

Agenda Item 3.1

Assembly Bill (AB) 705



**AB-705 Psychologists: licensure exemption.** (2015-2016)

**Assembly Bill No. 705**

CHAPTER 218

An act to amend Sections 2909 and 2910 of, and to add Section 2909.5 to, the Business and Professions Code, relating to psychologists.

[ Approved by Governor August 17, 2015. Filed with Secretary of State August 17, 2015. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 705, Eggman. Psychologists: licensure exemption.

The Psychology Licensing Law provides for the licensure and regulation of psychologists by the Board of Psychology and makes a violation of its provisions a misdemeanor. Existing law prohibits a person from engaging in the practice of psychology or representing himself or herself to be a psychologist without a license, except as specified. Existing law provides that a person, including, but not limited to, a person who holds a valid and current credential as a school psychologist issued by the State Department of Education, is not restricted or prevented from conducting activities of a psychological nature or the use of the official title of his or her position, provided that person is performing those activities as part of the duties for which he or she was employed, is performing those activities solely within the confines of or under the jurisdiction of the organization in which he or she is employed, and does not offer to render or render psychological services, as specified, to the public for a fee over and above the salary he or she receives for the performance of his or her official duties with the organization.

This bill would revise and recast those provisions, including modifying those permissive provisions to not restrict or prevent from conducting activities of a psychological nature, or the use of the official title of his or her position, a person who holds a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing.

The bill would similarly not so restrict or prevent a person employed in a position as a psychologist or psychological assistant by one of specified entities from conducting research and disseminating his or her research findings and scientific information.

The bill would also not so restrict or prevent a person with specified education and training employed as prescribed by a nonprofit community agency that receives a certain percentage of financial support from governmental organizations for the purpose of training and providing services. The bill would require those persons to be registered by the agency with the board at the time of employment and identify such a person in the setting as a "registered psychologist." The bill would exempt those registered psychologists from licensure for a maximum period of 30 months from the date of registration.

Existing law also provides that the licensing law does not restrict or prevent activities of a psychological nature on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, provided that, among other restrictions, the person does not offer services to the public for a fee or provide direct health or mental health services.

This bill would instead provide that the licensing law does not restrict the practice of psychology on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, in accordance with specified restrictions. The bill would delete the existing restrictions on offering services to the public for a fee and on providing direct health or mental health services. The bill would additionally require such an employee to primarily be gaining the supervised professional experience required for licensure, as specified, in order to practice psychology without a license. That exemption would apply to an individual employee for a cumulative total of 5 years of employment after January 1, 2016.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 2909 of the Business and Professions Code is amended to read:

**2909.** This chapter shall not be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed, and do not render or offer to render psychological services, as defined in Section 2903:

(a) Persons who hold a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing.

(b) Persons who are employed in positions as psychologists or psychological assistants by accredited or approved colleges, junior colleges, or universities, or by federal, state, county, or municipal governmental organizations that are not primarily involved in the provision of direct health or mental health services, may conduct research and disseminate their research findings and scientific information.

**SEC. 2.** Section 2909.5 is added to the Business and Professions Code, to read:

**2909.5.** This chapter shall not be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which persons were employed on the part of persons who meet the educational requirements of subdivision (b) of Section 2914 and who have one year or more of the supervised professional experience referenced in subdivision (c) of Section 2914, if they are employed by nonprofit community agencies that receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not render or offer to render psychological services, as defined in Section 2903. Those persons shall be registered by the agency with the board at the time of employment and shall be identified in the setting as a "registered psychologist." Those persons shall be exempt from this chapter for a maximum period of 30 months from the date of registration.

**SEC. 3.** Section 2910 of the Business and Professions Code is amended to read:

**2910.** (a) This chapter shall not be construed to restrict the practice of psychology on the part of persons who are salaried employees of accredited or approved academic institutions, public schools, or governmental agencies, if those employees are complying with the following:

(1) Performing those psychological activities as part of the duties for which they were hired.

(2) Performing those activities solely within the jurisdiction or confines of those organizations.

(3) Do not hold themselves out to the public by any title or description of activities incorporating the words "psychology," "psychological," or "psychologist."

(4) Are primarily gaining the supervised professional experience required for licensure that is being accrued consistent with the board's regulations and the employees have as the primary supervisor a psychologist licensed in the state.

(b) Commencing January 1, 2016, an individual employed or who becomes employed by one or more

employers as described in subdivision (a) shall be exempt under this section for a cumulative total of five years.

## **SUMMARY/HIGHLIGHTS OF ASSEMBLY BILL (AB) 705**

Under current California law, Board of Psychology Licensure Regulations, unlicensed individuals who are salaried employees of accredited or approved academic institutions, public schools, or governmental agencies, are authorized to engage in the practice of psychology if the individuals are:

1. Performing psychological activities as part of his/her duties for which they are hired;
2. Performing psychological activities solely within the jurisdiction or confines of those organizations;
3. Not holding themselves out to the public by any title or description of activities incorporating the words psychology, psychological, or psychologist;
4. Primarily gaining the supervised professional experience required for licensure that is being accrued consistent with the board's regulations and the employee has as the primary supervisor a psychologist licensed in the state;
5. Employed or becomes employed by one or more employers commencing January 1, 2016 by one or more employers as described in subdivision (a).

These individuals shall be exempt under this section for a cumulative of five years.

The revised law (AB705) now requires that these unlicensed salaried employees, who are practicing psychology in an exempt setting, be properly supervised and working towards licensure. They must also be supervised by a California-licensed psychologist and primarily be earning supervised professional experience hours required for licensure by the Board of Psychology within an established timeframe of five years from the date of employment or from January 1, 2016, if already employed in an exempt setting. The exemption will be limited to a cumulative total of five years. The established timeframe in the Board of Psychology regulations now aligns with the exemption period that is also specified in the Welfare and Institutions Code section 5751.2(d).

Part of the rationale and analysis for the revision of state regulations is that the previous law did not restrict the number of years that an individual may work in an exempt setting without becoming licensed. It also did not specify that the individual working in the exempt setting was required to work under a licensed supervisor unless he/she was obtaining their 1500 hours of supervised experience. The previous law also did not require individuals working in an exempt setting to register with the Board of Psychology prior to or during their employment unless they are working for a non-profit community agency which received 25 percent or more of its funding from government sources.

In sum, AB705 clarifies the requirement that individuals in an exempt setting (i.e., accredited/approved academic institutions, public schools, or governmental agencies) performing psychological activities as part of his/her duties for which they were hired, etc., must be properly supervised and working toward attaining their psychology license and be registered with the Board of Psychology within the established timeframe of five years from the date of employment or from January 1, 2016, if already employed in an exempt setting.