STATE OF CALIFORNIA
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	July 30, 2015
TO	Board of Psychology Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	**AB 705 (Eggman) - Exempt Settings (Business and Professions Code Sections 2909, 2909.5, 2910)**

Background:

This bill is Board-sponsored and seeks to ensure employees in exempt settings are working towards licensure as psychologists by the Board. The Board approved the proposed language at the August, 2014 meeting in San Francisco. The Board's language was submitted to Legislative Counsel by Assemblymember Levine (D – AD10). Assemblymember Eggman (D - AD13) agreed to author the legislation for the Board.

The Board voted to adopt a "support" position at the May meeting in Riverside.

Staff has worked closely with Assemblymenber Eggman's Office in the preparation of fact Sheets, support letters, stakeholder meetings, and Committee Testimony. AB 705 passed the Assembly Committee on Business and Professions and the Assembly Committee on Appropriations on consent. The bill passed the Assembly on consent with 77 aye votes to zero noes.

AB 705 is now in the Senate where it passed through the Business and Professions Committee on consent. The bill also passed the Appropriations Committee and the Senate Floor on consent. The bill is now on the Governor's desk awaiting signature.

Action Requested:

The staff recommendation is to continue to "Support" AB 705 (Eggman).

Attachment A is the Bill Language
Attachment B is the Support Letter to the Governor urging signature. .

California LEGISLATIVE INFORMATION

AB-705 Psychologists: licensure exemption. (2015-2016)

ENROLLED JULY 08, 2015

PASSED IN SENATE JULY 02, 2015

PASSED IN ASSEMBLY JULY 06, 2015

AMENDED IN SENATE JUNE 11, 2015

AMENDED IN SENATE JUNE 01, 2015

AMENDED IN ASSEMBLY APRIL 08, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL No. 705

Introduced by Assembly Member Eggman

February 25, 2015

An act to amend Sections 2909 and 2910 of, and to add Section 2909.5 to, the Business and Professions Code, relating to psychologists.

LEGISLATIVE COUNSEL'S DIGEST

AB 705, Eggman. Psychologists: licensure exemption.

The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology and makes a violation of its provisions a misdemeanor. Existing law prohibits a person from engaging in the practice of psychology or representing himself or herself to be a psychologist without a license, except as specified. Existing law provides that a person, including, but not limited to, a person who holds a valid and current credential as a school psychologist issued by the State Department of Education, is not restricted or prevented from conducting activities of a psychological nature or the use of the official title of his or her position, provided that person is performing those activities as part of the duties for which he or she was employed, is performing those activities solely within the confines of or under the jurisdiction of the organization in which he or she is employed, and does not offer to render or render psychological services, as specified, to the public for a fee over and above the salary he or she receives for the performance of his or her official duties with the organization.

This bill would revise and recast those provisions, including modifying those permissive provisions to not restrict or prevent from conducting activities of a psychological nature, or the use of the official title of his or her position, a person who holds a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing.

The bill would similarly not so restrict or prevent a person employed in a position as a psychologist or psychological assistant by one of specified entities from conducting research and disseminating his or her research findings and scientific information.

The bill would also not so restrict or prevent a person with specified education and training employed as prescribed by a nonprofit community agency that receives a certain percentage of financial support from governmental organizations for the purpose of training and providing services. The bill would require those persons to be registered by the agency with the board at the time of employment and identify such a person in the setting as a "registered psychologist." The bill would exempt those registered psychologists from licensure for a maximum period of 30 months from the date of registration.

Existing law also provides that the licensing law does not restrict or prevent activities of a psychological nature on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, provided that, among other restrictions, the person does not offer services to the public for a fee or provide direct health or mental health services.

This bill would instead provide that the licensing law does not restrict the practice of psychology on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, in accordance with specified restrictions. The bill would delete the existing restrictions on offering services to the public for a fee and on providing direct health or mental health services. The bill would additionally require such an employee to primarily be gaining the supervised professional experience required for licensure, as specified, in order to practice psychology without a license. That exemption would apply to an individual employee for a cumulative total of 5 years of employment after January 1, 2016.

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

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

SECTION 1. Section 2909 of the Business and Professions Code is amended to read:

2909. 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 render or offer to render psychological services, as defined in Section 2903:

(a) Persons who hold a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing.

(b) Persons who are employed in positions as psychologists or psychological assistants by accredited or approved colleges, junior colleges, or universities, or by federal, state, county, or municipal governmental organizations that are not primarily involved in the provision of direct health or mental health services, may conduct research and disseminate their research findings and scientific information.

SEC. 2. Section 2909.5 is added to the Business and Professions Code, to read:

2909.5. 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 persons were employed on the part of 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, 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 render or offer to render psychological services, as defined in Section 2903. 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. (a) This chapter shall not be construed to restrict the practice of psychology on the part of persons who are salaried employees of accredited or approved academic institutions, public schools, or governmental agencies, if those employees are complying with the following:

(1) Performing those psychological activities as part of the duties for which they were hired.

(2) Performing those activities solely within the jurisdiction or confines of those organizations.

(3) Do not hold themselves out to the public by any title or description of activities incorporating the words "psychology," "psychological," or "psychologist."

(4) Are primarily gaining the supervised professional experience required for licensure that is being accrued consistent with the board's regulations and the employees have as the primary supervisor a psychologist licensed in the state.

(b) Commencing January 1, 2016, an individual employed or who becomes employed by one or more employers as described in subdivision (a) shall be exempt under this section for a cumulative total of five years.

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July 7, 2015

The Honorable Edmund J. Brown
Governor, State of California
State Capitol, Suite 1173
Sacramento, CA 95814

RE: **AB 705 (Eggman) – PSYCHOLOGISTS: LICENSURE EXEMPTION SPONSOR & SUPPORT**

Dear Governor Brown:

The California Board of Psychology (Board) is sponsoring and **SUPPORTS AB 705**, which addresses whether an employee in an exempt setting must work under the supervision of a licensed psychologist in order to accumulate hours towards licensure.

This bill will enhance consumer protection of particularly vulnerable populations by ensuring that employees in exempt settings are properly supervised and working towards licensure. This will be done by requiring employees to be supervised by licensed psychologists, to be earning supervised professional experience hours, and to be working towards licensure within a given timeframe of five (5) years;

- Specific language reflecting the original intent of the law – **to eventually require employees in exempt settings to become licensed** will ensure that employees must be gaining supervised professional experience for licensure.

- The length of time an employee is exempt will be limited to is 5 (five) years. This timeframe is consistent with the exemption period specified in Welfare and Institutions Code (WIC) Section 5751.2 (d). This allows ample time for employees to complete supervised professional experience and pass the necessary exams.

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.

The Board respectfully requests your signature for this important legislation. 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