

**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 4980.60 and 4990.14 of the Business and Professions Code, and to implement, interpret, or make specific Sections 4980.54, 4984.7, 4986.80, 4996.22, and 4996.6 of the Business and Professions 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

Business and Professions Code Section 4980.60 authorizes the Board to adopt rules and regulations as may be necessary to enable it to carry into effect the provisions of Chapter 13 (Marriage and Family Therapists / Licensed Educational Psychologists). Business and Professions Code Section 4990.14 authorizes the Board to make such rules and regulations as may be necessary for the enforcement of Chapter 14 (Social Workers).

Amend Section 1816.7 – Delinquent Fees

The existing regulation sets forth delinquency fees for the licenses that the Board issues.

This proposal would add a delinquency fee for continuing education provider approval in order to reduce the processing of new provider applications. Currently, if a provider fails to renew its approval before its expiration, submittal of another new provider application is required.

Amend Section 1887.7 – Board Approved Providers

The existing regulation sets forth requirements for Board Approved Providers.

This proposal would delete the provision requiring a provider to apply for a new approval after the expiration date. In addition, the proposal would add the following provisions:

- A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership
- When a provider's approval is expired, no course may be presented for continuing education credits for licensees of the Board of Behavioral Sciences

Adopt Section 1887.75 – Renewal of Expired Approval

This proposal would set forth requirements for renewal of an expired approval.

Adopt Section 1887.77 – Time Limit for Renewal of Approval After Expiration; New Approval

This proposal would set forth a one-year time limit for renewal of an expired approval. Beyond one year from a provider's approval expiration, that provider would be required to apply for a new approval with the Board.

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 establish delinquent fees for Continuing Education Providers.

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.