



ISSUE MEMORANDUM

DATE	November 2, 2015
TO	Board of Psychology Members
FROM	Kelli Okuma <i>Kelli Okuma</i> Retired Annuitant
SUBJECT	Agenda Item 13 iv – Legislative Proposals – Discussion, Consideration, and Possible Action on Amendments to the following sections fo the Business and Professions Code

Background

Included is proposed legislative language as follows:

- a) 2913: Services by Psychological Assistants
- b) 2915: Continuing Education Requirements; Practice Outside Fields of Competence
- c) 2947: Appointment of Commissioners on Examination; Qualifications
- d) 2934.1: Internet Informaiton
- e) 2988.5: Retired License Status

Action Requested

Motions to approve proposed language of a) through e).

Attachments

- a) 2913 – Pages 1 – 2
- b) 2915 – Pages 3 – 4
- c) 2947 – Page 5
- d) 2934.1 – Page 6
- e) 2988.5 – Page 7

1 § 2913. Services by psychological assistants

2 ~~a) A person other than a licensed psychologist may shall be employed supervised, in~~
3 ~~accordance with the Board's regulations,~~

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4 ~~by a licensed~~

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5 ~~Psychologist, by a licensed physician and surgeon who is board certified in psychiatry~~
6 ~~by the American Board of Psychiatry and Neurology, by a clinic which provides mental~~
7 ~~health services under contract pursuant to Section 5614 of the Welfare and Institutions~~
8 ~~Code, by a psychological corporation, by a licensed psychology clinic as defined in~~
9 ~~Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform~~

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10 limited psychological functions provided that all of the following apply:

11 (1a) The person is termed a "psychological assistant."

12 ~~(b)2~~ The person (1) has completed a master's degree in psychology or education with
13 the
14 field of specialization in psychology or counseling psychology, or (2) has been admitted
15 to candidacy for a doctoral degree in psychology or education with the field of
16 specialization in psychology or counseling psychology, after having satisfactorily
17 completed three or more years of postgraduate education in psychology and having
18 passed preliminary doctoral examinations, or (3) has completed a doctoral degree
19 which qualifies for licensure under Section 2914, ~~in an accredited or approved~~
20 ~~university, college, or professional school located in the United States or Canada.~~

Comment [KJ1]: The following language in 2914, possess an earned doctorate degree in (1) an applied area of in psychology or (2) in education with the field of specialization in counseling psychology, educational psychology or school psychology. Except as provided in subdivision (g), this degree or training shall be obtained from an accredited university, college, or professional school. A doctorate degree in an applied area of psychology is one that integrates training to apply psychological principles, research, and theory with the delivery of services to individuals, groups, or organizations. The Board shall make the final determination as to whether if a degree meets the requirements of this section

21 ~~(c) The person is at all times under the immediate supervision, as defined in regulations~~
22 ~~adopted by the Board, of a licensed psychologist, or board certified psychiatrist, who~~
23 ~~supervisor~~
24 ~~shall be responsible for ensuring that the extent, kind, and quality of the psychological~~
25 ~~services he or she performs are consistent with his or her training and experience and~~
26 ~~be responsible for his or her compliance with this chapter and regulations duly adopted~~
27 ~~hereunder, including those provisions set forth in Section 2960.~~

Comment [KJ2]: Move to 1391.6

28 ~~(3d) The licensed psychologist, board certified psychiatrist, contract clinic, psychological~~
29 ~~corporation, or medical corporation, psychological assistant person has shall register ed~~
30 ~~the psychological assistant with the~~

31 Bboard and renew .

32 ~~The registration shall be renewed~~ annually in accordance with regulations
33 adopted by the Bboard.

34 ~~No licensed psychologist may register, employ, or supervise~~
35 ~~more than three psychological assistants at any given time unless specifically~~
36 ~~authorized to do so by the Bboard. No board-certified psychiatrist may register, employ,~~
37 ~~or supervise more than one psychological assistant at any given time. No contract clinic,~~
38 ~~psychological corporation, or medical corporation may employ more than 10 assistants~~
39 ~~at any one time. No contract clinic may register, employ, or provide supervision for more~~
40 ~~than one psychological assistant for each designated full-time staff psychiatrist who is~~
41 ~~qualified and supervises the psychological assistants.~~

42 ~~(be) No psychological assistant~~ Psychological assistants may shall not:

43 (1) -independently

44 provide psychological services

45 (2) receive payments, monetary or otherwise, directly from clients or patients to the
46 public for a fee, monetary or otherwise

47 ~~except as~~

48 ~~an employee of a licensed psychologist, licensed physician, contract clinic,~~
49 ~~psychological corporation, or medical corporation.~~

50 ~~(e) The psychological assistant shall comply with regulations that the Bboard may, from~~
51 ~~time to time, duly adopt relating to the fulfillment of requirements in continuing education~~

52 ~~(cf) No person shall practice as a psychological assistant who is found by the Bboard to~~
53 be in violation of Section 2960 and the rules and regulations duly adopted thereunder.

Comment [D3]: Kurt/Ravi? Is this necessary?

BUSINESS AND PROFESSIONS CODE - BPC
DIVISION 2. HEALING ARTS [500 - 4999.129]
(*Division 2 enacted by Stats. 1937, Ch. 399.*)

CHAPTER 6.6. Psychologists [2900 - 2999]
(*Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.*)

ARTICLE 1. General Provisions [2900 - 2919]
(*Article 1 added by Stats. 1967, Ch. 1677.*)

2915.

(a) ~~Except as provided in this section, on or after January 1, 1996, the Board shall not issue any renewal license unless the applicant submits proof that he or she has completed no less than 18 hours of approved continuing education in the preceding year. On or after January 1, 1997, except as provided in this section, the Board shall issue renewal licenses only to those applicants who have completed 36 hours of approved continuing education in the preceding two years.~~

(b) Each person applying for renewing renewal or reinstatement of his or her license issued pursuant to this chapter shall certify under penalty of perjury that he or she is in compliance with this section and submit ~~retain~~ proof of compliance with this section for submission to the Board upon request. False statements submitted pursuant to this section shall be a violation of Section 2970.

~~(c) A person applying for re-licensure or for reinstatement to an active license status shall certify under penalty of perjury that he or she is in compliance with this section.~~

~~(d) (1) The continuing education requirement shall include, but shall not be limited to, courses required pursuant to Sections 25 and 28. The requirement may include courses pursuant to Sections 32 and 2914.1~~

(2) (A) The Board shall require a licensed psychologist who began graduate study prior to January 1, 2004, to take a continuing education course during his or her first renewal period after the operative date of this section in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the Board and at its discretion, may be accepted in satisfaction of this requirement.

(B) Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing professional development ~~continuing education~~ required under subdivision (a).

~~(C) A licensed psychologist whose practice does not include the direct provision of mental health services may apply to the board for an exemption from the requirements of this paragraph~~

(3) Continuing professional development Continuing education instruction approved to meet the requirements of this section shall be completed within the State of California, or shall be approved for continuing education credit by the American Psychological Association or its equivalent organizations as approved by the Board.

(e) The Board may establish a policy for grant exemptions or extensions exceptions from the continuing professional development education requirement of this section.

~~(f) The Board may recognize continuing education courses that have been approved by one or more private nonprofit organizations that have at least 10 years' experience managing continuing education programs for psychologists on a statewide basis, including, but not limited to:~~

~~(1) Maintaining and managing related records and data.~~

~~(2) Monitoring and approving courses.~~

(fg) The Board shall adopt regulations as necessary for implementation of this section.

~~(h) A licensed psychologist shall choose continuing education instruction that is related to the assessment, diagnosis, and intervention for the client population being served or to the fields of psychology in which the psychologist intends to provide services, that may include new theoretical approaches, research, and applied techniques. Continuing education instruction shall include required courses specified in subdivision (d).~~

~~(i) A psychologist shall not practice outside his or her particular field or fields of competence as established by his or her education, training, continuing education, and experience.~~

(kg) Continuing education professional development credit may be approved for those licensees who serve as a selected participant in any examination development or enforcement-related function for the Board commissioners on any examination pursuant to Section 2947, subject to limitations established by the Board.

(jh) The administration of this section may be funded through professional license fees and continuing education provider and course approval fees, or both. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

~~(l) This section shall become operative on January 1, 2004.~~

(Repealed (in Sec. 2) and added by Stats. 2002, Ch. 481, Sec. 3. Effective January 1, 2003. Section operative January 1, 2004, by its own provisions.)

~~2947. The board may appoint qualified persons to give the whole or any portion of any examination provided for in this chapter, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the board but he or she shall have the same qualifications as a member of the board, including those set forth in Chapter 6 (commencing with Section 450) of Division 1. The board may also appoint occasional professional commissioners for short-term specified periods to assist in its nonpolicy workload.~~

~~— Public commissioners may examine and evaluate candidates in areas of knowledge such as the law, ethics, and awareness of community resources.~~

2934.1 Internet Information on psychologists

(a) The board shall post on its Internet Web site the following information on the current status of the license for all current and former licensees:

- (1) Whether or not the licensee is presently in good standing.
- (2) Any of the following enforcement actions or proceedings to which the licensee is actively subjected:
 - (A) Temporary restraining orders.
 - (B) Interim suspension orders.
 - (C) Revocations, suspensions, probations, or limitations on practice ordered by the board or the board of another state or jurisdiction, including those made part of a probationary order or stipulated agreement.
 - (D) Current accusations filed by the Attorney General, including those accusations that are on appeal. For purposes of this paragraph, "current accusation" means an accusation that has not been dismissed, withdrawn, or settled, and has not been finally decided upon by an administrative law judge and the board unless an appeal of that decision is pending.
 - (E) Citations issued that have not been resolved or appealed within 30 days.

(b) The board shall post on its Internet Web site all of the following historical information in its possession, custody, or control regarding all current and former licensees:

- (1) Approved postgraduate training.
- (2) Any final revocations and suspensions, or other equivalent actions, taken against the licensee by the board or the board of another state or jurisdiction or the surrender of a license by the licensee in relation to a disciplinary action or investigation, including the operative accusation resulting in the license surrender or discipline by the board.
- (3) Probation or other equivalent action ordered by the board, or the board of another state or jurisdiction, completed or terminated, including the operative accusation resulting in the discipline by the board.
- (4) Any felony convictions. Upon receipt of a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code from a licensee, the board shall, within six months of receipt of the expungement order, post notification of the expungement order and the date thereof on its Internet Web site.
- (5) Misdemeanor convictions resulting in a disciplinary action or accusation that is not subsequently withdrawn or dismissed. Upon receipt of a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code from a licensee, the board shall, within six months of receipt of the expungement order, post notification of the expungement order and the date thereof on its Internet Web site.

§2988.5 (a) The Board may establish, by regulation, a system for a retired category of licensure for persons who are not actively engaged in the practice of psychology.

(b) The regulation shall contain the following:

(1) The holder of a retired license issued pursuant to this section shall not engage in any activity for which a license is required

(2) The holder of a retired license shall not be required to renew that license.

(3) In order for the holder of a retired license issued pursuant to this section to restore his or her license to an active status, the holder of that license shall meet all the following:

(A) Pay a fee established by regulation.

(B) Certify, in a manner satisfactory to the Board, that he or she has not committed an act or crime constituting grounds for denial of licensure.

(C) Comply with the fingerprint submission requirements established by regulation.

(D) If the Board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for renewal of an active license, unless a different requirement is specified by the Board.

(E) Complete any other requirements as specified by the board by regulation.

(F) A board may upon its own determination, and shall upon receipt of a complaint from any person, investigate the actions of any licensee, including a person with a license that either restricts or prohibits the practice of that person in his or her profession or vocation, including, but not limited to, a license that is retired, inactive, canceled, revoked, or suspended.