

MEMORANDUM

DATE	September 17, 2018
TO	Licensing Committee Members
FROM	<i>Stephanie Cheung</i> Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 5 Psychological Assistants Inactive Status: Review Proposed Amendments to Title 16 of the California Code of Regulations Sections 1391.11, 1391.12, 1391.13, 1391.14, and 1392.1 and Related Business and Professions Code Section 2987

Background:

With the goal of addressing public concern raised during the “Pathways to Licensure” discussion at the April 2018 Licensing Committee meeting regarding the proposed change to the time limitation of the psychological assistant registration period from 72 months to 60 months, the Committee tasked staff to collaborate with legal counsel to draft an updated regulatory proposal relating to the inactive status for psychological assistants for the Committee’s consideration and discussion. These changes are highlighted in yellow in Attachments A1 and A2. Staff has also provided proposed language relating to the psychological assistant regulatory package that was previously approved by the Committee to assist with the review.

The proposal would add regulatory language to allow registered psychological assistants to place their registrations on inactive status. The intent of an inactive status for psychological assistants is to enhance consumer protection by clearly indicating to the public that the registered psychological assistants cannot practice while holding a registration in this status. The proposed inactive status would also be a practical option for psychological assistants who are not providing psychological services due to the lack of a primary supervisor or those who may need a temporary period to attend to personal matters. This would prevent the time when the psychological assistants are not practicing from being counted towards the time limitation of registration period.

Attachments:

- A1: PSB Inactive Status Proposed Regulations and Related Statute (Marked)
- A2: PSB Inactive Status Proposed Regulations and Related Statute (Unmarked)

Action Requested:

Review proposed amendments and approve language as amended. Once approved, recommend the Board to adopt the language as written and proceed with the rulemaking process.

1 **Title 16 of the California Code of Regulations**

2
3 **§ 1391.11. Notification of Termination. Change of Primary Supervisor or Location**

4
5 (a) A psychological assistant shall submit to the Board in writing a request for any
6 change of or addition of a primary supervisor, on form PSB 101 (07/17). Board approval
7 of the request is required prior to permission to render psychological services under the
8 supervision of the new primary supervisor. A new supervision agreement is required,
9 pursuant to section 1387, if there has been a change of supervisor and the
10 psychological assistant is accruing supervised professional experience.

11
12 (b) Within thirty (30) days after the termination of the supervision between a primary
13 supervisor and the employment of a psychological assistant, or any change or addition
14 of the location where services are being rendered by a psychological assistant with the
15 same primary supervisor, the employer/psychological assistant shall notify the Board in
16 writing of such termination or change, on form PSB 101 (07/17) setting forth the date
17 thereof.

18
19 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
20 Section 2913, Business and Professions Code.

21
22 **§ 1391.12. Psychological Assistant Renewals.**

23
24 (a) A new registration shall expire annually, beginning one year after issuance. The
25 registration of a psychological assistant shall be renewed by the employer annually, on
26 or before its expiration on a form provided by the Board. Such form shall include the
27 following:

28
29 (1) Name and registration number of the psychological assistant, registration
30 expiration date, and renewal amount;

31
32 (2) Disclosure of whether the psychological assistant has been convicted or has
33 had a license or registration disciplined since his or her last renewal;

34
35 (3) Disclosure of whether the psychological assistant has complied with the
36 fingerprint requirements and submitted a full set of electronic fingerprints to the
37 Department of Justice;

38
39 (4) Telephone number and electronic mail address (if any) of the psychological
40 assistant; and

41
42 (5) A signed declaration under penalty of perjury that the information provided is
43 true and correct.

44
45 (b) A registration renewed 30 days after its expiration must be accompanied by the
46 delinquency fee required in section 1392.1 in order to be renewed.

47
48 (c) A psychological assistant who has been registered with the Board but whose
49 registration has expired and has not been renewed by the employer shall not function
50 as a psychological assistant.

51
52 ~~(d) A psychological assistant employed and registered by more than one employer shall~~
53 ~~have his or her registration renewed by each employer.~~

54
55 ~~(de) A registration not renewed by the psychological assistant within 60 days after its~~
56 ~~expiration shall become void, be cancelled and shall not be reinstated and a new~~
57 ~~application for registration shall be submitted by the employer.~~

58
59 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
60 Section 2913, Business and Professions Code.

61
62 **§1391.13. Inactive Psychological Assistant Registration.**

63
64 (a) A psychological assistant registration will be placed on inactive status when the
65 psychological assistant is not engaged in the practice of psychology due to the removal
66 of all primary supervisor(s) associated with the psychological assistant registration.

67
68 (b) A psychological assistant holding a registration in inactive status shall renew the
69 registration annually as described in section 1391.12. Changing the status of the
70 registration has no effect on the annual renewal date.

71
72 (c) The provision of psychological services by the psychological assistant while the
73 registration is inactive is prohibited.

74
75 (d) Any time during which the registration is inactive does not apply toward the
76 limitation of registration period set forth in section 1391.1(b). The accrual of supervised
77 professional experience shall still comply with the time limitations set forth in section
78 1387(a).

79
80 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
81 Section 2913, Business and Professions Code.

82
83 **§1391.14. Reactivating A Psychological Assistant Registration.**

84
85 A psychological assistant registration which has been placed on inactive status
86 pursuant to section 1391.13 will be reactivated upon approval by the Board of a
87 notification to add a primary supervisor as described in section 1391.11 (a).

88
89 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
90 Section 2913, Business and Professions Code.

91
92

93 **§ 1392.1. Psychological Assistant Fees.**

94

95 (a) The application fee for registration ~~of~~ a psychological assistant ~~which is payable~~
96 ~~by the supervisor~~ is \$40.00.

97

98 (b) The annual renewal fee for registration of a psychological assistant is \$40.00.

99

100 (c) The delinquency fee for a psychological assistant is \$20.00.

101

102 Note: Authority cited: Sections 2930 and 2940, Business and Professions Code.

103 Reference: Sections ~~2688~~2948 and ~~2689~~2987, Business and Professions Code.

104 **Business and Professions Code – BPC**

105

106 **§ 2987. Fee schedule**

107

108 The amount of the fees prescribed by this chapter shall be determined by the board,
109 and shall be as follows:

110

111 (a) The application fee for a psychologist shall not be more than fifty dollars (\$50).

112

113 (b) The examination and reexamination fees for the examinations shall be the actual
114 cost to the board of developing, purchasing, and grading of each examination, plus the
115 actual cost to the board of administering each examination.

116

117 (c) The initial license fee is an amount equal to the renewal fee in effect on the last
118 regular renewal date before the date on which the license is issued.

119

120 (d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400). The
121 board may increase the renewal fee to an amount not to exceed five hundred dollars
122 (\$500).

123

124 (e) The application fee for registration as a psychological assistant under Section 2913
125 shall not be more than seventy-five dollars (\$75).

126

127 (f) The annual renewal fee for registration of a psychological assistant shall not be more
128 than seventy-five dollars (\$75).

129

130 (g) The duplicate license or registration fee is five dollars (\$5).

131

132 (h) The delinquency fee is 50 percent of the renewal fee for each license type, not to
133 exceed one hundred fifty dollars (\$150).

134

135 (i) The endorsement fee is five dollars (\$5).

136

137 Notwithstanding any other provision of law, the board may reduce any fee prescribed by
138 this section, when, in its discretion, the board deems it administratively appropriate.

139

140 *(Amended by Stats. 2017, Ch. 429, Sec. 9. (SB 547) Effective January 1, 2018.)*

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8 supervision of the new primary supervisor. A new supervision agreement is required,
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10 psychological assistant is accruing supervised professional experience.

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12 (b) Within thirty (30) days after the termination of the supervision between a primary
13 supervisor and a psychological assistant, or any change or addition of the location
14 where services are being rendered by a psychological assistant with the same primary
15 supervisor, the psychological assistant shall notify the Board of such termination or
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