



MEMORANDUM

DATE	April 16, 2015
TO	Policy and Advocacy Committee Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	AB 705 (Eggman) – Exempt Settings

Background:

This bill is Board-sponsored and seeks to ensure employees in exempt settings are working towards licensure as psychologists by the Board. The Board approved the proposed language at the August, 2014 meeting in San Francisco. The Board's language was submitted to Legislative Counsel by Assemblymember Levine (D – AD10). Assemblymember Eggman (D - AD13) agreed to author the legislation for the Board.

Staff have worked closely with Assemblymember Eggman's Office in the preparation of Fact Sheets, support letters, stakeholder meetings, and Committee Testimony. AB 705 passed the Assembly Committee on Business and Professions on consent and will next be heard in appropriations.

Action Requested:

The staff recommendation is to support AB 705 (Eggman) as amended.

Attachment A is the Bill Language

Attachment B is the Fact Sheet.

Attachment C is the Support Letter.

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 705

Introduced by Assembly Member Eggman

February 25, 2015

An act to amend Sections 2909 and 2910 of, and to add Section 2909.5 to, the Business and Professions Code, relating to psychologists.

LEGISLATIVE COUNSEL'S DIGEST

AB 705, as amended, Eggman. Psychologists: licensure exemption.

The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology and makes a violation of its provisions a misdemeanor. Existing law prohibits a person from engaging in the practice of psychology or representing himself or herself to be a psychologist without a license, except as specified. Existing law provides that a person, including, but not limited to, a person who holds a valid and current credential as a school psychologist issued by the State Department of Education, is not restricted or prevented from conducting activities of a psychological nature or the use of the official title of his or her position, provided that person is performing those activities as part of the duties for which he or she was employed, is performing those activities solely within the confines of or under the jurisdiction of the organization in which he or she is employed, and does not offer to render or render psychological services, as specified, to the public for a fee over and above the salary he or she receives for the performance of his or her official duties with the organization.

This bill would revise and recast those provisions, and specify that those persons are not restricted or prevented from conducting activities

of a psychological nature or using the official title of their position provided that they do not offer to render psychological services, as specified.

Existing law also provides that the Psychology Licensing Law does not restrict or prevent activities of a psychological nature on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, provided that, among other things, the person does not provide direct health or mental health services.

This bill would instead provide that the law does not restrict the practice of psychology on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, and would delete the prohibition on providing direct health or mental health services. The bill would additionally require an employee of an accredited or approved academic institution, public school, or governmental agency to primarily be gaining the supervised professional experience required for licensure, as specified, in order to practice psychology without a license. The bill would exempt those persons from licensure for no more than 5 years from the date of employment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2909 of the Business and Professions
- 2 Code is amended to read:
- 3 2909. This chapter shall not be construed as restricting or
- 4 preventing activities of a psychological nature or the use of the
- 5 official title of the position for which they were employed on the
- 6 part of the following persons, provided those persons are
- 7 performing those activities as part of the duties for which they
- 8 were employed, are performing those activities solely within the
- 9 confines of or under the jurisdiction of the organization in which
- 10 they are ~~employed~~ *employed*, and do not offer to render or render
- 11 psychological services as defined in Section ~~2903~~: 2903:
- 12 (a) Persons who hold a valid and current credential as a school
- 13 psychologist issued by the State Department of Education.
- 14 (b) Persons who hold a valid and current credential as a
- 15 psychometrist issued by the State Department of Education.

1 (c) Persons who are employed in positions as psychologists or
2 psychological assistants by accredited or approved colleges, junior
3 ~~colleges colleges, or universities; universities, or~~ by federal, state,
4 ~~county county,~~ or municipal governmental organizations that are
5 not primarily involved in the provision of direct health or mental
6 ~~health services; or in a private setting that is not primarily involved~~
7 ~~in the provision of direct health or mental health services. Those~~
8 ~~persons services,~~ may conduct research and disseminate their
9 research findings and scientific information. They may also offer
10 lectures to the public for a fee, monetary or otherwise, without
11 being licensed under this chapter.

12 SEC. 2. Section 2909.5 is added to the Business and Professions
13 Code, to read:

14 2909.5. This chapter shall not be construed as restricting or
15 preventing activities of a psychological nature or the use of the
16 official title of the position for which persons were employed on
17 the part of persons who meet the educational requirements of
18 subdivision (b) of Section 2914 and who have one year or more
19 of the supervised professional experience referenced in subdivision
20 (c) of Section 2914, if they are employed by nonprofit community
21 agencies that receive a minimum of 25 percent of their financial
22 support from any federal, state, county, or municipal governmental
23 organizations for the purpose of training and providing services,
24 provided those persons are performing those activities as part of
25 the duties for which they were employed, are performing those
26 activities solely within the confines of or under the jurisdiction of
27 the organization in which they are employed and do not offer to
28 render or render psychological services as defined in Section 2903.
29 Those persons shall be registered by the agency with the board at
30 the time of employment and shall be identified in the setting as a
31 “registered psychologist.” Those persons shall be exempt from
32 this chapter for a maximum period of 30 months from the date of
33 registration.

34 SEC. 3. Section 2910 of the Business and Professions Code is
35 amended to read:

36 2910. (a) This chapter shall not be construed to restrict the
37 practice of psychology on the part of persons who are salaried
38 employees of accredited or approved academic institutions, public
39 schools, or governmental agencies, provided:

- 1 (1) Such employees are performing such psychological activities
2 as part of the duties for which they were hired.
- 3 (2) Such employees are performing those activities solely within
4 the jurisdiction or confines of such organizations.
- 5 (3) Such employees do not hold themselves out to the public
6 by any title or description of activities incorporating the words
7 “psychology,” “psychological,” “psychologist,” “psychometry,”
8 “~~psychometries~~” “*psychometrics*,” or “psychometrist.”
- 9 (4) Such employees do not offer their services to the public for
10 a fee, monetary or otherwise.
- 11 (5) Such employees are primarily gaining the supervised
12 professional experience required for licensure that is being accrued
13 consistent with the board’s regulations and the employees have as
14 the primary supervisor a psychologist licensed in the state.
- 15 (b) The limited exception granted under this section may not
16 exceed five years from the date of employment.



AB 705 – Board of Psychology: Practice in Exempt Settings

SUMMARY

Requires individuals performing psychological functions in exempt settings – certain academic institutions, public schools and governmental agencies – to be supervised by a licensed psychologist and become licensed within five years in order to continue providing mental health services.

BACKGROUND

In current law, individuals practicing psychology in settings described as “exempt” in Business and Profession Code (BPC) 2910 do not have to be supervised by a licensed psychologist or working towards licensure while seeing clients. The Welfare and Institutions Code (WIC) and Health and Safety Code (HSC) clearly state that individuals in exempt settings have five or three years, respectively, to become licensed, but the Board of Psychology’s Practice Act in the BPC is not as clear, leading to a practice loophole. The BPC does not specify whether an employee in an exempt setting must be working under the supervision of a licensed psychologist to accumulate supervised experience hours towards licensure, or if the exemption grant of the employee is limited to a certain timeframe.

Exemptions were originally given when the Psychology Practice Act was established so that individuals working in settings such as county mental health departments did not lose their jobs for not having doctoral level licensure. Providing exemptions for a specific number of years provides multiple opportunities for an applicant to pass a licensure exam. This would reduce the turnover and associated costs of recruitment and training for psychologists in these settings.

Those who provide mental health services to vulnerable individuals in county mental health departments and health care agencies, universities, state hospitals, and prisons – all of which are exempt settings – are able to practice indefinitely without supervision even if they fail the licensure exams. Only some exempt employers, such as the Department of Corrections, have policies that require employees to become licensed within a specified time.

NEED FOR BILL

Individuals serving in non-exempt settings, such as private clinics and hospitals, are required to be supervised by a licensed psychologist and accumulate hours towards licensure from the onset. However, a discrepancy exists between the BPC, WIC, and HSC in relation to requirements for employees in exempt settings.

This bill amends the Psychology Practice Act to provide consumer protection to the vulnerable individuals being served in exempt settings by making employees subject to oversight and competency standards set forth by the Board. This achieves the Act’s original intent, which was to require all individuals performing psychological functions be licensed regardless of where they served clients. Currently, the Board has no way of determining how many unlicensed individuals are practicing in exempt settings. The five year timeframe for becoming licensed prescribed by this bill is consistent with the exemption period specified in WIC 5751.2 (d), which will allow ample time for employees to complete supervised professional experience and pass the necessary exams.

Furthermore, BPC 2910 (e) prohibits individuals in exempt settings who are not supervised by a licensed psychologist from providing direct health or mental health services. This bill will clarify that employees may provide those direct services and accumulate hours towards licensure, but only under a licensed psychologist’s supervision.

SUPPORT

Board of Psychology (Sponsor)

STAFF CONTACT

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March 10, 2015

The Honorable Susan Talamantes–Eggman
California State Assembly
State Capitol, Room 3173
Sacramento, CA 95814

**RE: AB 705 (Eggman) – PSYCHOLOGISTS: LICENSURE EXEMPTION
SPONSOR & SUPPORT**

Dear Assemblymember Talamantes-Eggman:

The California Board of Psychology (Board) is sponsoring and **SUPPORTS AB 705**, which addresses whether an employee in an exempt setting must be working under the supervision of a licensed psychologist in order to accumulate hours towards licensure.

This bill will enhance consumer protection of particularly vulnerable populations by ensuring that employees in exempt settings are properly supervised and working towards licensure. This will be done by requiring employees to be supervised by licensed psychologists, to be earning supervised professional experience hours, and to be working towards licensure within a given timeframe of five (5) years;

- Specific language reflecting the original intent of the law – **to eventually require employees in exempt settings to become licensed** will ensure that employees must be gaining supervised professional experience for licensure.
- The length of time an employee is exempt will be limited to is 5 (five) years. This timeframe is consistent with the exemption period specified in Welfare and Institutions Code (WIC) Section 5751.2 (d). This allows ample time for employees to complete supervised professional experience and pass the necessary exams.

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,

A handwritten signature in blue ink, appearing to read "Michael Erickson".

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