



1625 North Market Blvd., Suite S-200 Sacramento, CA 95834 (916) 574-7830, (916) 574-8625 Fax www.bbs.ca.gov

То:	Board Members	Date: October 25, 2021
From:	Christy Berger, Regulatory Analyst	Telephone: (916) 574-7817
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#### Subject: Update on Board Rulemaking Proposals

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

#### Supervision-Related Requirements

Status: Approved – Effective Date of January 1, 2022

This proposal does 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.

# **Continuing Education and Additional Training Requirements**

#### Status: Continuing in DCA Initial Review Process After Board Approval of DCA-Requested Changes

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.
- 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. Additional language changes were identified during the DCA initial review process and were approved by the Board at the September 2021 meeting.

#### **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.

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

#### Status: Preparation for Initial Review Process

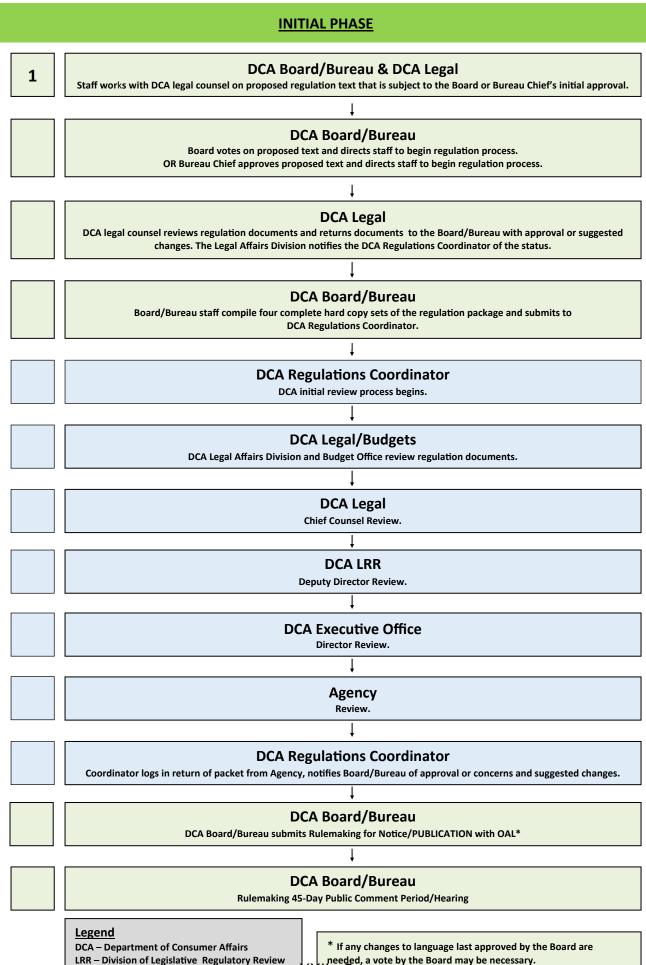
This proposal would update examination waiting periods for consistency with current practice, add Licensed Professional Clinical Counselors to code sections pertaining to ownership, transfer of shares and naming of professional corporations, delete outdated text pertaining to equivalent accrediting agencies 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 and has been delayed due to competing workload priorities.

### **Attachments**

Attachment A: DCA Regulation Process

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#### **ATTACHMENT A REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS**



OAL - Office of Administrative Law

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.	
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	DCA Legal	
3	Logged by Senior Legal Analyst, sent to assigned Legal Counsel.	
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4	DCA Regulations Coordinator	
4	Distributes for further DCA review.	
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	DCA Legal	
5	Logged by Senior Legal Analyst, reviewed by Assistant Chief Counsel and Chief Counsel.	
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6	DCA LRR	
0	Deputy Director review.	
	DCA Executive Office	
7		
	Director review.	
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	Agency	
8	•	
	Secretary review. (Section 100 changes are exempt.)	
	Dopartment of Einance	
9	Department of Finance	
	Std. Form 399 for review.	
10	DCA Regulations Coordinator	
	Closing paperwork. Distributed to Board/Bureau with final approval.	
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11	DCA Board/Bureau	
11	Submits final rulemaking to OAL for review.	
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	OAL	
12		
12	OAL reviews rulemaking for: 1) Necessity; 2) Authority; 3) Clarity;	
	4) Consistency; 5) Reference; and, 6) Nonduplication.	
	DCA Board/Bureau	
13	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.	
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	Legend	

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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	XXII - 6