

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 705

Introduced by Assembly Member Eggman

February 25, 2015

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 amended, 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. including modifying those permissive provisions to not restrict or prevent from conducting activities of a psychological nature, or the use of the official title of his or her position, a person who holds a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing.~~

The bill would similarly not so restrict or prevent a person employed in a position as a psychologist or psychological assistant by one of specified entities from conducting research and disseminating his or her research findings and scientific information. Such a person would be authorized to offer lectures to the public for a fee, monetary or otherwise, without being licensed under the licensing law.

The bill would also not so restrict or prevent a person with specified education and training employed as prescribed by a nonprofit community agency that receives a certain percentage of financial support from governmental organizations for the purpose of training and providing services. The bill would require those persons to be registered by the agency with the board at the time of employment and identify such a person in the setting as a “registered psychologist.” The bill would exempt those registered psychologists from licensure for a maximum period of 30 months from the date of registration.

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 *licensing* 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. limit the application of that exemption to an individual employee to a cumulative total of 5 years of employment after January 1, 2016.~~

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. This chapter shall not be construed as restricting or
4 preventing activities of a psychological nature or the use of the
5 official title of the position for which they were employed on the
6 part of the following persons, provided those persons are
7 performing those activities as part of the duties for which they
8 were employed, are performing those activities solely within the
9 confines of or under the jurisdiction of the organization in which
10 they are employed, and do not ~~offer to~~ render or *offer to* render
11 psychological ~~services~~ *services*, as defined in Section 2903:

12 (a) Persons who hold a valid and current credential as a school
13 psychologist issued by the ~~State Department of Education.~~
14 *Commission on Teacher Credentialing.*

15 ~~(b) Persons who hold a valid and current credential as a~~
16 ~~psychometrist issued by the State Department of Education.~~

17 ~~(c)~~

18 (b) Persons who are employed in positions as psychologists or
19 psychological assistants by accredited or approved colleges, junior
20 colleges, or universities, or by federal, state, county, or municipal
21 governmental organizations that are not primarily involved in the
22 provision of direct health or mental health services, may conduct
23 research and disseminate their research findings and scientific
24 information. They may also offer lectures to the public for a fee,
25 monetary or otherwise, without being licensed under this chapter.

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

28 2909.5. This chapter shall not be construed as restricting or
29 preventing activities of a psychological nature or the use of the
30 official title of the position for which persons were employed on
31 the part of persons who meet the educational requirements of
32 subdivision (b) of Section 2914 and who have one year or more

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

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

18 2910. (a) This chapter shall not be construed to restrict 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: if those employees~~
22 *are complying with the following:*

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

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

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

33 (4) ~~Such employees do~~ *Do* not offer their services to the public
34 for a fee, monetary or otherwise.

35 (5) ~~Such employees are~~ *Are* primarily gaining the supervised
36 professional experience required for licensure that is being accrued
37 consistent with the board’s regulations and the employees have as
38 the primary supervisor a psychologist licensed in the state.

39 (b) ~~The limited exception granted under this section may not~~
40 ~~exceed five years from the date of employment.~~

1 ***(b) Commencing January 1, 2016, an individual employed or***
2 ***who becomes employed by one or more employers as described***
3 ***in subdivision (a) may be exempt under this section for a***
4 ***cumulative total of five years.***

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