


## MEMORANDUM

<b>DATE</b>	November 1, 2018
<b>TO</b>	Board Members
<b>FROM</b>	 Stephanie Cheung Licensing Manager
<b>SUBJECT</b>	<b>Agenda Item 23(b)</b> Psychological Assistant's Inactive Status: Consider Proposed Amendments to Business and Professions Code Section 2987, and Consider Proposed Amendments to Title 16 of the California Code of Regulations Sections 1391.11, 1391.12, and 1382.1, and Proposed New Regulatory Sections to Allow Going Inactive and Reactivation

### 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. This status would allow a psychological assistant to pause their time from accumulating when they didn't have a supervisor and could not practice.

The Committee approved the proposed amendments at the October 2018 meeting. The amendments are provided in Attachments A1 and A2 for the Board's review. Staff has also provided proposed language, highlighted in grey, relating to the psychological assistant regulatory package that was previously approved by the Board 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: Psychological Assistant's Inactive Status Proposed Regulations and Related Statute (Marked)

A2: Psychological Assistant's 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.

## Title 16 of the California Code of Regulations

### § 1391.11. Notification of ~~Termination.~~ Change of Primary Supervisor or Location

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

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

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

### § 1391.12. Psychological Assistant Renewals.

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

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

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

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

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

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

(b) A registration renewed 30 days after its expiration must be accompanied by the 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 a~~ new  
57 ~~application for registration shall may 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 may request the Board put their registration on inactive  
65 status. At the time the inactive status is requested, all primary supervisors associated  
66 will be removed from the psychological assistant registration. A psychological assistant  
67 registration shall also be placed on inactive status if the psychological assistant does  
68 not have a primary supervisor.

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

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

76  
77 (d) Any time during which the registration is inactive does not apply toward the  
78 limitation of registration period set forth in section 1391.1(b). The accrual of supervised  
79 professional experience shall still comply with the time limitations set forth in section  
80 1387(a).

81  
82 Note: Authority cited: Section 2930, Business and Professions Code. Reference:  
83 Section 2913, Business and Professions Code.

84  
85 **§1391.14. Reactivating A Psychological Assistant Registration.**

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

90  
91 Note: Authority cited: Section 2930, Business and Professions Code. Reference:  
92 Section 2913, Business and Professions Code.

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

94

95 (a) The application fee for registration ~~asef~~ 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.)*

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

2  
3 **§ 1391.11. Notification of 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 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  
16 change, on form PSB 101 (07/17).

17  
18 Note: Authority cited: Section 2930, Business and Professions Code. Reference:  
19 Section 2913, Business and Professions Code.

20  
21 **§ 1391.12. Psychological Assistant Renewals.**

22  
23 (a) A registration shall expire annually, beginning one year after issuance. The  
24 registration of a psychological assistant shall be renewed annually, on or before its  
25 expiration on a form provided by the Board. Such form shall include the following:

26  
27 (1) Name and registration number of the psychological assistant, registration  
28 expiration date, and renewal amount;

29  
30 (2) Disclosure of whether the psychological assistant has been convicted or has  
31 had a license or registration disciplined since his or her last renewal;

32  
33 (3) Disclosure of whether the psychological assistant has complied with the  
34 fingerprint requirements and submitted a full set of electronic fingerprints to the  
35 Department of Justice;

36  
37 (4) Telephone number and electronic mail address (if any) of the psychological  
38 assistant; and

39  
40 (5) A signed declaration under penalty of perjury that the information provided is  
41 true and correct.

42  
43 (b) A registration renewed 30 days after its expiration must be accompanied by the  
44 delinquency fee required in section 1392.1 in order to be renewed.

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

49  
50 (d) A registration not renewed by the psychological assistant within 60 days after its  
51 expiration shall be cancelled. A new application for registration may be submitted.

52  
53 Note: Authority cited: Section 2930, Business and Professions Code. Reference:  
54 Section 2913, Business and Professions Code.

55  
56 **§1391.13. Inactive Psychological Assistant Registration.**

57  
58 (a) A psychological assistant may request the Board put their registration on inactive  
59 status. At the time the inactive status is requested, all primary supervisors associated  
60 will be removed from the psychological assistant registration. A psychological assistant  
61 registration shall also be placed on inactive status if the psychological assistant does  
62 not have a primary supervisor.

63  
64 (b) A psychological assistant holding a registration in inactive status shall renew the  
65 registration annually as described in section 1391.12. Changing the status of the  
66 registration has no effect on the annual renewal date.

67  
68 (c) The provision of psychological services by the psychological assistant while the  
69 registration is inactive is prohibited.

70  
71 (d) Any time during which the registration is inactive does not apply toward the  
72 limitation of registration period set forth in section 1391.1(b). The accrual of supervised  
73 professional experience shall still comply with the time limitations set forth in section  
74 1387(a).

75  
76 Note: Authority cited: Section 2930, Business and Professions Code. Reference:  
77 Section 2913, Business and Professions Code.

78  
79 **§1391.14. Reactivating A Psychological Assistant Registration.**

80  
81 A psychological assistant registration which has been placed on inactive status  
82 pursuant to section 1391.13 will be reactivated upon approval by the Board of a  
83 notification to add a primary supervisor as described in section 1391.11 (a).

84  
85 Note: Authority cited: Section 2930, Business and Professions Code. Reference:  
86 Section 2913, Business and Professions Code.

87  
88 **§ 1392.1. Psychological Assistant Fees.**

89  
90 (a) The application fee for registration as a psychological assistant is \$40.00.

91



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

93

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

95

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

97 Reference: Sections 2948 and 2987, Business and Professions Code.

98 **Business and Professions Code – BPC**

99

100 **§ 2987. Fee schedule**

101

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

104

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

106

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

110

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

113

114 (d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400). The  
115 board may increase the renewal fee to an amount not to exceed five hundred dollars  
116 (\$500).

117

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

120

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

123

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

125

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

128

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

130

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

133

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