

**TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the 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 the Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA, 94102 on **November 16, 2006 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **November 15, 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 4980.54, 4980.60, 4987, 4988.2, 4990.14, and 4994.1 of the Business and Professions Code, and to implement, interpret, or make specific Sections 730, 4980.03, 4980.20, 4980.30, 4980.35, 4980.40, 4980.44, 4980.50, 4980.54, 4984.7, 4984.8, 4986.20, 4986.70, 4986.71, 4986.80, 4986.82, 4987, 4987.6, 4992, 4994.1, 4996.2, 4996.3, 4996.4, 4996.6, 4996.18, 4996.22, and 4997 of the Business and Professions Code, Section 11166 of the Penal Code, and Section 15630 of the Welfare and Institutions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Amend Section 1805 - Applications

The existing regulation sets forth the requirement that applications submitted to the Board for registration or licensure shall be on a form prescribed by the Board. Under subdivision (b), the regulation further sets forth the provision that the Board may issue final filing dates for all examinations not to exceed ninety (90) days prior to any examination.

Because the Board no longer administers an oral examination, this proposal would delete the current language under subdivision (b). However, because the current examination is administered on a continuous basis and the fact that a new version is implemented approximately once every six months, this proposal would establish a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant take a different version of the examination.

**Amend Section 1806 – Abandonment of Application
Repeal Section 1833.3 – Re-Examination**

Section 1806 currently requires candidates to take an examination within one year of notification of eligibility to take the examination. Section 1833.3 currently requires applicants who fail an examination to retake that examination within one year from the date of the failure. However, candidates who fail are provided with a notice of eligibility 180 days from the date of failure, so both sections apply and reflect two different time frames.

This regulatory proposal would resolve the discrepancy between these two regulations, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application.

Amend Section 1816 – Renewal Fees

Amend Section 1816.1 – Initial License and Registration Fees

Amend Section 1816.2 – Written Examination and Re-Examination Fees

Amend Section 1816.4 – Examination Application Fees

Amend Section 1816.6 – Inactive License Fees

The existing regulations set forth the Board's fees for the respective items.

This proposal would set forth non-substantive changes that would restructure the regulations or make text revisions in order to: provide clarity; improve structure and order; provide consistency across the practice acts; and remove duplicative, outdated, or unnecessary language. The proposed changes under these regulations would be more user-friendly for staff, applicants, licensees, and registrants.

The following proposed regulatory changes are technical and/or editorial in nature and are in line with statutory changes proposed under SB 1475, Committee on Business, Professions and Economic Development (2005-2006).

Amend Section 1854 – Equivalent Degrees

The existing regulation sets forth degrees deemed equivalent to those specified in Section 4986.20(a) of the Business and Professions Code (BPC).

Consistent with the proposed language under SB 1475 which would adopt BPC Section 4989.20, this proposal would instead reference “educational institution approved by the board...” under that new statute.

Repeal Section 1855 – Equivalent Experience in Pupil Personnel Services

This proposal would repeal outdated grandparenting provisions.

Amend Section 1856 – Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist

This proposal would delete outdated grandparenting provisions under subdivision (d).

Repeal Section 1857 – Experience Equivalent to One Year of Supervised Professional Experience

This proposal would repeal outdated grandparenting provisions.

Amend Section 1858 – Unprofessional Conduct

This proposal would delete provisions that would instead fall under BPC 4989.54 (SB 1475).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

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

The following studies/relevant data were relied upon in making the above determination:
N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal would make technical and/or editorial changes to the Board's regulations.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

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

Copies of the exact language of the proposed regulations and of 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 below.

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

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 below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo
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The backup contact person is:

Name: Christy Berger
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WEBSITE ACCESS

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