

## TITLE 16. BOARD OF PSYCHOLOGY

**NOTICE IS HEREBY GIVEN** that the Board of Psychology (hereinafter “Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at;

August 22, 2014 at 10:00 a.m.  
Board of Psychology Board Meeting  
California Institute of Integral Studies  
1453 Mission Street, Namaste Hall  
San Francisco, CA 94103

at 10:00 a.m., or as soon as practicable thereafter, on August 22, 2014. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on August 18, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Section 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 2940, 2941, 2942, 2943, 2944, 2946 and 2947 of the Business and Professions Code, and Section 11425.50 of the Government Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations (CCR) as follows:

### **INFORMATIVE DIGEST**

The Board of Psychology (Board) is seeking to amend existing regulations that cover examinations.

#### **A. Policy Statement Overview/Anticipated Benefits of Proposal**

The Board is seeking to change the California specific licensing exam from the California Psychology Supplemental Examination (CPSE) to the California Psychology Law and Ethics Examination (CPLEE).

The Association of State and Provincial Psychology Boards (ASPPB) sponsored a study

conducted by Professional Examination Service (PES), a private consulting firm. The report, “Study of the Practice of Licensed Psychologists in the United States and Canada” was released in July 2010. One very important purpose of the study was to update and develop the test specification for the national Examination for Professional Practice in Psychology (EPPP).

In California, licensing boards, bureaus, and committees within the Department of Consumer Affairs (DCA) are required to ensure that examination programs being used in the California licensure process comply with psychometric and legal standards. Given the release of the July 2010 national study report, it was imperative that the California Board of Psychology (Board) review its current California examination in relation to the national EPPP.

Therefore, the Board contracted with the California Department of Consumer Affairs’ Office of Professional Examination Services (OPES) to conduct two independent focus group workshops for the purpose of evaluating and comparing the test specifications/examination outlines of the national EPPP and the California Psychology Supplemental Examination (CPSE). Specifically, the purpose was to identify any California-specific tasks and knowledges not represented by the national exam, and to evaluate whether there is redundant information being tested on the competency content areas of both exams. If redundancy was found between the competency content areas of both exams, then the Board would need to consider whether testing strictly on California laws and ethics only would be in the best interest for California.

Given the results of the two national audit focus group workshops (see Appendix A for OPES’ complete audit summary report), the Board informally opted to remove the competency content areas of the CPSE and adopt a strictly California laws and ethics examination. However, prior to formally adopting this option, the Board was advised by OPES to obtain further information and clarification from ASPPB regarding the quality of EPPP test items in order to ensure qualified entry-level practice in California. The Board obtained sufficient proof from ASPPB that the EPPP items test a candidate’s ability to process higher levels of information. The Board then made a motion to eliminate the CPSE and adopt a strictly California laws and ethics examination only. Therefore, the process of conducting an occupational analysis began for revising and enhancing the current California Psychology Law and Ethics Examination (CPLEE).

An additional change is the addition of an accommodation for candidates for whom English is a secondary language. The Board has determined that in a state with significant linguistic and cultural diversity it is beneficial to consumers and candidates that this accommodation be provided.

The Board is recommending several regulatory changes:

**Amend Sections 1388 (a), 1388 (b), 1388 (c), 1388 (e), 1388 (f), 1388 (g), 1388.6 (a), 1388.6 (b), 1388.6 (c), 1388.6 (d), 1388.6 (e), 1388.6 (f), 1389 (a), and 1392 (b), 1392 (c), 1392 (d), 1392 (e), and 1392 (f)**

These sections are contained within Title, 16 California Code of Regulations and cover the examination requirements of candidates for licensure. Specific changes to the regulations are below.

**Amend Section 1388 (a)**

The amendment in this section is non-substantial and corrects the name of the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES). The name currently listed in the regulations is Office of Examination Resources. The name was changed in 2009.

Policy Statement Overview: The change will benefit applicants and consumers because incorrect information in the regulations could limit their ability to contact the entity.

**Amend Section 1388 (b)**

The amendment in this section relates to the Board's decision to no longer offer the CPSE, but instead require candidates to take the national subject competency exam the EPPP. The CPLEE which will replace the CPSE is specific to California and tests knowledge of ethics and laws. The CPSE has been determined by the Board to test competency areas already covered to the Board's satisfaction by the EPPP. The switch to the entirely laws and ethics based examination will stop testing candidates on the same subject areas twice.

Policy Statement Overview: The Board is committed to ensuring that only fully qualified applicants become licensed psychologists in California. The removal of the CPSE and the replacement with the CPLEE will not negatively impact California consumers or the Board's licensees because the Board will still rigorously test subject matter competency and use a single California specific test for law and ethics.

**Amend Section 1388 (c)**

The proposed amendment to the above section is the deletion of the mention of the CPSE. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent.

**Amend Section 1388 (e)**

The amendment in this section involves the passing score of the EPPP. Currently, the regulations stipulate the passing score of 500. The passing score on the EPPP is determined by the ASPPB. It is possible that some years the passing score could be higher or lower than 500. This would be beyond the Board's control to influence and this change will allow the Board to follow ASPPB's recommended score and not bind us to the 500 score.

Policy Statement Overview: The change solves the problem of having a passing score

of 500 in the regulations and a different passing score promulgated by the examining body. This will limit confusion on the part of the candidates. There could also be a problem with portability if California accepted EPPP candidates with score of 500 when ASPPB recommended a higher score.

#### **Amend Section 1388 (f)**

The proposed amendment to the above section is the deletion of the mention of the CPSE. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent.

#### **Amend Section 1388 (g)**

The proposed amendment to the above section is the deletion of the mention of the CPSE. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent. The name of the examining organization OPES has been changed from OER. The is to update the regulations with the name change that occurred in 2009.

#### **Adds Section 1388 (h)**

This new section outlines the procedures for candidates for whom English is a second language (ESL). The Board currently allows a time-and-half (1.5x) for candidates who are granted the accommodation. This section is the Board's attempt to formalize and standardize this process. The Board will require a candidate to sign a request that English is a second language and that they require additional time to take either the EPPP or the CPLEE. The candidate will also be required to have taken the Test of English as a Foreign Language (TOEFL). The TOEFL is recognized by over 9000 higher education entities and government agencies as a means of determining English language proficiency. The TOEFL must have been taken within the last two years with an overall score of 85 or below. This score will mean that a candidate for the examination has a weak grasp of English. The benefits of this section are that California is highly diverse and some psychologists will not work in an English language environment. This provision will permit candidates for whom English is a second language to become licensed and serve these communities.

#### **Amends Section 1388.6 (a), 1388.6 (b), 1388.6 (c), 1388.6 (d), 1388.6 (e), and 1388.6 (f)**

The changes to the above sections are then removal of the CPSE from as an examination because the Board does not intend to still offer it. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent. There are also minor grammatical changes to the above amendments.

#### **Amend Section 1389**

The proposed amendment to the above section is the deletion of the mention of the CPSE. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent.

**Deletes Section 1392 (b)**

This section has the fee information for the CPSE. The Board desires to stop asking candidates to take the CPSE and therefore this section is no longer necessary. The deletion of the mention of the CPSE will make the regulations consistent.

**Amends Sections 1392 (c), 1392 (d), 1392 (e), and 1392 (f)**

The above sections have had the numbering altered because of the deletion of section 1392 (b).

**B. Consistency and Compatibility with Existing State Regulations**

- During the process of developing these regulations and amendments, The Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

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**FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The Board does not foresee anything beyond a negligible fiscal impact. The change from the CPSE to the CPLEE will not affect the entity that provides the examination as the same number of candidates will still be served and the cost for the examinations is the same (\$129.00).

The change to the BreEZe system that the examination change requires will have a onetime cost. This cost has been approved by the Control Board in anticipation of the new regulations. The Control Board is the entity that approves any proposed changes to the BreEZe system. On April 21, 2014 the Change Control Board approved the proposed changes to the BreEZe system. The Board has not yet received the bid information back, but the cost of similar work has been between \$14,000 and \$17,000. This has already been approved.

The TOEFL is a test administered by the Educational Testing Service (ETS) that costs \$180.00. ETS is a private entity and the fiscal impact will not impact the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

  x The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**AND**

The following studies/relevant data were relied upon in making the above determination:

The change from the CPSE to the CPLEE will not negatively impact businesses in California because the same business provides both exams. The amount of business that the Board will provide will remain the same.

The requirement that the TOEFL be taken by the approximately 10 candidates who request accommodation a year will not negatively impact California business.

Cost Impact on Representative Private Person or Business:

The Board has determined that representative private person or business in reasonable compliance with the proposed action would incur a slight cost impact for the following reasons:

The change from the CPSE to the CPLEE will have no financial impact on the examination vendor or the individual candidates as the cost for both exams are the same and the same number of candidates will take the exam.

The approximately 10 candidates who ask for ESL accommodation will incur an additional \$180.00 cost to take the TOEFL, assuming they do not already have a valid score from within the last two years.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulations would not affect small businesses. California small business will not be affected by the examination change or the TOEFL requirement for ESL students.

## RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Board has made an initial determination that the proposed regulatory action regarding the CPSE and CPLEE would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulations do not impose any new requirements on a licensee, registrant, or applicant.

The Board has made an initial determination that the proposed regulatory action regarding the TOEFL would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. This proposal does not impact multiple industries.

Effect on Small Businesses: The Board has determined that the proposed regulations will not affect small businesses. The examination requirements will not have a negative effect.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the Elimination of jobs or existing businesses or the expansion of businesses in the State of California. This proposal may increase portability of licensure for certain out-of-state applicants seeking licensure in California, as follows:

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The Board has determined that this regulatory proposal will benefit the health and welfare of California residents indirectly by ensuring mental health practitioners are taking examinations that test both subject matter competence and legal and ethical requirements. The adoption of the TOEFL and ESL accommodation will benefit cultural and linguistic communities by permitting the licensure of psychologists who are not proficient in English, but who may possess mastery in an underserved language. The proposal will have no effect on worker safety or the State's environment.

Occupations/Businesses Impacted: This proposed regulation will impact applicants and licensees by changing the CPSE exam requirement to the CPLEE requirement.

Reporting Requirements: None

Comparable Federal Regulations: None

Benefits: The benefits will be two exams being required of candidates that test different aspects of licensed psychology with no overlap. The EPPP will remain the subject matter examination and the CPLEE will become the sole test for California specific law and ethics. The CPSE tests subject matter and ethics. This duplication will now cease.

The benefits of the ESL accommodation will be that there are clear guidelines in regulations for ESL candidates and a measurable and applicable standard when the Board receives a request for an accommodation.

### **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above mentioned hearing.

### **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, [www.psychology.ca.gov](http://www.psychology.ca.gov)

### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

### **CONTACT PERSON:**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jonathan Burke  
Address: 1625 North Market Blvd., Suite N215

Sacramento, CA 95834  
Telephone No.: (916) 574-7137  
Fax No.: (916) 574-8672  
E-Mail Address: [Jonathan.Burke@dca.ca.gov](mailto:Jonathan.Burke@dca.ca.gov)

The backup contact person is:  
Name: Jeffrey Thomas  
Address: 1625 North Market Blvd., Suite N215  
Sacramento, CA 95834  
Telephone No.: (916) 574-7116  
Fax No.: (916) 574-8672  
E-Mail Address: [Jeffrey.Thomas@dca.ca.gov](mailto:Jeffrey.Thomas@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at:  
[www.psychology.ca.gov](http://www.psychology.ca.gov). Click on "Laws/Regulations," "Proposed  
Regulations."