

Instructions to Employ a Psychological Assistant

Pursuant to Section 2913 of the Business and Professions Code

Instructions

COMPLETE ALL SECTIONS OF THE APPLICATION.

Failure to do so will delay approval. Please type or print legibly.

HOW TO CONTACT THE BOARD:

If you need additional information after carefully reading all of these instructions, you can call the Board at (916) 574-7720, Option 2. *However, the Board encourages applicants to communicate with staff via e-mail.* It is more efficient than telephone contact and provides applicants with a written record of the information provided. The e-mail address for the Board is bopmail@dca.ca.gov.

LAWS AND REGULATIONS:

A booklet containing relevant sections of the Business and Professions Code and the California Code of Regulations can be purchased by submitting a request along with a check or money order in the amount of \$10.00 to the Board of Psychology at 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834. The Board's laws and regulations are also available free of charge at the Board's Web site at www.psychology.ca.gov. Please review this booklet carefully prior to completing and submitting your application.

FEES:

The fee for filing an application for a psychological assistant is \$40.00. This fee is payable by the supervisor pursuant to section 1392.1(a) of Title 16 of the California Code of Regulations.

FINGERPRINT PROCEDURES:

Before the Board of Psychology issues a license or registration, a clearance must be received from the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to document that the applicant has no criminal history which has a substantial relationship to the qualifications, functions or duties of a psychologist. If you have not been registered or licensed with the Board previously, you must have your fingerprints scanned for a criminal history clearance. You need to complete a "Request for Live Scan Service" form and take the completed form (in triplicate) to the Live Scan site. Please refer to the Fingerprint Procedures Form.

ACKNOWLEDGEMENT:

You will receive an e-mail acknowledging the date your application was received.

APPROVAL:

The regulations of the Board of Psychology specifically state that no one may employ or supervise a psychological assistant without the approval of the Board. Submission of an application in and of itself is not sufficient. ***Approval must be granted before the assistant can begin providing psychological services.***

EDUCATIONAL REQUIREMENTS:

Under the provision of section 2913(b) of the Business and Professions Code, there are three different ways to qualify as a psychological assistant:

- Based upon one of three Master's degrees:
- Master's degree in psychology
- Master's degree in education with a field of specialization in psychology
- Master's degree in education with a field of specialization in counseling psychology
- Based upon admission to candidacy for a doctoral degree in psychology or education with a 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 (this requires a letter from the Registrar).
- Based upon a doctoral degree which qualifies for licensure under section 2914 of the Business and Professions Code.

An official transcript must be submitted from the graduate institution listed in response to Section I of the application unless a transcript is already on file in conjunction with an earlier application submitted to the Board. ***The transcript must be sent directly from the educational institution to the Board's Sacramento office.*** If the transcript does not clearly indicate the field of specialization of the degree awarded, or if the registration is based on admission to candidacy, please request that the registrar submit a clarifying letter along with the transcript.

WHO CAN EMPLOY PSYCHOLOGICAL ASSISTANTS:

Pursuant to section 2913 of the Business and Professions Code, psychological assistants can only be employed by the following:

- Licensed psychologists
- Board-certified psychiatrists
- Bronzan-McCorquodale (formerly Short-Doyle) contract clinics (a copy of the contract face sheet is required)

- Psychology clinics (a copy of the current license issued by the Department of Health Services is required)
- Psychological corporations* (a copy of the Articles of Incorporation and a Statement of Information is required)
- Medical corporations* (a copy of the Articles of Incorporation and a Statement of Information is required)

* The terms "psychological corporation" and "medical corporation" refer to a professional corporation incorporated under the Moscone-Knox Professional Corporation Act. ***A general corporation or a nonprofit corporation cannot employ a psychological assistant unless it is ALSO a Bronzan-McCorquodale contract clinic or a psychology clinic.*** If you are uncertain as to the status of a corporation, please review its Articles of Incorporation, consult someone in an administrative capacity with the corporation, or consult an attorney prior to submitting an application.

WHO CAN SUPERVISE PSYCHOLOGICAL ASSISTANTS:

Psychological assistants who are employed by clinics or corporations must be supervised by licensed psychologists or Board-certified psychiatrists. Psychologists or Board-certified psychiatrists who employ psychological assistants must also serve as the primary supervisor. Each licensed psychologist may supervise three assistants and each Board-certified psychiatrist may supervise only one assistant. Board-certified psychiatrists must submit copies of their board certifications from the American Board of Psychiatry and Neurology.

ANNUAL EXPIRATION DATE:

Under the provisions of section 1391.12(a) of the California Code of Regulations, all psychological assistant registrations expire one year after issuance. The registration of a psychological assistant shall be renewed by the employer annually on or before the date of expiration.

Individuals making application for registration close to this date may wish to request that their registrations be effective February 1 in order to avoid having to renew their registrations shortly after the effective date.

EMPLOYEE TAX INFORMATION:

Many employers of psychological assistants have apparently contended that their psychological assistants are "independent contractors" for Internal Revenue Service (IRS) and Franchise Tax Board purposes. The Board of Psychology has received information concerning IRS guidelines that address "employee" and "independent contractor" status. Under these guidelines, it appears that the IRS will consider a psychological assistant an employee, and not an independent contractor. This decision is based on the supervision, direction and control of the psychological assistant by the employer. Since it clearly appears the IRS will no longer consider psychological assistants to be independent contractors, the Board of Psychology would strongly urge that the psychological assistant employment contract

reflect the employee status of the psychological assistant. This would also reinforce compliance with the criteria for employing a psychological assistant.