

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1669

Introduced by Assembly Member Chu

February 21, 2003

An act to amend ~~Sections 2902 and 2903~~ *Section 2960* of, and to add ~~Section 2932~~ *2093* to, the Business and Professions Code, *to amend Section 1031 of the Government Code*, and to add Section 832.05 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1669, as amended, Chu. ~~Peace officers: police psychologists psychological evaluations.~~

(1) *Existing law requires that public officers or employees declared by law to be peace officers meet certain minimum standards, including being found free from any emotional or mental condition that might adversely affect the exercise of the powers of a peace officer. Existing law requires that the person's emotional and mental condition be evaluated by a licensed physician and surgeon or by a licensed psychologist who has a doctoral degree in psychology and at least 5 years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.*

This bill would instead require that the evaluation be done by a licensed psychiatrist or psychologist who has a doctoral degree in psychology and at least 5 years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders, with at least 3 of these years accrued postdoctorate, and who meets certain other educational and training requirements. This bill would require a

department or agency employing peace officers to utilize a psychiatrist or psychologist meeting these requirements for a peace officer recruit's mental and emotional screening evaluation or for the evaluation of a peace officer to determine fitness for duty.

(2) Existing law regulates the professions of peace officers, psychiatrists, and psychologists. ~~A and makes a violation of the provisions regulating psychologists is a misdemeanor.~~

~~This bill would provide that each department or agency in this state that employs peace officers shall utilize certified police psychologists, as defined, when the department or agency is engaged in the screening or training of peace officer recruits or the evaluation of peace officers to determine their fitness for duty. The bill would require the Board of Psychology, in conjunction with the Commission on Peace Officer Standards and Training, to establish education, training, and continuing education requirements for the certification of a person as a police psychologist. The bill would require the board to certify a police psychologist after receiving an application and payment of a fee if the police psychologist meets the established requirements. A person would not be able to engage in the practice of, or represent himself or herself to be, a police psychologist without being granted that certification. By creating new crimes relating to the profession of psychology and by requiring local law enforcement to utilize certified police psychologists under certain conditions, the bill would impose a state-mandated local program.~~

(2)

This bill would prohibit a psychiatrist or psychologist from performing evaluations of a peace officer applicant's emotional and mental condition or performing an evaluation of a peace officer's fitness for duty unless he or she has a doctoral degree in psychology and at least 5 years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders, at least three of these years accrued postdoctorate and has met certain other educational and training requirements.

Because this bill would create prohibitions applicable to psychologists, the violation of which would be a crime, it would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund



to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) *This bill would become operative on an unspecified date.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 2902 of the Business and Professions~~
2 *SECTION 1. Section 2093 is added to the Business and*
3 *Professions Code, to read:*
4 *2093. A licensee shall meet the requirements set forth in*
5 *paragraph (2) of subdivision (f) of Section 1031 of the Government*
6 *Code prior to performing either:*
7 *(a) An evaluation of a peace officer applicant's emotional and*
8 *mental condition.*
9 *(b) An evaluation of a peace officer's fitness for duty.*
10 *SEC. 2. Section 2960 of the Business and Professions Code is*
11 *amended to read:*
12 *2960. The board may refuse to issue ~~any~~ a registration or*
13 *license, ~~or~~ may issue a registration or license with terms and*
14 *conditions, or may suspend or revoke the registration or license of*
15 *~~any~~ a registrant or licensee if the applicant, registrant, or licensee*
16 *has been guilty of unprofessional conduct. Unprofessional*
17 *conduct ~~shall include, but not be~~ includes, but is not limited to, all*
18 *of the following:*
19 *(a) Conviction of a crime substantially related to the*
20 *qualifications, functions, or duties of a psychologist or*
21 *psychological assistant.*
22 *(b) Use of ~~any~~ a controlled substance as defined in Division 10*
23 *(commencing with Section 11000) of the Health and Safety Code,*
24 *~~or~~ a dangerous drug, or ~~any~~ an alcoholic beverage to an extent or*
25 *in a manner dangerous to himself or herself, ~~any other~~ another*



- 1 person, or the public; or to an extent that ~~this~~ *the* use impairs his
2 or her ability to perform the work of a psychologist with safety to
3 the public.
- 4 (c) Fraudulently or neglectfully misrepresenting the type or
5 status of license or registration actually held.
- 6 (d) Impersonating another person holding a psychology license
7 or allowing another person to use his or her license or registration.
- 8 (e) Using fraud or deception in applying for a license or
9 registration or in passing the examination provided for in this
10 chapter.
- 11 (f) Paying, ~~or~~ offering to pay, accepting, or soliciting any
12 consideration, compensation, or remuneration, whether monetary
13 or otherwise, for the referral of clients.
- 14 (g) Violating Section 17500.
- 15 (h) Willful, unauthorized communication of information
16 received in professional confidence.
- 17 (i) Violating ~~any~~ a rule of professional conduct promulgated by
18 the board and set forth in regulations duly adopted under this
19 chapter.
- 20 (j) Being grossly negligent in the practice of his or her
21 profession.
- 22 (k) Violating ~~any of the provisions~~ a *provision* of this chapter
23 or regulations duly adopted thereunder.
- 24 (l) ~~The aiding~~ *Aiding* or abetting ~~of any~~ a person to engage in
25 the unlawful practice of psychology.
- 26 (m) The suspension, revocation, or imposition of probationary
27 conditions by another state or country of a license or certificate to
28 practice psychology or as a psychological assistant issued by that
29 state or country to a person also holding a license or registration
30 issued under this chapter, if the act for which the disciplinary
31 action was taken constitutes a violation of this section.
- 32 (n) The commission of ~~any~~ a dishonest, corrupt, or fraudulent
33 act.
- 34 (o) ~~Any~~ *An* act of sexual abuse; or sexual relations with a
35 patient or former patient within two years following termination
36 of therapy, or sexual misconduct that is substantially related to the
37 qualifications, functions, or duties of a psychologist~~—or,~~
38 psychological assistant, or registered psychologist.



1 (p) Functioning outside of his or her particular field or fields of
2 competence as established by his or her education, training, and
3 experience.

4 (q) *Performing evaluations of a peace officer applicant's*
5 *emotional and mental condition or performing an evaluation of a*
6 *peace officer's fitness for duty without meeting the requirements*
7 *set forth in paragraph (2) of subdivision (f) of Section 1031 of the*
8 *Government Code.*

9 (r) Willful failure to submit, on behalf of an applicant for
10 licensure, verification of supervised experience to the board.

11 ~~(s)~~

12 (s) Repeated acts of negligence.

13 SEC. 3. *Section 1031 of the Government Code is amended to*
14 *read:*

15 1031. Each class of public officers or employees declared by
16 law to be peace officers shall meet all of the following minimum
17 standards:

18 (a) Be a citizen of the United States or a permanent resident
19 alien who is eligible for and has applied for citizenship, except as
20 provided in Section 2267 of the Vehicle Code.

21 (b) Be at least 18 years of age.

22 (c) Be fingerprinted for purposes of search of local, state, and
23 national fingerprint files to disclose ~~any~~ a criminal record.

24 (d) Be of good moral character, as determined by a thorough
25 background investigation.

26 (e) Be a high school graduate, pass the General Education
27 Development Test indicating high school graduation level, pass
28 the California High School Proficiency Examination, or have
29 attained a two-year or four-year degree from an accredited college
30 or university. The high school shall be either a United States public
31 school meeting the high school standards set by the state in which
32 it is located, an accredited United States Department of Defense
33 high school, or an accredited nonpublic high school. Any
34 accreditation required by this paragraph shall be from an
35 accrediting association recognized by the Secretary of the United
36 States Department of Education. This subdivision shall not apply
37 to ~~any~~ a public officer or employee who was employed, prior to
38 the effective date of the amendment of this section made at the
39 1971 Regular Session of the Legislature, in any position declared



1 by law prior to the effective date of that amendment to be peace
2 officer positions.

3 (f) Be found to be free from any physical, emotional, or mental
4 condition ~~which~~ *that* might adversely affect the exercise of the
5 powers of a peace officer. ~~Physical~~

6 (1) *Physical* condition shall be evaluated by a licensed
7 physician and surgeon. ~~Emotional~~

8 (2) *Emotional* and mental condition shall be evaluated by a
9 licensed ~~physician and surgeon~~ or by a licensed *psychiatrist* or
10 psychologist who ~~has~~ *meets all of the following requirements:*

11 (A) *Has* a doctoral degree in psychology and at least five years
12 of postgraduate experience in the diagnosis and treatment of
13 emotional and mental disorders, *with at least three of these years*
14 *accrued postdoctorate.* ~~This~~

15 (B) *Has met any applicable education and training standards*
16 *adopted by the California Commission on Peace Officer Standards*
17 *and Training.*

18 *This* section shall not be construed to preclude the adoption of
19 additional or higher standards, including age.

20 ~~Code is amended to read:~~

21 ~~2902. As used in this chapter, unless the context clearly~~
22 ~~requires otherwise and except as in this chapter expressly~~
23 ~~otherwise provided:~~

24 (a) (1) ~~“Licensed psychologist” means an individual to whom~~
25 ~~a license has been issued pursuant to the provisions of this chapter,~~
26 ~~which license is in force and has not been suspended or revoked.~~

27 (2) ~~“Police psychologist” means a licensed psychologist who~~
28 ~~engages in the screening or training of peace officer recruits or the~~
29 ~~evaluation of peace officers to determine their fitness for duty and~~
30 ~~who meets the certification requirements of the board as specified~~
31 ~~in subparagraph (B).~~

32 (b) ~~“Board” means the Board of Psychology.~~

33 (c) ~~A person represents himself or herself to be a psychologist~~
34 ~~when the person holds himself or herself out to the public by any~~
35 ~~title or description of services incorporating the words~~
36 ~~“psychology,” “psychological,” “psychologist,” “psychology~~
37 ~~consultation,” “psychology consultant,” “police psychologist,”~~
38 ~~“psychometry,” “psychometrics” or “psychometrist,”~~
39 ~~“psychotherapy,” “psychotherapist,” “psychoanalysis,” or~~



1 “psychoanalyst,” or when the person holds himself or herself out
2 to be trained, experienced, or an expert in the field of psychology.

3 (d) “Accredited,” as used with reference to academic
4 institutions, means the University of California, the California
5 State University, an institution accredited under Section 94761 of
6 the Education Code, or an institution located in another state that
7 is accredited by a national or an applicable regional accrediting
8 agency recognized by the United States Department of Education.

9 (e) “Approved,” as used with reference to academic
10 institutions, means approved under Section 94777 of the
11 Education Code.

12 SEC. 2. Section 2903 of the Business and Professions Code
13 is amended to read:

14 2903. (a) (1) No person may engage in the practice of
15 psychology, or represent himself or herself to be a psychologist,
16 without a license granted under this chapter, except as otherwise
17 provided in this chapter. The practice of psychology is defined as
18 rendering or offering to render for a fee to individuals, groups,
19 organizations or the public any psychological service involving
20 the application of psychological principles, methods, and
21 procedures of understanding, predicting, and influencing
22 behavior, such as the principles pertaining to learning, perception,
23 motivation, emotions, and interpersonal relationships; and the
24 methods and procedures of interviewing, counseling,
25 psychotherapy, behavior modification, and hypnosis; and of
26 constructing, administering, and interpreting tests of mental
27 abilities, aptitudes, interests, attitudes, personality characteristics,
28 emotions, and motivations.

29 (2) No person may engage in the practice of, or represent
30 himself or herself to be, a police psychologist, as defined in
31 subdivision (a) of Section 2902, without a certification granted
32 under this chapter, except as otherwise provided in this chapter.

33 (b) The application of these principles and methods includes,
34 but is not restricted to: diagnosis, prevention, treatment, and
35 amelioration of psychological problems and emotional and mental
36 disorders of individuals and groups.

37 (c) (1) Psychotherapy within the meaning of this chapter
38 means the use of psychological methods in a professional
39 relationship to assist a person or persons to acquire greater human
40 effectiveness or to modify feelings, conditions, attitudes and



1 behavior which are emotionally, intellectually, or socially
2 ineffectual or maladjustive.

3 (2) As used in this chapter, "fee" means any charge, monetary
4 or otherwise, whether paid directly or paid on a prepaid or
5 capitation basis by a third party, or a charge assessed by a facility,
6 for services rendered.

7 SEC. 3. Section 2932 is added to the Business and Professions
8 Code, to read:

9 2932. The board shall, in conjunction with the Commission
10 on Peace Officer Standards and Training, establish education,
11 training, and continuing education requirements for the
12 certification of a person as a police psychologist. The board shall
13 certify police psychologist upon receiving an application and
14 payment of a certification fee, as determined by the board, if the
15 applicant meets the requirements of this section.

16 SEC. 4. Section 832.05 is added to the Business and
17 Professions Code, to read:

18 832.05. Each department or agency in this state that employs
19 peace officers shall utilize certified police psychologists, as
20 provided in Sections 2902 and 2903 of the Business and
21 Professions Code, when the department or agency is engaged in
22 *the a person meeting the requirements for an evaluating*
23 *psychiatrist or psychologist that are set forth in paragraph (2) of*
24 *subdivision (f) of Section 1031 of the Government Code for any*
25 *mental and emotional evaluation done in the course of the*
26 *department or agency's screening or training* of peace officer
27 recruits or the evaluation of peace officers to determine their
28 fitness for duty.

29 SEC. 5. *This act shall become operative on ____.*

30 SEC. 6. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution for
32 certain costs that may be incurred by a local agency or school
33 district because in that regard this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

39 However, notwithstanding Section 17610 of the Government
40 Code, if the Commission on State Mandates determines that this



1 act contains other costs mandated by the state, reimbursement to
2 local agencies and school districts for those costs shall be made
3 pursuant to Part 7 (commencing with Section 17500) of Division
4 4 of Title 2 of the Government Code. If the statewide cost of the
5 claim for reimbursement does not exceed one million dollars
6 (\$1,000,000), reimbursement shall be made from the State
7 Mandates Claims Fund.

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