



MEMORANDUM

DATE	February 6, 2015
TO	Psychology Board Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	Expiration of License/Birth Date Renewal Legislative Proposal (Business and Professions Code Section 2982)

Background:

Attached is the bill proposal that seeks to establish that all psychologists' initial license periods are 24 months. This change will stop first time licensees being charged a full two-year fee for an abbreviated license period. The proposed language was approved by the Board at the November, 2014 meeting in San Diego.

The Board's language was submitted to Legislative Counsel and is being authored by Assemblymember Baker (R – AD16).

Action Requested:

To adopt a support position when the bill is introduced.

Attachment A is the Legislative Proposal and Language.

Attachment B is the Fact Sheet.

Attachment C is the Draft Support Letter.



Request for Approval of Proposed Legislation

SUMMARY

This legislative proposal addresses amendments to Business and Professions Code (BPC) §2982, which addresses expiration of licenses and birth date renewals.

IDENTIFICATION OF PROBLEM

The Board currently utilizes a birthdate renewal program. This was implemented in order to spread the Board's revenue flow and workload so that the Board would not be inundated with forms or revenue at only certain periods during the year. However, the Board does not receive an abundance of applications at certain times of the year and remain constant throughout the year. Also, the oral examination was given twice yearly, thereby, an abundance of licenses were issued around the same time each year. Now that the examination is computer administered and given throughout the year, the licenses are issued throughout the year.

Currently, when a license is issued by the Board, to maintain the birth date renewal system, the license is issued for a period of between 12 and 24 months based on the issue date and the licensee's birth month. For instance, if a license is issued March 26, 2014 and the licensee has a February birthday, the license will expire February 29, 2016 (23 months and 5 days). However, if the license is issued March 26, 2014 and the licensee has a March birthday, the license will expire on March 31, 2015 (12 months and 5 days). Both licensees would pay the same initial license fee of \$400.00.

Consequently, in situations such as these, new licensees are paying a full initial license fee when they may only be licensed for between 12 and 24 months. This places an unnecessary financial burden on first time licensees.

PROPOSED SOLUTION

To address this issue, section §2982 should be amended to state that licenses will expire and become invalid two years from the initial issuance date rather than continuing to utilize the currently established birth date renewal program.

The language used to establish this birth date renewal program will be deleted and replaced with language that states the expiration of licenses will occur at 12 midnight of the last date of a two-year period from initial issuance date.

In addition, language establishing regulation procedures regarding the birth date renewal program will be deleted, as it will no longer apply to the expiration of licenses.

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

JUSTIFICATION

Legislation is required to change the expiration of licenses from occurring at the legal birth date of the licensee during the second year of a two year term to the last date of a two-year period from the initial issuance date. By doing so, licensees will not be required to pay a full two-year initial license fee when this date occurs after they first receive their licenses which, therefore, lessens the unnecessary financial burden currently placed on licensees.

A statutory change is required to address the problems regarding license expiration and renewal within section §2982. The Board does not have the authority to change the statute without legislation, and it cannot reinterpret the language in the statute via regulation.

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).

ARGUMENTS PRO AND CON

Pros:

First time licensees of the Board are currently paying the full license amount for their license when they are not always receiving that license for the complete two-year period. First time licensees are at the start of their careers as psychologists and have often incurred significant student debts in the process of earning undergraduate and postgraduate degrees. The establishment of an initial license period that is always 24 months will stop these licensees paying a full fee for an abbreviated license period.

Cons:

The Board does not foresee any opposition to the proposal. This proposal seeks to lessen the financial burden placed on new licensees by the current birth date renewal program.

PROBABLE SUPPORT AND OPPOSITION

The Board does not anticipate any opposition to the legislative proposal.

FISCAL IMPACT

The Board foresees a negligible fiscal impact due to a decrease in initial fee payments made by licensees.

BreEZe IMPACT

Scenario A: The Board has consulted with the BreEZe vendor (Accenture) and they have indicated that the change to BreEZe could be achieved through Fixed Capacity Maintenance Services (FCMS). This means that there will be no additional cost associated with BreEZe as a result of this legislative proposal.

Scenario B: If the Scenario A is not feasible and requires a more substantial change to the system, the Board will have to submit a Work Authorization Request to the Department of Consumer Affairs, Change Control Board to determine the impact and cost to the system change.

The Board has been informed that during the Release 2 (R2) of the BreEZe system all production releases will come to a halt until after R2 implementation. R2 is tentatively scheduled to take place in December 2015. This potentially will delay the changes being automated in the Boards licensing system. However, the Board has the capability to adjust the initial expiration date manually. Staff issue on average 20 PSY licenses each week. To adjust each expiration date on each license will take approximately 5 minutes of staff time. A total of 100 minutes/week (20X5).

ECONOMIC IMPACT

The Board has determined that there will be a benefit to first time licensees as they will be receiving a 24 month initial license for the cost of a two-year license. This will benefit those applicants who by virtue of their birthday date receive a 12 month initial license for the cost of a 24 month initial license. There will be negligible economic impact on local government, federal government, and public and private entities.

COMPARISON WITH OTHER STATES

All other states regulate the expiration and renewal of licenses, although the systems and processes used to do so vary.

PERFORMANCE INDICATORS

The Board does not anticipate a significant increase in applications for licensure.

OTHER AFFECTED AGENCIES AND THEIR ROLES/VIEWS

No other state agencies will be impacted.

APPOINTMENTS

There will be no changes to Governor's and/or Legislative appointments.

DRAFT LANGUAGE
Business & Professions Code § 2982.

Expiration of License/Birth Date Renewal

§ 2982. All licenses expire and become invalid at 12 midnight on the last day of February, 1980, and thereafter shall expire at 12 midnight of the last date of a two-year period from initial issuance date.
~~legal birth date of the licensee during the second year of a two-year term, if not renewed.~~

~~The board shall establish by regulation procedures for the administration of the birth date renewal program, including but not limited to, the establishment of a pro rata formula for the payments of fees by licentiates affected by the implementation of that program and the establishment of a system of staggered license application dates such that a relatively equal number of licenses expire annually."~~

To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form provided by the board, accompanied by the prescribed renewal fee.

BOARD OF PSYCHOLOGY

AB xxx: Expiration of License

PURPOSE

AB XXX amends the Business and Professions Code to establish that all psychologists' initial license periods are 24 months. This will stop first time licensees being unduly overcharged a full two-year fee for an abbreviated license period.

PROBLEM

The Board of Psychology (Board) currently utilizes a birth month renewal program. This was implemented in order to spread the Board's revenue flow and workload so that it would not be inundated with forms or revenue at only certain periods during the year. However, the Board does not receive an abundance of applications at certain times of the year and initial applications remain consistent throughout the year. Additionally, in the past the oral examination was given twice yearly; thereby, an abundance of licenses were issued around the same time each year. At present, the examination is computer administered and given throughout the year, and licenses are therefore issued throughout the year.

Currently, when a license is issued by the Board, to maintain the birth month renewal system, the license is issued for a period of between 12 and 24 months based on the issue date and the licensee's birth month. For instance, if a license is issued March 26, 2014 and the licensee has a February birthday, the license will expire February 29, 2016 (23 months and 5 days). However, if the license is issued March 26, 2014 and the licensee has a March birthday, the license will expire on March 31, 2015 (12 months and 5 days). Both licensees would pay the same initial license fee of \$400.00.

First time licensees of the Board are currently paying the full license amount for their license when they are not always receiving that license for the complete two-year period. First time licensees are at the start of their careers as psychologists and have often incurred significant student debts in the process of earning undergraduate and postgraduate degrees.

SOLUTION

To address this issue, Business and Professions Code §2982 should be amended to state that licenses expire and become invalid two years from the initial issuance date rather than continuing to utilize the currently established birth month renewal program.

The language used to establish the birth month renewal program will be deleted and replaced with language that states the expiration of licenses will occur at 12 midnight of the last day of a two-year period from initial issuance date.

FISCAL EFFECT

The Board foresees a negligible fiscal impact due to a decrease in initial fee payments made by licensees.

SPONSOR

Board of Psychology

SUPPORT/OPPOSITION

Support

- California Board of Psychology

Oppose

None on file.

CONTACT

Jonathan Burke

Legislative Analyst

Board of Psychology

(916) 574-7137

Jonathan.Burke@dca.ca.gov



January 26, 2015

The Honorable Catherine Baker
California State Assembly
P.O. Box 942849
State Capitol, Room 4153
Sacramento, CA 95814

RE: **AB XXX (BAKER) – EXPIRATION OF LICENSE
SUPPORT – SCHEDULED FOR HEARING XXX, XX**

Dear Assemblymember Baker:

The California Board of Psychology (Board) **SUPPORTS AB XXX**, which will ensure initial psychologist licenses expire two years from the initial issuance date.

First time licensees of the Board are currently paying the full license amount for their license when they are not always receiving that license for the complete two-year period. First time licensees are at the start of their careers as psychologists and have often incurred significant student debts in the process of earning undergraduate and postgraduate degrees. The establishment of an initial license period that is always 24 months will stop these licensees paying a full fee for an abbreviated license period.

The Board's mission is to advance quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession.

If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113. Thank you.

Sincerely,

MICHAEL ERICKSON, PH.D.
President, Board of Psychology