Below is the status of Board-approved regulation proposals. See Attachment A for information on the required steps of the regulatory process.

**Enforcement Process**

**Status:** Pending

This proposal would result in updates to the Board’s disciplinary process. It would also make updates to the Board’s “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Revised October 2015),” which are incorporated by reference into the Board’s regulations. The proposed changes fall into three general categories:

1. Amendments seeking to strengthen certain penalties that are available to the Board;
2. Amendments seeking to update regulations or the Uniform Standards/Guidelines in response to statutory changes to the Business and Professions Code; and
3. Amendments to clarify language that has been identified as unclear or needing further detail.

The proposal was approved by the Board at its meeting in February 2017 and was submitted to the Department of Consumer Affairs (DCA) to begin the initial review process in July 2017. This regulation package was placed on hold due to the passage of AB 2138. AB 2138 was approved in December 2020, so this proposal is able to move forward again. Staff will be re-evaluating the previously proposed language and determining if additional amendments are needed. The proposal will be brought to the Board for review later this year.

**Supervision-Related Requirements**

**Status:** 15-day public comment period ended May 2, 2021

This proposal would do all of the following:

- Revise the qualifications to become supervisor.
• Require supervisors to perform a self-assessment of qualifications and submit the self-assessment to the Board.
• Set forth requirements for substitute supervisors.
• Update and strengthen supervisor training requirements.
• Strengthen supervisor responsibilities, including provisions pertaining to monitoring and evaluating supervisees.
• Strengthen requirements pertaining to documentation of supervision.
• Make supervision requirements consistent across the three licensed professions.
• Address supervision gained outside of California.
• Address documentation when a supervisor is incapacitated or deceased.
• Set forth terms relating to registrant placement by temporary staffing agencies.

The proposal was approved by the Board at its meeting in November 2016 and was held aside while awaiting passage of AB 93 (Chapter 743, Statutes of 2018), the Board’s supervision legislation.

This proposal just completed its 15-day public comment period due to changes requested by OAL.

**Continuing Education and Additional Training Requirements**

**Status: DCA Initial Review Process**

This proposal would do the following:

• Update content requirements for human sexuality, child abuse assessment and reporting, and alcoholism and other chemical substance dependency courses and create consistency in the required qualifications for course providers.
• Strike the 18-hour CE exception for initial renewal periods.
• Recast CE “exceptions” as “temporary waivers” and modify CE waiver criteria.
• Require licensees who are granted a waiver to complete six hours of CE in law and ethics.
• Update CE waiver forms incorporated by reference for consistency with the proposed updated requirements and for clarity.
• Clarify that a course on law and ethics designed specifically to meet supervisor training requirements cannot be accepted toward meeting the 6-hour law and ethics course required of all licensees each renewal period.
• Specify that a maximum of 18 hours of CE may be met by teaching courses each renewal period, and that the course taught must be for a Board-accepted provider to count.
• Allow a licensee who completes a Board occupational analysis survey to be credited with six hours of CE.
• Repeal outdated regulations pertaining to the Board’s former CE program.
• Clarify that professional associations are the only type of organization that may be recognized by the Board as a CE provider.

This proposal was approved by the Board at its meeting in November 2019.

**Examination Waiting Periods, Professional Corporations, Accrediting Agencies and Equivalent Degrees**

**Status:** Preparation for Initial Review Process

This proposal would update examination waiting periods for consistency with current practice, add Licensed Professional Clinical Counselors to code sections pertaining to ownership, transfer of shares and naming of professional corporations, delete outdated text pertaining to equivalent accrediting agencies for marriage and family therapist applicants, and specify the accrediting agencies that are acceptable for licensed educational psychologist applicant degree programs. This proposal was approved by the Board at its meeting in November 2019.

**Attachments**

**Attachment A:** DCA Regulation Process
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ATTACHMENT A  
REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

INITIAL PHASE

1. **DCA Board/Bureau & DCA Legal**  
   Staff works with DCA legal counsel on proposed regulation text that is subject to the Board or Bureau Chief’s initial approval.

2. **DCA Board/Bureau**  
   Board votes on proposed text and directs staff to begin regulation process.  
   OR Bureau Chief approves proposed text and directs staff to begin regulation process.

3. **DCA Legal**  
   DCA legal counsel reviews regulation documents and returns documents to the Board/Bureau with approval or suggested changes. The Legal Affairs Division notifies the DCA Regulations Coordinator of the status.

4. **DCA Board/Bureau**  
   Board/Bureau staff compile four complete hard copy sets of the regulation package and submits to DCA Regulations Coordinator.

5. **DCA Regulations Coordinator**  
   DCA initial review process begins.

6. **DCA Legal/Budgets**  
   DCA Legal Affairs Division and Budget Office review regulation documents.

7. **DCA Legal**  
   Chief Counsel Review.

8. **DCA LRR**  
   Deputy Director Review.

9. **DCA Executive Office**  
   Director Review.

10. **Agency**  
    Review.

11. **DCA Regulations Coordinator**  
    Coordinator logs in return of packet from Agency, notifies Board/Bureau of approval or concerns and suggested changes.

12. **DCA Board/Bureau**  
    DCA Board/Bureau submits Rulemaking for Notice/PUBLICATION with OAL*

13. **DCA Board/Bureau**  
    Rulemaking 45-Day Public Comment Period/Hearing

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**Legend**  
DCA – Department of Consumer Affairs  
LRR – Division of Legislative Regulatory Review  
OAL – Office of Administrative Law

* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary.
REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

FINAL PHASE

1. DCA Board/Bureau
   Review of comments received from 45-day public comment period/ hearing. Determination of issuance of 15-day notice or adoption of proposed text.

2. DCA Board/Bureau
   Upon adoption of language, Board/Bureau completes final rulemaking binder and delivers to DCA Legal.

3. DCA Legal
   Logged by Senior Legal Analyst, sent to assigned Legal Counsel.

4. DCA Regulations Coordinator
   Distributes for further DCA review.

5. DCA Legal
   Logged by Senior Legal Analyst, reviewed by Assistant Chief Counsel and Chief Counsel.

6. DCA LRR
   Deputy Director review.

7. DCA Executive Office
   Director review.

8. Agency
   Secretary review. (Section 100 changes are exempt.)

9. Department of Finance
   Std. Form 399 for review.

10. DCA Regulations Coordinator
    Closing paperwork. Distributed to Board/Bureau with final approval.

11. DCA Board/Bureau
    Submits final rulemaking to OAL for review.

12. OAL
    OAL reviews rulemaking for: 1) Necessity; 2) Authority; 3) Clarity; 4) Consistency; 5) Reference; and, 6) Nonduplication.

13. DCA Board/Bureau
    If approved: Rulemaking is complete; language takes effect on next effective date or date requested.
    If disapproved: Board/Bureau decides whether to amend and resubmit or withdraw the regulatory package.

Legend
DCA – Department of Consumer Affairs
DOF – Department of Finance
LRR – Division of Legislative Regulatory Review
Std. Form 399 – Economic and Fiscal Impact Statement
OAL – Office of Administrative Law