


## MEMORANDUM

<b>DATE</b>	October 31, 2017
<b>TO</b>	Board of Psychology
<b>FROM</b>	 Jason Glasspiegel Central Services Coordinator
<b>SUBJECT</b>	Agenda Item #19(b)(1)(B) – AB 1456 (Low) Professional Licensure

**Background:**

Existing law prohibits the licensure requirements for professional personnel, including psychologists, marriage and family therapists, clinical social workers, and professional clinical counselors, in the state and other governmental health facilities licensed by the California Department of Public Health (CDPH) or Department of Health Care Services (DHCS), or operated by the Department of State Hospitals (DSH) or California Department of Corrections and Rehabilitation (CDCR) from being less than for those professional personnel in health facilities under private ownership. These departments can waive that requirement for persons in the profession of psychology who are gaining qualifying experience for licensure in that profession, but prohibits the waiver from exceeding three (3) years from the date the employment commences with CDPH, DHCS, DSH or CDCR licensed/operated facility.

As of the June 5 amendments, this bill would extend the exemption waivers to five (5) at CDPH, DHCS, DSH or CDCR licensed/operated facilities. Board staff believes it is good policy to bring conformity to the various licensure exemption provisions as this would diminish confusion for both exempt setting employers and their employees, and the public.

At the June Board meeting, the Board took a Support position on AB 1456 (Low).

**Location:** Secretary of State

**Status:** 7/31/2017 Chaptered by Secretary of State - Chapter 151, Statutes of 2017.

**Votes:** 7/17/2017 Assembly Floor (Concurrence) (76-0-3)  
 7/10/2017 Senate Floor (40-0-0)  
 6/28/2017 Senate Committee on Health (7-0-2)  
 5/04/2017 Assembly Floor (74-0-6)  
 4/18/2017 Assembly Committee on Health (15-0-0)

**Action Requested:**

This item is for informational purposes only. No action is required at this time.  
 Attachment A: AB 1456 (Low) Advisory

**LEGISLATIVE ADVISORY: AB 1456 (LOW) - CHAPTER 151, STATUTES OF 2017 - PROFESSIONAL LICENSURE REQUIREMENTS IN CERTAIN EXEMPT SETTINGS**

Attention Board of Psychology Stakeholders:

Assembly Bill 1456 (Low) was signed by Governor Brown on July 31, 2017, and became effective upon signature. The legislation amends Section 1277 of the Health and Safety Code, Section 5608.5 of the Penal Code, and Section 5751.2 of the Welfare and Institutions Code, all related to a limited waiver of licensure requirements in public employment settings, or in local mental health programs.

**SUMMARY OF CHANGES**

Effective July 31, 2017, this bill amended existing law to provide for a four (4) year waiver, with a possible extension of one additional (1) year, (increased from three (3) years) from the licensing requirement by the Board of Psychology for professional personnel, employed or under contract, with the Department of Public Health and the Department of Corrections and Rehabilitation, who are in the profession of psychology and are gaining qualified experience for licensure.

Additionally, this bill amended existing law to provide for a five (5) year waiver (increased from three (3) years) from the licensing requirement by the Board of Psychology for professional personnel employed or under contract with the Department of Health Care Services, who are in the profession of psychology and are gaining qualified experience for licensure, from the date of employment by, or contract with, a local mental health program.

Highlighted below are statutes addressing the provision of psychological services in different exempt settings. If you work in an exempt setting and are unsure about the exempt provisions for gaining experience, contact your employer.

Exempt Setting Type	Authorizing Statute	Waiver Granting Entity	Waiver Limitation
Accredited or Approved Colleges, Junior Colleges, or Universities  Federal, State, County, or Municipal Government Entities  Public Schools (K-12)	Business and Professions Code (BPC) section 2910	No waiver; provided, exemption is based on Board of Psychology statute	5 years (cumulative total) meeting following criteria:  Psychological activities are part of the duties for which they were hired.  Activities are performed solely within the jurisdiction/confines of the organization.  Individual does not use any title or description of activities incorporating the words "psychology", "psychological", or "psychologist".  Primary purpose os gaining the supervised professional experience required for licensure, consistent with statutory and regulatory

Exempt Setting Type	Authorizing Statute	Waiver Granting Entity	Waiver Limitation
			requirements.
CDCR Facilities, DSH Facilities	Penal Code (PEN) section 5068.5	CDCR	<p>4 years (from the date employment commences) and only for the purposes of gaining qualifying experience required for licensure.</p> <p>Note: extensions may be granted to employees with extenuating circumstances (1 year) and part-time employees (proportional to the extent of part-time employment), but not exceeding 5 years total.</p>
CDPH Licensed Facilities under H&C section 1250 et. seq.	Health and Safety Code (HSC) section 1277(b)	CDPH	<p>4 years (from the date employment commences) and only to the extent necessary to qualify for licensure.</p> <p>Note: extensions may be granted to employees with extenuating circumstances (1 year) and part-time employees (proportional to the extent of part-time employment), but not exceeding 5 years total.</p>
Local Mental Health Programs	Welfare and Institutions Code (WIC) section 5751.2(d)	DHCS	5 years (from the date of employment/contract) and only for the purposes of gaining experience required for licensure.