STATE OF CALIFORNIA
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DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

BOARD OF PSYCHOLOGY – Administration
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MEMORANDUM

DATE	April 16, 2015
TO	Policy and Advocacy Committee Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	**AB 1374 (Levine) – Submission of Supervised Professional Experience/ Fee**

Background:

This bill is Board-sponsored and addresses the way the Board receives Verification of Experience (VOE) forms and removes the "fee" language from the definition of a psychologist's scope of practice. The bill accomplishes two major objectives:

The first objective is the streamlining of the process whereby the Board receives Verification of Experience forms during the application process. Currently the supervisor must submit the VOE Form after the supervised professional experience has been completed. This makes the Board a storing house for VOE forms some of which never have a subsequent application submitted. The marrying of separate VOE forms with the completed application is a time consuming and inefficient process. The proposed change will allow the applicant to submit the VOE form and the application together.

The second objective is consumer protection. The removal of the "for a fee" language in our Practice Act allows the Board to meet its primary mission of consumer protection. When receiving psychological services, a consumer should be in no doubt that the services should meet the standards set forth by the Board. .

AB 1374 passed the Assembly Committee on Business and Professions unanimously and is now headed to the Appropriations Committee.

Action Requested:

To continue to support AB 1374 (Levine).

Attachment A is the bill language.
Attachment B is the Fact Sheet.
Attachment C is the Board's Support Letter.

California LEGISLATIVE INFORMATION

AB-1374 Psychologists: licensure. (2015-2016)

AMENDED IN ASSEMBLY APRIL 06, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL **No. 1374**

Introduced by Assembly Member Levine

February 27, 2015

An act to amend ~~Section~~ *Sections 2903, 2909, 2910, 2913, and* 2914 of the Business and Professions Code, relating to psychologists.

LEGISLATIVE COUNSEL'S DIGEST

AB 1374, as amended, Levine. Psychologists: ~~licensure: requirements.~~ *licensure.*

The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology. *The law defines the practice of psychology as rendering or offering to render, for a fee, psychological services involving the application of psychological principles and methods, including the diagnosis, prevention, and treatment of psychological problems and emotional and mental disorders. The law prohibits unlicensed persons from practicing psychology, and authorizes unlicensed persons who meet certain requirements and do not provide psychological services for a fee to perform limited psychological functions or activities of a psychological nature, as specified.* The law requires applicants for licensure to, among other things, engage in at least 2 years of supervised professional experience under the direction of a licensed psychologist and authorizes an applicant who obtains this experience in the United States to send verification of the experience directly to the board if the supervising psychologist fails to submit the verification within 30 days of receiving a request from the applicant, as specified. The law provides that a violation of any of its provisions is a misdemeanor.

This *bill would expand the definition of the practice of psychology, and narrow the above-described authorization for specified unlicensed persons to provide psychological services, by removing references to a fee. The bill would specify that the application of psychological principles and methods instead includes assessment, diagnosis, prevention, treatment, and intervention in order to increase effective functioning. The* bill would instead require the supervisor to submit verification of the experience to the board and authorize an applicant who obtains the experience in the United States or Canada to send verification directly to the board as determined by the board if the supervisor fails to submit the verification. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 2903 of the Business and Professions Code is amended to read:*

2903. No person may engage in the practice of psychology, or represent himself or herself to be a psychologist, without a license granted under this chapter, except as otherwise provided in this chapter. The practice of psychology is defined as rendering or offering to render ~~for a fee~~ to individuals, groups, ~~organizations~~ *organizations,* or the public any psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

The application of these principles and methods includes, but is not restricted to: *assessment,* diagnosis, prevention, treatment, and ~~amelioration of psychological problems and emotional and mental disorders of individuals and groups.~~ *intervention in order to increase effective functioning of individuals, groups, and organizations.*

Psychotherapy within the meaning of this chapter means the use of psychological methods in a professional relationship to assist a person or persons to acquire greater human effectiveness or to modify feelings, conditions, attitudes and behavior which are emotionally, intellectually, or socially ineffectual or ~~maladjustive.~~ *maladaptive.*

~~As used in this chapter, "fee" means any charge, monetary or otherwise, whether paid directly or paid on a prepaid or capitation basis by a third party, or a charge assessed by a facility, for services rendered.~~

SEC. 2. *Section 2909 of the Business and Professions Code is amended to read:*

2909. ~~Nothing in this~~ *This* chapter shall *not* be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not offer to render or render psychological services as defined in Section 2903 to the ~~public for a fee, monetary or otherwise, over and above the salary they receive for the performance of their official duties with the organization in which they are employed:~~ *public:*

(a) Persons who hold a valid and current credential as a school psychologist issued by the ~~California~~ *State* Department of Education.

(b) Persons who hold a valid and current credential as a psychometrist issued by the ~~California~~ *State* Department of Education.

(c) Persons *who are* employed in positions as psychologists or psychological assistants, or in a student counseling service, by accredited or approved colleges, junior ~~colleges~~ *colleges,* or universities; federal, state, ~~county~~ *county,* or municipal governmental organizations ~~which~~ *that* are not primarily involved in the provision of direct health or mental health services. However, those persons may, without obtaining a license under this act, consult or disseminate their research findings and scientific information to other such accredited or approved academic institutions or governmental agencies. They may also offer lectures to the public ~~for a fee, monetary or otherwise,~~ without being licensed under this chapter.

(d) Persons who meet the educational requirements of subdivision (b) of Section 2914 and who have one year or more of the supervised professional experience referenced in subdivision (c) of Section 2914, if they are employed by nonprofit community agencies that receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services. Those persons shall be registered by the agency with the board at the time of employment and shall be identified in the setting as a "registered psychologist." Those persons shall be exempt from this chapter for a maximum period of 30 months from the date of registration.

SEC. 3. *Section 2910 of the Business and Professions Code is amended to read:*

2910. ~~Nothing in this~~ *This* chapter shall *not* be construed to restrict or prevent activities of a psychological nature on the part of persons who are salaried employees of accredited or approved academic institutions, public ~~schools~~ *schools,* or governmental agencies, provided:

(a) Such employees are performing such psychological activities as part of the duties for which they were ~~hired;~~ *hired.*

(b) Such employees are performing those activities solely within the jurisdiction or confines of such ~~organizations;~~ *organizations.*

(c) Such persons do not hold themselves out to the public by any title or description of activities incorporating the words "psychology," "psychological," "psychologist," "psychometry," ~~"psychometrics"~~ *"psychometrics,"* or ~~"psychometrist";~~ *"psychometrist."*

~~(d)Such persons do not offer their services to the public for a fee, monetary or otherwise;~~

~~(e)~~

(d) Such persons do not provide direct health or mental health services.

SEC. 4. *Section 2913 of the Business and Professions Code is amended to read:*

2913. A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic ~~which~~ *that* provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

(a) The person is termed a "psychological assistant."

(b) The person (1) has completed a master's degree in psychology or education with the field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (3) has completed a doctoral degree ~~which~~ *that* qualifies for licensure under Section 2914, in an accredited or approved university, college, or professional school located in the United States or Canada.

(c) The person is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

(d) The licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has registered the psychological assistant with the board. The registration shall be renewed annually in accordance with regulations adopted by the board.

No licensed psychologist may register, employ, or supervise more than three psychological assistants at any given time unless specifically authorized to do so by the board. No board certified psychiatrist may register, employ, or supervise more than one psychological assistant at any given time. No contract clinic, psychological corporation, or medical corporation may employ more than 10 assistants at any one time. No contract clinic may register, employ, or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises the psychological assistants. No psychological assistant may provide psychological services to the public ~~for a fee, monetary or otherwise,~~ except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation.

(e) The psychological assistant shall comply with regulations that the board may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.

(f) No person shall practice as a psychological assistant who is found by the board to be in violation of Section 2960 and the rules and regulations duly adopted thereunder.

~~SECTION 1.~~ ***SEC. 5.*** Section 2914 of the Business and Professions Code is amended to read:

2914. Each applicant for licensure shall comply with all of the following requirements:

(a) Is not subject to denial of licensure under Division 1.5 (commencing with Section 475).

(b) Possess an earned doctorate degree (1) in psychology, (2) in educational psychology, or (3) in education with the field of specialization in counseling psychology or educational psychology. Except as provided in subdivision (g), this degree or training shall be obtained from an accredited university, college, or professional school. The board shall make the final determination as to whether a degree meets the requirements of this section.

No educational institution shall be denied recognition as an accredited academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this chapter or in the administration of this chapter shall require the registration with the board by educational institutions of their departments of psychology or their doctoral programs in psychology.

An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and any other documentation the board deems necessary.

(c) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the board in its regulations, or under suitable alternative supervision as determined by the board in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology. The supervisor shall submit verification of the experience required by this subdivision to the board as prescribed by the board. If the supervisor fails to submit verification of experience to the board, the applicant may submit verification directly to the board as determined by the board.

The authority provided by this subdivision for an applicant to file written verification directly shall apply only to an applicant who has acquired the experience required by this subdivision in the United States or Canada.

The board shall establish qualifications by regulation for supervising psychologists and shall review and approve applicants on a case-by-case basis.

(d) Take and pass the examination required by Section 2941 unless otherwise exempted by the board under this chapter.

(e) Show by evidence satisfactory to the board that he or she has completed training in the detection and treatment of alcohol and other chemical substance dependency. This requirement applies only to applicants who matriculate on or after September 1, 1985.

(f) (1) Show by evidence satisfactory to the board that he or she has completed coursework in spousal or partner abuse assessment, detection, and intervention. This requirement applies to applicants who began graduate training during the period commencing on January 1, 1995, and ending on December 31, 2003.

(2) An applicant who began graduate training on or after January 1, 2004, shall show by evidence satisfactory to the board that he or she has completed a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. An applicant may request an exemption from this requirement if he or she intends to practice in an area that does not include the direct provision of mental health services.

(3) Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. This requirement for coursework shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.

(g) An applicant holding a doctoral degree in psychology from an approved institution is deemed to meet the requirements of this section if all of the following are true:

(1) The approved institution offered a doctoral degree in psychology designed to prepare students for a license to practice psychology and was approved by the Bureau for Private Postsecondary and Vocational Education on or before July 1, 1999.

(2) The approved institution has not, since July 1, 1999, had a new location, as described in Section 94721 of the Education Code.

(3) The approved institution is not a franchise institution, as defined in Section 94729.3 of the Education Code.

~~**SEC. 2.**~~***SEC. 6.*** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

OFFICE OF ASSEMBLYMEMBER

Marc Levine

TENTH ASSEMBLY DISTRICT

AB 1374- Psychologist Application Simplification and Defining Psychological Services

SUMMARY

AB 1374 gives the Board of Psychology (Board) the ability to receive verification of experience (VOE) forms directly from an applicant.

Additionally, AB 1374 removes the requirement of a "fee" in current law to establish psychological service.

EXISTING LAW/BACKGROUND

Existing law requires a psychologist to be licensed. Applicants for licensure must, among other things, complete at least 2 years of supervised professional experience.

Existing law requires that the experience be demonstrated through a submission of a VOE form by the supervising professional.

Currently, the VOE form must be submitted by a supervising psychologist and the remaining portion of an application is submitted by the applicant.

AB 1374 will allow those two separate forms to be submitted at the same time by the applicant. Additionally, the bill will clarify the role of Board staff and provide consistency with other requirements in law that experience needed for licensure gained in Canada is permitted.

AB 1374 also addresses the definition of psychology. The Business and Professions Code defines psychology as only being practiced when a fee is charged for services.

This current definition means that volunteer, pro-bono, or free services could fall outside of a license's insurance, and as a result, create a disincentive to provide those beneficial services.

This bill seeks ensure that licensees will not be denied insurance coverage when providing volunteer services.

THIS BILL

AB 1374 saves Board resources by allowing for an applicant to be sole submitter of a complete application for licensure.

AB 1374 defines the practice psychology in a way that removes a limitation on licensees providing volunteer services.

SUPPORT

Board of Psychology
(Sponsor)

California Psychological Association

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Last updated: 04/12/15

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April 8, 2015

The Honorable Marc Levine
California State Assembly
State Capitol, Room 4153
Sacramento, CA 95814

RE: **AB 1374 (LEVINE) – PSYCHOLOGISTS: LICENSURE: REQUIREMENTS AS AMENDED ON APRIL 6, 2015**
- SPONSOR & SUPPORT

Dear Assemblymember Levine:

The California Board of Psychology (Board) is sponsoring and **SUPPORTS AB 1374**, which will make the Board's receipt of application forms more efficient and remove the requirement of a "fee" to establish psychological service.

Business and Professions Code section 2914(c) currently states that verification of experience (VOE) forms be submitted to the Board by the applicant's supervisor. This has the result of the Board storing large quantities of VOEs that have not had the remaining parts of the licensing application submitted by the applicant. This creates a storage problem and generates extra workoad as it becomes necessary to combine applications for licensure with the previously submitted VOE Forms. The result of this legislative change will be VOE Forms arriving with the rest of the licensing application. This will save storage space at the Board and reduce the time staff takes to locate and combine the various pieces of the application, thus reducing licensing timeframes.

Business and Professions Code section 2903, 2909, 2910, and 2913 define the practice of psychology as only occurring when a fee is charged for services. This means that volunteer, pro-bono, or free services could fall outside of a licensee's insurance, and as a result, disincentivize volunteer pro-bono work by licensed psychologists, making payment rather than services provided central to what constitutes the practice of psychology. The primary function of the Board is consumer protection and a consumer should be in no doubt that the psychological services he or she is receiving fall under the Board's jurisdiction

The Board's mission is to advance quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession.

If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113. Thank you.

Sincerely,

MICHAEL ERICKSON, PH.D.
President, Board of Psychology