

BOARD OF BEHAVIORAL SCIENCES

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Unprofessional Conduct

Sections Affected: 1845, 1858, and 1881

Specific Purpose of each adoption, amendment, or repeal:

The specific purposes of these proposals are to include violations of elder and dependent adult abuse reporting in the sections of regulation that relate to unprofessional conduct and to make grammatical and technical nonsubstantive changes.

Factual Basis/Rationale

Welfare and Institutions Code Section 15630 identifies mandated reporters of elder or dependent adult abuse and delineates the steps necessary to report the abuse. Although the Board can currently discipline a registrant or licensee for failure to report an incident, the Board feels it is imperative that failure to make such reports is clearly identified in the sections of regulation that relate to unprofessional conduct.

Additionally, grammatical and technical nonsubstantive changes are needed.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the fact that this proposal does not have any economic impact on businesses since it merely provides clarifying information on violations that constitute unprofessional conduct.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below is the alternative that was considered and the reason the alternative was rejected:

Alternative #1 – Not amend the sections of regulation that relate to unprofessional conduct and continue to not inform persons of this very important reporting requirement and the ramifications of failing to report these abuses. The Board rejected this alternative due to the fact that the Board is a consumer protection Board and feels it is their duty to provide as much imperative information to licensees and consumers.