

## MEMORANDUM

<b>DATE</b>	August 3, 2016
<b>TO</b>	The Board of Psychology
<b>FROM</b>	 Jason Glasspiegel Central Services Coordinator
<b>SUBJECT</b>	Agenda Item #20(c) – AB 1835 (Holden) Private Postsecondary Education: Operating Standards

**Background:**

This bill will add additional accreditation exemption criteria to the Bureau for Private Postsecondary Education Act of 2009 (Act) for psychoanalytical degree granting institutions.

**Location:** Senate Floor

**Status:** Read second time. Ordered to third reading.

**Action Requested:**

This is for informational purposes only. Staff will continue to watch this bill.

Attachment A is the analysis of AB 1835 (Holden)

Attachment B is the language of AB 1835 (Holden)

Attachment C is the Senate Floor Analysis of AB 1835 (Holden)

# CALIFORNIA STATE BOARD OF PSYCHOLOGY

## BILL ANALYSIS

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**BILL NUMBER:** AB 1835

**VERSION:** AMENDED: APRIL 25, 2016

**AUTHOR:** HOLDEN (D)

**SPONSOR:** THE INSTITUTE OF  
CONTEMPORARY  
PSYCHOANALYSIS

**BOARD POSITION:** NONE

**SUBJECT:** PRIVATE POSTSECONDARY EDUCATION: EXEMPTIONS

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### Overview:

This bill will add additional accreditation exemption criteria to the Bureau for Private Postsecondary Education Act of 2009 (Act) for psychoanalytical degree granting institutions.

### Existing Law:

Changes were made to the Act in 2014 that mandates that all nonexempt degree granting institution's that were approved by the Bureau for Private Postsecondary Education (BPPE) on or before January 1, 2015, be institutionally accredited by an accrediting body recognized by the United States Department of Education by July 1, 2020.

### This Bill:

This bill would allow any psychoanalytical degree granting institution to be exempt from the July 1, 2020 accreditation requirement under BPPE, so long as it meets the following criteria:

- All students hold a master's or doctoral degree prior to enrolling in the institution;
- All students, except research candidates governed by subdivision (a) of Section 2529 of the Business and Professions Code and regulated by the Medical Board of California, hold a professional license to practice psychotherapy that remains valid throughout the period of their enrollment at the institution and carry current malpractice insurance in their respective field.
- The institution does not accept federal student aid.
- The institution is a nonprofit entity.
- The institution has obtained accreditation from, or has submitted a self-study application to, the Accreditation Council for Psychoanalytic Education on or before July 1, 2018.

This section would remain in effect until January 1, 2021 unless a later enacted statute deletes or extends that date.

### Comments:

## **Author's Intent.**

This bill is intended to allow graduate and post graduate programs in psychoanalysis an exemption from the BPPE accreditation requirement which mandates that the accrediting body be recognized by the U.S. Department of Education. The author understands that the field of psychoanalysis is a narrow field of study, and that there is no national accreditation body for these programs that is currently recognized by the U.S. Department of education.

## **Impact to the Board**

The current version of the language does not pose an impact to the Board as the Board does not accept psychanalysis as a degree for licensure.

## **Previous Legislation.**

The 2014 changes mentioned above were created in SB 1247 (BPPE's sunset bill). The reason for this change was because at the time, California was one of the last states to allow non-accredited schools to grant degrees.

## **Support**

Institute of Contemporary Psychoanalysis (sponsor)  
Psychoanalytic Center of California  
The Newport Center for Psychoanalytic Studies

## **Opposition**

None on file

## **History**

08/02/16 Read second time. Ordered to third reading.

08/01/16 From committee: be placed on second reading file pursuant to Senate Rule 28.8.

06/29/16 From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (June 29). Re-referred to Com. on APPR.

06/14/16 From committee: Do pass and re-refer to Com. on ED. (Ayes 8. Noes 0.) (June 13). Re-referred to Com. on ED.

05/26/16 Referred to Coms. on B., P. & E.D. and ED.

05/19/16 In Senate. Read first time. To Com. on RLS. for assignment.

05/19/16 Read third time. Passed. Ordered to the Senate. (Ayes 76. Noes 0. Page 4869.)

05/12/16 Read second time. Ordered to Consent Calendar.

05/11/16 From committee: Do pass. To Consent Calendar. (Ayes 20. Noes 0.) (May 11).

04/26/16 Re-referred to Com. on APPR.

04/25/16 Read second time and amended.

04/21/16 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 16. Noes 0.) (April 19).

04/07/16 Re-referred to Com. on B. & P.

04/06/16 Read second time and amended.

04/05/16 From committee: Amend, and do pass as amended and re-refer to Com. on B. & P. (Ayes 13. Noes 0.) (April 5).

03/29/16 Re-referred to Com. on HIGHER ED.

03/28/16 From committee chair, with author's amendments: Amend, and re-refer to Com. on HIGHER ED. Read second time and amended.

03/15/16 In committee: Hearing postponed by committee.

02/25/16 Referred to Coms. on HIGHER ED. and B. & P.

02/10/16 From printer. May be heard in committee March 11.

02/09/16 Read first time. To print.



*California*  
LEGISLATIVE INFORMATION

**AB-1835 California Private Postsecondary Education Act of 2009: minimum operating standards: exemptions.**  
(2015-2016)

**SECTION 1.** *Section 94885.2 is added to the Education Code, to read:*

**94885.2.** *(a) Notwithstanding any other law, an institution that grants doctoral degrees in psychoanalysis shall not be subject to subdivision (b) of Section 94885, or Section 94885.1 if, and as long as, it satisfies all of the following conditions:*

*(1) All of the institution's students hold master's or doctoral degrees before they enroll in the institution.*

*(2) All of the institution's students, with the exception of research candidates governed by subdivision (a) of Section 2529 of the Business and Professions Code and regulated by the Medical Board of California, hold a professional license to practice psychotherapy that remains valid throughout the period of their enrollment at the institution and carry current malpractice insurance in their respective fields.*

*(3) The institution does not accept federal student aid.*

*(4) The institution is a nonprofit entity.*

*(5) The institution has obtained accreditation from, or has submitted a self-study application to, the Accreditation Council for Psychoanalytic Education on or before July 1, 2018.*

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

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THIRD READING

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Bill No: AB 1835  
Author: Holden (D)  
Amended: 4/25/16 in Assembly  
Vote: 21

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SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 8-0, 6/13/16  
AYES: Hill, Bates, Block, Gaines, Galgiani, Jackson, Mendoza, Wieckowski  
NO VOTE RECORDED: Hernandez

SENATE EDUCATION COMMITTEE: 9-0, 6/29/16  
AYES: Liu, Block, Hancock, Huff, Leyva, Mendoza, Monning, Pan, Vidak

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 76-0, 5/19/16 (Consent) - See last page for vote

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**SUBJECT:** California Private Postsecondary Education Act of 2009: minimum operating standards: exemptions

**SOURCE:** Author

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**DIGEST:** This bill provides an exemption for five years from minimum operating standards and accreditation requirements for approval by the Bureau for Private Postsecondary Education (BPPE), to institutions that grant doctoral degrees in psychoanalysis, if all of the institution's students hold master's or doctoral degrees before they enroll in the institution and if all of the institution's students, other than research students regulated by the Medical Board of California, hold a valid professional license authorizing the individual to practice psychotherapy.

**ANALYSIS:**

Existing law:

- 1) Establishes the California Private Postsecondary Education Act (Act) and requires BPPE to, among other things, review, investigate and approve private postsecondary institutions, programs and courses of instruction pursuant to the Act and authorizes BPPE to take formal actions against an institution/school to ensure compliance with the Act and even seek closure of an institution/school if determined necessary. The Act also provides for specified disclosures and enrollment agreements for students, requirements for cancellations, withdrawals and refunds, and that BPPE shall administer the Student Tuition Recovery Fund to provide refunds to students affected by the possible closure of an institution/school. (Education Code (EC) § 94800 *et seq.*)
- 2) Exempts various institutions from the Act.
- 3) Requires an institution seeking BPPE approval to operate and to offer a degree to either be accredited by an accrediting agency recognized by United States Department of Education (USDE) to offer the degree(s); or have an accreditation plan, approved by BPPE, for the institution to become fully accredited within five years of the BPPE issuance of a provisional approval to operate. (EC § 94885)
- 4) Requires an unaccredited institution that is approved to operate and to offer degree programs by BPPE prior to January 1, 2015, to submit an accreditation plan to BPPE, to obtain pre-accreditation by July 1, 2017, to obtain accreditation by July 1, 2020, and to comply with various student disclosure and visiting committee review requirements. (EC § 94885.1)

This bill provides an exemption for five years from minimum operating standards and accreditation requirements for approval by the BPPE to institutions that grant doctoral degrees in psychoanalysis, if all of the institution's students hold master's or doctoral degrees before they enroll in the institution and if all of the institution's students, other than research students regulated by the Medical Board of California, hold a valid professional license authorizing the individual to practice psychotherapy.

## **Background**

*The Act and exemptions.* BPPE has oversight of all of the non-exempt, private postsecondary institutions located in California. AB 48 (Portantino, Chapter 310, Statutes of 2009) established the Act and contained numerous exemptions to state-level oversight, the most notable of which is an exemption from BPPE authority

and regulation under the Act granted to for-profit and nonprofit regionally accredited institutions.

The Act was amended through SB 1247 (Lieu, Chapter 840, Statutes of 2014) to prohibit an institution, beginning January 1, 2016, from claiming an exemption from the Act if the institution is approved to participate in Title 38 veterans financial aid programs. Legislative police committees at the time were concerned about multiple reports and hearings focused on the experience of veterans at private for-profit institutions, false and predatory advertising to veterans and the potential lack of accountability for the millions of dollars administered by the federal Veterans Administration (VA) and Department of Defense (DOD) spent at private postsecondary education institutions in California if schools are not regulated. Because neither DOD nor VA benefits originate through federal student financial aid, Title IV, money that institutions received through these programs was not counted as federal financial aid, thus not subject to a key federal regulatory requirement governing for-profit schools that no more than 90 percent of revenues come from federal financial aid.

*Psychoanalysis institutions, studies and accreditation.* According to the Accrediting Council for Psychoanalytic Education (ACPE), “psychoanalysis is a specific form of individual psychotherapy that aims to bring unconscious mental elements and processes into awareness in order to expand an individual’s self-understanding, enhance adaptation in multiple spheres of functioning, alleviate symptoms of mental disorder, and facilitate character change and emotional growth.” According to the author, “beginning in the early 1990’s the field of psychoanalysis began to develop within the mental health community. Several non-profit educational institutions were established to provide medical professional post-graduate, continuing education training in the emerging field.”

SB 1247 required institutions offering degrees in California to obtain accreditation from a USDE-recognized accrediting agency. USDE recognition ensures that the accrediting agency meets outlined criteria to ensure educational quality. According to the author, because of the relatively small nature of psychoanalytic training programs, there is no USDE-recognized programmatic accreditation agency. In order to comply with the requirements of SB 1247, institutions would likely need to seek regional accreditation from the Western Association of Schools and Colleges (WASC). According to the author and supporters of this bill, WASC-accreditation is an expensive and lengthy process that is unattainable for these small, narrow nonprofit institutions. ACPE is not a USDE-recognized accrediting agency.



Psychoanalysis institutions serve students who are already licensed as clinical psychologists, licensed clinical social workers, marriage and family therapists, research psychoanalysts, nurses and physicians and surgeons.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:** (Verified 8/3/16)

Institute of Contemporary Psychoanalysis  
Newport Center for Psychoanalytic Studies  
Psychoanalytic Center of California  
United States House of Representatives Member Ted Lieu

**OPPOSITION:** (Verified 8/3/16)

None received

**ARGUMENTS IN SUPPORT:** Supporters of this bill, psychoanalysis institutions that would likely be exempt under the bill's provisions, believe that this bill is an important response to the BPPE's regulatory efforts which would force these schools to undergo "the expensive and lengthy accreditation required for large undergraduate research universities". These institutions note that the Legislature prudently passed legislation to crackdown on so-called diploma mills, for-profit, typically unaccredited institutions that offer undergraduate degrees to young students while leaving graduates saddled with high debt loads and few meaningful job prospects. These institutions note that this narrowly crafted measure provides them with the flexibility to develop innovative curriculum while protecting younger students from costly diploma mills. The institutions note that they offer degree programs to "qualified individuals that prepare them to provide the most sophisticated contemporary mental health treatment for children and adults available today" and state that the articles published by Doctor of Psychoanalysis candidates of these institutions benefit the patient population and the professional sphere through adding to the body of knowledge about the human mind and the ways in which it can be traumatized and then treated successfully.

**ASSEMBLY FLOOR:** 76-0, 5/19/16

**AYES:** Achadjian, Alejo, Travis Allen, Arambula, Atkins, Baker, Bigelow, Bloom, Bonilla, Bonta, Brough, Brown, Burke, Calderon, Campos, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dababneh, Dahle, Daly, Dodd, Eggman, Frazier, Beth Gaines, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto,

Gipson, Gomez, Gonzalez, Gordon, Gray, Grove, Hadley, Harper, Roger  
Hernández, Holden, Irwin, Jones, Jones-Sawyer, Kim, Lackey, Levine, Linder,  
Lopez, Low, Maienschein, Mayes, Medina, Melendez, Mullin, Nazarian,  
Oberholte, O'Donnell, Olsen, Patterson, Quirk, Ridley-Thomas, Rodriguez,  
Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Waldron,  
Weber, Wilk, Wood, Rendon

NO VOTE RECORDED: Chang, Mathis, McCarty, Williams

Prepared by: Sarah Mason / B., P. & E.D. / (916) 651-4104  
8/3/16 19:22:38

\*\*\*\* END \*\*\*\*