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BOARD MEETING NOTICE
December 18, 2015
9:00 a.m.

The Board of Behavioral Sciences will meet via teleconference at the following locations:

Department of Consumer Affairs Stanislaus Room, 2 nd Floor South #203 1625 N. Market Boulevard Sacramento, CA 95834	4801 Airport Plaza Drive 8 th Floor G.R. Conference Room Long Beach, CA 90815
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8740 Washington Blvd. Culver City, CA 90232	47323 Road 620 Oakhurst, CA 93644
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1213 Newell Road Palo Alto, CA 94303	5506 Ranchito Avenue Sherman Oaks, CA 91401
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5060 Castile Way Riverside, CA 92507	6767 Green Valley Road Placerville, CA 95667
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11740 Henley Lane
Los Angeles, CA 90077

FULL BOARD OPEN SESSION - Call to Order and Establishment of Quorum

- I. Introductions*
- II. Discussion and Possible Action Regarding Modified Test for Rulemaking to Implement the Examination Restructure Senate Bill 704, Statutes of 2011, Chapter 387
- III. Public Comments on Items Not On The Agenda
- IV. Adjournment

**Introductions are voluntary for members of the public*

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times and order of items are approximate and subject to change. Action may be taken on any item listed on the Agenda.

This agenda as well as Board meeting minutes can be found on the Board of



Governor
Edmund G. Brown Jr.
State of California
Business, Consumer Services
and Housing Agency
Department of
Consumer Affairs

Behavioral Sciences website at www.bbs.ca.gov.

NOTICE: The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

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To: Board Members **Date:** December 9, 2015
From: Kim Madsen **Telephone:** (916) 574-7841
Executive Officer
Subject: Modified Test for Rulemaking to Implement the Examination Restructure Senate
Bill 704, Statutes of 2011, Chapter 387

Following the Office of Administrative Law's (OAL) review of the proposed regulation language to implement the Examination Restructure, the Board recently modified the text to incorporate OAL's technical edits. These revisions required the Board to submit modified text for a 15 day comment period. The 15 day comment period will end on December 18, 2015. The modified text is included with this memo for your review.

Upon conclusion of the 15 day comment period and approval of the modified text from the Board, Board staff will forward the package to OAL for final approval.

Recommendation

Conduct an open discussion regarding the modified text. Direct staff to make any discussed changes, and any non-substantive changes, and submit the rulemaking package to OAL.

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Board of Behavioral Sciences
PROPOSED MODIFIED TEXT OF REGULATIONS
EXAMINATION RESTRUCTURE
Title 16, Division 18, California Code of Regulations
OPERATIVE DATE: 01/01/2016

NOTE:

Single underline indicates originally proposed new language.
Single strikeout indicates originally proposed modified deleted language.

Double underline indicates proposed modified new language.
Double strikeout indicates proposed modified deleted language.

ARTICLE 1. GENERAL PROVISIONS

AMEND § 1805. APPLICATIONS

~~(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.~~

~~(b) A 180-day waiting period is required between examinations for any applicant retaking an examination. In the event special or unusual circumstances occur that impact the examination, the Board's Executive Officer may allow for a lesser period of time, as long as the integrity of the examination or examination security is not compromised.~~

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4980.44, 4980.50, 4989.20, 4992, 4992.1, 4996.2, 4996.18, 4999.42, 4999.50 and 4999.54, 4999.53, Business and Professions Code.

ADD §1805.01. DEFINITIONS

For purposes of this division, the following definitions apply:

(a) "Application for licensure" means the following:

(1) The individual submits documentation of completed education and experience required for licensure to the Board for review; and,

(2) By submitting this information, seeks to be made eligible to take the required examinations.

(b) "Registrant" means an individual who holds a current or delinquent intern registration.

Note: Authority Cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.03(b), 4980.30, 4980.40, 4980.44, 4984.01, 4989.20, 4992, 4996.2, 4996.28, 4999.45, 4999.46 and 4999.50, Business and Professions Code.

ADD §1805.05. REEXAMINATION

(a) A 90-day waiting period is required between attempts for applicants retaking a California law and ethics examination.

(b) A 180-day waiting period is required between attempts for applicants retaking a clinical examination, **except as indicated in subdivision (c).**

(c) Waiting periods for national examinations that are accepted by the board shall be determined by that national testing entity.

(d) The Board's Executive Officer may allow for a lesser waiting period, as long as the integrity of the examination or examination security is not compromised.

Note: Authority Cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.50, 4984.72, 4989.22, 4992.1, 4996.4, 4999.52, 4999.54 and 4999.64, Business and Professions Code.

AMEND § 1806. ABANDONMENT OF APPLICATION

An application shall be deemed abandoned under any of the following circumstances:

(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the board.

(b) The applicant does not submit information required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency letter.

~~(c) The applicant fails to sit for the standard written examination within one (1) year after being notified of initial eligibility to take the standard written examination.~~

(c) Applications for licensure, as defined in section 1805.01(a), shall be deemed abandoned if the applicant fails to take or retake an examination within the following time frames:

(1) The applicant fails to sit for the California law and ethics examination within one (1) year after being notified of initial eligibility to take the examination.

(2) The applicant does not retake the California law and ethics examination within one (1) year after being notified of failing the examination.

~~(d)~~(3) The applicant fails to sit for the clinical vignette examination within one (1) year of being notified of passing the standard written examination.

(4) The applicant fails to sit for the clinical examination within one (1) year of being notified of passing the California law and ethics examination.

(5) An applicant does not retake the clinical examination or the licensed educational psychologist written examination within one (1) year from the date the applicant was notified of failing the examination.

~~(e) The applicant fails to sit for the jurisprudence and ethics examination required in Section 4999.52 and 4999.54 of the Code within one (1) year after being notified of initial eligibility to take the jurisprudence and ethics examination.~~

~~(f) The applicant fails to sit for the examination required in 4999.54 (b) (2) of the Code within one (1) year after being notified of initial eligibility to take the examination.~~

~~(g) The applicant fails to sit for an examination required in 4999.52 (c) (5) of the Code within one (1) year after being notified of initial eligibility to take that examination.~~

~~(h) An applicant fails to retake an examination within one (1) year from the date the applicant was notified of failing an examination.~~

~~(i)~~(d) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

An application submitted after an a previous application has been abandoned shall be treated as a new application, including requiring the applicant to pay any fees required, and to meet current requirements.

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.35, 4980.397(a), 4980.398, 4980.399, 4980.40, 4980.44, 4980.72, 4984.01, 4984.7, 4984.72, 4989.20, 4989.22(b), 4989.68, 4992, 4992.05(a), 4992.07, 4992.09, 4996.1, 4996.3, 4996.4, 4996.17, 4996.18, 4996.28, 4999.42, 4999.50, 4999.52, 4999.53, 4999.54, 4999.55, 4999.60, 4999.61, 4999.64, 4999.100, and 4999.120, Business and Professions Code.

ARTICLE 2. FEES

AMEND § 1816. RENEWAL FEES

(a) The annual renewal fee for marriage and family therapist intern registration is seventy-five dollars (\$75.00).

(b) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).

~~(c) The fee for associate clinical social worker extension is fifty dollars (\$50.00).~~

~~(d)~~(c) The annual renewal fee for professional clinical counselor interns is one hundred dollars (\$100.00).

~~(e)~~(d) The biennial active renewal fee for a licensed marriage and family therapist is one hundred thirty dollars (\$130.00).

~~(f)~~(e) The biennial active renewal fee for a licensed educational psychologist is eighty dollars (\$80.00).

~~(g)~~(f) The biennial active renewal fee for a licensed clinical social worker is one hundred dollars (\$100.00).

~~(h)~~(g) The biennial active renewal fee for a licensed professional clinical counselor is one hundred seventy-five dollars (\$175.00).

~~(i) The annual renewal fee for licenses issued pursuant to Section 4999.54 (a)(1) of the Code is one hundred fifty dollars (\$150.00).~~

~~(j) The biennial renewal fee for a board approved continuing education provider is two hundred dollars (\$200.00).~~

~~(k) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage and family therapist is twenty five dollars (\$25.00).~~

~~(l) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty five dollars (\$25.00).~~

~~(m) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty five dollars (\$25.00).~~

Note: Authority Cited: Sections 4980.54, 4980.60, and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4989.68, 4996.3, 4996.6, 4996.18, 4996.22, and 4999.120, Business and Professions Code.

AMEND § 1816.2. EXAMINATION FEES

(a) The licensed clinical social worker ~~standard written~~ California law and ethics examination fee shall be one hundred dollars (\$100.00).

(b) The board administered licensed clinical social worker ~~written clinical vignette~~ examination fee shall be one hundred dollars (\$100.00).

~~(c) The marriage and family therapist standard written examination fee shall be one hundred dollars (\$100.00).~~

~~(d) The marriage and family therapist written clinical vignette examination fee shall be one hundred dollars (\$100.00).~~

(c) The licensed marriage and family therapist California law and ethics examination fee shall be one hundred dollars (\$100.00).

(d) The board administered licensed marriage and family therapist clinical examination fee shall be one hundred dollars (\$100.00).

~~(e)~~(e) The licensed educational psychologist written examination fee shall be one hundred dollars (\$100.00).

~~(f)~~(f) The licensed professional clinical counselor ~~jurisprudence~~ California law and ethics examination shall be one hundred dollars (\$100.00).

~~(g)~~(g) The licensed professional clinical counselor examination described in Section 4999.54(b) of the Code shall be one hundred dollars (\$100.00).

~~(h) The fee for the licensed professional clinical counselor written examination shall be one hundred and fifty dollars (\$150.00).~~

Note: Authority Cited: 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3(a), 4996.4, 4999.54, and 4999.120, Business and Professions Code.

AMEND § 1816.3. EXAMINATION RESCORING FEES

The fee for rescoring any board administered licensed marriage and family therapist, licensed clinical social worker, or licensed educational psychologist, or licensed professional clinical counselor ~~written~~ examination shall be twenty dollars (\$20.00).

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, and 4996.3, and 4999.120, Business and Professions Code.

AMEND § 1816.4. EXAMINATION ELIGIBILITY APPLICATION FEES

(a) The fee for the licensed marriage and family therapist examination eligibility application shall be one hundred dollars (\$100.00).

(b) The fee for the licensed clinical social worker examination eligibility application shall be one hundred dollars (\$100.00).

(c) The fee for the licensed educational psychologist examination eligibility application shall be one hundred dollars (\$100.00).

(d) The fee for the licensed professional clinical counselor examination eligibility application shall be one hundred and eighty dollars (\$180.00).

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4989.68, 4996.3, and 4999.120, Business and Professions Code.

AMEND § 1816.5. REPLACEMENT AND CERTIFICATION FEES

(a) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20.00).

(b) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25.00).

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4984.7, 4989.68, and 4996.63, and 4999.120, Business and Professions Code.

AMEND § 1816.6. INACTIVE LICENSE FEES

(a) The fee for issuance or renewal of an inactive licensed marriage and family therapist license shall be sixty-five dollars (\$65.00).

(b) The fee for issuance or renewal of an inactive licensed clinical social worker license shall be fifty dollars (\$50.00).

(c) The fee for issuance or renewal of an inactive licensed educational psychologist license shall be forty dollars (\$40.00).

(d) The fee for issuance or ~~biennial~~ renewal of an inactive licensed professional clinical counselor license shall be eighty seven dollars and fifty cents (\$87.50).

~~(e) The fee for issuance or annual renewal of an inactive license issued pursuant to Section 4999.54(a)(1) of the Code shall be seventy five dollars (\$75.00).~~

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4984.7, 4984.8, 4989.44, 4989.68, 4996.3, 4997, and 4999.112 and 4999.120, Business and Professions Code.

AMEND § 1816.7. DELINQUENCY FEES

(a) The delinquency fee for the licensed marriage and family therapist license shall be sixty-five dollars (\$65.00).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00).

(d) The delinquency fee for the licensed professional clinical counselor license shall be eighty seven dollars and fifty cents (\$87.50).

~~(e) The delinquency fee for the license issued pursuant to Section 4999.54(a)(1) of the Code shall be seventy five dollars (\$75.00).~~

~~(f) The delinquency fee for the continuing education provider approval shall be one hundred dollars (\$100).~~

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 163.5, 4984.7, 4989.60, 4989.68, 4996.6 4996.3, and 4999.104, 4999.120 Business and Professions Code.

ARTICLE 3. LICENSED PROFESSIONAL CLINICAL COUNSELORS

ADD § 1822.50. EXAMINATIONS

(a) The written examinations shall test for minimum acceptable competency to practice professional clinical counseling without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant's knowledge of and ability to apply legal and ethical standards relating to the practice of professional clinical counseling.

(2) A clinical examination designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the professional clinical counselor scope of practice.

(b) The clinical examination as described in subsection (a)(2) ~~may be a board administered examination or a national examination determined by the board to be acceptable.~~ shall be the National Clinical Mental Health Counseling Examination.

(c) This section shall become operative on January 1, 2016.

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4999.52, 4999.53, and 4999.55, Business and Professions Code.

ADD § 1822.51. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(1) The applicant holds a current, delinquent or cancelled intern registration, submits a request and pays the fee to take the examination.

(A) When a registrant who holds a current or delinquent registration takes the examination and does not pass during his or her one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4999.55(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

(2) The applicant currently has an approved application for licensure.

(b) This section shall become operative on January 1, 2016.

Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Sections 4999.52, 4999.53, 4999.55, and 4999.100, Business and Professions Code.

ADD § 1822.52. TIME FRAMES - LAW & ETHICS EXAMINATION

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose intern registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose intern registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4999.55(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4999.55(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

~~(e)~~(d) This section shall become operative on January 1, 2016.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4999.52, 4999.53, 4999.55 and 4999.100, Business and Professions Code.

ARTICLE 4. LICENSED MARRIAGE AND FAMILY THERAPISTS

AMEND § 1829. EXAMINATIONS

The written examinations shall consist of the following:

- (a) A standard written examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, theory and laws under which he or she must operate; and
- (b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.
- (c) This section shall become inoperative on January 1, 2016.

Note: Authority cited: Sections 4980.40 and 4980.60, Business and Professions Code. Reference: Section 4980.40, Business and Professions Code.

ADD § 1829.1. REQUIRED EXAMINATIONS

(a) The written examinations shall test for minimum acceptable competency to practice marriage and family therapy without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant's knowledge of and ability to apply legal and ethical standards relating to the practice of marriage and family therapy.

(2) A clinical examination designed to assess an applicant's knowledge of psychotherapeutic principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the marriage and family therapist scope of practice.

(b) The clinical examination as described in subsection (a)(2) ~~may shall be a board administered examination or a national examination determined by the board to be acceptable.~~

(c) This section shall become operative on January 1, 2016.

Note: Authority cited: Sections 4980.40 and 4980.60, Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399 and 4980.50, Business and Professions Code.

ADD § 1829.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(1) The applicant holds a current, delinquent or cancelled intern registration, submits a request and pays the fee to take the examination.

(A) When a registrant who holds a current or delinquent registration takes the examination and does not pass ~~during his or her one-year renewal cycle~~, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4980.399(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

(2) The applicant currently has an approved application for licensure.

(b) This section shall become operative on January 1, 2016.

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399, 4980.50, and 4984.01, Business and Professions Code.

ADD § 1829.3. TIME FRAMES - LAW & ETHICS EXAMINATION

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose intern registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose intern registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4980.399(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4980.399(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

(e)(d) This section shall become operative on January 1, 2016.

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.397, 4980.398, 4980.399, 4980.50, and 4984.01, Business and Professions Code.

ARTICLE 6. LICENSED CLINICAL SOCIAL WORKERS

AMEND § 1877. EXAMINATIONS

The written examinations shall consist of the following:

- (a) A standard written examination designed to determine an applicant's knowledge, familiarity with the field, and practical understanding of the principles, techniques, objectives, theory and laws under which he or she must operate; and
- (b) A written clinical vignette examination designed to assess the applicant's judgment, knowledge of the application of psychosocial and psychotherapeutic methods and measures in treatment, and ability to assume professional responsibilities.
- (c) This section shall become inoperative on January 1, 2016.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4992.1, Business and Professions Code.

ADD § 1877.1. REQUIRED EXAMINATIONS

(a) The written examinations shall test for minimum acceptable competency to practice clinical social work without causing harm to the public health, safety or welfare, and shall consist of the following:

(1) A California law and ethics examination designed to assess the applicant's knowledge of and ability to apply legal and ethical standards relating to the practice of clinical social work.

(2) A clinical examination designed to assess an applicant's knowledge of psychosocial principles and methods in treatment and their application, and the ability to make judgments about appropriate techniques, methods and objectives as applicable to the clinical social worker scope of practice.

(b) The clinical examination as described in subsection (a)(2) ~~may be a board-administered examination or a national examination determined by the board to be acceptable.~~ shall be the Association of Social Work Boards Clinical Examination.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4992.1, 4992.05, 4992.07 and 4992.09, Business and Professions Code.

ADD § 1877.2. ELIGIBILITY FOR LAW AND ETHICS EXAMINATION

(a) Notwithstanding any other provision of law, eligibility to take the California law and ethics examination requires an applicant to, at minimum, meet one of the following:

(1) The applicant holds a current, delinquent or cancelled associate registration, submits a request and pays the fee to take the examination.

(A) When a registrant who holds a current or delinquent registration takes the examination and does not pass ~~during his or her one-year renewal cycle~~, the registrant shall complete a 12-hour course on California law and ethics as specified in section 4992.09(e) of the Code, in order to be eligible to take the examination during the next renewal cycle.

(2) The applicant currently has an approved application for licensure.

(b) This section shall become operative on January 1, 2016.

ADD § 1877.3. TIME FRAMES - LAW & ETHICS EXAMINATION

(a) An applicant for licensure shall take the California law and ethics examination during the following time frames in accordance with section 1806:

(1) Within one year from the date the applicant was notified of initial eligibility to take the examination.

(2) Within one year from the date the applicant was notified of failing the examination.

(b) Registrants shall take the California law and ethics examination during the following time frames:

(1) A registrant whose associate registration is issued on or after January 1, 2016 shall take the examination prior to the registration's first expiration date, and shall continue to take the examination a minimum of once during each renewal cycle until passed.

(2) A registrant whose associate registration was issued prior to January 1, 2016, shall take the examination a minimum of once during each renewal cycle until passed.

(3) Should a registrant fail to take the examination as specified in (1) or (2) above, he or she will not be permitted to renew his or her registration until the examination has been taken, except during the grace period specified in section 4992.09(c) of the Code.

(4) Registrants who are eligible to retake the California law and ethics examination may do so after the required waiting period upon submission of the following:

(A) A request to take the examination including the required fee.

(B) If required, proof of completion of the 12-hour California law and ethics course as described in section 4992.09(e) of the Code.

(c) A registrant who has an approved application for licensure shall be subject to subdivisions (a) and (b).

(d) This section shall become operative on January 1, 2016.

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