

TITLE 16, DIVISION 13.1 – California Board of Psychology

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter “Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Wednesday, April 1, 2020, at 11:00 a.m.
Department of Consumer Affairs
1625 North Market Blvd., El Dorado Room (2nd Floor North, #220)
Sacramento, CA 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than Monday, March 30, 2020, or must be received by the Board at the hearing. The Board may thereafter adopt the proposals as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference:

Pursuant to the authority vested by Sections 481, 482, 493, and 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 141, 480, 481, 482, 490, 493, 2960, 2962, 2963, 2964.3 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

The California Board of Psychology (Board) seeks to make conforming changes as required by the passage of AB 2138 (Chiu, Chapter 995, Statutes of 2018), hereafter referenced as AB 2138. This bill requires the Board to amend its existing regulations governing substantially-related crimes or acts, and rehabilitation criteria.

As required by AB 2138, the Board proposes to amend 16 CCR 1394, 1395, and 1395.1 to adhere to these mandates and revise its substantial relationship criteria, and rehabilitation criteria for denials, reinstatements, suspensions, and revocations.

B. Policy Statement Overview/Anticipated Benefits of Proposal

As specified in the legislative analyses of AB 2138, this proposal seeks to reduce barriers to licensure for individuals with prior criminal convictions, which may reduce recidivism and provide economic opportunity to California residents. In

addition, the proposal seeks to improve clarity, transparency, and consistency for applicants and licensees in the Board's use of criminal history information in relation to licensure and enforcement decisions. Further, by reducing barriers to licensure, the Board anticipates benefits to consumers who may have greater access to licensed professionals.

The proposed changes bring the Board into compliance with the upcoming changes to the law resulting from AB 2138 and, to the extent possible, maintains adequate consumer protections by ensuring Board licensees are fit to practice independently and safely with vulnerable consumer populations.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations, on this topic, and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

N/A

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board anticipates that there may be an increased cost to the state as a result of amending and adopting the sections identified in the regulatory proposal. By further defining the substantial relationship and rehabilitation criteria for criminal convictions, Board staff may see an increased workload to research convictions and to substantiate that rehabilitation has been achieved.

Nondiscretionary Costs/Savings to Local Agencies:

None

Local Mandate:

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement:

None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The Board estimates that there will be no increased costs for businesses or individuals to comply with the proposed regulations, as there would be fewer restrictions for individuals with criminal convictions to obtain licensure.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses. It may increase the ability of some individuals with past convictions or disciplinary action to obtain a Board license where they previously could not. Having more licensees increases the pool of hireable candidates for small businesses looking to hire licensed mental health professionals. In addition, the proposed regulations may affect small businesses, who wish to hire or contract with registrants of the Board who need to obtain Supervised Professional Experience for licensure. The effect would be a potentially greater pool of licensees and registrants from which to hire.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. While these changes may make it easier for individuals to become licensed, maintain licensure, or be reinstated, that has a negligible bearing on the creation of new jobs.

Benefits of Regulation:

The Board has determined that this proposal may benefit individuals with a criminal history who would have greater access to licensure and provide economic opportunity to California residents with a criminal history. The public may benefit from the proposal with increased access to mental health services, which may benefit the health and welfare of California's residents. The practice of psychology, in California, may benefit as the State would have a larger pool of licensed professionals from which to select from. The regulatory proposal does not affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board of Psychology must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any

interested person may present statements or arguments, orally or in writing, relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.psychology.ca.gov

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON:

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jason Glasspiegel
Address: 1625 North Market Blvd., Suite N215
Sacramento, CA 95834
Telephone No.: (916) 574-7137
Fax No.: (916) 574-8672
E-Mail Address: Jason.Glasspiegel@dca.ca.gov

The backup contact person is:

Name: Jeffrey Thomas
Address: 1625 North Market Blvd., Suite N215
Sacramento, CA 95834
Telephone No.: (916) 574-7116
Fax No.: (916) 574-8672
E-Mail Address: Jeffrey.Thomas@dca.ca.gov

Website Access: Materials regarding this proposal can be found at:
http://www.psychology.ca.gov/laws_regs/regulations.shtml