

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

BOARD OF PSYCHOLOGY

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Inactive Status of Psychological Associate Registration

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

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

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 Tuesday, May 21, 2024, by 5:00 p.m.** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2930 of the Business and Professions Code, and to implement, interpret, or make specific Sections 2913 and 2914 of said Code, the Board of Psychology is considering adding sections 1391.13 and 1391.14 to Division 13.1 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Board is seeking to promulgate regulations to create an inactive status and a reactivation process, for individuals registered as psychological associates. This would be similar to the inactive status and reactivation process currently available for a psychologist licensee who is not engaging in the practice of psychology.

Currently, a psychological associate who is unable to perform psychological functions must cancel their current registration in order to stop the time counting towards the cumulative total of six years (72 months) registration limitation, or continue the

registration, but not be able to accrue the required hours toward licensure. There is no alternative for a psychological associate to request a registration status that would clearly indicate the psychological associate is not performing any psychological functions. Once the psychological associate registration is cancelled, the individual must apply for a new registration to perform psychological functions and/or to accrue supervised professional experience required for licensure.

The Board also proposes to adopt a process for reactivating an inactive psychological associate registration. Without the addition of this provision, a psychological associate whose registration has been placed in inactive status would not have a way to return their registration to active status once they obtain a new primary supervisor.

The proposed regulations would allow the Board to place the registration in an inactive status when the registrant has no primary supervisor. While the registration is in an inactive status, it will stop the time clock from counting towards the cumulative total of six years registration limitation. It will also allow the Board to change the registration from an inactive to active status once the registrant has a new primary supervisor. This will allow the registrant to return to earning hours towards licensure and resume the time clock counting towards the cumulative total of six years registration limitation.

These additions provide the mechanism that would enable a registrant to maintain their registration in a proactive manner. This proposal provides the Board with the means to enhance consumer protection by clearly indicating to the public on its website when a registered psychological associate cannot perform psychological functions while holding a registration in an inactive status.

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents because it provides the mechanism for a registrant to switch from active to inactive status when unable to perform psychological functions and not have the inactive time count against the six years registration limitation and it will improve public protection by facilitating the public being able to determine whether a registered psychological associate is able to perform psychological functions.

Evaluation of 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.

DISCLOSURES REGARDING THIS PROPOSED ACTION

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 up to 168 active psychological associates will opt to place their registration on inactive status per year. Additionally, the Board estimates of these 168 individuals, up to 84 (or 50 percent) will subsequently apply to reinstate to active status.

As a result, the proposed regulations are estimated to result in workload and costs ranging from approximately \$24,500 to \$48,000 per year and up to \$409,500 over a ten-year period.

Any workload and costs are anticipated to be absorbed within existing resources.

The regulations do not result in costs or savings in federal funding to the state.

The Board notes, individuals placed on inactive status will be required to renew and pay renewal fees consistent with active registrants. As a result, the regulations do not impact the Board's revenues.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None.

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.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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 or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, because it provides the mechanism for a registered psychological associate to switch from active to inactive status when unable to perform psychological functions and not have the inactive time count against the six years registration limitation and it will improve public protection by facilitating the public being able to determine whether a registered psychological associate is able to perform psychological functions

This regulatory proposal will not impact worker safety or the state's environment, as it does not involve 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 will not affect small businesses. Although small businesses owned by licensees of the Board may be impacted, the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

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 N-215, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

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 of Psychology, at 1625 North Market Blvd., Suite N-215, Sacramento, CA 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 persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments 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: Troy Polk
Address: Board of Psychology
1625 North Market Blvd., Suite N-215,
Sacramento, CA 95834
Telephone No.: (916) 574-8154
Fax No.: (916) 574-8671
E-Mail Address: troy.polk@dca.ca.gov

The backup contact person is:

Name: Cynthia Whitney
Address: Board of Psychology
1625 North Market Blvd., Suite N-215,
Sacramento, CA 95834
Telephone No.: (916) 905-5408
Fax No.: (916) 574-8671
E-Mail Address: cynthia.whitney@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET: Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Board's website at https://www.psychology.ca.gov/laws_regs/regulations.shtml.