

MEMORANDUM

DATE	October 31, 2017
то	Board of Psychology Members
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #21 – Overview of the Regulatory Process

Background:

Attached for your review is an over view of the regulatory process for the Department of Consumer Affairs and the State of California.

Action Requested:

This item is informational purposes only. No action is required.

VICAlifornia Board of PSYCHOLOGY

The Regulatory Process





What is a Regulation?

- A regulation is a rule adopted by the Board which implements, interprets or makes specific the statutes in the Board's Practice Act. A statute sets forth a general legal requirement or authority, whereas a regulation makes the requirement or authority more specific and enforceable.
- Regulations are created through the California Office of Administrative Law (OAL) through the Rulemaking process rather than the Legislature.





When is the Rulemaking Process Utilized?

- The Board needs to implement a new regulation due to a bill that became law.
- The Board needs to change an existing regulation due to a bill that became law.
- The Board wants to create a new or change an existing regulation and already has the statutory authority to do so.





Informal Rulemaking Process

Board Develops and Adopts Language Regulatory Language

DCA Legal Counsel Review

DCA Initial Review
Process Begins – DCA
Regulations

DCA Legislative & Regulatory Review – Deputy Director

DCA Legal Review – Chief Counsel

Staff Review –
DCA Legal,
DCA Legislative &

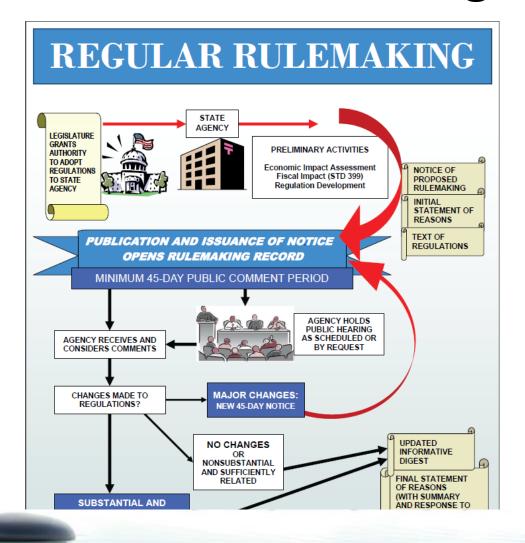
DCA Executive Office Review – Director

Business, Consumer Services, and Housing Agency Review

Board Submits Rulemaking File to Office of



The Formal Rulemaking Process





Administrative Procedures Act (APA) Standards for Regulations

- Authority (Government (GOV) Code Section 11349; Title 1 California Code of Regulations (CCR) Section 14)
- Necessity (GOV Code Section 11349(a); 1 CCR Section 10)
- Clarity (GOV Code Section 11349; 1 CCR Section 16)
- Consistency (GOV Code Section 11349(d))
- Non-Duplication (GOV Code Section 11349(f); 1 CCR Section 12)
- Reference (GOV Code Section 11349; 1 CCR Section 14)
 - **Procedural Requirements**



Current Regulatory Packages

- Psychological Assistant
- Continuing Professional Development
- Telehealth/Telepsychology
- Pathways to Licensure
- Disciplinary Guidelines
- Professional Therapy Never Includes Sex Brochure





Questions?

