

AMENDED IN SENATE JUNE 11, 2015

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1374

Introduced by Assembly Member Levine

February 27, 2015

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~~ *but* authorizes unlicensed persons, including credentialed psychometrists, who meet certain requirements and do not provide psychological services *to the public* for a ~~fee~~ *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 *licensed* 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 *licensed* 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 remove the reference to fees for services from the definition of the practice of psychology, thereby expanding that definition. The bill would further modify that definition to specify that the application of psychological principles and methods includes assessment, diagnosis, prevention, treatment, and intervention to increase effective functioning of individuals, groups, and organizations. The bill would revise the above-described authorization authorizations for specified unlicensed persons to provide psychological services, by removing references to a fee: perform limited psychological functions or activities of a psychological nature to prohibit services to the public, except as specified, without reference 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 a supervising licensed psychologist to submit verification of the experience to the 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 supervising licensed psychologist 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
6 chapter. The practice of psychology is defined as rendering or
7 offering to render to individuals, groups, organizations, or the
8 public any psychological service involving the application of
9 psychological principles, methods, and procedures of
10 understanding, predicting, and influencing behavior, such as the
11 principles pertaining to learning, perception, motivation, emotions,
12 and interpersonal relationships; and the methods and procedures
13 of interviewing, counseling, psychotherapy, behavior modification,
14 and hypnosis; and of constructing, administering, and interpreting
15 tests of mental abilities, aptitudes, interests, attitudes, personality
16 characteristics, emotions, and motivations.

17 The application of these principles and methods includes, but is
18 not restricted to: assessment, diagnosis, prevention, treatment, and
19 intervention ~~in order~~ to increase effective functioning of
20 individuals, groups, and organizations.

21 Psychotherapy within the meaning of this chapter means the use
22 of psychological methods in a professional relationship to assist
23 a person or persons to acquire greater human effectiveness or to
24 modify feelings, conditions, attitudes, and behaviors which are
25 emotionally, intellectually, or socially ineffectual or maladaptive.

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

28 2909. 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 they were employed on the
31 part of the following persons, provided those persons are
32 performing those activities as part of the duties for which they
33 were employed, are performing those activities solely within the
34 confines of or under the jurisdiction of the organization in which
35 they are employed, and do not offer to render or render
36 psychological services as defined in Section 2903 to the public:

37 (a) Persons who hold a valid and current credential as a school
38 psychologist issued by the Commission on Teacher Credentialing.

1 (b) Persons who are employed in positions as psychologists or
2 psychological assistants, or in a student counseling service, by
3 accredited or approved colleges, community colleges, or
4 universities; federal, state, county, or municipal governmental
5 organizations that are not primarily involved in the provision of
6 direct health or mental health services. However, those persons
7 may, without obtaining a license under this act, consult or
8 disseminate their research findings and scientific information to
9 other such accredited or approved academic institutions or
10 governmental agencies. They may also offer lectures to the public
11 without being licensed under this chapter.

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

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

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

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

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

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

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 that provides mental
7 health services under contract pursuant to Section 5614 of the
8 Welfare and Institutions Code, by a psychological corporation, by
9 a licensed psychology clinic as defined in Section 1204.1 of the
10 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 that qualifies for licensure under Section 2914, in an
23 accredited or approved university, college, or professional school
24 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 except as an employee of a licensed
10 psychologist, licensed physician, contract clinic, psychological
11 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 SEC. 5. Section 2914 of the Business and Professions Code is
19 amended to read:

20 2914. Each applicant for licensure shall comply with all of the
21 following requirements:

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

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

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

38 An applicant for licensure trained in an educational institution
39 outside the United States or Canada shall demonstrate to the
40 satisfaction of the board that he or she possesses a doctorate degree

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

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

23 The board shall establish qualifications by regulation for
24 supervising psychologists.

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

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

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

37 (2) An applicant who began graduate training on or after January
38 1, 2004, shall show by evidence satisfactory to the board that he
39 or she has completed a minimum of 15 contact hours of coursework
40 in spousal or partner abuse assessment, detection, and intervention

1 strategies, including knowledge of community resources, cultural
2 factors, and same gender abuse dynamics. An applicant may request
3 an exemption from this requirement if he or she intends to practice
4 in an area that does not include the direct provision of mental health
5 services.

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

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

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

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

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

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

26 1010. As used in this article, "psychotherapist" means a person
27 who is, or is reasonably believed by the patient to be:

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

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

35 (c) A person licensed as a clinical social worker under Article
36 4 (commencing with Section 4996) of Chapter 14 of Division 2
37 of the Business and Professions Code, when he or she is engaged
38 in applied psychotherapy of a nonmedical nature.

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

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

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

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

16 (h) A person exempt from the Psychology Licensing Law
17 pursuant to subdivision (c) of Section 2909 of the Business and
18 Professions Code who is under the supervision of a licensed
19 psychologist or board certified psychiatrist.

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

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

31 (k) A person licensed as a registered nurse pursuant to Chapter
32 6 (commencing with Section 2700) of Division 2 of the Business
33 and Professions Code, who possesses a master's degree in
34 psychiatric-mental health nursing and is listed as a
35 psychiatric-mental health nurse by the Board of Registered
36 Nursing.

37 (l) An advanced practice registered nurse who is certified as a
38 clinical nurse specialist pursuant to Article 9 (commencing with
39 Section 2838) of Chapter 6 of Division 2 of the Business and

1 Professions Code and who participates in expert clinical practice
2 in the specialty of psychiatric-mental health nursing.

3 (m) A person rendering mental health treatment or counseling
4 services as authorized pursuant to Section 6924 of the Family
5 Code.

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

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

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

24 SEC. 7. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

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