

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 13.1.
BOARD OF PSYCHOLOGY

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Fees

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held via webex at:

Date and Time

February 17, 2022, at 1:00 p.m.

Meeting link (Computer or Tablet)

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m06cb54ee584bb5f67d4aee5aa986fa75>

Meeting number:

2487 215 8482

Password:

vcF2C5Zgs2E

Join by video system

Dial [24872158482@dca-meetings.webex.com](tel:24872158482)

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 2487 215 8482

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, 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, January 31, 2022**, or must be received by the Board at the hearing.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section(s) 2930, 2987, and 2989 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 2987, 2988, and 2989 the Board is considering amending section(s) 1392 and 1392.1 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Board of Psychology (Board) regulates licensed psychologists, registered psychological assistants, and registered psychologists, all of whom are entitled to provide psychological services in California. California Business and Professions Code (BPC) section 2920.1 states that protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Section 2930 of the Code authorizes the Board to adopt regulations as may be necessary to enable the Board to effectuate the Psychology Licensing Law.

Business and Professions Code (BPC) section 2930 authorizes the Board to adopt rules and regulations as are reasonably necessary to carry out the provisions of the Psychology Licensing Law. BPC section 2989 authorizes the Board to set fees by regulation to be deposited in the Psychology Fund (Fund) and made available to the Board upon appropriation by the Legislature. BPC 2987 sets forth the minimum and maximum fee ranges for application, examination, initial licensure and renewal for psychologists, registration and renewal for psychological assistants, delinquency fee, and other miscellaneous fees.

The California Board of Psychology (Board) is seeking to increase the fees charged for application, initial license, registration, license renewal, and the California Law and Ethics Exam (CPLÉE). The fee increases are necessary to help alleviate the structural imbalance the Board currently faces and thus ensure the Board is able to meet its consumer protection goals.

Anticipated Benefits of Proposal

This regulatory proposal seeks to make amendments to the Board's fee schedule, which will help to reduce the Board's structural budget imbalance and to maintain a sufficient fund balance reserve until the Board can increase statutory fee levels to eliminate the structural imbalance.

The amendments will help to ensure the Board has sufficient funding to meet its consumer protection goals.

The Board has historically been able to operate within its existing budget. However, due primarily to recent increased enforcement-related workload and costs, the Board

Members began considering options to stabilize the Board budget in fiscal year 2020/21 and voted unanimously to approve the proposed regulations at its May 21, 2021, Board meeting.

Immediate action to increase the regulatory fees collected by the Board is required. The fee increases will bolster the Board's revenues and funding available to continue the Board's daily functions, enforcement, and licensing operations without interruptions.

If this regulatory proposal is not adopted, the Board may need to restrict its core operations, including slowing its ability to process applications, restricting investigations, and limiting the Board's ability to adjudicate violations of the Licensing Act in an expedient manner.

These restrictions to the operational functions of the Board could result in licensing backlogs and compromise the Board's ability to achieve its mission and statutory mandate of consumer protection.

This regulatory proposal will benefit the health and welfare of California residents because the proposal will increase the Board's revenue and funding available to continue the Board's enforcement, investigative, licensing, examination, and public outreach operations.

Consistency and Compatibility with Existing State Regulations

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

DISCLOSURES REGARDING THIS PROPOSED ACTION

The Board has made the following initial determinations:

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 estimates the proposed regulations will increase revenues by approximately \$1.1 million per year and help to reduce the structural imbalance.

Because the Board currently charges the fees in this proposal and/or performs workload associated with these programs and fees, no additional workload and costs are anticipated.

The Board estimates one-time information technology (IT) costs of \$5,000 to update cashiering and accounting software. Any IT costs will be absorbed within existing resources.

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

**RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS:
BUSINESS IMPACT ESTIMATES**

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

Impact on Jobs / Businesses

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses, or the elimination of jobs or existing businesses, or the expansion of businesses in the State of California because the proposed fees are anticipated to have minimal impact on businesses because the incremental fee increase is negligible compared to the average salary of licensees.

This regulatory proposal will benefit the health and welfare of California residents because the proposal will increase the Board's revenue and funding available to continue the Board's enforcement, investigative, licensing, examination, and public outreach operations. The proposal is not anticipated to benefit worker safety or the state's environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations may affect small businesses because this proposal will increase fees for individual licensees, which only impacts individuals, not businesses but some small businesses may pay for the licenses of individual employees.

Cost Impact on Representative Private Person or Business

The proposed regulations increase license fees in section 1392 as follows:

For Psychologist – Initial Application, the current fee is \$40, the proposed fee is \$50, the increase amount is \$10.

For the California Psychology and Ethics Exam (CPLEE) Fee, the current fee is \$129, the proposed fee is \$232, the increase amount is \$103.

For the Psychologist - Initial License, the current fee is \$400 the proposed fee is \$500, the increase is \$100.

For the Psychologist – Biennial License Renewal, the current fee is \$400, the proposed fee is \$500, the increase amount is \$100.

The proposed regulations increase license fees in section 1392.1 as follows:

For the Psychological Assistant - Registration Application, the current fee is \$40, the proposed fee is \$75, the increase is \$35.

For the Psychological Assistant - Annual Renewal Registration, the current fee is \$40, the proposed fee is \$75, the increase is \$35.

For the Psychological Assistant - Delinquent License Renewal, the current fee is \$20, the proposed fee is \$37.50, the increase is \$17.50.

Significant Effect on Housing Costs: None

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention 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 proposal described in this Notice; 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 submit comments to the Board in writing relevant to the above determinations at 1625 North Market Blvd., Suite N215, Sacramento, California 95834.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 North Market Blvd., Suite N215, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially 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, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the 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.

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 PERSONS

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

Name: Jason Glasspiegel
Address: Board of Psychology
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: Jonathan Burke
Address: Board of Psychology
1625 North Market Blvd., Suite N215
Sacramento, CA 95834
Telephone No.: 916-574-7116
Fax No.: 916-574-8672
E-Mail Address: Jonathan.burke@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Actions the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at

https://www.psychology.ca.gov/laws_regs/regulations.shtml