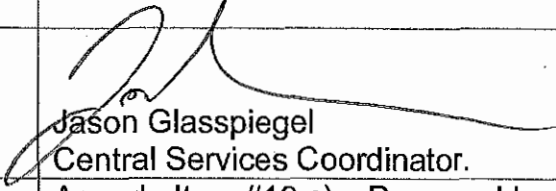


## ISSUE MEMORANDUM

<b>DATE</b>	February 10, 2016
<b>TO</b>	Board of Psychology Members
<b>FROM</b>	 Jason Glasspiegel Central Services Coordinator.
<b>SUBJECT</b>	Agenda Item #12 c) – Proposed Legislative Revisions to the Business and Professions Code

### **Background:**

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 2934.1: Internet Information
- 4) Section 2947: Appointment of Commissioners on Examination; Qualifications
- 5) Section 2988.5: Retired License Status

### **Action Requested:**

Approval of the amended language as drafted.

1 **§2913. Services by psychological assistants**

2 A person ~~other than a licensed psychologist~~ may be registered as a psychological  
3 assistant to perform psychological functions in order to prepare for licensure as a  
4 psychologist under all of the following conditions: ~~employed by a licensed psychologist,~~  
5 ~~by a licensed physician and surgeon who is board certified in psychiatry by the~~  
6 ~~American Board of Psychiatry and Neurology, by a clinic which provides mental health~~  
7 ~~services under contract pursuant to Section 5614 of the Welfare and Institutions Code,~~  
8 ~~by a psychological corporation, by a licensed psychology clinic as defined in Section~~  
9 ~~1204.1 of the Health and Safety Code, or by a medical corporation to perform limited~~  
10 ~~psychological functions provided that all of the following apply:~~

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

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

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

30 ~~(dc)(1) The psychological assistant ~~licensed psychologist, board certified psychiatrist,~~~~  
31 ~~~~contract clinic, psychological corporation, or medical corporation,~~ has shall be registered~~  
32 ~~the psychological assistant with by the board. The registration shall be renewed~~  
33 ~~annually in accordance with regulations adopted by the board.~~

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

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

4 ~~(f) No person shall practice as a psychological assistant who is found by the board to~~  
5 ~~be in violation of Section 2960 and the rules and regulations duly adopted thereunder.~~  
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8 **§2915. Continuing education requirements; Practice outside fields of competence**

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

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

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

22 ~~(d) (1) The continuing education requirement shall include, but shall not be limited to,~~  
23 ~~courses required pursuant to Sections 25 and 28. The requirement may include courses~~  
24 ~~pursuant to Sections 32 and 2944.1.~~

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

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

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

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

44 ~~(ce)~~ The board may ~~establish a policy for exceptions~~ grant exemptions or extensions  
45 from the continuing education professional development requirement of this section.

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

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

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

7 ~~(dg) The board shall adopt regulations as necessary for implementation of this~~  
8 ~~section.~~

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

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

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

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

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

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

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29 **§2934.1**

30 **Website Information on Psychologists**

31 (a) The board may post on its website the following information on the current status of  
32 the license for all current and former licensees:

33 (1) Whether or not the licensee has any record of a disciplinary action.

34 (2) Any of the following enforcement actions or proceedings against the licensee:

35 (A) Temporary restraining orders.

36 (B) Interim suspension orders.

37 (C) Revocations, suspensions, probations, or limitations on practice ordered by the  
38 board or by a court with jurisdiction in the State, including those made part of a  
39 probationary order, cease practice order, or stipulated agreement.

40 (D) Accusations filed by the board, including those accusations that are on appeal,  
41 excluding ones that have been dismissed or withdrawn where the action is no longer  
42 pending.

43 (E) Citations issued by the board. Unless withdrawn, citations shall be posted for five  
44 (5) years from the date of issuance.

45 (b) The board may also post on its website all of the following historical information in  
46 its possession, custody, or control regarding all current and former licensees:

- 1 (1) Institutions that awarded the qualifying educational degree and type of degree  
2 awarded.  
3 (2) A link to the licensee's professional website.  
4 (c) The board may also post other information designated by the board in regulation.  
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7 **§2947. Appointment of commissioners on examinations; Qualifications**

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

15 ~~Public commissioners may examine and evaluate candidates in areas of knowledge~~  
16 ~~such as the law, ethics, and awareness of community resources.~~  
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19 **§2988.5**

20 (a) The board may issue, upon an application prescribed by the board and payment of a  
21 fee not to exceed seventy-five dollars (\$75), a retired license to a psychologist who  
22 holds a current license issued by the board, or one capable of being renewed, and  
23 whose license is not suspended, revoked, or otherwise restricted by the board or  
24 subject to discipline under this chapter.

25 (b) The holder of a retired license issued pursuant to this section shall not engage in  
26 any activity for which an active license is required. A psychologist holding a retired  
27 license shall be permitted to use the title "psychologist, retired" or "retired  
28 psychologist." The designation of retired shall not be abbreviated in any way.

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

30 (d) The holder of a retired license may apply to restore his or her license to active status  
31 if that retired license was issued less than three (3) years prior to the application date,  
32 and the applicant meets all of the following requirements:

33 (1) Has not committed an act or crime constituting grounds for denial or discipline of a  
34 license.

35 (2) Pays the renewal fee required by this chapter.

36 (3) Completes the continuing professional development required for the renewal of a  
37 license within two (2) years of the date of application for restoration.

38 (4) Complies with the fingerprint submission requirements established by the board in  
39 regulation.

40 (e) The holder of a retired license for three (3) or more years cannot restore his or her  
41 license to active status, but must apply for a new license. To obtain a new license, the  
42 applicant shall:

43 (1) submit a complete application;

44 (2) take and pass the California Psychology Law and Ethics Examination (CPLEE);

45 (3) pay all fees required to obtain a new license;

46 (4) comply with the fingerprint submission requirements established by regulation;

- 1 (5) be deemed to have met the educational and experience requirements of
- 2 subdivisions (b) and (c) of section 2914;
- 3 (6) not have been subject to denial or discipline of a license.