

**ASSEMBLY BILL**

**No. 705**

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**Introduced by Assembly Member Eggman**

February 25, 2015

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An act to amend Sections 2909 and 2910 of, and to add Section 2909.5 to, the Business and Professions Code, relating to psychologists.

LEGISLATIVE COUNSEL'S DIGEST

AB 705, as introduced, Eggman. Psychologists: licensure exemption.

The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology and makes a violation of its provisions a misdemeanor. Existing law prohibits a person from engaging in the practice of psychology or representing himself or herself to be a psychologist without a license, except as specified. Existing law provides that a person, including, but not limited to, a person who holds a valid and current credential as a school psychologist issued by the State Department of Education, is not restricted or prevented from conducting activities of a psychological nature or the use of the official title of his or her position, provided that person is performing those activities as part of the duties for which he or she was employed, is performing those activities solely within the confines of or under the jurisdiction of the organization in which he or she is employed, and does not offer to render or render psychological services, as specified, to the public for a fee over and above the salary he or she receives for the performance of his or her official duties with the organization.

This bill would revise and recast those provisions, and specify that those persons are not restricted or prevented from conducting activities of a psychological nature or using the official title of their position

provided that they do not offer to render psychological services, as specified.

Existing law also provides that the Psychology Licensing Law does not restrict or prevent activities of a psychological nature on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, provided that, among other things, the person does not provide direct health or mental health services.

This bill would instead provide that the law does not restrict the practice of psychology on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, and would delete the prohibition on providing direct health or mental health services. The bill would additionally require an employee of an accredited or approved academic institution, public school, or governmental agency to primarily be gaining the supervised professional experience required for licensure, as specified, in order to practice psychology without a license. The bill would exempt those persons from licensure for no more than 5 years from the date of employment.

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

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

1 SECTION 1. Section 2909 of the Business and Professions  
 2 Code is amended to read:  
 3 2909. ~~Nothing in this~~ *This* chapter shall *not* be construed as  
 4 restricting or preventing activities of a psychological nature or the  
 5 use of the official title of the position for which they were  
 6 employed on the part of the following persons, provided those  
 7 persons are performing those activities as part of the duties for  
 8 which they were employed, are performing those activities solely  
 9 within the confines of or under the jurisdiction of the organization  
 10 in which they are employed and do not offer to render or render  
 11 psychological services as defined in Section 2903 ~~to the public for~~  
 12 ~~a fee, monetary or otherwise, over and above the salary they receive~~  
 13 ~~for the performance of their official duties with the organization~~  
 14 ~~in which they are employed:~~

1 (a) Persons who hold a valid and current credential as a school  
2 psychologist issued by the ~~California State~~ Department of  
3 Education.

4 (b) Persons who hold a valid and current credential as a  
5 psychometrist issued by the ~~California State~~ Department of  
6 Education.

7 (c) Persons *who are* employed in positions as psychologists or  
8 psychological ~~assistants, or in a student counseling service,~~  
9 *assistants* by accredited or approved colleges, junior colleges or  
10 universities; *by* federal, state, county or municipal governmental  
11 organizations ~~which that~~ are not primarily involved in the provision  
12 of direct health or mental health ~~services. However, those persons~~  
13 ~~may, without obtaining a license under this act, consult or services;~~  
14 *or in a private setting that is not primarily involved in the provision*  
15 *of direct health or mental health services. Those persons may*  
16 *conduct research and disseminate their research findings and*  
17 *scientific information to other such accredited or approved*  
18 ~~academic institutions or governmental agencies. information.~~ They  
19 may also offer lectures to the public for a fee, monetary or  
20 otherwise, without being licensed under this chapter.

21 ~~(d) Persons who meet the educational requirements of~~  
22 ~~subdivision (b) of Section 2914 and who have one year or more~~  
23 ~~of the supervised professional experience referenced in subdivision~~  
24 ~~(e) of Section 2914, if they are employed by nonprofit community~~  
25 ~~agencies that receive a minimum of 25 percent of their financial~~  
26 ~~support from any federal, state, county, or municipal governmental~~  
27 ~~organizations for the purpose of training and providing services.~~  
28 ~~Those persons shall be registered by the agency with the board at~~  
29 ~~the time of employment and shall be identified in the setting as a~~  
30 ~~“registered psychologist.” Those persons shall be exempt from~~  
31 ~~this chapter for a maximum period of 30 months from the date of~~  
32 ~~registration.~~

33 SEC. 2. Section 2909.5 is added to the Business and Professions  
34 Code, to read:

35 2909.5. This chapter shall not be construed as restricting or  
36 preventing activities of a psychological nature or the use of the  
37 official title of the position for which persons were employed on  
38 the part of persons who meet the educational requirements of  
39 subdivision (b) of Section 2914 and who have one year or more  
40 of the supervised professional experience referenced in subdivision

1 (c) of Section 2914, if they are employed by nonprofit community  
 2 agencies that receive a minimum of 25 percent of their financial  
 3 support from any federal, state, county, or municipal governmental  
 4 organizations for the purpose of training and providing services,  
 5 provided those persons are performing those activities as part of  
 6 the duties for which they were employed, are performing those  
 7 activities solely within the confines of or under the jurisdiction of  
 8 the organization in which they are employed and do not offer to  
 9 render or render psychological services as defined in Section 2903.  
 10 Those persons shall be registered by the agency with the board at  
 11 the time of employment and shall be identified in the setting as a  
 12 “registered psychologist.” Those persons shall be exempt from  
 13 this chapter for a maximum period of 30 months from the date of  
 14 registration.

15 SEC. 3. Section 2910 of the Business and Professions Code is  
 16 amended to read:

17 2910. ~~Nothing in this~~ (a) *This* chapter shall *not* be construed  
 18 to restrict ~~or prevent activities of a psychological nature~~ *the*  
 19 *practice of psychology* on the part of persons who are salaried  
 20 employees of accredited or approved academic institutions, public  
 21 schools, or governmental agencies, provided:

22 (a)  
 23 (1) Such employees are performing such psychological activities  
 24 as part of the duties for which they were ~~hired~~; *hired*.

25 (b)  
 26 (2) Such employees are performing those activities solely within  
 27 the jurisdiction or confines of such ~~organizations~~; *organizations*.

28 (c)  
 29 (3) Such ~~persons~~ *employees* do not hold themselves out to the  
 30 public by any title or description of activities incorporating the  
 31 words “psychology,” “psychological,” “psychologist,”  
 32 “psychometry,” “psychometrics” or ~~“psychometrist”~~;  
 33 *“psychometrist.”*

34 (d)  
 35 (4) Such ~~persons~~ *employees* do not offer their services to the  
 36 public for a fee, monetary or ~~otherwise~~; *otherwise*.

37 (e) ~~Such persons do not provide direct health or mental health~~  
 38 ~~services~~.

39 (5) *Such employees are primarily gaining the supervised*  
 40 *professional experience required for licensure that is being accrued*

- 1 *consistent with the board's regulations and the employees have*
- 2 *as the primary supervisor a psychologist licensed in the state.*
- 3 *(b) The limited exception granted under this section may not*
- 4 *exceed five years from the date of employment.*

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