

MEETING NOTICE

August 30-31, 2007

Embassy Suites Hotel
601 Pacific Highway
Monterey Ballroom
San Diego, CA 92101
(619) 239-2400

Thursday, August 30
9:00 a.m.

FULL BOARD OPEN SESSION - Call to Order & Establishment of a Quorum

- I. Discussion and Proposed Action to Clarify Board Action Relating to the Following Rulemaking Proposals:
 - A. Amend 16 CCR Sections 1805, 1806, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1816.7, 1854, 1855, 1856, 1857 and 1858 - Abandonment of Application Files, Fees and Licensed Educational Psychologists
 - B. Amend 16 CCR Sections 1816.7, 1887.7, 1887.75 and 1887.77 - Delinquency Process for Continuing Education Providers
 - C. Amend 16 CCR Sections 1887.2 and 1887.3 - Continuing Education Self-Study

- II. Discussion and Possible Action to Modify Text and Add Documents to the Rulemaking File for Proposed Amendments to 16 CCR Sections 1833.1 and 1870 Relating to Supervisory Requirements for Marriage and Family Therapist Trainees and Interns and Associate Clinical Social Workers

- III. Review and Possible Action Regarding Proposed Amendments to:
 - 16 CCR Section 1870 – Supervisor Qualifications
 - 16 CCR Sections 1887, 1887.3, and 1887.7 – Cleanup of Continuing Education Regulations

- IV. Chairperson's Report
 - A. Discussion and Possible Action Regarding Proposed Strategic Objective 1.7 – Increasing Board Member Effectiveness
 - B. Licensed Mental Health Service Provider Education Program Advisory Committee



Arnold Schwarzenegger
Governor

State of California

State and Consumer
Services Agency

Department of
Consumer Affairs

- V. Review and Possible Action on the Board's Draft Strategic Plan
- VI. Executive Officer's Report
 - A. Personnel Update
 - B. Examination Update
 - C. Quarterly Licensing Statistics
 - D. Strategic Plan Update
 - E. Update on the Bureau for Private Postsecondary and Vocational Education
 - F. Miscellaneous Matters
- VII. Approval of April 20, 2007 Board Meeting Minutes
- VIII. Approval of May 30 – June 1, 2007 Board Meeting Minutes
- IX. Presentation by Dr. Norman Hertz on Board Examination Program
- X. Report of the Policy and Advocacy Committee
 - A. Recommendation #1 – Sponsor legislation to authorize collection of documents verifying employment status of marriage and family therapist interns.
 - B. Recommendation #2 – Support Assembly Bill 64 (Berg) relating to disaster response if amended.
 - C. Regulation Update
 - D. Legislation Update
 - E. Budget Update
- XI. Report of the Consumer Protection Committee
 - A. Recommendation #1 – Sponsor legislation to establish rules governing the supervision of associate clinical social workers in private practice settings.
 - B. Enforcement Statistics
 - C. Examination Statistics
- XII. Report of the Marriage and Family Therapist Education Committee
- XIII. Public Comment for Items Not on the Agenda
- XIV. Suggestions for Future Agenda Items

FULL BOARD CLOSED SESSION

- XV. Pursuant to Government Code Section 11126(a) to deliberate on personnel matters.

Friday, August 31
8:30 a.m.

FULL BOARD CLOSED SESSION - Call to Order & Establishment of a Quorum

- XVI. Pursuant to Government Code Section 11126(c)(3) to Deliberate on Disciplinary Decisions:
 - A. Regarding the Decision After Non-Adoption of the Proposed Decision for James Thomas Hicks (MFT 11764)

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Items will be considered in the order listed. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

THIS AGENDA AS WELL AS BOARD MEETING MINUTES CAN BE FOUND ON THE BOARD OF BEHAVIORAL SCIENCES WEBSITE AT www.bbs.ca.gov

NOTICE: The meeting facilities are accessible to persons with disabilities. Please make requests for accommodations to the attention of Christina Kitamura at the Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834, or by phone at (916) 574-7835, no later than one week prior to the meeting. If you have any questions please contact the Board at (916) 574-7830.

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1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Board Members **Date:** August 14, 2007

From: Christy Berger
Legislation Analyst **Telephone:** (916) 574-7847

Subject: **Discussion and Proposed Action to Clarify Board Action Relating to the Following Rulemaking Proposals:**

- A. Amend 16 CCR Sections 1805, 1806, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1816.7, 1854, 1855, 1856, 1857 and 1858 - Abandonment of Application Files, Fees and Licensed Educational Psychologists**
- B. Amend 16 CCR Sections 1816.7, 1887.7, 1887.75 and 1887.77 - Delinquency Process for Continuing Education Providers**
- C. Amend 16 CCR Sections 1887.2 and 1887.3 - Continuing Education Self-Study**

Background

The Office of Administrative Law (OAL) is the agency responsible for review and approval of state regulations in line with the Administrative Procedure Act. Staff has been made aware that OAL has become more strict regarding Board motions that are intended to authorize staff to proceed with approved regulatory changes. Staff has reviewed motions for all rulemaking proposals in process, and found that the motions for the proposals listed above were likely too general, not containing all necessary components. These regulation packages are at risk of being rejected by OAL.

The regulation proposals listed above are in the final stage of the process and are otherwise ready for submission to OAL for final approval. Legal counsel will provide more information and guidance to assist in resolving this matter.

Requested Action

The Board is asked to do all of the following:

- Clarify that the Board approves and adopts the proposed language
- Provide a formal delegation that authorizes staff to take all steps necessary to complete the rulemaking process for these proposals
- Review and approve the rulemaking file

Attachments

Rulemaking files (3)

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- II. Initial Statement of Reasons
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- IV. Final Statement of Reasons
- V. Written Comments

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**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
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
Fax: 916-574-8625
Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7830
Fax: 916-574-8625
Email: Christy_Berger@bbs.ca.gov

WEBSITE ACCESS

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

**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: November 16, 2006

SUBJECT MATTER OF PROPOSED REGULATIONS: Applications, Abandonment of Application, Re-Examination, Renewal Fees, Initial License and Registration Fees, Written Examination and Re-Examination Fees, Examination Application Fees, Inactive License Fees, Equivalent Degrees, Equivalent Experience in Pupil Personnel Services, Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist, Experience Equivalent to One Year of Supervised Professional Experience, and Unprofessional Conduct

SECTIONS AFFECTED: Sections 1805, 1806, 1833.3, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1855, 1856, 1857, and 1858 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to: 1) establish a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant takes a different version of the examination; 2) resolve the discrepancy between 16 CCR Section 1806 and Section 1833.3, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application; 3) set forth non-substantive changes that would restructure the Board's 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; 4) reference "educational institution approved by the board..." under BPC Section 4989.20 (SB 1475); 5) repeal and/or delete outdated grandparenting provisions; and 6) delete provisions under the Board's regulations that will instead fall under BPC 4989.54 (SB 1475).

FACTUAL BASIS/RATIONALE

This proposal is reasonably necessary in that it restructures and clarifies the Board's regulations, removes duplicative, outdated, or unnecessary language, and sets forth provisions that are in line with SB 1475.

UNDERLYING DATA

None

BUSINESS IMPACT

The proposed regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either 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 proposed regulation.

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BOARD OF BEHAVIORAL SCIENCES
Proposed Language

Title 16, California Code of Regulations
Sections 1805, 1806 and 1833.3

Amend § 1805 as follows:

(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.

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.14, Business and Professions Code.
Reference: Sections 4980.30, 4980.40, 4986.20, 4987.6, 4992, and 4996.2, Business and Professions Code.

Amend § 1806 as follows:

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;~~ or 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;~~ or letter.

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

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.30, 4980.35, 4984.7, 4986.20, 4986.80, 4992, and 4996.3, Business and Professions Code.

Repeal § 1833.3 as follows:

~~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.~~

**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE**

Title 16, California Code of Regulations

Amend §1816.

~~(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).¹~~

~~(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).²~~

~~(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).³~~

~~(d) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).⁴~~

~~(e) The annual renewal fee for intern registration is seventy-five dollars (\$75.00).⁵~~

~~(f) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).⁶~~

~~(g) The fee for associate clinical social worker extension is fifty dollars (\$50.00).⁷~~

~~(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).⁸~~

~~(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).⁹~~

~~(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).¹⁰~~

(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).

¹ Outdated.

² Moved to (f) and updated.

³ Moved to (e) and updated.

⁴ Moved to (g)

⁵ Remains in (a)

⁶ Remains in (b)

⁷ Remains in (c)

⁸ Remains in (h)

⁹ Moved to (j)

¹⁰ Moved to (i)

(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).

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4986.80, 4994.1, 4996.6, 4996.18, and 4996.22, Business and Professions Code.

Amend §1816.1.

~~(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).¹¹~~

~~(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).¹²~~

~~(c) On or after July 1, 1998, the fee for issuance of the initial educational psychologist license shall be eighty dollars (\$80.00).¹³~~

~~(d) The fee for issuance of the initial intern registration shall be seventy-five dollars (\$75.00).¹⁴~~

~~(e) The fee for issuance of the initial associate clinical social worker registration shall be seventy-five dollars (\$75.00).¹⁵~~

(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).

Note: Authority Cited: Sections 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4994.1, 4996.3, and 4996.18, Business and Professions Code.

Amend §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).¹⁶~~

¹¹ Moved to (c) and updated.

¹² Moved to (e) and updated.

¹³ Moved to (d) and updated.

¹⁴ The board does not charge such a fee.

¹⁵ The board does not charge such a fee.

¹⁶ Re-examination fee is the same as the examination fee – not necessary.

Note: Authority Cited: 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4996.3(a), and 4996.4, Business and Professions Code.

Amend §1816.4.

- (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).¹⁷

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.3, Business and Professions Code.

Amend §1816.6.

- (a) The fee for issuance or renewal¹⁸ 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).~~¹⁹
- (b) The fee for issuance or renewal²⁰ of the an inactive licensed clinical social worker license shall be fifty dollars (\$50.00) ~~except for the period of time in subsection (e).~~²¹
- (c) The fee for issuance or renewal²² of the an inactive licensed educational psychologist license shall be forty dollars (\$40.00) ~~except for the period of time in subsection (f).~~²³
- ~~(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).~~²⁴
- (d) The fee for renewal of a delinquent inactive marriage and family therapist license is sixty-five dollars (\$65.00).
- (e) The fee for renewal of a delinquent inactive licensed clinical social worker license is fifty dollars (\$50.00).
- (f) The fee for renewal of a delinquent inactive licensed educational psychologist license is forty dollars (\$40.00).²⁵

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.8, 4986.82, and 4997, Business and Professions Code.

¹⁷ Changed to better reflect the purpose of the fee and proposed application title.

¹⁸ § 4984.8 states inactive licensees pay a biennial fee of half the active renewal fee.

¹⁹ Outdated.

²⁰ § 4997 states inactive licensees pay a biennial fee of half the active renewal fee.

²¹ Outdated.

²² § 4986.82 states inactive licensees pay a biennial fee of half the active renewal fee.

²³ Outdated.

²⁴ Outdated.

²⁵ § 1816.7 specifies delinquent license fees in general. Specified here in order to restructure and clarify.

**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
Title 16, California Code of Regulations**

*Amend Sections 1854, 1856, 1858
Delete Sections 1855, 1857*

ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS

§1854.

~~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.

Authority cited: Section ~~4980.60~~ 4990.20(a), Business and Professions Code. Reference: Section ~~4986.20(a)~~ 4989.20(a)(1), Business and Professions Code.

§1855.

~~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.

(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.~~

Authority cited: Section 4980.60 4990.20(a), Business and Professions Code. Reference: Section 4986.20 4989.30(e), Business and Professions Code.

§1857.

~~(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.~~

§1858.

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.~~

Authority cited: Section ~~4987~~ 4989.18, Business and Professions Code. Reference: Sections ~~730, 4986.70~~ 4989.54, ~~4986.71,~~ and ~~4987~~ 4989.18, Business and Professions Code; and Section ~~11166~~, Penal Code, and Section ~~15630~~, Welfare and Institutions Code.

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AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) has proposed modifications to the text of Sections 1805 and 1816.6 in Title 16 of the California Code of Regulations which were the subject of a regulatory hearing on November 16, 2006. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before January 12, 2007 to the following:

Contact Person: Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd Suite S200
Sacramento CA 95834
Telephone: (916) 574-7836
Fax: (916) 574-8625
Email: Justin_Sotelo@dca.ca.gov

DATED: December 20, 2006

Paul Riches, Executive Officer

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BOARD OF BEHAVIORAL SCIENCES
Modified Text

Changes to the originally proposed language are shown by double underline for new text and double strikethrough for deleted text.

(1) Amend Section 1805 of Division 18 of Title 16 of the California Code of Regulations to read 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.

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.14, Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4986.20, 4987.6, 4992, and 4996.2, Business and Professions Code.

(2) Amend Section 1806 of Division 18 of Title 16 of the California Code of Regulations to read 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;~~ or 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;~~ or letter.

(c) The applicant fails to sit for the standard written examination within one (1) year after being notified of ~~eligibility;~~ or 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)~~ 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, including any fees required, and current requirements.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.30, 4980.35, 4984.7, 4986.20, 4986.80, 4992, and 4996.3, Business and Professions Code.

(3) Section 1833.3 of Division 18 of Title 16 of the California Code of Regulations is repealed:

~~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.~~

BOARD OF BEHAVIORAL SCIENCES
Modified Text

Changes to the originally proposed language are shown by double underline for new text and double strikethrough for deleted text.

Amend §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).

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4986.80, 4994.1, 4996.6, 4996.18, and 4996.22, Business and Professions Code.

Amend §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).

Note: Authority Cited: Sections 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4994.1, 4996.3, and 4996.18, Business and Professions Code.

Amend §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).~~

Note: Authority Cited: 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4996.3(a), and 4996.4, Business and Professions Code.

Amend §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).~~

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4984.7, 4986.80, and 4996.3, Business and Professions Code.

Amend §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).~~

(d) The delinquency fee for renewal of a delinquent an expired inactive marriage and family therapist license is sixty-five dollars (\$65.00).

(e) The delinquency fee for renewal of a delinquent an expired inactive licensed clinical social worker license is fifty dollars (\$50.00).

(f) The delinquency fee for renewal of a delinquent an expired inactive licensed educational psychologist license is forty dollars (\$40.00).

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4984.8, 4986.82, and 4997, Business and Professions Code.

BOARD OF BEHAVIORAL SCIENCES
Modified Text

Amend §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.

Authority cited: Section ~~4980.60~~ 4990.20(a), Business and Professions Code. Reference: Section ~~4986.20(a)~~ 4989.20(a)(1), Business and Professions Code.

~~Repeal §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.~~

Amend §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.~~

Authority cited: Section ~~4980.60~~ 4990.20(a), Business and Professions Code. Reference: Section ~~4986.20~~ 4989.30(e), Business and Professions Code.

Repeal §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.~~

Amend §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.~~

Authority cited: Section ~~4987~~ 4989.18, Business and Professions Code. Reference: Sections ~~730, 4986.70~~ 4989.54, ~~4986.71,~~ and ~~4987~~ 4989.18, Business and Professions Code; and Section ~~11166~~, Penal Code, and Section ~~15630~~, Welfare and Institutions Code.

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BOARD OF BEHAVIORAL SCIENCES

FINAL STATEMENT OF REASONS

Hearing Date: November 16, 2006

Subject Matter of Proposed Regulations: Applications, Abandonment of Application, Re-Examination, Renewal Fees, Initial License and Registration Fees, Written Examination and Re-Examination Fees, Examination Application Fees, Inactive License Fees, Equivalent Degrees, Equivalent in Pupil Personnel Services, Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist, Experience Equivalent to One (1) Year of Supervised Professional Experience and Unprofessional Conduct

Section(s) Affected: Title 16, California Code of Regulations Section 1805, 1806, 1833.3, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1855, 1856, 1857, and 1858

The Notice of Availability of Modified Text and the modified text were made available to the public from December 20, 2006 to January 12, 2007. There were no further modifications after the 15-day comment period.

Updated Information

The Initial Statement of Reasons is included in the file (Tab II). The information contained therein is updated and the proposed text modified as follows:

- Section 1805 (b) was amended to add, "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." The modification would allow the Board the ability to allow an applicant to retake an examination sooner for reasons beyond their control.
- Section 1816.6 (d) was amended to add "...delinquency..." The modification clarified that delinquency fees are paid, in addition to renewal fees for renewal of an expired license.
- Section 1816.6 (e) was amended to add "...delinquency..." The modification clarified that delinquency fees are paid, in addition to renewal fees for renewal of an expired license.
- Section 1816.6 (f) was amended to add "...delinquency..." The modification clarified that delinquency fees are paid, in addition to renewal fees for renewal of an expired license.
- Section 1816.6 (d) was amended to change "...a delinquent..." to "...an expired..." The modification clarified that delinquency fees are paid, in addition to renewal fees for renewal of an expired license.
- Section 1816.6 (e) was amended to change "...a delinquent..." to "...an expired..." The modification clarified that delinquency fees are paid, in addition to renewal fees for renewal of an expired license.
- Section 1816.6 (f) was amended to change "...a delinquent..." to "...an expired..." The modification clarified that delinquency fees are paid, in addition to renewal fees for renewal of an expired license.

Local Mandate

The proposed regulations do not impose any mandate on local agencies or school districts.

Business Impact

Section 1805 – Applications

Before computerized exams, the Board utilized a “final filing date” for applications to be received by the Board 90 days before the examination date to give them time to review all the applications and let the applicant know if he or she qualified to take the examination. These 90 days were not considered a waiting period for applicants, but rather a period for the Board to determine applicants’ eligibility. Current regulations provide for a 90-day cutoff period, but the existing practice of the Board is the 180-day waiting period for applicants. This proposal would continue to allow applicants to take an examination every 180 days in order to make certain that they take a different version of the examination as required. Therefore, this proposal would have no impact to businesses, as it would not change the waiting period to retake an examination and would result in no economic or fiscal impact to anyone.

Sections 1806 and 1833.3 – Abandonment of Application and Re-examinations

There would be no additional costs to businesses, but instead this would benefit all applicants who need to retake examinations by giving them a clearer understanding of how to avoid abandonment of their applications, possibly resulting in fewer abandoned applications and thus saving time of board staff and applicant fees in resubmission of new applications.

Sections 1816, 1816.1, 1816.2, 1816.4, 1816.6 - Fees

None of the proposed change results in any increase or decrease of fees, so there would be no impact to businesses, applicants or licensees with these proposed changes and, therefore, would result in no economic or fiscal impact to anyone.

Sections 1854, 1855, 1856, 1857, and 1858

These sections cover proposed regulatory changes that are technical and/or editorial in nature, in order to align them with statutory changes proposed under SB 1475 (Chapter 659, Statutes of 2006) for Licensed Educational Psychologists (LEPs), and to repeal outdated grand parenting provisions. There would be no impact businesses, consumers, applicants, or licensees because of these changes.

Consideration of Alternatives

Section 1805 – Applications

This proposal would remove language pertaining to the administration of the oral examination, which is no longer used by the Board, and to examinations given before computerized exams. It would add language that is relevant to current computerized exams. Not making these changes would keep in outdated language and would not be useful toward keeping the Board’s regulations current and providing clear language to applicants.

Sections 1806 and 1833.3 – Abandonment of Application and Re-examinations

Amending these regulations would offer greater clarity and consistency to all applicants who are faced with either taking or re-taking an examination within the proper period to avoid abandonment of their applications. Not amending these regulations would leave interpretation of two different periods available for candidates, leading to confusion and possibly unintentional abandonment of their applications.

Sections 1816, 1816.1, 1816.2, 1816.4, 1816.6 – Fees

The proposed changes are intended to provide greater clarity, improve structure, and improve consistency with the Board's current fee language. It would be most feasible to amend these regulations, because to not do so would keep in the duplicative, outdated, and unnecessary language that potentially would be more difficult for applicants, licensees, registrants, as well as Board staff, to understand.

Sections 1854, 1855, 1856, 1857, and 1858

These sections cover proposed regulatory changes that are technical and/or editorial in nature. To not amend the regulations to allow the changes requested would not be feasible, as they would not be aligned with the statutory changes proposed under SB 1475 (Chapter 659, Statutes of 2006) for Licensed Educational Psychologists (LEPs). Leaving outdated grand parenting provisions that no longer apply to applicants in the Behavioral Science fields would not be productive toward keeping the Board's regulations current and unambiguous to applicants and licensees.

Objections or Recommendations/Responses

The following recommendations and/or objections were made regarding the proposed action during the 45-day comment period:

1. Recommendation that the proposed language provide the Board the ability to allow an applicant a lesser period to retake an examination for reasons beyond their control.

This recommendation was accepted and the proposed language was modified as follows to accommodate it:

- Section 1805 (b) was amended to add, "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."
2. Recommendation to change the application form identified in section 1816.4 to "MFT Request for Examination" as it is referred to in other parts of the licensing laws and regulations.

This recommendation was rejected. The Board disagreed that the application needs to "bear the same title" in this section.

3. Objection to the Board not charging a delinquency fee for a delinquent inactive license.

This Objection was noted. The proposed language was modified in order to clarify that delinquency fees are paid, in addition to renewal fees for an expired license. The proposed language was modified as follows to accommodate it:

- Section 1816.6 (d) was amended to add "...delinquency..."
- Section 1816.6 (e) was amended to add "...delinquency..."
- Section 1816.6 (f) was amended to add "...delinquency..."
- Section 1816.6 (d) was amended to change "...a delinquent..." to "...an expired..."
- Section 1816.6 (e) was amended to change "...a delinquent..." to "...an expired..."
- Section 1816.6 (f) was amended to change "...a delinquent..." to "...an expired..."

There were no comments received during the 15-day comment period.

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- I. Notice of Proposed Changes and Originally Proposed Language
- II. Initial Statement of Reasons
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- IV. Final Statement of Reasons
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**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
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
Fax: 916-574-8625
Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7830
Fax: 916-574-8625
Email: Christy_Berger@bbs.ca.gov

WEBSITE ACCESS

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

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**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: November 16, 2006

SUBJECT MATTER OF PROPOSED REGULATIONS: Delinquent Fees, Board Approved Providers, Renewal of Expired Approval, and Time Limit for Renewal of Approval After Expiration; New Approval

SECTIONS AFFECTED: Sections 1816.7, 1887.7, 1887.75, and 1887.77 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to: 1) add a delinquency fee for continuing education provider approval in order to reduce the processing of new provider applications; 2) prevent a provider from applying for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership; 3) prevent courses from being presented for continuing education credit when a provider's approval is expired; 4) set forth requirements for renewal of an expired approval; and 5) set forth a one-year time limit for renewal of an expired approval.

FACTUAL BASIS/RATIONALE

Staff research indicated that nearly one-third of the new provider applications that it receives are from providers whose approvals have been cancelled by failing to renew on time. Therefore, this proposal is reasonably necessary, as it would: reduce the number of new provider applications received each year; set forth a reasonable time period for renewal of an expired approval, establish a delinquency fee which would encourage providers to not let their approval expire, and explicitly state that the Board is not able to grant continuing education credit to a licensee when a provider's approval is expired.

UNDERLYING DATA

None

BUSINESS IMPACT

The proposed regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either 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 proposed regulation.

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**Board of Behavioral Sciences
Proposed Language**

**Title 16, California Code of Regulations
Sections 1816.7, 1887.7, 1887.75, and 1887.77**

Amend

§1816.7 Delinquent-License Fees

(a) The delinquency fee for the marriage and family therapist license shall be sixty-five dollars (\$65.00) except for the period of time in subsection ~~(d)~~ (e).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection ~~(e)~~ (f).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection ~~(f)~~ (g).

(d) The delinquency fee for the continuing education provider approval shall be one hundred dollars (\$100).

~~(d)~~ (e) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the marriage and family therapist license shall be twenty-five dollars (\$25.00).

~~(e)~~ (f) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed clinical social worker license shall be twenty-five dollars (\$25.00).

~~(f)~~ (g) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed educational psychologist license shall be twenty-five dollars (\$25.00).

NOTE: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4984.7, 4986.80, and 4996.6, Business and Professions Code.

Amend

§1887.7 Board Approved Providers

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 37A-633, new 5/97) hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) 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.

~~(e)~~ (d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

~~A provider approval which is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.~~

(e) When a provider's approval is expired, no course may be presented for continuing education credits for licensees of the Board of Behavioral Sciences.

(d) (f) Board-approved provider status is numbers are non-transferable.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Adopt

§1887.75 Renewal of Expired Approval

A provider approval that has expired may be renewed at any time within one (1) year after its expiration upon all of the following:

(a) Filing an application for renewal on a form prescribed by the board.

(b) Payment of the renewal fee in effect on the last regular renewal date.

(c) Payment of the delinquency fee in effect on the last regular renewal date.

(d) Submission of a letter certifying that no courses were presented while the provider's approval was expired. If a course was presented during that time, the letter shall certify that all participants have been notified that the course was not valid for continuing education credit for licensees of the Board of Behavioral Sciences.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Adopt

§1887.77 Time Limit for Renewal of Approval After Expiration; New Approval

A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

(a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation.

(b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) has proposed modifications to the text of Sections 1816.7, 1887.7, and 1887.75 in Title 16 of the California Code of Regulations which were the subject of a regulatory hearing on November 16, 2006. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before January 12, 2007 to the following:

Contact Person: Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd Suite S200
Sacramento CA 95834
Telephone: (916) 574-7836
Fax: (916) 574-8625
Email: Justin_Sotelo@dca.ca.gov

DATED: December 20, 2006

Paul Riches, Executive Officer

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Board of Behavioral Sciences
Modified Text

Changes to the originally proposed language are shown by double underline for new text and double strikethrough for deleted text.

(1) Amend Section 1816.7 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1816.7 ~~Delinquent License~~ Delinquency Fees

(a) The delinquency fee for the marriage and family therapist license shall be sixty-five dollars (\$65.00) except for the period of time in subsection ~~(d)~~ (e).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection ~~(e)~~ (f).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection ~~(f)~~ (g).

(d) The delinquency fee for the continuing education provider approval shall be one hundred dollars (\$100).

~~(d)~~ (e) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the marriage and family therapist license shall be twenty-five dollars (\$25.00).

~~(e)~~ (f) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed clinical social worker license shall be twenty-five dollars (\$25.00).

~~(f)~~ (g) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed educational psychologist license shall be twenty-five dollars (\$25.00).

NOTE: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4984.7, 4986.80, and 4996.6, Business and Professions Code.

(2) Amend Section 1887.7 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1887.7 Board Approved Providers

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 37A-633, new 5/97) hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) 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.

~~(c)~~ (d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

~~A provider approval which is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.~~

(e) When a provider's approval is expired, no course may be presented for continuing education credits for licensees of the Board of Behavioral Sciences.

~~(d)~~ (f) Board-approved provider status is numbers are non-transferable.

(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

(3) Adopt Section 1887.75 Division 18 of Title 16 of the California Code of Regulations to read as follows:

1887.75 Renewal of Expired Approval

A provider approval that has expired may be renewed at any time within one (1) year after its expiration upon all of the following:

(a) Filing an application for renewal on a form prescribed by the board.

(b) Payment of the renewal fee in effect on the last regular renewal date.

(c) Payment of the delinquency fee in effect on the last regular renewal date.

(d) Submission of a letter ~~certifying~~ stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall ~~certify~~ state that all participants have been notified that the ~~course was not valid for continuing education credit for licensees of the Board of Behavioral Sciences~~ provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

(4) Adopt § 1887.77 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1887.77 Time Limit for Renewal of Approval After Expiration; New Approval

A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

(a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation.

(b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

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BOARD OF BEHAVIORAL SCIENCES

FINAL STATEMENT OF REASONS

Hearing Date: November 16, 2006

Subject Matter of Proposed Regulations: Delinquent License Fees, Board-Approved Providers, Renewal of Expired Approval, and Time Limit for Renewal of Approval After Expiration; New Approval

Section(s) Affected: Title 16, California Code of Regulations Section 1816.7, 1887.7, 1887.75 and 1887.77

The Notice of Availability of Modified Text and the modified text were made available to the public from December 20, 2006 to January 12, 2007. There were no further modifications after the 15-day comment period.

Updated Information

The Initial Statement of Reasons is included in the file (Tab II). The information contained therein is updated and the proposed text modified as follows:

- Section 1816.7 was amended to change the section title “Delinquent Fees” to “Delinquency Fees.” The modification provides consistency of the term ‘delinquency’ throughout the section.
- Section 1887.7 was amended to add subdivision (g) requiring the Board to send a renewal notice, at least thirty (30) days prior to a provider’s expiration, to the address of record for such provider. The modification establishes the Board’s responsibility to send renewal notices.
- Section 1887.75 (d) was amended to change certify to state and certifying to stating. The modification clarifies the applicant is stating information and not providing certified documentation.
- Section 1887.75 (d) was amended to delete “...course was not valid for continuing education credit for licensees of the Board of Behavioral Sciences...” The section was also amended to add “...provider’s approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.” The modification advises the participant that continuing education credit will be granted if the provider renews its approval status within one year of its expiration.

Local Mandate

The proposed regulations do not impose any mandate on local agencies or school districts.

Business Impact

Section 1816 – License Fees

Presently, the Board has approximately 2,700 active CE providers. Board staff research indicates, this delinquency fee would affect nearly one-third, or approximately

900 of the new CE provider applications it presently receives, so the delinquent fee of \$100 imposed on CE providers who are late in renewing, could initially impact up to approximately 450 CE providers each year for both years of the first two-year renewal cycle:

Potential Impact – \$100 Delinquency Fee <i>2 Year Renewal Cycle</i>					
	2007/08	2008/09	2009/10	2010/11	2011/12 &
Delinquent	450	450	25	25	8 - 10
Delinquent Fees (x)	\$45,000	\$45,000	\$2,500	\$2,500	\$800 - \$1,000

This proposal would affix a \$100 fee to the CE providers who are delinquent in renewing their approvals in addition to the \$200 renewal fee, and could be expected to have the greatest effect on CE providers for the first two years until all of them go through the renewal process. As the CE providers begin to become more conscientious of the delinquency fee and thus to renewing on time, the delinquency fee should drop off significantly. It can be anticipated for the number of delinquencies to decrease correspondingly, as the delinquent fee becomes a deterrent to late renewals. The first two years would have the greatest impact, but from that point on, the impact would decrease and become minimal.

Sections 1887.7, 1887.75, & 1887.77 – Board Approved Providers, Renewals, & Time Limits for Renewals

Under these proposed regulations, existing CE providers would be able to apply for a new approval number only if it is after one year of the existing approval's expiration date, unless the CE provider has gone through a change of ownership. If it is within one year of the existing approval's expiration date however, with no change in ownership, the CE provider must apply for a renewal and pay the \$100 delinquent fee along with their renewal fee. The impact to CE providers will be the additional cost of the delinquent fee imposed with submitting a delinquent renewal.

Consideration of Alternatives

Section 1816 – License Fees

Adding a delinquent fee is a logical solution to reduce the volume of delinquent CE provider applications. The Board could begin renewing delinquent providers without a delinquent fee instead of requiring a new application, but with no delinquent fee, there would be no incentive for CE providers to renew on time. Alternatively, the Board could impose the delinquent fee but continue to require a new application for delinquent CE providers. This would cut back on delinquencies, but there would still be more new CE applications to process than necessary. Both components concurrently provide the best protection for licensees and the public by reducing renewal delinquencies from CE providers.

Sections 1887.7, 1887.75, & 1887.77 – Board Approved Providers, Renewals, & Time Limits for Renewals

Taking away the ability to provide continuing education courses under an expired approval would provide incentive to CE providers to renew on time. Keeping CE providers current will protect all licensees from unapproved CE providers and ensure the courses the licensees take will qualify for continuing education credit.

Objections or Recommendations/Responses

The following recommendations and/or objections were made regarding the proposed action during the 45-day comment period:

1. Recommendation to change “Delinquent Fees” to “Delinquency Fees” as the fees are referred to as ‘delinquency fees’ throughout the section.

This recommendation was accepted and the proposed language was modified as follows to accommodate it:

- Section 1816.7 was amended to change the section title “Delinquent Fees” to “Delinquency Fees.”
2. Recommendation that the proposed language specifically state when the Board will provide renewal notices to the providers.

This recommendation was accepted and the proposed language was modified as follows to accommodate it:

- Section 1887.7 was amended to add “(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.”
3. Recommendation that the proposed language is modified indicating the provider forwards a letter that ‘states’ instead of ‘certifies’ information to the participants.

This recommendation was accepted and the proposed language was modified as follows to accommodate it:

- Section 1887.75 (d) was amended to change “certify” to “state” and “certifying” to “stating.”
4. Recommendation that the proposed language is modified to advise the participant that continuing education credit will be granted if the provider renews its approval status within one year of its expiration.

This recommendation was accepted and the proposed language was modified as follows to accommodate it:

- Section 1887.75 (d) was amended to delete “...course was not valid for continuing education credit for licensees of the Board of Behavioral Sciences...”
- Section 1887.75 (d) was amended to add “...provider’s approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.”

There were no comments received during the 15-day comment period.

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We're here for You!

CAMFT is dedicated to the advancement and understanding of the profession of marriage and family therapy as both an art and a science, to maintaining high standards of professional ethics and qualifications, and to expanding the recognition and utilization of the profession.

California Association
of Marriage and
Family Therapists

7901 Raytheon Road
San Diego, CA 92111
P: (858) 292-2638
F: (858) 292-2666
www.camft.org

BOARD OF
BEHAVIORAL SCIENCES

2006 OCT 19 PM 12:00

October 20, 2006

Justin Sotelo
Christy Berger
Board of Behavioral Sciences
1625 North Market Street, Suite S200
Sacramento, CA 95834
Justin_Sotelo@dca.ca.gov
Christy_Berger@bbs.ca.gov

RE: Proposed Regulations Regarding Requirements for Supervisors, CCR 1833.1
Proposed Regulations Regarding Delinquency Fees, CCR 1816.7
Proposed Regulations Regarding Board Approved Providers, CCR1887.7
and 1887.75
Proposed Regulations Regarding Applications, CCR 1805
Proposed Regulations Regarding Examination Application Fees, CCR 1816.4
Proposed Regulations Regarding Inactive License Fees, CCR 1816.6

Dear Justin and Christy:

We appreciate the opportunity to comment on the various proposed changes to the Regulations of the Board of Behavioral Sciences. Most of our recommendations are intended to clarify the intent and understanding of the Regulations.

Requirements for Supervisors, CCR 1833.1(a)(6)(A)

We recommend changes as follows: "Persons licensed by the Board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. . ."

Since supervisors are not licensed as "supervisors" by the Board, we request the clarification provided above. Additionally, we believe that the CE requirement for supervisors should be tied to the renewal period and not to a two year period. Further, such a change would facilitate audits to determine whether or not the requirement has been complied with.

CCR 1833.1(c)

We recommend changes as follows: "A supervisor shall give at least one (1) week's prior written notice to a trainee or intern of the supervisor's intent not to sign for any further hours of experience for such person. . ."

These suggested changes would clarify intent and accurately reflect that a supervisor signs for hours, but does not certify them.

CCR 1833.1(e)

We recommend changes as follows: "In any setting that is not a private practice, a supervisor shall evaluate the site(s) when a trainee or intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provide(s) experience that is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in ~~this~~ section. . . ."

Number (1) above does not identify the intended "scope," e.g., scope of practice or license, scope of competence, etc. Since "this section" does not provide experience requirements, the appropriate section(s) should be identified or (2) should be omitted.

Board Approved Providers, CCR1887.7

We recommend that the regulations specifically state that the Board has a responsibility to send renewal notices to Board Approved Providers of Continuing Education that would specify as follows:

"The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider."

CCR 1887.75(d)

We recommend changes as follows: "Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the ~~course was not valid for continuing education credit for licensees of the Board of Behavioral~~ provider's approval status at the time of the completion of the continuing education was expired.

We would also recommend that this letter contain a sentence something like: The letter shall also advise the participant that the continuing education hours will not be disallowed by the BBS solely because of the expired approval status of the provider.

We have concerns about the Board disallowing continuing education that was gained in good faith by a licensee from a provider that he/she believed to be, and who he/she may even have verified with the BBS to be, an appropriately approved CE provider. The educational information delivered and acquired would have been the same had it been taken from a provider whose approval status was current vs. a provider whose approval status expired. The provider should suffer the consequences, not the licensee who acted

in good faith and relied upon the representations made by the provider in advertising (BBS provider number displayed in CE promotional information) and otherwise.

Applications, CCR 1805(b)

We have concerns about the proposal to require a 180-day waiting period between examinations for any applicant retaking an examination. The Board needs to have the latitude to allow for a lesser period of time when there may be reasons for such that are beyond the control of the applicant. For example, if an applicant has taken an exam that proved to be faulty but not due to the fault of the examinee, that person should not be expected to wait 180 days to take a new exam. Such person has already been disadvantaged and should be permitted to take the examination as soon as a new version of the exam is available.

Examination Application Fees, CCR 1816.4

The application form identified in this section should bear the same title used for the same form in other parts of the licensing law and regulations. Elsewhere, this application is referred to as the "MFT Request for Examination."

Inactive License Fees, CCR 1816.6

Regarding (d), (e), and (f) of this section, we are curious why there is no delinquency fee charged for the delinquent inactive license?

Delinquency Fees, CCR 1816.7

The title of this section should be changed from Delinquent Fees to "Delinquency Fees" since the fees are referred to as delinquency fees throughout the section.

We respectfully request that the Board give thoughtful consideration to our proposed changes, requests for consideration, and questions with regard to these various proposed regulations. We thank you for considering our recommendations to clarify the regulations and to make them more understandable.

Sincerely,



Mary Riémersma
Executive Director

MR/

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- I. Notice of Proposed Changes and Originally Proposed Language
- II. Initial Statement of Reasons
- III. Notice of Availability of Modified Language and Modified Text, dated December 20, 2006
- IV. Final Statement of Reasons
- V. Written Comments

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**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 **Mission Inn, 3649 Mission Inn Avenue, Riverside, CA 92501** on **February 15, 2007** 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 **February 14, 2007** 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, 4990.14, and 4996.22 of the Business and Professions Code, and to implement, interpret, or make specific Sections 29, 32, 4980.54, and 4996.22 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

**Amend Section 1887.2 – Exceptions From Continuing Education Requirements
Amend Section 1887.3 – Continuing Education Course Requirements**

The Board governs the practice of marriage and family therapy, licensed clinical social work, and licensed educational psychology. In order to continuously improve the competence of licensed professionals, the aforementioned statutes require that licensees accrue continuing education (CE) hours during each license renewal period. Section 1887.3 sets forth the specific requirements with respect to the CE hours, course content, etc., while Section 1887.2 sets forth exceptions from the standard CE requirements.

With respect to the context of this proposal, Section 1887.2(a) requires that an initial licensee complete at least eighteen (18) hours of continuing education (CE) prior to his or her first license renewal, of which no more than six (6) hours may be earned through self-study courses. Section 1887.3(a) requires that a licensee complete at least thirty-six (36) hours of CE during each subsequent license renewal period, of which no more than twelve (12) hours may be earned through self-study courses. This proposal would change the maximum hour limitations, with respect to CE hours earned through self-study courses, to nine (9) and eighteen (18), respectively.

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 allow licensees to earn additional hours of CE credit through self-study courses.

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
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
Fax: 916-574-8625
Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7837
Fax: 916-574-8625
Email: Christy_Berger@dca.ca.gov

WEBSITE ACCESS

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

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**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: February 15, 2007

SUBJECT MATTER OF PROPOSED REGULATIONS: Exceptions From Continuing Education Requirements; Continuing Education Course Requirements

SECTIONS AFFECTED: Sections 1887.2 and 1887.3 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to reduce limitations with respect to the maximum amount of continuing education (CE) hours that a licensee can earn through self-study courses during his/her initial license period and all subsequent license renewal periods.

The Board currently allows a licensee to earn up to six (6) hours of CE through self-study courses during his/her initial license period and up to twelve (12) hours of CE through self-study courses during all subsequent license renewal periods. This proposal would change those maximum hour limitations to nine (9) and eighteen (18), respectively.

FACTUAL BASIS/RATIONALE

This proposal is reasonably necessary in order to allow licensees to earn additional hours of CE credit through self-study courses.

UNDERLYING DATA

None

BUSINESS IMPACT

This proposal will not have a significant adverse economic impact on businesses. This proposal would allow licensees to earn additional hours of CE credit through self-study courses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either 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 proposed regulation.

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BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
Title 16, California Code of Regulations (CCR)
Sections 1887.2 and 1887.3

Amend CCR Sections 1887.2 and 1887.3 as follows:

§1887.2 – Exceptions from Continuing Education Requirements

(a) An initial licensee shall complete at least eighteen (18) hours of continuing education, of which no more than ~~six (6)~~ nine (9) hours may be earned through self-study courses, prior to his or her first license renewal.

(b) A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 4984.8 and 4997 of the Code.

(c) A licensee may submit a written request for exception from the continuing education requirement for any of the reasons listed below. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception, whether the exception was granted. If the request for exception is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:

(1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability must be verified by a licensed physician or psychologist with special expertise in the area of the disability. Verification of the disability must include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability would hinder the licensee from completing the continuing education requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4996.22, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

History :

1. New section filed 5-19-97; operative 5-19-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 21).

2. Change without regulatory effect amending subsection (b) filed 4-19-99 pursuant to section 100, Title 1, California Code of Regulations (Register 99, No. 17).

§1887.3 – Continuing Education Course Requirements

(a) A licensee shall accrue at least thirty-six (36) hours of continuing education courses as defined in Section 1887.4. A licensee may accrue no more than ~~twelve (12)~~ eighteen (18) hours of continuing education earned through self-study courses during a single renewal period.

(b) Pursuant to Section 29 of the Code, a licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above.

Equivalent alcohol and other chemical substance dependency courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(c) Pursuant to Section 32 of the Code, a licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees.

Equivalent HIV and AIDS courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(d) Any person renewing his or her license on and after January 1, 2004 shall have completed not less than six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.

(e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.

(f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.

(g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 29, 32, 4980.54 and 4996.22, Business and Professions Code.

History:

1. New section filed 5-19-97; operative 5-19-97 96 pursuant to Government Code section 11343.4(d) (Register 97, No. 21).
2. New subsection (d) and subsection relettering filed 12-4-01; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 49).

BOARD OF BEHAVIORAL SCIENCES
FINAL STATEMENT OF REASONS

Hearing Date: February 15, 2007

Section(s) Affected: Title 16, California Code of Regulations Sections 1887.2 and 1887.3

Updated Information

The Initial Statement of Reasons is included in the file (Tab II). There were no changes to the proposed regulations.

Local Mandate

The proposed regulations do not impose any mandate on local agencies or school districts.

Business Impact

The Board has determined that this action will not have a significant adverse economic impact on business. This proposal would allow licensees to earn additional hours of continuing education credit through self-study courses.

Consideration of Alternatives

The Board has determined that no reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be either more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Objections or Recommendations/Responses

The following objection was made regarding the proposed action during the 45-day comment period:

The Board received an objection to the proposed regulation that stated continuing education should require interpersonal skill development obtained in an environment which allows for feedback and interaction from qualified instructors and other colleagues. The proposed change to the regulation to increase self-study hours, i.e., on-line courses from one-third to half of the total number of hours required for the renewal of licensure would not serve the interests of the public or the licensed professionals.

This objection was rejected because: An on-line course does not fall under the Board's definition of a 'self-study course'. A licensee could currently complete all required hours, through on-line courses of continuing education.

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Justin Sotelo/BBS/DCANotes
12/28/2006 09:16 AM

To Leslie77@aol.com
cc
bcc
Subject Re: Fwd: BBS Subscriber - Notification of Website Updates

Ms. Preston:

Thank you for your comment and for your support.

Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd., Suite S200
Sacramento, CA 95834
www.bbs.ca.gov
(916) 574-7836
(916) 574-8625 fax

Leslie77@aol.com



Leslie77@aol.com
12/27/2006 08:01 AM

To Justin_Sotelo@dca.ca.gov
cc
Subject Fwd: BBS Subscriber - Notification of Website Updates

In a message dated 12/26/2006 11:26:21 A.M. Pacific Standard Time, BBS_Subscriberlist@dca.ca.gov writes:

Justin_Sotelo@dca.ca.gov

I wanted to write to support the change in regulation regarding self study hours to allow up to half of the required hours as self-study hours. This is an important option for licensed people. I support the change as well as encourage BBS to continue to provide quality assurance of self-study or on-line courses.

Leslie Preston, LCS 19034

----- Message from Board of Behavioral Sciences <BBS_Subscriberlist@dca.ca.gov> on Tue, 26 Dec 2006 11:24:58 -0800 (PST) -----

To: Leslie77@aol.com

Subject: BBS Subscriber - Notification of Website Updates

The Board's website has been updated to include the following information on the "Regulation Update" page located at: <http://www.bbs.ca.gov/whtsnew8.htm>:

Continuing Education Requirements: The Board is proposing to amend Sections 1887.2 and 1887.3 of Title 16 of the California Code of Regulations. These sections pertain to continuing education requirements for licensees and exceptions from the continuing education requirements. Currently, Section 1887.2(a) requires that an initial licensee complete at least eighteen (18) hours of continuing education (CE) prior to his or her first license renewal, of which no more than six (6) hours may be earned through self-study courses. Section 1887.3(a) requires that a licensee complete at least thirty-six (36) hours of CE during each subsequent license renewal period, of which no more than twelve (12) hours may be earned through self-study courses. This proposal would change the maximum hour limitations, with respect to CE hours earned through self-study courses, to nine (9) and eighteen (18), respectively.

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) has proposed modifications to the text of Sections:

- 1) 1833.1 and 1870 (Requirements for Supervisors)
- 2) 1816.7, 1887.7, and 1887.75 (Delinquency Fees for Continuing Education Provider)
- 3) 1805 and 1816.6 (Abandonment of Application Files, Fees, and Technical Cleanup)

in Title 16 of the California Code of Regulations which were the subject of a regulatory hearing on November 16, 2006. Copies of the modified text are available at: <http://www.bbs.ca.gov/whtsnew8.htm>. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before January 12, 2007 to the following:

Contact Person: Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd Suite S200
Sacramento CA 95834
Telephone: (916) 574-7836
Fax: (916) 574-8625
Email: Justin_Sotelo@dca.ca.gov

Justin Sotelo/BBS/DCANotes
12/28/2006 09:25 AM

To George <georgemarin@sbcglobal.net>
cc
bcc
Subject Re: Fwd: BBS Subscriber - Notification of Website Updates

George:

An on-line course would fall under category (a) in Section 1887 of the CA Code of Regulations. Self-study course is defined under category (b).

Any other questions, please let me know.

Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd., Suite S200
Sacramento, CA 95834
www.bbs.ca.gov
(916) 574-7836
(916) 574-8625 fax

§1887. DEFINITIONS

As used in this article:

(a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.

(b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).

(c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article. (d) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date. Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code. History 1. New article 8 (sections 1887-1887.12) and section filed 5-19-97; operative 5-19-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 21). 2. Editorial correction of article heading (Register 98, No. 9). 3. Amendment of subsections (a) and (b) filed 1-16-2003; operative 2-1-2003 pursuant to Government Code section 11343.4 (Register 2003, No.3). 4. Change without regulatory effect amending article heading filed 4-25-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 17).

George <georgemarin@sbcglobal.net>



George
<georgemarin@sbcglobal.net>
>
12/27/2006 09:34 AM

To justin_sotelo@dca.ca.gov
cc



Subject Fwd: BBS Subscriber - Notification of Website Updates

Hi Justin-

Do online CEU courses fall under the 'self-study' category?

Thanks,

George

--- Board of Behavioral Sciences
<BBS_Subscriberlist@dca.ca.gov> wrote:

> Date: Tue, 26 Dec 2006 11:58:01 -0800 (PST)
> To: george_n_la@yahoo.com
> From: Board of Behavioral Sciences
> <BBS_Subscriberlist@dca.ca.gov>
> Subject: BBS Subscriber - Notification of Website
> Updates
>
> The Board's website has been updated to include the
> following information on the "Regulation Update"
> page located at: <http://www.bbs.ca.gov/whtsnew8.htm>:
>
> Continuing Education Requirements: The Board is
> proposing to amend Sections 1887.2 and 1887.3 of
> Title 16 of the California Code of Regulations.
> These sections pertain to continuing education
> requirements for licensees and exceptions from the
> continuing education requirements. Currently,
> Section 1887.2(a) requires that an initial licensee
> complete at least eighteen (18) hours of continuing
> education (CE) prior to his or her first license
> renewal, of which no more than six (6) hours may be
> earned through self-study courses. Section 1887.3(a)
> requires that a licensee complete at least
> thirty-six (36) hours of CE during each subsequent
> license renewal period, of which no more than twelve
> (12) hours may be earned through self-study courses.
> This proposal would change the maximum hour
> limitations, with respect to CE hours earned through
> self-study courses, to nine (9) and eighteen (18),
> respectively.
>
> AVAILABILITY OF MODIFIED TEXT
>
> NOTICE IS HEREBY GIVEN that the Board of Behavioral
> Sciences (Board) has proposed modifications to the
> text of Sections:
>
> 1) 1833.1 and 1870 (Requirements for Supervisors)
> 2) 1816.7, 1887.7, and 1887.75 (Delinquency Fees for
> Continuing Education Provider)
> 3) 1805 and 1816.6 (Abandonment of Application
> Files, Fees, and Technical Cleanup)
>

> in Title 16 of the California Code of Regulations
> which were the subject of a regulatory hearing on
> November 16, 2006. Copies of the modified text are
> available at: <http://www.bbs.ca.gov/whtsnew8.htm>.
> Any person who wishes to comment on the proposed
> modifications may do so by submitting written
> comments on or before January 12, 2007 to the
> following:
>
> Contact Person: Justin Sotelo
> Board of Behavioral Sciences
> 1625 North Market Blvd Suite S200
> Sacramento CA 95834
> Telephone: (916) 574-7836
> Fax: (916) 574-8625
> Email: Justin_Sotelo@dca.ca.gov
>
>
>

Justin Sotelo/BBS/DCANotes
12/28/2006 09:32 AM

To "Dakota Sands" <DSands@lacdmh.org>
cc
bcc
Subject Re: Board BSC

Thank you for your comment.

Just to clarify: This proposal would not change the 36 hour CE requirement. Currently, licensees can earn up to 12 hours of CE credit (towards the 36 hour requirement) through self-study courses. If approved, this proposal would allow licensees to earn up to 18 hours of CE credit.

"Self-study course" is defined under Section 1887 of the CA Code of Regulations as:

(b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).

If you have any other comments or questions, please let me know.

Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd., Suite S200
Sacramento, CA 95834
www.bbs.ca.gov
(916) 574-7836
(916) 574-8625 fax

"Dakota Sands" <DSands@lacdmh.org>



"Dakota Sands"
<DSands@lacdmh.org>
12/27/2006 10:02 AM

To <justin_sotelo@dca.ca.gov>
cc
Subject Board BSC

Hello Justin: In receipt of the proposal amendment for renewing CEU's great let's push this thru because it's much more reasonable than the 36 hours we've been upholding to satisfy the BBSC. Thank you. DS

Justin Sotelo/BBS/DCANotes
12/28/2006 09:59 AM

To "Deborah Minowitz, MFT" <dminowitz@comcast.net>
cc
bcc
Subject Re: Proposed ammendment to Section 1887.3(a)

Ms. Minowitz:

Thank you for your comment and for your support.

Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd., Suite S200
Sacramento, CA 95834
www.bbs.ca.gov
(916) 574-7836
(916) 574-8625 fax

"Deborah Minowitz, MFT" <dminowitz@comcast.net>



"Deborah Minowitz, MFT"
<dminowitz@comcast.net>
12/27/2006 08:31 PM

To <Justin_Sotelo@dca.ca.gov>
cc
Subject Proposed ammendment to Section 1887.3(a)

I support the proposal to increase the number of CE hours allowable through self-study courses.

Thank you,

Deborah Minowitz
15810 Los Gatos Blvd.
Los Gatos, CA 95032
408/536-0994

dminowitz.com

Continuing Education Requirements: The Board is proposing to amend Sections 1887.2 and 1887.3 of Title 16 of the California Code of Regulations. These sections pertain to continuing education requirements for licensees and exceptions from the continuing education requirements. Currently, Section 1887.2(a) requires that an initial licensee complete at least eighteen (18) hours of continuing education (CE) prior to his or her first license renewal, of which no more than six (6) hours may be earned through self-study courses. Section 1887.3(a) requires that a licensee complete at least thirty-six (36) hours of CE during each subsequent license renewal period, of which no more than twelve (12) hours may be earned through self-study courses. This proposal would change the maximum hour limitations, with respect to CE hours earned through self-study

courses, to nine (9) and eighteen (18), respectively.

Justin Sotelo/BBS/DCANotes
01/04/2007 01:31 PM

To dsalomon951@aol.com
cc
bcc
Subject Re: CE hours

David:

Sorry for the delay in getting back to you.

These proposed changes pertain specifically to licensees.

For an initial licensing period, licensees are required to complete 18 hrs of CE (currently, no more than 6 hrs may be earned through self-study; if the proposal gets approved, this will change to no more than 9 hrs of self-study).

For every other 2-yr license renewal period after that, 36 hrs of CE are required (currently, no more than 12 hrs may be earned through self-study; if the proposal gets approved, this will change to no more than 12 hrs of self-study).

I hope that is clear.

If not, or if you have any other questions, please let me know.

Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd., Suite S200
Sacramento, CA 95834
www.bbs.ca.gov
(916) 574-7836
(916) 574-8625 fax

dsalomon951@aol.com



dsalomon951@aol.com
01/01/2007 10:02 PM

To Justin_Sotelo@dca.ca.gov
cc
Subject CE hours

Dear Mr Sotelo, regarding CE Requirements proposed amendments 1887.2 and 1887.3 of title 16 of the California Code of Regulations. As an **intern MFT** do I need to complete 36 hours of CE during each subsequent licensee renewal period. (36 CE hours per year) or does this new amendment only applies to license Therapist?

Thank you for clearing this up for me David Salomon IMFT 48775

Justin Sotelo/BBS/DCANotes
02/22/2007 08:32 AM

To "Stan Weisner" <stan@unex.berkeley.edu>
cc
bcc
Subject Re: Please confirm receipt: Email re. my Opposition to California Regulatory Law Bulletin - Board of Behavioral Sciences Proposed Regulation on Continuing Education Requirements

Mr. Weisner:

Sorry for the delay in getting back to you - I was out due to a family emergency.

I did receive your email re: this issue and thank you for your response.

The Board had given preliminary approval to this proposal back in November and approval to proceed with the regulatory change process. The public comment period extended through 2/14 and the public hearing was held on 2/15 - no public comments were received at the hearing.

There was no vote taken on 2/15. Final vote will be taken at the next board meeting in May - your comment will be included in the packet.

If you have any additional questions, please let me know.

Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd., Suite S200
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(916) 574-7836
(916) 574-8625 fax

"Stan Weisner" <stan@unex.berkeley.edu>



"Stan Weisner"
<stan@unex.berkeley.edu>
02/21/2007 04:03 PM

To <Justin_Sotelo@dca.ca.gov>
cc <Christy_Berger@dca.ca.gov>, "Stan Weisner"
<stan@unx.berkeley.edu>
Subject Please confirm receipt: Email re. my Opposition to California Regulatory Law Bulletin - Board of Behavioral Sciences Proposed Regulation on Continuing Education Requirements

Justin;

Did you receive my email re. this issue?
Can you tell me what the vote of the BBS was on this regulatory change proposal?

Thank you very much.

Stan Weisner, Ph.D., MSW, Director
Behavioral and Biological Sciences and Math

1995 University Ave.
Berkeley, CA. 94704-7000
510-643-7234
510-643-0599
stan@unex.berkeley.edu

-----Original Message-----

From: Stan Weisner [mailto:stan@unex.berkeley.edu]

Sent: Wednesday, February 14, 2007 10:54 AM

To: 'Justin_Sotelo@dca.ca.gov'

Cc: 'Christy_Berger@dca.ca.gov'; Diana Wu; 'Todd.Greenspan@ucop.edu';
'joyce.justus@ucop.edu.'; 'Stan Weisner'

Subject: Opposition to California Regulatory Law Bulletin - Board of Behavioral Sciences
Proposed Regulation on Continuing Education Requirements

Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd., S200
Sacramento, CA. 95834

Dear Mr. Sotelo:

I am submitting the following statement in opposition to the BOARD OF BEHAVIORAL SCIENCES PROPOSED REGULATION ON CONTINUING EDUCATION REQUIREMENTS FOR MARRIAGE & FAMILY THERAPY, LICENSED CLINICAL SOCIAL WORK & LICENSED EDUCATION PSYCHOLOGY

February 14, 2007
Board of Behavioral Sciences:

I would like to state my opposition to the proposed amendment to Sections 1887.2 and 1887.3 of Title 16 of the California Code of Regulations pertaining to the continuing education requirements for MFT, LCSW, and Ed. Psych. licensees. This change in the regulation of the proposal to increase the allowable 'self-study' hours from 1/3 to up to 1/2 of the total number of hours required for BBS re-licensure (18 hours for the first period, and 36 hours, every two years, thereafter) is ill-advised and does not serve the interests of either the public or the licensed mental health professionals who serve them.

Graduate Schools of Social Work and counseling psychology, the social work and counseling professions, and the Board of Behavioral Sciences should all be opposed to it on the grounds that professional development in the counseling and psychotherapy field of practice that requires interpersonal skill development should be 'primarily' obtained in traditional, face-to-face workshop settings which allows for feedback and interaction with both a trained and qualified instructor and other colleagues.

Support for this proposed legislation often comes from low-cost, online and self-study guide providers who want to increase their market share in the highly competitive CEU business. Many licensed clinicians in California will also find the opportunity to take more courses at a lower cost, and with fewer logistical challenges, very appealing. This may, however, over time, be to the detriment of their own professional development as well as the well-being of their clientele.

Except for those ceu workshops which might NOT involve counseling skills/techniques (now up to 1/3rd), licensed clinicians in California should continue to be held to a higher standard of professional development and NOT be allowed to take more of the required 36 hours during the two year re-licensure period online.

Stan Weisner, Ph.D., MSW, Director
Behavioral and Biological Sciences and Math
UC Berkeley Extension

1995 University Ave.
Berkeley, CA. 94704-7000
510-643-7234
510-643-0599
stan@unex.berkeley.edu

cc. Diana Wu, Ph.D., Interim Dean
UC Berkeley Extension

Todd Greenspan
UC Office of the President

Justin Sotelo/BBS/DCANotes
02/23/2007 07:39 AM

To "Stan Weisner" <stan@unex.berkeley.edu>
cc
bcc

Subject Re: Opposition to California Regulatory Law Bulletin - Board
of Behavioral Sciences Proposed Regulation on Continuing
Education Requirements

Mr. Weisner:

In order to respond to your first few questions, I might have to consult further with our executive officer or legal counsel.

Technically, under the Administrative Procedures Act, the public may comment on regulatory proposals during specified timeframes [i.e., during the 45-day comment period after which a proposal is published with the Office of Administrative Law (this proposal was published on Dec. 29 and the comment period ended on Feb. 14); during a regulatory hearing (which was noticed and held on Feb. 15)]. All proposal are also posted to our website, mailed to our interested parties list, and sent to email subscribers - to comply with APA requirements.

Let me know if you would like to be added to our mailing list for future proposals. Or, you could go to <http://www.bbs.ca.gov/subscribe.htm> and get added to our email subscriber list.

However, whether there is a way (within the requirements) for you to expand on your position and have it be part of the record, I would have to check on that.

Having said all that, I re-read your original comment and I just want to clarify that an on-line course does not fall under the board's definition of a "self-study course" (see regulatory definitions below). So in theory, a licensee could currently complete all required hours through on-line courses. This proposal pertains to self-study courses, as defined under 1887 (b).

Who are the primary supporters of this regulatory change ---- providers, professional associations, licensees, online course providers?

Background

At its April 21, 2006 meeting, the Consumer Protection Committee discussed the distinctions between conventional, self-study, and online continuing education (CE) courses. Licensees are currently permitted to take an unlimited amount of CE by conventional or online means; however, hours earned through self-study courses are limited to one-third of the total required CE hours. The Committee decided that there was no reason to limit the amount of CE obtained by any one method and directed staff to bring such a proposal back to the Committee.

I am cc'ing my executive officer, Paul Riches, on this email in the event you would like to discuss further with him. I have to be out of the office for a couple of days to attend funeral services. However, I can look into this further when I return on Wednesday.

Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd., Suite S200
Sacramento, CA 95834
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(916) 574-7836
(916) 574-8625 fax

§1887. DEFINITIONS

As used in this article:

(a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.

(b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).

(c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article.

(d) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date.

"Stan Weisner" <stan@unex.berkeley.edu>



"Stan Weisner"
<stan@unex.berkeley.edu>
02/22/2007 09:40 AM

To <Justin_Sotelo@dca.ca.gov>

cc

Subject Opposition to California Regulatory Law Bulletin - Board of Behavioral Sciences Proposed Regulation on Continuing Education Requirements

Justin;

Thanks for getting back to me.

Can I ask how to bolster UC Berkeley Extension's position on this issue and with whom?

Is there a subcommittee chair on the board or lead BBS staff person on this particular item?

Should I expand on my letter and further document my position in writing?

Other UC campus Deans and academic staff are in support of our position here at Berkeley, and I could get their written support if that would help.

Who are the primary supporters of this regulatory change ---- providers, professional associations, licensees, online course providers?

Thank you for your help on this. I am happy to come to the May meeting in person if that would help in holding off on this ill-advised regulatory change.

Sincerely,

Stan Weisner, Ph.D., MSW, Director
Behavioral and Biological Sciences and Math

1995 University Ave.
Berkeley, CA. 94704-7000
510-643-7234
510-643-0599
stan@unex.berkeley.edu

-----Original Message-----

From: Justin_Sotelo@dca.ca.gov [mailto:Justin_Sotelo@dca.ca.gov]

Sent: Thursday, February 22, 2007 8:52 AM

To: Stan Weisner

Subject: Re: Please confirm receipt: Email re. my Opposition to California Regulatory Law Bulletin - Board of Behavioral Sciences Proposed Regulation on Continuing Education Requirements

Mr. Weisner:

Sorry for the delay in getting back to you - I was out due to a family emergency.

I did receive your email re: this issue and thank you for your response.

The Board had given preliminary approval to this proposal back in November and approval to proceed with the regulatory change process. The public comment period extended through 2/14 and the public hearing was held on 2/15 - no public comments were received at the hearing.

There was no vote taken on 2/15. Final vote will be taken at the next board meeting in May - your comment will be included in the packet.

If you have any additional questions, please let me know.

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"Stan Weisner"
<stan@unex.berkeley.edu
>

02/21/2007 04:03 PM

To<Justin_Sotelo@dca.ca.gov>

cc<Christy_Berger@dca.ca.gov>, "Stan Weisner" <stan@unx.berkeley.edu>

Please confirm receipt: Email re. my Opposition to California Regulatory Law

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