

**State of California
Office of Administrative Law**

In re:
Board of Behavioral Sciences

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 1805.05, 1850.6, 1850.7,
1854

Repeal sections: 1832

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-1123-01

OAL Matter Type: Regular (S)

This rulemaking action by the Board of Behavioral Sciences amends regulations relating to education and degree requirements for licensure, examinations, and requirements when forming a professional corporation.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2023.

Date: January 10, 2023



Kevin D. Hull
Senior Attorney

For: **Kenneth J. Pogue**
Director

Original: Steve Sodergren, Executive
Officer

Copy: Christy Berger

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2022-0906-12	REGULATORY ACTION NUMBER 2022-1123-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JAN 10 2023

1:57 PM

OFFICE OF ADMIN. LAW
2022 NOV 29 AM 9:55

AGENCY WITH RULEMAKING AUTHORITY
Board of Behavioral Sciences

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Exam Waiting Periods; Corporations; Accreditation	TITLE(S) 16	FIRST SECTION AFFECTED 1805.05	2. REQUESTED PUBLICATION DATE September 16, 2022
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Christy Berger	TELEPHONE NUMBER 916-574-7995	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2022, 37-Z	PUBLICATION DATE 9/16/2022

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Exam Waiting Periods; Corporations; Accreditation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL
1805.05, 1850.6, 1850.7 and 1854	
16	1832

3. TYPE OF FILING
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal

Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs
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7. CONTACT PERSON Christy Berger	TELEPHONE NUMBER (916) 574-7995	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) christy.berger@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Steve Sodergren</i>	DATE 11/22/2022
TYPED NAME AND TITLE OF SIGNATORY Steve Sodergren, Executive Officer	

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ENDORSED APPROVED

JAN 10 2023

Office of Administrative Law

BOARD OF BEHAVIORAL SCIENCES

ORDER OF ADOPTION

The Board of Behavioral Sciences of the Department of Consumer Affairs hereby adopts regulations in Division 18 of Title 16 of the California Code of Regulations, as follows:

§ 1805.05. REEXAMINATION.

- (a) A 90-day waiting period is required between attempts for applicants retaking a California law and ethics examination.
- (b) A ~~480~~120-day waiting period is required between attempts for applicants retaking a clinical examination, except as indicated in subdivision ~~(e)~~(d).
- (c) A 180-day waiting period is required between attempts for applicants retaking the licensed educational psychologist examination.
- ~~(e)~~(d) Waiting periods for national examinations that are accepted by the board shall be determined by that national testing entity.
- ~~(d)~~(e) The Board's Executive Officer may allow for a lesser waiting period, as long as the integrity of the examination or examination security is not compromised.

Note: Authority cited: Sections 4980.60 and 4990.20(a), Business and Professions Code. Reference: Sections 4980.50, 4984.72, 4989.22, 4992.1, 4996.4, 4999.52, 4999.54 and 4999.64, Business and Professions Code.

§ 1850.6. NAME OF CORPORATION.

The wording or abbreviation denoting corporate existence shall be limited to one of the following: "Professional Corporation," "Prof. Corp.," "Corporation," "Corp.," "Incorporated," or "Inc."

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4987.7, ~~and 4998.2,~~ and 4999.125, Business and Professions Code.

§ 1850.7. SHARES: OWNERSHIP AND TRANSFER.

- (a) The shares of a marriage and family ~~therapist~~ therapist, licensed clinical social worker, or licensed professional clinical counselor corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.
- ~~(b) The shares of a licensed clinical social worker corporation may be issued or transferred only to the issuing corporation or to an appropriately licensed person in accordance with Section 13401.5 of the Corporations Code.~~

~~(e)(b)~~ Where there are two or more shareholders in a corporation and one of its shareholders dies, or becomes a disqualified person as defined in Section 13401(d) of the Corporations Code, for a period exceeding ninety (90) days, ~~his or her~~ the person's shares shall be sold and transferred to a licensed person or to the issuing corporation, on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder became a disqualified person.

~~(d)(c)~~ A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when ~~he or she~~ the person again ceases to become a disqualified person.

~~(e)(d)~~ The restrictions of subdivisions subdivision (a) ~~or (b)~~ where appropriate and, if appropriate, subdivision ~~(e)(b)~~ of this section shall be set forth in the corporation's by-laws or articles of incorporation.

~~(f)(e)~~ The income of the corporation attributable to professional, licensed services rendered while a shareholder is a disqualified person shall not in any manner accrue to the benefit of such shareholder or ~~his or her~~ the person's shares.

~~(g)(f)~~ The share certificates of the corporation shall contain either:

(1) An appropriate legend setting forth the restriction of subdivision (a) ~~or (b)~~ where appropriate, and where applicable, the restriction of subdivision ~~(e)(b)~~, or

(2) An appropriate legend stating that ownership and transfer of the shares are restricted and specifically referring to an identified section of the by-laws or articles of incorporation of the corporation wherein the restrictions are set forth.

Note: Authority cited: Sections 4980.60, 4988.2 and 4990.20, Business and Professions Code. Reference: Sections 4987.8, 4988, 4998.3, 4998.4, 4998.5, and 4999.126 and 4999.127, Business and Professions Code; and Sections 13401, 13401.5, 13403 and 13407, Corporations Code.

§ 1832. EQUIVALENT ACCREDITING AGENCIES.

The following accrediting agencies are essentially equivalent to Western College Association, which has been renamed the Western Association of Schools and Colleges, and Northwest Association of Secondary and Higher Schools:

~~(a) Middle States Association of Colleges and Secondary Schools.~~

~~(b) New England Association of Schools and Colleges.~~

~~(c) North Central Association of Colleges and Secondary Schools.~~

~~(d) Southern Association of Colleges and Schools.~~

~~(e) The Credentials Evaluation Service of the International Education Research Foundation, Inc. when it evaluates the foreign degree as being equivalent to the required degrees, and those foreign degree programs meet the educational requirements for equivalent degrees and the specific course content and educational requirements as set forth in sections 4980.40 and 4980.41 of the Code.~~

~~(f) State of California, Department of Education, Bureau of School Approvals with respect to its functions under Education Code section 29023(a)(2), when applied to~~

~~master's degree and/or doctoral programs which meet the requirements for an equivalent degree pursuant to section 1830 of these regulations, and the specific course content and educational requirements as set forth in sections 4980.40 and 4980.41, of the Code.~~

~~Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.40, 4980.41 and 4999.12, Business and Professions Code.~~

§ 1854. EQUIVALENT DEGREES APPROVED EDUCATIONAL INSTITUTIONS.

Educational institutions approved by the board are defined as a college or university accredited by a regional or national institutional accrediting agency recognized by the United States Department of Education. The board shall accept a degree deemed equivalent to that required by section 4989.20 of the Code by a foreign educational credentials evaluation service that is a member of the National Association of Credential Evaluation Services. ~~one of the following agencies:~~

- ~~(a) Western Association of Schools and Colleges.~~
- ~~(b) Northwest Commission on Colleges and Universities.~~
- ~~(c) Middle States Association of Colleges and Secondary Schools.~~
- ~~(d) New England Association of Schools and Colleges.~~
- ~~(e) North Central Association of Colleges and Secondary Schools.~~
- ~~(f) Southern Association of Colleges and Schools.~~
- ~~(g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree.~~

~~Note: Authority cited: Section 4990.20(a), Business and Professions Code. Reference: Section 4989.20(a)(1), Business and Professions Code.~~

Dated: 1/06/2023

Signed: Steve Sodergren
Steve Sodergren, Executive Officer