

**TITLE 16. CALIFORNIA
BOARD OF BEHAVIORAL SCIENCES**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Fee Reductions**

NOTICE IS HEREBY GIVEN that the 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 his or her 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 no later than November 3, 2025**, 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 Section(s) 128.5, 4980.60 and 4990.20(a) of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC Sections 128.5, 4984.7, 4989.68, 4996.3, and 4999.120, the Board is considering amending Sections 1816, 1816.1, 1816.2 and 1816.4 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Board licenses and regulates Licensed Marriage and Family Therapists (LMFTs) (Bus. & Prof. Code (BPC), §§ 4980 et seq.), Licensed Educational Psychologists (LEPs) (BPC §§ 4989.10 et seq.), Licensed Clinical Social Workers (LCSWs) (BPC §§ 4991 et seq.), and Licensed Professional Clinical Counselors (LPCCs) (BPC §§ 4999.10 et seq.), as well as associates gaining supervised experience toward meeting the requirements for licensure.

The Board is responsible for licensing and discipline of the above professionals and enforcement of Chapters 13, 13.5, 13.7, 14 and 16 of Division 2 of the BPC which regulates the above professions as set forth in BPC sections 4990.2, 4990.12, and 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.

The current minimum and maximum fees that may be charged for applications, examinations, licensure and renewal are set by BPC Sections 4984.7, 4989.68, 4996.3, and 4999.120. The specific fees are set in the Board's regulations at Title 16, California Code of Regulations (16 CCR) sections 1816, 1816.1, 1816.2, and 1816.4.

BPC Section 128.5(b) provides, in part, that if at the end of any fiscal year the Board "has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years."

It is currently projected that, under the current fee structure set forth in the Board's regulations, the Board will exceed the 24-month reserve limit and reach a fund balance of 26.3 months by the end of FY 2024-25. As a result, to comply with the mandates in BPC section 128.5, it is necessary for the Board to adopt temporary fee reductions in regulation.

This proposal would amend Sections 1816, 1816.1, 1816.2, and 1816.4 by setting a fee for renewal, application for registration, initial license issuance, law and ethics examination, LMFT clinical examination, LEP written examination and application for

licensure that is 50% of the current established fee. These reduced fees would be in place from July 1, 2026, through June 30, 2030.

This proposal would include the following changes:

1. Reduce Renewal Fees by 50%, Proposed Amendments to 16 CCR Section 1816

Currently, the annual renewal fee for registration of associate marriage and family therapists, associate clinical social workers, and associate professional clinical counselors is set at \$150 dollars. The proposed amendments will reduce this fee to \$75.00 dollars for all of these licensees.

Currently, the biennial active renewal fees for licensed marriage and family therapists, licensed clinical social workers, licensed professional clinical counselors, and licensed educational psychologists is set at \$200.00. The proposed amendments will reduce this fee to \$100.00 for all of these licensees.

There is also an additional amendment to correct wording in 1816(c) that refers to “associate professional clinical counselors” registration. It would be amended to read “associate professional clinical counselor” registration.

2. Reduce Initial License and Registration Fees by 50%, Proposed Amendments to 16 CCR Section 1816.1

Currently, the application fee for registration of an associate marriage and family therapist, associate clinical social worker, and associate professional clinical counselor is set at \$150.00. The proposed amendments will reduce this fee to \$75.00 for all of these types of applicants.

Currently, the fee for initial issuance of the license for a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, and licensed educational psychologist is set at \$200.00. The proposed amendments will reduce this fee to \$100.00 for issuance of all of these types of licenses.

In addition, this proposal would make a technical correction for accuracy to the title in subsection (a) to add the word “licensed” before the words “marriage and family therapist.”

3. Reduce Examination Fees by 50%, Proposed Amendments to 16 CCR Section 1816.2

Currently the fee for an applicant to take the licensed marriage and family therapist, the licensed clinical social worker, or the licensed professional clinical counselor California law and ethics examination is set at \$150.00. The proposed amendments will reduce this fee to \$75.00 for all of these applicants.

Currently the fee to take the Board-administered licensed marriage and family therapist clinical exam or the licensed educational psychologist written examination is set at \$250.00. The proposed amendments will reduce this fee to \$125.00 for take these examinations.

4. Reduce Fees for Application for Licensure by 50%, Proposed Amendments to 16 CCR Section 1816.4

Currently the fee for the licensed marriage and family therapist, licensed clinical social worker, licensed educational psychologist, and licensed professional clinical counselor applications for licensure are set at \$250.00. The proposed amendments will reduce this fee to \$125.00 for the processing of all these applications.

Additionally, this proposal amends the current title of the section from “Examination Eligibility Application Fees” to “Fees for Application for Licensure” to more accurately reflect the content of this section.

Anticipated Benefits of Proposal

The objectives of the amendments and anticipated benefits of this regulatory proposal are (1) to ensure that the Board’s reserve fund complies with the law at BPC Section 128.5(b); (2) to reduce barriers in the licensure process, (3) to provide cost savings to applicants, registrants, and licensees; and, (4) to allow the Board to withstand economic uncertainties while retaining the flexibility to pursue any necessary budget realignments in the future.

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.

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 regulations are projected to temporarily reduce the Board’s revenues by approximately \$10.4 million per year from 2026-27 through 2029-30. The Board has sufficient reserves to cover this loss in revenue without adversely affecting any of its operations.

Because the Board currently charges the fees in this proposal and performs workload associated with these programs and fees, no additional workload and costs are anticipated.

The Board estimates one-time information technology (IT) costs of \$5,000 to update cashiering and accounting software. Any IT costs will be absorbed within existing resources.

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

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.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would not have any significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following facts were relied upon in making the above determination:

No business or individual will incur any additional costs as a result of this proposal. This proposal temporarily reducing fees, which will save money for individuals regulated by the Board. While this proposal may also raise fees in four years after the fee reduction expires, it would only raise them to their prior levels, thus resulting in individuals regulated by the Board incurring no additional costs.

The total savings realized by licensees and prospective licensees is projected to be \$10.4 million per year from 2026-27 through 2029-30. Please see the Initial Statement of Reasons for further detail.

Cost Impact on Representative Private Person or Business

This Board is not aware of any cost impacts that a representative private person or business would incur in reasonable compliance with this provision. This proposal would result in cost savings to individuals or businesses who employ such individuals by reducing the following fees for individuals regulated by the Board for a period of four years from July 1, 2026, through June 30, 2030, as follows:

- Annual Renewal (AMFT, ASW & APCC): \$150 to \$75.
- Biennial Active Renewal (LMFT, LCSW, LPCC & LEPs: \$200 to \$100.
- Registration Application (AMFT, ASW & APCC: \$150 to \$75.
- Initial License Issuance (LMFT, LCSW, LPCC & LEP): \$200 to \$100.
- California Law & Ethics Exam (LMFT, LCSW & LPCC): \$150 to \$75.
- LMFT Clinical Exam & LEP Written Exam: \$250 to \$125.
- License Application (LMFT, LCSW, LPCC & LEP: \$250 to \$125.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Impact on Jobs / Businesses

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

- 1) The create 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.

The above determinations were made for the following reasons: the proposed regulation simply reduces various Board fees temporarily and results in costs savings to individuals and businesses in the state.

Benefits of the Regulation

The objectives of the amendments and anticipated benefits of this regulatory proposal are (1) to ensure that the Board's reserve fund complies with the law at BPC Section 128.5(b); (2) to reduce barriers in the licensure process, (3) to provide cost savings to applicants, registrants, and licensees; and, (4) to allow the Board to withstand economic uncertainties while retaining the flexibility to pursue any necessary budget realignments

in the future. Specifically, this regulatory proposal affects the health and welfare of California residents as it provides approximately \$10.4 million annually in cost savings spread among approximately 150,000 of the Board's licensees.

This regulatory proposal does not affect worker safety because it does not address worker safety.

This regulatory proposal does not affect the state's environment because the proposal is not related to the environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

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.

However, in the event a licensee is an owner or an employee of a small business, the Board has made an initial determination that the proposed regulatory action will not have any impact on small businesses as it simply temporarily reduces certain fees paid by individuals regulated by the Board.

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., Ste. S200, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record 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 of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is scheduled) or at any time upon request from the person designated in this Notice under Contact Person listed below, or by accessing the Board's website at https://www.bbs.ca.gov/about/law_reg.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 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 PERSONS

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

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| Name: | Rachael Lanzone |
| Address: | Board of Behavioral Sciences 1625 North Market Blvd., Ste. S-200 Sacramento, CA 95834 |
| Telephone No.: | (916) 574-7919 |
| E-Mail Address: | rachael.lanzone@dca.ca.gov |

The backup contact person is:

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| Name: | Christy Berger |
| Address: | 1625 North Market Blvd., Ste. S-200 Sacramento, CA 95834 |
| Telephone No.: | (916) 574-7995 |
| E-Mail Address: | christy.berger@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.