

**Introduced by Senator Hill**

February 18, 2016

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An act to amend Sections ~~2920~~ 2913, 2914, 2914.1, 2914.2, 2915, 2920, and 2933 ~~of~~ of, to add Sections 2934.1 and 2988.5 to, and to repeal Section 2947 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1194, as amended, Hill. Psychology: Board of Psychology: personnel.

**Existing**

(1) *Existing law, the Psychology Licensing Law; Law (hereafter law), establishes the Board of Psychology to license and regulate the practice of psychology, and authorizes the board to employ all personnel necessary to carry out that law and to employ an executive officer, as specified. These provisions are in effect only until January 1, 2017.*

This bill would extend those provisions to January 1, 2021.

(2) *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 psychological assistants who meet certain requirements and do not provide psychological services to the public, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation, to perform limited*

psychological functions. The law provides that a violation of any of its provisions is a misdemeanor.

This bill would recast these provisions to authorize an unlicensed person preparing for licensure as a psychologist to perform psychological functions under certain conditions, including registration with the board as a psychological assistant and immediate supervision by a licensed psychologist or physician and surgeon who is board certified in psychiatry, as specified. This bill would prohibit a psychological assistant from providing psychological services to the public except as a supervisee. By changing the definition of a crime, this bill would create a state-mandated local program.

(3) The law conditions the issuance of a psychology license upon an applicant having received any of certain kinds of doctorate degrees, from an accredited educational institution. The law requires, with certain exceptions, the board to issue renewal licenses for psychology only to those applicants who have completed 36 hours of approved continuing education in the preceding two years. Existing law prescribes a biennial license renewal fee of not more than \$500. Existing law also requires a person applying for relicensure or for reinstatement to an active license to certify under penalty of perjury that he or she is in compliance with the continuing education requirements. Existing law requires continuing education instruction to be completed within the state or be approved for credit by the American Psychological Association or its equivalent.

This bill would revise and recast the doctorate degree requirements for licensure to include, until January 1, 2020, a doctorate degree from an unaccredited institution that is approved for operation by specified entity. The law would replace the term “continuing education” with “continuing professional development,” require a person applying for renewal or reinstatement to certify compliance with these requirements under penalty of perjury, require continuing professional courses to be approved for credit by organizations approved by the board, and authorize the board to grant exemptions from, or extensions for compliance with, these requirements. This bill would also authorize professional development credit to be approved for selected participants in any examination development or enforcement related function for the board.

This bill would authorize the board to issue a retired license to a licensed psychologist if the psychologist has applied to the board for a retired license and pays a fee of not more than \$75. The bill would

also prohibit the holder of a retired license from engaging in the practice of psychology in the same manner as an active licensee. Because a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

(4) The law authorizes the board to appoint qualified persons to give the whole or any portion of any examination provided for in the law, to be designated as commissioners on examination.

This bill would repeal this authorization.

This bill would authorize the board to post on its Internet Web site the prescribed information regarding all current and former licensees.

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: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2913 of the Business and Professions  
2 Code is 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 if all of the following apply:~~  
12 *perform psychological functions in preparation for licensure as a*  
13 *psychologist only if all of the following conditions are met:*

14 (a) The person ~~is termed~~ *is registered with the board as a*  
15 *“psychological assistant.” This registration shall be renewed*  
16 *annually in accordance with regulations adopted by the board.*

17 (b) The person (1) has completed a master’s degree in  
18 psychology or education with the field of specialization in  
19 psychology or counseling psychology, or (2) has been admitted to

1 candidacy for a doctoral degree in psychology or education with  
2 the field of specialization in psychology or counseling psychology,  
3 after having satisfactorily completed three or more years of  
4 postgraduate education in psychology and having passed  
5 preliminary doctoral examinations, or (3) has completed a doctoral  
6 degree that qualifies for licensure under Section ~~2914~~, in an  
7 accredited or approved university, college, or professional school  
8 located in the United States or Canada. *2914.*

9 (c) (1) The ~~person~~ *psychological assistant* is at all times under  
10 the immediate supervision, as defined in regulations adopted by  
11 the board, of a licensed psychologist, or ~~board-certified psychiatrist,~~  
12 *a licensed physician and surgeon who is certified in psychiatry by*  
13 *the American Board of Psychiatry and Neurology*, who shall be  
14 responsible for insuring that the extent, kind, and quality of the  
15 psychological services ~~he or she~~ *that the psychological assistant*  
16 performs are consistent with his or her training and experience and  
17 be responsible for ~~his or her~~ *the psychological assistant's*  
18 compliance with this chapter and ~~regulations duly adopted~~  
19 ~~hereunder, including those provisions set forth in Section 2960.~~  
20 *regulations.*

21 (d) (1) ~~The licensed psychologist, board-certified psychiatrist,~~  
22 ~~contract clinic, psychological corporation, or medical corporation,~~  
23 ~~has registered the psychological assistant with the board. The~~  
24 ~~registration shall be renewed annually in accordance with~~  
25 ~~regulations adopted by the board.~~

26 (2) ~~No~~ *A licensed psychologist may register, employ, or shall*  
27 *not* supervise more than three psychological assistants at any given  
28 time unless specifically authorized to do so by the board. ~~No board~~  
29 ~~certified psychiatrist may register, employ, or supervise more than~~  
30 ~~one psychological assistant at any given time. No contract clinic,~~  
31 ~~psychological corporation, or medical corporation may employ~~  
32 ~~more than 10 assistants at any one time. No contract clinic may~~  
33 ~~register, employ, or provide supervision for more than one~~  
34 ~~psychological assistant for each designated full-time staff~~  
35 ~~psychiatrist who is qualified and supervises the psychological~~  
36 ~~assistants.~~ *time.* ~~No psychological assistant may provide~~  
37 ~~psychological services to the public except as an employee of a~~  
38 ~~licensed psychologist, licensed physician, contract clinic,~~  
39 ~~psychological corporation, or medical corporation.~~ *a supervisee*  
40 *pursuant to this section.*

1 (e)

2 (d) The psychological assistant shall comply with regulations  
3 that the board may, from time to time, duly adopt relating to the  
4 fulfillment of requirements in continuing education.

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

8 *SEC. 2. Section 2914 of the Business and Professions Code is*  
9 *amended to read:*

10 2914. Each applicant for licensure shall comply with all of the  
11 following requirements:

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

14 (b) (1) ~~Possess~~ *On or after January 1, 2020, possess* an earned  
15 doctorate degree ~~(A) in psychology, (B) in educational psychology,~~  
16 ~~or (C) in education with the field of specialization in counseling~~  
17 ~~psychology or educational psychology. Except as provided in~~  
18 ~~subdivision (g), this degree or training shall be obtained from an~~  
19 ~~accredited university, college, or professional school. The board~~  
20 ~~shall make the final determination as to whether a degree meets~~  
21 ~~the requirements of this section.~~ *psychology from a college or*  
22 *institution of higher education that is accredited by a regional*  
23 *accrediting agency recognized by the United States Department*  
24 *of Education. Until January 1, 2020, the board may accept an*  
25 *applicant who possesses a doctorate degree in psychology,*  
26 *educational psychology, or in education with the field of*  
27 *specialization in counseling psychology or educational psychology*  
28 *from an institution that is not accredited by an accrediting agency*  
29 *recognized by the United States Department of Education, but is*  
30 *approved to operate in this state by the Bureau for Private*  
31 *Postsecondary Education.*

32 (2) 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 (3) An applicant for licensure trained in an educational  
40 institution outside the United States or Canada shall demonstrate

1 to the satisfaction of the board that he or she possesses a doctorate  
2 degree 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) (1) 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 trainee in a manner prescribed by the board. If the supervising  
18 licensed psychologist fails to provide verification to the trainee in  
19 a timely manner, the board may establish alternative procedures  
20 for obtaining the necessary documentation. Absent good cause,  
21 the failure of a supervising licensed psychologist to provide the  
22 verification to the board upon request shall constitute  
23 unprofessional conduct.

24 (2) The board shall establish qualifications by regulation for  
25 supervising psychologists.

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

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

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

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

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

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

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

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

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

25 *SEC. 3. Section 2914.1 of the Business and Professions Code*  
26 *is amended to read:*

27 2914.1. The board shall encourage every licensed psychologist  
28 to take a continuing ~~education~~ *professional development* course  
29 in geriatric pharmacology as a part of his or her continuing  
30 ~~education~~ *professional development*.

31 *SEC. 4. Section 2914.2 of the Business and Professions Code*  
32 *is amended to read:*

33 2914.2. The board shall encourage licensed psychologists to  
34 take continuing ~~education~~ *professional development* courses in  
35 psychopharmacology and biological basis of behavior as part of  
36 their continuing ~~education~~ *professional development*.

37 *SEC. 5. Section 2915 of the Business and Professions Code is*  
38 *amended to read:*

39 2915. (a) Except as provided in this section, ~~on or after January~~  
40 ~~1, 1996, the board shall not issue any renewal license unless the~~

1 applicant submits proof that he or she has completed no less than  
2 18 hours of approved continuing education in the preceding year.  
3 On or after January 1, 1997, except as provided in this section, the  
4 board shall issue a renewal licenses *license* only to those applicants  
5 who have an applicant who has completed 36 hours of approved  
6 continuing education *professional development* in the preceding  
7 two years.

8 (b) Each person ~~renewing~~ *who applies to renew or reinstate* his  
9 or her license issued pursuant to this chapter shall ~~submit proof of~~  
10 ~~compliance with this section to the board.~~ *certify under penalty of*  
11 *perjury that he or she is in compliance with this section and shall*  
12 *retain proof of this compliance for submission to the board upon*  
13 *request.* False statements submitted pursuant to this section shall  
14 be a violation of Section 2970.

15 (e) A person applying for relicensure or for reinstatement to an  
16 active license status shall certify under penalty of perjury that he  
17 or she is in compliance with this section.

18 (d) ~~(1)~~ The continuing education requirement shall include, but  
19 shall not be limited to, courses required pursuant to Sections 25  
20 and 28. The requirement may include courses pursuant to Sections  
21 32 and 2914.1.

22 ~~(2)~~ (A)

23 (c) (1) The board shall require a licensed psychologist who  
24 began graduate study prior to January 1, 2004, to take a continuing  
25 education course during his or her first renewal period after the  
26 operative date of this section in spousal or partner abuse  
27 assessment, detection, and intervention strategies, including  
28 community resources, cultural factors, and same gender abuse  
29 dynamics. Equivalent courses in spousal or partner abuse  
30 assessment, detection, and intervention strategies taken prior to  
31 the operative date of this section or proof of equivalent teaching  
32 or practice experience may be submitted to the board and at its  
33 discretion, may be accepted in satisfaction of this requirement.

34 (B)

35 (2) Continuing education courses taken pursuant to this  
36 ~~paragraph~~ *subdivision* shall be applied to the 36 hours of approved  
37 continuing education *professional development* required under  
38 subdivision (a).

1 ~~(C) A licensed psychologist whose practice does not include~~  
2 ~~the direct provision of mental health services may apply to the~~  
3 ~~board for an exemption from the requirements of this paragraph.~~

4 ~~(3)~~

5 ~~(d) Continuing education instruction courses approved to meet~~  
6 ~~the requirements of this section shall be completed within the State~~  
7 ~~of California, or shall be approved for continuing education credit~~  
8 ~~by the American Psychological Association or its equivalent as~~  
9 ~~organizations approved by the board.~~

10 ~~(e) The board may establish a policy for exceptions from the~~  
11 ~~continuing education grant an exemption, or an extension of the~~  
12 ~~time for compliance with, from the continuing professional~~  
13 ~~development requirement of this section.~~

14 ~~(f) The board may recognize continuing education courses that~~  
15 ~~have been approved by one or more private nonprofit organizations~~  
16 ~~that have at least 10 years' experience managing continuing~~  
17 ~~education programs for psychologists on a statewide basis,~~  
18 ~~including, but not limited to:~~

19 ~~(1) Maintaining and managing related records and data.~~

20 ~~(2) Monitoring and approving courses.~~

21 ~~(g) The board shall adopt regulations as necessary for~~  
22 ~~implementation of this section.~~

23 ~~(h) A licensed psychologist shall choose continuing education~~  
24 ~~instruction that is related to the assessment, diagnosis, and~~  
25 ~~intervention for the client population being served or to the fields~~  
26 ~~of psychology in which the psychologist intends to provide~~  
27 ~~services, that may include new theoretical approaches, research,~~  
28 ~~and applied techniques. Continuing education instruction shall~~  
29 ~~include required courses specified in subdivision (d).~~

30 ~~(i) A psychologist shall not practice outside his or her particular~~  
31 ~~field or fields of competence as established by his or her education,~~  
32 ~~training, continuing education, and experience.~~

33 ~~(j)~~

34 ~~(f) The administration of this section may be funded through~~  
35 ~~professional license fees and continuing education provider and~~  
36 ~~course approval fees, or both. The fees related to the administration~~  
37 ~~of this section shall not exceed the costs of administering the~~  
38 ~~corresponding provisions of this section.~~

39 ~~(k)~~

1 (g) Continuing ~~education~~ *professional development* credit may  
 2 be approved for those licensees who serve as ~~commissioners on~~  
 3 ~~any examination pursuant to Section 2947, subject to limitations~~  
 4 ~~established by the board.~~ *selected participants in an exam*  
 5 *development or enforcement related function for the board.*

6 ~~(f) This section shall become operative on January 1, 2004.~~

7 SECTION 1.

8 SEC. 6. Section 2920 of the Business and Professions Code is  
 9 amended to read:

10 2920. (a) The Board of Psychology shall enforce and  
 11 administer this chapter. The board shall consist of nine members,  
 12 four of whom shall be public members.

13 (b) This section shall remain in effect only until January 1, 2021,  
 14 and as of that date is repealed.

15 (c) Notwithstanding any other law, the repeal of this section  
 16 renders the board subject to review by the appropriate policy  
 17 committees of the Legislature.

18 ~~SEC. 2.~~

19 SEC. 7. Section 2933 of the Business and Professions Code is  
 20 amended to read:

21 2933. (a) Except as provided by Section 159.5, the board shall  
 22 employ and shall make available to the board within the limits of  
 23 the funds received by the board all personnel necessary to carry  
 24 out this chapter. The board may employ, exempt from the State  
 25 Civil Service Act, an executive officer to the Board of Psychology.  
 26 The board shall make all expenditures to carry out this chapter.  
 27 The board may accept contributions to effectuate the purposes of  
 28 this chapter.

29 (b) This section shall remain in effect only until January 1, 2021,  
 30 and as of that date is repealed.

31 SEC. 8. *Section 2934.1 is added to the Business and Professions*  
 32 *Code, to read:*

33 2934.1. (a) *The board may post on its Internet Web site the*  
 34 *following information on the current status of the license for all*  
 35 *current and former licensees:*

36 (1) *Whether or not the licensee has a record of a disciplinary*  
 37 *action.*

38 (2) *Any of the following enforcement actions or proceedings*  
 39 *against the licensee:*

40 (A) *Temporary restraining orders.*

1 (B) *Interim suspension orders.*

2 (C) *Revocations, suspensions, probations, or limitations on*  
3 *practice ordered by the board or by a court with jurisdiction in*  
4 *the state, including those made part of a probationary order, cease*  
5 *practice order, or stipulated agreement.*

6 (D) *Accusations filed by the board, including those accusations*  
7 *that are on appeal, excluding ones that have been dismissed or*  
8 *withdrawn where the action is no longer pending.*

9 (E) *Citations issued by the board. Unless withdrawn, citations*  
10 *shall be posted for five years from the date of issuance.*

11 (b) *The board may also post on its Internet Web site all of the*  
12 *following historical information in its possession, custody, or*  
13 *control regarding all current and former licensees:*

14 (1) *Institutions that awarded the qualifying educational degree*  
15 *and type of degree awarded.*

16 (2) *A link to the licensee's professional Internet Web site.*

17 (c) *The board may also post other information designated by*  
18 *the board in regulation.*

19 *SEC. 9. Section 2947 of the Business and Professions Code is*  
20 *repealed.*

21 ~~2947. The board may appoint qualified persons to give the~~  
22 ~~whole or any portion of any examination provided for in this~~  
23 ~~chapter, who shall be designated as commissioners on examination.~~  
24 ~~A commissioner on examination need not be a member of the~~  
25 ~~board but he or she shall have the same qualifications as a member~~  
26 ~~of the board, including those set forth in Chapter 6 (commencing~~  
27 ~~with Section 450) of Division 1. The board may also appoint~~  
28 ~~occasional professional commissioners for short-term specified~~  
29 ~~periods to assist in its nonpolicy workload.~~

30 ~~Public commissioners may examine and evaluate candidates in~~  
31 ~~areas of knowledge such as the law, ethics, and awareness of~~  
32 ~~community resources.~~

33 *SEC. 10. Section 2988.5 is added to the Business and*  
34 *Professions Code, to read:*

35 2988.5. (a) *The board may issue, upon an application*  
36 *prescribed by the board and payment of a fee not to exceed*  
37 *seventy-five dollars (\$75), a retired license to a psychologist who*  
38 *holds a current license issued by the board, or one capable of*  
39 *being renewed, and whose license is not suspended, revoked, or*

1 otherwise restricted by the board or subject to discipline under  
2 this chapter.

3 (b) The holder of a retired license issued pursuant to this section  
4 shall not engage in any activity for which an active license is  
5 required. A psychologist holding a retired license shall be  
6 permitted to use the title “psychologist, retired” or “retired  
7 psychologist.” The designation of retired shall not be abbreviated  
8 in any way.

9 (c) A retired license shall not be subject to renewal.

10 (d) The holder of a retired license may apply to obtain an active  
11 status license as follows:

12 (1) If that retired license was issued less than three years prior  
13 to the application date, the applicant shall meet all of the following  
14 requirements:

15 (A) Has not committed an act or crime constituting grounds for  
16 denial or discipline of a license.

17 (B) Pays the renewal fee required by this chapter.

18 (C) Completes the continuing professional development required  
19 for the renewal of a license within two years of the date of  
20 application for restoration.

21 (D) Complies with the fingerprint submission requirements  
22 established by the board.

23 (2) Where the applicant has held a retired license for three or  
24 more years, the applicant shall do all of the following:

25 (A) Submit a complete application for a new license.

26 (B) Take and pass the California Psychology Law and Ethics  
27 Examination.

28 (C) Pay all fees required to obtain a new license.

29 (D) Comply with the fingerprint submission requirements  
30 established by the board.

31 (E) Be deemed to have met the educational and experience  
32 requirements of subdivisions (b) and (c) of Section 2914.

33 (F) Establish that he or she has not been subject to denial or  
34 discipline of a license.

35 SEC. 11. No reimbursement is required by this act pursuant  
36 to Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

1 *the Government Code, or changes the definition of a crime within*  
2 *the meaning of Section 6 of Article XIII B of the California*  
3 *Constitution.*

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