California Board of PSYCHOLOGY

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ISSUE MEMORANDUM

DATE	October 24, 2016
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #14(c)(1) – Omnibus Proposal

Background:

Each year the Senate Business, Professions, and Economic Development Committee reaches out to the Boards and Bureaus within DCA regarding the need for clean up language and non-controversial statutory changes to the Business and Professions Code (BPC) that all get combined into one large omnibus bill. These changes can be as simple as updating outdated statutory references to making changes that conform to legislation passed in the previous year or session.

For the 2017 legislative session, staff is submitting the attached Request for Approval of Proposed Legislation Omnibus Proposal for Board approval. This Omnibus Proposal would provide clean up to existing statutory language relating to who pays the registration fees for psychological assistants so that it conforms to the changes made by the Board's Sunset Bill SB 1193 (Chapter 484, Statutes of 2016).

Without the psychological assistant fee changes, the application process for psychological assistants would be disjointed and potentially delayed as applications would be submitted by psychology assistants but stuck waiting for payment to be received separately from their supervisor. This would not only negate the purpose of having one consolidated license for psychological assistants, but also would lead to confusion over which supervisor should pay the fee if the individual has two places of employment with two supervisors. This would not meet the intent of the changes enacted in SB 1193 to streamline the process for both psychological assistants and Board staff processing those applications.

Note: Telehealth provisions were removed as they were deemed unnecessary.

Action Requested:

Staff recommends approval of the attached Omnibus Proposal.

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REQUEST FOR APPROVAL OF PROPOSED LEGISLATION

CONFIDENTIAL-Government Code §6254(l)	
Board: Board of Psychology	**Suggested Author:** Senate Business, Professions & Economic Development Committee
Other Departments Which May Be Affected: Not Applicable	
Subject/Title: Board of Psychology Omnibus Proposal	

SUMMARY

This proposal would make non-controversial changes to the Board of Psychology's (Board's) licensing law. This change provides clean up to existing statutory language relating to who pays the registration fees for psychological assistants.

IDENTIFICATION OF PROBLEM

Under current law, the payment of fees for psychological assistant registrations is required to come from the psychological assistant's supervisor, pursuant to Business and Professions Code (BPC) section 2987. However, recent legislative changes included in the Board's Sunset Bill, SB 1193 (Chapter 484, Statutes of 2016), now require the registration to be submitted by the psychological assistant instead of their supervisor. The change in responsibility for submitting the psychological assistant registration was supposed to be accompanied by a complimentary change in who is required to pay the fee; however, this item was missed during the 2016 legislative process and now requires cleanup of this provision.

PROPOSED SOLUTION

The Board proposes to amend BPC section 2987(e) to allow the psychological assistant fee to be payable by the psychological assistant to conform to the intent of the amended BPC section 2913.

JUSTIFICATION

This statutory change is necessary since any regulatory changes made by the Board would not supersede the statutory provisions, thus legislation is our only viable course of action. This change conforms older statutes to recently enacted provisions within the BPC.

Without the psychological assistant fee changes, the application process for psychological assistants would be disjointed and potentially delayed as applications would be submitted by psychology assistants but stuck waiting for payment to be

received separately from their supervisor. This would not only negate the purpose of having one consolidated license for psychological assistants, but also would lead to confusion over which supervisor should pay the fee if the individual has two places of employment with two supervisors. This would not meet the intent of the changes enacted in SB 1193 to streamline the process for both psychological assistants and Board staff processing those applications.

PROGRAM BACKGROUND/LEGISLATIVE HISTORY

The Board serves the public by protecting the health, safety, and welfare of consumers of psychological services with integrity honesty, and efficiency; advocating the highest principles of professional psychological practice; and empowering the consumer through education on licensee/registrant disciplinary actions and providing the best available information on current trends in psychological service options.

The Board regulates licensed psychologists, psychological assistants, and registered psychologists. Licensed psychologists may practice independently in any private or public setting. Psychological assistants must possess a qualifying master's degree and are registered to a licensed psychologist or to a Board-certified psychiatrist as employees who may provide limited psychological services to the public under the direct supervision of the psychologist or psychiatrist to whom they are registered. Registered psychologists must possess a doctoral degree that meets licensure requirements and have completed at least 1,500 hours of qualifying supervised professional experience. Registered psychologists are registered to engage in psychological activities at nonprofit community agencies that receive a minimum of 25 percent of their funding from some governmental source. Registered psychologists may not engage in psychological activities outside the approved nonprofit community agency where they are registered.

The Board's Sunset Bill SB 1193 was signed into law on September 22, 2016. This bill reauthorized the Board's authority to regulate the practice of psychology and made changes to various provision of its' licensing law. However, the provisions relating to psychological assistants failed to redefine who pays the registration fee and unintentionally creates a disjointed application process where the application is submitted by the psychological assistant and the fee is paid by the psychological assistant's prospective supervisor. This error was unintentional and part of this legislative proposal is intended to fix this error.

ARGUMENTS PRO AND CON

BPC section 2987

Pro: Creates a streamlined and coherent psychological assistant application process where submission of the application and fee are not fragmented.

Con: The applicant now pays for the application fee; however, the Board has received ample feedback that psychological assistants would be willing to pay the $40 fee in order to be in control of their application and to avoid late registrations as many supervisors are late in submitting the application and fee under the current system.

PROBABLE SUPPORT AND OPPOSITION
Probable Support: California Psychological Association

Probable Opposition: None

FISCAL IMPACT:
Not Applicable

ECONOMIC IMPACT
Not Applicable

COMPARISON WITH OTHER STATES
Not Applicable

PERFORMANCE INDICATORS
Not Applicable

OTHER AFFECTED AGENCIES AND THEIR ROLES/VIEWS
Not Applicable

APPOINTMENTS
Not Applicable

DRAFT LANGUAGE

Section 1

Amend the Business and Professions Code section 2987 as follows:

2987.
The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:
(a) The application fee for a psychologist shall not be more than fifty dollars ($50).
(b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.
(c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued.
(d) The biennial renewal fee for a psychologist shall be four hundred dollars ($400). The board may increase the renewal fee to an amount not to exceed five hundred dollars ($500).
(e) The application fee for registration ~~and supervision of~~ ***as*** a psychological assistant ~~by a supervisor~~ under Section 2913, which is payable by ***the psychological assistant*** ~~that supervisor,~~ shall not be more than seventy-five dollars ($75).
(f) The annual renewal fee for registration of a psychological assistant shall not be more than seventy-five dollars ($75).
(g) The duplicate license or registration fee is five dollars ($5).
(h) The delinquency fee is twenty-five dollars ($25).
(i) The endorsement fee is five dollars ($5).
Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.