

AMENDED IN SENATE JUNE 1, 2015

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 Sections 2903, 2909, 2910, 2913, and 2914 of the Business and Professions Code, *and to amend Section 1010 of the Evidence Code*, relating to psychologists.

LEGISLATIVE COUNSEL'S DIGEST

AB 1374, as amended, Levine. Psychologists: 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~~ *persons, including credentialed psychometrists*, 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 requires the board to establish qualifications by regulation for supervising psychologists and to review and approve applicants on a case-by-case basis.* 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 eliminate that authorization for credentialed psychometrists.* 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.~~ *trainee in a manner prescribed by the board, and would authorize the board to establish alternative procedures for obtaining the necessary documentation if the supervisor fails to provide that verification. The bill would make that failure, absent good cause, unprofessional conduct. The bill would eliminate the requirement that the board review and approve applicants on a case-by-case basis. The bill would also make technical and conforming changes.* 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

1 chapter. The practice of psychology is defined as rendering or  
2 offering to render to individuals, groups, organizations, or the  
3 public any psychological service involving the application of  
4 psychological principles, methods, and procedures of  
5 understanding, predicting, and influencing behavior, such as the  
6 principles pertaining to learning, perception, motivation, emotions,  
7 and interpersonal relationships; and the methods and procedures  
8 of interviewing, counseling, psychotherapy, behavior modification,  
9 and hypnosis; and of constructing, administering, and interpreting  
10 tests of mental abilities, aptitudes, interests, attitudes, personality  
11 characteristics, emotions, and motivations.

12 The application of these principles and methods includes, but is  
13 not restricted to: assessment, diagnosis, prevention, treatment, and  
14 intervention in order to increase effective functioning of  
15 individuals, groups, and organizations.

16 Psychotherapy within the meaning of this chapter means the use  
17 of psychological methods in a professional relationship to assist  
18 a person or persons to acquire greater human effectiveness or to  
19 modify feelings, conditions, ~~attitudes~~ *attitudes*, and ~~behavior~~  
20 *behaviors* which are emotionally, intellectually, or socially  
21 ineffectual or maladaptive.

22 SEC. 2. Section 2909 of the Business and Professions Code is  
23 amended to read:

24 2909. This chapter shall not be construed as restricting or  
25 preventing activities of a psychological nature or the use of the  
26 official title of the position for which they were employed on the  
27 part of the following persons, provided those persons are  
28 performing those activities as part of the duties for which they  
29 were employed, are performing those activities solely within the  
30 confines of or under the jurisdiction of the organization in which  
31 they are ~~employed~~ *employed*, and do not offer to render or render  
32 psychological services as defined in Section 2903 to the public:

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

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

38 (e)

39 (b) Persons who are employed in positions as psychologists or  
40 psychological assistants, or in a student counseling service, by

1 accredited or approved colleges, ~~junior~~ *community* colleges, or  
2 universities; federal, state, county, or municipal governmental  
3 organizations that are not primarily involved in the provision of  
4 direct health or mental health services. However, those persons  
5 may, without obtaining a license under this act, consult or  
6 disseminate their research findings and scientific information to  
7 other such accredited or approved academic institutions or  
8 governmental agencies. They may also offer lectures to the public  
9 without being licensed under this chapter.

10 ~~(d)~~

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

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

25 2910. This chapter shall not be construed to restrict or prevent  
26 activities of a psychological nature on the part of persons who are  
27 salaried employees of accredited or approved academic institutions,  
28 public schools, or governmental agencies, provided:

29 (a) Such employees are performing such psychological activities  
30 as part of the duties for which they were hired.

31 (b) Such employees are performing those activities solely within  
32 the jurisdiction or confines of such organizations.

33 (c) Such persons do not hold themselves out to the public by  
34 any title or description of activities incorporating the words  
35 “psychology,” “psychological,” “psychologist,” “psychometry,”  
36 “psychometrics,” or “psychometrist.”

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

39 SEC. 4. Section 2913 of the Business and Professions Code is  
40 amended to read:

1 2913. A person other than a licensed psychologist may be  
2 employed by a licensed psychologist, by a licensed physician and  
3 surgeon who is board certified in psychiatry by the American Board  
4 of Psychiatry and Neurology, by a clinic that provides mental  
5 health services under contract pursuant to Section 5614 of the  
6 Welfare and Institutions Code, by a psychological corporation, by  
7 a licensed psychology clinic as defined in Section 1204.1 of the  
8 Health and Safety Code, or by a medical corporation to perform  
9 limited psychological functions provided that all of the following  
10 apply:

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

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

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

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

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

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

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

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

16 SEC. 5. Section 2914 of the Business and Professions Code is  
 17 amended to read:

18 2914. Each applicant for licensure shall comply with all of the  
 19 following requirements:

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

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

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

36 An applicant for licensure trained in an educational institution  
 37 outside the United States or Canada shall demonstrate to the  
 38 satisfaction of the board that he or she possesses a doctorate degree  
 39 in psychology that is equivalent to a degree earned from a  
 40 regionally accredited university in the United States or Canada.

1 These applicants shall provide the board with a comprehensive  
2 evaluation of the degree performed by a foreign credential  
3 evaluation service that is a member of the National Association  
4 of Credential Evaluation Services (NACES), and any other  
5 documentation the board deems necessary.

6 (c) Have engaged for at least two years in supervised  
7 professional experience under the direction of a licensed  
8 psychologist, the specific requirements of which shall be defined  
9 by the board in its regulations, or under suitable alternative  
10 supervision as determined by the board in regulations duly adopted  
11 under this chapter, at least one year of which shall be after being  
12 awarded the doctorate in psychology. The supervisor shall submit  
13 verification of the experience required by this subdivision to the  
14 ~~board as trainee in a manner~~ prescribed by the board. If the  
15 ~~supervisor fails to submit verification of experience to the board,~~  
16 ~~the applicant may submit verification directly to the board as~~  
17 ~~determined by the board.~~ *supervising licensed psychologist fails*  
18 *to provide verification to the trainee in a timely manner, the board*  
19 *may establish alternative procedures for obtaining the necessary*  
20 *documentation. Absent good cause, the failure of a supervising*  
21 *licensed psychologist to provide the verification to the board upon*  
22 *request shall constitute unprofessional conduct.*

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

27 The board shall establish qualifications by regulation for  
28 supervising psychologists and shall review and approve applicants  
29 ~~on a case-by-case basis.~~ *psychologists.*

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

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

36 (f) (1) Show by evidence satisfactory to the board that he or  
37 she has completed coursework in spousal or partner abuse  
38 assessment, detection, and intervention. This requirement applies  
39 to applicants who began graduate training during the period

1 commencing on January 1, 1995, and ending on December 31,  
2 2003.

3 (2) An applicant who began graduate training on or after January  
4 1, 2004, shall show by evidence satisfactory to the board that he  
5 or she has completed a minimum of 15 contact hours of coursework  
6 in spousal or partner abuse assessment, detection, and intervention  
7 strategies, including knowledge of community resources, cultural  
8 factors, and same gender abuse dynamics. An applicant may request  
9 an exemption from this requirement if he or she intends to practice  
10 in an area that does not include the direct provision of mental health  
11 services.

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

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

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

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

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

31 *SEC. 6. Section 1010 of the Evidence Code is amended to read:*

32 1010. As used in this article, "psychotherapist" means a person  
33 who is, or is reasonably believed by the patient to be:

34 (a) A person authorized to practice medicine in any state or  
35 nation who devotes, or is reasonably believed by the patient to  
36 devote, a substantial portion of his or her time to the practice of  
37 psychiatry.

38 (b) A person licensed as a psychologist under Chapter 6.6  
39 (commencing with Section 2900) of Division 2 of the Business  
40 and Professions Code.



1 (c) A person licensed as a clinical social worker under Article  
2 4 (commencing with Section 4996) of Chapter 14 of Division 2  
3 of the Business and Professions Code, when he or she is engaged  
4 in applied psychotherapy of a nonmedical nature.

5 (d) A person who is serving as a school psychologist and holds  
6 a credential authorizing that service issued by the state.

7 (e) A person licensed as a marriage and family therapist under  
8 Chapter 13 (commencing with Section 4980) of Division 2 of the  
9 Business and Professions Code.

10 (f) A person registered as a psychological assistant who is under  
11 the supervision of a licensed psychologist or board certified  
12 psychiatrist as required by Section 2913 of the Business and  
13 Professions Code, or a person registered as a marriage and family  
14 therapist intern who is under the supervision of a licensed marriage  
15 and family therapist, a licensed clinical social worker, a licensed  
16 psychologist, or a licensed physician and surgeon certified in  
17 psychiatry, as specified in Section 4980.44 of the Business and  
18 Professions Code.

19 (g) A person registered as an associate clinical social worker  
20 who is under supervision as specified in Section 4996.23 of the  
21 Business and Professions Code.

22 (h) A person exempt from the Psychology Licensing Law  
23 pursuant to subdivision ~~(d)~~ (c) of Section 2909 of the Business  
24 and Professions Code who is under the supervision of a licensed  
25 psychologist or board certified psychiatrist.

26 (i) A psychological intern as defined in Section 2911 of the  
27 Business and Professions Code who is under the supervision of a  
28 licensed psychologist or board certified psychiatrist.

29 (j) A trainee, as defined in subdivision (c) of Section 4980.03  
30 of the Business and Professions Code, who is fulfilling his or her  
31 supervised practicum required by subparagraph (B) of paragraph  
32 (1) of subdivision (d) of Section 4980.36 of, or subdivision (c) of  
33 Section 4980.37 of, the Business and Professions Code and is  
34 supervised by a licensed psychologist, a board certified psychiatrist,  
35 a licensed clinical social worker, a licensed marriage and family  
36 therapist, or a licensed professional clinical counselor.

37 (k) A person licensed as a registered nurse pursuant to Chapter  
38 6 (commencing with Section 2700) of Division 2 of the Business  
39 and Professions Code, who possesses a master's degree in  
40 psychiatric-mental health nursing and is listed as a

1 psychiatric-mental health nurse by the Board of Registered  
2 Nursing.

3 (l) An advanced practice registered nurse who is certified as a  
4 clinical nurse specialist pursuant to Article 9 (commencing with  
5 Section 2838) of Chapter 6 of Division 2 of the Business and  
6 Professions Code and who participates in expert clinical practice  
7 in the specialty of psychiatric-mental health nursing.

8 (m) A person rendering mental health treatment or counseling  
9 services as authorized pursuant to Section 6924 of the Family  
10 Code.

11 (n) A person licensed as a professional clinical counselor under  
12 Chapter 16 (commencing with Section 4999.10) of Division 2 of  
13 the Business and Professions Code.

14 (o) A person registered as a clinical counselor intern who is  
15 under the supervision of a licensed professional clinical counselor,  
16 a licensed marriage and family therapist, a licensed clinical social  
17 worker, a licensed psychologist, or a licensed physician and  
18 surgeon certified in psychiatry, as specified in Sections 4999.42  
19 to 4999.46, inclusive, of the Business and Professions Code.

20 (p) A clinical counselor trainee, as defined in subdivision (g)  
21 of Section 4999.12 of the Business and Professions Code, who is  
22 fulfilling his or her supervised practicum required by paragraph  
23 (3) of subdivision (c) of Section 4999.32 of, or paragraph (3) of  
24 subdivision (c) of Section 4999.33 of, the Business and Professions  
25 Code, and is supervised by a licensed psychologist, a  
26 board-certified psychiatrist, a licensed clinical social worker, a  
27 licensed marriage and family therapist, or a licensed professional  
28 clinical counselor.

29 ~~SEC. 6.~~

30 SEC. 7. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution because  
32 the only costs that may be incurred by a local agency or school  
33 district will be incurred because 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.

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