

Board of Psychology

FINAL STATEMENT OF REASONS

Hearing Date: Thursday May 19, 2016

Subject Matter of Proposed Regulations: Verification of Experience and Supervision Agreement Forms for Supervisees

(1) Section(s) Affected: Title 16, California Code of Regulations Sections 1387 and 1387.1

Updated Information

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

Regarding the changes in § 1387 subsection (b)(11) to remove the requirement for a pre-approved plan for psychological assistants in private practice settings, the Board initially made the decision to require pre-approval of the plan due to the lack of standardized training in those settings.

The outcome of this was a confusing two-step process that requires psychological assistants in private practice settings to submit an application for registration for approval to legally provide psychological services in that setting, as well as a plan and supervision agreement for supervised professional experience for preapproval by the Board to be able to count the hours that they accrue in that setting toward licensure. This requirement is inconsistent with all other mental health training settings. What followed was a large number of psychological assistants being denied hours toward licensure that they accrued, solely because they did not possess a plan preapproved by the Board although they were properly registered as a psychological assistant in that setting.

For all supervisees, the plan and supervision agreement still must be completed and signed by all parties prior to the commencement of the experience, or risk not having those hours count toward the requirement for licensure; however, the proposal would not require the plan for psychological assistants to be submitted to the Board for approval before the psychological assistant can begin to accrue supervised professional experience. Additionally as part of this regulation package, the supervisor would now be required to provide periodic feedback to the supervisee as part of the definition of their supervisory role. This change puts the responsibility for the appropriateness of the experience on the supervisor, and protects both the supervisor and supervisee by giving them a mutual understanding of whether the supervisee is meeting the expectations of the supervisor, and whether the supervisee is on track to achieve the goals and objectives set out in the plan agreed upon by both parties.

The proposed language was changed from the noticed text to properly reflect the original language as follows:

- A hyphen was removed in the first paragraph as the noticed language read "hours not counting toward-the"; current language does not have a hyphen.
- Changes were made to the beginning of the first paragraph as the noticed language read, "~~1387(b)(11)~~. Prior to the start"; current language shows "prior" as a pre-existing word, and a comma should be shown before "prior" versus a period.

The final rulemaking binder was submitted to the Office of Administrative Law (OAL) on December 22, 2016. The Board withdrew the final rulemaking file from OAL's review in order to respond to OAL's comments in addition to other changes that were identified by the Board. The Board issued a 15-day Notice of Availability of Modified Text on February 7, 2017, the comment period ended on February 22, 2017. In the modified text the Board made the following changes:

- The Board removed the word "may" in two places to specify that failure to comply with the regulations will result in the hours accrued not counting towards the licensure requirements.
- The Board identified new language that was not identified in the first public comment period. This language is: outlines the structure and sequence of the planned program of supervision to accomplish the goals and objectives of the experience.
- The Board removed the underline of the word "section" in 1387.1, as that word was preexisting language.
- The Board deleted strike through language ~~plan ("plan")~~ from 1387(b)(10) as that did not exist in the original language and therefore did not need to be struck.
- The Board changed the reference to 1387(b)(10) found in 1387.1, to the appropriate section of 1387(b)(11). This reference required changing as the language in 1387.1 refers to the verification of experience form which will now be under the new 1387(b)(11).
- The Board added in section letter (b) before the section (10) and (11) to clarify that any changes being made under section 1387, are being made to sections 1387(b)(10), and 1387(b)(11).
- The Board made an addition and deletion of non-technical language to clarify the sentence structure of the regulatory language. This language is under 1387(b)(10) and is shown as ~~Accrual of h~~Hours accrued prior.

The Board received no comments during the 15-day comment period.

The Order of Adoption was changed from the modified text as follows:

- A comma was moved in section 1387(b) (11) line 3 from after "Board" to after "1387(b)(10)" for grammatical correctness.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

This regulation will not have a significant economic impact on businesses. This initial determination is based upon the fact that changes to the submission of the two forms, and the plan preapproval requirement, has no economic business impact.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board/bureau/commission/program would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

No other alternatives were submitted to the Board other than the one comment for electronic submission which was rejected for the reason listed in the response to comment.

Objections or Recommendations/Responses

During the initial comment period, the Board received one recommendation from Dr. Melodie Shaefer, California Psychological Association – Division II, CAPIC, inquiring if the Board would consider allowing an electronic submission of the forms.

The recommendation was rejected. The Board must receive an original document in order to verify the validity of the information provided.