

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 107 **VERSION:** AMENDED JUNE 21, 2021

AUTHOR: SALAS **SPONSOR:** AUTHOR

PREVIOUS POSITION: OPPOSE UNLESS AMENDED

SUBJECT: LICENSURE: VETERANS AND MILITARY SPOUSES

Summary

This bill would require all boards within the Department of Consumer Affairs (DCA) to issue temporary licenses to military spouses if they meet certain specified requirements.

Existing Law

- 1) Requires certain DCA boards including the Board of Registered Nursing, the Veterinary Medical Board, and the Medical Board of California to issue a temporary license to a spouse of an active military member who is licensed in another state if they meet specified criteria. (BPC §115.6)
- 2) Requires a board within DCA to expedite the initial licensing process for an applicant who was honorably discharged from the U.S. military or is married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California. (Business and Professions Code (BPC) §§ 115.4, 115.5(a))
- 3) States that in order for the license to be expedited, the military spouse must hold a current license in another state in the same profession for which he or she is seeking a California license. (BPC §115.5(a))
- 4) Sets forth a streamlined “licensure by credential” process for LMFT, LCSW, and LPCC applicants who are licensed in another state if they meet the following criteria (BPC §§4980.72, 4996.17.1, 4999.60):
 - a) The applicant’s license in the other state has been held for at least two years, is the equivalent license held at the highest level for independent clinical practice, and is current, active, and unrestricted.

- b) The qualifying degree is a master's or doctoral degree from an accredited or approved school.
- c) The applicant submits fingerprints.
- d) The applicant completes certain California-specific coursework in law and ethics, California cultures, and child abuse assessment and reporting. The applicant must also take or show evidence of having taken coursework in (or having applied experience in) suicide risk assessment and intervention.
- e) The applicant passes the Board's California law and ethics exam.

This Bill

- 1) Requires all boards under DCA to issue a temporary license to practice a profession or vocation to an applicant after appropriate investigation, if they meet the following requirements (BPC §115.6(c) and (d)):
 - a) They are married to or in a domestic partnership or legal union with an active duty member of the U.S. Armed Forces who is assigned to active duty in this state.
 - b) They hold a current, active, and unrestricted license to practice the same profession in another state or territory of the U.S.
 - c) They submit an application to the board, including a signed affidavit attesting that they meet all the requirements for the temporary license. It must also include written verification from their original licensing jurisdiction stating their license is in good standing.
 - d) They have not committed any act that would have constituted grounds for denial, suspension, or revocation of the license under California law. They also must not have been disciplined by another licensing entity or be the subject of an unresolved complaint, review, or disciplinary proceeding by another licensing entity.
 - e) They must provide fingerprints upon request by a board.
 - f) They must pass a California law and ethics examination if the board requires one.
- 2) Permits a DCA board to conduct an investigation of an applicant, including a criminal background check, for purposes of denying or revoking a temporary license. (BPC §115.6(b))
- 3) Requires a DCA board to issue the temporary license within 30 days of receiving documentation that the applicant has met the requirements listed in item #1 above,

if the results of the criminal background check do not show grounds for denial. (BPC §115.6(e))

- 4) Permits a temporary license to be immediately terminated on finding the holder failed to meet any of the requirements specified in item #1 above or provided substantively inaccurate information that would affect their eligibility for temporary licensure. If terminated, the board must issue a termination notice requiring practice be ceased immediately. (BPC §115.6(f))
- 5) Requires that a temporary license expires 12 months after issuance, upon issuance of an expedited license, a standard license, or a license by endorsement, whichever occurs first. (BPC §115.6(h))
- 6) Requires a board to submit draft regulations to the department by June 15, 2022, if necessary, to implement their temporary license program. (BPC §115.6(i))
- 7) States that the temporary license program shall not apply to a board with a process in place for this type of applicant to receive expedited temporary authorization to practice while meeting state-specific requirements for at least a one-year period, or is able to receive an expedited licensure by endorsement with no additional requirements other than what is described in item #1 above. (BPC §115.6(j))
- 8) Requires various state agencies, including DCA, to compile information on military, veteran, and spouse licensure into an annual report for the Legislature. The report must contain specified information, including the number of temporary license applications, the number of expedited license applications, processing time of these licenses, and the number of these licensed issued and denied per year. (BPC §115.8)

Comments

1) Author's Intent

The author states that 24 percent of military spouses are unemployed, compared with 9 percent unemployment nationally. These unemployed spouses on average search for work for 4 months. They also state that almost 35 percent of military spouses work in a profession that requires a license. The goal of this bill is to help ensure that military spouses can seamlessly become employed in some of the most commonly held jobs and continue to support their families.

2) Current Board Process

The Board does not currently have a temporary license status, nor does it have licensing reciprocity with any other states. It does have a "licensure by credential" pathway to licensure, which is a streamlined process for qualifying licensees in other states who have been licensed for at least two years (described below).

The Board is already required the Board to expedite the licensing process for an applicant who is married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California, if the applicant holds a current license in the same profession in another state.

3) Bypassing the Licensure Process

As written, this bill requires that to obtain a temporary license, the military spouse must hold a current license in the same profession in another state. It does not require the following:

- That the licensing requirements in the other state in which the person holds a license be substantially equivalent to the requirements in California.
- That the clinical exam be passed (the Board would only require this if the applicant had been licensed in their state less than 2 years).
- That the applicant's degree be from an accredited or approved educational institution.

Each applicant's education and experience is examined by the Board licensing evaluator during the review of the application. Bypassing this review could jeopardize consumer protection.

4) Continuity of Care

This bill creates a temporary license that is valid for a 12-month period, or until the regular license is issued, whichever occurs first. A consumer who seeks mental health services often seeks treatment for an extended period of time. Having a practitioner whose temporary license expires could disrupt the continuity of care for patients.

5) Staffing and Breeze Impact

The Board does not currently have a temporary license status, and therefore one would need to be created within the Breeze system, which could result in a fiscal impact.

Adding a new license type would increase staff workload, and therefore may create a need for new staff.

The past yearly breakdown of the number of military spouses who met the criteria for their license to be expedited is shown below:

2016 - 11
2017 - 21
2018 - 20
2019 - 18
2020 - 20

6) License Portability and the Board of Behavioral Sciences

The Board recently successfully implemented license portability legislation for its LMFT, LCSW, and LPCC applicants. SB 679 (Chapter 380, Statutes of 2019) became effective on January 1, 2020 and established what the Board now calls “licensure by credential.”

SB 679 was the result of a lengthy deliberation process by the Board’s special license portability committee on the best way to balance ease of licensure across state lines with public protection and the need for practitioners to be prepared to practice safely and effectively in California’s diverse environment. The bill we are considering today, AB 107, makes key omissions of requirements that were carefully considered and placed in SB 679:

- It does not require the military applicant to have held their current license for at least the past 2 years to obtain a temporary license.
- It does not specifically state that the out-of-state license must be at the highest level for independent clinical practice. (This is important because while a license may be in the same profession, some states license varying levels of mental health professionals.)
- It does not require any California-specific coursework prior to beginning practice under a temporary license (California law and ethics, California cultures, and child abuse assessment and reporting.)

A military spouse would be able to complete the required California-specific coursework ahead of time prior to application. Once they apply under this pathway, their application would be expedited.

Given the care that the Board took with SB 679 to craft a fair process to reduce barriers for all out-of-state applicants for licensure, balanced with the need to ensure practitioners are prepared to practice in California’s unique environment, the Board should discuss whether SB 679’s “licensure by credential” pathway is sufficient to assist military spouse applicants, or if additional accommodations for them such as temporary licensure are necessary.

7) Effect on LEPs

SB 679 did not establish a licensure by credential option for LEPs, because not many other states license them. The only other state staff found that issues an LEP license is Massachusetts. In checking with the California Association of School Psychologists (CASP), which is the professional association for LEPs, they also stated that Massachusetts is the only other state that they are aware of with a similar license.

Licensure as an LEP in Massachusetts requires a master's or doctoral degree in school psychology, (including 60 graduate credit hours and 1,200 practicum hours), two years of supervised experience as a school psychologist, and passage of the National School Psychology Examination. See **Attachment A** for the regulatory requirements for LEP licensure in Massachusetts.

8) Previous Board Position.

At its meeting on May 7, 2021, the Board took an “oppose unless amended” position on this bill and ask that the Board be removed from the provisions of the bill. The Board cited concerns that because California has a uniquely diverse environment, it is essential for Board practitioners to take (and subsequently demonstrate understanding by passing exams) California-specific coursework. Otherwise, public protection for consumers of therapy could be jeopardized, and practitioners could place their license in jeopardy due to lack of knowledge.

Since that time, the bill has been amended to require passage of a California law and ethics exam, if otherwise required by the licensing board.

9) Implementation Concerns.

Staff has concerns about the implementation issues this bill could cause. A temporary license appears to bypass or confuse board's regular licensure process for applicants licensed less than 2 years who may be required to complete activities such as registering as an associate to complete additional experience hours and passing the clinical exam.

10) Recent Legislation

Last year's AB 3045 (Gray) would have required the Board to issue a license to an honorably discharged military member or the spouse of an active duty military member licensed in another state if they met specified requirements. The Board took an “oppose unless amended” position on AB 3045, requesting that it be removed from the provisions of the bill. The Board was concerned that AB 3045 would undermine careful work it had just completed with the passage SB 649, which crafted a fair process to reduce barriers for all out-of-state applicants for licensure while balancing with the need to ensure practitioners are prepared to practice therapy in California's unique environment. AB 3045 died in the Senate.

11) Related Legislation

- SB 1226 (Chapter 657, Statutes of 2014) requires boards to expedite the initial licensure process for an applicant who supplies satisfactory evidence to the board that he or she has served as an active duty member of the Armed Forces of the United States and was honorably discharged.
- AB 186 (Chapter 640, Statutes of 2014) proposed requiring boards within DCA to issue a temporary license to an applicant who is a spouse of a military

member stationed in California and who is already eligible for an expedited license.

The Board had taken an “oppose unless amended” position on this legislation, asking that it be removed from the requirements of this bill. Per the Board’s request, this bill was ultimately amended to remove the Board from the temporary licensure requirements.

- AB 1057 (Chapter 693, Statutes of 2013), requires each board to inquire in every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.
- AB 1904 (Chapter 399, Statutes of 2012) requires the Board to expedite the licensing process for an applicant who is married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California, if the applicant holds a current license in the same profession in another state.

12) Support and Opposition

Support

- Beale Military Liaison Council, INC.
- California Association for Health Services At Home
- California Board of Accountancy
- California Defense Community Alliance
- City of Yuba City
- Military Services in California
- San Diego Military Advisory Council (SDMAC)
- Travis Community Consortium
- U.S. Department of Defense
- Yuba Co. Supervisor, Gary Bradford, 4th District

Oppose

- Board for Professional Engineers, Land Surveyors, and Geologists (Oppose unless amended.)
- Dental Hygiene Board of California (Oppose unless amended.)
- Board of Behavioral Sciences (Oppose unless amended.)

13) History

06/21/21 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on B., P. & E.D.

06/09/21 Referred to Coms. on B., P. & E.D. and M. & V.A.

06/02/21 In Senate. Read first time. To Com. on RLS. for assignment.
 06/01/21 Read third time. Passed. Ordered to the Senate. (Ayes 79. Noes 0.)
 05/24/21 Read second time. Ordered to third reading.
 05/20/21 From committee: Do pass. (Ayes 16. Noes 0.) (May 20).
 05/20/21 Coauthors revised.
 05/12/21 In committee: Set, first hearing. Referred to APPR. suspense file.
 04/29/21 From committee: Do pass and re-refer to Com. on APPR. (Ayes 11.
 Noes 0.) (April 28). Re-referred to Com. on APPR.
 04/29/21 Coauthors revised.
 04/21/21 Re-referred to Com. on M. & V.A.
 04/20/21 From committee chair, with author's amendments: Amend, and re-
 refer to Com. on M. & V.A. Read second time and amended.
 03/25/21 Re-referred to Com. on M. & V.A.
 03/24/21 Read second time and amended.
 03/23/21 From committee: Amend, and do pass as amended and re-refer to
 Com. on M. & V.A. (Ayes 17. Noes 0.) (March 23).
 03/01/21 Re-referred to Com. on B. & P.
 02/25/21 From committee chair, with author's amendments: Amend, and re-
 refer to Com. on B. & P. Read second time and amended.
 02/25/21 Referred to Coms. on B. & P. and M. & V.A.
 01/11/21 Read first time.
 12/17/20 From printer. May be heard in committee January 16.
 12/16/20 Introduced. To print.

14) Attachments

Attachment A: State of Massachusetts Regulations 262 CMR 5.00: Requirements for Licensure as an Educational Psychologist

AMENDED IN SENATE JUNE 21, 2021
AMENDED IN ASSEMBLY APRIL 20, 2021
AMENDED IN ASSEMBLY MARCH 24, 2021
AMENDED IN ASSEMBLY FEBRUARY 25, 2021
california legislature—2021–22 regular session

ASSEMBLY BILL

No. 107

Introduced by Assembly Member Salas
(~~Coauthor: Assembly Member Smith~~)
(Coauthors: Assembly Members Bauer-Kahan, Gallagher, Muratsuchi,
and Smith)
(Coauthor: Senator Dodd)

December 16, 2020

An act to amend Sections ~~115.6~~ 115.6, 2946, and 5132 of, and to add Section 115.8 to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

legislative counsel's digest

AB 107, as amended, Salas. Licensure: veterans and military spouses. Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory

to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. *The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure.* The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license, as described above. The bill would make conforming changes. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By

establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

Existing law provides that these temporary licenses shall expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would instead provide that these temporary licenses shall expire 12 months after issuance, upon issuance of a standard license, upon issuance of a license by endorsement, or upon issuance of an expedited license, whichever occurs first.

This bill would also require an annual report to the Legislature containing specified information relating to the professional licensure of veterans, ~~service members~~, *servicemembers*, and their spouses.

Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law authorizes a psychologist certified or licensed in another state or Canadian province who has applied to the board for licensure to provide activities and services of a psychological nature without a valid license for a period not to exceed 180 days from the time of submitting their application or from the commencement of residency in the state, whichever occurs first, subject to specified conditions and requirements.

This bill would also authorize a psychologist certified or licensed in another state or Canadian province who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States and who has applied to the board for licensure to perform activities and services of a psychological nature without a valid license for a period not to exceed 12 months.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:

1 115.6. (a) (1) Except as provided in subdivision (i), a board
2 within the department shall, after appropriate investigation, issue
3 a temporary license to practice a profession or vocation to an
4 applicant who meets the requirements set forth in ~~subdivision (e).~~
5 *subdivisions (c) and (d).*

6 (2) Revenues from fees for temporary licenses issued by the
7 California Board of Accountancy shall be credited to the
8 Accountancy Fund in accordance with Section 5132.

9 (b) The board may conduct an investigation of an applicant for
10 purposes of denying or revoking a temporary license issued
11 pursuant to this section. This investigation may include a criminal
12 background check.

13 (c) An applicant seeking a temporary license pursuant to this
14 section shall meet the following requirements:

15 (1) The applicant shall supply evidence satisfactory to the board
16 that the applicant is married to, or in a domestic partnership or
17 other legal union with, an active duty member of the Armed Forces
18 of the United States who is assigned to a duty station in this state
19 under official active duty military orders.

20 (2) The applicant shall hold a current, active, and unrestricted
21 license that confers upon the applicant the authority to practice,
22 in another state, district, or territory of the United States, the
23 profession or vocation for which the applicant seeks a temporary
24 license from the board.

25 (3) The applicant shall submit an application to the board that
26 shall include a signed affidavit attesting to the fact that the
27 applicant meets all of the requirements for the temporary license,
28 and that the information submitted in the application is accurate,
29 to the best of the applicant's knowledge. The application shall also
30 include written verification from the applicant's original licensing
31 jurisdiction stating that the applicant's license is in good standing
32 in that jurisdiction.

33 (4) The applicant shall not have committed an act in any
34 jurisdiction that would have constituted grounds for denial,
35 suspension, or revocation of the license under this code at the time
36 the act was committed. A violation of this paragraph may be
37 grounds for the denial or revocation of a temporary license issued
38 by the board.

39 (5) The applicant shall not have been disciplined by a licensing
40 entity in another jurisdiction and shall not be the subject of an

1 unresolved complaint, review procedure, or disciplinary proceeding
2 conducted by a licensing entity in another jurisdiction.

3 (6) The applicant shall, upon request by a board, furnish a full
4 set of fingerprints for purposes of conducting a criminal
5 background check.

6 *(d) The applicant shall pass a California law and ethics*
7 *examination if otherwise required by the board for the profession*
8 *or vocation for which the applicant seeks licensure.*

9 ~~(d)~~

10 (e) A board shall issue a temporary license pursuant to this
11 section within 30 days ~~following receipt of the~~ *of receiving*
12 *documentation that the applicant has met the requirements*
13 *specified in subdivision (e) subdivisions (c) and (d) if the results*
14 *of the criminal background check do not show grounds for denial.*

15 ~~(e)~~

16 (f) A temporary license issued pursuant to this section may be
17 immediately terminated upon a finding that the temporary
18 licenseholder failed to meet any of the requirements described in
19 subdivision (c) *or (d)* or provided substantively inaccurate
20 information that would affect the person's eligibility for temporary
21 licensure. Upon termination of the temporary license, the board
22 shall issue a notice of termination that shall require the temporary
23 licenseholder to immediately cease the practice of the licensed
24 profession upon receipt.

25 ~~(f)~~

26 (g) An applicant seeking a temporary license as a civil engineer,
27 geotechnical engineer, structural engineer, land surveyor,
28 professional geologist, professional geophysicist, certified
29 engineering geologist, or certified hydrogeologist pursuant to this
30 section shall successfully pass the appropriate California-specific
31 examination or examinations required for licensure in those
32 respective professions by the Board for Professional Engineers,
33 Land Surveyors, and Geologists.

34 ~~(g)~~

35 (h) A temporary license issued pursuant to this section shall
36 expire 12 months after issuance, upon issuance of a standard
37 license, upon issuance of a license by endorsement, or upon
38 issuance of an expedited license pursuant to Section 115.5,
39 whichever occurs first.

40 ~~(h)~~

1 (i) A board shall submit to the department for approval, if
 2 necessary to implement this section, draft regulations necessary
 3 to administer this section by June 15, 2022. These regulations shall
 4 be adopted pursuant to the Administrative Procedure Act (Chapter
 5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
 6 Title 2 of the Government Code).

7 ~~(i)~~

8 (j) (A) This section shall not apply to a board that has a process
 9 in place by which an out-of-state licensed applicant in good
 10 standing who is married to, or in a domestic partnership or other
 11 legal union with, an active duty member of the Armed ~~Forced~~
 12 *Forces* of the United States is able to receive expedited, temporary
 13 authorization to practice while meeting state-specific requirements
 14 for a period of at least one year or is able to receive an expedited
 15 license by endorsement with no additional requirements
 16 superseding those described in ~~subdivision (e)~~. *subdivisions (c)*
 17 *and (d)*.

18 (B) This section shall apply only to the extent that it does not
 19 amend an initiative or violate constitutional requirements.

20 SEC. 2. Section 115.8 is added to the Business and Professions
 21 Code, to read:

22 115.8. The Department of Consumer Affairs, the Commission
 23 on Teacher Credentialing, the Department of Real Estate, and the
 24 State Department of Public Health shall compile information on
 25 military, veteran, and spouse licensure into an annual report for
 26 the Legislature, which shall be submitted in conformance with
 27 Section 9795 of the Government Code. The report shall include
 28 all of the following:

29 (a) The number of applications for a temporary license submitted
 30 by active duty ~~service members~~, *servicemembers*, veterans, or
 31 military spouses per calendar year, pursuant to Section 115.6.

32 (b) The number of applications for expedited licenses submitted
 33 by veterans and active duty spouses pursuant to Sections 115.4
 34 and 115.5.

35 (c) The number of licenses issued and denied per calendar year
 36 pursuant to Sections 115.4, 115.5, and 115.6.

37 (d) The number of licenses issued pursuant to Section 115.6
 38 that were suspended or revoked per calendar year.

39 (e) The number of applications for waived renewal fees received
 40 and granted pursuant to Section 114.3 per calendar year.

1 (f) The average length of time between application and issuance
2 of licenses pursuant to Sections 115.4, 115.5, and 115.6 per board
3 and occupation.

4 *SEC. 3. Section 2946 of the Business and Professions Code is*
5 *amended to read:*

6 2946. (a) The board shall grant a license to any person who
7 passes the board’s supplemental licensing examination and, at the
8 time of application, has been licensed for at least five years by a
9 psychology licensing authority in another state or Canadian
10 province if the requirements for obtaining a certificate or license
11 in that state or province were substantially equivalent to the
12 requirements of this chapter.

13 ~~A~~

14 (b) A psychologist certified or licensed in another state or
15 province and who has made application to the board for a license
16 in this state may perform activities and services of a psychological
17 nature without a valid license for a period not to exceed 180
18 calendar days from the time of submitting ~~his or her~~ *their*
19 application or from the commencement of residency in this state,
20 whichever first occurs.

21 (c) *A psychologist certified or licensed in another state or*
22 *province who is married to, or in a domestic partnership or other*
23 *legal union with, an active duty member of the Armed Forces of*
24 *the United States and who has made application to the board for*
25 *a license in this state may perform activities and services of a*
26 *psychological nature without a valid license for a period not to*
27 *exceed twelve months from the time of submitting their application*
28 *or from the commencement of residency in this state, whichever*
29 *first occurs.*

30 ~~The~~

31 (d) The board at its discretion may waive the ~~examinations,~~
32 *examinations* when in the judgment of the board the applicant has
33 already demonstrated competence in areas covered by the
34 examinations. The board at its discretion may waive the
35 examinations for diplomates of the American Board of Professional
36 Psychology.

37 ~~SEC. 3.~~

38 *SEC. 4. Section 5132 of the Business and Professions Code is*
39 *amended to read:*

1 5132. (a) All moneys received by the board under this chapter
 2 from any source and for any purpose and from a temporary license
 3 issued under Section 115.6 shall be accounted for and reported
 4 monthly by the board to the Controller and at the same time the
 5 moneys shall be remitted to the State Treasury to the credit of the
 6 Accountancy Fund.

7 (b) The secretary-treasurer of the board shall, from time to time,
 8 but not less than once each fiscal year, prepare or have prepared
 9 on their behalf, a financial report of the Accountancy Fund that
 10 contains information that the board determines is necessary for
 11 the purposes for which the board was established.

12 (c) The report of the Accountancy Fund, which shall be
 13 published pursuant to Section 5008, shall include the revenues and
 14 the related costs from examination, initial licensing, license
 15 renewal, citation and fine authority, and cost recovery from
 16 enforcement actions and case settlements.

17 ~~SEC. 4.~~

18 *SEC. 5.* No reimbursement is required by this act pursuant to
 19 Section 6 of Article XIII B of the California Constitution because
 20 the only costs that may be incurred by a local agency or school
 21 district will be incurred because this act creates a new crime or
 22 infraction, eliminates a crime or infraction, or changes the penalty
 23 for a crime or infraction, within the meaning of Section 17556 of
 24 the Government Code, or changes the definition of a crime within
 25 the meaning of Section 6 of Article XIII B of the California
 26 Constitution.

O

262 CMR: BOARD OF ALLIED MENTAL HEALTH AND
HUMAN SERVICES PROFESSIONS

262 CMR 5.00: REQUIREMENTS FOR LICENSURE AS AN EDUCATIONAL PSYCHOLOGIST

Section

5.01: Licensure Requirements

5.01: Licensure Requirements

(1) Preface. To qualify for licensure as an educational psychologist, pursuant to the requirements of M.G.L. c. 112, § 165, as amended, an applicant must provide evidence satisfactory to the Board that the professional standards and education experience requirements described in 262 CMR 5.01(3) have been met by the applicant.

All licensed educational psychologists are charged with having knowledge of the existence of 262 CMR and required to practice educational psychology in accordance with them.

(2) Definitions.

Approved Supervisor. A school psychologist who:

- (a) is licensed as an educational psychologist, or meets the qualifications for licensure as an educational psychologist by the Board; and
- (b) has a minimum of five full-time academic years, or equivalent part-time, experience as a certified school psychologist.

Board. Board of Allied Mental Health and Human Services Professions.

CAGS. Certificate of Advanced Graduate Study.

Full-Time Academic Year. A full-time academic year consists of a minimum of 180 days. Two full-time academic years consist of a minimum of 360 days.

Licensure Examination. The examination for licensure as an educational psychologist shall be the National School Psychology Examination (ETS/NTE #40) of the National Association of School Psychologists (NASP) administered by Education Testing Service (ETS). NASP Certification as an NCSP is not required for licensure. The licensure examination is administered three times per year by ETS. For information on sites, dates of administration, and fees, contact ETS.

School Psychological Services. Consists of employment by a public school system or private school or agency as a Department of Education certified school psychologist engaged in the role and performing the duties of a school psychologist. Private practice/self-employment as a school psychologist is not acceptable in fulfillment of the post-master's degree work experience in school psychological services requirement.

Supervised Clinical Experience. A minimum of 60 hours of post-master's degree supervision in the practice of school psychological services by an approved supervisor.

Supervision. A regularly scheduled meeting of not more than six school psychologists with an approved supervisor for period of at least one hour. "Peer" supervision will not be considered to be qualifying supervision for these purposes.

(3) Licensure Eligibility Categories. A candidate for licensure as an educational psychologist must meet the requirements set forth in 262 CMR 5.01(3)(a) through (e):

(a) A Master's Degree, CAGS, or Doctoral Degree in School Psychology from an Educational Institution Licensed or Accredited by the State in which it is Located. The applicant's graduate degree must consist of:

- 1. a minimum of 60 credits of approved graduate course work: If an applicant's graduate degree program of study consisted of less than 60 credits of approved graduate course work, evidence of completion of graduate level courses outside of the degree program sufficient to meet the 60 credit approved courses requirement must be submitted to the Board for review

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and approval;

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2. a Practicum/Internship experience consisting of a minimum of 1200 clock hours of supervised field placement. If an applicant's graduate degree program of study did not include a minimum of 1200 clock hours of supervised field placement, evidence of completion of additional hours of supervised field placement outside of the graduate degree program sufficient to meet the 1200 clock hour requirement must be submitted to the Board for review and approval;
- (b) Current certification (copy of certificate) as a school psychologist by the Department of Education of the Commonwealth of Massachusetts or comparable certification from another state;
- (c) A minimum of two full-time academic years, or equivalent part-time, post-master's degree experience in school psychological services;
- (d) Successful completion of a Supervised Clinical Experience; and
- (e) Achievement of a passing score on the licensure examination.

REGULATORY AUTHORITY

262 CMR 5.00: M.G.L. c. 112, §§ 163 through 172, c. 13, §§ 88 through 90, St. 1987 c. 521, as amended by St. 1989 c. 720 and St. 1990 c. 477.