

# CALIFORNIA STATE BOARD OF PSYCHOLOGY

## BILL ANALYSIS

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**BILL NUMBER:** AB 2165

**VERSION:** AMENDED APRIL 21, 2014

**AUTHOR:** PATTERSON

**SPONSOR:** AUTHOR

**RECOMMENDED POSITION:** WATCH

**SUBJECT:** PROFESSIONS AND VOCATIONS: LICENSES

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### **Overview:**

This bill would require licensing boards to review licensing applications within 45 days, and to issue a license within those 45 days if the applicant meets licensing requirements.

### **Existing Law:**

- 1) Defines a "license" as a license, certificate, registration, or other means to engage in a business or profession. (Business and Professions Code (BPC) §23.7)
- 2) Requires an applicant for licensure as a Psychologist, who meets specified education and experience requirements to be examined by the Board. (BPC §§2914 (d), 2941, 2942, and 2943)
- 3) Requires the Psychology licensing exams to be given at least twice per year. (BPC §2942)

### **This Bill:**

- 1) Requires a licensing board to review each licensure application within 45 days of the filing date. (BPC §101.8)
- 2) If the applicant has satisfied all requirements for licensure, requires the licensing board to issue the license within the same 45 day period. (BPC §101.8)
- 3) Requires a licensing board to offer each required examination a minimum of six times per year. (BPC §101.8)

### **Comment:**

**1) Author's Intent.** The author's office introduced this bill because professional and vocational applicants are currently experiencing major delays in licensure application processing times. They are also concerned that several professions do not allow for testing upon graduation from school. Instead, the applicant must wait for their application to be processed before they obtain approval to take the test.

The purpose of this bill is to decrease application processing delays so that applicants are not forced to be unemployed while waiting for their application process to be completed.

**2) Background.** The Board is currently experiencing backlogs in license processing times. This is due to several factors, including lack of staffing, an increase in the licensing population, and the implementation of the BreEZe system.

The Board staff is beginning to recover from these setbacks, and is attempting to reduce the current backlog. However, because the number of licensing staff has been the same since 2006 while, at the same time the licensing population has continued to increase, the remedy will not be immediate..

The Board recently received some good news, as the Governor's 2014-2015 budget includes three additional positions for the Board's licensing and enforcement units. DCA recently granted the Board's request to hire the three authorized before the 2014-2015 budget goes into effect. Therefore, the newly authorized positions in the licensing unit are expected to be in place shortly.

These new positions will provide significant relief in applicant processing times. Therefore, the Board expects processing times to be significantly reduced within the next six months.

**3) Flow of Applications.** Any requirements that the Board maintain a particular number of days as its processing time are problematic because the flow of applications is never constant. Any request for a specific processing time would need to include an increased number of positions to get the job done, as well as a guarantee that those positions could be replaced regardless of the economic condition of the state.

Additionally, the legislation does not take into account that applicants can submit an application and their application fee of \$40.00, but their transcript, verification of experience form and supervision agreement form have to be submitted separately. Transcripts are sent directly by the school. VOEs and supervision agreement forms have to be sent to the Board directly by the primary supervisor. Some time we may receive an application today but not receive the transcript and VOE six months later.

**5) Exam Offerings.** This bill requires licensing boards offer required licensing exams a minimum of six times per year. To implement this there would be a significant, negative fiscal impact.

Exams are currently offered two times per year. Each exam is changed twice a year and the process of updating the question is very involved. The process requires subject matter experts and examination workshops consisting of Item Writers, Item Review, Exam Construction, and Passing Score Workshops. We conduct two examination workshops per year which cost about \$95,000 to host and develop. There are additional costs associated with the travel, accommodation and honorarium for each licensee who is invited to provide insight. We set aside at least \$1600.00 per licensee and we at least recruit a maximum of 10 licensees for each workshop.

**6) Applies to Applicants for Licensure and Registration.** This bill would apply to applicants for licensure and registration, as it references BPC §23.7, which includes registrations in the definition of a license.

**7) Recommended Position:** Watch

**8) Support and Opposition.**

*Support:*

None on file.

*Opposition:*

None on file.

**9) History**

**2014**

**Apr. 21** Re-referred to Com. on B.,P. & C.P.

**Apr. 10** From committee chair, with author's amendments: Amend, and re-refer to Com. on B.,P. & C.P. Read second time and amended.

**Mar. 6** Referred to Com. on B.,P. & C.P.

**Feb. 21** From printer. May be heard in committee March 23.

**Feb. 20** Read first time. To print.

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2165**

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**Introduced by Assembly Member Patterson**

February 20, 2014

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An act to add Section 101.8 to the Business and Professions Code, relating to ~~licensing~~ *professions and vocations*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2165, as amended, Patterson. Professions and vocations: licenses.

Under existing law, boards within the Department of Consumer Affairs license and regulate persons practicing various healing arts, professions, vocations, and businesses. Existing law requires these boards to establish eligibility and application requirements, including examinations, to license, certificate, or register each applicant who successfully satisfies applicable requirements.

This bill would require each board, *as defined*, to complete within 45 days the application review process with respect to each person who has filed with the board an application for issuance of a license, and to issue, within ~~that~~ *those* 45 days, a license to an applicant who *has* successfully satisfied all licensure requirements, *as specified*. The bill ~~would also require~~ *require* each board to offer each examination the board provides for ~~the applicant's passage of which is required for~~ licensure, a minimum of 6 times per year, *unless the board uses a national examination*. The bill would also authorize a person who has satisfied the educational requirements of the licensing act of which he or she seeks licensure to immediately apply for and take the professional examination required for licensure regardless of whether his or her

application for licensure is then pending with the board for which he or she seeks licensure.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 101.8 is added to the Business and  
2 Professions Code, to read:

3 101.8. (a) Notwithstanding any other law, every board, as  
4 defined in Section 22, within 45 days following the filing date of  
5 an application with the board for issuance of a license, as defined  
6 in Section 23.7, to engage in the business or profession regulated  
7 by that board, the board shall do both of the following:

- 8 (1) Complete the application review process.
- 9 (2) If the applicant has satisfied all of the requirements for  
10 licensure under the applicable licensing act, issue the applicant the  
11 applicable license.

12 *(b) For purposes of paragraph (2) of subdivision (a), an*  
13 *applicant has satisfied all of the requirements for licensure under*  
14 *the applicable licensing act only if all of the documents required*  
15 *by the licensing board for licensure have been submitted to the*  
16 *board, regardless of whether those documents are to be submitted*  
17 *by the applicant with his or her application or separately by any*  
18 *other person or entity, such as for purposes of, among other things,*  
19 *verification of completion of the applicant’s coursework, training,*  
20 *or clinical experience, if required under the applicable licensing*  
21 *act.*

22 ~~(b)~~  
23 (c) Every board that offers an examination that an applicant is  
24 required to complete successfully for licensure, shall offer that  
25 examination a minimum of six times per year, *unless the board*  
26 *uses a national examination.*

27 (d) *Notwithstanding any other law, a person who has satisfied*  
28 *the educational requirements of the licensing act of which he or*  
29 *she seeks licensure, such as graduation from a state-approved or*  
30 *state-accredited school of which graduation is required by the*  
31 *applicable licensing act, may immediately apply for and take the*  
32 *professional examination required for licensure, regardless of*

- 1 *whether his or her application for licensure is then pending with*
- 2 *the board for which he or she seeks licensure.*

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