



Board of Behavioral Sciences

Memo

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To: Board Members **Date:** September 17, 2020
From: Rosanne Helms, Legislative Manager **Telephone:** (916) 574-7897
Subject: Discussion and Possible Recommendations Regarding License
Portability for Licensed Educational Psychologists (LEPs)

Background on License Portability

The Board recently successfully implemented license portability legislation for its LMFT, LCSW, and LPCC applicants. SB 679 (Chapter 380, Statutes of 2019) became effective on January 1, 2020 and established what the Board now calls “licensure by credential.”

SB 679 was the result of a lengthy deliberation process by the Board’s special license portability committee on the best way to balance ease of licensure across state lines with public protection and the need for practitioners to be prepared to practice safely and effectively in California’s diverse environment.

SB 679 established a streamlined “licensure by credential” process for LMFT, LCSW, and LPCC applicants who are licensed in another state if they meet the following criteria (Business and Professions Code (BPC) §§4980.72, 4996.17.1, 4999.60):

- a) The applicant’s license in the other state has been held in current, active, and unrestricted status for at least the past two years, and is the equivalent license held at the highest level for independent clinical practice.
- b) The qualifying degree is a master’s or doctoral degree from an accredited or approved school.
- c) The applicant submits fingerprints.
- d) The applicant completes certain California-specific coursework in law and ethics, California cultures, and child abuse assessment and reporting.
- e) The applicant passes the Board’s California law and ethics exam.

LEPs and License Portability

SB 679 did not establish a license portability, or “licensure by credential” option for LEPs, because not many other states license them. The only other state staff found that issues an LEP license is Massachusetts. In checking with the California Association of School Psychologists (CASP), which is the professional association for LEPs, they also stated that Massachusetts is the only other state that they are aware of with a similar license.

Licensure as an LEP in Massachusetts requires a master’s or doctoral degree in school psychology, (including 60 graduate credits and 1,200 practicum hours), current certification as a school psychologist, at least two full-time years (minimum 180 days per year) post-master’s degree experience in school psychological services, at least 60 hours of post-master’s degree supervised clinical experience, and passage of the National School Psychology Examination. See **Attachment A** for the text of the regulatory requirements for LEP licensure in Massachusetts.

Applicants for LEP licensure in California are required to complete the following (BPC §4989.20(a)):

- (1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, counseling and guidance, or a degree deemed equivalent by the board. This degree must be obtained from an educational institution approved by the board according to its regulations.
- (2) Attainment of 18 years of age.
- (3) No commission of an act or crime constituting grounds for denial of licensure under Section 480.
- (4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.
- (5) Two years of full-time, or the equivalent to full-time, experience as a credentialed school psychologist in the public schools. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.
- (6) One of the following:
 - (A) One year of supervised professional experience in an accredited school psychology program.
 - (B) In addition to the requirements of paragraph (5), one year of full-time, or the equivalent to fulltime, experience as a credentialed school psychologist in the public schools obtained under the direction of a licensed educational psychologist or a licensed psychologist.

(7) Passage of an examination specified by the Board (the Board currently develops its own exam for LEPs, the LEP written exam).

If the Board were to receive an application for LEP licensure from someone with a similar license in another state, it would compare the applicant's education and experience with the California LEP licensure requirements specified above.

Because there is not a common standard for LEP licensure in many other states, it appears that the LEP license type does not lend itself to license portability as well as the Board's other three license types. In addition, accepting a national exam in lieu of the Board's written exam for LEPs could be problematic, because the Board's exam tests applicants on their knowledge specifically about California law and ethics.

Recent Related Legislation

A bill proposal last year, AB 3045 (Gray) would have required the Board, as well as other DCA boards, to issue a license to an honorably discharged military member or the spouse of an active duty military member if they met the following requirements:

- The applicant provided evidence that they are an honorably discharged veteran of the Armed Forces or are married/in a domestic partnership/legal union with an active duty member of the Armed Forces who is assigned to duty in California.
- The applicant held a current, active, and unrestricted license in another state for the same profession or vocation.
- The applicant submitted an application to the board that included a signed affidavit that he or she meets all requirements for the license.
- The applicant submitted written verification from his or her licensing jurisdiction that the license is in good standing.
- The applicant has not committed an act in any jurisdiction that would be grounds for denial, suspension, or revocation of the license.
- The applicant has not been disciplined by a licensing entity in another jurisdiction or and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding.
- Upon request, the applicant submitted a full set of fingerprints to the board.

The Board took an "oppose unless amended position on AB 3045, requesting that its license types be removed from the bill due to omissions of key licensing requirements necessary to public protection, and due to the fact that the Board had already carefully established a license portability pathway for its LMFT, LCSW, and LPCC license types.

Although AB 3045 died, we are likely to see legislative efforts for portability like AB 3045 in the years to come. In the case of the Board's LEP license, this type of bill would have required the Board to issue an LEP license without verifying the education and experience requirements were similar in the other state.

Recommendation

Conduct an open discussion about the need and feasibility of establishing license portability for LEP applicants who are licensed in other states.

Attachments

Attachment A: State of Massachusetts Regulations 262 CMR 5.00: Requirements for Licensure as an Educational Psychologist

**Attachment A State of Massachusetts Regulations 262 CMR 5.00:
Requirements for Licensure as an Educational Psychologist**

**262 CMR: BOARD OF ALLIED MENTAL HEALTH AND
HUMAN SERVICES PROFESSIONS**

262 CMR 5.00: REQUIREMENTS FOR LICENSURE AS AN EDUCATIONAL PSYCHOLOGIST

Section

5.01: Licensure Requirements

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(1) Preface. To qualify for licensure as an educational psychologist, pursuant to the requirements of M.G.L. c. 112, § 165, as amended, an applicant must provide evidence satisfactory to the Board that the professional standards and education experience requirements described in 262 CMR 5.01(3) have been met by the applicant.

All licensed educational psychologists are charged with having knowledge of the existence of 262 CMR and required to practice educational psychology in accordance with them.

(2) Definitions.

Approved Supervisor. A school psychologist who:

- (a) is licensed as an educational psychologist, or meets the qualifications for licensure as an educational psychologist by the Board; and
- (b) has a minimum of five full-time academic years, or equivalent part-time, experience as a certified school psychologist.

Board. Board of Allied Mental Health and Human Services Professions.

CAGS. Certificate of Advanced Graduate Study.

Full-Time Academic Year. A full-time academic year consists of a minimum of 180 days. Two full-time academic years consist of a minimum of 360 days.

Licensure Examination. The examination for licensure as an educational psychologist shall be the National School Psychology Examination (ETS/NTE #40) of the National Association of School Psychologists (NASP) administered by Education Testing Service (ETS). NASP Certification as an NCSP is not required for licensure. The licensure examination is administered three times per year by ETS. For information on sites, dates of administration, and fees, contact ETS.

School Psychological Services. Consists of employment by a public school system or private school or agency as a Department of Education certified school psychologist engaged in the role and performing the duties of a school psychologist. Private practice/self-employment as a school psychologist is not acceptable in fulfillment of the post-master's degree work experience in school psychological services requirement.

Supervised Clinical Experience. A minimum of 60 hours of post-master's degree supervision in the practice of school psychological services by an approved supervisor.

Supervision. A regularly scheduled meeting of not more than six school psychologists with an approved supervisor for period of at least one hour. "Peer" supervision will not be considered to be qualifying supervision for these purposes.

(3) Licensure Eligibility Categories. A candidate for licensure as an educational psychologist must meet the requirements set forth in 262 CMR 5.01(3)(a) through (e):

(a) A Master's Degree, CAGS, or Doctoral Degree in School Psychology from an Educational Institution Licensed or Accredited by the State in which it is Located. The applicant's graduate degree must consist of:

- 1. a minimum of 60 credits of approved graduate course work: If an applicant's graduate degree program of study consisted of less than 60 credits of approved graduate course work, evidence of completion of graduate level courses outside of the degree program sufficient to meet the 60 credit approved courses requirement must be submitted to the Board for review

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and approval;

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5.01: continued

2. a Practicum/Internship experience consisting of a minimum of 1200 clock hours of supervised field placement. If an applicant's graduate degree program of study did not include a minimum of 1200 clock hours of supervised field placement, evidence of completion of additional hours of supervised field placement outside of the graduate degree program sufficient to meet the 1200 clock hour requirement must be submitted to the Board for review and approval;
- (b) Current certification (copy of certificate) as a school psychologist by the Department of Education of the Commonwealth of Massachusetts or comparable certification from another state;
- (c) A minimum of two full-time academic years, or equivalent part-time, post-master's degree experience in school psychological services;
- (d) Successful completion of a Supervised Clinical Experience; and
- (e) Achievement of a passing score on the licensure examination.

REGULATORY AUTHORITY

262 CMR 5.00: M.G.L. c. 112, §§ 163 through 172, c. 13, §§ 88 through 90, St. 1987 c. 521, as amended by St. 1989 c. 720 and St. 1990 c. 477.

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