

**TITLE 16 BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE OF GENERAL PUBLIC INTEREST

**NOTICE OF PUBLIC HEARING AND MODIFICATIONS TO
ORIGINALLY PROPOSED REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is continuing a rulemaking action that was originally initiated in February of 2006. This is an additional notice regarding the proposed modified text and a notice of another hearing.

Information regarding the proposed action is described in the Updated Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Department of Consumer Affairs, 1625 N. Market Blvd., El Dorado Room (Suite N-220), Sacramento, CA 95834 at 9:30 a.m. on Wednesday, October 4, 2006.

Written comments must be received by the Board at its office including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this notice not later than 5:00 p.m. on October 23, 2006, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.60 and 4990.14, Business and Professions Code, and to implement, interpret, or make specific Sections 820, 4980.07, 4990.8 and 4990.13 of the Business and Professions Code and Sections 11500-11528 of the Government Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

UPDATED INFORMATIVE DIGEST

On February 10, 2006, the Board sent a notice regarding its proposal to adopt amendments to Section 1803 of Title 16 of the California Code of Regulations (CCR). This section pertains to the delegation of certain enforcement-related functions to the Board's executive officer. A public hearing was requested and held on May 18, 2006. In response to a comment from the public, the proposed text was modified, and a 15-day notice was sent on May 23, 2006. A public hearing on the modified text was held on July 27, 2007.

This is an additional notice regarding the proposed modified text. Additionally, another hearing has been scheduled for October 4, 2006.

POLICY STATEMENT OVERVIEW

Business and Professions (B&P) Code Section 820 permits the Board to order a licentiate who is unable to practice his or her profession safely due to mental or physical illness to be evaluated by one or more physicians or psychologists. B&P Code Section 4990.8 permits the Board's executive officer to exercise powers and perform duties as delegated by the Board.

Title 16, CCR Section 1803 currently permits the Board's executive officer to file accusations, issue notices of hearing, issue statements of issues, receive and file notices of defense, issue subpoenas and subpoenas duces tecum, and set and calendar cases for hearing for Marriage and Family Therapists (MFT), Licensed Clinical Social Workers (LCSW), Licensed Educational Psychologists (LEP), MFT Interns, or Associate Clinical Social Workers.

The proposal would amend Section 1803 to allow the executive officer to additionally order a mental or physical evaluation of a board licensee or registrant as part of an investigation of a complaint.

CONTACT PERSON

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Christy Berger
Address: 1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7847
Fax: 916-574-8625
Email: christy_berger@dca.ca.gov

OR

Name: Mona Maggio
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AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL AND AVAILABILITY OF MODIFIED TEXT

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed above.

If the regulations adopted by the Board differ from and are substantially related to the action proposed, the text of the proposed regulations with changes clearly indicated will be made available to the public for 15 days prior to the date of adoption.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection from the Contact Person listed above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named above or by accessing the website listed below.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.