

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1374**

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**Introduced by Assembly Member Levine**

February 27, 2015

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An act to amend ~~Section~~ *Sections 2903, 2909, 2910, 2913, and 2914* of the Business and Professions Code, relating to psychologists.

LEGISLATIVE COUNSEL'S DIGEST

AB 1374, as amended, Levine. Psychologists: ~~licensure: requirements:~~ *licensure.*

The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology. *The law defines the practice of psychology as rendering or offering to render, for a fee, psychological services involving the application of psychological principles and methods, including the diagnosis, prevention, and treatment of psychological problems and emotional and mental disorders. The law prohibits unlicensed persons from practicing psychology, and authorizes unlicensed persons who meet certain requirements and do not provide psychological services for a fee to perform limited psychological functions or activities of a psychological nature, as specified.* The law requires applicants for licensure to, among other things, engage in at least 2 years of supervised professional experience under the direction of a licensed psychologist and authorizes an applicant who obtains this experience in the United States to send verification of the experience directly to the board if the supervising psychologist fails to submit the verification within 30 days of receiving a request from the applicant, as specified. The law provides that a violation of any of its provisions is a misdemeanor.

This bill would expand the definition of the practice of psychology, and narrow the above-described authorization for specified unlicensed persons to provide psychological services, by removing references to a fee. The bill would specify that the application of psychological principles and methods instead includes assessment, diagnosis, prevention, treatment, and intervention in order to increase effective functioning. The bill would instead require the supervisor to submit verification of the experience to the board and authorize an applicant who obtains the experience in the United States or Canada to send verification directly to the board as determined by the board if the supervisor fails to submit the verification. By expanding the scope of a crime, this bill would impose a state-mandated local program.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 2903 of the Business and Professions  
 2 Code is amended to read:  
 3 2903. No person may engage in the practice of psychology, or  
 4 represent himself or herself to be a psychologist, without a license  
 5 granted under this chapter, except as otherwise provided in this  
 6 chapter. The practice of psychology is defined as rendering or  
 7 offering to render ~~for a fee~~ to individuals, groups, ~~organizations~~  
 8 *organizations*, or the public any psychological service involving  
 9 the application of psychological principles, methods, and  
 10 procedures of understanding, predicting, and influencing behavior,  
 11 such as the principles pertaining to learning, perception, motivation,  
 12 emotions, and interpersonal relationships; and the methods and  
 13 procedures of interviewing, counseling, psychotherapy, behavior  
 14 modification, and hypnosis; and of constructing, administering,  
 15 and interpreting tests of mental abilities, aptitudes, interests,  
 16 attitudes, personality characteristics, emotions, and motivations.  
 17 The application of these principles and methods includes, but is  
 18 not restricted to: *assessment*, diagnosis, prevention, treatment, and

1 ~~amelioration of psychological problems and emotional and mental~~  
2 ~~disorders of individuals and groups; intervention in order to~~  
3 ~~increase effective functioning of individuals, groups, and~~  
4 ~~organizations.~~

5 Psychotherapy within the meaning of this chapter means the use  
6 of psychological methods in a professional relationship to assist  
7 a person or persons to acquire greater human effectiveness or to  
8 modify feelings, conditions, attitudes and behavior which are  
9 emotionally, intellectually, or socially ineffectual or ~~maladjustive.~~  
10 ~~maladaptive.~~

11 ~~As used in this chapter, "fee" means any charge, monetary or~~  
12 ~~otherwise, whether paid directly or paid on a prepaid or capitation~~  
13 ~~basis by a third party, or a charge assessed by a facility, for services~~  
14 ~~rendered.~~

15 *SEC. 2. Section 2909 of the Business and Professions Code is*  
16 *amended to read:*

17 2909. ~~Nothing in this~~ This chapter shall *not* be construed as  
18 restricting or preventing activities of a psychological nature or the  
19 use of the official title of the position for which they were  
20 employed on the part of the following persons, provided those  
21 persons are performing those activities as part of the duties for  
22 which they were employed, are performing those activities solely  
23 within the confines of or under the jurisdiction of the organization  
24 in which they are employed and do not offer to render or render  
25 psychological services as defined in Section 2903 to the public for  
26 a fee, monetary or otherwise, over and above the salary they receive  
27 for the performance of their official duties with the organization  
28 in which they are employed: *public:*

29 (a) Persons who hold a valid and current credential as a school  
30 psychologist issued by the ~~California~~ State Department of  
31 Education.

32 (b) Persons who hold a valid and current credential as a  
33 psychometrist issued by the ~~California~~ State Department of  
34 Education.

35 (c) Persons *who are* employed in positions as psychologists or  
36 psychological assistants, or in a student counseling service, by  
37 accredited or approved colleges, junior ~~colleges~~ *colleges*, or  
38 universities; federal, state, ~~county~~ *county*, or municipal  
39 governmental organizations ~~which that~~ are not primarily involved  
40 in the provision of direct health or mental health services. However,

1 those persons may, without obtaining a license under this act,  
2 consult or disseminate their research findings and scientific  
3 information to other such accredited or approved academic  
4 institutions or governmental agencies. They may also offer lectures  
5 to the public ~~for a fee, monetary or otherwise~~, without being  
6 licensed under this chapter.

7 (d) Persons who meet the educational requirements of  
8 subdivision (b) of Section 2914 and who have one year or more  
9 of the supervised professional experience referenced in subdivision  
10 (c) of Section 2914, if they are employed by nonprofit community  
11 agencies that receive a minimum of 25 percent of their financial  
12 support from any federal, state, county, or municipal governmental  
13 organizations for the purpose of training and providing services.  
14 Those persons shall be registered by the agency with the board at  
15 the time of employment and shall be identified in the setting as a  
16 “registered psychologist.” Those persons shall be exempt from  
17 this chapter for a maximum period of 30 months from the date of  
18 registration.

19 *SEC. 3. Section 2910 of the Business and Professions Code is*  
20 *amended to read:*

21 2910. ~~Nothing in this~~ This chapter shall *not* be construed to  
22 restrict or prevent activities of a psychological nature on the part  
23 of persons who are salaried employees of accredited or approved  
24 academic institutions, public ~~schools~~ schools, or governmental  
25 agencies, provided:

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

28 (b) Such employees are performing those activities solely within  
29 the jurisdiction or confines of such ~~organizations~~; *organizations*.

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

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

37 (e)

38 (d) Such persons do not provide direct health or mental health  
39 services.

1     *SEC. 4. Section 2913 of the Business and Professions Code is*  
2 *amended to read:*

3     2913. A person other than a licensed psychologist may be  
4 employed by a licensed psychologist, by a licensed physician and  
5 surgeon who is board certified in psychiatry by the American Board  
6 of Psychiatry and Neurology, by a clinic~~which~~ *that* provides  
7 mental health services under contract pursuant to Section 5614 of  
8 the Welfare and Institutions Code, by a psychological corporation,  
9 by a licensed psychology clinic as defined in Section 1204.1 of  
10 the Health and Safety Code, or by a medical corporation to perform  
11 limited psychological functions provided that all of the following  
12 apply:

13     (a) The person is termed a “psychological assistant.”

14     (b) The person (1) has completed a master’s degree in  
15 psychology or education with the field of specialization in  
16 psychology or counseling psychology, or (2) has been admitted to  
17 candidacy for a doctoral degree in psychology or education with  
18 the field of specialization in psychology or counseling psychology,  
19 after having satisfactorily completed three or more years of  
20 postgraduate education in psychology and having passed  
21 preliminary doctoral examinations, or (3) has completed a doctoral  
22 degree~~which~~ *that* qualifies for licensure under Section 2914, in  
23 an accredited or approved university, college, or professional  
24 school located in the United States or Canada.

25     (c) The person is at all times under the immediate supervision,  
26 as defined in regulations adopted by the board, of a licensed  
27 psychologist, or board certified psychiatrist, who shall be  
28 responsible for insuring that the extent, kind, and quality of the  
29 psychological services he or she performs are consistent with his  
30 or her training and experience and be responsible for his or her  
31 compliance with this chapter and regulations duly adopted  
32 hereunder, including those provisions set forth in Section 2960.

33     (d) The licensed psychologist, board certified psychiatrist,  
34 contract clinic, psychological corporation, or medical corporation,  
35 has registered the psychological assistant with the board. The  
36 registration shall be renewed annually in accordance with  
37 regulations adopted by the board.

38     No licensed psychologist may register, employ, or supervise  
39 more than three psychological assistants at any given time unless  
40 specifically authorized to do so by the board. No board certified

1 psychiatrist may register, employ, or supervise more than one  
2 psychological assistant at any given time. No contract clinic,  
3 psychological corporation, or medical corporation may employ  
4 more than 10 assistants at any one time. No contract clinic may  
5 register, employ, or provide supervision for more than one  
6 psychological assistant for each designated full-time staff  
7 psychiatrist who is qualified and supervises the psychological  
8 assistants. No psychological assistant may provide psychological  
9 services to the public ~~for a fee, monetary or otherwise~~, except as  
10 an employee of a licensed psychologist, licensed physician, contract  
11 clinic, psychological corporation, or medical corporation.

12 (e) The psychological assistant shall comply with regulations  
13 that the board may, from time to time, duly adopt relating to the  
14 fulfillment of requirements in continuing education.

15 (f) No person shall practice as a psychological assistant who is  
16 found by the board to be in violation of Section 2960 and the rules  
17 and regulations duly adopted thereunder.

18 **SECTION 1.**

19 *SEC. 5.* Section 2914 of the Business and Professions Code is  
20 amended to read:

21 2914. Each applicant for licensure shall comply with all of the  
22 following requirements:

23 (a) Is not subject to denial of licensure under Division 1.5  
24 (commencing with Section 475).

25 (b) Possess an earned doctorate degree (1) in psychology, (2)  
26 in educational psychology, or (3) in education with the field of  
27 specialization in counseling psychology or educational psychology.  
28 Except as provided in subdivision (g), this degree or training shall  
29 be obtained from an accredited university, college, or professional  
30 school. The board shall make the final determination as to whether  
31 a degree meets the requirements of this section.

32 No educational institution shall be denied recognition as an  
33 accredited academic institution solely because its program is not  
34 accredited by any professional organization of psychologists, and  
35 nothing in this chapter or in the administration of this chapter shall  
36 require the registration with the board by educational institutions  
37 of their departments of psychology or their doctoral programs in  
38 psychology.

39 An applicant for licensure trained in an educational institution  
40 outside the United States or Canada shall demonstrate to the

1 satisfaction of the board that he or she possesses a doctorate degree  
2 in psychology that is equivalent to a degree earned from a  
3 regionally accredited university in the United States or Canada.  
4 These applicants shall provide the board with a comprehensive  
5 evaluation of the degree performed by a foreign credential  
6 evaluation service that is a member of the National Association  
7 of Credential Evaluation Services (NACES), and any other  
8 documentation the board deems necessary.

9 (c) Have engaged for at least two years in supervised  
10 professional experience under the direction of a licensed  
11 psychologist, the specific requirements of which shall be defined  
12 by the board in its regulations, or under suitable alternative  
13 supervision as determined by the board in regulations duly adopted  
14 under this chapter, at least one year of which shall be after being  
15 awarded the doctorate in psychology. The supervisor shall submit  
16 verification of the experience required by this subdivision to the  
17 board as prescribed by the board. If the supervisor fails to submit  
18 verification of experience to the board, the applicant may submit  
19 verification directly to the board as determined by the board.

20 The authority provided by this subdivision for an applicant to  
21 file written verification directly shall apply only to an applicant  
22 who has acquired the experience required by this subdivision in  
23 the United States or Canada.

24 The board shall establish qualifications by regulation for  
25 supervising psychologists and shall review and approve applicants  
26 on a case-by-case basis.

27 (d) Take and pass the examination required by Section 2941  
28 unless otherwise exempted by the board under this chapter.

29 (e) Show by evidence satisfactory to the board that he or she  
30 has completed training in the detection and treatment of alcohol  
31 and other chemical substance dependency. This requirement applies  
32 only to applicants who matriculate on or after September 1, 1985.

33 (f) (1) Show by evidence satisfactory to the board that he or  
34 she has completed coursework in spousal or partner abuse  
35 assessment, detection, and intervention. This requirement applies  
36 to applicants who began graduate training during the period  
37 commencing on January 1, 1995, and ending on December 31,  
38 2003.

39 (2) An applicant who began graduate training on or after January  
40 1, 2004, shall show by evidence satisfactory to the board that he

1 or she has completed a minimum of 15 contact hours of coursework  
2 in spousal or partner abuse assessment, detection, and intervention  
3 strategies, including knowledge of community resources, cultural  
4 factors, and same gender abuse dynamics. An applicant may request  
5 an exemption from this requirement if he or she intends to practice  
6 in an area that does not include the direct provision of mental health  
7 services.

8 (3) Coursework required under this subdivision may be  
9 satisfactory if taken either in fulfillment of other educational  
10 requirements for licensure or in a separate course. This requirement  
11 for coursework shall be satisfied by, and the board shall accept in  
12 satisfaction of the requirement, a certification from the chief  
13 academic officer of the educational institution from which the  
14 applicant graduated that the required coursework is included within  
15 the institution's required curriculum for graduation.

16 (g) An applicant holding a doctoral degree in psychology from  
17 an approved institution is deemed to meet the requirements of this  
18 section if all of the following are true:

19 (1) The approved institution offered a doctoral degree in  
20 psychology designed to prepare students for a license to practice  
21 psychology and was approved by the Bureau for Private  
22 Postsecondary and Vocational Education on or before July 1, 1999.

23 (2) The approved institution has not, since July 1, 1999, had a  
24 new location, as described in Section 94721 of the Education Code.

25 (3) The approved institution is not a franchise institution, as  
26 defined in Section 94729.3 of the Education Code.

27 ~~SEC. 2.~~

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

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