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## MEMORANDUM

<b>DATE</b>	March 24, 2022
<b>TO</b>	Legislative and Regulatory Affairs Committee
<b>FROM</b>	Suzy Costa Legislative and Regulatory Analyst
<b>SUBJECT</b>	Agenda Item #7(a)(6) – SB 1428 (Archuleta) Psychologists: psychological testing technician: registration

**Background:**

This bill would authorize an individual to provide psychological or neuropsychological test administration and scoring services, if that individual is registered with the Board as a psychological testing technician and meets specified education requirements, or if the individual is gaining specified education requirements to be a psychological testing technician.

**Location:** Senate Committee on Business, Professions, and Economic Development

**Status:** 03/16/2022 – Set for hearing April 4, 2022.

**Action Requested:**

Staff requests the Legislative and Regulatory Affairs Committee adopt a **Support if Amended** position and recommend that to the full Board.

Attachment A: SB 1428 (Archuleta) Analysis

Attachment B: SB 1428 (Archuleta) Bill Text

## 2022 Bill Analysis

<b>Author:</b> Senator Bob Archuleta	<b>Bill:</b> SB 1428	<b>Related Bills:</b>
<b>Sponsor:</b> California Psychological Association (CPA)	<b>Version:</b> Introduced	
<b>Subject:</b> Psychologists: psychological testing technician: registration		

### SUMMARY

This bill would authorize an individual to provide psychological or neuropsychological test administration and scoring services, if that individual is registered with the board as a psychological testing technician and meets specified education requirements, or if the individual is gaining specified education requirements to be a psychological testing technician.

### RECOMMENDATION

**SUPPORT IF AMENDED** – Staff requests the Legislative and Regulatory Affairs Committee adopt a Support if Amended position and recommend that to the full Board. This bill would create a new registration, increase the Board staff’s workload, and amend our Psychological Licensing Act. The bill as written needs further clarification on requirements pertaining to education, registration, renewal, supervision, and enforcement, including fees related to psychological testing technicians. For more details, please view the proposed amendments at the end of the analysis.

#### *Summary of Suggested Amendments:*

- Creates the Psychological Testing Technician Act within new code sections.
- Establishes the application process and requirements to register as a psychological testing technician.
- Clarifies the educational and training requirements for registration.
- Requires an applicant to submit electronic fingerprint image scans for a state- and federal-level criminal background check conducted through the Department of Justice.
- Incorporates enforcement provisions related to psychological testing technicians.
- Requires a psychological testing technician to renew registration annually.
- Establishes the process to renew registration.
- Establishes the process to add or change a supervisor.
- Exempts specified licensed psychologists and registered psychological associates from registering as a psychological testing technician in order to provide testing services.
- Increases the psychological testing technician registration fee to \$75.

- Establishes an annual renewal fee of \$75.
- Establishes a \$25 fee for adding or changing a supervisor.
- Establishes an implementation date of January 1, 2024.

### **REASON FOR THE BILL**

Per the sponsor: “The use of technicians primarily allows the psychologist to utilize their time more efficiently and productively, freeing them to engage in the interpretation of the results while also being able to provide additional services that require their specified skill-set, such as: providing psychotherapy or cognitive rehabilitation, treatment planning, psychoeducational services, engaging in research, supervising psychological assistants, and providing multidisciplinary consultations. Without employing technicians, the majority of the psychologist’s time is expended in the administration and scoring of standardized tests, which is a task that can be done by an appropriately-trained individual with a minimum of a bachelor’s degree.”

Additionally, the sponsor states, “The use of psychological technicians has been a nationally established standard of practice in the field for more than almost five decades... Furthermore, the Current Procedural Terminology (CPT) codes that are accepted by medical insurance companies recognize billings codes that are uniquely specific to using a technician to administer and score neuropsychological testing (96138-96139), which is separate from a code that is used when a neuropsychologist performs their direct services (96136-96137). The Centers for Medicare and Medicaid Services (CMS) manual indicates that psychologists are able to allow technicians to perform psychological services, pursuant to state laws and regulations.”

“In short, the use of technicians has been well-established nationally in the field of psychology, and other states have incorporated standards in their legislative documents to define the proper use of technicians.”

### **ANALYSIS**

This bill adds section 2910.5 of the Business and Professions Code (BPC) to create a new registration within the Board for psychological testing technicians. It establishes what a testing technician can do as a registrant under the purview of the Board. It also establishes requirements for supervising psychological testing technicians. The bill would allow a person with the following requirements to apply for a registration:

- Bachelor’s degree or graduate degree in psychology or a related field, as specified.
- A minimum of 80 hours of total education and training related to psychological and neuropsychological testing, as defined.

The bill sponsor presented the bill idea to the Board in April 2019. At that meeting, Board Members stated they were supportive of the concept and understood the need for the bill. Board staff has provided technical assistance to the sponsor in the process of drafting the bill.

As written, the bill does not encompass all of the components needed to make the law self-executing and clear for future registrants and existing licensees. The processes and tasks relevant to registering and renewing psychological testing technicians must be appropriately funded as well. The Board's proposed amendments will address the following concerns.

- Omission of application requirements to register as a psychological testing technician, such as sharing name, contact information, supervisor contact information, proof of education and training, and paying a fee.
- Needing clarity on the educational and training requirements for registration.
- Omission of requirement for an applicant to submit electronic fingerprint image scans for a state- and federal-level criminal background check conducted through the Department of Justice.
- Omission of language on enforcement activities surrounding psychological testing technician registrants.
- Having a biannual renewal period.
- Omission of process to renew registration.
- Omission of process to add or change a supervisor.
- Omission of exemption that specified licensed psychologists and registered psychological associates from registering as a psychological testing technician in order to administer tests.
- Insufficient annual psychological testing technician registration fee.
- Omission of an annual renewal fee of \$75.
- Omission of a \$25 fee allowing a psychological testing technician to add or change a supervisor.
- Omission of an implementation date.

## **LEGISLATIVE HISTORY**

Not Applicable

## **OTHER STATES' INFORMATION**

Currently, Arkansas, New York, North Carolina, and Oregon have laws in place providing registration and oversight of psychological testing technicians.

### Arkansas

Has requirements in place for neuropsychological technicians. The law requires a supervising psychologist to be approved by the Arkansas Psychology Board to practice neuropsychology (independently); to have at least three (3) years of post-licensure experience and had training or experience, or both, in supervision; to be ethically and legally responsible for all the professional activities of the technician; and to have adequate training, knowledge, and skill to render competently any neuropsychological service which the employed technician undertakes. Each psychologist and neuropsychological technician must have their applications and credentials approved by the Board during a meeting. Neuropsychological technicians must annually renew their registration by June 30<sup>th</sup> of every year.

New York

Allows testing technicians, who meet certain specified requirements, to administer and score standardized objective (non-projective) psychological or neuropsychological tests which have specific predetermined and manualized administrative procedures which entail observing and describing test behavior and test responses, and which do not require evaluation, interpretation or other judgments. Such testing technicians may provide services in those settings that may legally engage in the practice of psychology and they must be supervised by a licensed psychologist, who must attest to such supervision, as well as to the education and training of the testing technicians, as prescribed in statute. All licensed psychologists who use a testing technician must complete the form entitled "Licensed Psychologist Attestation of Supervision of a Testing Technician" and submit it to the Department before providing the activities or services of the testing technician.

North Carolina

Allows unlicensed individuals to perform tasks related to psychological testing, upon determination by a licensed psychologist that the individual can perform the tasks, given the client or patient's characteristics and circumstances, in a manner consistent with the unlicensed individual's training and skills. A psychologist who employs or supervises unlicensed individuals to provide the services described shall comply with documentation and supervision requirements.

Oregon

A licensee may delegate administration and scoring of tests to technicians if the licensee ensures the technicians are adequately trained to administer and score the specific test being used. The licensee must also ensure that the technicians maintain standards for the testing environment and testing administration as set forth in the APA Standards for Educational and Psychological Tests (1999) and APA Ethical Principles for Psychologists (2002).

**PROGRAM BACKGROUND**

The Board protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. To accomplish this, the Board regulates licensed psychologists and registered psychological associates.

The Board is responsible for reviewing applications, verifying education and experience, as well as issuing licensure, registrations, and renewals. As written, the bill does not encompass all of the tasks and responsibilities required of the both the licensing and enforcement units to issue and review registrations.

**FISCAL IMPACT**

Because of the fiscal challenges the Board is currently facing, it is crucial the Board charges adequate fees that reflect the actual cost of work for the Board's staff.

The bill's sponsor has specified that they expect 100 registrations in the first year after the law is implemented. Board staff determined the processes required by this bill would need to be completed by office technicians and a staff services analyst. Based on internal fiscal data, Board staff calculated it would cost \$75 per transaction for registration and renewals, and \$25 per transaction for adding or changing a supervisor. The Board's proposed amendments would allow the Board to recoup the labor costs through fees levied on psychological testing technician registrants.

**ECONOMIC IMPACT**

Not Applicable

**LEGAL IMPACT**

Not Applicable

**APPOINTMENTS**

Not Applicable

**SUPPORT/OPPOSITION**

**Support:** California Psychological Association

**Opposition:** None on File

**ARGUMENTS**

**Proponents:** None on File

**Opponents:** None on File

**AMENDMENTS**2909

(a) “Psychological testing technician” means an individual not otherwise authorized to provide psychological and neuropsychological testing in this state under Chapter 6.6, commencing with Section 2900, who registers with the Board of Psychology and because of that registration, may perform only the following functions:

(1) Administer and score standardized objective psychological and neuropsychological tests, and

(2) Observe and describe clients’ test behavior and test responses.

(b) Psychological testing technicians shall not perform the following functions:

(1) Select tests or versions of tests,

(2) Interpret test results,

(3) Write test reports, or

(4) Provide test feedback to clients.

(c) A psychological testing technician shall only use the titles “psychological testing technician” or “neuropsychological testing technician.” A psychological testing technician shall not use the title “psychologist” or any title incorporating the word “psychologist.”

(d) Failure to comply with this section may result in disciplinary action.

(e) This section shall take effect on January 1, 2024.

2909.1

(a) To register as a psychological testing technician, a person shall submit the following to the board:

(1) An application, which shall include the following information:

(A) Applicant’s name, identification, and contact information.

(B) Applicant’s supervisor’s name, license number, and contact information.

(C) Attestation under penalty of perjury that the information provided on the application is true and correct.

(2) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, in any of the following subjects:

(A) Psychology.

(B) Education with the field of specialization in educational psychology, counseling psychology, or school psychology.

(3) Proof of completion of a minimum of 80 hours total of education and training relating to psychological or neuropsychological test administration and scoring.

This education and training:

(A) Shall include all the following:

(i) At least 20 hours of direct observation as follows: At least 10 hours of direct observation of a licensed psychologist administering and scoring tests, and at least 10 hours of direct observation of either a licensed psychologist or registered psychological testing technician administering and scoring tests.

(ii) At least 40 hours of administering and scoring tests in the presence of a licensed psychologist.

(iii) At least 20 hours of education on topics including law and ethics, confidentiality, and best practices for test administration and scoring.

(B) And may be obtained by doing any combination of the following:

(i) participating in individual or group instruction provided by a licensed psychologist,

(ii) engaging in independent learning directed by a licensed psychologist,

(iii) completing graduate-level coursework at a regionally accredited university, college, or professional school, or

(iv) by taking continuing education courses from organizations with board approval, pursuant to Section 2915.

(4) The registration fee for a psychological testing technician as specified in Section 2987.

(5) Electronic fingerprint image scans for a state- and federal-level criminal offender record information search conducted through the Department of Justice.

### 2909.3

(a) All psychological testing technician services shall be provided under the direct supervision of a licensed psychologist.



(b) Supervisors of psychological testing technicians shall be:

(1) Employed by, or contracted to, the same work setting as the psychological testing technician they are supervising.

(2) Available, in-person, by telephone, or by other appropriate technology, at all times the psychological testing technician provides services.

(3) Responsible for:

(i) Ensuring that the extent, kind, and quality of the services that the psychological testing technician provides are consistent with the technician's training and experience.

(ii) Monitoring the psychological testing technician's compliance with applicable laws and regulations.

(iii) Informing the client prior to the rendering of services by a psychological testing technician that the technician is registered as a psychological testing technician and is functioning under the direction and supervision of the supervisor.

(c) A psychological testing technician shall notify the board of any change to their direct supervisor. To add or change a supervisor, a psychological testing technician shall submit the following:

(1) Registrant's name, registration number, and contact information.

(2) New or additional supervisor's name, license number, and contact information.

(3) Current supervisor's name, license number, and contact information.

(4) Attestation under penalty of perjury that the information provided on the application is true and correct.

(5) The add or change of supervisor fee for a psychological testing technician, as specified in Section 2987.

2909.4

(a) A psychological testing technician shall renew their registration annually by submitting the following to the board:

(1) Registrant's name, registration number, and contact information.

(2) Supervisor's name, license number, and contact information.

(3) Disclosure as to whether or not the registrant has been convicted of any violation of the law in this or any other state, the United States or its territories, military court, or other country, omitting traffic infractions under \$500.00 not involving alcohol, a dangerous drug, or a controlled substance, since the issuance or previous renewal of their registration.

(4) Disclosure as to whether or not the registrant has had a license or registration disciplined by a government agency or other disciplinary body, since the issuance or previous renewal of their registration. Discipline includes, but is not limited to, suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration held.

(5) Attestation under penalty of perjury that the information provided on the application is true and correct.

(6) The annual renewal fee for a psychological testing technician as specified in Section 2987.

(b) Without renewal, a psychological testing technician registration expires annually. If the registration expires, then the person who was registered:

(1) Shall not provide psychological testing technician services.

(2) Shall renew within 60 days after its expiration and pay the renewal and delinquency fees as specified in Section 2987, or the registration will become cancelled and a new application for registration shall be submitted to the board.

#### **SECTION 1.**

~~Section 2910.5 is added to the Business and Professions Code, to read:  
2910.5.~~

~~(a) This chapter shall authorize a person to provide psychological or neuropsychological test administration and scoring services if the person is gaining the experience described in subparagraph (C) of paragraph (3) or if all of the following conditions are met:~~

~~(1) The person is registered with the board as a psychological testing technician. This registration shall be renewed biannually.~~

~~(2) The person holds a bachelor's degree or graduate degree in psychology or a related field from an accredited university, college, or professional school. The board shall make the final determination as to whether a degree meets the requirements of this section.~~

~~(3) The person has completed a minimum of 80 hours total of education and training relating to psychological or neuropsychological test administration and scoring, which shall include all of the following:~~

~~(A) At least 20 hours of education on topics including, but not limited to, law and ethics, confidentiality, and best practices for test administration and scoring.~~

~~(B) At least 20 hours of direct observation of a licensed psychologist or registered psychological testing technician administering and scoring tests, if observation of a licensed psychologist equals at least 50 percent of those hours.~~

~~(C) At least 40 hours of administering and scoring tests in the presence of a licensed psychologist or registered psychological testing technician, if a licensed psychologist is present for at least 50 percent of those hours.~~

~~(b) The education required by paragraph (3) of subdivision (a) of this section may be obtained by participating in individual or group instruction provided by a licensed psychologist, by taking continuing education courses approved by organizations approved by the board, by engaging in independent learning directed by a licensed psychologist, or by completing graduate-level coursework at an accredited university, college, or professional school.~~

~~(c) For purposes of this section, "licensed psychologist" means a psychologist licensed by the board or a psychologist licensed at the doctoral level in another state or territory of the United States or in Canada.~~

~~(d) A psychological testing technician shall only use the titles "psychological testing technician" or "neuropsychological testing technician." A registered psychological testing technician shall not use the title "psychologist" or any title incorporating the word "psychologist."~~

~~(e) A psychological testing technician may administer and score standardized objective psychological and neuropsychological tests and may observe and describe clients' test behavior and test responses. Psychological testing technicians shall not select tests, or versions of tests, interpret test results, write test reports, or provide test feedback to clients.~~

~~(f) (1) All psychological and neuropsychological testing services provided by a psychological testing technician shall be under the immediate supervision of a psychologist licensed by the board.~~

~~(2) Supervisors of psychological testing technicians shall be employed by, or contracted to, the same work setting as the psychological testing technician they are supervising.~~

~~(3) Supervisors of psychological testing technicians shall be available, in-person, by telephone, or by other appropriate technology, at all times the psychological testing technician provides services.~~

~~(4) Supervisors of psychological testing technicians shall be responsible for ensuring that the extent, kind, and quality of the psychological testing services that the psychological testing technician performs are consistent with the technician's training and experience. Supervisors of psychological testing technicians shall be responsible for monitoring the psychological testing technician's compliance with this chapter and regulations.~~

~~(5) Supervisors of psychological testing technicians shall ensure that the client is informed prior to the rendering of services by a psychological testing technician that the technician is not registered as a psychological testing technician and is functioning under the authority of the supervisor.~~

~~(g) Psychology students, psychological assistants, and any other psychology trainees who meet the requirements described in this section may register with the board as a~~

~~psychological testing technician. These persons may function in only one role when providing services. When providing services as a psychological testing technician, this section shall apply.~~

## SEC. 2.

Section 2987 of the Business and Professions Code is amended to read:  
2987.

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

- (a) The application fee for a psychologist shall not be more than fifty dollars (\$50).
- (b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.
- (c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued.
- (d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400). The board may increase the renewal fee to an amount not to exceed five hundred dollars (\$500).
- (e) The application fee for registration as a registered psychological associate under Section 2913 shall not be more than seventy-five dollars (\$75).
- (f) The annual renewal fee for registration of a psychological ~~assistant~~ associate shall not be more than seventy-five dollars (\$75).
- (g) The duplicate license or registration fee is five dollars (\$5).
- (h) The delinquency fee is 50 percent of the renewal fee for each license or registration type, not to exceed one hundred fifty dollars (\$150).
- (i) The endorsement fee is five dollars (\$5).
- (j) The file transfer fee is ten dollars (\$10).
- (k) The registration fee for a psychological testing technician shall be ~~forty~~ seventy-five dollars (~~\$40~~75).
- (l) The annual renewal fee for a psychological testing technician shall be seventy-five dollars (\$75).
- (m) The add or change of supervisor fee for a psychological testing technician shall be twenty-five dollars (\$25).

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

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

