

TITLE 16. BOARD OF PSYCHOLOGY
Notice Concerning Psychological Associate Registration

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, in writing, relevant to the action proposed. 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 **5:00 p.m. on Tuesday, August 2, 2022**.

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 their 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.

The Board, may, after considering all timely and relevant comments, 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 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 2930 and 2940 of the Business and Professions Code (BPC), and to implement, interpret or make specific Sections 27, 30, 114.5, 115.4, 135.4, 144, 651, 2913, 2948, 2987, and 17500 of said Code, the Board is considering changing sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.11, 1391.12, 1392.1 of, and repealing section 1391.10 of, Division 13.1, Title 16, of the California Code of Regulations (CCR), as follows:

INFORMATIVE DIGEST

A. Informative Digest

The Board seeks to change the current regulatory language regarding registration as, and supervision of, a registered psychological associate, as current regulatory language conflicts with amended statutory language of BPC sections 2913 and 2987, pursuant to Senate Bill 1193 (SB 1193) (Hill, Chapter 484, Statutes of 2016), Senate Bill 547 (SB 547) (Hill, Chapter 429, Statutes of 2017), and Senate Bill 801 (SB 801) (Archuleta, Chapter 647, Statutes of 2021). While the law now specifies that a person desiring to be

a registered psychological associate is responsible to apply for and renew the registration, and pay the applicable fees, current regulations still place that responsibility on the supervisor and employer. This is confusing to applicants for a psychological associate registration, registered psychological associates, supervisors, and employers, as to who is responsible for applying for registration, renewing a registration, paying the applicable fees, and reporting changes to the status of a registration.

The statutory changes also deleted the requirement that the registered psychological associate be employed by specified individuals or organizations. Current regulations still reference employer and employment settings. References to employer and employment organizations are confusing to applicants, registrants, supervisors and employers, as the application and registration processes are no longer employer-initiated.

B. Policy Statement Overview/Anticipated Benefits of Proposal

These proposed regulations will implement, interpret, and make specific the provisions of BPC sections 2913 and 2987. The Board proposes amendments to its current regulations to clarify the responsibilities of the supervisor and the registered psychological associate relating to an application for registration, renewal, and reporting changes to the status of a registration. These amendments will also clarify the requirements of delegated supervisors and make clarifying changes relating to the registration and renewal processes. Additionally, the proposed amendments will provide a clear, streamlined, administrative process for applicants, registrants, and supervisors, that will be consistent with the current statutes.

C. Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

- Application for Registration as a Psychological Associate (PSB 100 (New 2021))
- Notification to Add or Change a Supervisor or Service Location for a Psychological Associate (PSB 101 (New 2021))

FISCAL IMPACT ESTIMATES

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

These regulations do not result in a fiscal impact to the State because these regulations are intended to conform the Board's regulations with current law and existing practice. There are no anticipated costs or savings to any other state agency or in federal funding.

Nondiscretionary Costs/Savings to Local Agencies:

None

Local Mandate:

None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 – 17630:

None

Business Impact:

The Board has made an initial determination that the proposed regulatory action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based upon the fact that these regulations are being updated to meet the statutory changes of 2017. No further impacts are expected.

Cost Impact on Representative Private Person or Business:

The Board estimates a reduction in costs to a representative private person or business in reasonable compliance with the proposed action. This determination is based upon the registered psychological associate being issued only one registration number, rather than a separate registration number for each service location, which requires a separate application and renewal fee for each registration number.

Effect on Housing Costs:

None

EFFECT ON SMALL BUSINESS:

The Board has determined that the proposed regulations may positively affect small businesses. This initial determination is based upon the fact that changes to these regulatory sections will impact businesses, positively, because it shifts the responsibility for annual reporting requirements to the registered psychological associate and away from the business employing them.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has initially determined that this regulatory proposal will not have a significant 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 registered psychological associates will remain at the same level of demand due to these regulations.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and state's environment, because it will not remove the supervision requirements for registered psychological associates but allows enhanced portability of the psychological associate registration to multiple supervisors and/or employers.

CONSIDERATION OF ALTERNATIVES:

The Board must determine that no reasonable alternative that 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 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 any requested hearing or, upon request, from the person designated in the Notice under Contact Person, or by accessing the Board's website at:
https://www.psychology.ca.gov/laws_regs/regulations.shtml.

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 or by accessing the website listed below.

CONTACT PERSON:

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

Name: Suzy Costa
Address: 1625 North Market Blvd., Suite N215
Sacramento, CA 95834
Telephone No.: (916) 574-8112
Fax No.: (916) 574-8672
E-Mail Address: Suzy.Costa@dca.ca.gov

The backup contact person is:
Name: Jason Glasspiegel
Address: 1625 North Market Blvd., Suite N215
Sacramento, CA 95834
Telephone No.: (916) 574-7137
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Website Access: Materials regarding this proposal can be found at:
http://www.psychology.ca.gov/laws_regs/regulations.shtml