

FINAL STATEMENT OF REASONS

Hearing Date: April 8, 2019

Subject Matter of Proposed Regulations: Examination Rescoring; Abandonment of Application; Associate Professional Clinical Counselor (APCC) Application Fee

Section(s) Affected: Add section 1805.08, amend sections 1806 and 1816.1, and repeal section 1816.3 of Division 18 of Title 16 of the California Code of Regulations.

Updated Information

The Initial Statement of Reasons is included in the file (Tab III). Two updates have been made to that information:

1. Section 1816.1 – Initial License and Registration Fees. Originally, the Initial Statement of Reasons stated that the term “intern” was being to changed to “associate” to comply with SB 1478 (Chapter 489, Statutes of 2016). However, that change has already been made via another regulatory proposal and is not needed. Therefore, the text was updated to reflect the current text in the California Code of Regulations.
2. Section 1805.08 – Examination Rescoring. The added language clarifies that the “required fee” is prescribed in BPC 4984.7(a)(5). The change is non-substantive because it is a restatement of law.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact:

The Board of Behavioral Sciences (Board) has determined that the proposed regulations do not have a significant adverse economic impact on small businesses.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be 1) more effective in carrying out the purpose for which the action is proposed; 2) would be as effective and less burdensome to affected private persons than the proposed regulation; or 3) would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The alternatives considered were as follows:

1. Not adopt the regulations. This alternative was rejected for the following reasons:

- Not changing section 1805.08 would result in a continuing lack of formal criteria regarding examination rescoring.
- Not changing section 1806 would result in continuing to have outdated text that lacks in ease of readability.
- Not changing section 1816.1 would result in a continuing lack of clarity regarding the professional clinical counselor registration application fee.
- Not striking section 1816.3 would leave in place a section that duplicates statute.

2. Adopt the regulations. The Board determined that this alternative is the most feasible because it would benefit applicants by updating, streamlining and clarifying the Board's regulations pertaining to applications and examinations, and by updating and providing clarity in the Board's application processes.

Objections or Recommendations/Responses to Comments:

The Board did not receive any written comment or any objections or recommendations during the public comment period or at the public hearing.

Comments Received During the 15-Day Period the Modified Text was Available to the Public

The Board did not propose any modifications to the proposed regulations, therefore, a 15-day public comment period was not necessary.