

BOARD OF BEHAVIORAL SCIENCES
Regulation Changes to take Effect December 30, 2007

Changes to the originally proposed language are shown by underline for new text and strikethrough for deleted text. All Sections are from Division 18 of Title 16 of the California Code of Regulations.

ARTICLE 1. GENERAL PROVISIONS

Section 1805 - Explanation: This proposal does the following:

- Deletes language that refers to examination final filing dates.
Reason: Such language is no longer needed because the Board no longer administers an oral examination.
- Establishes a 180-day waiting period between examinations for any applicant retaking an examination.
Reason: This is consistent with current BBS practice, and is required in order to ensure that the applicant takes a different examination version. Examinations are administered continuously, and new examination versions are implemented approximately every 180 days. Allows the Board's Executive Officer to waive the 180-day waiting period in certain circumstances.

The new text is as follows:

1805. Applications.

(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.

~~(b) The board may issue final filing dates for all examinations not to exceed ninety (90) days prior to any examination. An applicant who fails to submit a complete examination application to the board by a final filing date shall not be eligible for that examination and his or her application shall be considered abandoned if it meets the criteria in Section 1806(c).~~

(b) A 180-day waiting period is required between examinations for any applicant retaking an examination. In the event special or unusual circumstances occur that impact the examination, the Board's Executive Officer may allow for a lesser period of time, as long as the integrity of the examination or examination security is not compromised.

Sections 1806 and 1833.3 – Explanation: This proposal does the following:

- Resolves the discrepancy between Sections 1806 and 1833.3, clarifying that all candidates have a one-year period in which to take an examination.

Reason: Sections 1806 and 1833.3 have conflicting language. Both sections apply to candidates who are retaking an exam, and reflect two different time frames.

The new text is as follows:

1806. Abandonment of Application.

An application shall be deemed abandoned if under any of the following circumstances:

(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the ~~board;~~ board.

(b) The applicant does not submit information ~~that he or she has corrected~~ required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency ~~letter;~~ letter.

(c) The applicant fails to sit for the standard written examination within one (1) year after being notified of ~~eligibility;~~ initial eligibility to take the standard written examination.

(d) The applicant fails to sit for the clinical vignette examination within one year of being notified of passing the standard written examination.

(e) An applicant fails to retake an examination within one year from the date the applicant was notified of failing an examination.

~~(d) (f)~~ (f) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

An application submitted ~~subsequent to the abandonment of a prior application after an application has been abandoned~~ shall be treated as a new ~~application.~~ application, including any fees required, and current requirements.

~~1833.3. Reexamination.~~

~~An applicant who fails any examination may within one (1) year from the date of that failure retake that examination as regularly scheduled without further application upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination unless a new application is filed, meeting all requirements, and required fees are paid.~~

~~Note: Authority Cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.40 and 4980.50, Business and Professions Code.~~

ARTICLE 2. FEES

Sections 1816, 1816.1, 1816.2, 1816.4, 1816.6 – Explanation: This proposal does the following:

- Restructures fee regulations
- Makes revisions that provide clarity, consistency across the practice acts, and removes duplicative, outdated, or unnecessary language.
- Clarifies the difference between active and inactive renewal fees
- Clarifies the difference between a “license application” and an “initial license application” by renaming the “license application” to “application for examination eligibility.” This has been done by renaming the fee.

There are no changes to fee dollar amounts. Note that renewal fee amounts do not include the \$10 surcharge.

The new text is as follows:

1816. RENEWAL FEES

~~(a) The biennial renewal fee for a marriage and family therapist is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred thirty dollars (\$130.00) except for the period of time in subsection (h).~~

~~(b) The biennial renewal fee for a licensed clinical social worker is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred dollars (\$100.00) except for the period of time in subsection (i).~~

~~(c) The biennial renewal fee for a licensed educational psychologist is eighty dollars (\$80.00) for each person whose license expires on or after July 1, 1998 except for the period of time in subsection (j).~~

~~(d) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).~~

~~(e) The annual renewal fee for intern registration is seventy-five dollars (\$75.00).~~

~~(f) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).~~

~~(g) The fee for associate clinical social worker extension is fifty dollars (\$50.00).~~

~~(h) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage and family therapist is twenty-five dollars (\$25.00).~~

~~(i) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).~~

~~(j) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).~~

(a) The annual renewal fee for marriage and family therapist intern registration is seventy-five dollars (\$75.00).

(b) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).

(c) The fee for associate clinical social worker extension is fifty dollars (\$50.00).

(d) The biennial active renewal fee for a marriage and family therapist is one hundred thirty dollars (\$130.00).

(e) The biennial active renewal fee for a licensed educational psychologist is eighty dollars (\$80.00).

(f) The biennial active renewal fee for a licensed clinical social worker is one hundred dollars (\$100.00).

(g) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).

(h) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage and family therapist is twenty-five dollars (\$25.00).

(i) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).

(j) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).

1816.1. INITIAL LICENSE AND REGISTRATION FEES

~~(a) On or after July 1, 1998, the fee for issuance of the initial marriage and family therapist license shall be one hundred thirty dollars (\$130.00).~~

~~(b) On or after July 1, 1998, the fee for issuance of the initial clinical social worker license shall be one hundred dollars (\$100.00).~~

~~(c) On or after July 1, 1998, the fee for issuance of the initial educational psychologist license shall be eighty dollars (\$80.00).~~

~~(d) The fee for issuance of the initial intern registration shall be seventy-five dollars (\$75.00).~~

~~(e) The fee for issuance of the initial associate clinical social worker registration shall be seventy-five dollars (\$75.00).~~

(a) The fee for initial issuance of the marriage and family therapist license shall be one hundred thirty dollars (\$130.00).

(b) The fee for initial issuance of the licensed educational psychologist license shall be eighty dollars (\$80.00).

(c) The fee for initial issuance of the licensed clinical social worker license shall be one hundred dollars (\$100.00).

1816.2. WRITTEN EXAMINATION AND RE-EXAMINATION FEES

~~(a) The examination and re-examination fee for the licensed clinical social worker standard written examination of the licensed clinical social worker fee shall be one hundred dollars (\$100.00).~~

~~(b) The examination and re-examination fee for the licensed clinical social worker written clinical vignette examination of the licensed clinical social worker fee shall be one hundred dollars (\$100).~~

~~(c) The examination and re-examination fee for the marriage and family therapist standard written examination fee of the marriage and family therapist shall be one hundred dollars (\$100.00).~~

~~(d) The examination and re-examination fee for the marriage and family therapist written clinical vignette examination of the marriage and family therapist fee shall be one hundred dollars (\$100.00).~~

~~(e) The examination and re-examination fee for the licensed educational psychologist written examination of the licensed educational psychologist fee shall be one hundred dollars (\$100.00).~~

1816.4. EXAMINATION LICENSE FEES

~~(a) The examination application fee for the marriage and family therapist examination eligibility application shall be one hundred dollars (\$100.00).~~

~~(b) The examination application fee for the licensed clinical social worker examination eligibility application shall be one hundred dollars (\$100.00).~~

~~(c) The examination application fee for the licensed educational psychologist examination eligibility application shall be one hundred dollars (\$100.00).~~

1816.6. INACTIVE LICENSE FEES

- (a) The fee for issuance or renewal of ~~the~~ an inactive marriage and family therapist license shall be sixty-five dollars (\$65.00) ~~except for the period of time in subsection (d).~~
- (b) The fee for issuance or renewal of ~~the~~ an inactive licensed clinical social worker license shall be fifty dollars (\$50.00) ~~except for the period of time in subsection (e).~~
- (c) The fee for issuance or renewal of ~~the~~ an inactive licensed educational psychologist license shall be forty dollars (\$40.00) ~~except for the period of time in subsection (f).~~
- ~~(d) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive marriage, family, and child counselor license shall be twelve dollars and fifty cents (\$12.50).~~
- ~~(e) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed clinical social worker license shall be twelve dollars and fifty cents (\$12.50).~~
- ~~(f) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed educational psychologist license shall be twelve dollars and fifty cents (\$12.50).~~

ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS

Section 1854 – Explanation:

The existing regulation sets forth degrees deemed equivalent to those specified in a section of the Business and Professions Code that no longer exists. Consistent with the language that took effect with SB 1475 (Statutes of 2006), this proposal instead references “educational institutions approved by the board...”

The new text is as follows:

1854. EQUIVALENT DEGREES

~~Degrees deemed equivalent to those specified in Section 4986.20(a) of the Code shall include a master's degree or its equivalent obtained from a college or university accredited by one of the following agencies:~~ Educational institutions approved by the board are defined as a college or university accredited by one of the following agencies:

- (a) Western Association of Schools and Colleges.
- (b) Northwest Association of Secondary and Higher Schools.
- (c) Middle States Association of Colleges and Secondary Schools.
- (d) New England Association of Colleges and Secondary Schools.
- (e) North Central Association of Colleges and Secondary Schools.
- (f) Southern Association of Colleges and Schools.
- (g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree or degrees.

Sections 1855, 1856 1857 – Explanation:

This proposal repeals outdated grandparenting provisions.

The new text is as follows:

~~1855. EQUIVALENT EXPERIENCE IN PUPIL PERSONNEL SERVICES~~

~~Semester hours in instructing a course in pupil personnel services approved by the board and offered by an institution accredited by one of the accrediting agencies set forth in Section 1854 above shall be deemed equivalent, within the meaning of Section 4986.20(d) of the Code, to semester hours of postgraduate work devoted to pupil personnel services under the following conditions:~~

- ~~(1) The applicant has instructed the particular course for at least two semesters;~~
- ~~(2) The particular course has not been submitted by the applicant for credit as a postgraduate course; and~~

~~(3) The particular course is not a practicum or field work course. In addition to the above, the board may, in its discretion, recognize other experience as equivalent to semester hours of postgraduate work devoted to pupil personnel services.~~

~~Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4986.20, Business and Professions Code.~~

1856. EXPERIENCE EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALLED SCHOOL PSYCHOLOGIST

(a) No more than one year of experience will be granted for any 12 month period.

(b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.

(c) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.

~~(d) Persons meeting this requirement must verify this experience by written statements from their sponsors as specified in Section 4986.20 of the Code. These statements shall include information regarding the applicant's:~~

~~(1) Skill in the administration of standardized individual tests for subjects varying from three (3) to twenty-one (21) years of age.~~

~~(2) Skill in the interpretation of results to parents, teachers, administrators, admissions committees, or other appropriate parties.~~

~~(3) Skill in the classification of subjects for special programming based on existing legislation.~~

~~(4) Recognition and diagnosis of learning problems with recommendations for solution of the problems.~~

~~(5) Recognition and amelioration of behavior problems.~~

~~(6) Interpretation of scores of standardized group tests.~~

~~(7) Skills in the use of psychological counseling or other therapeutic techniques with children and parents.~~

1857. EXPERIENCE EQUIVALENT TO ONE YEAR OF SUPERVISED PROFESSIONAL EXPERIENCE

~~(a) An applicant who has completed a minimum of seven hundred and twenty (720) clock hours under professional supervision as specified herein in the following experiences shall be deemed to have suitable experience equivalent to one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist:~~

~~(1) Utilization of all instruments presented within the prescribed course of study in the educational institution attended, with a wide variety of subjects (generally inclusive of WAIS, WISC, Binet, and group tests).~~

~~(2) Administration of additional tests commonly employed in the field by school psychologists.~~

~~(3) Consulting with teachers concerning learning and behavior problems of children enrolled in special education programs.~~

~~(4) Referral to and use of community agencies.~~

~~(5) Oral and written communication of results in accordance with the local supervisor's requirements.~~

~~(b) The local supervisor shall consult with the intern at least once weekly during the period of internship and shall:~~

~~(1) Possess a valid credential in school psychology; and~~

~~(2) Have a minimum of two (2) years experience in the field of school psychology.~~

~~(c) The general supervisor shall arrange for and coordinate intern placement with the local supervisor, and shall consult with the intern and/or the local supervisor at least three times during the period of internship. A general supervisor shall be qualified as one of the following:~~

~~(1) A credentialed school psychologist;~~

~~(2) A licensed psychologist;~~

~~(3) A licensed educational psychologist;~~

~~(4) A state or accredited training institution designated supervisor of school psychology trainees.~~

~~Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4980.20, Business and Professions Code.~~

Section 1858 – Explanation:

This proposal deletes duplicative provisions that also fall under BPC § 4989.54.

The new text is as follows:

1858. UNPROFESSIONAL CONDUCT

The Board may suspend or revoke the license of a licensee who:

~~(a) Misrepresents the type or status of license held by the licensee.~~

~~(b) (a) Impersonates a licensee or ~~who~~ allows another person to use his or her license.~~

~~(c) Aids or abets an unlicensed person to engage in conduct requiring a license.~~

~~(d) Intentionally or recklessly causes physical or emotional harm to a client.~~

~~(e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.~~

- ~~(f) When employed by another person or agency, encourages, either orally or in writing, the employer's or agency's clientele to utilize his or her private practice for further counseling without the approval of the employing agency or administration.~~
- ~~(g) Misrepresents or permits the misrepresentation of his or her professional qualifications, affiliations, or purposes.~~
- ~~(h) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of an educational psychologist.~~
- ~~(i) Performs or holds himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.~~
- ~~(j) (b) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.~~
- ~~(k) Fails to maintain the confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client during the course of treatment and all information about the client which is obtained from tests or other such means.~~
- ~~(l) Prior to the commencement of treatment, fails to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fee will be computed.~~
- ~~(m) Advertises in a manner which is false or misleading.~~
- ~~(n) Reproduces or describes in public or in publications subject to general public distribution, any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate such test or device. An Educational Psychologist shall limit access to such test or device to persons with professional interests who can be expected to safeguard their use.~~
- ~~(o) Fails to comply with the child abuse reporting requirements of Penal Code Section 11166.~~
- ~~(p) Fails to comply with the elder and adult dependent abuse reporting requirements of Welfare and Institution Code Section 15630.~~