

OVERVIEW OF THE BOARD'S LEGISLATIVE PROCESS

August 18, 2023



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The Board's Laws

- The Board has two types of laws: Statutes and Regulations.
- Statutes are enacted via the Legislature, and typically must be signed by the Governor. A bill must be successfully run through the Legislature to enact a statute.
- Regulations implement, interpret, or make statutes more specific. They are enacted via the Executive Branch (state agencies).
- This presentation will focus on statutes and the legislative process.

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LEGISLATION AND THE BOARD'S MANDATE

The Board utilizes the legislative process as one means of accomplishing its mandate. The Board's mandate is set by statute and is outlined in Business and Professions Code Section (BPC) Sections 4990.16 and 4990.18:

BPC Section 4990.16

Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

BPC Section 4990.18

It is the intent of the Legislature that the board employ its resources for each and all of the following functions:

- (a) The licensure of marriage and family therapists, clinical social workers, professional clinical counselors, and educational psychologists.
- (b) The development and administration of licensure examinations and examination procedures consistent with prevailing standards for the validation and use of licensing and certification tests. Examinations shall measure knowledge and abilities demonstrably important to the safe, effective practice of the profession.
- (c) Enforcement of laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.
- (d) Consumer education.

There are two ways the Board can utilize legislation to accomplish its mandate. One is by the Board drafting a bill and sponsoring the bill through the legislative process. The other is by taking positions on existing bills that others are sponsoring.

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EXAMPLES OF SIGNIFICANT PAST BOARD-SPONSORED LEGISLATION

- [AB 2191](#) (Emmerson, Chapter 548, Statutes of 2010). Created a retired license status for Board licensees.
- [SB 704](#) (Negrete McLeod, Chapter 387, Statutes of 2011). Restructured the Board's exam process, including creating new types of exams and changing the timing of when the exams are taken.
- [AB 1843](#) (Jones and Gordon, Chapter 283, Statutes of 2014). Provided the Board authority to access child custody evaluation reports for investigative purposes. Previously the law required the Board to investigate complaints against its licensees who performed child custody evaluations but did not permit the Board to access these reports.
- [AB 93](#) (Medina, Chapter 743, Statutes of 2018). Strengthened the required qualifications of supervisors, supervisor responsibilities, types of supervision that may be provided, and clarified acceptable work settings for supervisees.
- [SB 679](#) (Bates, Chapter 380, Statutes of 2019). Removed barriers to inter-state licensure by providing a streamlined a pathway for LMFTs, LCSWs, and LPCCs who are actively licensed in another state for at least two years to become licensed in California if they complete continuing education coursework specific to the psychotherapy environment in this state, and if they pass a California law and ethics exam.

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ACTIONS THAT PROMOTE LEGISLATIVE SUCCESS

- Early engagement with stakeholders (to discuss an existing problem and/or gain feedback).
- Special policy committees: Typically, the Board will form special policy committees to examine, debate and discuss a specific problem or an area of the law that may need improvement. This provides a chance for Board members, staff, and stakeholders to collaborate to determine the best way to proceed. For complex or controversial topics, research, discussion and drafting consensus language may take several years.
- Once the Board feels a bill proposal is ready, it can approve draft language and proceed to the legislative process.

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INTRODUCTION TO THE LEGISLATIVE PROCESS

- The legislative process is cyclical, with various tasks needing to be performed at specific times of the year.
- For purposes of this presentation, we will start with the November Board meeting, which is when the Board typically approves any legislative proposals that it wishes to pursue in the upcoming new year.

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NOVEMBER BOARD MEETING

- The November Board meeting is typically when the Board approves any finalized legislative proposals it has been working on. The Board's approval gives staff permission to find a bill author and begin moving the proposal through the Legislature.

Legislature Status: Out-Of-Session

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JANUARY/FEBRUARY

- Staff works to find an author for any planned Board-sponsored legislation. The author introduces the proposal as a bill. Staff prepares fact sheets to "sell" the bill, drafts sponsor letters, prepares in-depth background information sheets for the author's office to provide to the Legislature's committees, and works with the Legislature's committee staff to explain the problem the bill is addressing, and why the proposed solution was chosen.

Legislature Status: New session begins. Bills are being introduced.

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FEBRUARY/MARCH

- Staff begins identifying and tracking introduced bills that may affect the professions the Board regulates, the Board itself, or that may otherwise be of interest to the Board.
- For relevant bills, the author's office is contacted to obtain a fact sheet. A fact sheet gives more in-depth information about the bill, such as its purpose, the reason the bill is being proposed, and who is sponsoring it.
- Staff begins to prepare analyses of any bills that the Board may wish to take a position on for the April Policy and Advocacy Committee meeting.

Legislature Status: In Session. Bills are being introduced.

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APRIL/MAY

- Staff begins attending Senate and Assembly policy committee hearings, as needed, to testify regarding Board-sponsored bills.
- Bill analyses are presented to the Board's Policy and Advocacy Committee, which recommends positions to the full Board. (April)
- The full Board takes official positions on bills (May)
- Board staff works with the staffers of bills to relay any needed technical support or concerns the Board wishes to provide.
- Staff submits position letters to the relevant legislative committees and attends committee hearings as needed to relay the Board's official positions.

Legislature Status: Bills being heard in policy and fiscal committees.

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JUNE/JULY/AUGUST

- Staff continues attending legislative hearings as necessary to testify for Board-sponsored bills, or bills with a Board position. (May and June are typically the busiest months for legislative hearings.)
- Staff monitors for any significantly amended bills, or any “gut and amend” bills as the legislative process proceeds. Significantly amended bills may need a revised Board position or may need to be heard by the Board for the first time.
- As bills pass the Legislature and go to the Governor’s Office for signature (typically late August) position letters are sent to the Governor.
- Staff monitors the Governor’s website for daily updates on bills of interest that are signed or vetoed.

Legislature Status: Summer break (July), end of session (August)

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IMPLEMENTATION (SEPTEMBER-DECEMBER)

- Staff begins the implementation process for any signed bills, including the following:
 - Breeze changes
 - Form changes
 - Website changes
 - Staff process changes (staff training)
 - Conducting outreach to stakeholders
- Staff updates the Board’s Statutes and Regulations Book with any law changes by January 1st.

Legislature Status: Out-Of-Session

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January 1st

January 1st is the typical date signed bills become effective, unless a bill specifies a different date.

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QUESTIONS



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