


MEMORANDUM

DATE	October 31, 2017
TO	Board of Psychology Members
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #21 – Overview of the Regulatory Process

Background:

Attached for your review is an over view of the regulatory process for the Department of Consumer Affairs and the State of California.

Action Requested:

This item is informational purposes only. No action is required.



The Regulatory Process





What is a Regulation?

- A regulation is a rule adopted by the Board which implements, interprets or makes specific the statutes in the Board's Practice Act. A statute sets forth a general legal requirement or authority, whereas a regulation makes the requirement or authority more specific and enforceable.
- Regulations are created through the California Office of Administrative Law (OAL) through the Rulemaking process rather than the Legislature.





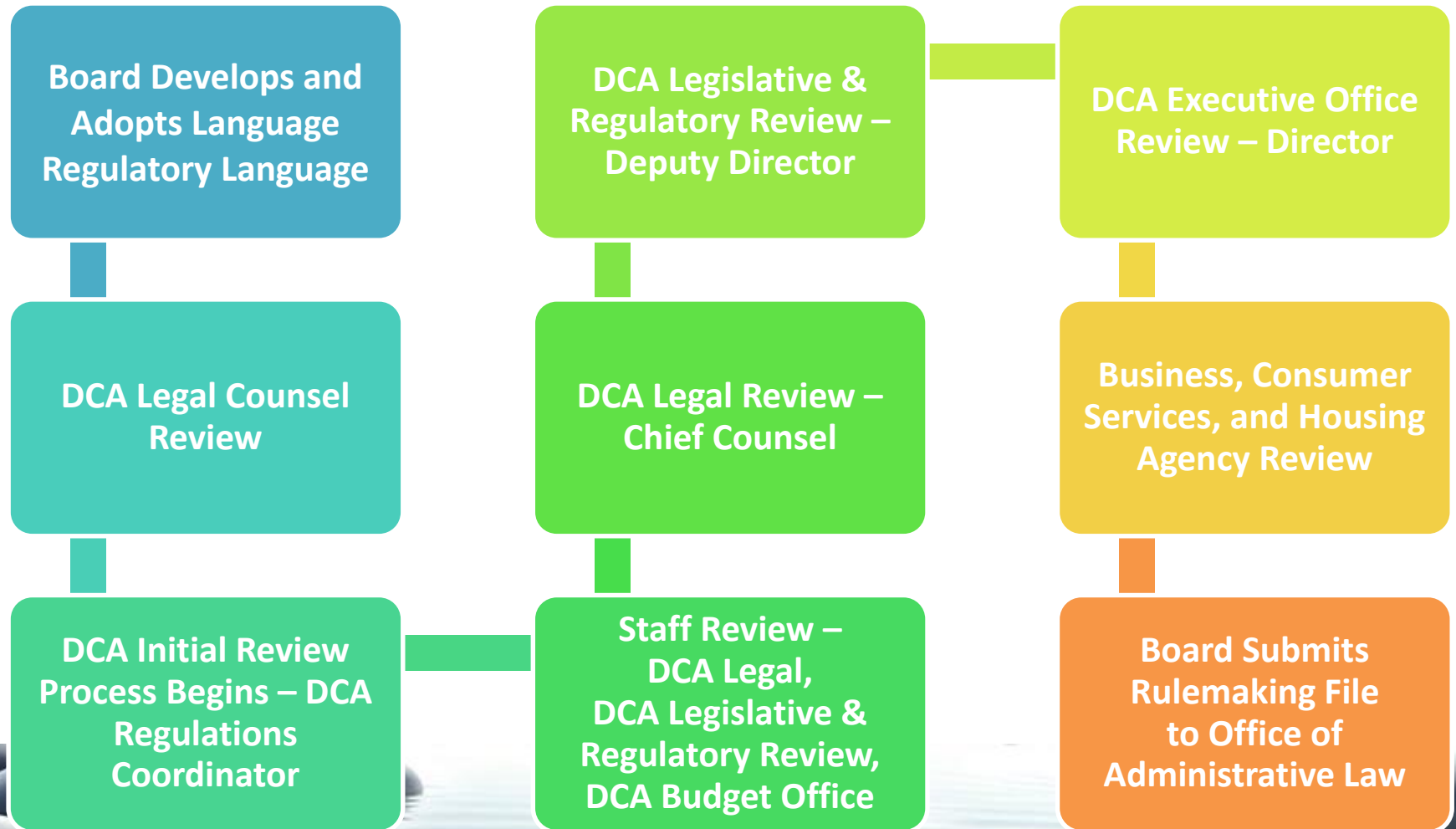
When is the Rulemaking Process Utilized?

- The Board needs to implement a new regulation due to a bill that became law.
- The Board needs to change an existing regulation due to a bill that became law.
- The Board wants to create a new or change an existing regulation and already has the statutory authority to do so.



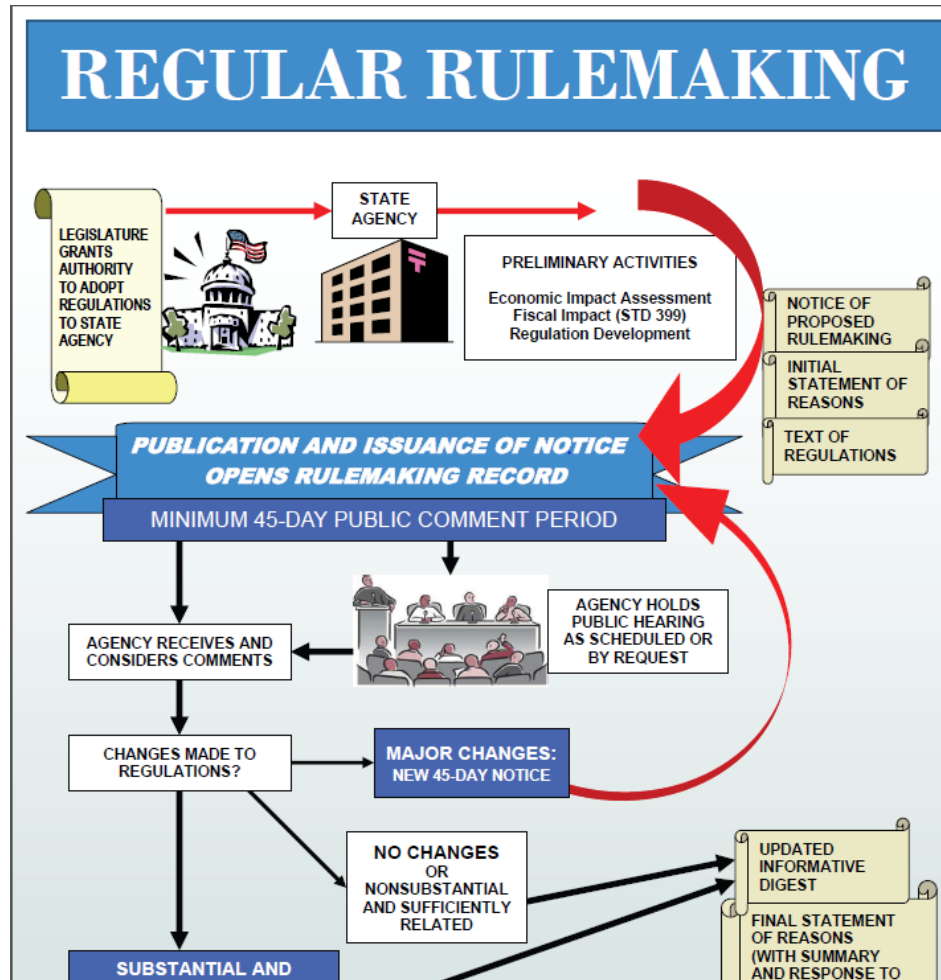


Informal Rulemaking Process





The Formal Rulemaking Process





Administrative Procedures Act (APA) Standards for Regulations

- **Authority** (Government (GOV) Code Section 11349; Title 1 California Code of Regulations (CCR) Section 14)
- **Necessity** (GOV Code Section 11349(a); 1 CCR Section 10)
- **Clarity** (GOV Code Section 11349; 1 CCR Section 16)
- **Consistency** (GOV Code Section 11349(d))
- **Non-Duplication** (GOV Code Section 11349(f); 1 CCR Section 12)
- **Reference** (GOV Code Section 11349; 1 CCR Section 14)

Procedural Requirements





Current Regulatory Packages

- Psychological Assistant
- Continuing Professional Development
- Telehealth/Telepsychology
- Pathways to Licensure
- Disciplinary Guidelines
- Professional Therapy Never Includes Sex Brochure





Questions?

