Board of Behavioral Sciences

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Gavin Newsom, Governor, State of California | Business and Consumer Services Agency | Department of Consumer Affairs

MEMORANDUM

DATE	November 4, 2026
TO	California Board of Behavioral Sciences
FROM	Christy Berger, Regulatory Manager
SUBJECT	Regulation Update

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

Continuing Education

Status: Approved by the Office of Administrative Law (OAL) *(Takes effect January 1, 2027)*

This proposal does the following:

- Credit up to 6 hours of CE per renewal cycle for licensees attending California Board of Behavioral Sciences Board meetings.
- Credit up to 6 hours of CE per renewal cycle for licensees providing direct supervision to an associate, or marriage and family therapist trainee.
- Allow other types of healthcare providers to verify a disability or medical condition for purposes of a temporary waiver of CE, and update the waiver request forms.
- Specify that the 6-hour law and ethics course required of licensees must be based on California law and ethics.
- Codify the application requirements for renewal of a license or registration.

The proposal was originally approved by the Board at its meeting in February 2025.

English as a Second Language: Additional Examination Time

Status: Pending Signature by Agency *(To Agency September 2, 2026)*

This proposal would provide an alternate method of qualification for applicants who wish to obtain additional examination time due to English being their second language.

The proposal was originally approved by the Board at its meeting in November 2024.

AMFTRB National LMFT Examination

Status: Staff Preparing Documents for Production Phase Review (On hold)

This proposal would formally designate the use of the Association of Marital and Family Therapist Regulatory Board's (AMFTRB) Marital and Family National Examination (AMFTRB National Exam) for LMFT licensure in California with an effective date of July 1, 2027 or after, instead requiring passage of a state-developed clinical exam.

The proposal was originally approved by the Board at its meeting in August 2025.

Licensed Educational Psychologist (LEP) Experience

Status: Language Under Revision – Board will Reconsider in 2027

This proposal would do the following:

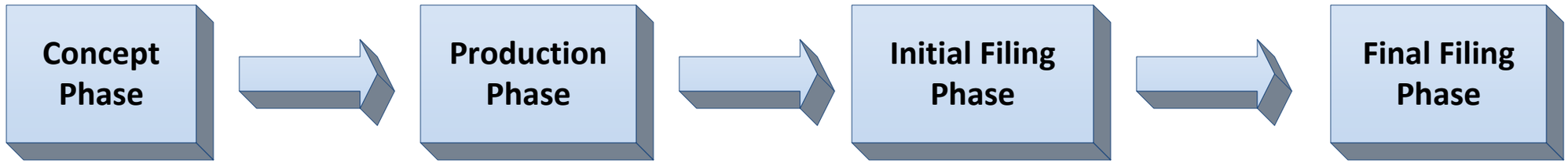
- Specify the documentation required to verify completion of experience required for LEP licensure.
- Specify additional documentation required for experience gained in a private or parochial school or temporary employment agency.
- Specify additional requirements for experience gained under the direction of an LEP.
- Strike language that duplicates statute.

The proposal was originally approved by the Board at its meeting in August 2025.

Attachment

Regulation Process

Regulation Package Approval Process



Concept Phase

- Kick-Off Meeting with relevant Board and DCA staff to discuss potential regulation.
- Board staff drafts proposed regulation.
- Regulations Counsel and Second Level Reviewer reviews and approves proposed regulation.
- Board meeting is held, proposed regulation text is presented for vote and approval.

Phase Goal: Proposed Regulation is drafted and approved by the Board to move forward.

Production Phase

- After the Board approves the proposed text, Board staff develop remaining documents in the initial regulatory package.
- Regulation package is prepared with assistance from DCA Budget Analyst and Board Regulations Counsel.
- Following review and approval of the regulatory package by the Budget Analyst and Regulations Counsel, the package is reviewed and approved by the DCA Director and Agency.

Phase Goal: Regulation Package is approved by Agency.

Initial Filing Phase

- Following Agency approval, the regulatory package is submitted to OAL for publication in the Notice Register for a 45-day comment period.
- If comments are received, Board Staff draft responses for review by the Regulations Counsel.
- Board meeting is held to approve the responses and modified text, if necessary.
- If substantial changes are made to the text, a 15-day comment period commences.

Phase Goal: Completion of the Public Comment Period with all comments appropriately addressed and any changes to the text approved by the Board.

Final Filing Phase

- Board Staff develops and submits a final regulatory package to the Regulations Coordinator for review.
- If there is a fiscal impact to the regulations, the Budget Analyst submits the package to the Department of Finance (DOF) for review and approval, as necessary.
- The package is reviewed by Regulations Counsel, DCA Director, and Agency.
- Final package is submitted to OAL.
- OAL approves package, Board Staff updates the Board website with the new regulation, and contacts interested parties with notification of the effective date.

Phase Goal: OAL approves Final Regulatory Package.

Note:
All references to timeframes throughout the Phases shall be calendar days, unless the Parties agree otherwise during the kick-off meeting or subsequently to alternative timeframes.

Light Blue: B/B Staff/Reg Counsel, Board Counsel, Second Level Reviewer, Budget Staff
Purple: Second Level Reviewer
Orange: B/B Staff
Gray: Reg Counsel

Concept Phase

Meet to discuss regulatory concept, confirm statutory authority, walk through six standards from OAL, and determine if there is fiscal/economic impact. (B/B Staff, Reg Counsel, Board Counsel, Second Level Reviewer, Budget Staff)

Based upon discussion, draft text and incorporate reference documents for proposed regulation, if any, and provide draft text to Reg Counsel. (B/B staff)

Note:
30-day timeframe for reviewing of proposed regulations and legal research.

Review proposed regulations, conduct necessary legal research, make necessary edits to language directly to the document, including any related documents, and pose any questions for consideration. (Reg Counsel)

Set meeting with B/B staff to present edits and discuss questions identified from review. (Reg Counsel)

After meeting, finalize regulation language with edits discussed, obtain approval from Executive Officer or Bureau Chief, and submit to Reg Counsel. (B/B staff)

May share proposed text with Board Counsel for review and edit document with any suggestions. (Reg Counsel)

Note:
If suggestions are substantial from the Board Counsel, the Regulations Counsel may need to confer with Staff and Executive Officer or Bureau Chief.

Make any additional edits to the regulation language and submit to Second Level Reviewer. (Reg Counsel)

Note:
Regulation Counsel and Second Level Reviewer have a 30-day timeframe for reviewing and finalizing regulation language.

Review text for compliance with applicable laws and for relevant departmental uniformity and consistency. (Second Level Review)

Discuss regulation language edits with Reg Counsel. (Second Level Review)

Note:
Additional revisions to the text may raise new legal issues not previously identified, which may also alter the review timeframe.

Discuss edits with B/B [may need to meet if edits extensive]. (Reg Counsel)

Finalize regulations and submit to Reg Counsel for final review. (B/B staff)

Concur text is ready for B/B consideration. (Reg Counsel)

If necessary, prepare board meeting materials. (B/B staff)

Review agenda item and board memos or item summaries for B/B meeting at which proposed regulation text is presented. (Reg Counsel)

Attend B/B meeting at which proposed regulation text is presented to B/B for vote and approval, and answer questions or concerns. (Reg Counsel)

End Point

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Production Phase

Blue: **Agency**
Yellow: **DCA Director**
Green: **Regulations Coordinator**
Red: **Budget Analyst**
Orange: **B/B Staff**
Gray: **Reg Counsel**

After Board/Bureau approves the regulatory text, begin preparing the regulation package for submission. (B/B Staff)

Review and analyze text, ISOR, and documents incorporated by reference for fiscal and economic impacts and review Std. Form 399 draft. (Budget Analyst)

Make necessary edits to the ISOR and Std. Form 399 and any other documents. (Budget Analyst)

Review and make necessary edits directly to the regulation package. (Reg Counsel)

Note: Regulations Counsel review will be completed within a 30-day timeframe.

Set meeting with Staff to present edits to documents and discuss the questions identified from the review. (Reg Counsel)

Finalize the regulation package with edits discussed, obtain approval from the Executive Officer or Bureau Chief, and submit to Regulations Counsel and Budget Analyst. (B/B Staff)

Complete final review of the regulation package, working with Staff, until the package is complete. (Reg Counsel)

Approve the package, initial the Std. Form 399, and forward the approved form to the Regulations Coordinator with a copy to Regulations Counsel. (Budget Analyst)

Request Staff to submit final initial package to Regulations Coordinator. (Reg Counsel)

Review regulation package for completeness and forward the package to the Director for review and approval. (Regulations Coordinator)

Review and approve regulations package. (DCA Director)

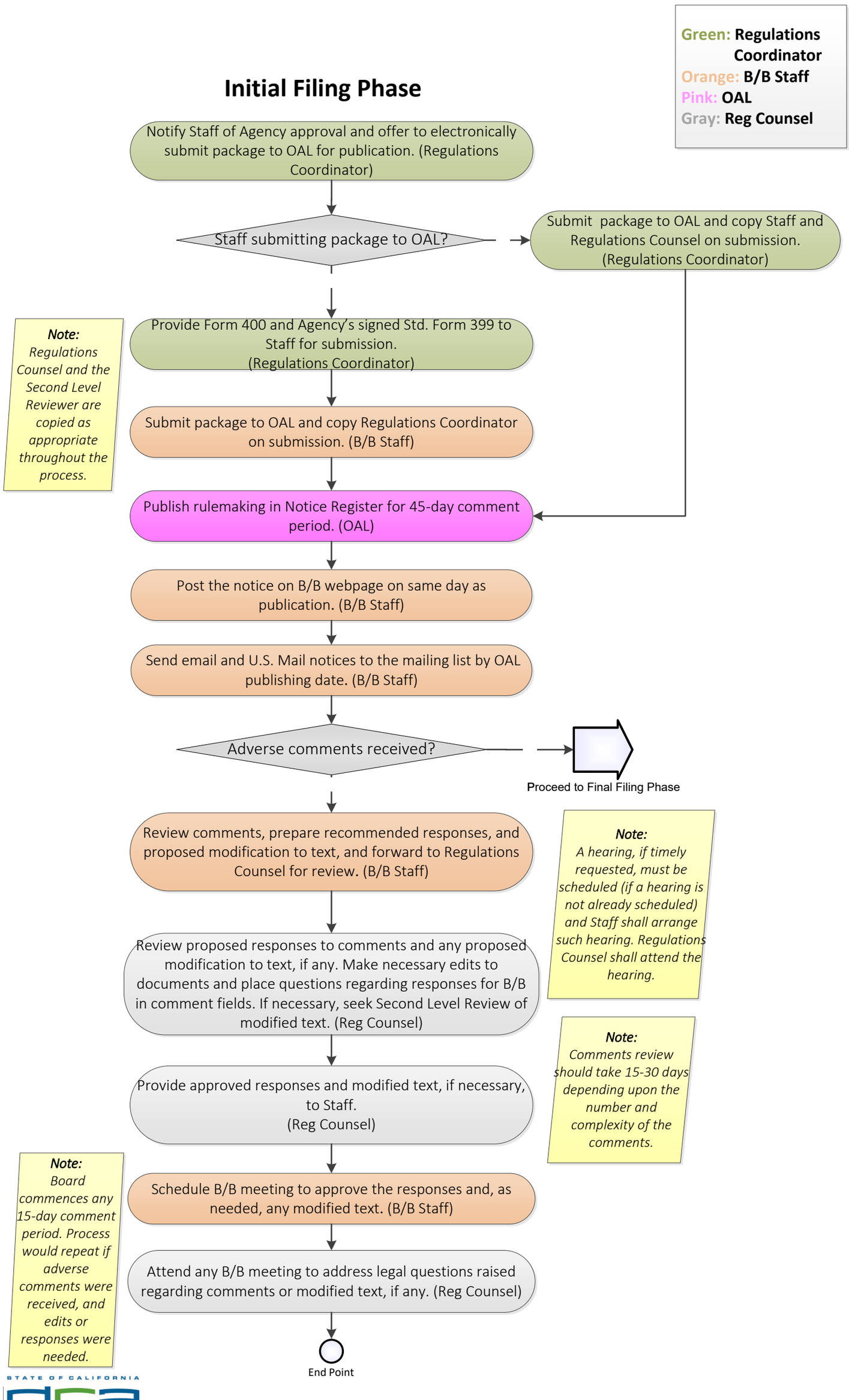
Upon Director approval, submit the regulation package to Agency. (Regulations Coordinator)

Notify Regulations Coordinator of regulation package approval. (Agency)

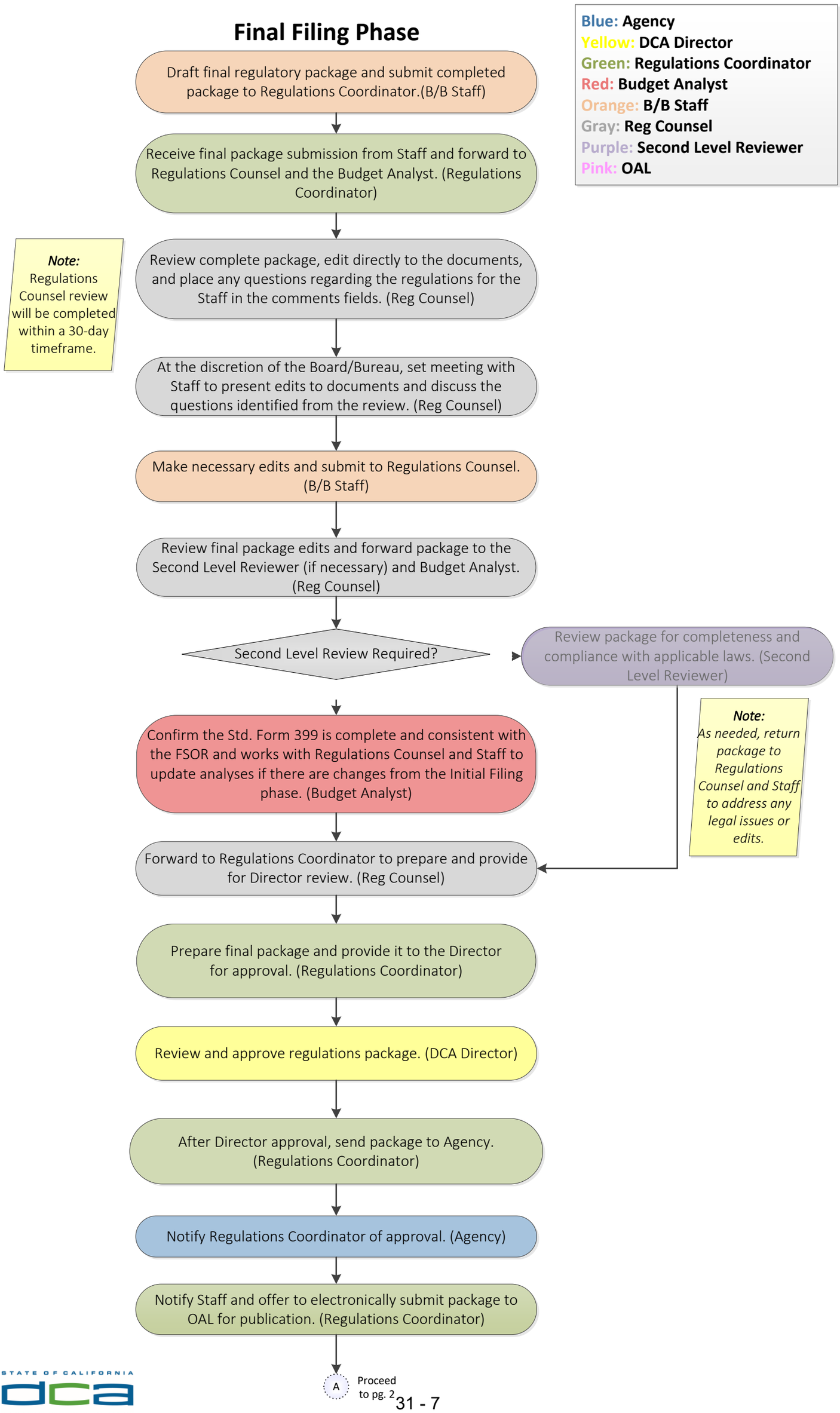
Notify B/B Staff of regulation package approval. (Regulations Coordinator)

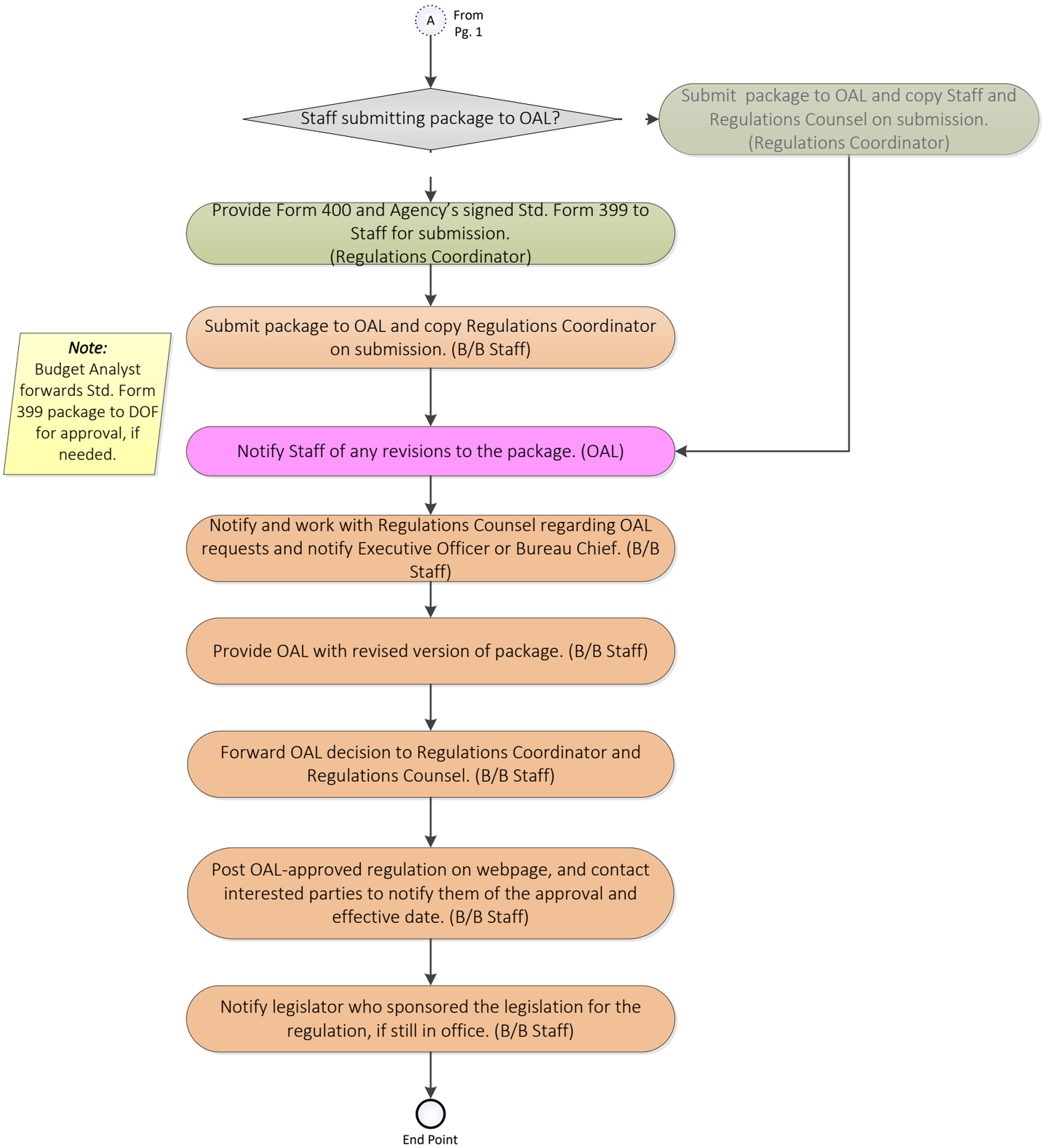
End Point

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Green: Regulations Coordinator
Orange: B/B Staff
Pink: OAL
Gray: Reg Counsel
Initial Filing Phase
Notify Staff of Agency approval and offer to electronically submit package to OAL for publication. (Regulations Coordinator)
Staff submitting package to OAL?
Submit package to OAL and copy Staff and Regulations Counsel on submission. (Regulations Coordinator)
Note: Regulations Counsel and the Second Level Reviewer are copied as appropriate throughout the process.
Provide Form 400 and Agency's signed Std. Form 399 to Staff for submission. (Regulations Coordinator)
Submit package to OAL and copy Regulations Coordinator on submission. (B/B Staff)
Publish rulemaking in Notice Register for 45-day comment period. (OAL)
Post the notice on B/B webpage on same day as publication. (B/B Staff)
Send email and U.S. Mail notices to the mailing list by OAL publishing date. (B/B Staff)
Adverse comments received?
Proceed to Final Filing Phase
Review comments, prepare recommended responses, and proposed modification to text, and forward to Regulations Counsel for review. (B/B Staff)
Note: A hearing, if timely requested, must be scheduled (if a hearing is not already scheduled) and Staff shall arrange such hearing. Regulations Counsel shall attend the hearing.
Review proposed responses to comments and any proposed modification to text, if any. Make necessary edits to documents and place questions regarding responses for B/B in comment fields. If necessary, seek Second Level Review of modified text. (Reg Counsel)
Note: Comments review should take 15-30 days depending upon the number and complexity of the comments.
Provide approved responses and modified text, if necessary, to Staff. (Reg Counsel)
Note: Board commences any 15-day comment period. Process would repeat if adverse comments were received, and edits or responses were needed.
Schedule B/B meeting to approve the responses and, as needed, any modified text. (B/B Staff)
Attend any B/B meeting to address legal questions raised regarding comments or modified text, if any. (Reg Counsel)
End Point

Final Filing Phase




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From Pg. 1
Staff submitting package to OAL?
Submit package to OAL and copy Staff and Regulations Counsel on submission. (Regulations Coordinator)
Provide Form 400 and Agency's signed Std. Form 399 to Staff for submission. (Regulations Coordinator)
Submit package to OAL and copy Regulations Coordinator on submission. (B/B Staff)
Note: Budget Analyst forwards Std. Form 399 package to DOF for approval, if needed.
Notify Staff of any revisions to the package. (OAL)
Notify and work with Regulations Counsel regarding OAL requests and notify Executive Officer or Bureau Chief. (B/B Staff)
Provide OAL with revised version of package. (B/B Staff)
Forward OAL decision to Regulations Coordinator and Regulations Counsel. (B/B Staff)
Post OAL-approved regulation on webpage, and contact interested parties to notify them of the approval and effective date. (B/B Staff)
Notify legislator who sponsored the legislation for the regulation, if still in office. (B/B Staff)
End Point