

MEMORANDUM

DATE	March 30, 2016
TO	Policy and Advocacy Committee
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #5 (a)(13) – Legislative Update – SB 1194 (Hill) Psychology: Board of Psychology: Personnel

Background:

This Bill extends the existing the provisions of the Psychology Licensing Law until January 1, 2021.

Location: Senate Business, Professions & Economic Development Committee

Status: To Senate Committee on Business, Professions & Economic Development

Hearing: 04/18/2016, Room 3191

Action Requested:

The staff recommendation is to recommend the full Board take a "Support" Position on SB 1194 (Hill).

Attachment A is the language of SB 1194 (Hill)

Attachment B is the proposed Sunset Legislative Revisions



SB-1194 Psychology: Board of Psychology: personnel. (2015-2016)

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

No. 1194

Introduced by Senator Hill

February 18, 2016

An act to amend Sections 2920 and 2933 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1194, as introduced, Hill. Psychology: Board of Psychology: personnel.

Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate the practice of psychology, and authorizes the board to employ all personnel necessary to carry out that law and to employ an executive officer, as specified. These provisions are in effect only until January 1, 2017.

This bill would extend those provisions to January 1, 2021.

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

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

SECTION 1. Section 2920 of the Business and Professions Code is amended to read:

2920. (a) The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

(b) This section shall remain in effect only until January 1, ~~2017~~, 2021, and as of that date is ~~repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~ *repealed.*

(c) Notwithstanding any other ~~provision of~~ law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 2933 of the Business and Professions Code is amended to read:

2933. (a) Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

This

(b) This section shall remain in effect only until January 1, ~~2017~~, 2021, and as of that date is ~~repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~ *repealed.*

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

2 A person other than a licensed psychologist may be registered as a
3 psychological assistant to perform psychological functions in order to prepare for
4 licensure as a psychologist under all of the following conditions: employed by a licensed
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
10 limited 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 (ec) 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 2914.1.~~

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.~~

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.