

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 11, 2016

**SENATE BILL**

**No. 1194**

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**Introduced by Senator Hill**

February 18, 2016

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An act to amend Sections 2913, 2914, ~~2914.1, 2914.2~~, *2914.1, 2914.2*, 2915, 2920, and 2933 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.

(1) Existing law, the Psychology Licensing 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~~*The* 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 *a* specified entity. ~~The law~~ *bill* would replace the term “continuing education” with “continuing professional development,” *define* “*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, *as specified*, 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: 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 perform  
4 psychological functions in preparation for licensure as a  
5 psychologist only if all of the following conditions are met:

6 (a) ~~The person is registered~~ *shall register himself or herself* with  
7 the board as a “psychological assistant.” This registration shall be  
8 renewed annually in accordance with regulations adopted by the  
9 board.

10 (b) The person (1) has completed a master’s degree in  
11 psychology or education with the field of specialization in  
12 psychology or counseling psychology, or (2) has been admitted to  
13 candidacy for a doctoral degree in psychology or education with  
14 the field of specialization in psychology or counseling psychology,  
15 after having satisfactorily completed three or more years of  
16 postgraduate education in psychology and having passed  
17 preliminary doctoral examinations, or (3) has completed a doctoral  
18 degree that qualifies for licensure under Section 2914.

19 (c) (1) The psychological assistant is at all times under the  
20 immediate supervision, as defined in regulations adopted by the  
21 board, of a licensed psychologist, or a licensed physician and

1 surgeon who is certified in psychiatry by the American Board of  
2 Psychiatry and Neurology, who shall be responsible for insuring  
3 that the extent, kind, and quality of the psychological services that  
4 the psychological assistant performs are consistent with his or her  
5 training and experience and be responsible for the psychological  
6 assistant's compliance with this chapter and regulations.

7 (2) A licensed psychologist *or board certified psychiatrist* shall  
8 not supervise more than three psychological assistants at any given  
9 time. No psychological assistant may provide psychological  
10 services to the public except as a supervisee pursuant to this  
11 section.

12 (d) 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 SEC. 2. Section 2914 of the Business and Professions Code is  
16 amended to read:

17 2914. Each applicant for licensure shall comply with all of the  
18 following requirements:

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

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

28 ~~(b)~~

29 (c) (1) On or after January 1, 2020, possess an earned doctorate  
30 degree in psychology, in educational psychology, or in education  
31 with the field of specialization in counseling psychology or  
32 educational psychology from a college or institution of higher  
33 education that is accredited by a regional accrediting agency  
34 recognized by the United States Department of Education. Until  
35 January 1, 2020, the board may accept an applicant who possesses  
36 a doctorate degree in psychology, educational psychology, or in  
37 education with the field of specialization in counseling psychology  
38 or educational psychology from an institution that is not accredited  
39 by an accrediting agency recognized by the United States

1 Department of Education, but is approved to operate in this state  
2 by the Bureau for Private Postsecondary Education.

3 (2) No educational institution shall be denied recognition as an  
4 accredited academic institution solely because its program is not  
5 accredited by any professional organization of psychologists, and  
6 nothing in this chapter or in the administration of this chapter shall  
7 require the registration with the board by educational institutions  
8 of their departments of psychology or their doctoral programs in  
9 psychology.

10 (3) An applicant for licensure trained in an educational  
11 institution outside the United States or Canada shall demonstrate  
12 to the satisfaction of the board that he or she possesses a doctorate  
13 degree in psychology that is equivalent to a degree earned from a  
14 regionally accredited university in the United States or Canada.  
15 These applicants shall provide the board with a comprehensive  
16 evaluation of the degree performed by a foreign credential  
17 evaluation service that is a member of the National Association  
18 of Credential Evaluation Services (NACES), and any other  
19 documentation the board deems necessary.

20 ~~(e)~~

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

36 (2) The board shall establish qualifications by regulation for  
37 supervising psychologists.

38 ~~(d)~~

39 (e) Take and pass the examination required by Section 2941  
40 unless otherwise exempted by the board under this chapter.

1     ~~(e)~~

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

6     ~~(f)~~

7     (g) (1) Show by evidence satisfactory to the board that he or  
8 she has completed coursework in spousal or partner abuse  
9 assessment, detection, and intervention. This requirement applies  
10 to applicants who began graduate training during the period  
11 commencing on January 1, 1995, and ending on December 31,  
12 2003.

13     (2) An applicant who began graduate training on or after January  
14 1, 2004, shall show by evidence satisfactory to the board that he  
15 or she has completed a minimum of 15 contact hours of coursework  
16 in spousal or partner abuse assessment, detection, and intervention  
17 strategies, including knowledge of community resources, cultural  
18 factors, and same gender abuse dynamics. An applicant may request  
19 an exemption from this requirement if he or she intends to practice  
20 in an area that does not include the direct provision of mental health  
21 services.

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

30     (h) *Until January 1, 2020, an applicant holding a doctoral*  
31 *degree in psychology from an approved institution is deemed to*  
32 *meet the requirements of this section if both of the following are*  
33 *true:*

34     (1) *The approved institution offered a doctoral degree in*  
35 *psychology designed to prepare students for a license to practice*  
36 *psychology and was approved by the former Bureau for Private*  
37 *Postsecondary and Vocational Education on or before July 1,*  
38 *1999.*

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

4     SEC. 3. Section 2914.1 of the Business and Professions Code  
5 is amended to read:

6     2914.1. The board shall encourage every licensed psychologist  
7 to take a continuing professional development course in geriatric  
8 pharmacology as a part of his or her continuing professional  
9 development.

10    SEC. 4. Section 2914.2 of the Business and Professions Code  
11 is amended to read:

12    2914.2. The board shall encourage licensed psychologists to  
13 take continuing professional development courses in  
14 psychopharmacology and biological basis of behavior as part of  
15 their continuing professional development.

16    SEC. 5. Section 2915 of the Business and Professions Code is  
17 amended to read:

18    2915. (a) Except as provided in this section, the board shall  
19 issue a renewal license only to an applicant who has completed  
20 36 hours of approved continuing professional development in the  
21 preceding two years.

22    (b) Each person who applies to renew or reinstate his or her  
23 license issued pursuant to this chapter shall certify under penalty  
24 of perjury that he or she is in compliance with this section and  
25 shall retain proof of this compliance for submission to the board  
26 upon request. False statements submitted pursuant to this section  
27 shall be a violation of Section 2970.

28    (c) *Continuing professional development means certain*  
29 *continuing education learning activities approved in four different*  
30 *categories:*

31     (1) *Professional.*

32     (2) *Academic.*

33     (3) *Sponsored continuing education coursework.*

34     (4) *Board certification from the American Board of Professional*  
35 *Psychology according to the standards the American Board of*  
36 *Professional Psychology used for certification as of January 1,*  
37 *2016.*

38     *The board may develop regulations further defining acceptable*  
39 *continuing professional development activities.*

40     ~~(e)~~

1 (d) (1) The board shall require a licensed psychologist who  
2 began graduate study prior to January 1, 2004, to take a continuing  
3 education course during his or her first renewal period after the  
4 operative date of this section in spousal or partner abuse  
5 assessment, detection, and intervention strategies, including  
6 community resources, cultural factors, and same gender abuse  
7 dynamics. Equivalent courses in spousal or partner abuse  
8 assessment, detection, and intervention strategies taken prior to  
9 the operative date of this section or proof of equivalent teaching  
10 or practice experience may be submitted to the board and at its  
11 discretion, may be accepted in satisfaction of this requirement.

12 (2) Continuing education courses taken pursuant to this  
13 subdivision shall be applied to the 36 hours of approved continuing  
14 professional development required under subdivision (a).

15 ~~(d)~~

16 (e) Continuing education courses approved to meet the  
17 requirements of this section shall be approved—~~credit~~ by  
18 organizations approved by the board. *An organization approved*  
19 *by the board to provide or approve continuing education on March*  
20 *1, 2016, is deemed approved under this section.*

21 (f) *The board may accept sponsored continuing education*  
22 *courses that have been approved by a private, nonprofit*  
23 *organization that has demonstrated to the board in writing that it*  
24 *has, at a minimum, a 10-year history of providing educational*  
25 *programming for psychologists and has documented procedures*  
26 *for maintaining a continuing education approval program. The*  
27 *board shall adopt regulations as necessary for implementing this*  
28 *section.*

29 ~~(e)~~

30 (g) The board may grant an exemption, or an extension of the  
31 time for compliance with, from the continuing professional  
32 development requirement of this section.

33 ~~(f)~~

34 (h) 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 ~~(g) Continuing professional development credit may be~~  
40 ~~approved for those licensees who serve as selected participants in~~

1 ~~an exam development or enforcement related function for the~~  
2 ~~board.~~

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

5 2920. (a) The Board of Psychology shall enforce and  
6 administer this chapter. The board shall consist of nine members,  
7 four of whom shall be public members.

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

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

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

15 2933. (a) Except as provided by Section 159.5, the board shall  
16 employ and shall make available to the board within the limits of  
17 the funds received by the board all personnel necessary to carry  
18 out this chapter. The board may employ, exempt from the State  
19 Civil Service Act, an executive officer to the Board of Psychology.  
20 The board shall make all expenditures to carry out this chapter.  
21 The board may accept contributions to effectuate the purposes of  
22 this chapter.

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

25 SEC. 8. Section 2934.1 is added to the Business and Professions  
26 Code, to read:

27 2934.1. (a) The board may post on its Internet Web site the  
28 following information on the current status of the license for all  
29 current and former licensees:

30 (1) Whether or not the licensee has a record of a disciplinary  
31 action.

32 (2) Any of the following enforcement actions or proceedings  
33 against the licensee:

34 (A) Temporary restraining orders.

35 (B) Interim suspension orders.

36 (C) Revocations, suspensions, probations, or limitations on  
37 practice ordered by the board or by a court with jurisdiction in the  
38 state, including those made part of a probationary order, cease  
39 practice order, or stipulated agreement.

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

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

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

9 (1) Institutions that awarded the qualifying educational degree  
10 and type of degree awarded.

11 (2) A link to the licensee’s professional Internet Web site.

12 (c) The board may also post other information designated by  
13 the board in regulation.

14 SEC. 9. Section 2947 of the Business and Professions Code is  
15 repealed.

16 SEC. 10. Section 2988.5 is added to the Business and  
17 Professions Code, to read:

18 2988.5. (a) The board may issue, upon an application  
19 prescribed by the board and payment of a fee not to exceed  
20 seventy-five dollars (\$75), a retired license to a psychologist who  
21 holds a current license issued by the board, or one capable of being  
22 renewed, and whose license is not suspended, revoked, or otherwise  
23 restricted by the board or subject to discipline under this chapter.

24 (b) The holder of a retired license issued pursuant to this section  
25 shall not engage in any activity for which an active license is  
26 required. A psychologist holding a retired license shall be permitted  
27 to use the title “psychologist, retired” or “retired psychologist.”  
28 The designation of retired shall not be abbreviated in any way.

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

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

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

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

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

38 (C) Completes the continuing professional development required  
39 for the renewal of a license within two years of the date of  
40 application for restoration.

1 (D) Complies with the fingerprint submission requirements  
2 established by the board.

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

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

6 (B) Take and pass the California Psychology Law and Ethics  
7 Examination.

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

9 (D) Comply with the fingerprint submission requirements  
10 established by the board.

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

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

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