

**BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: N/A

SUBJECT MATTER OF PROPOSED REGULATIONS: DELEGATION OF AUTHORITY TO COMPEL PSYCHIATRIC EVALUATIONS

SECTIONS AFFECTED: Section 1803 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

Section 1803 delegates a number of functions related to the Board's enforcement processes to the Board's executive officer.

The proposal would amend Section 1803 to additionally allow the executive officer to sign orders to compel a psychiatric evaluation of a Board licensee or registrant as part of an investigation of a complaint.

Past practice at the Board and other licensing boards was to have the order signed by the Board chair. However, it was determined that such an order is an investigatory function and should not be performed by Board members who also serve as judges in the administrative adjudication process. Due process requires that the investigatory function and the adjudication function be separate and performed by different parties.

FACTUAL BASIS/NECESSITY

This proposal is reasonably necessary in order to provide the Board's executive officer with the authority to sign orders to compel a psychiatric evaluation, as the executive officer does not currently have that authority.

UNDERLYING DATA / MATERIALS RELIED UPON:

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 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 action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.