

AMENDED IN SENATE JUNE 19, 2000  
AMENDED IN ASSEMBLY APRIL 12, 2000  
AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1975**

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**Introduced by Assembly Members Romero and Lowenthal  
(Coauthors: Assembly Members Alquist, Aroner, Cedillo,  
Correa, Keeley, Knox, Longville, Nakano, Reyes, Shelley,  
Strom-Martin, Vincent, and Washington)  
(Coauthor: Senator Solis)**

February 18, 2000

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An act to amend Section 1277 of the Health and Safety Code, and to amend Section 5068.5 of the Penal Code, relating to professional licensure requirements.

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as amended, Romero. Professional personnel: psychologists: waiver of licensure.

Existing law requires that the licensure requirements for professional personnel, including psychologists, clinical social workers, and marriage and family therapists, among others, in state and other governmental health facilities, be not less than for those in privately owned health facilities. The State Department of Health Services is authorized to grant a waiver from licensure requirements for persons employed in publicly operated health facilities, who are gaining qualifying experience for licensure. The waiver cannot exceed 2 years

from the commencement of employment in the state in the case of psychologists or 4 years for marriage and family therapists or clinical social workers, with one additional year to be granted under extenuating circumstances, as specified.

This bill would extend the durational limit of the department’s waiver of licensure requirements to 3 years for psychologists and would delete the authority to extend the waiver of licensure for psychologists for one additional year.

This bill would conform the requirements for licensed professionals providing services in the state correctional system to those applicable to professional personnel in other state and governmental health facilities, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 1277 of the Health and Safety  
2 Code is amended to read:

3 1277. (a) No license shall be issued by the state  
4 department unless it finds that the premises, the  
5 management, the bylaws, rules and regulations, the  
6 equipment, the staffing, both professional and  
7 nonprofessional, and the standards of care and services  
8 are adequate and appropriate, and that the health facility  
9 is operated in the manner required by this chapter and  
10 by the rules and regulations adopted hereunder.

11 (b) Notwithstanding any provision of Part 2  
12 (commencing with Section 5600) of Division 5 of, or  
13 Division 7 (commencing with Section 7100) of, the  
14 Welfare and Institutions Code or any other law to the  
15 contrary, except Sections ~~2137.1 and 2137.2~~ 2072 and 2073  
16 of the Business and Professions Code, the licensure  
17 requirements for professional personnel, including, but  
18 not limited to, physicians and surgeons, dentists,  
19 podiatrists, psychologists, marriage and family therapists,  
20 pharmacists, registered nurses, and clinical social workers  
21 in the state and other governmental health facilities  
22 licensed by the state department shall not be less than for  
23 those professional personnel in health facilities under



1 private ownership. Persons employed as psychologists  
2 and clinical social workers, while continuing in their  
3 employment in the same class as of January 1, 1979, in the  
4 same state or other governmental health facility licensed  
5 by the state department, including those persons on  
6 authorized leave, but not including intermittent  
7 personnel, shall be exempt from the requirements of this  
8 subdivision. Additionally, the requirements of this  
9 subdivision may be waived by the state department solely  
10 for persons in the professions of psychology, marriage and  
11 family therapy or clinical social work who are gaining  
12 qualifying experience for licensure in such profession in  
13 this state. A waiver granted pursuant to this subdivision  
14 shall not exceed three years from the date the  
15 employment commences in this state in the case of  
16 psychologists, or four years from commencement of the  
17 employment in this state in the case of marriage and  
18 family therapists and clinical social workers, at which  
19 time licensure shall have been obtained or the  
20 employment shall be terminated except that an extension  
21 of a waiver of licensure for marriage and family therapists  
22 and clinical social workers may be granted for one  
23 additional year, based on extenuating circumstances  
24 determined by the department pursuant to subdivision  
25 (e). For persons employed as psychologists, clinical social  
26 workers, or marriage and family therapists less than full  
27 time, an extension of a waiver of licensure may be granted  
28 for additional years proportional to the extent of  
29 part-time employment, as long as the person is employed  
30 without interruption in service, but in no case shall the  
31 waiver of licensure exceed six years in the case of clinical  
32 social workers and marriage and family therapists or five  
33 years in the case of psychologists. However, this  
34 durational limitation upon waivers shall not apply to  
35 active candidates for a doctoral degree in social work,  
36 social welfare, or social science, who are enrolled at an  
37 accredited university, college, or professional school, but  
38 these limitations shall apply following completion of this  
39 training. Additionally, this durational limitation upon  
40 waivers shall not apply to active candidates for a doctoral



1 degree in marriage and family therapy who are enrolled  
2 at a school, college, or university, specified in subdivision  
3 (a) of Section 4980.40 of the Business and Professions  
4 Code, but the limitations shall apply following  
5 completion of the training. A waiver pursuant to this  
6 subdivision shall be granted only to the extent necessary  
7 to qualify for licensure, except that personnel recruited  
8 for employment from outside this state and whose  
9 experience is sufficient to gain admission to a licensing  
10 examination shall nevertheless have one year from the  
11 date of their employment in California to become  
12 licensed, at which time licensure shall have been  
13 obtained or the employment shall be terminated,  
14 provided that the employee shall take the licensure  
15 examination at the earliest possible date after the date of  
16 his or her employment, and if the employee does not pass  
17 the examination at that time, he or she shall have a second  
18 opportunity to pass the next possible examination, subject  
19 to the one-year limit for marriage and family therapists  
20 and clinical social workers, and subject to a two-year limit  
21 for psychologists.

22 (c) A special permit shall be issued by the state  
23 department when it finds that the staff, both professional  
24 and nonprofessional, and the standards of care and  
25 services are adequate and appropriate, and that the  
26 special services unit is operated in the manner required  
27 in this chapter and by the rules and regulations adopted  
28 hereunder.

29 (d) The state department shall apply the same  
30 standards to state and other governmental health  
31 facilities that it licenses as it applies to health facilities in  
32 private ownership, including standards specifying the  
33 level of training and supervision of all unlicensed  
34 practitioners. Except for psychologists, the department  
35 may grant an extension of a waiver of licensure for  
36 personnel recruited from outside this state for one  
37 additional year, based upon extenuating circumstances as  
38 determined by the department pursuant to subdivision  
39 (e).



1 (e) The department shall grant a request for an  
2 extension of a waiver based on extenuating  
3 circumstances, pursuant to ~~subdivision (b)~~ *subdivisions*  
4 *(b) and (d)*, if any of the following circumstances exist:

5 (1) The person requesting the extension has  
6 experienced a recent catastrophic event which may  
7 impair the person's ability to qualify for and pass the  
8 license examination. Those events may include, but are  
9 not limited to, significant hardship caused by a natural  
10 disaster, serious and prolonged illness of the person,  
11 serious and prolonged illness or death of a child, spouse,  
12 or parent, or other stressful circumstances.

13 (2) The person requesting the extension has difficulty  
14 speaking or writing the English language, or other  
15 cultural and ethnic factors exist which substantially  
16 impair the person's ability to qualify for and pass the  
17 license examination.

18 (3) The person requesting the extension has  
19 experienced other personal hardship which the  
20 department, in its discretion, determines to warrant the  
21 extension.

22 SEC. 2. Section 5068.5 of the Penal Code is amended  
23 to read:

24 5068.5. (a) Notwithstanding any other provision of  
25 law, except as provided in subdivision (b), any person  
26 employed or under contract to provide diagnostic,  
27 treatment, or other mental health services in the state or  
28 to supervise or provide consultation on these services in  
29 the state correctional system shall be a physician and  
30 surgeon, a psychologist, or other health professional,  
31 licensed to practice in this state.

32 (b) Notwithstanding Section 5068 or Section 704 of the  
33 Welfare and Institutions Code, the following persons are  
34 exempt from the requirements of subdivision (a), so long  
35 as they continue in employment in the same class and in  
36 the same department:

37 (1) Persons employed on January 1, 1985, as  
38 psychologists to provide diagnostic or treatment services  
39 including those persons on authorized leave but not  
40 including intermittent personnel.



1 (2) Persons employed on January 1, 1989, to supervise  
2 or provide consultation on the diagnostic or treatment  
3 services including persons on authorized leave but not  
4 including intermittent personnel.

5 (c) The requirements of subdivision (a) may be  
6 waived in order for a person to gain qualifying experience  
7 for licensure as a psychologist *or clinical social worker* in  
8 this state in accordance with Section 1277 of the Health  
9 and Safety Code.

