

AMENDED IN SENATE JULY 14, 2015

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, but authorizes unlicensed persons, including ~~credentialed psychometrists,~~ *psychological assistants* who meet certain requirements and do not provide psychological services to the public for a fee, to perform limited psychological ~~functions or activities of a psychological nature, as specified.~~ *functions*. 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 *for the position of supervising psychologist* on a case-by-case basis. The law provides that a violation of any of its provisions is a misdemeanor.

This bill would 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 authorizations for specified unlicensed persons to perform limited psychological functions or activities of a psychological nature *authorization for psychological assistants* 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 ~~instead~~ *revise that experience verification procedure* to require 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 supervising licensed psychologist fails to provide that ~~verification.~~ *verification in a timely manner.* The bill would make ~~that failure, the failure to provide verification to the board upon request,~~ absent good cause, unprofessional conduct. The bill would eliminate the requirement that the board review and approve applicants *for the position of supervising psychologist* 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.

Existing law establishes for a patient of a psychotherapist, whether or not a party to a proceeding, the privilege to refuse to disclose and to prevent another from disclosing a confidential communication between the patient and psychotherapist, as specified, and defines a psychotherapist for these purposes.

This bill would include in the definition of psychotherapist a person who registered with the Board of Psychology as a registered psychologist and who is under the supervision of a licensed psychologist or a board certified psychiatrist.

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. (a) No person may engage in the practice of psychology,
4 or represent himself or herself to be a psychologist, without a
5 license granted under this chapter, except as otherwise provided
6 in this chapter. The practice of psychology is defined as rendering
7 or 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~~

18 (b) *The* application of these principles and methods includes,
19 but is not restricted to: assessment, diagnosis, prevention, treatment,
20 and intervention to increase effective functioning of individuals,
21 groups, and organizations.

22 ~~Psychotherapy~~

23 (c) *Psychotherapy* within the meaning of this chapter means the
24 use of psychological methods in a professional relationship to
25 assist a person or persons to acquire greater human effectiveness
26 or to modify feelings, conditions, attitudes, and behaviors ~~which~~

1 *that* are emotionally, intellectually, or socially ineffectual or
2 maladaptive.

3 ~~SEC. 2.— Section 2909 of the Business and Professions Code is~~
4 ~~amended to read:~~

5 ~~2909.— This chapter shall not be construed as restricting or~~
6 ~~preventing activities of a psychological nature or the use of the~~
7 ~~official title of the position for which they were employed on the~~
8 ~~part of the following persons, provided those persons are~~
9 ~~performing those activities as part of the duties for which they~~
10 ~~were employed, are performing those activities solely within the~~
11 ~~confines of or under the jurisdiction of the organization in which~~
12 ~~they are employed, and do not offer to render or render~~
13 ~~psychological services as defined in Section 2903 to the public:~~

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

16 ~~(b) Persons who are employed in positions as psychologists or~~
17 ~~psychological assistants, or in a student counseling service, by~~
18 ~~accredited or approved colleges, community colleges, or~~
19 ~~universities; federal, state, county, or municipal governmental~~
20 ~~organizations that are not primarily involved in the provision of~~
21 ~~direct health or mental health services. However, those persons~~
22 ~~may, without obtaining a license under this act, consult or~~
23 ~~disseminate their research findings and scientific information to~~
24 ~~other such accredited or approved academic institutions or~~
25 ~~governmental agencies. They may also offer lectures to the public~~
26 ~~without being licensed under this chapter.~~

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

39 ~~SEC. 3.— Section 2910 of the Business and Professions Code is~~
40 ~~amended to read:~~

1 ~~2910. This chapter shall not be construed to restrict or prevent~~
2 ~~activities of a psychological nature on the part of persons who are~~
3 ~~salaried employees of accredited or approved academic institutions,~~
4 ~~public schools, or governmental agencies, provided:~~

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

7 ~~(b) Such employees are performing those activities solely within~~
8 ~~the jurisdiction or confines of such organizations.~~

9 ~~(c) Such persons do not hold themselves out to the public by~~
10 ~~any title or description of activities incorporating the words~~
11 ~~“psychology,” “psychological,” or “psychologist.”~~

12 ~~(d) Such persons do not provide direct health or mental health~~
13 ~~services.~~

14 ~~SEC. 4.~~

15 ~~SEC. 2.~~ Section 2913 of the Business and Professions Code is
16 amended to read:

17 2913. A person other than a licensed psychologist may be
18 employed by a licensed psychologist, by a licensed physician and
19 surgeon who is board certified in psychiatry by the American Board
20 of Psychiatry and Neurology, by a clinic that provides mental
21 health services under contract pursuant to Section 5614 of the
22 Welfare and Institutions Code, by a psychological corporation, by
23 a licensed psychology clinic as defined in Section 1204.1 of the
24 Health and Safety Code, or by a medical corporation to perform
25 limited psychological functions ~~provided that if~~ all of the following
26 apply:

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

28 (b) The person (1) has completed a master’s degree in
29 psychology or education with the field of specialization in
30 psychology or counseling psychology, or (2) has been admitted to
31 candidacy for a doctoral degree in psychology or education with
32 the field of specialization in psychology or counseling psychology,
33 after having satisfactorily completed three or more years of
34 postgraduate education in psychology and having passed
35 preliminary doctoral examinations, or (3) has completed a doctoral
36 degree that qualifies for licensure under Section 2914, in an
37 accredited or approved university, college, or professional school
38 located in the United States or Canada.

39 (c) The person is at all times under the immediate supervision,
40 as defined in regulations adopted by the board, of a licensed

1 psychologist, or board certified psychiatrist, who shall be
 2 responsible for insuring that the extent, kind, and quality of the
 3 psychological services he or she performs are consistent with his
 4 or her training and experience and be responsible for his or her
 5 compliance with this chapter and regulations duly adopted
 6 hereunder, including those provisions set forth in Section 2960.

7 (d) (1) The licensed psychologist, board certified psychiatrist,
 8 contract clinic, psychological corporation, or medical corporation,
 9 has registered the psychological assistant with the board. The
 10 registration shall be renewed annually in accordance with
 11 regulations adopted by the board.

12 ~~No~~
 13 (2) *No* licensed psychologist may register, employ, or supervise
 14 more than three psychological assistants at any given time unless
 15 specifically authorized to do so by the board. No board certified
 16 psychiatrist may register, employ, or supervise more than one
 17 psychological assistant at any given time. No contract clinic,
 18 psychological corporation, or medical corporation may employ
 19 more than 10 assistants at any one time. No contract clinic may
 20 register, employ, or provide supervision for more than one
 21 psychological assistant for each designated full-time staff
 22 psychiatrist who is qualified and supervises the psychological
 23 assistants. No psychological assistant may provide psychological
 24 services to the public except as an employee of a licensed
 25 psychologist, licensed physician, contract clinic, psychological
 26 corporation, or medical corporation.

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

30 (f) No person shall practice as a psychological assistant who is
 31 found by the board to be in violation of Section 2960 and the rules
 32 and regulations duly adopted ~~thereunder~~ pursuant to that section.

33 ~~SEC. 5.~~
 34 *SEC. 3.* Section 2914 of the Business and Professions Code is
 35 amended to read:

36 2914. Each applicant for licensure shall comply with all of the
 37 following requirements:

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

1 (b) (1) Possess an earned doctorate degree—(1) (A) in
2 psychology,—(2) (B) in educational psychology, or—(3) (C) in
3 education with the field of specialization in counseling psychology
4 or educational psychology. Except as provided in subdivision (g),
5 this degree or training shall be obtained from an accredited
6 university, college, or professional school. The board shall make
7 the final determination as to whether a degree meets the
8 requirements of this section.

9 ~~No~~

10 (2) *No* educational institution shall be denied recognition as an
11 accredited academic institution solely because its program is not
12 accredited by any professional organization of psychologists, and
13 nothing in this chapter or in the administration of this chapter shall
14 require the registration with the board by educational institutions
15 of their departments of psychology or their doctoral programs in
16 psychology.

17 ~~An~~

18 (3) *An* applicant for licensure trained in an educational institution
19 outside the United States or Canada shall demonstrate to the
20 satisfaction of the board that he or she possesses a doctorate degree
21 in psychology that is equivalent to a degree earned from a
22 regionally accredited university in the United States or Canada.
23 These applicants shall provide the board with a comprehensive
24 evaluation of the degree performed by a foreign credential
25 evaluation service that is a member of the National Association
26 of Credential Evaluation Services (NACES), and any other
27 documentation the board deems necessary.

28 (c) (1) Have engaged for at least two years in supervised
29 professional experience under the direction of a licensed
30 psychologist, the specific requirements of which shall be defined
31 by the board in its regulations, or under suitable alternative
32 supervision as determined by the board in regulations duly adopted
33 under this chapter, at least one year of which shall be after being
34 awarded the doctorate in psychology. The supervisor shall submit
35 verification of the experience required by this subdivision to the
36 trainee in a manner prescribed by the board. If the supervising
37 licensed psychologist fails to provide verification to the trainee in
38 a timely manner, the board may establish alternative procedures
39 for obtaining the necessary documentation. Absent good cause,
40 the failure of a supervising licensed psychologist to provide the

1 verification to the board upon request shall constitute
2 unprofessional conduct.

3 ~~The~~

4 (2) *The* board shall establish qualifications by regulation for
5 supervising psychologists.

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

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

12 (f) (1) Show by evidence satisfactory to the board that he or
13 she has completed coursework in spousal or partner abuse
14 assessment, detection, and intervention. This requirement applies
15 to applicants who began graduate training during the period
16 commencing on January 1, 1995, and ending on December 31,
17 2003.

18 (2) An applicant who began graduate training on or after January
19 1, 2004, shall show by evidence satisfactory to the board that he
20 or she has completed a minimum of 15 contact hours of coursework
21 in spousal or partner abuse assessment, detection, and intervention
22 strategies, including knowledge of community resources, cultural
23 factors, and same gender abuse dynamics. An applicant may request
24 an exemption from this requirement if he or she intends to practice
25 in an area that does not include the direct provision of mental health
26 services.

27 (3) Coursework required under this subdivision may be
28 satisfactory if taken either in fulfillment of other educational
29 requirements for licensure or in a separate course. This requirement
30 for coursework shall be satisfied by, and the board shall accept in
31 satisfaction of the requirement, a certification from the chief
32 academic officer of the educational institution from which the
33 applicant graduated that the required coursework is included within
34 the institution's required curriculum for graduation.

35 (g) An applicant holding a doctoral degree in psychology from
36 an approved institution is deemed to meet the requirements of this
37 section if ~~at~~ *both* of the following are true:

38 (1) The approved institution offered a doctoral degree in
39 psychology designed to prepare students for a license to practice

1 psychology and was approved by the *former* Bureau for Private
2 Postsecondary and Vocational Education on or before July 1, 1999.

3 (2) The approved institution has not, since July 1, 1999, had a
4 new location, as described in Section ~~94721~~ 94823.5 of the
5 Education Code.

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

8 ~~SEC. 6.~~

9 *SEC. 4.* Section 1010 of the Evidence Code is amended to read:
10 1010. As used in this article, “psychotherapist” means a person
11 who is, or is reasonably believed by the patient to be:

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

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

19 (c) A person licensed as a clinical social worker under Article
20 4 (commencing with Section 4996) of Chapter 14 of Division 2
21 of the Business and Professions Code, when he or she is engaged
22 in applied psychotherapy of a nonmedical nature.

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

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

28 (f) A person registered as a psychological assistant who is under
29 the supervision of a licensed psychologist or board certified
30 psychiatrist as required by Section 2913 of the Business and
31 Professions Code, or a person registered as a marriage and family
32 therapist intern who is under the supervision of a licensed marriage
33 and family therapist, a licensed clinical social worker, a licensed
34 psychologist, or a licensed physician and surgeon certified in
35 psychiatry, as specified in Section 4980.44 of the Business and
36 Professions Code.

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

- 1 (h) ~~A person exempt from the Psychology Licensing Law~~
2 ~~pursuant to subdivision (e) of Section 2909 of the Business and~~
3 ~~Professions Code who registered with the Board of Psychology as~~
4 ~~a registered psychologist and who is under the supervision of a~~
5 ~~licensed psychologist or board certified psychiatrist.~~
- 6 (i) A psychological intern as defined in Section 2911 of the
7 Business and Professions Code who is under the supervision of a
8 licensed psychologist or board certified psychiatrist.
- 9 (j) A trainee, as defined in subdivision (c) of Section 4980.03
10 of the Business and Professions Code, who is fulfilling his or her
11 supervised practicum required by subparagraph (B) of paragraph
12 (1) of subdivision (d) of Section 4980.36 of, or subdivision (c) of
13 Section 4980.37 of, the Business and Professions Code and is
14 supervised by a licensed psychologist, a board certified psychiatrist,
15 a licensed clinical social worker, a licensed marriage and family
16 therapist, or a licensed professional clinical counselor.
- 17 (k) A person licensed as a registered nurse pursuant to Chapter
18 6 (commencing with Section 2700) of Division 2 of the Business
19 and Professions Code, who possesses a master's degree in
20 psychiatric-mental health nursing and is listed as a
21 psychiatric-mental health nurse by the Board of Registered
22 Nursing.
- 23 (l) An advanced practice registered nurse who is certified as a
24 clinical nurse specialist pursuant to Article 9 (commencing with
25 Section 2838) of Chapter 6 of Division 2 of the Business and
26 Professions Code and who participates in expert clinical practice
27 in the specialty of psychiatric-mental health nursing.
- 28 (m) A person rendering mental health treatment or counseling
29 services as authorized pursuant to Section 6924 of the Family
30 Code.
- 31 (n) A person licensed as a professional clinical counselor under
32 Chapter 16 (commencing with Section 4999.10) of Division 2 of
33 the Business and Professions Code.
- 34 (o) A person registered as a clinical counselor intern who is
35 under the supervision of a licensed professional clinical counselor,
36 a licensed marriage and family therapist, a licensed clinical social
37 worker, a licensed psychologist, or a licensed physician and
38 surgeon certified in psychiatry, as specified in Sections 4999.42
39 to 4999.46, inclusive, of the Business and Professions Code.

1 (p) A clinical counselor trainee, as defined in subdivision (g)
2 of Section 4999.12 of the Business and Professions Code, who is
3 fulfilling his or her supervised practicum required by paragraph
4 (3) of subdivision (c) of Section 4999.32 of, or paragraph (3) of
5 subdivision (c) of Section 4999.33 of, the Business and Professions
6 Code, and is supervised by a licensed psychologist, a
7 board-certified psychiatrist, a licensed clinical social worker, a
8 licensed marriage and family therapist, or a licensed professional
9 clinical counselor.

10 ~~SEC. 7.~~

11 *SEC. 5.* No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.