

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES

BILL ANALYSIS

BILL NUMBER: SB 801 **VERSION:** TBD

AUTHOR: ARCHULETA AND ROTH **SPONSOR:** AUTHOR

RECOMMENDED POSITION: NONE

SUBJECT: HEALING ARTS: BOARD OF BEHAVIORAL SCIENCES: LICENSEES

Summary of This Bill:

This bill is in the process of being amended this week. It is going to propose the following:

- Extending the Board’s sunset date from January 1, 2022 until January 1, 2026. (Business and Professions Code (BPC) §§4990, 4990.04)
- Moving the proposed provisions of AB 723 (Low) into this bill. AB 723 is sponsored by CAMFT, and makes changes to BPC §4980.02 to modernize and clarify the LMFT scope of practice. The Board has a “support” position on AB 723.
- It also contains several changes to the Board’s licensing statutes that are minor, technical, and/or non-substantive. These changes were approved by the Board as omnibus bill items. The Board serves as the sponsor of these items.

Existing Law

- 1) Provides for the licensure and regulation of educational psychologists, clinical social workers, professional clinical counselors, and marriage and family therapists by the Board of Behavioral Sciences (Board) within the Department of Consumer Affairs until January 1, 2022.
- 2) Specifies the composition of the Board and authorizes the Board to employ an Executive Officer, until January 1, 2022. (Business and Professions Code (BPC) §§4990, 4990.04)

Comment:

- 1) **Background.** In 1994, the legislature enacted the “sunset review” process, which permits the periodic review of the need for licensing and regulation of a profession and the effectiveness of the administration of the law by the licensing board. The Joint Legislative Sunset Review Committee (Joint Committee) was tasked with performing the sunset reviews. The sunset review process was in part built on an assumption in law that if a board is operating poorly and lesser measures have been ineffective in rectifying the problems, the board should be allowed to sunset.

Boards undergo a sunset review after a predetermined number of years. Boards up for sunset review submit a report to the Joint Committee, and a hearing is scheduled with the Joint Committee to discuss the report and any recommendations of the Joint Committee. If it was determined that a board should not continue to regulate the profession, the board would sunset. Boards within the Department of Consumer Affairs (DCA) that were required to sunset became a bureau under DCA, reporting directly to the DCA director.

The last time the Board underwent sunset review was in 2020. However, the Board's sunset review had to be delayed until the end of 2020 due to the COVID-19 State of Emergency. Therefore, during last year's legislative session, the Board's sunset date was extended by one year, from January 1, 2021 until January 1, 2022, to allow extra time for the sunset review to happen.

2) Recommended Action. The Board should consider taking a position on two provisions that are going to be added into SB 801 that it is not sponsoring:

- Amending BPC sections 4990 and 4990.04, which are the sections proposing to extend this board's sunset date until January 1, 2026.
- The amendments to BPC section 4980.02 to modernize and clarify the LMFT scope of practice that were previously in AB 723. (the Board has a "support" position on these provisions, which it took at its March 2021 meeting.)

3) Previous Legislation.

- SB 1474 (Chapter 312, Statutes of 2020) extended the Board's sunset date from January 1, 2021 until January 1, 2022.
- AB 2191 (Chapter 458, Statutes of 2016) extended the Board's sunset date from January 1, 2017 until January 1, 2021.
- SB 1236 (Chapter 332, Statutes of 2012) extended the Board's sunset date from January 1, 2013 until January 1, 2017.
- SB 294 (Chapter 695, Statutes of 2010) extended the Board's sunset date from January 1, 2011 until January 1, 2013.

4) Support and Opposition.

Support:

- None at this time.

Opposition:

- None at this time.

5) History.

2021

06/17/21 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B. & P.

06/17/21 Referred to Com. on B. & P.

06/02/21 In Assembly. Read first time. Held at Desk.

06/01/21 Read third time. Passed. (Ayes 39. Noes 0.) Ordered to the Assembly.

05/24/21 Ordered to special consent calendar.

05/20/21 Read second time. Ordered to third reading.

05/20/21 From committee: Do pass. (Ayes 7. Noes 0.) (May 20).

05/18/21 Set for hearing May 20.

05/17/21 May 17 hearing: Placed on APPR suspense file.

05/07/21 Set for hearing May 17.

05/04/21 May 10 set for first hearing canceled at the request of author.

04/30/21 Set for hearing May 10.

04/27/21 May 3 hearing postponed by committee.

04/21/21 Set for hearing May 3.

04/19/21 From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0. Page 841.) (April 19). Re-referred to Com. on APPR.

04/13/21 From committee with author's amendments. Read second time and amended. Re-referred to Com. on B., P. & E.D.

03/11/21 Set for hearing April 19.

03/03/21 Referred to Com. on B., P. & E.D.

02/22/21 Joint Rule 55 suspended. (Ayes 32. Noes 4. Page 272.)

02/22/21 (Ayes 32. Noes 4.)

02/22/21 Art. IV. Sec. 8(a) of the Constitution dispensed with.

02/22/21 Read first time.

02/22/21 From printer. May be acted upon on or after March 24.

02/19/21 Introduced. To Com. on RLS. for assignment. To print.