

TITLE 16. CALIFORNIA BOARD OF BEHAVIORAL SCIENCES

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:

Continuing Education; Exams; Renewals

NOTICE IS HEREBY GIVEN that the California Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under **Contact Person** in this Notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, 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 not later than January 20, 2026**, or must be received by the Board at the hearing, should one be scheduled.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals 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, 4989.34, 4990.20 and 4999.76 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 29, 32, 141, 4980.397, 4980.399, 4980.50, 4980.54, 4982, 4984, 4984.01, 4984.8, 4984.41, 4989.32, 4989.34, 4989.44, 4989.45, 4989.54, 4992.05, 4992.09, 4992.1, 4992.3, 4996.22, 4996.28, 4997, 4997.1, 4999.52, 4999.53, 4999.55, 4999.76, 4999.90, 4999.100, 4999.102, 4999.112 and 4999.113, and Government

Code (GC) Sections 12926 and 12944, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (16 CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Board of Behavioral Sciences (Board) licenses and regulates Licensed Marriage and Family Therapists (LMFTs) (BPC sections 4980 et seq.), Licensed Educational Psychologists (LEPs) (BPC sections 4989.10 et seq.), Licensed Clinical Social Workers (LCSWs) (BPC sections 4991 et seq.), and Licensed Professional Clinical Counselors (LPCCs) (BPC sections 4999.10 et seq.).

The Board also registers and regulates individuals gaining supervised experience toward meeting the requirements for licensure. This includes registered Associate Marriage and Family Therapists (AMFTs), Associate Professional Clinical Counselors (APCCs) and Associate Clinical Social Workers (ASWs) (aka “registrant”).

The Board is responsible for licensing and discipline of the above professionals and enforcement of Chapters 13, 13.5, 14 and 16 of Division 2 of the BPC which regulates the above professions as set forth in BPC section 4990.18. BPC section 4990.16 mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions.

BPC sections 4980.54 (marriage and family therapists), 4989.34 (educational psychologists), 4996.22 (clinical social workers) and 4999.76 (professional clinical counselors), set forth continuing education (CE) requirements for licensees and allow the Board to establish exceptions from CE requirements for good cause. Assembly Bill 1759 (Chapter 520, Statutes of 2022) (AB 1759) added a law and ethics course CE requirement for Board-approved registrants to these sections (with the exception of section 4989.34, as the LEP profession does not have registrants). This legislation also struck the 12-hour California law and ethics course requirement for a registrant who did not pass the law and ethics exam during their prior renewal cycle.

Existing 16 CCR sections 1822.51, 1829.2 and 1877.2 set forth requirements for eligibility to take the law and ethics examination, including the 12-hour California law and ethics course requirement for a registrant who did not pass the exam during their prior renewal cycle. To conform with AB 1759, which struck the 12-hour course requirement, this proposal would strike that requirement from regulation. In addition, the proposal would update the Board’s eligibility and notice requirements for taking the California law and ethics examination including specifying how the Board transmits a notice of an applicant’s eligibility to take the law and ethics examination to both the examination administrator (Pearson Vue) and to the applicant and specifies the content of those notifications. It also clarifies an applicant’s responsibilities once notice is received, including an applicant’s responsibilities for scheduling and taking the examination, and executing any authorizations by Pearson Vue required to release personal information and examination results to the Board.

These sections would also set requirements for the Board's receipt of notice of either "proof of participation or successful completion" of the Board's California law and ethics examination, as defined. These sections would further specify the process for the Board's receipt of an applicant's examination results directly from Pearson Vue to determine qualifications for licensure or for renewal of a registration.

Existing 16 CCR section 1887 is the first section that appears under Article 8, which contains the Board's regulations pertaining to CE requirements. The proposed amendment would amend subsection (c) of section 1887 to revise the existing definition of a "renewal period" by: (1) adding a new definition specifically for registrants and (2) amending the existing definition for "renewal period" to specify that the definition covers "Licensees." Amendments to the existing definition for "renewal period" for licensees would be made to include a reference to "issue date" as a starting point for a renewal period.

Existing 16 CCR section 1887.1 sets forth CE requirements for renewal of a license but does not specify what a completed renewal application contains, how it is to be submitted to the Board or that a completed application is a condition of renewal. This proposal would address these issues and add specified requirements for renewal of both a license or registration to this section, including CE requirements.

Existing 16 CCR section 1887.2 specifies requirements for temporary waivers of and exemptions from CE requirements. This proposal would update the current waiver form ("Request for Temporary Continuing Education (CE) Waiver --Licensee Application," Form No. DCA BBS 37A-635 (Revised 08/22[OAL to insert new revision date])), and verification of disability or medical condition forms ("Request for Temporary Continuing Education (CE) Waiver --Verification of Disability or Medical Condition," Form No. DCA BBS 37A-636 (Revised 08/22[OAL to insert new revision date])), incorporated by reference in this section. Section 1887.2 also currently limits the Board's acceptance of verifications of disability or medical condition to those executed by licensed physicians or psychologists with expertise in the area of the physical or mental disability or medical condition. This proposal would amend this section to remove that limitation and allow additional types of healthcare providers with a current and active license, as specified, to verify a disability or medical condition for the purpose of qualifying a licensee for a CE waiver.

Existing 16 CCR section 1887.3 specifies CE course requirements and CE credit allowed for specified activities. This proposal would add registrants into several subsections of section 1887.3; clarify that activities that count toward CE provided by the Board of Behavioral Sciences are provided by the "California" Board; and, specify what the Board considers acceptable documentation of completion for qualifying activities, as specified, that may be credited as CE as well as amend recordkeeping

requirements. This proposal would also add the following activities to be considered acceptable qualifying CE credit for the purpose of licensee renewal:

- (1) Allow a licensee to earn up to six (6) hours of CE credit by attending California Board of Behavioral Sciences' Board or Committee meetings (virtually or in-person) for the renewal cycle during which the meetings occurred under specified conditions; and,
- (2) Allow a licensee to earn up to eighteen (18) hours of CE for providing direct supervision of an individual gaining experience toward licensure as a trainee or associate for the renewal cycle during which supervision was provided under specified conditions.

Existing 16 CCR sections 1887.4.2, 1887.4.3 and 1887.12 specify CE provider approval agency responsibilities for Board-recognized approval agencies, acceptable CE providers and responsibilities, and licensee and provider course records requirements, respectively. This proposal would update these sections as specified to incorporate registrants into each of these sections and thereby make these existing standards applicable to registrants who are now required to satisfy CE requirements.

This proposal would make technical, conforming changes to the titles of these sections to better reflect the newly proposed subject matter for these sections. This proposal also specifies changes to the "Note" sections of the regulations in this proposal to update the "Reference" citations to strike outdated sections of law and add pertinent sections.

ANTICIPATED BENEFITS OF PROPOSAL

The objectives of the amendments and anticipated benefits in this regulatory proposal are to provide for clarity and currency in the Board's CE regulations; help to ensure that CE offered by providers to registrants meets the standards currently in place for licensees in regulation; provide flexibility to licensees in the choice of a healthcare professional who can complete a verification of disability for purposes of a CE waiver request; and, add activities that may be counted for CE credit including attendance at board or committee meetings, which may increase participation, and for providing supervision, which may increase the number of licensees willing to provide supervision. Documenting the Board's process related to its examination vendor and specifying the applicant's responsibilities in that process, as well as documenting the current requirements of the Board's license and registration renewal process, may improve compliance with examination and renewal requirements, thereby avoiding deficiencies in the application and renewal processes.

EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

This rulemaking would include amendments to the following forms currently incorporated by reference:

- (1) "Request for Temporary Continuing Education (CE) Waiver -- Licensee Application," Form No. 37A-635 ([OAL to insert new revision date])
- (2) "Request for Temporary Continuing Education (CE) Waiver -- Verification of Disability or Medical Condition," Form No. 37A-636 ([OAL to insert new revision date]).

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The proposed regulations do not result in a fiscal impact to the state. Adopting this regulation adds registrants into the existing CE requirements to mirror those same requirements as licensees, allows other types of healthcare professionals to verify a disability or medical condition for a CE waiver request; and allow certain types of activities to count toward a licensee's CE. It also simply sets forth currently existing procedures pertaining to the examination, as well as currently existing procedures relating to license and registration renewal.

The regulations do not result in costs or savings in federal funding to the state.

Mandate on Local Agencies or School Districts: None.

Nondiscretionary Costs/Savings to Local Agencies: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Significant Effect on Housing Costs: None

BUSINESS IMPACT ESTIMATES

The Board has made the 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. This initial determination is based upon the following facts:

The Board does not believe this regulation will have a significant adverse economic impact on businesses. Adopting this regulation simply adds registrants into the existing CE requirements to mirror those same requirements as licensees, allows other types of healthcare professionals to verify a disability or medical condition for a CE waiver request; and allow certain types of activities to count toward a licensee's CE. It also simply sets forth currently existing procedures pertaining to the examination, as well as currently existing procedures relating to license and registration renewal. The rulemaking file includes the facts, documents, and other evidence which supports this determination.

Cost Impact on Representative Private Person or Business

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 for the reasons set forth above in the "Business Impact Estimates" section.

While this proposal provides additional pathways to accrue CE hourly credits by attending Board meetings (up to 6 hours) and by serving as supervisor (up to 18 hours), the Board does not anticipate significant economic impacts to individuals or CE providers because: 1) free or low-cost CE courses are readily available, and 2) current regulations require supervisors to fulfill 15 hours of training or coursework, as specified.

As a result, the Board does not anticipate any measurable cost savings to individuals opting for these additional pathways or decreased tuition fee revenues for CE providers.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Impact on Jobs / Businesses

The Board has determined that the proposed regulatory action would not have a significant statewide adverse economic on the following:

- 1) The creation or elimination of jobs within the state,
- 2) The creation of new businesses or the elimination of existing businesses within the state, or,
- 3) The expansion of businesses currently doing business within the state.

This proposal would not have any of the above-referenced impacts as explained in the “Business Impact Estimates” section of this notice.

Benefits of the Regulation

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents. The objectives of the amendments and anticipated benefits in this regulatory proposal are to provide for clarity and currency in the Board’s CE regulations; help to ensure that CE offered by providers to registrants meets the standards currently in place for licensees in regulation; provide flexibility to licensees in the choice of a healthcare professional who can complete a verification of disability for purposes of a CE waiver request; and, add activities that may be counted for CE credit including attendance at board or committee meetings, which may increase participation, and for providing supervision, which may increase the number of licensees willing to provide supervision.

Documenting the Board’s process related to its examination vendor and specifying the applicant’s responsibilities in that process, as well as documenting the current requirements of the Board’s license and registration renewal process, may improve compliance with examination and renewal requirements, thereby avoiding deficiencies in the application and renewal processes.

This regulatory proposal will have no impact on worker safety because the proposal does not address worker safety. This regulatory proposal will have no impact on the California environment as the proposal is not related to the environment.

Business Reporting Requirements

This proposed regulation does not require businesses to file a report with the Board.

Effect on Small Business

While the Board does not have, nor does it maintain, data to determine if any of its licensees are a “small business,” as defined in Government Code section 11342.610, the Board has made an initial determination that the proposed regulatory action will have no significant impact on small businesses as it simply adds registrants into the existing CE requirements to mirror those same requirements as licensees, allows other types of healthcare professionals to verify a disability or medical condition for a CE waiver request; and allow certain types of activities to count toward a licensee’s CE. It also simply sets forth currently existing procedures pertaining to the examination, as well as currently existing procedures relating to license and registration renewal and therefore does not change any current processes.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), 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 be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 North Market Blvd, Suite S200, Sacramento CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record of for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the Contact Persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing (if scheduled or requested) or upon request from the persons designated in this Notice under Contact Person listed below, or by accessing the Board's website at https://www.bbs.ca.gov/about/law_req.html.

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 Persons named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Christy Berger
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7995
Fax: 916-574-8625
Email: BBS.Rulemaking@dca.ca.gov

The backup contact person is:

Name: Rosanne Helms
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7939
Fax: 916-574-8625
Email: Rosanne.Helms@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at: https://www.bbs.ca.gov/about/law_reg.html (select the "Regulations" drop down, then "Pending Regulations").