



ISSUE MEMORANDUM

DATE	December 29, 2015
TO	Policy and Advocacy Committee Members
FROM	Kelli Okuma (signature on file) Retired Annuitant
SUBJECT	Agenda Item #5 d) 1 – 4) – Proposed Legislative Revisions to the Business and Professions Code

Agenda item materials include proposed legislative amendments, adoptions and deletions for your review and consideration, as follows:

- 1) Section 2913: Services by Psychological Assistants
- 2) Section 2915: Continuing Education Requirements: Practice Outside Field of Competence
- 3) Section 2947: Appointment of Commissioners on Examination; Qualifications
- 4) Section 2934.1: Internet Information
- 5) Section 2988.5: Retired License Status

1 **B&P Section 2913 (effective 1/1/16)**
2

3 (a) A person other than a licensed psychologist ~~may~~ shall be employed supervised in
4 accordance with the board's regulations by a licensed psychologist, or by a licensed
5 physician and surgeon who is board certified in psychiatry by the American Board of
6 Psychiatry and Neurology, ~~by a clinic that provides mental health services under~~
7 ~~contract pursuant to Section 5614 of the Welfare and Institutions Code, by a~~
8 ~~psychological corporation, by a licensed psychology clinic as defined in Section 1204.1~~
9 ~~of the Health and Safety Code, or by a medical corporation~~ to perform limited
10 psychological functions if all of the following apply:

11 (a1) The person is termed a "psychological assistant."

12 ~~(b2)~~ (1) A The person ~~(4)~~ has completed a master's degree in psychology or education with
13 the field of specialization in psychology or counseling psychology, or (2) B has been
14 admitted to candidacy for a doctoral degree in psychology or education with the field of
15 specialization in psychology or counseling psychology, after having satisfactorily
16 completed three or more years of postgraduate education in psychology and having
17 passed preliminary doctoral examinations, or ~~(3)~~ c has completed a doctoral degree
18 that qualifies for licensure under Section 2914, ~~in an accredited or approved university,~~
19 ~~college, or professional school located in the United States or Canada.~~

20 ~~(c)~~ 3 The person is at all times under the immediate supervision, as defined in
21 regulations adopted by the board, of a licensed psychologist, or board certified
22 psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the
23 psychological services he or she performs are consistent with his or her training and
24 experience and be responsible for his or her compliance with this chapter and
25 regulations duly adopted hereunder, including those provisions set forth in Section
26 2960.

27 ~~(d)~~ b (1) The psychological assistant ~~licensed psychologist, board certified psychiatrist,~~
28 ~~contract clinic, psychological corporation, or medical corporation,~~ has ~~shall~~ registered
29 ~~the psychological assistant~~ with the board. The registration shall be renewed annually in
30 accordance with regulations adopted by the board.

31 (2) No licensed psychologist ~~may register, employ, or supervise~~ more than three
32 psychological assistants at any given time unless specifically authorized to do so by the
33 board. No board certified psychiatrist ~~may register, employ, or supervise~~ more than one
34 psychological assistant at any given time. ~~No contract clinic, psychological corporation,~~
35 ~~or medical corporation may employ more than 10 assistants at any one time. No~~
36 ~~contract clinic may register, employ, or provide supervision for more than one~~
37 ~~psychological assistant for each designated full-time staff psychiatrist who is qualified~~
38 ~~and supervises the psychological assistants. No psychological assistant may provide~~
39 ~~psychological services to the public except as an~~ employee supervisee of a licensed
40 psychologist, or a licensed physician and surgeon who is board certified in psychiatry by
41 the American Board of Psychiatry and Neurology, contract clinic, psychological
42 corporation, or medical corporation.

43 (e) c The psychological assistant shall comply with regulations that the board may, from
44 time to time, duly adopt relating to the fulfillment of requirements in continuing
45 education.

46 (f d) No person shall practice as a psychological assistant who is found by the board to
47 be in violation of Section 2960 and the rules and regulations duly adopted pursuant to
48 that section.

49 **B&P Section 2915.**

50
51 (a) Except as provided in this section, ~~on or after January 1, 1996, the board shall not~~
52 ~~issue any renewal license unless the applicant submits proof that he or she has~~
53 ~~completed no less than 18 hours of approved continuing education in the preceding~~
54 ~~year. On or after January 1, 1997, except as provided in this section, the board shall~~
55 ~~issue renewal licenses only to those applicants who have completed 36 hours of~~
56 ~~approved continuing professional education development in the preceding two years.~~

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

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

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

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

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

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

81 ~~(23) Continuing education courses instruction approved to meet the requirements of this~~
82 ~~section shall be completed within the State of California, or shall be approved for~~
83 ~~continuing education credit by the American Psychological Association or its equivalent~~
84 ~~as organizations approved by the board.~~

85 ~~(ec) The board may establish a policy for exceptions grant exemptions from the~~
86 ~~continuing professional development education requirement of this section.~~

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

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

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

93 ~~(gd) The board shall adopt regulations as necessary for implementation of this section.~~

94 ~~(h) A licensed psychologist shall choose continuing education instruction that is related~~
95 ~~to the assessment, diagnosis, and intervention for the client population being served or~~

96 ~~to the fields of psychology in which the psychologist intends to provide services, that~~
97 ~~may include new theoretical approaches, research, and applied techniques. Continuing~~
98 ~~education instruction shall include required courses specified in subdivision (d).~~

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

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

106 ~~(kf) Continuing professional development education credit may be approved for those~~
107 ~~licensees who serve as selected participants in any examination development or~~
108 ~~enforcement-related function for the board. commissioners on any examination pursuant~~
109 ~~to Section 2947, subject to limitations established by the board.~~

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

171 ~~2947.~~

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

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

111 **B&P Section 2934.1**

112 (a) The board may post on its Website the following information on the current status of
113 the license for all current and former licensees:

114 (1) Whether or not the licensee is presently in good standing.

115 (2) Any of the following enforcement actions or proceedings to which the licensee is
116 actively subjected:

117 (A) Temporary restraining orders.

118 (B) Interim suspension orders.

119 (C) Revocations, suspensions, probations, or limitations on practice ordered by the
120 board or the board of another state or jurisdiction, including those made part of a
121 probationary order or stipulated agreement.

122 (D) Current accusations filed by the Attorney General, including those accusations that
123 are on appeal. For purposes of this paragraph, "current accusation" means an
124 accusation that has not been dismissed, withdrawn, or settled, and has not been finally
125 decided upon by an administrative law judge and the board unless an appeal of that
126 decision is pending.

127 (E) Citations issued that have not been resolved or appealed within 30 days.

128 (b) The board may post on its Website all of the following historical information in its
129 possession, custody, or control regarding all current and former licensees:

130 (1) Institution that awarded the qualifying educational degree or type of degree
131 awarded.

132 (2) Areas of practice and board certifications that are self-reported by the licensee.

133 (3) Any other information designated by the board in regulation.

134 (4) Any final revocations and suspensions, or other equivalent actions, taken against the
135 licensee by the board or the board of another state or jurisdiction or the surrender of a
136 license by the licensee in relation to disciplinary action or investigation, including the
137 operative accusation resulting in the license surrender or discipline by the board.

138 (5) Probation or other equivalent action ordered by the board, or the board of another
139 state or jurisdiction, completed or terminated, including the operative accusation
140 resulting in the discipline by the board.

141 (6) Any felony convictions. Upon receipt of a certified copy of an expungement order
142 granted pursuant to section 1203.5 of the Penal Code from a licensee, the board shall,
143 within six months of receipt of the expungement order, post notification of the
144 expungement order and the date thereof on its Website.

145 (7) Misdemeanor convictions resulting in a disciplinary action or accusation that is not
146 subsequently withdrawn or dismissed. Upon receipt of a certified copy of an
147 expungement order granted pursuant to Section 1203.5 of the Penal Code from a
148 licensee, the board shall, within six months of receipt of the expungement order, post
149 notification of the expungement order and the date thereof on its Website.

150 **B&P Section 2988.5**

- 151 (a) The Board may establish, by regulation, a system for a retired category of
152 licensure for persons who are not actively engaged in the practice of psychology.
- 153 (b) The regulation shall contain the following:
- 154 (1) The holder of a retired license issued pursuant to this section shall not engage in
155 any activity for which a license is required.
- 156 (2) The holder of a retired license shall not be required to renew that license.
- 157 (3) In order for the holder of a retired license issued pursuant to this section to
158 restore his or her license to an active status, the holder of that license shall meet
159 all of the following:
- 160 (A) Pay a fee established by regulation.
- 161 (B) Certify in a manner satisfactory to the board, that he or she has not committed an
162 act or crime constituting grounds for denial of a license.
- 163 (C) Comply with the fingerprint submission requirements established by regulation.
- 164 (D) Complete continuing professional development hours required for renewal of an
165 active license pursuant to Section 2915 of the Business and Professions Code.
- 166 (E) Complete any other requirements as specified by the board by regulation.
- 167 (F) The board may upon its own determination, and shall upon receipt of a complaint
168 from any person with a license that either restricts or prohibits the practice of that
169 person in his or her profession or vocation, including, but not limited to, a license
170 that is retired, inactive, canceled, revoked, or suspended.