychological assistant is \$40.00.

181 (c) The delinquency fee for a psychological assistant is \$20.00.

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183 **Note: Authority cited: Section 2930 and 2940, Business and Professions Code.**
184 **Reference: Sections ~~2688~~2948 and ~~2689~~2987, Business and Professions Code.**
185



California Board of Psychology

Order of Adoption

Proposed additions are shown as underlined

Proposed deletions are shown as ~~strike through~~

1. Amend section 1387 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:

(10) ~~Except for the accrual of SPE by a psychological assistant in a private practice setting as provided for in section 1387(b)(11),~~ Prior to the start of the experience, the primary supervisor and the supervisee shall together prepare an agreement document that outlines the structure and sequence of the planned program of supervision to accomplish the goals and objectives of the plan ("plan") experience. Accrual of hours prior to preparing such an agreement may result in those hours not counting toward the licensure requirements. The original agreement shall accompany the application for registration, if any, and identify identifies at least the following:

- Name, license number and signature of primary supervisor;
- Name and signature of supervisee;
- Statutory authority under which the supervisee will function;
- Start date of the experience and the anticipated completion date;
- Duties to be performed in a sequential structured plan as defined in this section;
- Address of the locations at which the duties will be performed; ~~and~~
- Goals and objectives of the plan for SPE, including how socialization into the profession will be achieved; ~~and~~
- How and when the supervisor will provide periodic assessments and feedback to the supervisee as to whether or not he or she is performing as expected.

Additionally, the ~~agreement document~~ shall reflect that both supervisor and supervisee have discussed and understand each term of SPE as required by the California Code of Regulations. ~~The primary supervisor shall maintain the document until the hours of supervised experience are completed.~~

(11) ~~Once the supervised experience SPE outlined in the agreement document has been completed, the primary supervisor shall submit to the supervisee both the agreement, unless previously submitted to the Board, pursuant to Section 1387 (b) (10) and a verification of experience form signed by the primary supervisor under penalty of perjury, directly to the Board both the document and a verification of the experience signed by the primary supervisor under penalty of perjury, in a sealed envelope, signed across the seal for submission to the Board by the supervisee along with his or her application.~~ The verification shall certify to completion of the hours consistent with the terms of the supervision agreement document. The supervisor must indicate, in his / or her best professional judgment, whether the supervisee demonstrated an overall

performance at or above the level of minimal competence expected for the supervisee's level of education, training and experience. When SPE is accrued in a formal pre-doctoral internship or postdoctoral training program, the program's training director shall be authorized to perform the verification and rating duties of the primary supervisor provided that the internship training director is a licensed psychologist who possesses a valid, active license free of any disciplinary action.

If the SPE is not consistent with the terms of the agreement or if the supervisee did not demonstrate an overall performance at or above level of competence expected for the supervisee's level of education, training and experience, the SPE may not count towards the licensure requirements.

~~(11) Due to lack of standardization in training, a psychological assistant in a private practice setting shall submit the plan as described in subsection (b)(10) for supervised professional experience to the Board for prior approval as provided for in section 2914(c) of the Code prior to the accrual of SPE. A private practice setting is defined as those settings allowed pursuant to section 1387(a)(1)(C) and 1387(a)(2)(D), except a Welfare and Institutions Code section 5614 clinic or a Health and Safety Code section 4204.1 clinic. SPE that is accrued prior to the approval of the plan will not count toward qualifying the applicant for licensure.~~

(c) Delegated Supervision Requirements:

(1) Except as provided in section 1391.5, which regulates the supervision of psychological assistants, primary supervisors may delegate supervision to other qualified psychologists or to other qualified mental health professionals including licensed marriage and family therapists, licensed educational psychologists, licensed clinical social workers and board certified psychiatrists.

(2) The primary supervisor remains responsible for providing the minimum one hour per week of direct, individual face-to-face supervision.

(3) The primary supervisor remains responsible for ensuring compliance with this section.

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2911 and 2914, Business and Professions Code.

2. Amend section 1387.1 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:

§ 1387.1. Qualifications and Responsibilities of Primary Supervisors.

All primary supervisors shall be licensed psychologists, except that board certified psychiatrists may be primary supervisors of their own registered psychological assistants. In this regard, a maximum of 750 hours of experience out of the required 3000, can be supervised by a board certified psychiatrist and can be counted toward meeting the SPE licensing requirements.

(a) Primary supervisors shall possess and maintain a valid, active license free of any formal disciplinary action, and shall immediately notify the supervisee of any disciplinary action, including revocation, surrender, suspension, probation terms, or changes in licensure status including inactive license, delinquent license or any other license status change that affects the primary supervisor's ability or qualifications to supervise.

(b) Primary supervisors who are licensed by the ~~b~~Board shall complete a minimum of six (6) hours of supervision coursework every two years.

(1) Primary supervisors shall certify under penalty of perjury to completion of this coursework requirement each time the supervisor completes a verification form as referenced in section 1387(b)(10).

(c) Primary supervisors shall be in compliance at all times with the provisions of the Psychology Licensing Law and the Medical Practice Act, whichever is applicable, and the regulations adopted pursuant to these laws.

(d) Primary supervisors shall be responsible for ensuring compliance at all times by the trainee with the provisions of the Psychology Licensing Law and the regulations adopted pursuant to these laws.

(e) Primary supervisors shall be responsible for ensuring that all SPE including record keeping is conducted in compliance with the Ethical Principles and Code of Conduct of the American Psychological Association.

(f) Primary supervisors shall be responsible for monitoring the welfare of the trainee's clients.

(g) Primary supervisors shall ensure that each client or patient is informed, prior to the rendering of services by the trainee (1) that the trainee is unlicensed and is functioning under the direction and supervision of the supervisor; (2) that the primary supervisor shall have full access to the treatment records in order to perform supervision responsibilities and (3) that any fees paid for the services of the trainee must be paid directly to the primary supervisor or employer.

(h) Primary supervisors shall be responsible for monitoring the performance and professional development of the trainee and how and when the supervisor will provide periodic assessments and feedback to the supervisee as to whether or not he or she is performing as expected.

(i) Primary supervisors shall ensure that they have the education, training, and experience in the area(s) of psychological practice they will supervise.

(j) Primary supervisors shall have no familial, intimate, business or other relationship with the trainee which would compromise the supervisor's effectiveness, and/or which would violate the Ethical Principles and Code of Conduct of the American Psychological Association.

(k) Primary supervisors shall not supervise a trainee who is now or has ever been a psychotherapy client of the supervisor.

(l) Primary supervisors shall not exploit trainees or engage in sexual relationships or any other sexual contact with trainees.

(m) Primary supervisors shall require trainees to review the pamphlet "Professional Therapy Never Includes Sex."

(n) Primary supervisors shall monitor the supervision performance of all delegated supervisors.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.