

TITLE 16 BOARD OF BEHAVIORAL SCIENCES

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 24, 2003.

The Board does not currently intend to hold a hearing on this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received in the Board office no later than 15 days prior to the close of the written comment period.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.60, 4987, 4990.14 of the Business and Professions Code, and to implement, interpret or make specific Sections 730, 4980.03, 4980.60, 4982, 4987, 4986.70, 4986.71, 4990.14, 4992.3, 4992.33, 4996.11 of said Code, Section 11166 of the Penal Code, and 15630 of the Welfare and Institutions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Sections 4982, 4986.70, and 4992.3 outlines the violations that would warrant discipline for unprofessional conduct. Regulation Sections 1845, 1858, and 1881 define additional violations not included in law that constitute unprofessional conduct. Although the Board can currently discipline for violations of the sections of law that relate to reporting elder abuse and dependent adult abuse, the Board believes that it is necessary to include these in regulation to further clarify these violations to licensees and consumers.

These proposals will amend Sections 1845, 1858, and 1881 to include failure to report elder and adult dependent abuse as a violation that would constitute unprofessional conduct. Additionally, these proposals will correct grammatical errors and remove reference to a section of law in 1858 (m) that does not apply.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses since this proposal would include failure to report elder and adult dependent abuse as a violation that would warrant discipline for unprofessional conduct against a Marriage and Family Therapist, a Licensed Educational Psychologist, and a Licensed Clinical Social Workers and would correct grammatical errors in the regulation sections.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be 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 proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations to the address listed under Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Behavioral Sciences at 400 R Street, Suite 3150, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

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| Name: | Julie McAuliffe |
| Address: | 400 R Street, Suite 3150 Sacramento, CA 95814 |
| Telephone No.: | 916-445-4933, extension 1142 |
| Fax No.: | 916-323-0707 |
| E-Mail Address: | BBSWebMaster@bbs.ca.gov |

The backup contact person is:

Name: Sherry Mehl
Address: 400 R Street, Suite 3150
Sacramento, CA 95814
Telephone No.: 916-445-4933
Fax No.: 916-323-0707
E-Mail Address: BBSWebMaster@bbs.ca.gov

Website Access: Materials regarding this proposal can be found at
www.bbs.ca.gov.