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	July 30, 2015
TO	Board of Psychology Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	**AB 1374 (Levine) Submission of Supervised Professional Experience/ Fee (Business and Professions Code Sections 2903 and 2914(c))**

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 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 through the Assembly Committee on Business and Professions on consent and the Assembly Committee on Appropriations on consent. The bill passed the Assembly on consent with 77 aye votes to zero noes. AB 1374 passed to the Senate passed the Senate Business and Economic Development Committee on consent. The bill has passed the Senate Appropriations Committee and is now awaiting a vote on the Senate Floor.

Action Requested:

The staff recommendation is to continue to support AB 1374 (Levine).

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

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

AMENDED IN SENATE JULY 14, 2015

AMENDED IN SENATE JUNE 11, 2015

AMENDED IN SENATE JUNE 01, 2015

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 Sections 2903, ~~2909, 2910,~~ 2913, and 2914 of the Business and Professions Code, and to amend Section 1010 of the Evidence Code, relating to psychologists.

LEGISLATIVE COUNSEL'S DIGEST

AB 1374, as amended, Levine. Psychologists: 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, but authorizes unlicensed persons, including ~~credentialed psychometrists,~~ *psychological assistants* who meet certain requirements and do not provide psychological services to the public for a fee, to perform limited psychological ~~functions or activities of a psychological nature, as specified.~~ *functions.* 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 licensed psychologist fails to submit the verification within 30 days of receiving a request from the applicant, as specified. The law requires the board to establish qualifications by regulation for supervising licensed psychologists and to review and approve applicants *for the position of supervising psychologist* on a case-by-case basis. The law provides that a violation of any of its provisions is a misdemeanor.

This bill would remove the reference to fees for services from the definition of the practice of psychology, thereby expanding that definition. The bill would further modify that definition to specify that the application of psychological principles and methods includes assessment, diagnosis, prevention, treatment, and intervention to increase effective functioning of individuals, groups, and organizations. The bill would revise the above-described ~~authorizations for specified unlicensed persons to perform limited psychological functions or activities~~

~~of a psychological nature~~ *authorization for psychological assistants* to prohibit services to the public, except as specified, without reference to a fee.~~The bill would eliminate that authorization for credentialed psychometrists.~~ The bill would~~ instead~~ *revise that experience verification procedure to* require a supervising licensed psychologist to submit verification of the experience to the trainee in a manner prescribed by the board, and would authorize the board to establish alternative procedures for obtaining the necessary documentation if the supervising licensed psychologist fails to provide that~~ verification.~~ *verification in a timely manner.* The bill would make~~ that failure,~~ *the failure to provide verification to the board upon request,* absent good cause, unprofessional conduct. The bill would eliminate the requirement that the board review and approve applicants *for the position of supervising psychologist* on a case-by-case basis. The bill would also make technical and conforming changes. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Existing law establishes for a patient of a psychotherapist, whether or not a party to a proceeding, the privilege to refuse to disclose and to prevent another from disclosing a confidential communication between the patient and psychotherapist, as specified, and defines a psychotherapist for these purposes.

This bill would include in the definition of psychotherapist a person who registered with the Board of Psychology as a registered psychologist and who is under the supervision of a licensed psychologist or a board certified psychiatrist.

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. *(a)* 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 to individuals, groups, 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~~

(b) The application of these principles and methods includes, but is not restricted to: assessment, diagnosis, prevention, treatment, and intervention to increase effective functioning of individuals, groups, and organizations.

~~Psychotherapy~~

(c) 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 behaviors~~ which~~ *that* are emotionally, intellectually, or socially ineffectual or maladaptive.

~~SEC. 2.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 offer to render or render psychological services as defined in Section 2903 to the public:~~

~~(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, or in a student counseling service, by accredited or approved colleges, community colleges, or universities; federal, state, county, or municipal governmental organizations 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 without being licensed under this chapter.~~

~~(c)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.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, or governmental agencies, provided:~~

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

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

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

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

~~**SEC. 4.**~~***SEC. 2.*** 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 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~~ *if* 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 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) *(1)* 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~~

(2) 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 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.~~ *pursuant to that section.*

~~**SEC. 5.**~~***SEC. 3.*** 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) *(1)* Possess an earned doctorate degree ~~(1)~~ *(A)* in psychology, ~~(2)~~ *(B)* in educational psychology, or ~~(3)~~ *(C)* 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~~

(2) 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~~

(3) 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) *(1)* 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 trainee in a manner prescribed by the board. If the supervising licensed psychologist fails to provide verification to the trainee in a timely manner, the board may establish alternative procedures for obtaining the necessary documentation. Absent good cause, the failure of a supervising licensed psychologist to provide the verification to the board upon request shall constitute unprofessional conduct.

~~The~~

(2) The board shall establish qualifications by regulation for supervising psychologists.

(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~~ *both* 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 *former* 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~~ *94823.5* of the Education Code.

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

~~**SEC. 6.**~~***SEC. 4.*** Section 1010 of the Evidence Code is amended to read:

1010. As used in this article, "psychotherapist" means a person who is, or is reasonably believed by the patient to be:

(a) A person authorized to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his or her time to the practice of psychiatry.

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(c) A person licensed as a clinical social worker under Article 4 (commencing with Section 4996) of Chapter 14 of Division 2 of the Business and Professions Code, when he or she is engaged in applied psychotherapy of a nonmedical nature.

(d) A person who is serving as a school psychologist and holds a credential authorizing that service issued by the state.

(e) A person licensed as a marriage and family therapist under Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(f) A person registered as a psychological assistant who is under the supervision of a licensed psychologist or board certified psychiatrist as required by Section 2913 of the Business and Professions Code, or a person registered as a marriage and family therapist intern who is under the supervision of a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon certified in psychiatry, as specified in Section 4980.44 of the Business and Professions Code.

(g) A person registered as an associate clinical social worker who is under supervision as specified in Section 4996.23 of the Business and Professions Code.

(h) A person ~~exempt from the Psychology Licensing Law pursuant to subdivision (c) of Section 2909 of the Business and Professions Code~~ *who registered with the Board of Psychology as a registered psychologist and* who is under the supervision of a licensed psychologist or board certified psychiatrist.

(i) A psychological intern as defined in Section 2911 of the Business and Professions Code who is under the supervision of a licensed psychologist or board certified psychiatrist.

(j) A trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, who is fulfilling his or her supervised practicum required by subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 of, or subdivision (c) of Section 4980.37 of, the Business and Professions Code and is

supervised by a licensed psychologist, a board certified psychiatrist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional clinical counselor.

(k) A person licensed as a registered nurse pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, who possesses a master's degree in psychiatric-mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing.

(l) An advanced practice registered nurse who is certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions Code and who participates in expert clinical practice in the specialty of psychiatric-mental health nursing.

(m) A person rendering mental health treatment or counseling services as authorized pursuant to Section 6924 of the Family Code.

(n) A person licensed as a professional clinical counselor under Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(o) A person registered as a clinical counselor intern who is under the supervision of a licensed professional clinical counselor, a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon certified in psychiatry, as specified in Sections 4999.42 to 4999.46, inclusive, of the Business and Professions Code.

(p) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code, who is fulfilling his or her supervised practicum required by paragraph (3) of subdivision (c) of Section 4999.32 of, or paragraph (3) of subdivision (c) of Section 4999.33 of, the Business and Professions Code, and is supervised by a licensed psychologist, a board-certified psychiatrist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional clinical counselor.

~~SEC. 7.~~***SEC. 5.*** 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.

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July 17, 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 July 14, 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