

TITLE 16, DIVISION 13.1 – California Board of Psychology
Retired License Status
Notice of Proposed Action
Add 16 CCR 1381.10, Amend 16 CCR 1392 & 1397.69

NOTICE IS HEREBY GIVEN that the Board of Psychology (“Board”) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the proposed action in writing.

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, November 30, 2021.**

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

December 1, 2021 at 1:00 p.m.

Meeting link (Computer or Tablet):

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m12ca03052ffa64b58baf98d5874a9b88>

Meeting number: 2496 697 9199

Password: eV243uvmm3q

Join by video system:

Dial 24966979199@dca-meetings.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone:

+1-415-655-0001 US Toll

Access code: 249 669 79199

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 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, 2987, 2988.5, 2989, of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 118, 2915(h), 2960, 2960.6, 2987, 2988, 2988.5, 2989 of said Code and section 11105(b)(10) of the Penal Code, the Board is considering changes to Division 13.1, Title 16, of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

The California Board of Psychology (Board) is implementing BPC Section 2988.5, which became effective on January 1, 2017, with Senate Bill (SB) 1193 (Hill, Chapter 484, Statutes of 2016). This newly added section gives the Board the authority to issue a retired license to a psychologist who holds a current license issued by the Board. This bill was the byproduct of the sunset review process, by which the Senate and Assembly Business and Professions Committees recommended that the Board provide recommendations to the legislature to establish a retired license. At the time the legislative proposal was submitted, retired licenses were the most common constituent inquiry legislative staff received from the Board's licensees.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Although SB 1193 gave the Board the statutory authority to issue retired licenses, it does not specify the requirements and procedures for obtaining this license status. The purpose of the proposed regulatory language is to specify the requirements for obtaining and maintaining a psychologist license in retired status.

Currently, licensed psychologists who no longer wish to practice must utilize the inactive status, every two years, and pay the biennial inactive status renewal fee of \$60 (which includes the \$20 for the Mental Health Professions Education Fund). Alternatively, for licensed psychologists who choose not to renew their license in an inactive status, they can let their license expire, and the license will cancel automatically after three years of the expiration date. There are no regulations that specify the requirements of licensees who wish to place their licenses in a retired status.

The proposed regulations will implement, interpret, and make specific the provisions of BPC Section 2988.5. This proposal will provide clarification and the means necessary to implement these statutory requirements to place a license in retired status. Further, these proposed regulations will allow the Board to grant retired status for eligible licensed psychologists and to provide a more accurate representation of their license status on the Department of Consumer Affairs' (DCA) License Search for the public. The proposed regulations also set the application fee to obtain a license in retired status at \$75, which does not require renewal or further fee. Finally, the proposed regulations outline the requirements for returning to an active status, from a retired status, should a licensee be facing circumstances where they need or want to obtain an active license.

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

- Application for Psychologist Requesting Retired Status (PSY 900 (New 2021))
- Application for Psychologist to Restore to Active Status (PSY 905 (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:

The Board anticipates demand for the new retired license type status to be greatest in the first two years of implementation as inactive and active licensees opt to retire and apply for the new status with lower demand annually thereafter. The Board estimates 904 licensees will retire in the first two years of implementation and 192 licensees per annually thereafter.

Board indicates an Office Technician will take approximately 1 hour to process each license application at a cost of \$59 per license plus \$15 for materials and postage, which results in costs of approximately \$66,900 in the first two years of implementation and \$14,200 annually thereafter.

The Board will also be required update information technology systems with estimated costs of \$4,800 to facilitate the online application process and internal accounting systems.

Total year-one costs: \$71,700

Applicants will be required to pay a one-time application fee of \$75 to the Board, which results in revenues of approximately \$67,800 per year in the first two years of implementation (904 x \$75) and \$14,400 annually thereafter and up to \$251,000 over a ten-year period.

The proposed regulations require a retired status licensee to pay a \$10 re-activation administration fee, as specified, in the event the individual opts to practice psychology. However, because the retired status is a new license type and intended for those individuals choosing to retire and discontinue practicing, the Board does not anticipate these individuals to re-activate to active licensure. As a result, the Board does not have an estimate at this time.

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 this regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony: the only possibility of the proposal impacting businesses is if the application or restoration fees are paid for by a business. The Board assumes that this will be an infrequent occurrence, as this is not a normal cost of doing business.

Cost Impact on Representative Private Person or Business:

The Board anticipates demand for the new retired license type status to be greatest in the first two years of implementation as inactive and active licensees opt to retire and apply for the new status with lower demand annually thereafter. The Board estimates 904 licensees will retire in the first two years of implementation and 192 licensees per annually thereafter.

Applicants will be required to pay a one-time application fee of \$75 to the Board, which results in costs of approximately \$67,800 per year in the first two years of implementation (904 x \$75) and \$14,400 annually thereafter and up to \$251,000 over a ten-year period.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not affect small businesses. While there is a one-time \$75 fee to apply to have the license moved into a retired status, the licensee will no longer be engaged in an active practice. Also, there will be an effect caused by the closure of the practice of the retiring psychologist, although this effect will occur with or without the licensee obtaining a license in retired status.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board of Psychology has 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, as noted above.

Benefits of Regulation:

The Board has determined that this regulatory proposal will not affect worker safety or benefit the health and welfare of California residents. It may have a slight benefit to the state's environment because the addition of the retired status will eliminate the mailing of renewals, every two years for those with a license in

retired status, thus reducing the impact to the State's environment associated with the paper production, and resources associated with the mailing of the renewal.

CONSIDERATION OF ALTERNATIVES

The Board of Psychology must determine that no reasonable alternative is 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 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, 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 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: Antonette Sorrick
Address: 1625 North Market Blvd., Suite N215
Sacramento, CA 95834
Telephone No.: (916) 574-7113
Fax No.: (916) 574-8672
E-Mail Address: Antonette.Sorrick@dca.ca.gov

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