

TITLE 16. CALIFORNIA BOARD OF BEHAVIORAL SCIENCES

INITIAL STATEMENT OF REASONS

Hearing Date: The Board of Behavioral Sciences (Board) has not scheduled a hearing on the proposed changes. However, a hearing will be scheduled upon request by any interested party if the request is received no later than 15 days prior to the close of the written comment period.

Subject Matter of Proposed Regulations: Continuing Education; Exams; Renewals

Sections Affected: Sections 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3, and 1887.12 of Division 18 of Title 16 of the California Code of Regulations (16 CCR)¹.

INTRODUCTION AND PROBLEM STATEMENT

The Board of Behavioral Sciences (Board) licenses and regulates Licensed Marriage and Family Therapists (LMFTs) (Business and Professions Code (BPC) sections 4980 et seq.), Licensed Educational Psychologists (LEPs) (BPC sections 4989.10 et seq.), Licensed Clinical Social Workers (LCSWs) (BPC sections 4991 et seq.), and Licensed Professional Clinical Counselors (LPCCs) (BPC sections 4999.10 et seq.).

The Board also registers and regulates individuals gaining supervised experience toward meeting the requirements for licensure. This includes registered Associate Marriage and Family Therapists (AMFTs), Associate Professional Clinical Counselors (APCCs) and Associate Clinical Social Workers (ASWs) (aka “registrant”).

The Board is responsible for licensing and discipline of the above professionals and enforcement of Chapters 13, 13.5, 14 and 16 of Division 2 of the BPC which regulates the above professions as set forth in BPC section 4990.18. BPC section 4990.16 mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions.

BPC sections 4980.54 (marriage and family therapists), 4989.34 (educational psychologists), 4996.22 (clinical social workers) and 4999.76 (professional clinical counselors), set forth continuing education (CE) requirements for licensees and allow the Board to establish exceptions from CE requirements for good cause. Assembly Bill 1759 (Chapter 520, Statutes of 2022) (AB 1759) added a law and ethics course CE requirement for registrants to these sections (with the exception of section 4989.34, as

¹ All CCR references are to Title 16 unless otherwise noted.

the LEP profession does not have registrants). This legislation also struck the 12-hour California law and ethics course requirement for a registrant who did not pass the law and ethics exam during their prior renewal cycle.

Existing 16 CCR sections 1822.51, 1829.2 and 1877.2 set forth requirements for eligibility to take the law and ethics examination, including the 12-hour California law and ethics course for a registrant who did not pass the exam during their prior renewal cycle. To conform with AB 1759, which struck the 12-hour course requirement, this proposal would strike that requirement.

In addition, the proposal would update the Board's eligibility and notice requirements for taking the law and ethics examination including specifying how the Board transmits a notice of an applicant's eligibility to take the law and ethics examination to both the examination administrator (Pearson Vue) and to the applicant and specifies the content of those notifications. It also clarifies an applicant's responsibilities once notice is received, including an applicant's responsibilities for scheduling and taking the examination, and executing any authorizations by Pearson Vue required to release personal information and examination results to the Board. These sections would also set requirements for the Board's receipt of notice of either "proof of participation or successful completion" of the Board's California law and ethics examination (as defined). These sections would further specify the process for the Board's receipt of an applicant's examination results directly from Pearson Vue to determine qualifications for licensure or for renewal of a registration.

Existing CCR section 1887 is the first section that appears under Article 8, which contains the Board's regulations pertaining to CE requirements. The proposed amendment would amend subsection (c) of section 1887 to revise the existing definition of a "renewal period" by: (1) adding a new definition specifically for registrants and (2) amending the existing definition for "renewal period" to specify that the definition covers "Licensees." Amendments to the existing definition for "renewal period" for licensees would include a reference to "issue date" as a starting point for a renewal period.

Existing CCR section 1887.1 sets forth CE requirements for renewal of a license but does not specify what a completed renewal application contains, how it is to be submitted to the Board or that a completed application is a condition of renewal. This proposal would address these issues and add specified requirements for renewal of both a license or registration to this section, including CE requirements.

Existing CCR section 1887.2 specifies requirements for temporary waivers of and exemptions from CE requirements. This proposal would update the current waiver form ("Request for Temporary Continuing Education (CE) Waiver --Licensee Application," Form No. DCA BBS 37A-635 (Revised 08/22[OAL to insert new revision date])), and

verification of disability or medical condition form (“Request for Temporary Continuing Education (CE) Waiver --Verification of Disability or Medical Condition,” Form No. DCA BBS 37A-636 (Revised 08/22[OAL to insert new revision date])), incorporated by reference in this section.

Section 1887.2 also currently limits the Board’s acceptance of verifications of disability or medical condition to those executed by licensed physicians or psychologists with expertise in the area of the physical or mental disability or medical condition. This proposal would amend this section to remove that limitation and allow additional types of healthcare providers with a current and active license, as specified, to verify a disability or medical condition for the purpose of qualifying a licensee for a CE waiver.

Existing CCR section 1887.3 specifies CE course requirements and CE credit allowed for specified activities. This proposal would add registrants into certain subsections of this section; clarify that activities that count toward CE provided by the Board of Behavioral Sciences is the “California” Board; and specify what the Board considers acceptable documentation of completion for qualifying activities, as specified, that may be credited as CE as well as amend records retention requirements. This proposal would also add the following activities to be considered acceptable qualifying CE credit:

- 1) Allow a licensee to earn up to six (6) hours of CE credit by attending California Board of Behavioral Sciences’ board or committee meetings (virtually or in-person) for the renewal cycle during which the meetings occurred under specified conditions; and,
- 2) Allow a licensee to earn up to eighteen (18) hours of CE for providing direct supervision of an individual gaining experience toward licensure as a trainee or associate for the renewal cycle during which supervision was provided under specified conditions.

Existing CCR sections 1887.4.2, 1887.4.3 and 1887.12 specify CE provider approval agency responsibilities for Board-recognized approval agencies, acceptable CE providers and responsibilities, and licensee and provider course records requirements, respectively. This proposal would update these sections as specified to incorporate registrants into each of these sections and thereby make these existing standards applicable to registrants who are now required to satisfy CE requirements.

This proposal would make technical, conforming changes to the titles of these sections to better reflect the newly proposed subject matter for these sections. This proposal also specifies changes to the “Note” sections of the regulations in this proposal to update the “Reference” citations to strike outdated sections of law and add pertinent sections.

The specific proposed changes to the Board's CE regulations, California law and ethics examination requirements and renewal requirements, and the specific reasons for those changes are provided in detail below.

ANTICIPATED BENEFITS OF THE REGULATIONS

The objectives of the amendments and anticipated benefits in this regulatory proposal are to provide for clarity and currency in the Board's CE regulations; help to ensure that CE offered by providers to registrants meets the standards currently in place for licensees in regulation; and, provide flexibility to licensees in the choice of a healthcare professional who can complete a verification of disability or medical condition for purposes of a CE waiver request.

In addition, this proposal would add new activities that may be counted for CE credit including attendance at board or committee meetings, which may increase public participation, and allowing CE credit for providing direct supervision, which may increase the number of licensees willing to provide supervision.

Specifying the Board's process related to eligibility criteria for its examination, the applicant's responsibilities in that process, and the requirements of the Board's license and registration renewal process, provides greater notice to applicants and licensees, which may improve compliance with examination and renewal requirements, thereby avoiding deficiencies in the application and renewal processes.

SPECIFIC CHANGES: PURPOSE AND RATIONALE FOR EACH ADOPTION, AMENDMENT, OR REPEAL:

The Board proposes the following changes:

Proposed Amendments to Sections 1822.51, 1829.2 and 1877.2: Eligibility for Law and Ethics Examination

CCR Sections 1822.51, 1829.2 and 1877.2: In addition to renumbering the subsections for flow and readability, the Board proposes the following revisions for these sections:

Amendments to titles

Purpose: The Board proposes to amend the existing titles in CCR sections 1822.51, 1829.2, and 1877.2 from "Eligibility for Law and Ethics Examination" to "Law and Ethics Examination: Eligibility, Notice of Eligibility, and Proof of Participation or Successful Completion."

Rationale: These changes are necessary to give notice to users and more accurately reflect the subject matter of these sections, as proposed in this rulemaking.

Repeal of existing subsection (a)(1)

Purpose: This proposal would repeal existing subsection (a)(1) in these sections, which currently requires that when a registrant who holds a current or delinquent registration takes the (law and ethics) examination and does not pass during their one-year renewal cycle, the registrant shall complete a 12-hour course on California law and ethics as specified in order to be eligible to take the examination during the next renewal cycle.

Rationale: As noted above in the “Introduction and Problem Statement” section, AB 1759 struck this 12-hour California law and ethics course requirement in its entirety for all registrants who do not pass the examination during their one-year renewal cycle. Therefore, the Board proposes to strike this requirement in each of these sections as no longer necessary, and to bring these regulations into alignment with the statute.

Adopt new subsection (b)(1)

Purpose: Subsection (b)(1) is proposed to be added to each of these sections, requiring the Board, once an applicant submits a request and pays a fee per paragraph (1) of subsection (a), or the Board has approved an individual’s application for licensure (as specified in existing paragraph (2) of subsection (a)), to transmit a written and dated notice of an applicant’s eligibility to take the law and ethics examination to both the examination administrator (currently Pearson Vue), as well as to the applicant. It also requires the notice of eligibility to specify the time frames for which the applicant is required to take the examination per current regulation.

This proposal would further specify that the notice would contain the website address, e-mail address, and telephone number for the applicant to contact Pearson Vue to schedule the examination, and the process for transmitting the notice to the applicant. This would include electronic transmission if the applicant has provided their e-mail address to the Board as part of their request or application, or by mail if an e-mail address has not been provided by the applicant.

Rationale: There are currently two pathways for applicants to qualify for examination as set forth in subsection (a). Paragraph (1) authorizes specified associate registrants to submit a request and pay the fee for the examination to qualify; and paragraph (2) authorizes applicants who currently have an approved application for licensure to qualify. The proposed additional changes to add further detail regarding the eligibility notification process provides transparency regarding the examination process, ensures the applicant receives all necessary information regarding taking the examination and

helps to ensure awareness of the required time frames in which applicants have to take the exam. This would be accomplished by requiring the Board, once it has received a compliant request or an approved licensure application, to provide a written and dated notice of eligibility to the applicant and to the Board's examination administrator Pearson Vue, and by specifying the timeframes the applicant is required to take the examination per CCR sections 1822.52 (for LPCC applicants referenced in CCR section 1822.51), 1829.3 (for LMFT applicants referenced in CCR section 1829.2), and 1877.3 (for LCSW applicants referenced in CCR section 1877.2).

The dated notice would also note the contact information for the applicant to schedule the examination with Pearson Vue including website address, e-mail address, and telephone number. The Board proposes to add this subsection to describe the Board's obligations to notify applicants and the testing administrator that applicants have qualified to take the examination. The subsection provides all of the details that must be provided to eligible applicants to ensure they can schedule the examination with the testing administrator via all known methods for contacting Pearson Vue as described in this subsection.

Finally, the proposal specifies that the notice of eligibility shall be transmitted to the applicant via email, or if an email has not been provided by the applicant, provided via mail. This sets forth a clear notice process and informs applicants of how (email or mail) and when (upon receiving a request or in conjunction with the Board's approval of a licensure application) they can expect to receive their notification of eligibility.

Adopt new subsection (b)(2)

Purpose: Subsection (b)(2) clarifies that an applicant is responsible for all of the following:

- Meeting the time frame for taking the examination as required in current regulation (either CCR section 1822.52, section 1829.3, or section 1877.3, as applicable);
- Contacting the examination administrator Pearson Vue to schedule a test date and examination site location; and,
- To execute any authorizations required by Pearson Vue to consent to disclosure of their personal information and examination results to the Board.

These requirements are necessary to ensure an applicant has notice and an understanding of their responsibilities in the examination process, thereby avoiding negative impacts such as application abandonment due to not meeting time frames (see CCR section 1806). Currently, the Board requires applicants to take the law and ethics examination administered by Pearson Vue, which processes the results by sending them directly to the Board upon authorization by the exam candidate. As a result, the

Board must specify and provide notice to applicants that a condition of taking the examination includes executing any required authorizations to process those results, which includes disclosure of personal information linked to the applicant to the Board.

This proposal is also necessary to make applicants aware that the examination administrator will need to disclose personal information and examination results to the Board to meet the requirements by law for maintaining eligibility and meeting qualifications for licensure or registration (as discussed in the next section below).

Adopt new subsection (b)(3)

Subsection (b)(3) specifies that to enable the Board to determine qualifications for licensure or for renewal of a registration, the Board shall receive proof of the applicant's participation or successful completion of the examination directly from Pearson Vue. This proof shall consist of a copy of the applicant's result letter or score report that lists the applicant's name and pass or fail status. This clarifies the process between the Board and the examination administrator and ensures the Board will receive the information necessary for recording an applicant's examination results and allowing for the applicant to take the next steps in the process (renewal of a registration or submission of an application for the next exam or for license issuance).

Overall, the addition of subsections (b)(1), (b)(2) and (b)(3) formalize current Board processes pertaining to the examination process, thereby providing notice and transparency to applicants.

Non-substantive amendments to the "Note" sections of the following regulations:

Sections 1829.2 and 1877.2: The proposal would strike BPC sections 4980.398 from the Reference section of section 1829.2, and strike BPC sections 4992.07 from the Reference section of section 1877.2 for the following reasons:

BPC sections 4980.398 and 4992.07 set forth examination restructure transition scenarios. The examination restructure, which replaced the standard written exam with a law and ethics exam and clinical exam, became operative on January 1, 2016, per subsection (d) of these sections. These sections are obsolete for the following reasons, and should therefore be stricken:

- Subsection (a) of BPC sections 4980.398 and 4992.07 pertained to applicants for licensure who had previously taken and passed the standard written exam. However, a passing score on the standard written exam was only valid for 7 years per BPC sections 4980.50(g) and 4992.1(g) *(as those sections existed prior to being repealed on January 1, 2016 per Senate Bill 821 (Chapter 473, Statutes of 2013))*.

The last standard written exams were administered in 2015. Therefore, there are no longer any applicants who fall under subsection (a).

- Subsection (b) of BPC sections 4980.398 and 4992.07 require applicants who had previously failed to obtain a passing score on the standard written exam to obtain a passing score on the law and ethics exam and the clinical exam. However, BPC sections 4980.397 and 4992.05 currently specify that an applicant must pass both the law and ethics exam and the clinical exam, so subsection (b), while helpful during the transition, is no longer necessary.
- Subsection (c) of BPC sections 4980.398 and 4992.07 require applicants who had obtained eligibility to take the standard written exam to take the law and ethics exam and the clinical exam. A 365-day eligibility window is provided for taking an exam in accordance with 16 CCR section 1806(b), which requires applicants for licensure to take a required exam at least once every 365 days to prevent abandonment of their application. All applicants who had obtained eligibility for the standard written exam at the time of the transition have either passed the standard written exam, were issued a new 365-day eligibility window to take the newly implemented law and ethics exam or their application has been deemed abandoned in accordance with 16 CCR section 1806(b). Therefore subsection (c) is obsolete.

Proposed Amendments to 16 CCR Section 1887: Definitions

Purpose and Rationale: Section 1887 is the first section that appears under Article 8, which contains the Board's regulations pertaining to CE requirements. The proposed amendment would amend subsection existing subsection (c) of section 1887 to define "renewal period" for registrants as "The one-year period that spans from the first day after the registration's issue date or prior expiration date to the current registration expiration date." BPC sections 4984.01, 4996.28 and 4999.100, as applicable, specify that an associate registration shall expire one year from the last day of the month in which it was issued and may be renewed a maximum of five times.

For registrants and licensees, the renewal period starts either from the first day after the license's issue date (if they are newly registered or licensed) or from the prior expiration date (if they are existing registrants or licensees). Existing regulation does not specifically define what the renewal period (as it is discussed in this Article) for those newly licensed and therefore made CE requirements referenced throughout this Article unclear as to what their CE requirements were to renew after this initial licensing period concluded. As a result, the Board proposes to add a reference to "Licensees" and "issue date" to new subsection (c)(1) to more accurately reflect the renewal time periods and accompanying renewal requirements associated with that time period for licensees.

Also, since AB 1759 added a CE requirement for registrants, it is necessary to add a similar definition of a renewal period for registrants as well as an introductory title “Registrants” to new subsection (c)(2) of section 1887 to address these potential ambiguities.

The proposal would also add BPC sections 4980.399, 4992.09 and 4999.55 to the Reference section. These sections require registrants (AMFTs, ASWs and APCCs, respectively) to complete three hours of CE in California law and ethics. As registrants are being added to the definition in subsection (c) due to the registrant CE required by AB 1759, these additions to the Reference section are necessary to show that these laws are being implemented by this section.

Proposed Amendments to Section 1887.1: Continuing Education Requirements and License or Registration Renewal Requirements

Amend subsection (a)

Purpose: Existing regulations specify that except as provided in section 1887.2, a licensee shall certify in writing when applying for license renewal by signing a statement under penalty of perjury that during the preceding renewal the licensee has completed 36 hours of continuing education credit as set forth in BPC sections 4980.54, 4989.34, 4996.22, and 4999.76, as applicable. This proposal would repeal that requirement and add a new requirement that as a condition of renewal, on or before the expiration date of their license, a licensee shall submit a completed renewal application as prescribed by this subsection and the renewal fee required by CCR section 1816.

The proposal also specifies that submission of a renewal application may be completed via mail, in person at the Board’s current physical address, or at the Board’s online portal, which informs applicants of the currently available options for submission. Proposed amendments would also provide a definition for a completed renewal application by specifying the required content of a completed application, as more fully described below.

Rationale: Existing regulations do not completely cover all requirements for renewal of a license, including submission requirements, and the content of a completed renewal application. Consequently, the Board proposes to repeal the existing language referencing CE certification on renewal and replace it with a complete list of all requirements for renewal as set forth in newly proposed amendments to this subsection. This subsection is also necessary to inform licensees regarding what must be submitted to renew their licenses, to provide a complete list of requirements in one convenient location for renewal applicants consistent with current Board processes and help ensure the Board only receives completed applications for processing license renewals.

In addition to specifying requirements for a completed renewal application, the proposal also requires submission of the renewal fee prescribed in CCR section 1816, thereby ensuring the applicant is aware of and submits the appropriate fee required to renew their license. To ensure timely receipt of all applications, the Board proposes to add a definition for “submit”, which would mean: delivery by mail or in person at the Board’s current physical address listed on its website or through the Board’s online portal accessible through the Board’s website.

In addition, the amendments to subsection (a) would specify all requirements for license renewal, defining a “completed renewal application” as including all of the following and for the following reasons:

- **Add paragraphs (1) and (2):** An individual shall apply using their full legal name, the license type (“LMFT” for Licensed Marriage and Family Therapist, “LCSW” for Licensed Clinical Social Worker, “LEP” for Licensed Educational Psychologist or “LPCC” for Licensed Professional Clinical Counselor), license number and expiration date. This information is necessary in order to ensure the identity of the applicant for renewal. The acronyms listed here were later defined in the proposed regulatory language pursuant to the Executive Officer’s delegated authority to make non-substantive edits to the text. As these acronyms are widely understood, the Board considers these changes to spell out the meaning of the acronyms listed in paragraph (2) to be changes without regulatory effect consistent with Title 1, California Code of Regulations section 100.
- **Add paragraph (3):** If renewing online through the Board’s website, the licensee shall provide their individual National Provider Identifier if they have one, per the requirement of BPC section 850.2(b), which states “A healing arts board shall require a licensee or registrant who electronically renews their license or registration to provide to that board the licensee’s or registrant’s individual National Provider Identifier, if they have one”. Consequently, the Board adds this requirement to the renewal application to comply with section 850.2(b)’s mandate.
- **Add paragraph (4) introductory sentence:** This would include adding a statement indicating whether the licensee, since their last renewal, has been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or felony in the United States and its territories or a foreign country. This is necessary and broadly interpreted to include all states or a foreign country for public protection, ensuring that the Board is informed about any crimes potentially substantially related to the qualifications, functions or duties of a licensee, as allowed under the provisions of BPC sections 490, 4982, 4992.3, 4989.54, and 4999.90 (pertaining to authorized discipline including suspension and revocation of

licenses for conviction of a crime substantially related to the applicable profession).

Further, BPC section 490 provides that, “A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.” This proposed language is therefore needed to notify renewal applicants that disclosure is required whether they pled guilty or pled nolo contendere (no contest) since applicants often mistakenly believe that a “no contest” plea is not treated the same way for conviction disclosure purposes.

- **Add second sentence to paragraph (4):** This sentence would specify that, for the purposes of this paragraph, convictions expunged or dismissed under sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code (or equivalent non-California law) must be disclosed. This language is necessary to make clear to applicants that convictions, even if they are expunged or dismissed, must be reported and to ensure that the Board has the most accurate information about an applicant’s background when determining whether grounds for discipline exist. As a matter of law, convictions expunged pursuant to Penal Code section 1203.4 or other similar expungement or dismissal statutes are still considered “convictions” for purposes of disciplinary actions by the Board. BPC section 490(c) provides the following, in pertinent part:

“An action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, **irrespective of a subsequent order under Section 1203.4 of the Penal Code.**” (Emphasis added.)

This means that the Board may use an applicant’s criminal history even if that history includes convictions for which an individual obtains a later order of dismissal under Penal Code section 1203.4. The California Court of Appeal has found that the use of a conviction that was later expunged by a board in this Department for enforcement of its laws is authorized. In discussing its rationale, the California Court of Appeal in *Meyer v. Board of Medical Examiners* (1949) 34 Cal.2d 62, provided the following:

“The powers possessed by the trial courts under the probation statutes, Penal Code, Sections 1203 et seq., are concerned with mitigation of punishment and confer discretion upon the courts in dealing with a convicted defendant. The power of the court to reward a convicted defendant who satisfactorily completes his period of probation by setting aside the verdict and dismissing the action operates to mitigate his punishment by restoring certain rights and

removing certain disabilities. But it cannot be assumed that the legislature intended that such action by the trial court under section 1203.4 should be considered as obliterating the fact that the defendant had been finally adjudged guilty of a crime. This is made clear by the provision that the fact of the defendant's conviction can be used against him in any later prosecution, despite dismissal of the action under section 1203.4. In brief, action in mitigation of the defendant's punishment should not affect the fact that his guilt has been finally determined according to law. Such a final determination of guilt is the basis for the [enforcement action] in this case. **That final judgment of conviction is a fact; and its effect cannot be nullified for the purpose here involved, either by the order of probation or by the later order dismissing the action after judgment.**" Id. at 64-66 and citing *In re Phillips* (1941) 17 Cal.2d 55, 58. (Emphasis added.)

Consequently, for the Board's purposes, renewal applicants who have obtained Penal Code section 1203.4 orders or other similar dismissals or expungements are still considered to have criminal convictions for purposes of determining whether grounds for discipline exist. Nevertheless, the Board has found that licensees mistakenly believe that a dismissal or expungement order entitles them to not disclose a conviction to the Board. As a result, to avoid confusion, and implement long-standing state policy that requires disclosure of most criminal convictions to licensing agencies, the Board specifies that convictions, even if dismissed or expunged, "must be disclosed."

- **Add last sentence to paragraph (4) to add exclusions to the definition of "conviction" including criminal offenses adjudicated in the juvenile courts in subparagraph (A).** This amendment would add language to specify that "conviction" does not include offenses adjudicated in the juvenile court. This is necessary because many applicants mistakenly disclose these offenses even though these judicial proceedings and actions are by law not considered "convictions." Welfare and Institutions Code (WIC) section 203 states, "An order adjudging a minor to be a ward of the juvenile court shall not be deemed a conviction of a crime for any purpose, nor shall a proceeding in the juvenile court be deemed a criminal proceeding." In addition, WIC section 827 makes these records confidential.
- **Additional exclusions from the definition of conviction in subparagraph (B) of paragraph (4)** that would include specifying that "conviction" does not include "charges dismissed under section 1000.3 of the Penal Code (PC)." This will avoid unnecessary disclosures as PC section 1000.1 allows a defendant subject to "Deferred Entry of Judgment", who meets certain conditions, to bypass the criminal prosecution process to enter a drug treatment program. Successful completion of the drug treatment program would then lead to a dismissal of the

criminal charges and thereby no “conviction” since no judgment is actually entered.

- **Add additional exclusions from the definition of conviction in subparagraph (C) of paragraph (4)** that specifies that “conviction” does not include convictions under California Health and Safety Code (H&S) section 11357, or section 11360(b) which are two years old or older for minor marijuana possession, as specified in these statutes. This will avoid unnecessary disclosures because under the Uniform Controlled Substance Act (H&S Code section 11000 et seq.), arrests and/or convictions for certain minor marijuana possession charges need not be reported on applications. In addition, H&S Code section 11361.5 requires the destruction of these specific records two years after the conviction. Furthermore, under H&S Code section 11361.7(c), any person convicted of a specified charge may, after the two-year cut-off date indicate in response to any question concerning prior conviction that they were not convicted for the act. As a result, this language is necessary to ensure consistency with these laws and avoid applicant confusion regarding whether they will need to disclose these past actions.
- **Add additional exclusions from the definition of conviction in subparagraph (D) of paragraph (4)** that specify that “conviction” does not include traffic citations or infractions for which a fine of \$500 or less was imposed. For purposes of license eligibility, as set forth in BPC section 490, a criminal conviction includes a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. When an individual pays a traffic ticket without contesting it in court, California law treats that as a “forfeiture of bail”, which is legally equivalent to an admission of guilt and a conviction for the particular violation charged (see Vehicle Code section 40512, Vehicle Code section 13103).

This proposed language will avoid unnecessary disclosures of minor traffic violations such as running a red light, which the Board views as not substantially related to the qualifications, functions, or duties of a licensee or registrant, and using a dollar amount limit would be easier for applicants to understand since these unrelated types of violations normally do not result in fines greater than \$500 (see Underlying Data). This threshold would still allow the Board to capture substantially related violations, such as a DUI pled down to a “wet reckless”, where such conduct is normally considered related to any practice (see e.g., BPC sections 4982(c), 4992.3(c), 4989.54(c), and 4999.90(c) and, *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757), and fines for these offenses often do exceed \$500.

- **Add new paragraph (5) introductory sentence** that includes a statement indicating whether the licensee, since their last renewal, has had any disciplinary action against any license, registration, certificate, permit or other means to engage in any practice issued to the licensee by any government agency. Under existing law at BPC sections 141, 4982.25, 4989.54, 4990.38 4992.36, 4999.42, 4999.51, and 4999.91, the Board may discipline a license for specified disciplinary action taken by “another state, by any agency of the federal government, or by another country” or “or any other disciplinary action imposed by another state or territory or possession of the United States, or by any other governmental agency...” This is necessary to ensure that grounds for discipline do not exist according to the aforementioned statutes for the protection of the public, and to assist the applicant with understanding what needs to be disclosed to ensure a completed renewal application.
- **Add new paragraph (5) second sentence** that defines “Government agency” as any regulatory or licensing board in this State (excluding this board) or any other state, any United States territory, federal agency or another country. Since the Board is aware of every licensee’s record of discipline and the term “government agency” is ambiguous, this is necessary to inform the licensee of the types of agency actions that are relevant to the Board’s inquiry and therefore needs to be disclosed without being unnecessarily broad. The specified types of agencies used in the definition are drafted consistent with the authority conferred upon the Board at BPC sections 141, 4982.25, 4989.54, 4990.38 4992.36, 4999.42, 4999.51, and 4999.91.
- **Add new paragraph (5) third sentence** that defines “Disciplinary action” as an adverse licensure action that resulted in a restriction or penalty being placed on the license, such as revocation, suspension, probation, voluntary surrender or public reprimand or reproof. This is necessary to clarify what types of actions taken by a government agency against a licensee must be reported to the Board.

This is necessary to ensure applicants fully understand what “disciplinary action” means in responding to this question, and to provide a definition that includes the types of actions government agencies are typically authorized to take (e.g., see the California Administrative Procedure Act, specifically Gov. Code, section 11503).

- **Add new paragraph (6) for Licensees** that includes a statement indicating whether the licensee has completed thirty-six (36) hours of continuing education (CE) credit as set forth in sections 4980.54, 4989.34, 4996.22, and 4999.76 of the Code, as applicable, and section 1887.3, as applicable, or, whether they are exempt from or have received a waiver from CE requirements from the Board in accordance with section 1887.2. This is necessary to document that the licensee

has either (1) completed the CE required during their renewal cycle; (2) that they are exempt from CE in accordance with established requirements in CCR section 1887.2; or (3) that the CE requirement has been waived. Such self-certification (as further discussed below) and documentation provides notice to applicants of what the Board has historically accepted as providing evidence of meeting these CE requirements for renewal in accordance with the above-mentioned sections.

- **Add new paragraph (7)** that includes a statement acknowledging the applicant has read the following notice: “The address of record you provide the board will appear on public license searches on the board’s website in accordance with Business and Professions Code (BPC) section 27. Licensees are also required to maintain a current email address with the board if they have one. Email addresses are not subject to public disclosure per BPC section 4990.07.” This is necessary to provide notice and transparency to the licensee regarding disclosure of their address of record as mandated by law at BPC section 27; to remind licensees to keep their email address current with the Board; and provides assurance to the licensee that their email address is not subject to public disclosure by law at BPC section 4990.07.
- **Add new paragraph (8)** to require a statement signed and dated by the licensee under penalty of perjury under the laws of the State of California that all statements made in the application are true and correct. These amendments also help ensure that the Board can prosecute any potential perjury cases using legally admissible certifications in accordance with Code of Civil Procedure section 2015.5. Certification under penalty of perjury helps ensure that the application contains truthful, factual representations made in good faith (see, e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal. App. 4th 1214, 1223 [judicial explanation for the use of certifications]).

Adopt new subsection (b)

Purpose: The proposed amendments add registrants and registration throughout this section, including the section title, and the additional requirements noted for renewals in this subsection. These changes are nearly identical to the changes proposed for license renewals noted above in subsection (a), with exceptions noted below.

Rationale: Existing law and regulations do not cover all requirements for renewal of an associate registration pursuant to BPC sections 4984.01 (AMFTs), 4996.28 (ASWs), and 4999.100 (APCCs) including submission requirements, and the content of a completed renewal application. Consequently, the Board proposes to add language constituting a complete list of all requirements for registration renewals as set forth in newly proposed amendments to this subsection.

This subsection is also necessary to inform registrants regarding what must be submitted to renew their registrations, to provide a complete list of requirements in one convenient location for renewal applicants consistent with current Board processes and help ensure the Board only receives completed applications for processing registration renewals. In addition to specifying requirements for a completed renewal application, the proposal also requires submission of the renewal fee prescribed in CCR section 1816, thereby ensuring the applicant is aware of and submits the appropriate fee required to renew their registration. To ensure timely receipt of all applications, the Board proposes to add a definition for “submit,” which would mean: delivery by mail or in person at the Board’s current physical address listed on its website or through the Board’s online portal accessible through the Board’s website.

In addition, the amendments to subsection (b) would specify all requirements for registration renewal, defining a “completed renewal application” as including all of the following and for the following reasons:

- **Add paragraphs (1) and (2):** Individuals must apply using their full legal name (legal name of the registrant), the registration type (“AMFT” for Associate Marriage and Family Therapist, “ASW” for Associate Clinical Social Worker, or “APCC” for Associate Professional Clinical Counselor), license number and expiration date. This information is necessary in order to ensure the identity of the applicant for renewal. The acronyms listed here were later defined in the proposed regulatory language pursuant to the Executive Officer’s delegated authority to make non-substantive edits to the text. As these acronyms are widely understood, the Board considers these changes to spell out the meaning of the acronyms listed in paragraph (2) to be changes without regulatory effect consistent with Title 1, CCR section 100.
- **Add paragraph (3):** If renewing online through the Board’s website, the registrant shall provide their individual National Provider Identifier if they have one, per the requirement of BPC section 850.2(b), which states “A healing arts board shall require a licensee or registrant who electronically renews their license or registration to provide to that board the licensee’s or registrant’s individual National Provider Identifier, if they have one”. Consequently, the Board adds this requirement to the renewal application to comply with section 850.2(b)’s mandate.
- **Add paragraph (4):** BPC sections 4999.53, 4980.399 and 4992.09 require AMFTs, ASWs, and APCCs to take or pass the Board’s California law and ethics examination as a condition of registration or licensure eligibility, respectively. Consequently, submission of proof of participation (taking) or passing that examination is necessary to show compliance with these statutory requirements,

as further defined in proposed changes to CCR sections 1822.51, 1829.2 and 1877.2. This proposal would further define what “proof of participation or successful completion” means in proposed amendments to CCR sections 1822.51 (APCCs), 1829.2 (AMFTs) or 1877.2 (ASWs) as they relate to each of the associate registration types. As a result, this paragraph is also necessary to cross-reference to those definitions to avoid applicant confusion.

- **Add paragraph (5) introductory sentence:** This would include adding a statement indicating whether the registrant, since their last renewal, has been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or felony in the United States and its territories or a foreign country. This is necessary and broadly interpreted to include all states or a foreign country for public protection, ensuring that the Board is informed about any crimes that are substantially related to the qualifications, functions or duties of a registrant, as allowed under the provisions of BPC sections 490 (the term “license” includes “registration” wherever used in the BPC per BPC section 23.7), 4982, 4992.3, 4989.54, and 4999.90 (pertaining to authorized discipline including suspension and revocation of licenses or registrations for conviction of a crime substantially related to the applicable profession).

Further, BPC section 490 provides that, “A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.” This proposed language is therefore needed to notify renewal applicants that disclosure is required whether they pled guilty or pled nolo contendere (no contest) since applicants often mistakenly believe that a “no contest” plea is not treated the same way for conviction disclosure purposes.

- **Add second sentence to paragraph (5):** This sentence would specify that, for the purposes of this paragraph, convictions expunged or dismissed under sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code (or equivalent non-California law) must be disclosed. This language is necessary to make clear to applicants that convictions, even if they are expunged or dismissed, must be reported and to ensure that the Board has the most accurate information about an applicant’s background when determining whether grounds for discipline exist. As a matter of law, convictions expunged pursuant to PC section 1203.4 or other similar expungement or dismissal statutes are still considered “convictions” for purposes of disciplinary actions by the Board. BPC section 490(c) provides the following, in pertinent part:

“An action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence,

irrespective of a subsequent order under Section 1203.4 of the Penal Code.” (Emphasis added.)

This means that the Board may use an applicant’s criminal history even if that history includes convictions for which an individual obtains a later order of dismissal under PC section 1203.4. The California Court of Appeal has found that the use of a conviction that was later expunged by a board in this Department for enforcement of its laws is authorized. In discussing its rationale, the California Court of Appeal in *Meyer v. Board of Medical Examiners* (1949) 34 Cal.2d 62, provided the following:

“The powers possessed by the trial courts under the probation statutes, Penal Code, Sections 1203 et seq., are concerned with mitigation of punishment and confer discretion upon the courts in dealing with a convicted defendant. The power of the court to reward a convicted defendant who satisfactorily completes his period of probation by setting aside the verdict and dismissing the action operates to mitigate his punishment by restoring certain rights and removing certain disabilities. But it cannot be assumed that the legislature intended that such action by the trial court under section 1203.4 should be considered as obliterating the fact that the defendant had been finally adjudged guilty of a crime. This is made clear by the provision that the fact of the defendant's conviction can be used against him in any later prosecution, despite dismissal of the action under section 1203.4. In brief, action in mitigation of the defendant's punishment should not affect the fact that his guilt has been finally determined according to law. Such a final determination of guilt is the basis for the [enforcement action] in this case. **That final judgment of conviction is a fact; and its effect cannot be nullified for the purpose here involved, either by the order of probation or by the later order dismissing the action after judgment.**” Id. at 64-66 and citing *In re Phillips* (1941) 17 Cal.2d 55, 58. (Emphasis added.)

Consequently, for the Board’s purposes, renewal applicants who have obtained PC section 1203.4 orders or other similar dismissals or expungements are still considered to have criminal convictions for purposes of determining whether grounds for discipline exist. Nevertheless, the Board has found that licensees and registrants mistakenly believe that a dismissal or expungement order entitles them to not disclose a conviction to the Board. As a result, to avoid confusion, and implement long-standing state policy that requires disclosure of most criminal convictions to licensing agencies, the Board specifies that convictions, even if dismissed or expunged, “must be disclosed.”

- **Add last sentence to paragraph (5) to add exclusions to the definition of “conviction” including criminal offenses adjudicated in the juvenile courts**

in subparagraph (A). This amendment would add language to specify that “conviction” does not include offenses adjudicated in the juvenile court. This is necessary because many applicants mistakenly disclose these offenses even though these judicial proceedings and actions are by law not considered “convictions.” Welfare and Institutions Code (WIC) section 203 states, “An order adjudging a minor to be a ward of the juvenile court shall not be deemed a conviction of a crime for any purpose, nor shall a proceeding in the juvenile court be deemed a criminal proceeding.” In addition, WIC section 827 makes these records confidential.

- **Additional exclusions from the definition of conviction in subparagraph (B) of paragraph (5)** that would include specifying that “conviction” does not include “charges dismissed under section 1000.3 of the Penal Code (PC).” This will avoid unnecessary disclosures as PC section 1000.1 allows a defendant subject to “Deferred Entry of Judgment”, who meets certain conditions, to bypass the criminal prosecution process to enter a drug treatment program. Successful completion of the drug treatment program would then lead to a dismissal of the criminal charges and thereby no “conviction” since no judgment is actually entered.
- **Add additional exclusions from the definition of conviction in subparagraph (C) of paragraph (5)** that specifies that “conviction” does not include convictions under California Health and Safety Code (H&S) section 11357, or section 11360(b) which are two years old or older for minor marijuana possession, as specified in these statutes. This will avoid unnecessary disclosures because under the Uniform Controlled Substance Act (H&S Code section 11000 et seq.), arrests and/or convictions for certain minor marijuana possession charges need not be reported on applications. In addition, H&S Code section 11361.5 requires the destruction of these specific records two years after the conviction. Furthermore, under H&S Code section 11361.7(c), any person convicted of a specified charge may, after the two-year cut-off date indicate in response to any question concerning prior conviction that they were not convicted for the act. As a result, this language is necessary to ensure consistency with these laws and avoid applicant confusion regarding whether they will need to disclose these past actions.
- **Add additional exclusions from the definition of conviction in subparagraph (D) of paragraph (5)** that specify that “conviction” does not include traffic citations or infractions for which a fine of \$500 or less was imposed. For purposes of license eligibility, as set forth in BPC section 490, a criminal conviction includes a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. When an individual pays a traffic ticket without contesting it in court, California law treats that as a “forfeiture of bail”,

which is legally equivalent to an admission of guilt and a conviction for the particular violation charged (see Vehicle Code section 40512, Vehicle Code section 13103).

This proposed language will avoid unnecessary disclosures of minor traffic violations such as running a red light, which the Board views as not substantially related to the qualifications, functions, or duties of a licensee or registrant, and using a dollar amount limit would be easier for applicants to understand since these unrelated types of violations normally do not result in fines greater than \$500 (see Underlying Data). This threshold would still allow the Board to capture substantially related violations, such as a DUI pled down to a “wet reckless”, where such conduct is normally considered related to any practice and fines for these offenses often do exceed \$500 (see e.g., Vehicle Code section 23103, BPC sections 4982(c), 4992.3(c), 4989.54(c), and 4999.90(c) and, *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757).

- **Add new paragraph (6) introductory sentence** that includes a statement indicating whether the registrant, since their last renewal, has had any disciplinary action against any license, registration, certificate, permit or other means to engage in any practice issued to the licensee by any government agency. Under existing law at BPC sections 141 (the term “license” or “licensee” includes “registration” wherever used in the BPC per BPC sections 23.7 and 23.8), 4982.25, 4989.54, 4990.38 4992.36, 4999.42, 4999.51, and 4999.91, the Board may discipline a license or registration for specified disciplinary action taken by “another state, by any agency of the federal government, or by another country” or “or any other disciplinary action imposed by another state or territory or possession of the United States, or by any other governmental agency...” This is necessary to ensure that grounds for discipline do not exist according to the aforementioned statutes for the protection of the public, and to assist the applicant with understanding what needs to be disclosed to ensure a completed renewal application.
- **Add new paragraph (6) second sentence** that defines “Government agency” as any regulatory or licensing board in this State (excluding this board) or any other state, any United States territory, federal agency or another country. Since the Board is aware of every licensee’s record of discipline and the term “government agency” is ambiguous, this is necessary to inform the registrant of the types of agency actions that are relevant to the Board’s inquiry and therefore needs to be disclosed without being unnecessarily broad. The specified types of agencies used in the definition are drafted consistent with the authority conferred upon the Board at BPC sections 141, 4982.25, 4989.54, 4990.38 4992.36, 4999.42, 4999.51, and 4999.91.

- **Add new paragraph (6) third sentence** that defines “Disciplinary action” as an adverse licensure action that resulted in a restriction or penalty being placed on the license, such as revocation, suspension, probation, voluntary surrender or public reprimand or reproof. This is necessary to clarify what types of actions taken by a government agency against a licensee must be reported to the Board.

This is necessary to ensure applicants fully understand what “disciplinary action” means in responding to this question, and to provide a definition that includes the types of actions government agencies are typically authorized to take (e.g., see the California Administrative Procedure Act, specifically Gov. Code, section 11503).

- **Add new paragraph (7) for Registrants** that includes a statement indicating whether the registrant has completed three (3) hours of CE credit in California Law and Ethics as specified in sections BPC sections 4980.399, 4992.09, and 4999.55, as applicable (there is no waiver or exemption permitted under amendments proposed to CCR section 1887.2 discussed further below). This is necessary to document that the licensee has completed the CE required during their renewal cycle. Such self-certification (as further discussed below) and documentation provides notice to applicants of what the Board has historically accepted as providing evidence of meeting CE requirements for renewal (as noted in above-mentioned amendments to subsection (a) for proof of CE completion for licensees).
- **Add new paragraph (7)** that includes a statement acknowledging the applicant has read the following notice: “The address of record you provide the board will appear on public license searches on the board’s website in accordance with BPC section 27. Registrants are also required to maintain a current email address with the board if they have one. Email addresses are not subject to public disclosure per BPC section 4990.07.” This is necessary to provide notice and transparency to the registrant regarding disclosure of their address of record as mandated by law at BPC section 27, to remind licensees to keep their email address current with the Board and, provides assurance to the registrant that their email address is not subject to public disclosure by law at BPC section 4990.07.
- **Add new paragraph (9)** that includes a statement signed and dated by the registrant under penalty of perjury under the laws of the State of California that all statements made in the application are true and correct. These amendments also help ensure that the Board can prosecute any potential perjury cases using legally admissible certifications in accordance with Code of Civil Procedure section 2015.5. Certification under penalty of perjury helps ensure that the application contains truthful, factual representations made in good faith (see,

e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal. App. 4th 1214, 1223 [judicial explanation for the use of certifications]).

Amend and re-number current subsection (b) to subsection (c)

Purpose and Rationale: Subsection (b) (renumbered to (c) after new paragraphs added as noted above) currently states that a licensee is subject to disciplinary action for falsifying or making a material misrepresentation of fact when applying for license renewal or who cannot verify completion of CE by producing a record or course completion when requested by the Board. Since registrants will now be required to certify completion of CE pursuant to proposed subsection (b), it is necessary to add the terms “or registrant” and “or registration” into subsection (c) to ensure consistent enforcement of CE requirements and provide notice to registrants of the consequences of noncompliance with this section.

Amend and re-number current subsection (c) to subsection (d)

Purpose and Rationale: Subsection (c) (renumbered to (d) after new paragraphs added as noted above) currently allows individuals who hold dual licensure with the Board to apply the same CE course to both licenses if the subject matter of the course relates to each license’s scope of practice. The Board proposes to add the words “registration” and “or registrations” into this section because CE courses designed for mental health practitioners are often applicable to all mental health professions’ scopes of practice. In addition, subsection (d) would change “license’s” to “license or registration type’s” before the words “scope of practice” to ensure consistent enforcement of these standards across license types the Board issues, whether a license or registration. In addition to adding the word “registration,” adding “type’s” improves the readability and corrects the grammar of this sentence.

The proposal would also add BPC sections 4980.399, 4992.09 and 4999.55 to the Reference “NOTE” section of this regulation. These sections require registrants (AMFTs, ASWs and APCCs, respectively) to complete 3 hours of CE in California law and ethics. Since registrants are being added throughout this section of regulation due to the registrant CE required by AB 1759, these references are necessary to show what laws are being implemented by this regulation.

Proposed Amendments to Section 1887.2: Temporary Waivers of and Exemptions from Continuing Education Requirements

Amendments to subsection (b) and (d) and forms incorporated by reference

Purpose and Rationale: This section allows a licensee to request a temporary waiver of continuing education (CE) due to a physical or mental disability or medical condition and specifies the requirements to obtain a CE waiver. The Board proposes to amend two existing forms incorporated by reference into this section titled, “Request for Temporary Continuing Education (CE) Waiver -- Licensee Application” Form No. 37A-635 (Revised 08/22) in subsection (b) and “Request for Temporary Continuing Education (CE) Waiver -- Verification of Disability or Medical Condition” Form No. 37A-636 (Revised 08/22) in subsection (d). Therefore, the revision dates of these forms must be changed in the proposed regulatory language and the forms themselves. The existing date of August 2022 would be repealed under this proposal, and the new revision date will be specified by OAL based on the date that it determines this proposal becomes effective. In addition, a prefix of “DCA BBS” is proposed to be added to the form number in accordance with forms guidance set forth by DCA and to more accurately identify these forms. The specific proposed changes to the forms are further detailed below.

Currently, subsection (d) of this section only allows a licensed physician or psychologist with expertise in the area of the disability or medical condition to provide verification. The proposal would strike references to a “licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition” and replace it with language allowing a healthcare provider who holds a current and active license as a physician, physician assistant, nurse practitioner, psychologist, marriage and family therapist, clinical social worker or professional clinical counselor to provide the verification. This would provide for greater flexibility in the choice of healthcare professional for a licensee applying for a waiver and reduces the potential burden of locating and obtaining an appointment with a specific type of healthcare professional.

Requiring a current and active license ensures the verification is provided by an actively practicing professional with the scope of practice necessary to verify the applicable conditions. It is not necessary to include the sentence “with expertise in the area of the disability or medical condition” because it is the Board’s understanding that the standard of care for these types of health care professionals is that if a particular disability or condition is not in the healthcare professional’s scope of practice or scope of competence, the professional would need to refer the matter to another qualified health care professional and therefore not be able to provide the verification.

Purpose and Rationale for Amendments to Form incorporated by reference in subsection (b): “Request for Temporary Continuing Education (CE) Waiver -- Licensee Application”, Form No. 37-A-635

Form Instructions Section:

- Change form number in the footer (for both the instructions and the form itself) consistent with changes to the form’s title in CCR section 1887.2(d).
- Pg. 1: Add a statement at the top of the form that registrants are ineligible to apply for a “good cause” CE waiver and specify that the form should only be used for licensees seeking a temporary waiver of their CE requirements in accordance with Title 16, California Code of Regulations section 1887.2. This statement is needed to provide notice and avoid confusion regarding who is eligible to use this form (only licensees). Registrants were not added into the section allowing CE waivers because they are only required to do three hours of CE in law and ethics. It is critical that a practicing registrant be educated about any changes in law or ethical codes, and three hours of CE is not a difficult requirement, especially since courses can be completed online.
- P.1: Amend the “Waiver Request form” instructions to revise the title of this form consistent with the changes made to the proposed regulatory language to include “DCA BBS” and strike the existing revision date and add a new date to inserted by OAL once approved. This would avoid confusion and give accurate notice of the required forms to be completed.
- P. 2: Amend the “Verification of Disability” and “Verification of Disability of Immediate Family Member for Whom You were the Primary Caregiver” sections to update the form number as discussed above, and provide instructions directing the applicant to “sign and date the declaration at the end of this form” (Part 2 or Part 3, depending on whether the applicant is requesting a waiver based on their own disability or medical condition or as a caregiver for a disabled family member). This helps to ensure that the application is signed and dated, as the signature section, including the signature line and date, is sometimes overlooked, resulting in rejection of the application as incomplete and delays in processing these requests. Adding these statements should help to address this issue.
- P. 2: In the second paragraph of the section titled “Verification of Disability” the proposal would change “physician or psychologist” to “healthcare provider who holds a current and active license as a physician, physician assistant, nurse practitioner, psychologist, marriage and family therapist, clinical social worker or professional clinical counselor” in accordance with the change being proposed to section 1887.2(d) (see above for rationale), and to give additional notice to the applicant of these categories of qualifying healthcare providers.

- P.2: Throughout the remaining instructions, change “physician or psychologist” to “healthcare provider” in accordance with the change being proposed to section 1887.2(d) (see above for rationale) and to avoid applicant confusion.
- P.4: In the “Notice of Collection of Personal Information” section, change Government Code (GC) section 6250 to GC section 7920.000 as this section of the GC was renumbered.

Licensee Application:

- Capitalize headings for readability in Parts 1, 2 and 3 of the application sections.
- Part 1: Strike “optional” under “Email Address” as all licensees are required to provide the Board with their email address (if they have one) in accordance with BPC section 4990.07 (added via Senate Bill 801 (Chapter 647, statutes of 2021, effective January 1, 2022)) and the email is necessary for the Board to facilitate communications with applicants. By striking this word from the form (making the disclosure mandatory), it streamlines the Board’s ability to contact the licensee if needed.
- Part 1: Remove “Address of Record” from the form, as it is not necessary since the Board already has an address of record for all licensees.
- Part 1: Add “Date of Birth” to the form to assist in confirming the identity of the licensee and strikes “Address of Record”, “City”, “State” and “Zip”. In the Board’s experience requiring the licensee to recall their “address of record” often leads to inconsistent information being provided, thus delaying the application process. Requiring the date of birth in lieu of this information should help address current applicant deficiency issues by allowing applicants to use a simpler method for confirming their identity.
- Part 2: For the reasons noted above in the rationale for the instructions, change the references to the title and effective date of this form and change “physician or psychologist” to “healthcare provider who holds a current and active license as a physician, physician assistant, nurse practitioner, psychologist, marriage and family therapist, clinical social worker or professional clinical counselor” in accordance with the change being proposed to section 1887.2(d) (see above for rationale).
- At the end of Part 2: Add “After completing Part 2 of this form, please read the declaration at the bottom of page 3 and sign and date it to complete your application before submitting it to the Board.” This will assist the applicant in locating the section where they are to sign the form, as the signature section is on the next page and is sometimes overlooked. Adding these directions should help avoid these types of application deficiencies.

- Part 3: For the reasons noted above in the rationale for the form instructions, change the references to the title and effective date of this form and change “physician or psychologist” to “healthcare provider who holds a current and active license as a physician, physician assistant, nurse practitioner, psychologist, marriage and family therapist, clinical social worker or professional clinical counselor” in accordance with the change being proposed to section 1887.2(d) (see above for rationale).

Purpose and Rationale for Amendments to Form incorporated by reference in subsection (d): “Request for Temporary Continuing Education (CE) Waiver -- Verification of Disability or Medical Condition”, Form No. 37A-636

- Change form number in the footer consistent with changes to this form’s title in section 1887.2(d).
- Capitalize headings for readability in Part 1.
- Part 1: Strike “optional” under “Email Address” as all licensees are required to provide the Board with their email address (if they have one) in accordance with BPC section 4990.07 (added via Senate Bill 801 (Chapter 647, Statutes of 2021, effective January 1, 2022)) and the email is necessary for the Board to facilitate communications with applicants. By striking this word from the form (making disclosure mandatory), it streamlines the Board’s ability to contact the licensee if needed.
- Part 1: Remove “Address of Record” from the form, as it is not necessary since the Board already has an address of record for all licensees.
- Part 1: Add “Date of Birth” to the form to assist in confirming the identity of the licensee and strike “Address of Record”, “City”, “State” and “Zip”. In the Board’s experience requiring the licensee to recall their “address of record” often leads to inconsistent information being provided, thus delaying the application process. Requiring the date of birth in lieu of this information should help address current applicant deficiency issues by allowing applicants to use a simpler method for confirming their identity.
- Part 2: Change the following in accordance with the changes being proposed to section 1887.2(d) for consistency and notice to the applicants (see second paragraph under “Purpose and Rationale” for rationale and rationale for changes to the instructions for the Form 37-A-635 noted above):
 - Change “Attending Physician/Psychologist” to “a Healthcare Provider” and add a definition of “Healthcare Provider” as “an individual who holds a current and

active license as a physician, physician assistant, nurse practitioner, psychologist, marriage and family therapist, clinical social worker or professional clinical counselor”.

- Add required disclosure for “Type” to existing requirement for “License Number” so that it would read: “License Type and Number.” This disclosure is necessary so that the Board may identify and easily verify that the healthcare provider is one of those qualifying healthcare providers listed in proposed section 1887.2(d) (physician, physician assistant, nurse practitioner, psychologist, marriage and family therapist, clinical social worker or professional clinical counselor). The type of license is necessary since the Board proposes in this rulemaking to add other license types beyond a physician or psychologist that the Board would accept for verifying a disability or medical condition; the license type (together with the license number) would allow the Board to confirm the license status of the healthcare provider with the relevant agency or board.
- Change “Attending Physician’s/Psychologist’s” to “Healthcare Provider’s” before the word “Name”.
- Change “Physician/Psychologist” to “Healthcare Provider’s” before the word “Address”.
- Change Signature block title from “Physician/Psychologist” to “Healthcare Provider” consistent with changes to section 1887.2(d).
- Part 3: Change the following in accordance with the changes being proposed to section 1887.2(d) for consistency and notice to the applicants (see second paragraph under “Purpose and Rationale” for rationale and rationale for changes to the instructions for the Form 37-A-635 noted above):
 - Change “Attending Physician/Psychologist of” (the Family Member) to “the Family Member’s Healthcare Provider”.
- Add “Type and” to the “License Number” field, to ensure the healthcare professional holds a license type in an allowed profession as discussed in the rationale above for changes to Part 2.
- Change “Attending Physician’s/Psychologist’s” to “Healthcare Provider’s” before the word “Name”.
- Change “Physician/Psychologist” to “Healthcare Provider’s” before the word “Address”.
- Change Signature block title from “Physician/Psychologist” to “Healthcare Provider”

consistent with changes to section 1887.2(d).

- In the Notice of Collection of Personal Information section, change GC section 6250 to GC section 7920.000, as this section of the GC was renumbered.

Amend subsection (g)

Lastly, in subsection (g) the Board proposes to add “California” prior to “law and ethics” to avoid licensee confusion, provide notice to licensees of specified content and ensure that a course taken in law and ethics provides education specific to standards in California, as ethical practices and laws differ between states.

Proposed Amendments to Section 1887.3: Continuing Education Course Requirements and Credit for Specified Activities

Purpose and Rationale: The proposed amendments would do the following:

General Changes: Renumber sections to account for proposed changes and for better organization of this section.

Amendments to Subsection (a): This subsection specifies CE requirements for renewal of a license. The proposal would add “two-year license” prior to “renewal period” in accordance with the definition of “renewal period” in section 1887.1(c) and provide notice that this subsection only applies to licensees and not registrants (whose renewals are one-year periods).

Adopt Subsection (b): Specify that during each one-year registration renewal period, a registrant shall accrue at least three (3) hours of CE coursework in the subject of California law and ethics as specified in sections 4980.399, 4992.09, or 4999.55 of the Code, as applicable. This statutory duplication is necessary to put all requirements in one convenient location and provide an introduction to section 1887.3 that is helpful to the reader (note that subsection (a) also duplicates a similar statutory requirement for licensees). In addition, this proposed new subsection would specify that it shall be obtained from a “board-approved provider” specified in section 1887.4.3. This is necessary to provide notice of what the Board considers to be approved CE providers as defined in existing regulations at section 1887.4.3, and what CE would consequently be accepted by the Board as a condition of renewal for registrants.

Amendments to Subsection (c) (renumbered to (d)): Add “California” prior to “law and ethics” to ensure that a course taken in law and ethics provides correct information for a California licensee, as laws differ between states.

Amendments to Subsection (f) (renumbered to (g)): Add “or registrant” into this subsection that prohibits a course taken as a condition of probation from being applied toward the CE requirements. The Board’s “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines, which are incorporated by reference into 16 CCR section 1888 (p. 28, see Underlying Data) states, “Units obtained for an approved course shall not be used for continuing education units required for renewal of licensure.” This ensures consistency in interpretation of the Board’s standards and provides further prior notice of this limitation to registrants who now must obtain CE to renew their registrations.

Amendments to Subsections (g) through (j) (renumbered to (h) through (k)): These subsections list various Board-provided activities that may be credited toward a licensee’s CE. To ensure consistent and effective evaluation of the activities considered acceptable for CE in this section, the proposal adds “California” prior to “Board of Behavioral Sciences” in each subsection to clarify and provide notice that the activities are creditable only when provided by the California Board of Behavioral Sciences. This would also eliminate any ambiguity over whether such activities provided by a board in another state or country would be acceptable.

Adoption of Subsection (l): Specify that documentation of completion for the activities specified in subsections (g) through (j) (*renumbered to (h) through (k)*) (“qualifying activity”) shall consist of a letter or certificate (since CE providers, including professional organizations, can vary on the types of documentation – historically a letter or certificate of completion) issued by the Board or its designee upon completion of the qualifying activity to the licensee indicating the name of the licensee, the type of qualifying activity, the hours of qualifying credit earned, and the date(s) of completion.

This ensures that the licensee maintains a record that can be produced if they are selected for a CE audit in accordance with subsection (b) of BPC sections 4980.54, 4996.22 or 4999.76, as applicable, and includes the information necessary for the Board to verify that the licensee completed the qualifying activity specified in subsections (h) through (k) (i.e., qualifying for six hours for attending a Board enforcement case review training, acting as a Board subject matter expert (SME) for an enforcement case review, participating in a Board examination development workshop, or completing a Board occupational analysis survey in full as specified).

Adoption of Subsection (m): Subject to specified limitations, this subsection would permit a licensee to earn up to six (6) hours of CE credit through attendance at open sessions of California Board of Behavioral Sciences Board or Committee meetings, virtually or in person, for the renewal cycle during which the meeting(s) occurred. The Board’s Strategic Plan Goal 6.4 (p. 11, see Underlying Data) states, “Identify and implement strategies to gain increased participation in Board meetings from a wider

group of stakeholders.” Offering CE credit to licensees for attending a Board or Committee meeting would increase stakeholder participation. It also provides learning opportunities for licensees as the Board’s laws are a frequent topic. It also provides opportunities to listen to hearings of licensees petitioning for early termination or modification of probation, which is informative in regard to the Board’s laws and disciplinary process.

This activity keeps licensees abreast of laws and regulations affecting the practice of professions regulated by this Board and emerging issues affecting consumers receiving mental health services and the relevant professions, expands licensees’ knowledge about the role of the Board and its processes, and helps licensees understand the nuances of legal, ethical and practice violations discussed during disciplinary proceedings. For these reasons, attendance at Board meetings is appropriate for inclusion as an acceptable CE activity. Other boards in this department have adopted regulations recognizing CE credit for this type of activity (see e.g., 16 CCR section 1397.61.1 for the California Board of Psychology).

This activity is indirect and non-structured learning by nature and therefore is limited to “up to” six (6) hours of credit total for the renewal cycle during which the meeting(s) occurred. A limit of six hours for this activity is also consistent with subsections (g) through (j) (*renumbered to (h) through (k)*), which also limit Board-provided activities that may be counted toward CE to six hours. Since in-person and virtual options today allow for the public to interact in real-time and to track individual participation (as discussed more fully below), the Board proposes to accept this CE activity when done either virtually or in-person.

Adoption of Subsection (m)(1) proposes that CE credit shall be credited on an hour-for-hour basis with one hour credited for each full hour spent in attendance at a meeting. In the Board’s view, credit for this activity should be given based on total actual licensee time spent on learning. So, requiring credit to be received on an hour for hour basis would help to ensure an accurate reflection of time spent participating in this activity. Also, in the Board’s experience, an attendee is likely to be able to listen to at least one agenda item in full for an hour and provide their input to obtain the desired benefits of this learning opportunity. This provision is also necessary to provide clarity and notice to licensees about how the number of hours credited is determined.

Adoption of Subsections (m)(2), (m)(2)(A) and (m)(2)(B) – limitations on CE earned through Board or Committee meeting attendance. Subsection (m)(2) would specify that, to receive CE credit, the licensee shall maintain a record of attendance including date of meeting, name of meeting, and number of full hours attended. In addition, for *subsection (m)(2)(A)*, it requires a licensee, for a meeting attended in person, to sign in and out on the provided attendance sheet, providing their full name and license number

as on record with the Board, and indicating the time of arrival (changed from “time or” to “time of” from the originally approved text for grammatical reasons per the Executive Officer’s delegation to make non-substantive changes) and time of departure.

For *subsection (m)(2)(B)*, it requires a licensee, for a meeting held through a virtual, internet-based application (Webex or similar online meeting or videoconferencing platform), to sign into the meeting using their full name and email address as on record with the Board. This provides clarity and notice to licensees of the required attendance record and ensures that the licensee maintains a record that can be produced if they are chosen for a CE audit in accordance with BPC sections 4980.54, 4996.22 or 4999.76, as applicable. These requirements were established so that verifiable written documentation could be submitted to the Board. This also ensures that the Board obtains the information necessary to verify that the licensee attended the meeting(s). Again, these are recognized methods for verifying attendance for these types of activities (see, e.g., 16 CCR section 1397.61.1).

Adoption of Subsection (m)(3) would specify that watching a recording of a past Board or Committee meeting shall not count toward CE. While watching a recording can be informative, it is not interactive, nor does it provide the ability to sign in or out, which is one of the methods that enable the Board to verify attendance. Consequently, this limitation is necessary to avoid licensee confusion and confirm the Board’s policy goals of making this learning opportunity interactive.

Adoption of Subsection (m)(4) would prohibit a petitioner seeking the reinstatement of a revoked license or early termination of probation from earning any CE credit for attending a board meeting on the same day in which said petitioner’s hearing is conducted, as this could result in a petitioner receiving CE credit for participating in their own hearing. This ensures active listening and participation in the qualifying activity by licensees and prevents the unintended consequence of improperly incentivizing the petition process.

Adoption of Subsection (n) – credit for direct supervision subject to limitations specified in this subsection and paragraphs (n)(1) and (2): This subsection would allow a licensee who provides direct supervision of a MFT Trainee or AMFT who is gaining experience under section 4980.43 of the Code, an ASW who is gaining experience under section 4996.2 of the Code, or an APCC who is gaining experience under section 4999.46 of the Code, to be credited with up to 18 hours of CE for the renewal cycle during which the supervision was provided in accordance with this subsection. “Supervision” means responsibility for, and control of, the quality of mental health and related services provided by the supervisee (BPC sections 4980.43.1, 4996.20(b) or 4999.12(m), as applicable).

The provision of supervision to an individual gaining experience hours toward licensure is critical to the development of a competent mental health professional, and a supervisor shoulders many responsibilities in this regard by law. For example, a supervisor is required to stay informed about developments in the profession for which the supervisee is pursuing licensure, and in California law governing practice, and must be competent in the areas of clinical practice and techniques being supervised (16 CCR sections 1821(a)(3), 1833.1(a)(3), or 1870(a)(3), as applicable). A supervisor must also ensure a supervisee's compliance with the laws and regulations governing practice, and monitor and evaluate assessment, diagnosis, and treatment decisions of the supervisee and provide regular feedback (BPC sections 4980.43.1(b), 4996.20(b) or 4999.12(m), as applicable).

Meeting these responsibilities inherently provides a continuing educational value to a licensee serving as a supervisor. For these reasons, the Board believes direct supervision is appropriate for inclusion as an acceptable CE activity. Due to the significant burdens placed upon supervisors to stay up to date on standards and applicable laws and regulations, and to encourage more supervision opportunities for trainees and associate, the Board believes that CE should be credited for "up to 18 hours."

Adoption of Subsection (n)(1) would specify that for the purposes of calculating hours earned, one hour of CE will be credited for each full hour of supervision, up to a maximum of 18 hours credited per renewal cycle. This provides clarity and notice to licensees about how the number of hours credited is determined. Up to half of a licensee's CE may be earned for this activity (18 hours), which was determined to be appropriate as a CE activity since supervising solidifies the knowledge and skills required to provide competent mental health services, and including for the reasons provided in the paragraph above. In the Board's view, credit for this activity should be given based on total actual time spent on directly supervising (considered an ongoing learning opportunity for the supervisor) per hour in recognition of the time spent and to allow easier tracking of time by those who might qualify for this CE activity.

Adoption of Subsection (n)(2) would require licensees to maintain a written record of this activity that includes all of the following: the dates of supervision, number of hours of supervision provided, and a copy of the supervisee's signed supervision agreement with the licensee pursuant to 16 CCR sections 1820(c), 1833(c) or 1869(c), as applicable. These requirements were established so that verifiable written documentation could be submitted to the Board. This provides clarity and notice to licensees of the required record of this activity and ensures that the licensee maintains a record that can be produced if they are chosen for a CE audit in accordance with BPC sections 4980.54, 4996.22 or 4999.76, as applicable.

Amendment of Subsection (k) (renumbered to (o)): This subsection allows up to six (6) hours of CE credit for participating in a mental health professional organization's law and ethics review committee. The proposal specifies that documentation of completion shall consist of a letter or certificate from the professional organization that lists the name of the licensee, the date(s) and number of hours attended, and the name of the mental health professional organization's law and ethics review committee. This ensures that the licensees maintain a record that can be produced if they are selected for a CE audit in accordance with BPC sections 4980.54, 4996.22 or 4999.76, as applicable, and includes the information necessary for the Board to verify that the licensee completed the activity.

Amendment of Subsection (l) (renumbered to (p)) would strike existing text that specifies requirements for documentation of completion an activity that counts toward CE, as documentation requirements are being revised and moved to newly proposed or renumbered subsections (l) and (o) (as discussed above). Adds “and registrants” to this existing subsection requiring licensees to maintain records of completed activities for a minimum of two years and to make the records available to the Board for auditing purposes upon request. This is necessary since registrants are now required to complete CE as a result of AB 1759 and is consistent with requirements for licensees.

Amendments to this subsection would also specify that records shall be maintained for two years “from the date of license or registration renewal for which the activity was completed” to resolve potential ambiguity and licensee confusion as it may be unclear which two-year period the regulation is referencing. Licensees and registrants need a record of course completion as it may be requested by the Board during an audit as allowed by BPC sections 4980.54(b), 4996.22(b) and 4999.76(b), as applicable. These amendments will help ensure a seamless audit and help ensure proof of the licensee’s or registrant’s adequate completion of the CE required for license or registration renewal.

The proposal would also add BPC sections 4980.399, 4992.09 and 4999.55 to the Reference section of this regulation’s “NOTE”. These sections require registrants (AMFTs, ASWs and APCCs, respectively) to complete 3 hours of CE in California law and ethics. Since registrants are being added throughout this section of regulation due to the registrant CE required by AB 1759, these references are necessary.

Proposed Amendments to Section 1887.4.2: Approval Agency Responsibilities

Purpose and Rationale: The proposed amendments would strike the existing “or” (for grammatical reasons) and add “or registrants” to subsection (d), which currently requires CE approval agencies to respond to complaints from the Board, providers, or licensees concerning activities of any of its approved providers or their courses. This is

necessary since registrants are now required to complete CE as a result of AB 1759, as registrants would be taking CE courses from providers who fall under an approval agency who approves the Board's approved CE providers (as proposed to be applied to registrants with the adoption of section 1887.3(b)). This subsection helps to ensure that the approval agency responds to complaints from registrants about their CE provider.

The proposal would also add BPC sections 4980.399, 4992.09 and 4999.55 to the Reference section of this regulation's "Note". These sections require registrants (AMFTs, ASWs and APCCs, respectively) to complete 3 hours of CE in California law and ethics. Since registrants are being added throughout this section of regulation due to the registrant CE required by AB 1759, these references are necessary to show the laws being implemented by this section.

Proposed Amendments to Section 1887.4.3: Acceptable Continuing Education Providers and Responsibilities

Purpose and Rationale: The proposed amendments would add "and registrants" to subsection (c), which currently requires CE providers to furnish each licensee a record of course completion as defined in CCR section 1887.11.0. This is necessary since registrants are now required to complete CE as a result of AB 1759, and registrants will need a record of course completion as it may be requested by the Board during an audit as allowed by BPC sections 4980.54(b), 4996.22(b) and 4999.76(b), as applicable.

The proposed amendments to this subsection would also add "or registrants" to subsection (h), which currently requires CE providers to demonstrate that their programs train licensees to treat any client in an ethical and clinically sound manner consistent with the code of ethics of their accrediting agency, approval agency, or professional association. This is necessary since registrants are now required to complete CE as a result of AB 1759 and is also in the interest of public protection by ensuring that the training provides accurate information in alignment with professional ethics codes and standards of care.

The proposal would also add BPC sections 4980.399, 4992.09 and 4999.55 to the Reference section of this regulation's "NOTE". These sections require registrants (AMFTs, ASWs and APCCs, respectively) to complete 3 hours of CE in California law and ethics. Since registrants are being added throughout this section of regulation due to the registrant CE required by AB 1759, these references are necessary to show the laws being implemented by this section.

Proposed Amendments to Section 1887.12: Licensee and Provider Course Records

Purpose and Rationale: The proposed amendments would do the following:

Amend Section Title and Subsection (a): Changes the title from “Licensee and Provider Course Records” to “Course Record Requirements for Providers, Licensees and Registrants”. Adding “Requirements” to the title clarifies and provides greater notice of the content of this regulation section. These amendments would also add “or registrants” and “or registration” to subsection (a), which requires a licensee to maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed. These changes are necessary since registrants are now required to complete CE as a result of AB 1759. Registrants will need to maintain records of course completion as they may be requested by the Board during an audit as allowed by BPC sections 4980.54, 4996.22 and 4999.76, as applicable.

Amend Subsection (b): Capitalizes the first word of each sentence in subsections (b)(1) through (b)(7) for readability. These amendments would also add “or registration” to subsection (b)(5) and “and registrants” to subsection (b)(7). This is necessary to ensure that providers maintain records of courses completed by registrants. This would allow a registrant or the Board to request from the provider a record of a registrant’s course attendance. As noted above, these changes are necessary since registrants are now required to complete CE as a result of AB 1759.

The proposal would also add BPC sections 4980.399, 4992.09 and 4999.55 to the Reference section of this regulation’s “NOTE”. These sections require registrants (AMFTs, ASWs and APCCs, respectively) to complete 3 hours of CE in California law and ethics. Since registrants are being added throughout this section of regulation due to the registrant CE required by AB 1759, these references are necessary to show the laws being implemented by this section.

UNDERLYING DATA

Documents relied upon:

1. Policy and Advocacy Committee Meeting August 9, 2024: Agenda, Relevant Meeting Materials and Meeting Minutes
2. Board Meeting September 20, 2024: Agenda, Relevant Meeting Materials and Meeting Minutes
3. Board Meeting February 28, 2025: Agenda, Relevant Meeting Materials and Meeting Minutes
4. State of California, Department of Consumer Affairs, Board of Behavioral Science’s Uniform Standards Related to Substance Abuse and Disciplinary Guidelines –

Revised December 2020

5. Board of Behavioral Sciences Strategic Plan - 2022-2026
6. Judicial Council of California's "Uniform Bail and Penalty Schedules", 2025 edition

BUSINESS IMPACT

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

The Board does not believe this regulation will have a significant adverse economic impact on businesses. Adopting this regulation adds registrants into the existing CE requirements to mirror those same requirements as licensees, allows other types of healthcare professionals to verify a disability or medical condition for a CE waiver request; and allow certain types of activities to count toward a licensee's CE.

While this proposal provides additional pathways to accrue CE hourly credits by attending Board meetings (up to 6 hours) and by serving as supervisor (up to 18 hours), the Board does not anticipate significant economic impacts to individuals or CE providers because: 1) free or low-cost CE courses are readily available, and 2) current regulations require supervisors to fulfill 15 hours of training or coursework, as specified.

As a result, the Board does not anticipate any measurable cost savings to individuals opting for these additional pathways or decreased tuition fee revenues for CE providers.

ECONOMIC IMPACT ASSESSMENT

This Board has determined that this regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the proposed regulation simply adds registrants into the existing CE requirements, allows other types of healthcare professionals to verify a disability or medical condition for a CE waiver request, allow certain types of activities to count toward a licensee's CE, and sets forth currently existing procedures pertaining to the examination, as well as currently existing procedures relating to license and registration renewal.
- It will not create new businesses or eliminate existing businesses within the State of California because the proposed regulation simply adds registrants into the existing CE requirements, allows other types of healthcare professionals to verify a disability or medical condition for a CE waiver request, allow certain types of activities to count toward a licensee's CE, and sets forth currently existing procedures

pertaining to the examination, as well as currently existing procedures relating to license and registration renewal.

- It will not affect the expansion of businesses currently doing business within the State of California because the proposed regulation simply adds registrants into the existing CE requirements, allows other types of healthcare professionals to verify a disability or medical condition for a CE waiver request, allow certain types of activities to count toward a licensee's CE, and sets forth currently existing procedures pertaining to the examination, as well as currently existing procedures relating to license and registration renewal.
- This regulatory proposal benefits the health and welfare of California residents because it provides for clarity and currency in the Board's CE regulations; helps to ensure that CE offered by providers to registrants meets the standards currently in place for licensees in regulation; and, provides flexibility to licensees in the choice of a healthcare professional who can complete a verification of disability or medical condition for purposes of a CE waiver request. In addition, this proposal would add new activities that may be counted for CE credit including attendance at board or committee meetings, which may increase public participation, and for allowing CE credit for providing direct supervision, which may increase the number of licensees willing to provide supervision. Specifying the Board's process related to eligibility criteria for its examination, the applicant's responsibilities in that process, and the requirements of the Board's license and registration renewal process, provides greater notice to applicants and licensees, which may improve compliance with examination and renewal requirements, thereby avoiding deficiencies in the application and renewal processes.

While this proposal provides additional pathways to accrue CE hourly credits by attending Board meetings (up to 6 hours) and by serving as supervisor (up to 18 hours), the Board does not anticipate significant economic impacts to individuals or CE providers because: 1) free or low-cost CE courses are readily available, and 2) current regulations require supervisors to fulfill 15 hours of training or coursework, as specified.

As a result, the Board does not anticipate any measurable cost savings to individuals opting for these additional pathways or decreased tuition fee revenues for CE providers.

This regulatory proposal does not affect worker safety because it does not relate to worker safety.

This regulatory proposal does not affect the state's environment because it is not related to the environment.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the laws being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.