

August 31, 2018

The Honorable Edmund G. Brown, Jr.
Governor
State Capitol, First Floor
Sacramento, CA 95814

RE: AB 2138 (Chiu and Low) – Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction

Dear Governor Brown:

At its May 11, 2018 meeting, the Board of Psychology (Board) adopted an **OPPOSE** position on AB 2138 (Chiu and Low). This bill would make significant amendments to the Board's licensing and enforcement processes by limiting when a board can deny, revoke or suspend a license based on a conviction or other act.

To illustrate how this bill would affect the board, between January 2016 and May 2018 the Board denied 23 applications out of 6,294 which were received (a less than a one (1) percent denial rate). Those denials were made on the basis of criminal convictions or prior discipline. They include multiple individuals whose records raise serious concerns as to chemical dependency and who may require a period of supervised probation, individuals accused of sexual crimes with minors or others, or individuals who were disciplined in other states for sexual behavior with patients, and applicants whose criminal histories raise concerns over the potential for misrepresentation to, or financial abuse of, vulnerable mental health consumers. Of the 23 denials, the Board would lose authority to deny 16 of these applications (70 percent). The Board would only retain authority to deny 4 of the applications (17 percent), but due to the change in the law regarding which convictions/underlying acts the Board could consider, a denial would not be likely. The Board would retain full authority to deny three (3) applications (13 percent). Currently, out of those 23 denials, nine (9) (39%) are on probation, seven (7) (30%) are in the hearing process, four (4) (17%) requested a hearing and then withdrew their request, and three (3) (13%) did not request a hearing after their denial. Under current law, the Board already has an extremely low application denial rate due to a criminal conviction or prior discipline and an effective process for requesting a hearing to appeal a denial, making this bill is a solution in search of a problem.

Due to the bill's potential to diminish consumer protections integrated into the Board's licensing and enforcement processes and the bill's infringement on the Board's legislative mandate of consumer protection, the Board asks for your "Veto" of AB 2138 (Chiu and Low). If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113.

Sincerely,



STEPHEN C. PHILLIPS, JD, PsyD
President, Board of Psychology

Cc: Assembly Member Jones-Sawyer
Camille Wagner, Secretary, Legislative Affairs, Office of the Governor