




MEMORANDUM

DATE	June 12, 2015
TO	Board of Psychology Members
FROM	 Jonathan Burke Administrative Services Coordinator
SUBJECT	AB 333 (Melendez) – Healing arts: Continuing Education

Background:

Please see attached analysis for detail on the proposed legislation.

Action Requested:

The staff recommendation is to continue to “Oppose” AB 333 (Melendez).

Attachment A is the staff analysis of AB 333.

Attachment B is the language of the bill.

Attachment C is the “oppose” letter for AB 333.

CALIFORNIA STATE BOARD OF PSYCHOLOGY

BILL ANALYSIS

BILL NUMBER: AB 333 **VERSION:** AMENDED IN ASSEMBLY APRIL 30, 2015

AUTHOR: MELENDEZ **SPONSOR:** AUTHOR

RECOMMENDED POSITION: OPPOSE

SUBJECT: HEALING ARTS: CONTINUING EDUCATION

Overview:

This bill would allow a Board licensee who takes coursework toward, and becomes a certified instructor of, cardiopulmonary resuscitation (CPR) or automated external defibrillator (AED) use, to count one unit of credit toward his or her continuing education (CE) requirement. And to accrue two units of credit for teaching a course in CPR or AED use to employees of school districts or community colleges.

Existing Law:

- 1) Requires the director of the Department of Consumer Affairs (DCA), by regulation, to develop guidelines to prescribe components for mandatory CE programs administered by any board within DCA and requires that those guidelines ensure that mandatory CE is used as a means to create a more competent licensing population, thereby enhancing public protection. (Business and Professions Code (BPC) § 166)
- 2) Establishes the Psychology Licensing Law which provides for the licensure and regulation of licensed Psychologists. (BPC § 2901 et seq.)
- 3) Requires an applicant for licensure as a psychologist to comply with the following requirements:
 - a) Not be subject to denial, as specified;
 - b) Possess an earned doctorate degree, as specified;
 - c) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, as specified;
 - d) Take and pass an examination, as specified; and,
 - e) Show by evidence satisfactory to the Board of Psychology (BOP) that he or she has completed training in the detection and treatment of alcohol and other chemical dependency, as specified. (BPC § 2914)
- 4) Requires BOP to develop guidelines for the basic education and training of psychologists whose practices include patients with medical conditions and patients with mental and emotional disorders who may require psychopharmacological treatment and whose

management may require collaboration with physicians and other licensed prescribers, as specified. (BPC § 2914.3 (b))

This Bill:

- 1) Allows a Board licensee who attends a course which results in him or her becoming a certified CPR or AED instructor to count one unit of coursework toward the Board's continuing education requirement. (BPC §856(a))
- 2) Allows a Board licensee who conducts CPR or AED training sessions for employees of school districts or community colleges to count up to two units of coursework toward the Board's continuing education requirement. (BPC §856(b))
- 3) Defines a "unit" as any measurement for continuing education, such as hours or course credits. (BPC §856(c))
- 4) Grants Boards the option of opting out of the law through legislation (BPC §856 (2)(d))

Comments:

- 1) **Author's Intent.** The author's office notes that AEDs are becoming more common on school campuses. However, pro bono instructors and training resources are rare, and paying for such training can be cost prohibitive.

Therefore, by allowing healing arts licensees to gain continuing education credit for becoming an instructor in CPR/AED use and for conducting training in schools, this bill creates an incentive that would benefit both licensees and schools.

- 2) **Current Continuing Education Requirements.** The Board has several one-time continuing educational requirements that must be completed by licensees. These additional courses must be completed prior to licensure or at the first renewal, depending on when the applicant began graduate study. These courses are as follows:

- Spousal/partner abuse (15 hours);
- Human Sexuality (10 hours);
- Child Abuse (7 hours);
- Alcoholism/ Chemical Dependence (One quarter or semester long course);
- Aging/long term care (10 hours); and

All licensees must also certify that they have obtained law and ethics training every renewal period. In total, a licensee must complete 36 hours of continuing education every renewal period.

- 3) **Relevance to the Practice.** Current law specifies that continuing education must incorporate either aspects of the discipline that are fundamental to the practice of the profession, aspects of the discipline where significant recent developments have occurred, or aspects of other disciplines that enhance the understanding or practice of the profession "Topics and subject matter for all continuing education shall be pertinent to the practice of psychology. Course or learning material must have a relevance or direct application to a consumer of psychological services" (Title 16 Div. 13.1 CCR 1397.61 (c) (2)).

While CPR/AED training is important, it may be difficult to argue that it is fundamental to, or enhances the understanding of, the practice of psychology.

4) **Fiscal Impact:** The Board foresees a minor and absorbable impact on staff time. Regulations will need to be promulgated to either opt out of the legislation, or to include CPR or AED in our allowed CE/CPD areas.

5) **BreEZe Impact:** N/A

6) **Support and Opposition.**

Opposition;
Board of Psychology

History.

2015

- 06/04/15 Referred to Com. on B., P. & E.D.
- 05/22/15 In Senate. Read first time. To Com. on RLS. for assignment.
- 05/22/15 Read third time. Passed. Ordered to the Senate. (Ayes 74. Noes 0.)
- 05/14/15 Read second time. Ordered to Consent Calendar.
- 05/13/15 From committee: Do pass. To Consent Calendar. (Ayes 17. Noes 0.) (May 13).
- 05/04/15 Re-referred to Com. on APPR.
- 04/30/15 Read second time and amended.
- 04/29/15 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (April 28).
- 04/06/15 Re-referred to Com. on B. & P.
- 03/26/15 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.
- 03/26/15 Referred to Com. on B. & P.
- 02/17/15 From printer. May be heard in committee March 19.
- 02/13/15 Read first time. To print.



California
LEGISLATIVE INFORMATION

AB-333 Healing arts: continuing education. (2015-2016)

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL

No. 333

Introduced by Assembly Member Melendez

February 13, 2015

An act to add Section 856 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Melendez. Healing arts: continuing education.

Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs and imposes various continuing education requirements for license renewal.

This bill would allow specified healing arts licensees to apply one unit, as defined, of continuing education credit *once per renewal cycle* towards any required continuing education units for attending ~~a course~~ *certain courses* that ~~results~~ *result* in the licensee becoming a certified instructor of cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator ~~(AED)~~ *(AED)*, and would allow specified healing arts licensees to apply up to 2 units of continuing education credit *once per renewal cycle* towards any required continuing education units for conducting *board-approved* CPR or AED training sessions for employees of school districts and community college districts in the state. *The bill would specify that these provisions would not apply if a licensing board's laws or regulations establishing continuing education requirements exclude the courses or activities mentioned above.*

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 856 is added to the Business and Professions Code, to read:

856. (a) (1) A person licensed pursuant to this division who is required to complete continuing education units as a condition of renewing his or her license ~~may~~ *may, once per renewal cycle*, apply one unit of continuing education ~~credit~~ *credit, pursuant to paragraph (2)*, towards that requirement for attending a course that results in the licensee becoming a certified instructor of cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator (AED).

(2) A licensee may only apply continuing education credit for attending one of the following courses:

(A) An instructional program developed by the American Heart Association.

(B) An instructional program developed by the American Red Cross.

(C) An instructional program that is nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for the performance of CPR and the use of an AED.

*(b) (1) A person licensed pursuant to this division who is required to complete continuing education units as a condition of renewing his or her license ~~may~~ *may, once per renewal cycle*, apply up to two units of continuing education ~~credit~~ *credit, pursuant to paragraph (2)*, towards that requirement for conducting CPR or AED training sessions for employees of school districts and community college districts in the state.*

(2) A licensee may only apply continuing education credit for holding a training session if the training session is approved by the applicable licensing board.

(c) For purposes of this section, "unit" means any measurement for continuing education, such as hours or course credits.

(d) This section shall not apply to a person licensed under this division if the applicable licensing board's laws or regulations establishing continuing education requirements exclude the courses or activities described in subdivisions (a) and (b).



May 21, 2015

The Honorable Melissa Melendez
California State Assembly
State Capitol, Room 6031
Sacramento, CA 95814

**RE: AB 333 (MELENDEZ) – HEALING ARTS: CONTINUING EDUCATION
OPPOSE**

Dear Assemblymember Melendez:

The California Board of Psychology (Board) **OPPOSES AB 333**, which would allow a licensee of a healing arts board to apply credits gained by becoming a certified trainer for cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator (AED) to his or her continuing education (CE) requirement.

Current law specifies that continuing education must incorporate either aspects of the discipline that are fundamental to the practice of the profession, aspects of the discipline where significant recent developments have occurred, or aspects of other disciplines that enhance the understanding or practice of the profession. Specifically:

“Topics and subject matter for all continuing education shall be pertinent to the practice of psychology. Course or learning material must have a relevance or direct application to a consumer of psychological services” (Title 16 Div. 13.1 CCR 1397.61(c)(2)).

While CPR/AED training is important, it cannot be argued that it is fundamental to, or enhances the understanding of, the practice of psychology. Licensees may engage in many important and beneficial activities, but only those that are directly relevant to the practice of psychology should count towards renewal of the license.

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