



MEMORANDUM

DATE	February 6, 2015
TO	Psychology Board Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	Senate Business, Professions, and Economic Development Proposal Regarding Submission of Supervised Professional Experience (Business and Professions Code Section 2914 (g))

Background:

Attached is the bill proposal that was submitted to the Senate Business, Professions, and Economic Development Committee (Committee) on December 18, 2014 for consideration as part of an Omnibus Bill. On January 26, 2015 the Board was notified that the proposed changes to Business and Professions Code (BPC) Section 2914 (c) were too substantive to be included in any Omnibus legislation. The proposed language for BPC Section 2914 (g) was accepted and will be included in the Committee's Omnibus Bill.

Action Requested:

To adopt a support position for the Omnibus Bill once introduced by the Committee.

Attachment A is the original Omnibus Proposal and Language. (The included language is highlighted yellow.)

Senate Business, Professions and Economic Development Committee
COMMITTEE BILL: PROPOSED LEGISLATION

Note: Submit the completed form to the Committee electronically by email **and** as a hardcopy by mail. Attach additional information or documentation as necessary.

REQUESTOR & CONTACT INFORMATION:

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DATE SUBMITTED: January 12, 2015

SUMMARY:

The Board of Psychology (Board) would like to make changes to Business and Professions Code (BPC) §2914 of the Psychology Licensing Law (Business and Professions Code Sections 2900-2999). The three changes are as follows:

- 1) Amend section 2914 (c) – Verification of Experience (VOE)
- 2) Amend section §2914 (g)(2) – “Change of location” of an academic institution
- 3) Repeal section §2914 (g)(3) – “franchise institution”

IDENTIFICATION OF PROBLEM:

- 1) BPC §2914 (c) currently states that VOE Forms be submitted to the Board by the supervisor. This has the result of the Board storing large quantities of VOE's that have not had the remaining parts of the licensing application submitted by the applicant. This creates a storage problem and generates extra work as it becomes necessary to combine applications for licensure with the previously submitted VOE Forms. The Board's accepts experience hours performed in the United States and Canada. Education, experience, and licenses from Canada are included in BPC §§ 2912, 2913 (b), 2914 (b), and 2946, but currently not in §2914 (c). The Board also seeks to amend language in BPC §2914 (c) by the deletion of “for this position”. ‘Supervising Psychologist’ is not a position with the Board. The Board, through regulation, determines what qualifications are necessary for the supervisor to validly approve experience hours by a trainee.
- 2) BPC §2914 (g)(2) currently refers to Section 94721 of the Education Code (EC). This reference has been obsolete since 2006 when the Bureau for Private Postsecondary Education (BPPE) was sunrised.

- 3) BPC §2914 (g)(3) refers to “franchise institution, as defined by EC §94729.3 of the Education Code”. The ‘franchise institution’ described in EC §94729.3 is not possible under the current framework. Presently a new location (branch) is established under the existing institution and is part of the institution’s approval to operate. Given that, there is no opportunity of different owners of a branch than own the main. However, under prior law, a branch had a separate approval than the main and could have different ownerships and even names. This is no longer any possibility of ‘franchise institution’ as defined by this section and therefore the Board seeks the deletion of this BPC §2914 (g)(3).

PROPOSED SOLUTION:

- 1) BPC §2914 (c): The Board hopes to solve the above problem by requiring in regulations that the VOE Form is provided to the trainee in a sealed envelope by the supervisor and the trainee forwards to the Board with the rest of his or her application. The Board has also determined that the specificities for the submission of the VOE and the duties of the supervisor are better addressed in the Code of California Regulations (CCR). Canada will be added as experience accrued in Canada is accepted by the Board and Canada is included throughout the Board’s practice act. The current language about a ‘position’ is imprecise and inaccurate. The deletion of this language will make it clearer that the Board does not have supervising psychologist “positions”.
- 2) BPC §2914 (g)(2) The “change of location” referenced in the BPC can now be found in EC §94823.5. This will correctly reference the Education code.
- 3) BPC §2914 (g)(3): As described above, there is no longer any possibility of a ‘franchise institution’ as defined by this section, and therefore, the Board seeks the deletion of BPC §2914 (g)(3).

After consideration by the Board, no reasonable alternatives have been identified to address the aforementioned issues.

PROGRAM BACKGROUND & LEGISLATIVE HISTORY:

The California Board of Psychology (Board) regulates psychologists, registered psychologists, and psychological assistants. Only licensed psychologists can practice psychology independently in the private sector in California. Registered psychologists are registered to work and train under supervision in non-profit agencies that receive government funding and registered psychological assistants are employed and supervised by a qualified licensed psychologist in private settings. With the Certification Act of 1958, the psychology profession became regulated in California. While the Certification Act protected the title “psychologist”, it did not take into consideration the interests of the consumers of psychological services. Later, the regulation of the profession evolved when the California Legislature recognized the potential for consumer harm by those practicing psychology and shifted the focus of the regulation of the profession to protection of the public. This redirection resulted in legislation in 1967 that protected the “psychologist” title, defined the practice, and required licensure in order to legally practice. During these early licensing days, the Board was an “examining committee” under the jurisdiction of what was then the Division of Allied Health Professions of the Medical Board. During the 1970s, the Psychology Examining

Committee gradually became more independent, and began taking responsibility for its own operations including the authority to adopt regulations and administrative disciplinary actions without the endorsement of the Medical Board. The Psychology Examining Committee officially became the Board of Psychology in 1990 (Assembly Bill 858, Margolin, 1989).

JUSTIFICATION:

Legislation is required to make the desired changes to BPC §2914. The amendments to BPC §2914 (c) will remove specifics from the statute that will be placed in the Board's regulations. Altering regulations can be done in a more expeditious manner than a legislative change. The proposal does not remove any consumer protection from the Psychology Licensing Law since it seeks to make changes for the sake of clarity and consistency. The VOE requirements will remain rigorous, with a change in the regulations that will result in VOE Forms and the application for licensure arriving at the same time.

After consideration by the Board, no reasonable alternatives have been identified.

A statutory change is required to address the discrepancies between the Codes. The Board does not have the authority to change the statute without legislation, and it cannot reinterpret the language in the statute via regulation.

ARGUMENTS PRO & CON:

PROS:

The amended law will remove the specifics from the Statute and allow the board to establish criteria through regulation. This will make the statute clearer and permit the Board to more easily adapt the VOE process in future. The ultimate result of the 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 combine the various pieces of the application. The inclusion of Canada in BPC §2914 (c) will bring consistency to the Board's statutes. Clarity is the goal of removing "for this position" from the Section because no such position exists. The proposed changes in BPC §2914 (g) will fix an incorrect reference to the Education Code and repeal a reference to an obsolete provision in that Code.

CONS:

The Board does not foresee any opposition to the proposal. The proposed changes bring clarity and consistency to the existing laws.

PROBABLE SUPPORT & OPPOSITION:

Support: Licensees and professional associations

Opposition: None anticipated.

FISCAL IMPACT:

None

ECONOMIC IMPACT:

None

FINDINGS FROM OTHER STATES: N/A

PROPOSED TEXT (use underline & strikethrough):

**Department of Consumer Affairs
Board of Psychology**

Proposed additions are shown as underlined
Proposed deletions are shown as ~~strikethrough~~

B&P Section 2914

* * *

(c) 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. ~~If the supervising licensed psychologist fails to provide verification to the board of the experience required by this subdivision within 30 days after being so requested by the applicant, the applicant may provide written verification directly to the board.~~

~~If the applicant sends verification directly to the board, the applicant shall file with the board a declaration of proof of service, under penalty of perjury, of the request for verification. A copy of the completed verification forms shall be provided to the supervising psychologist and the applicant shall prove to the board that a copy has been sent to the supervising psychologist by filing a declaration of proof of service under penalty of perjury, and shall file this declaration with the board when the verification forms are submitted.~~

~~Upon receipt by the board of the applicant's verification and declarations, a rebuttable presumption affecting the burden of producing evidence is created that the supervised, professional experience requirements of this subdivision have been satisfied. The supervising psychologist shall have 20 days from the day the board receives the verification and declaration to file a rebuttal with the board.~~

The verification of the experience required by this subdivision shall be completed and submitted to the Board by the supervisor as prescribed by the Board. If the supervisor fails to provide verification of the experience to the Board, the applicant may submit verification of the experience directly to the Board as prescribed by the Board.

The authority provided by this subdivision for an applicant to file written verification directly shall apply only to an applicant who has acquired the experience required by this subdivision in the United States or Canada.

The board shall establish qualifications by regulation for supervising psychologists and shall review and approve applicants ~~for this position~~ on a case-by-case basis.

* * *

(g) An applicant holding a doctoral degree in psychology from an approved institution is deemed to meet the requirements of this section if all 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 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.~~