



Board of Behavioral Sciences

*Memo*

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**To:** Board Members **Date:** April 25, 2022  
**From:** Christy Berger, Regulatory Analyst **Telephone:** (916) 574-7995  
**Subject:** Update on Board Rulemaking Proposals

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Below is the status of Board-approved regulation proposals. See **Attachment** for information on the required steps of the regulatory process.

**Continuing Education and Additional Training Requirements**

**Status: Submitted to the Department of Consumer Affairs (DCA) for Final Review Process**

This proposal would do the following:

- Update content requirements for human sexuality, child abuse assessment and reporting, and alcoholism and other chemical substance dependency courses and create consistency in the required qualifications for course providers.
- Strike the 18-hour CE exception for initial renewal periods.
- Recast CE “exceptions” as “temporary waivers” and modify CE waiver criteria.
- Require licensees who are granted a waiver to complete six hours of CE in law and ethics.
- Update CE waiver forms incorporated by reference for consistency with the proposed updated requirements and for clarity.
- Specify that a maximum of 18 hours of CE may be met by teaching courses each renewal period, and that the course taught must be for a Board-accepted provider to count.
- Allow a licensee who completes a Board occupational analysis survey to be credited with six hours of CE.
- Repeal outdated regulations pertaining to the Board’s former CE program.
- Clarify that professional associations are the only type of organization that may be recognized by the Board as a CE provider.

This proposal was approved by the Board at its meeting in November 2019. Additional language changes were identified during the DCA initial review process and were approved by the Board at the September 2021 meeting.

### **Examination Waiting Periods, Professional Corporations, Accrediting Agencies and Equivalent Degrees**

Status: Submitted to DCA for Pre-Review Process/Returned to Board for Review and Possible Approval

This proposal would update examination waiting periods for consistency with current practice, add Licensed Professional Clinical Counselors to code sections pertaining to ownership, transfer of shares and naming of professional corporations, delete outdated text pertaining to equivalent accrediting agencies for marriage and family therapist applicants, and specify the accrediting agencies that are acceptable for licensed educational psychologist applicant degree programs. This proposal was approved by the Board at its meeting in November 2019 and has been delayed due to competing workload priorities.

### **Enforcement Process**

Status: Preparation for Policy and Advocacy Committee Review in July 2022

This proposal would result in updates to the Board's disciplinary process. It would also make updates to the Board's "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Revised October 2015)," which are incorporated by reference into the Board's regulations. The proposed changes fall into three general categories:

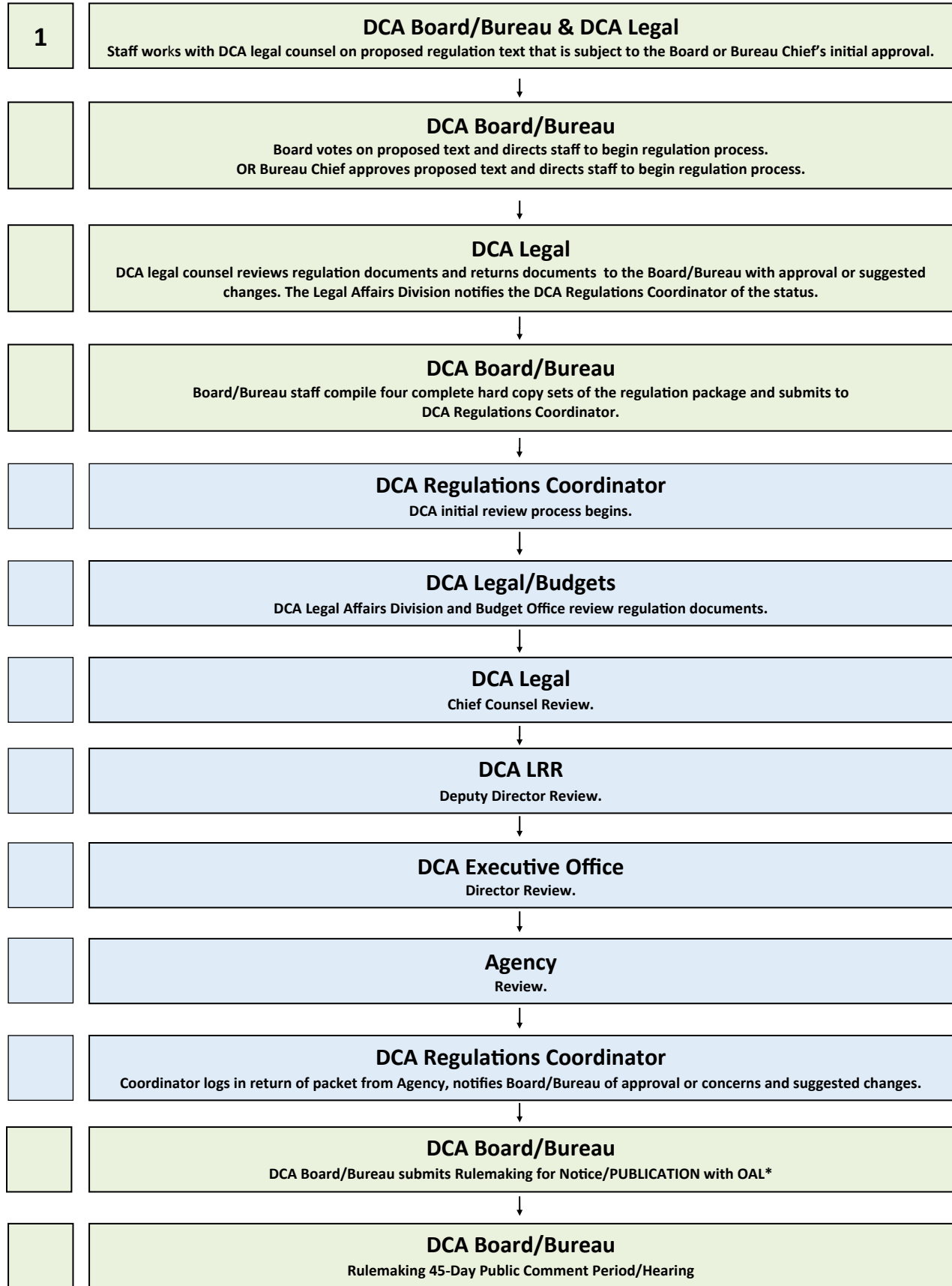
1. Amendments seeking to strengthen certain penalties that are available to the Board;
2. Amendments seeking to update regulations or the Uniform Standards/Guidelines in response to statutory changes to the Business and Professions Code; and
3. Amendments to clarify language that has been identified as unclear or needing further detail.

The proposal was approved by the Board at its meeting in February 2017 and was submitted to the Department of Consumer Affairs (DCA) to begin the initial review process in July 2017. This regulation package was placed on hold due to the passage of AB 2138. AB 2138 was approved in December 2020, so this proposal is able to move forward again. Staff are re-evaluating the previously proposed language and determining whether additional amendments are needed.

### **Attachment**

DCA Regulation Process

**INITIAL PHASE**



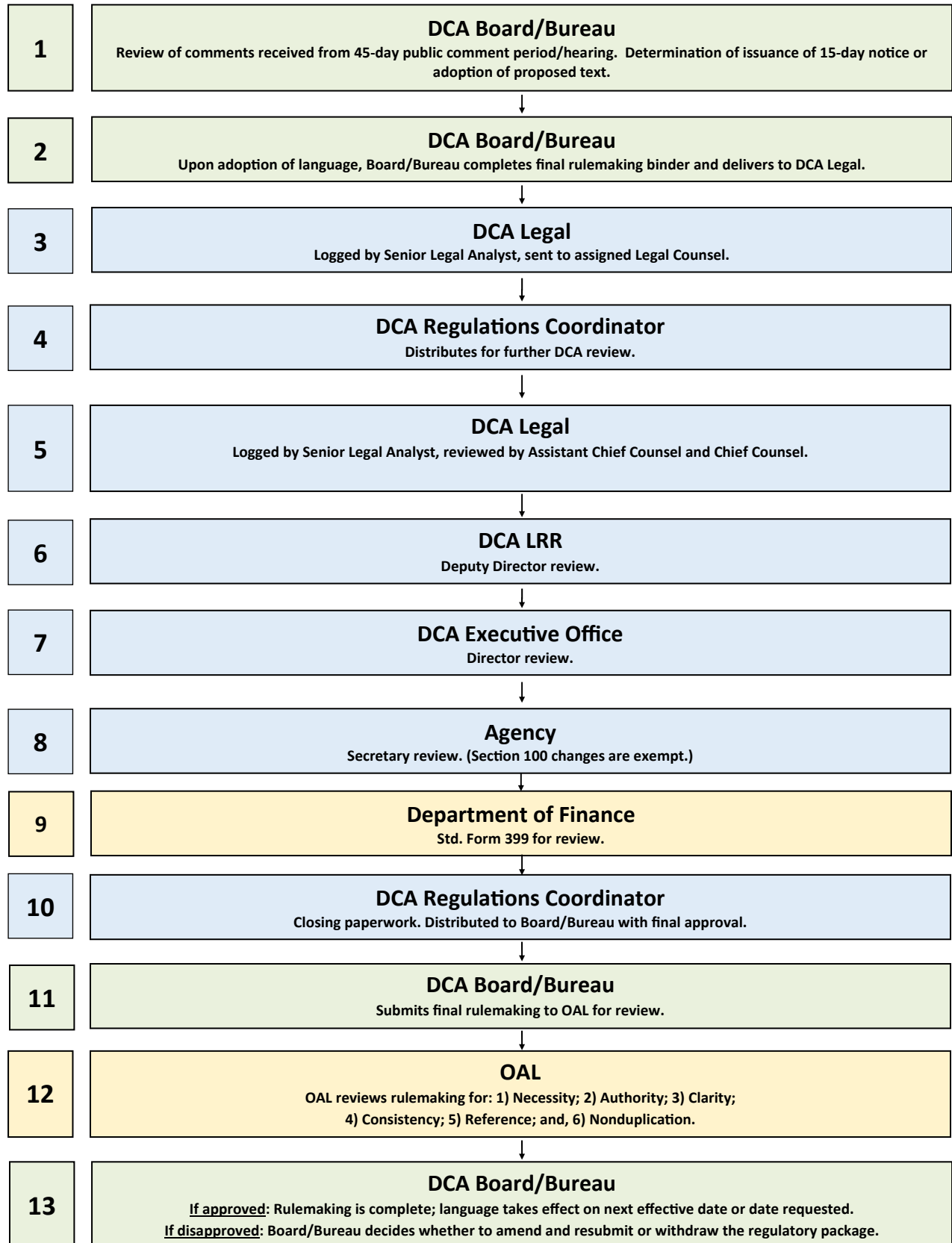
**Legend**

DCA – Department of Consumer Affairs  
 LRR – Division of Legislative Regulatory Review  
 OAL – Office of Administrative Law

\* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary.

# REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

## FINAL PHASE



### Legend

DCA – Department of Consumer Affairs

LRR – Division of Legislative Regulatory Review

OAL – Office of Administrative Law

DOF – Department of Finance

Std. Form 399 – Economic and Fiscal Impact Statement