

NOTICE OF BOARD MEETING

The Westin San Diego
Gaslamp Quarter
910 Broadway Circle
San Diego, CA 92101
(619) 239-2200

October 3 - 4, 2019**Board Members**

Stephen Phillips, JD, PsyD, President
Seyron Foo, Vice-President
Alita Bernal
Sheryll Casuga, PsyD
Marisela Cervantes
Mary Harb Sheets, PhD
Jacqueline Horn, PhD
Lea Tate, PsyD

Legal Counsel

Norine Marks

Board Staff

Antonette Sorrick, Executive Officer
Sandra Monterrubio, Enforcement
Program Manager
Cherise Burns, Central Services Manager
Stephanie Cheung, Licensing Manager
Curtis Gardner, Probation Monitor

The Board plans to webcast this meeting on its website. Webcast availability cannot, however, be guaranteed due to limitations on resources or technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast. A link to the webcast will be available on the Board's Website at 9:00 a.m. October 3, 2019, or you may access it at: <https://thedcapage.wordpress.com/webcasts/>. Links to agenda items with attachments are available at www.psychology.ca.gov, prior to the meeting date, Thursday, October 3, 2019.

Thursday, October 3, 2019

AGENDA**9:30 a.m. – OPEN SESSION**

Unless noticed for a specific time, items may be heard at any time during the period of the Board meeting.

The Board welcomes and encourages public participation at its meetings. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment.

1. Call to Order/Roll Call/Establishment of a Quorum
2. President's Welcome
3. Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].
4. President's Report (S. Phillips)
 - a) 2019 Meeting Calendar and Locations
 - b) 2020 Meeting Calendar and Locations
 - c) Committee Updates
5. Executive Officer's Report (A. Sorrick)
6. DCA Executive Office Update
7. Discussion and Possible Approval of the Board Meeting Minutes: August 15-16, 2019
8. Budget Report (C. Burns)
9. Licensing Report (S. Cheung)
10. Continuing Education and Renewals Report (C. Burns)
11. Strategic Plan Action Plan Update (L. Tate)
12. Board's Social Media Update (L. Tate)
13. Website Update (L. Tate)
14. Update on Newsletter (L. Tate)

10:30 a.m. - Petition Hearing

15. Petition for Early Termination of Probation – Paul Whitaker, PhD

CLOSED SESSION

16. The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including the above petition, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

BREAK FOR LUNCH (TIME APPROXIMATE)

1:30 p.m. - Petition Hearing

17. Petition for Reinstatement of License – Todd Gaffaney, PhD

CLOSED SESSION

18. The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including the above petition, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

RETURN TO OPEN SESSION

Friday, October 4, 2019

9:30 a.m. – OPEN SESSION

19. Call to Order/Roll Call/Establishment of a Quorum

CLOSED SESSION

The Board will Meet in Closed Session Pursuant to Government Code Section 11126(a)(1) to Conduct its Annual Evaluation of its Executive Officer

OPEN SESSION

20. Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].
21. Legislative and Regulatory Affairs Update (S. Foo)
- a) Board Sponsored Legislation for the 2019 Legislative Session: Review and Possible Action
 - 1) SB 275 (Pan) – Amendments to Section 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact
 - 2) SB 786 (Committee on Business, Professions and Economic Development) Healing Arts – Update on Amendments to Sections 2940-2944 of the Business and Professions Code Regarding Examinations
 - b) Review and Consideration of Proposed Legislation
 - 1) Review of Bills with Active Positions Taken by the Board
 - A. AB 1076 (Ting) Criminal Records: automatic relief.
 - B. AB 1145 (Garcia) Child abuse: reportable conduct.
 - C. SB 53 (Wilk) Open meetings.
 - D. SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic services.

- E. SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.
- 2) Review of Bills with Recommended Watch Status
- A. AB 5 (Gonzalez) Worker status: employees and independent contractors.
 - B. AB 8 (Chu) Pupil health: mental health professionals.
 - C. AB 166 (Gabriel) Medi-Cal: violence preventive services.
 - D. AB 189 (Kamlager-Dove) Child abuse or neglect: mandated reporters: autism service personnel.
 - E. AB 241 (Kamlager-Dove) Implicit bias: continuing education: requirements.
 - F. AB 289 (Fong) California Public Records Act Ombudsperson.
 - G. AB 469 (Petrie-Norris) State records management: records management coordinator.
 - H. AB 476 (Rubio, Blanca) Department of Consumer Affairs: task force: foreign-trained professionals.
 - I. AB 496 (Low) Business and professions.
 - J. AB 512 (Ting) Medi-Cal: specialty mental health services.
 - K. AB 565 (Maienschein) Public health workforce planning: loan forgiveness, loan repayment, and scholarship programs.
 - L. AB 577 (Eggman) Health care coverage: maternal mental health.
 - M. AB 630 (Arambula) Board of Behavioral Sciences: marriage and family therapists: clinical social workers: educational psychologists: professional clinical counselors: required notice: exemptions.
 - N. AB 744 (Aguiar-Curry) Healthcare coverage: telehealth.
 - O. AB 798 (Cervantes) Maternal Mental Health.
 - P. AB 1058 (Salas) Medi-Cal: specialty mental health services and substance use disorder treatment.
 - Q. AB 1179 (Blanca) Child Custody: allegations of abuse: report.
 - R. AB 1184 (Gloria) Public records: writing transmitted by electronic mail: retention.
 - S. AB 1519 (Low) Healing Arts.
 - T. SB 163 (Portantino) Health care coverage: pervasive developmental disorder or autism.
 - U. SB 331 (Hurtado) Suicide prevention: strategic plans.
 - V. SB 601 (Morrell) State agencies: licenses: fee waiver.
 - W. SB 639 (Mitchell) Medical services: credit or loan.
 - X. SB 660 (Pan) Postsecondary education: mental health counselors.
- 3) Review of Two-Year Bills with Recommended Watch Status
- A. AB 71 (Melendez) Employment standards: independent contractors and employees.
 - B. AB 184 (Mathis) Board of Behavioral Sciences: registrants and licensees.

- C. AB 193 (Patterson) Professions and vocations.
- D. AB 312 (Cooley) State government: administrative regulations: review.
- E. AB 396 (Eggman) School employees: School Social Worker Pilot Program.
- F. AB 536 (Frazier) Developmental services.
- G. AB 544 (Brough) Professions and vocations: inactive license fees and accrued and unpaid renewal fees
- H. AB 613 (Low) Professions and vocations: regulatory fees.
- I. AB 768 (Brough) Professions and vocations.
- J. AB 770 (Garcia, Eduardo) Medi-Cal: federally qualified health clinics: rural health clinics.
- K. AB 895 (Muratsuchi) Pupil Mental Health Services Program Act.
- L. AB 1201 (Boerner Horvath) Unfair Practices Act.
- M. AB 1271 (Diep) Licensing examinations: report.
- N. AB 1601 (Ramos) Office of Emergency Services: behavioral health response.
- O. SB 181 (Chang) Healing arts boards.
- P. SB 201 (Wiener) Medical procedures: treatment or intervention: sex characteristics of a minor.
- Q. SB 546 (Hueso) Unlicensed activity.
- R. SB 700 (Roth) Business and professions: noncompliance with support orders and tax delinquencies.

- c) Update on California Psychological Association Legislative Proposal Regarding New Registration Category for Psychological Testing Technicians

22. Legislative Items for Future Meeting. The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code Section 11125.4

23. Regulatory Update, Review, and Consideration of Additional Changes (Foo)
- a) 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants
 - b) 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating a Psychological Assistant Registration
 - c) 16 CCR Section 1396.8 – Standards of Practice for Telehealth
 - d) 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees
 - e) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development
 - f) 16 CCR Section 1394 – Substantial Relationship Criteria; Section 1395 – Rehabilitation Criteria for Denials and Reinstatements;

Section 1395.1 – Rehabilitation Criteria for Denials Suspensions or Revocations

24. Review and Consideration of the Sunset Review Committee Report -- Review and Possible Approval of Board's Sunset Report (Phillips – Chairperson, Foo)
25. Enforcement Report (S. Monterrubio)
26. Presentation by the Office of the Attorney General on Clear and Convincing to a Reasonable Certainty Standard of Proof in Accusations, and the Office of the Attorney General Role in the Board's Enforcement Process (G. Castro)
27. Enforcement Committee Report -- Consideration and Possible Approval of Committee Recommendations (Phillips – Chairperson, Cervantes)
 - a) Proposed Amendments to 16 CCR Sections 1394 – Substantial Relationship Criteria; 1395 – Rehabilitation Criteria for Denials and Reinstatements; 1395.1 – Rehabilitation Criteria for Suspensions or Revocations; 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees
 - b) Review and Consideration of Revisions to the Goal and Name of the Enforcement Committee
 - c) Child Custody Stakeholder Meeting Implementation Update (S. Monterrubio)
 - d) Statutes and Regulations Addressing Disciplinary Authority of the Board, Review, and Consideration of Additional Changes (S. Monterrubio)
 - 1) 16 CCR Sections 1397.50 – Citations and Fines; 1397.51 – Amount of Fines; 1397.52 – Compliance with Orders of Abatement; 1397.53 – Citations for Unlicensed Practice; 1397.54 – Contest of Citations
 - 2) 16 CCR Section 1380.6 – Display of License Number
 - 3) 16 CCR Sections 1393 – Requirements for Psychologists on Probation
 - 4) 16 CCR Sections 1396 – Competence; 1396.1 – Interpersonal Relations; 1396.2 – Misrepresentation; 1396.3 – Test Security; 1396.4 – Professional Identification
 - 5) BPC Sections 2902 – Definitions; 2903 – Licensure requirement; Practice of psychology; Psychotherapy; 2903.1 – Biofeedback instruments; 2908 – Exemption of other professions; 2912 – Temporary practice by licensees of other state or foreign country
 - 6) BPC Section 2934.1 – Posting of license status on Web site
 - 7) BPC Sections 2960 – Grounds for action; 2960 (o); 2960.05 – Limitations period for filing accusation against licensee; 2960.1 – Sexual contact with patient; Revocation; 2960.2 – Licensee's physical, emotional and mental condition evaluated; 2960.5 – Mental illness or chemical dependency; 2960.6 – Actions by other states; 2961 – Scope of action; 2962 – Petition for reinstatement or modification of penalty; 2962.1; 2963 – Matters deemed conviction; 2964 – Report of license revocation or

restoration; 2964.3 – Persons required to register as sex offender; 2964.5 – Conditions of probation or suspension; 2964.6 – Payment of probationary costs; 2965 – Conduct of proceedings; 2966 – Suspension during incarceration for felony conviction; Determination of substantial relationship of felony to functions of psychologist; Discipline or denial of license; 2969 – Penalties for failure to provide medical records; Failure to comply with court order; Multiple acts

- 8) BPC Sections 2970 – Violation of chapter as misdemeanor; 2971 – Injunctions
- 9) BPC Section 2995 – Psychological corporation

28. Licensure Committee Report -- Consideration and Possible Approval of Committee Recommendations (Horn – Chairperson, Foo, Harb Sheets)
- a) Informational Video for Supervisors: Recommendations for Content to be Included
 - 1) Laws and Regulations
 - 2) Frequently Asked Questions (FAQs)
 - 3) Best Practices
 - b) Discussion and Consideration for Grievance Process: Options in Resolving a Discrepancy between Weekly Log and Verification of Experience
 - c) Discussion and Consideration of Revisions to the Guidelines for the Review of Requests for Extension to the California Code of Regulations Sections 1391.1(b) and 1387(a)
 - d) Consideration of Seeking Statutory Change to Allow the Licensure Committee to Meet in Closed Session to Make Final Licensure Determinations
 - e) Consideration of Licensure Committee Recommendations Regarding Requests for an Extension of the 30-Consecutive Month Limitation to Accrue 1500 Hours of Post-Doctoral Supervised Professional Experience Pursuant to Section 1387(a) of Title 16 of the California Code of Regulations
 - f) Consideration of Licensure Committee Recommendations Regarding Requests for an Extension of the 72-Month Registration Period Limitation for Registered Psychological Assistant Pursuant to Section 1391.1(b) of Title 16 of the California Code of Regulations
 - g) Consideration of Renaming Registered Psychological Assistant
 - h) Pupil Personnel Services Credential: Report on Presentation and Discussion by Commission on Teacher Credentialing (CTC) for a Credential with a Specialization in School Psychology
 - i) Update on the California Association of School Psychologists Regarding Written Statement to Clarify the Role of Licensed Educational Psychologists
 - j) Discussion and Consideration of How to Inform Consumers Regarding the Respective Roles of a Licensed Psychologist, Licensed Educational Psychologist, and Individuals Holding a Credential with a Specialization in School Psychology

BREAK FOR LUNCH (TIME APPROXIMATE)

29. Election of Officers
30. Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)].

ADJOURNMENT

Except where noticed for a time certain, all times are approximate and subject to change. The meeting may be canceled without notice. For verification, please check the Board's Web site at www.psychology.ca.gov, or call (916) 574-7720. Action may be taken on any item on the agenda. Items may be taken out of order, tabled or held over to a subsequent meeting, and items scheduled to be heard on Thursday may be held over to Friday; items scheduled to be heard on Friday may be moved up to Thursday, for convenience, to accommodate speakers, or to maintain a quorum.

In the event a quorum of the Board is unable to attend the meeting, or the Board is unable to maintain a quorum once the meeting is called to order, the president may, at his discretion, continue to discuss items from the agenda and to vote to make recommendations to the full board at a future meeting [Government Code section 11125(c)].

Meetings of the Board of Psychology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard, but the President may, at his discretion, apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Antonette Sorrick, Executive Officer, at (916) 574-7720 or email bopmail@dca.ca.gov or send a written request addressed to 1625 N. Market Boulevard, Suite N-215, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The Board of Psychology protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.

2019 Board Meeting/Event Calendar

Board Meeting

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Board Meeting	February 7-8, 2019	Sacramento, CA	Agenda	Minutes	Feb 7, Webcast Feb 8, Webcast
Board Meeting	March 29, 2019	Teleconference	Agenda		
Board Meeting	April 24-26, 2019	Los Angeles, CA	Agenda Materials		Apr 24 Webcast Apr 25 Webcast Apr 26 Webcast
Board Meeting	August 15-16, 2019	Berkeley, CA			Webcast
Board Meeting	October 3-4, 2019	San Diego, CA			Webcast
Board Meeting	November 8, 2019	Teleconference			

Legislative and Regulatory Affairs Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Legislative and Regulatory Affairs Committee	July 8, 2019	Sacramento, CA	Agenda Materials		

Licensing Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Licensing Committee Meeting	January 11, 2019	Sacramento, CA	Agenda	Minutes	
Licensing Committee Meeting	June 13, 2019	Sacramento, CA	Agenda Materials		Webcast
Licensing Committee Meeting	September 12-13, 2019	Sacramento, CA			Webcast

Outreach and Education Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Outreach and Education Committee Meeting	May 17, 2019	Sacramento, CA	Agenda Materials		
Outreach and Education Committee Meeting	November 15, 2019	Sacramento, CA			

Outside Board Events

Event	Date	Location	Agenda/Materials	Minutes	Webcast
CPA Convention	April 4-7, 2019	Long Beach, CA			
ASPPB Mid-Year Meeting	April 8-14, 2019	Santa Fe, NM			
APA Convention	August 8-11, 2019	Chicago, IL			
ASPPB Annual Meeting	October 16-20, 2019	Minneapolis, MN			

Policy and Advocacy Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Policy and Advocacy Committee Meeting	March 18, 2019	Sacramento, CA	Agenda Materials		

2020 Board Meeting/Event Calendar

Board Meeting

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Board Meeting	February 6-7, 2020	Sacramento, CA			
Board Meeting	June 4-5, 2020	Southern California, CA			
Board Meeting	September 24-25, 2020	Bay Area, CA			
Board Meeting	November 19-20, 2020	Southern California, CA			

Legislative and Regulatory Affairs Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Legislative and Regulatory Affairs Committee	TBD	Sacramento, CA			

Licensure Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Licensing Committee Meeting	TBD	Sacramento, CA			

Outreach and Communications Committee

Event	Date	Location	Agenda/Materials	Minutes	Webcast
Outreach and Education Committee Meeting	TBD	Sacramento, CA			

Outside Board Events

Event	Date	Location	Agenda/Materials	Minutes	Webcast
CPA Convention	April 23-26, 2020	Newport Beach, CA			
ASPPB Mid-Year Meeting	April 23-26, 2020	Montreal, Quebec			
APA Convention	August 6-9, 2020	Washington, DC			
ASPPB Annual Meeting	October 14-18, 2020	New York, NY			

Board of Psychology Committee Assignments 2019

Committee	Chairperson	Members
Standing Committees		
Licensure Committee	Jacqueline Horn, PhD	Mary Harb Sheets, PhD Seyron Foo
Outreach and Education Committee	Lea Tate, PsyD	Alita Bernal Jacqueline Horn, PhD
Legislative and Regulatory Affairs Committee	Seyron Foo	Sheryll Casuga, PsyD, Stephen Phillips, JD/PsyD
Ad hoc Committees		
Applied Behavior Analysis Task Force	Sheryll Casuga, PsyD Board Member	Don Crowder, PhD, Association of State and Provincial Psychology Boards (ASPPB) Elizabeth Winkelman, JD, PhD, California Psychological Association (CPA) Jim Carr, PhD, Behavior Analyst Certification Board (BACB) Gina Green, PhD, Association of Professional Behavior Analysts (APBA) Daniel Shabani, PhD, California Association of Behavior Analysis (CalABA)
EPPP2 Task Force	Sheryll Casuga, PsyD Board Member	Seyron Foo, Board Member Amy Welch-Gandy, Representative of the Office of Professional Examination Services (OPES) Paul Marcille, PhD, Representative of the California Psychological Association (CPA) Crystal Faith Cajilog, Student Representative of the California Psychological Association of Graduate Students Anushree Belur, Student Representative of the California Psychological Association of Graduate Students for The Chicago School of Professional Psychology William Bloxham, Student Representative of JFK University 5th Year Student Sherry Johnson, Director of Clinical Training, Representative of the University of California Cindy Yee-Bradbury, PhD., Director of Clinical Training, (Alternate) Representative of the University of California Rene Puliatti, Esq, Representative of the California Psychology Internship Council (CAPIC) Andrew Harlem, PhD, Representative of the California Institute of Integral Studies Gilbert Newman, PhD, Representative of The Wright Institute Jay Finkelman, PhD, Representative of The Chicago School of Professional Psychology Alejandra Ojeda-Beck, Student Representative of the California Psychological Association of Graduate Students, UC Berkeley Sherri Sedler, Student Representative of the California Psychological Association of Graduate Students, California Southern University Olga Belik, PhD, Representative of California the Psychological Association (CPA), Division II
Enforcement Committee	Stephen Phillips, JD/PsyD	Marisela Cervantes

Committee	Chairperson	Members
Sunset Review Committee	Stephen Phillips, JD/PsyD	Seyron Foo
Telepsychology Committee	Stephen Phillips, JD/PsyD	Michael Erickson, PhD

MEMORANDUM

DATE	September 11, 2019
TO	Psychology Board Members
FROM	Antonette Sorrick, Executive Officer
SUBJECT	Executive Officer's Report: Agenda Item 5

Background:

The report below is provided to the Board at each Board Meeting.

Action Requested:

This item is for informational purposes only.

Board of Psychology Update

Staffing Update

Authorized Positions: 25.30

BL 12-03 (999 Blanket) Positions: 0.20

Temp Help: 4.00

New Hires	
Classification	Program

Promotions
None

Other
None

None

Vacancies
None

MEMORANDUM

DATE	September 12, 2019
TO	Board of Psychology
FROM	Evan Gage Special Projects Analyst
SUBJECT	Agenda Item #7 – Discussion and Possible Approval of the Board Meeting Minutes: August 15-16, 2019

Background:

Attached are the draft minutes of the August 15-16, 2019 Board Meeting.

Action Requested:

Review and approve the minutes of the August 15-16, 2019 Board Meeting.

1
2 **BOARD MEETING**

3
4 **The Wright Institute**
5 2728 Durant Avenue, Room 109/110
6 Berkeley, CA 94704
7 (510) 841-9230
8

9 **Thursday, August 15, 2019**

10
11 Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order
12 at 9:33 a.m. A quorum was present and due notice had been sent to all interested
13 parties.

14
15 **Members Present**

16 Stephen Phillips, JD, PsyD, President
17 Seyron Foo, Vice-President
18 Alita Bernal
19 Sheryll Casuga, PsyD
20 Marisela Cervantes
21 Mary Harb Sheets, PhD
22 Jacqueline Horn, PhD

23
24 **Members Absent**

25 Lea Tate, PsyD

26
27 **Others Present**

28 Antonette Sorrick, Executive Officer
29 Norine Marks, DCA Legal Counsel
30 Cherise Burns, Central Services Manager
31 Stephanie Cheung, Licensing Program Manager
32 Sandra Monterrubio, Enforcement Program Manager
33 Liezel McCockran, Continuing Education and Renewals Coordinator

34
35 **Agenda Item #2: President's Welcome**

36
37 Dr. Phillips welcomed the attendees to the Board's quarterly meeting and read the
38 Board's mission statement. Dr. Phillips stated that because of the Board's movement
39 towards a PaperLite system, Board members would be viewing the meeting packets via
40 electronic devices rather than paper copies.

41
42 **Agenda Item #3: Public Comment for Items not on the Agenda. The Board May**
43 **Not Discuss or Take Action on Any Matter Raised During this Public Comment**
44 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**
45 **Meeting [Government Code sections 11125 and 11125.7(a)]**

47 No public comments were made regarding specific agenda items that were not on the
48 agenda.

49
50 **Agenda Item #4: President's Report**

51
52 Dr. Phillips addressed the meeting calendar.

53
54 a) 2019 Meeting Calendar and Locations – There was no discussion on this item.

55
56 b) 2020 Meeting Calendar Draft – Discussion ensued regarding dates and locations for
57 the 2020 quarterly Board Meetings and the potential pros and cons of having consistent
58 weeks and months for the quarterly Board Meetings in the future.

59
60 It was M(Harb Sheets)/S(Bernal)/C to approve the quarterly Board Meeting Calendar for
61 2020.

62
63 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

64
65 c) Committee Updates

66
67 Dr. Phillips provided updates on the Outreach and Communications Committee,
68 Enforcement Committee, and Sunset Review Committee.

69
70 Outreach and Communications Committee Chair Dr. Lea Tate and Dr. Horn will rejoin
71 the committee.

72
73 Dr. Phillips will temporarily step in as chair of Enforcement Committee to assist with Ms.
74 Cervantes' transition and her possible future role as Chair of that Committee.

75
76 Sunset Review Committee is coming into its review year and there will be much for the
77 President and Vice-President to do as members of this committee.

78
79 d) Roles and Responsibilities of Board President and Vice-President

80
81 Dr. Phillips gave a description of the roles and responsibilities as well as the time
82 commitment of these two offices.

83
84 **Agenda Item #5: Executive Officer's Report**

85
86 Ms. Sorrick provided the Executive Officer's Report which included a staffing update.

87
88 **Agenda Item #6: DCA Executive Office Report**

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90 Dr. Phillips introduced the Board and Bureau Services letter in the materials and
91 explained that Ms. Nelson could not attend. Ms. Sorrick provided a summary of the
92 report.

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Agenda Item #7: Discussion and Possible Approval of the Board Meeting Minutes: April 24-26, 2019

It was M(Foo)/S(Harb Sheets)/C to approve the minutes as amended with any technical, non-substantive changes previously submitted by Board Members.

Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

Agenda Item #8: Budget Report

Dr. Phillips asked Ms. Burns to provide the Board with the Budget update.

Ms. Burns stated that Board finances are healthy and that DCA has no concerns about the Board’s ability to meet costs.

Dr. Harb Sheets asked about an increase in fees charged to the Board and how such an increase might affect the budget.

Ms. Burns replied that the fees charged by the Department of Justice (DOJ) have increased and some costs related to investigations are rising while others are decreasing. But whatever happens with these costs, the Board always has the option of requesting a midyear Budget Augmentation for DOJ related fees.

Mr. Foo asked how the Board can be under-budget when it has often spent more money.

Ms. Burns clarified that DCA is working through the process of aligning the Board’s actual spending with what the Budget Office allocates and that difficulties with Fi\$cal contribute to the delay in doing this realignment.

Agenda Item #9: Licensing Report

Ms. Cheung presented the Licensing report to the Board. She highlighted that there has been an increase in Psychologist licenses and Psychological Assistant registrations and a slight decrease in the number of Registered Psychologists.

Ms. Cheung called attention to the workflow report in the attachments. In Attachment B, she pointed out that the apparent spike in open applications was a result of a BreEZe enhancement to close expired applications which inadvertently closed a number of applications in error. Staff has since corrected the error and this accounted for the spike.

Agenda Item #10: Continuing Education and Renewals Report

138 Ms. McCockran presented the Continuing Education (CE) and Renewals report to the
139 Board.

140
141 Dr. Horn inquired as to when the Board's CE audits would be up-to-date. Ms.
142 McCockran replied that the audits are anticipated to be caught up by June of 2021.

143
144 **Agenda Item #11: Closed Session**

145
146 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
147 discuss disciplinary matters including the ~~above~~ Petitions, Proposed Decisions,
148 Stipulations, Petitions for Reconsideration, and Remands.

149
150 **Agenda Item #12: Outreach and Education Committee Report – Consideration and**
151 **Possible Approval of Committee Recommendations (Bernal – Chairperson, Tate)**

152
153 Ms. Bernal presented the Outreach and Education Committee report to the Board.

154
155 **a) Review and Consideration of Revisions to the Name and Goal of the Outreach and**
156 **Education Committee**

157
158 Ms. Bernal read the revised name and goal to be considered by the Board for approval.
159 Board discussion ensued regarding possible variations of the words to be used in
160 renaming the Committee and grammatical changes needed in the Committee goal.

161
162 It was M(Bernal)/S(Horn)/C to review and adopt the new name "Outreach and
163 Communications Committee", and with its revised goal, be entered into the Board's
164 Administrative Procedure Manual.

165
166 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

167
168 The revised goal reads as follows:

169
170 The goal of the Outreach and Communications Committee is to engage, inform, and
171 educate consumers, students, applicants, licensees, and other stakeholders, regarding
172 the evolving practice of psychology, the work of the Board, and its relevant laws and
173 regulations.

174
175 **b) Discussion and Possible Action on Requesting the Association of State and**
176 **Provincial Psychology Boards Develop Best Practices for Psychologists When Using**
177 **Social Media.**

178
179 Ms. Sorrick discussed an email communication from her counterpart in Saskatchewan,
180 Canada, who chairs the ASPPB Social Media Task Force. This Task Force is
181 developing ~~draft~~ guidelines for the use of social media that will be ~~to~~ presented to
182 ASPPB at their October 2019 Board meeting, and a future white paper to be drafted by
183 Spring of 2020 and would include guidelines on the use of social media.

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Board discussion ensued as to whether there were any emergent trends that concern the Board and whether any such trends should be addressed at present.

Ms. Sorrick recommended waiting to see the white paper and draft guidelines that are presented to ASPPB before taking Board action.

The Board viewed a video created by the National Council of State Boards of Nursing on the topic of using social media in a way that does not violate patient confidentiality.

Dr. Melodie Schaefer, CPA Division II and CAPIC, asked whether the Board would develop structured information regarding patient communication using texts and email as part of a composite plan, in order to address different media separately.

c) Strategic Plan Action Plan Update

Ms. Sorrick provided an update on the Strategic Plan Action Plan. In response to Ms. Bernal's question about whether the new Committee name will be updated in the Strategic Plan, Ms. Sorrick explained that the Committee's name will be updated, but that goals will not be updated because they are general topic areas, not committee names.

d) Review and Potential Action on User-Friendliness Website Focus Group Notes – Recommendations to the Board

Ms. Burns provided a summary of the Board's efforts to enhance its website's user-friendliness saying that after the anticipated restructuring of its website in 2020, the Board will focus on moving to a mobile friendly platform.

Ms. Cervantes asked whether the Board has a strategy for consolidating its social media and website architecture.

Ms. Burns explained that due to limited resources, the Board is not currently developing a strategy to consolidate social media and website architecture.

e) Board's Social Media Update

Ms. Bernal provided the Board with the social media update.

Ms. Cervantes suggested that rather than reporting website hits, the Board could tie that data to its strategic goals to give that data a useful interpretation.

f) Website Update

Ms. Bernal provided the Board with the website update.

230 g) Update on Newsletter

231

232 Ms. Sorrick provided the Board with an update on the newsletter. She noted that the
233 Fall Journal was with Publications.

234

235 h) DCA Brochure “Therapy Never Includes Sexual Behavior” – Update

236

237 Ms. Bernal provided the Board with an update on the brochure.

238

239 Ms. Sorrick informed the Board that a Spanish translation is in the works and that the
240 Board is cost-sharing with the other participating boards. Staff has already received 300
241 requests for copies of the English version and is ordering additional copies.

242

243 Ms. Burns commented that non-certified translations into languages beyond English and
244 Spanish may be obtained by using the Google translation service on DCA’s website
245 since the electronic version of the brochure is ADA-compliant and therefore can be
246 translated on the website into many different languages.

247

248 Dr. Phillips acknowledged Ms. Bernal’s efforts and leadership on this Committee and
249 noted that Dr. Tate was unable to attend this meeting, but would be assuming the
250 chairpersonship of the Committee in the future.

251

252 **Agenda Item #13: Legislative and Regulatory Affairs Committee Report –**
253 **Consideration and Possible Approval of Committee Recommendations (Foo –**
254 **Chairperson, Casuga, Phillips)**

255

256 a) Board Sponsored Legislation for the 2019 Legislative Session: Review and Possible
257 Action

258

259 1) SB 275 (Pan) – Amendments to Section 2960.1 of the Business and Professions
260 Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact

261

262 Mr. Foo provided the Board with an update on the bill and how under the bill “Sexual
263 Behavior” would be added to the violations that would result in a proposed decision,
264 including an order of revocation.

265

266 Dr. Phillips stated that this is now a 2-year bill and that technical amendments would be
267 discussed at the October Board Meeting.

268

269 2) SB 786 (Committee on Business, Professions and Economic Development) Healing
270 Arts – Update on Amendments to Sections 2940-2944 of the Business and Professions
271 Code Regarding Examinations

272

273 Mr. Foo provided the Board with an update on the omnibus bill and recommended the
274 Board adopt a Support position.

275

276 It was M(Harb Sheets)S(Horn)/C to take a Support position on SB 786.
277
278 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
279
280 b) Review and Consideration of Proposed Legislation: Potential Action to Take
281 Positions on Bills
282
283 1) Review and Consideration of Proposed Legislation Not Previously Reviewed
284
285 A) Potential Action on Recommendations to Take Active Positions
286
287 i) AB 1076 (Ting) Criminal Records: automatic relief.
288
289 Mr. Foo provided the Board with an update on this bill and recommended the Board
290 adopt an oppose position.
291
292 Ms. Cervantes asked whether the Board could still access information through a court
293 filing if AB 1076 passes and records are sealed.
294
295 Ms. Burns explained that courts would not be able to turn records over to us if AB 1076
296 passes and records are sealed.
297
298 It was M(Harb Sheets)/S(Casuga)/C to adopt an oppose position on AB 1076.
299
300 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
301
302 B) Potential Action on Recommendation to Watch Bills
303
304 ii) AB 798 (Cervantes) Maternal Mental Health.
305
306 Mr. Foo provided an update on this bill.
307
308 Ms. Burns addressed Dr. Horn's question about whether the Board should still take a
309 position on this bill since it now appears to be dead, saying that there is a good chance
310 that this bill might come back next year.
311
312 iii) SB 660 (Pan) Postsecondary education: mental health counselors.
313
314 Mr. Foo provided the Board with an update on this bill.
315
316 2) Review of Bills with Active Positions Taken by the Board
317
318 A) AB 1145 (Garcia) Child abuse: reportable conduct.
319
320 Ms. Burns provided an update on this bill.
321

322 B) SB 53 (Wilk) Open meetings.

323

324 Ms. Burns provided the Board with an update on this bill. This bill is currently on
325 suspense in the Assembly Appropriations Committee. Both the Board and DCA
326 continue to oppose this bill.

327

328 Dr. Jo Linder-Crow, Executive Director of CPA, asked whether the Board's committees
329 are considered "advisory committees" and would therefore be subject to this legislation.
330 Ms. Marks confirmed that this was the case.

331

332 C) SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic
333 services.

334

335 Ms. Burns provided the Board with an update on this bill.

336

337 D) SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and
338 surgeon's certificate: unprofessional conduct.

339

340 Ms. Burns provided the Board with an update on this bill.

341

342 3) Review of Bills with Watch Status

343

344 (3)(A) – (3)(V) Review of Bills with Watch Status:

345

346 Mr. Foo opened these bills up for Board discussion since these bills have already been
347 reviewed.

348

349 B) AB 5 (Gonzalez)

350

351 Dr. Harb Sheets asks why the Board hadn't adopted an active position on this bill. Dr.
352 Phillips explained that this topic is not so much a question of access to care and has
353 more to do with the tax implications for psychologists and their relationship with the IRS.

354

355 Dr. Jo Linder-Crow, CPA, commented that CPA does see AB 5 as an access to care
356 issue, because if sites have to hire employees rather than independent contractors, this
357 would force sites to cut down on staff size, which would reduce availability to
358 consumers.

359

360 4) Review of Two-Year Bills with Watch Status

361

362 (4)(A) – (4)(P) Review of Two-Year Bills with Watch Status:

363

364 Mr. Foo opened these bills up for Board discussion since these bills have already been
365 reviewed. There was no discussion of these bills.

366

367 c) Update on California Psychological Association Legislative Proposal Regarding New
368 Registration Category for Psychological Testing Technicians

369
370 Mr. Foo introduced Dr. Elizabeth Winkelman, CPA to provide an update.

371
372 Dr. Winkelman explained that CPA is developing a bill to authorize psychological testing
373 technicians to work under psychologists and neuropsychologists to administer tests.
374 The rationale is that there is a lack of access and long wait times for neuropsychological
375 testing. She stated that many states and associations already acknowledge the use of
376 testing technicians in this capacity. She also informed the Board that legislative
377 language was currently being developed and within a few months a sponsor would be
378 sought before bringing this bill back before the Board.

379
380 **Agenda Item #14: Legislative Items for Future Meeting. The Board May Discuss**
381 **Other Items of Legislation in Sufficient Detail to Determine Whether Such Items**
382 **Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special**
383 **Meeting of the Board to Discuss Such Items Pursuant to Government Code**
384 **Section 11125.4**

385
386 Mr. Foo provided an update to the Board on this item and explained that the Maternal
387 Health Bill (AB 577 (Eggman)) will likely be on a future agenda.

388
389 **Agenda Item #15: Regulatory Update, Review, and Consideration of Additional**
390 **Changes (Foo)**

391
392 Mr. Foo introduced this item and explained that only 15(e) required Board action, and
393 that the rest of the items were open for discussion if there were questions or comments.

394
395 e) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
396 Professional Development

397
398 Mr. Foo stated that staff is requesting that the Board adopt amended language for item
399 15(e). Ms. Burns explained that some language was inadvertently removed regarding
400 the requirement to retain CEs for regular renewals. Ms. Burns requested that this
401 language be adopted, because it includes the language that was previously left out in
402 the new language.

403
404 It was M(Horn)/S(Casuga)/C to approve the amended Continuing Professional
405 Development language as proposed for notice.

406
407 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

408
409 Add subsection (k)(1) and renumber (k) to (k)(2) in 16 CCR § 1397.61. Continuing
410 Professional Development Requirements. [Effective January 1, 2021.]

411

412 (k)(1) Each person who applies to renew his or her license shall certify under penalty of
413 perjury that he or she has complied with all the requirements of this section within the
414 licensure period they are currently in and shall maintain proof of compliance for four (4)
415 years from the effective date of the renewal, and shall submit such proof to the Board
416 upon request.

417
418 (k)(2) Each person who applies to reactivate or reinstate his or her license shall certify
419 under penalty of perjury that he or she has complied with all the requirements of this
420 section within the 24 month period prior to the request to reactive or reinstate and shall
421 maintain proof of compliance for four (4) years from the date of the reactivation or
422 reinstatement, and shall submit such proof to the Board upon request.

423
424 Meeting adjourned at 4:10 pm.

425
426 **Friday, August 16, 2019**

427
428 **Agenda Item #16: Call to Order/Roll Call/Establishment of a Quorum**

429
430 Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order
431 at 9:00 a.m. A quorum was present and due notice had been sent to all interested
432 parties.

433
434 **Members Present**

435 Stephen Phillips, JD, PsyD, President
436 Seyron Foo, Vice-President
437 Alita Bernal
438 Sheryll Casuga, PsyD
439 Marisela Cervantes
440 Mary Harb Sheets, PhD
441 Jacqueline Horn, PhD

442
443 **Members Absent**

444 Lea Tate, PsyD

445
446 **Others Present**

447 Antonette Sorrick, Executive Officer
448 Norine Marks, DCA Legal Counsel
449 Cherise Burns, Central Services Manager
450 Stephanie Cheung, Licensing Program Manager
451 Sandra Monterrubio, Enforcement Program Manager
452 Liezel McCockran, Continuing Education and Renewals Coordinator

453
454 **CLOSED SESSION**

455

456 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
457 discuss disciplinary matters including Petitions, Proposed Decisions, Stipulations,
458 Petitions for Reconsideration, and Remands.

459
460 **OPEN SESSION**

461
462 The Board returned to open session at 10:06 a.m.

463
464 **Agenda Item #17: Public Comment for Items not on the Agenda. The Board May**
465 **Not Discuss or Take Action on Any Matter Raised During this Public Comment**
466 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**
467 **Meeting [Government Code sections 11125 and 11125.7(a)]**

468
469 Catherine Campbell, California Protective Parents Association, commented that the
470 Board did not mention AB 1179 (Rubio) in its review of other recent legislation. Ms.
471 Campbell advised the Board that this bill is a very important step for improving
472 accountability of child custody evaluators and that the Board should adopt a Support
473 position, because psychologists in the court system are dismissing allegations of sexual
474 abuse.

475
476 Dr. Horn asked Ms. Campbell which code section AB 1179 was based on. Ms.
477 Campbell responded that it is based on Family Code Section 3118.

478
479 Kathleen Russell, Center for Judicial Excellence, commented that the Board adopted
480 changes recommended by the Enforcement Committee but that there was no reference
481 to these changes on the August 2019 Board Meeting agenda. Dr. Phillips explained that
482 the Enforcement Committee update would be provided as part of agenda item #18 in
483 the Enforcement Report.

484
485 **Agenda Item #18: Enforcement Report (S. Monterrubio)**

486
487 Ms. Monterrubio provided the Enforcement Report to the Board and gave an update on
488 the investigative process.

489
490 Dr. Phillips inquired about the outcome of the Child Custody Stakeholders Meeting. Ms.
491 Monterrubio replied that the Child Custody Stakeholders Meeting was discussed at the
492 last Enforcement Committee, and that staff was directed to develop Frequently Asked
493 Questions (FAQs) about the complaint process and additional training for experts.
494 There has not been another Enforcement Committee Meeting since that date due to a
495 change in leadership, so these topics will be taken up at the Enforcement Committee in
496 September 2019.

497
498 Dr. Elizabeth Winkelman, CPA, spoke of an Accusation posted on the Board's website
499 that pointed to gross negligence in the manner a psychologist communicated
500 electronically with a minor. Dr. Winkelman expressed that this topic is of great concern

501 to her constituents and asked whether the Board would provide guidance in the use of
502 electronic communication in such situations.

503
504 Dr. Phillips explained that the allegation of gross negligence arose only in the context of
505 this particular case and that this case should not be interpreted as establishing
506 precedent.

507
508 Dr. Winkelman suggested that psychologists look at disciplinary actions posted on the
509 Board's website for educational purposes and asked whether this was not the intended
510 purpose of posting these actions online.

511
512 Dr. Phillips cautioned that public disciplinary actions do not provide comprehensive
513 summaries of investigations and may be limited in their practical educational
514 applicability. Dr. Phillips went on to say that the Enforcement Committee could discuss
515 this matter further, as to whether the informational summaries the Board provides in its
516 email blasts and Journal are resulting in misinformation based on how readers are
517 interpreting the information.

518
519 Dr. Melodie Schaefer, CPA Division II and CAPIC, commented that she would prefer
520 that the Board send out educational materials distinguishing between appropriate and
521 inappropriate communications with patients rather than sending out email alerts of
522 disciplinary actions.

523
524 Dr. Horn replied to Dr. Schaefer that on the previous day of this meeting, the Board had
525 discussed the impacts of social media and the proper way to use it.

526
527 Dr. Schaefer responded that in this profession, social media and electronic
528 communication were not the same thing.

529
530 Dr. Phillips responded to Dr. Schaefer that the Board's role is to enforce the standard of
531 care, but not to dictate what that standard is, since the standard arises from practice of
532 the profession. He admonished that the Board could inadvertently paralyze the
533 development of such standards by taking a position at one moment in time.

534
535 Kathleen Russell, Center for Judicial Excellence, questioned why there is nothing on
536 this meeting's agenda regarding the outcome and implementation of the Child Custody
537 Stakeholder Meeting and requested that the Enforcement Committee develop an
538 implementation timeline.

539
540 Dr. Phillips advised that due to a change in Enforcement Committee leadership,
541 implementation has been delayed, but will continue with the September 2019
542 Enforcement Committee meeting. Dr. Phillips further emphasized that while the
543 Enforcement Committee is conducted in a non-public setting, all of the legislative and
544 regulatory discussion that comes out of that Committee is brought to the full Board for
545 the public to hear and discuss.

546

547 Catherine Campbell, California Protective Parents Association, voiced concerns
548 regarding the current practice in the child custody evaluation system of dismissing
549 abuse and questioned why licensees are not suspended instead of given probation in
550 light of these allegations.

551
552 Dr. Phillips explained that due process allows the Board to suspend a license under
553 some limited circumstances, but the Board must provide due process and look at all the
554 evidence involved when determining discipline.

555
556 **Agenda Item #19: Discussion and Consideration of the Board's Policy for Holding**
557 **Cases for Closed Session (S. Monterrubio)**

558
559 Ms. Monterrubio provided the Board with an update on this item and explained what it
560 meant to hold a vote for closed session discussion.

561
562 Discussion ensued among Board members regarding their preferences for either a one
563 vote or two votes policy to hold.

564
565 Ms. Sorrick emphasized that while a vote is held, the licensee is able to continue
566 practicing with an unfettered license until discipline is imposed following the closed
567 session discussion.

568
569 Dr. Horn questioned whether a hold could be utilized to bring up larger themes and
570 trends for discussion by the whole Board.

571
572 Dr. Phillips suggested it might be more reasonable to bring such questions to staff or to
573 the Board President to be agendaized and discussed at the Enforcement Committee
574 without holding up a vote.

575
576 Mr. Foo asked why it is optional for Board members to disclose why they voted to hold a
577 case. Discussion ensued regarding whether Board members should disclose the reason
578 they vote to hold.

579
580 Dr. Phillips expressed his concern with disclosing the reason for holding a case due to
581 the nature of the Board's adjudicatory role in the process, but that he appreciates that
582 Ms. Monterrubio notifies him of who voted and their reason, if specified, to hold a case
583 for discussion.

584
585 Ms. Marks advised that for clarity purposes, it would be best for Board members with
586 questions to contact Board staff before voting to hold. This way, staff is not confused
587 about how to record the vote.

588
589 Dr. Jo Linder-Crow, CPA, asked about Dr. Phillips' referring to Board staff as
590 "prosecutors". Dr. Phillips explained the distinction between Board staff, who file the
591 Accusation, and Board Members, who are triers-of-fact.

592

593 Dr. Linder-Crow further asked whether the Board reviews every single Decision, to
594 which Ms. Marks replied that this is generally the case, except in cases of stipulated
595 surrenders or stipulated revocations, which fall under the delegated authority of the
596 Executive Officer. Dr. Harb Sheets added that the Board does vote on Stipulations,
597 which they review along with the Accusation and any other supporting materials.
598

599 Dr. Elizabeth Winkelman, CPA, inquired about matters that involve lesser degrees of
600 discipline.
601

602 Ms. Monterrubio explained that all discipline comes through the Office of the Attorney
603 General, and that Citation and Fines are not discipline and usually do not rise to the
604 attention of the full Board.
605

606 **Agenda Item #20: Health Professions Education Foundation Presentation on**
607 **Licensed Mental Health Services Provider Education Program (LMHSPEP) and**
608 **Mental Health Loan Assumption Program (MHLAP) (N. Asprec)**
609

610 This item was presented by Norlyn Asprec, Executive Director at Health Professions
611 Education Foundation.
612

613 Discussion ensued regarding specific program components, the number of awards
614 granted, and the funding sources for these grants. There was also discussion regarding
615 the program's outreach efforts to school and rural settings, special funding for former
616 foster youth, and the large differences in educational costs for psychologists vs. Board
617 of Behavioral Sciences licensees.
618

619 Dr. Jo Linder-Crow, CPA, asked whether as a 501(3)(c) the program is under California
620 regulation and Ms. Asprec replied that it was. Dr. Linder-Crow inquired further about the
621 composition of the board and how awardees were selected. Ms. Asprec explained that
622 the Board of Trustees was comprised of thirteen members, with some appointed by the
623 Governor's Office, some by the Senate Pro-Tem, and some by the Assembly Rules
624 Committee Speaker. Ms. Asprec continued by saying that awardees are chosen by a
625 selection committee made up of members of the board as well as experts in the field
626 from educational settings.
627

628 Dr. Linder-Crow asked why psychologists were not included in the \$1M allocation for
629 former foster home applicants, which only included BBS. Ms. Asprec, with additional
630 supporting comments made by Mr. Foo and Dr. Phillips, clarified that this was a result of
631 legislation and that Ms. Asprec did not have the background information Dr. Linder-
632 Crow sought on this subject. Dr. Linder-Crow concluded by stating that she would do
633 her own research into the matter.
634

635 **Agenda Item #21: Licensing Committee Report – Consideration and Possible**
636 **Approval of Committee Recommendations (Horn – Chair, Foo, Harb Sheets)**
637

638 a) Licensed Educational Psychologist (LEP): Report on Presentation by Board of
639 Behavioral Sciences Regarding LEP Functions for Discussion

640 Dr. Horn provided the Board with an update on this item.
641

642
643 Board discussion ensued regarding confusion in the distinction between an LEP and a
644 school psychologist and where there might be overlap between the two professions.
645 Concerns were raised that since an LEP's scope of practice is limited to scholastic
646 performance and would not include psychotherapy, an LEP might inadvertently fail to
647 refer an autistic pupil to critical services with a licensed psychologist for issues beyond
648 scholastic performance. There was also discussion regarding the confusion between
649 each profession's scope of practice and how, if there was confusion at the Board level,
650 there must be even more confusion on the part of consumers. Board members also
651 expressed concerns regarding consumer harm that could occur if children were only
652 provided services related to their scholastic performance and not appropriately referred
653 to the Board's or Board of Behavioral Sciences' licensees for appropriate mental health
654 services.

655
656 The Board was informed that this issue is an update and the matter will be further
657 discussed at the September 2019 Licensure Committee meeting before being brought
658 back to the full Board for possible action.

659
660 Dr. Winkelman, CPA, commented that consumers are confused about this topic and
661 inquired whether the Board could help guide policy development regarding when an
662 LEP should refer a pupil out for psychotherapeutic services.

663
664 Dr. Melodie Schaefer, CPA Division II and CAPIC, commented that the Board should
665 contemplate whether any license or certificate containing the word "psychologist" should
666 be brought under the purview of this Board.

667
668 b) Foreign Degree Evaluation Services: Review and Consideration of Amendments to
669 Business and Professions Code Section 2914(c)

670
671 Dr. Horn provided a summary of the Licensing Committee's amended language and
672 criteria for evaluating credentials of foreign graduates and recommended the Board
673 approve the language.

674
675 Discussion ensued regarding the amount of legislative workload the Board has taken on
676 for 2020 and how the Board may want to pursue some of these legislative priorities as
677 part of the Sunset Review process.

678
679 It was M(Horn)/S(Foo)/C to adopt the language and criteria for evaluating credentials of
680 foreign graduates as amended.

681
682 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
683

684 The amended language for Business and Professions Code Section 2914(c)(4) is as
685 follows:

686
687 (4) An applicant for licensure trained in an educational institution outside the United
688 States or Canada shall demonstrate to the satisfaction of the board that he or she
689 possesses a doctorate degree in psychology that is equivalent to a degree earned from
690 a regionally accredited university in the United States or Canada. ~~These applicants shall~~
691 ~~provide the board with a comprehensive evaluation of t~~The degree performed shall be
692 evaluated by a foreign credential evaluation service that is a member of the National
693 Association of Credential Evaluation Services (NACES), or by the National Register of
694 Health Services Psychologists (NRHSP). The evaluation shall:

695 i) Provide a transcript in English, or translated into English by the credential evaluation
696 service, of the degree used to qualify for licensure in English
697 ii) Indicate that the degree used to qualify for licensure is verified using primary sources;
698 iii) Determine that the degree is equivalent to a degree that qualifies for licensure
699 pursuant to subsections (b) and (c)(1) through (3); and
700 iv) Be submitted directly to the board by a member of the NACES or NRHSP.
701 The applicant shall provide any other documentation the board deems necessary.

702
703 c) Informational Video for Supervisors: Discussion and Recommendations for Content
704 to be Included in the Video

705
706 Dr. Elizabeth Winkelman from CPA thanked the Board for developing these supervisor
707 materials and inquired whether the Licensure Committee would consider doing an
708 online FAQ in addition to the video FAQ. Dr. Horn confirmed that there would be a
709 written FAQ as well.

710
711 d) Discussion and Consideration for Grievance Process: How to Resolve a Discrepancy
712 between Weekly Log and Verification of Experience

713
714 Dr. Horn introduced Ms. Cheung to provide the Board with an update on this item. Ms.
715 Cheung provided a summary of the issue and informed the Board that staff will bring
716 recommendations regarding a grievance process to the September 2019 Licensure
717 Committee to address when there are discrepancies between weekly logs and
718 Verifications of Experience.

719
720 Dr. Winkelman from CPA commented that there were additional issues beyond
721 discrepancies between the weekly logs and Verifications of Experience dealing more
722 with issues of harassment of supervisees by their supervisors. Ms. Cheung clarified that
723 this item will be carried to a future Licensure Committee meeting agenda. Dr. Phillips
724 commented that the issue of harassment of psychological assistants by their
725 supervisors should not be discussed at the Licensure Committee but instead left to the
726 Enforcement Committee.

727

728 Dr. Schaefer, CPA Division II and CAPIC, commented that while she meets weekly with
729 her supervisees, she is not sure whether it is better left up to the supervisor or
730 supervisee to stay on top of the logged hours.

731
732 e) Review and Consideration of Revisions to the Goal and Name of the Licensing
733 Committee

734
735 Dr. Horn recommended that the Board approve revisions to this Committee's name to
736 "Licensure Committee" and to the goal of the Licensing Committee.

737
738 It was M(Foo)/S(Casuga)/C to adopt the goal and name change for the Licensing
739 Committee.

740
741 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
742

743 The revised goal reads as follows.

744
745 "The goal of this Committee is to create and maintain a clear and efficient framework for
746 licensure examination processes and continuing professional development through the
747 Board's statutes and regulations to ensure licensees meet the qualifications necessary
748 to practice safely and ethically. The Committee communicates relevant information to its
749 affected stakeholders."

750
751 f) Consideration of Licensing Committee Recommendations Regarding Requests for an
752 Extension of the 72-Month Registration Period Limitation for Registered Psychological
753 Assistant Pursuant to 16 CCR Section 1391.1(b)

754
755 Dr. Horn provided a summary of PSB #1's extension request and the Licensing
756 Committee's recommendation regarding this request.

757
758 It was M(Horn)/S(Harb Sheets)/C to grant an extension to the 72-month period for PSB
759 #1.

760
761 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
762

763 Dr. Horn provided a summary of PSB #2's extension request and the Licensing
764 Committee's recommendation regarding this request.

765
766 It was M(Horn)/S(Harb Sheets)/C to deny the licensee's request for an extension to the
767 72-month period for PSB #2.

768
769 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes
770

771 g) Consideration of Licensing Committee's Recommendations Regarding Request for
772 Continuing Education (CE) Exception Pursuant to 16 CCR Section 1397.62(b)

773

774 Dr. Horn provided a summary of PSY #1's CE exemption request and the Licensing
775 Committee's recommendation regarding this request.

776

777 Discussion ensued regarding PSY #1's ability to meet the requirement after denial of
778 the exemption and if there were any negative impacts on the ability to renew. Staff
779 confirmed that PSY #1 had not yet taken the course and had adequate time to accrue
780 the hours through an approved course before their next renewal.

781

782 It was M(Horn)/S(Harb Sheets)/C to accept the Licensing Committee's recommendation
783 to deny the licensee's request for a CE exception.

784

785 Vote: 7 ayes (Bernal, Casuga, Cervantes, Foo, Harb Sheets, Horn, Phillips), 0 noes

786

787 22) Consideration of Renaming Registered Psychological Assistant for Purposes of
788 Changes to Pathways to Licensure

789

790 Dr. Horn provided a summary of the Pathways to Licensure changes relating to
791 renaming "psychological assistant" to "psychological associate." Board discussion
792 ensued regarding the use of the registration titles "assistant" vs. "associate" and
793 whether varying use of these terms in other jurisdictions led to consumer confusion
794 when some jurisdictions allow independent practice under the title "associate". There
795 was also discussion as to why the change was made and whether the term "associate"
796 is misleading to the public.

797

798 It was M(Foo)/S(Casuga)/W to authorize staff to make appropriate global changes in the
799 statutory and regulatory language of Pathways to Licensure to change "psychological
800 associate" back to "psychological assistant."

801

802 Dr. Jo Linder-Crow, CPA, commented that the Board should honor stakeholders' wishes
803 and stay with "Associate" instead of reverting to the use of "Assistant." She also noted
804 that the Board of Behavioral Sciences now uses associate for their training categories.
805 Dr. Linder-Crow stated that other states' naming conventions should not sway this
806 Board's naming conventions.

807

808 Discussion ensued regarding the potential ramifications of having a title that could
809 signify independent practice in other jurisdictions and whether this confusion could
810 really be detrimental or whether it was better to stay keep the "associate" title.

811

812 Dr. Horn suggested the Licensure Committee revisit this subject at its September 2019
813 meeting and bring it back to the Board in October.

814

815 Dr. Elizabeth Winkelman, CPA, asked whether other states that use the title "associate"
816 for independent practice categories require these individuals to be supervised for a
817 number of years before applying for independent status. Dr. Phillips asked if staff could
818 look into other jurisdiction's use of the titles for the Licensure Committee.

819

820 Dr. Melodie Schaefer, from CPA Division II and CAPIC, commented that the National
821 Register might be a good resource regarding the portability of licenses.

822
823 Dr. Phillips stated that he would prefer to find a term that respects stakeholder wishes
824 and also engenders the true nature of the supervised experience.

825
826 Mr. Foo withdrew his motion.

827
828 Dr. Horn reiterated that this item will go to the September 2019 Licensure Committee
829 and be brought back to the October Board Meeting.

830
831 23) Opportunity for Board Members to Express an Interest in Being President or Vice-
832 President of the Board in 2020

833
834 Ms. Marks explained the process for electing officers.

835
836 Board discussion ensued and interest in serving in these elected offices was expressed
837 by Mr. Foo, Dr. Horn, Dr. Phillips, and Dr. Casuga.

838
839 24) Recommendations for Agenda Items for Future Board Meetings. Note: The Board
840 May Not Discuss or Take Action on Any Matter Raised During the Public Comment
841 Section, Except to Decide Whether to Place the Matter on the Agenda of a Future
842 Meeting [Government Code Sections 11125 and 11125.7(a)]

843
844 No Board or Public comment was made.

845
846 Meeting adjourned at 3:39 p.m.

847
848
849 _____
850 President Date

MEMORANDUM

DATE	September 19, 2019
TO	Board of Psychology Members
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #8 - Budget Report

Background:

In the Governor's 2019-20 Budget, the Board has a budget of \$5,231,000 and an estimated Fund Balance of \$9,843,000 which includes a General Fund Loan Repayment of \$3,700,000.

Due to limitations with the Fi\$CAL system, the DCA Budget Office is not able to provide up-to-date expenditure information at this time. The Board will receive the customary budget information at its February 2020 meeting.

Action Requested:

This item is informational purposes only. No action is required.

Attachment A: Analysis of Fund Condition

0310 - Psychology Fund Condition Analysis

Prepared 9.18.19

(Dollars in Thousands)

2019-20 Budget Act with Interfund Loan Interest	Budget Act							
	PY 2017-18	PY 2018-19	CY 2019-20	BY 2020-21	BY +1 2021-22	BY +2 2022-23	BY +3 2023-24	BY +4 2024-25
BEGINNING BALANCE	\$ 4,297	\$ 3,399	\$ 7,557	\$ 9,843	\$ 8,340	\$ 6,650	\$ 4,765	\$ 2,677
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,297	\$ 3,399	\$ 7,557	\$ 9,843	\$ 8,340	\$ 6,650	\$ 4,765	\$ 2,677
REVENUES AND TRANSFERS								
Revenues:								
Delinquent fees	\$ 26	\$ 39	\$ 70	\$ 70	\$ 70	\$ 70	\$ 70	\$ 70
Renewal fees	\$ 3,393	\$ 3,521	\$ 3,358	\$ 3,358	\$ 3,358	\$ 3,358	\$ 3,358	\$ 3,358
Other regulatory fees	\$ 239	\$ 149	\$ 116	\$ 116	\$ 116	\$ 116	\$ 116	\$ 116
Other regulatory licenses and permits	\$ 625	\$ 623	\$ 618	\$ 618	\$ 618	\$ 618	\$ 618	\$ 618
Sales of documents	\$ 3	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Income from surplus money investments	\$ 40	\$ 68	\$ 55	\$ 123	\$ 98	\$ 70	\$ 40	\$ 6
Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Miscellaneous revenues	\$ 1	\$ -	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 4,328	\$ 4,404	\$ 4,219	\$ 4,287	\$ 4,262	\$ 4,234	\$ 4,204	\$ 4,170
Transfers from Other Funds								
GF Loan Repayment Per Item 1450-011-0310 BA of 2002	\$ -	\$ 3,800	\$ 1,200	\$ -	\$ -	\$ -	\$ -	\$ -
GF Loan Repayment Per Item 1110-011-0310 BA of 2008	\$ -	\$ -	\$ 2,500	\$ -	\$ -	\$ -	\$ -	\$ -
Interest from Interfund loans	\$ -	\$ 1,605	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 4,328	\$ 9,809	\$ 7,919	\$ 4,287	\$ 4,262	\$ 4,234	\$ 4,204	\$ 4,170
Totals, Resources	\$ 8,625	\$ 13,208	\$ 15,476	\$ 14,130	\$ 12,602	\$ 10,884	\$ 8,969	\$ 6,847
EXPENDITURES								
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,919	\$ 5,290	\$ 5,231	\$ 5,388	\$ 5,550	\$ 5,717	\$ 5,889	\$ 6,066
8880 Financial Information System for California (State Operations)	\$ 6	\$ 1	\$ -1	\$ -1	\$ -1	\$ -1	\$ -1	\$ -1
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ 45	\$ 94	\$ 94	\$ 94	\$ 94	\$ 94	\$ 94
9900 Statewide General Administrative Expenditures (Pro Rata)(State Operations)	\$ 301	\$ 315	\$ 309	\$ 309	\$ 309	\$ 309	\$ 309	\$ 309
Total Disbursements	\$ 5,226	\$ 5,651	\$ 5,633	\$ 5,790	\$ 5,952	\$ 6,119	\$ 6,292	\$ 6,471
FUND BALANCE								
Reserve for economic uncertainties	\$ 3,399	\$ 7,557	\$ 9,843	\$ 8,340	\$ 6,650	\$ 4,765	\$ 2,677	\$ 376
Months in Reserve	7.2	16.1	20.4	16.8	13.0	9.1	5.0	0.7

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR IN BY+1 AND ON-GOING..
- C. ASSUMES INTEREST RATE OF 1.5%
- D. PROJECTED FY 2017-18 EXPENDITURES (NET) AND REVENUES

MEMORANDUM

DATE	September 17, 2019
TO	Board Members
FROM	Mai Xiong Licensing and BreZE Coordinator
SUBJECT	Agenda Item 9 Licensing Report

License/Registration Data by Fiscal Year:

License & Registration	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20**
Psychologist*	21,527	22,020	22,688	***	20,575	20,227	20,024	20,580	21,116	21,764
Psychological Assistant	1,507	1,635	1,727	***	1,701	1,580	1,446	1,446	1,361	1,408
Registered Psychologist	312	320	349	***	280	272	278	250	129	120

*Current and Current Inactive

**As of September 17, 2019

***Statistics unavailable

Please refer to the Licensing Population Report (Attachment A) for statistics on the different license statuses across the three types of license and registration.

Application Workload Reports:

The attached reports provide statistics on the application status by month for each of the license and registration types (see Attachment B). Recently, the data parameter has been updated to capture applications that were opened as early as January 1, 2013. Previously, the data include applications that were opened for only a year from the reporting date. By expanding the date range for applications that were opened since January 1, 2013, the reports reflect more accurate data on the application workload by showing the number of applications that were updated or approved within the past six months. On each report, the type of transaction is indicated on the x-axis of the graphs. The different types of transactions and the meaning of the transaction status are explained below for the Board's reference.

Psychologist Application Workload Report

“Exam Eligible for EPPP” (Examination for Professional Practice in Psychology) is the first step towards licensure. In this step, an applicant has applied to take the EPPP. An application with an “open” status means it is deficient or pending initial review.

“Exam Eligible for CPLEE” (California Psychology Law and Ethics Exam) is the second step towards licensure. In this step, the applicant has successfully passed the EPPP

and has applied to take the CPLEE. An application with an “open” status means it is deficient or pending review.

“CPLEE Retake Transaction” is a process for applicants who need to retake the CPLEE due to an unsuccessful attempt. This process is also created for licensees who are required to take the CPLEE due to probation. An application with an “open” status means it is deficient, pending review, or an applicant is waiting for approval to re-take the examination when the new form becomes available in the next quarter.

“Initial App for Psychology Licensure” is the last step of licensure. This transaction captures the number of licenses that are issued if the status is “approved” or pending additional information when it has an “open” status.

Psychological Assistant Application Workload Report

Psychological Assistant registration application is a single-step process. The “Initial Application” transaction provides information regarding the number of registrations issued as indicated by an “approved” status, and any pending application that is deficient or pending initial review is indicated by an “open” status.

Since all psychological assistants hold a single registration number, an additional mechanism, the “Change of Supervisor” transaction, is created to facilitate the process for psychological assistants who wishes to practice with more than one primary supervisor or to change primary supervisors. A change is processed when all information is received, thus there is no open status for this transaction type.

Registered Psychologist Application Workload Report

Registered Psychologist registration application is also a single-step process. The “Initial Application” transaction provides information regarding the number of registrations issued as indicated by an “approved” status, and any pending application that is deficient or pending initial review is indicated by an “open” status.

Attachments:

- A. Licensing Population Report as of September 16, 2019
- B. Application Workload Reports as of September 13, 2019
- C. Applications Received September 2018 – August 2019 as of September 11, 2019
- D. Examination Statistics August 2018 – July 2019

Action:

This item is for informational purposes only. No action is required.



STATE DEPARTMENT OF CONSUMER AFFAIRS
BREEZE SYSTEM

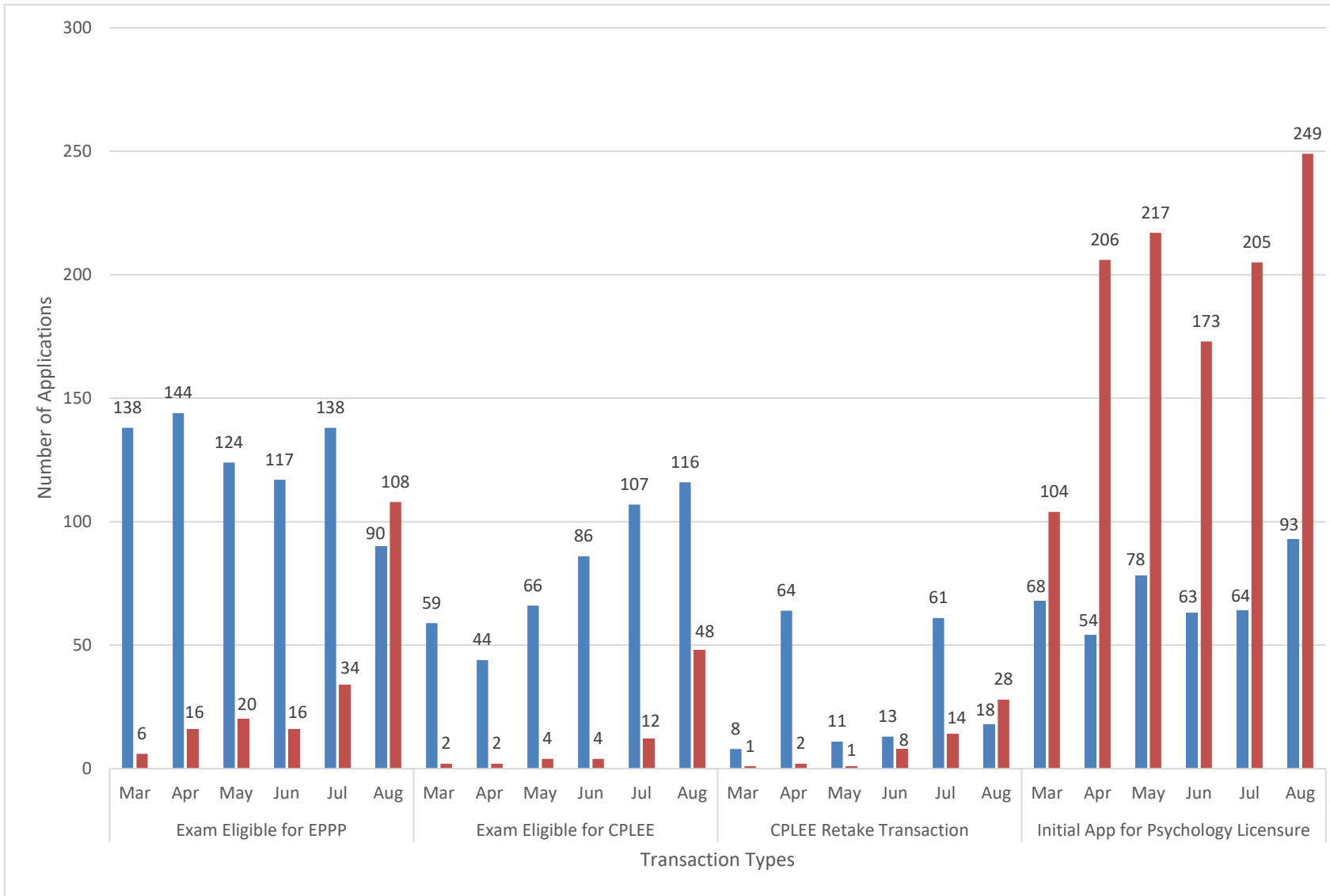


LICENSING POPULATION REPORT
BOARD OF PSYCHOLOGY
AS OF 9/16/2019

License Type	STATUS CODES								Total
	Licensing					Enforcement			
	20	21	45	50	85	48	63	65	
Psychologist	18,827	2,934	1,148	6,235	996	0	221	146	30,507
Psychological Assistant	1,404	0	111	21,373	8	0	8	7	22,911
Registered Psychologist	120	0	0	4,512	1	0	0	0	4,633
Total	20,351	2,934	1,259	32,120	1,005	0	229	153	58,051

20 Current	85 Deceased	48 Suspension
21 Current/Inactive		63 Surrendered
45 Delinquent		65 Revoked
50 Cancelled		

Psychologist Application Workload Report March 1, 2019 to August 31, 2019



Psychologist Application Workload Report

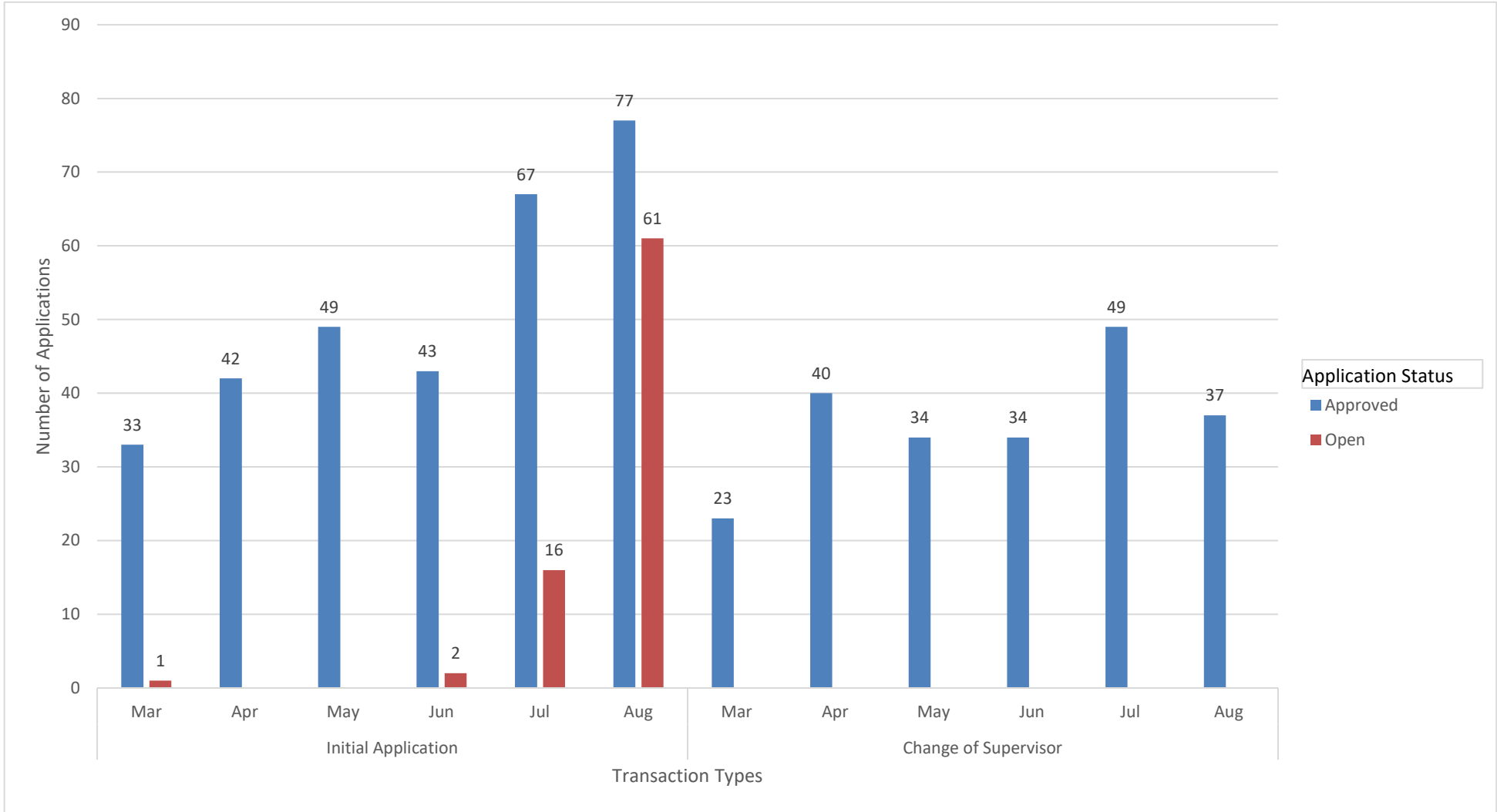
March 1, 2019 to August 31, 2019

Application Status

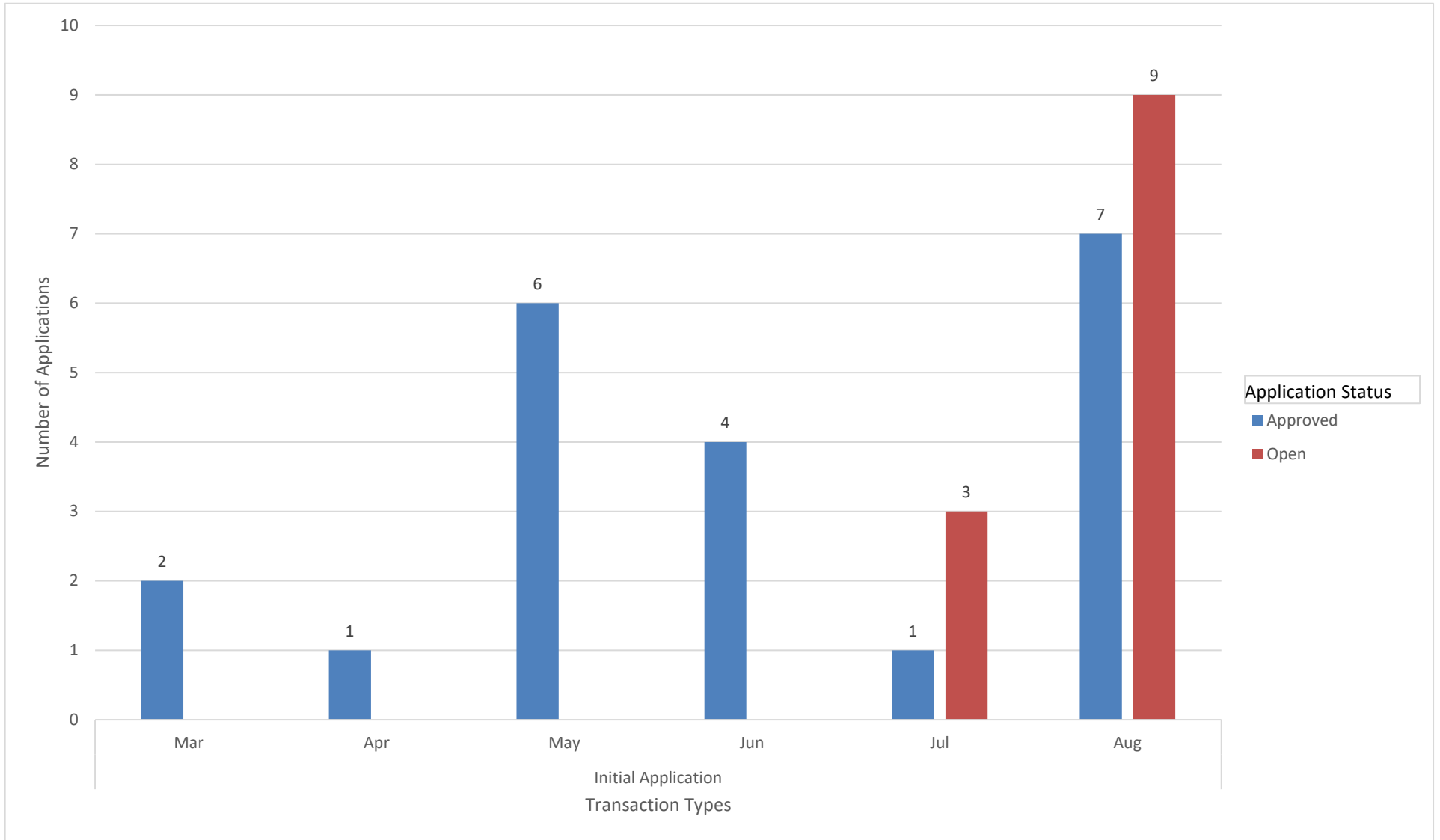
■ Approved

■ Open

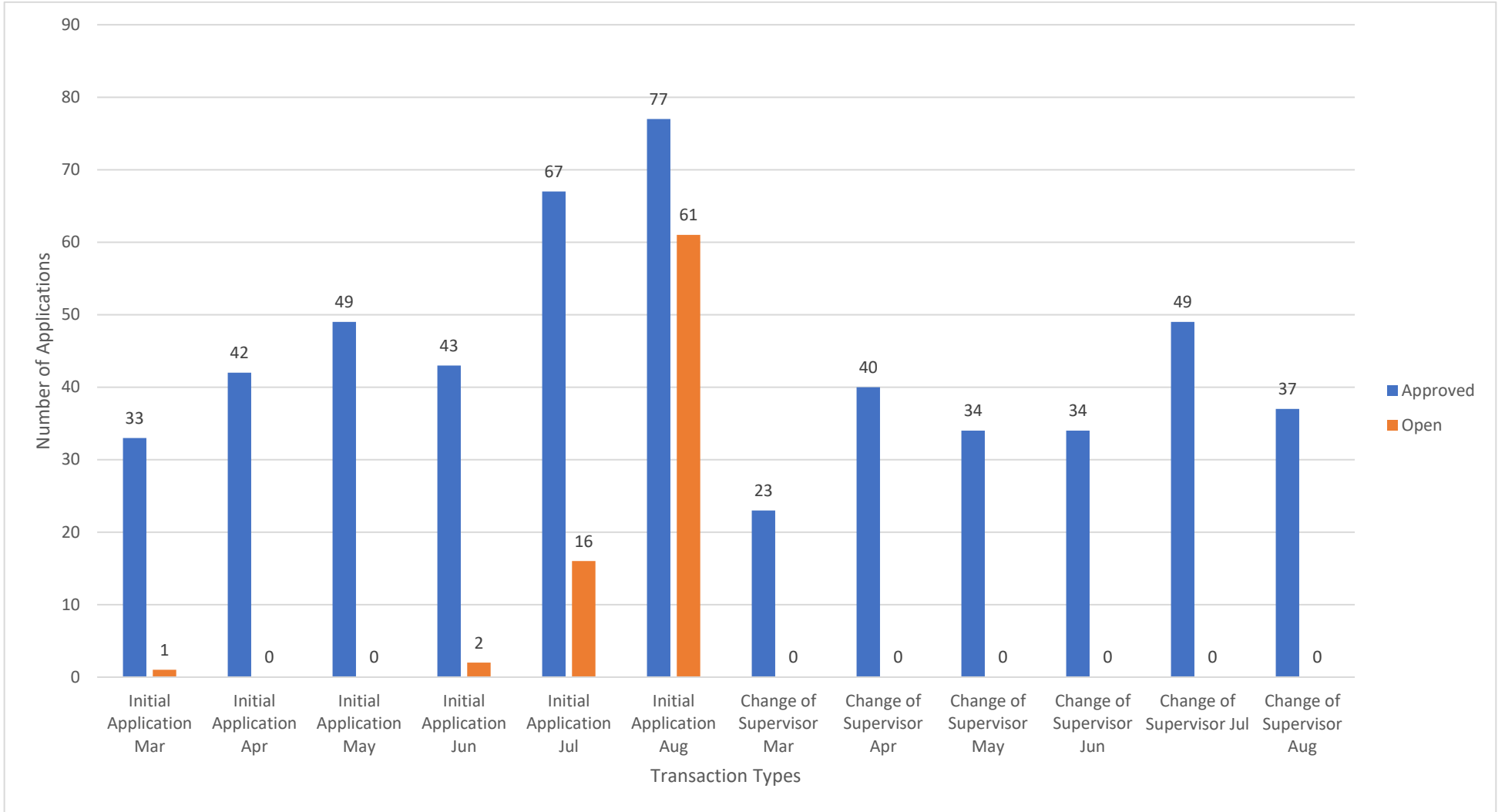
Psychological Assistant Application Workload Report March 1, 2019 to August 31, 2019



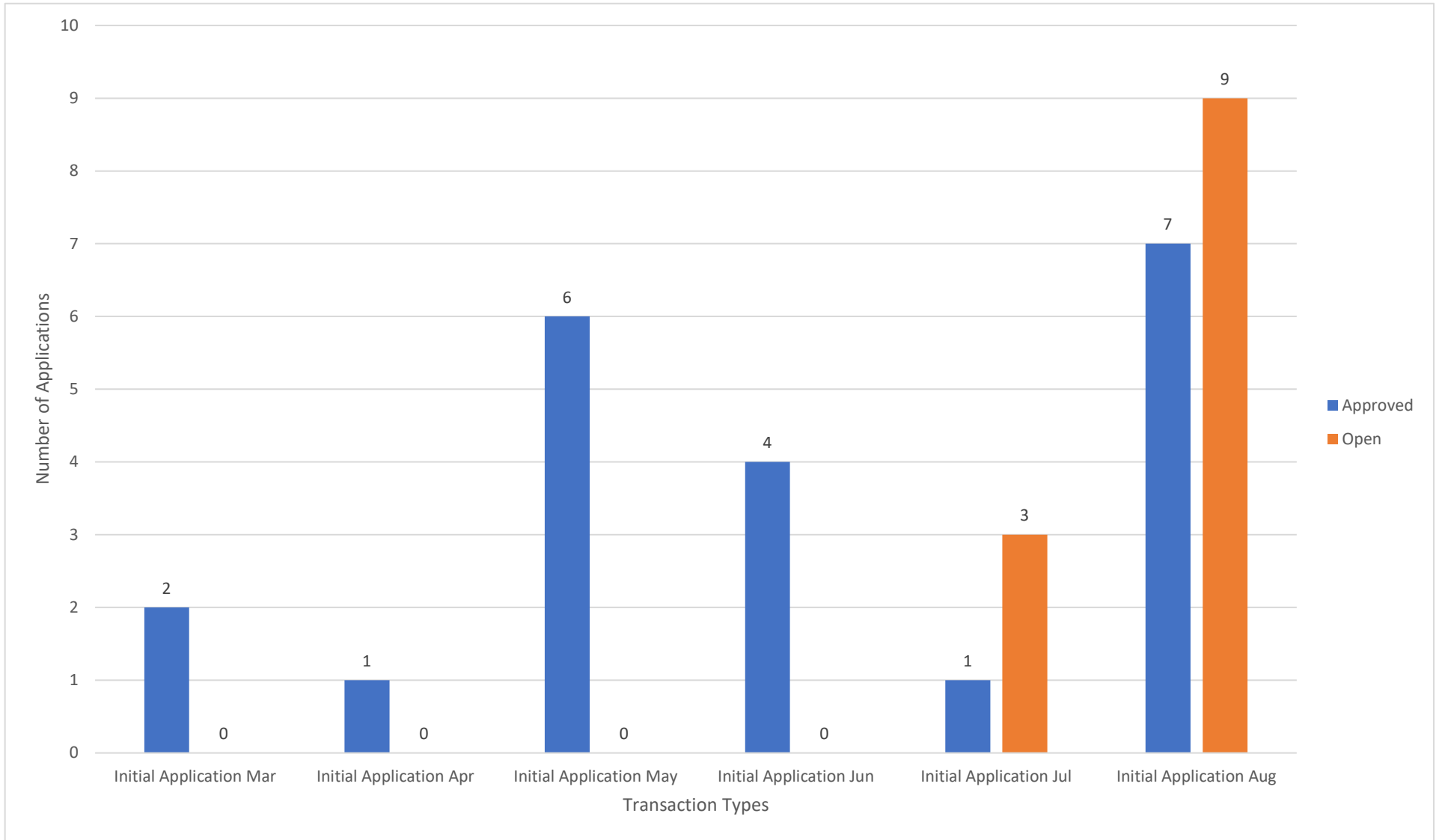
Registered Psychologist Application Workload Report March 1, 2019 to August 31, 2019



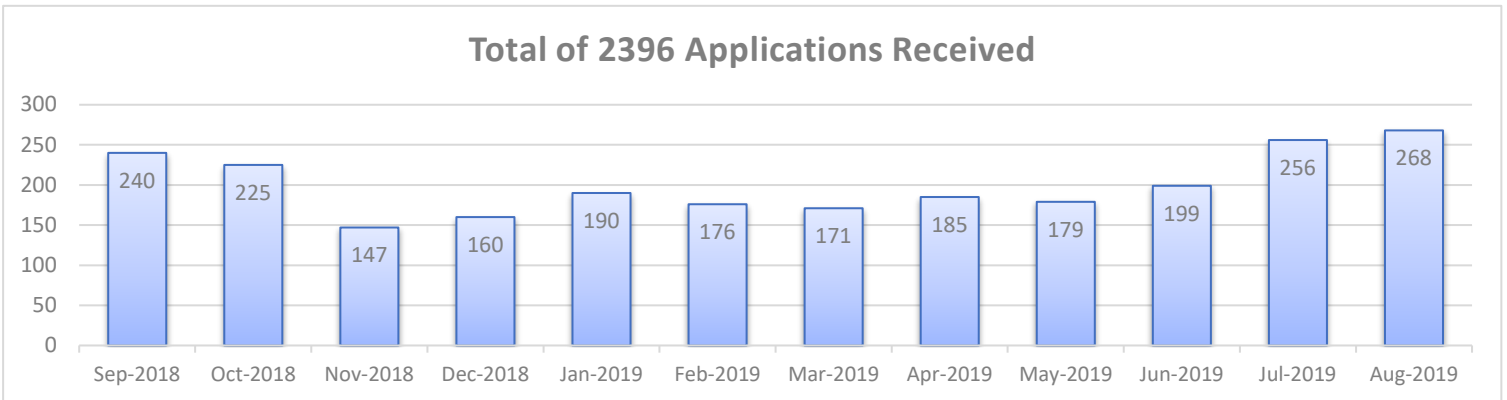
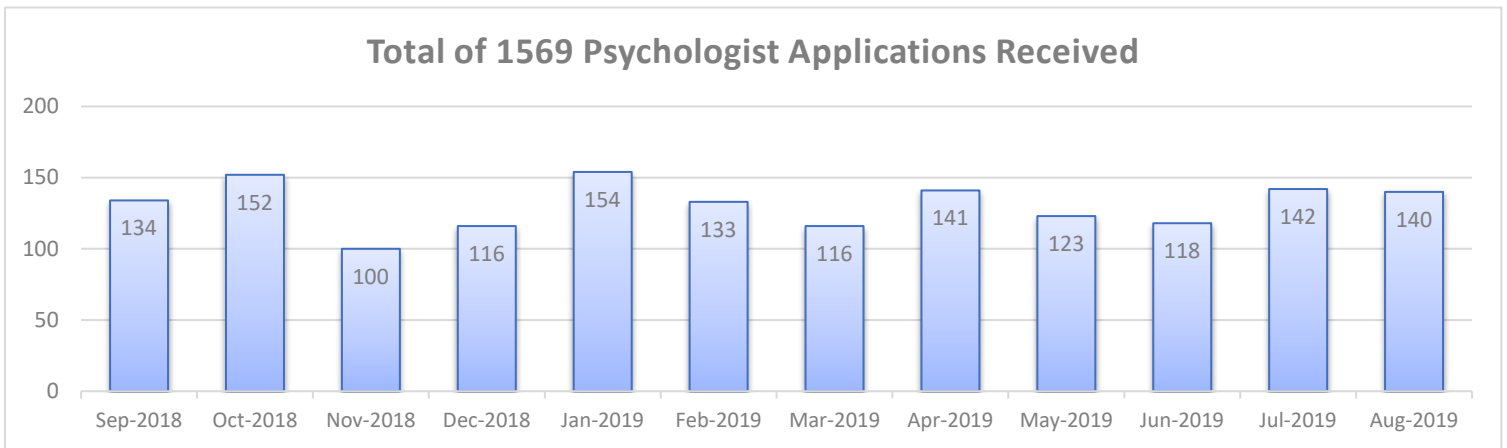
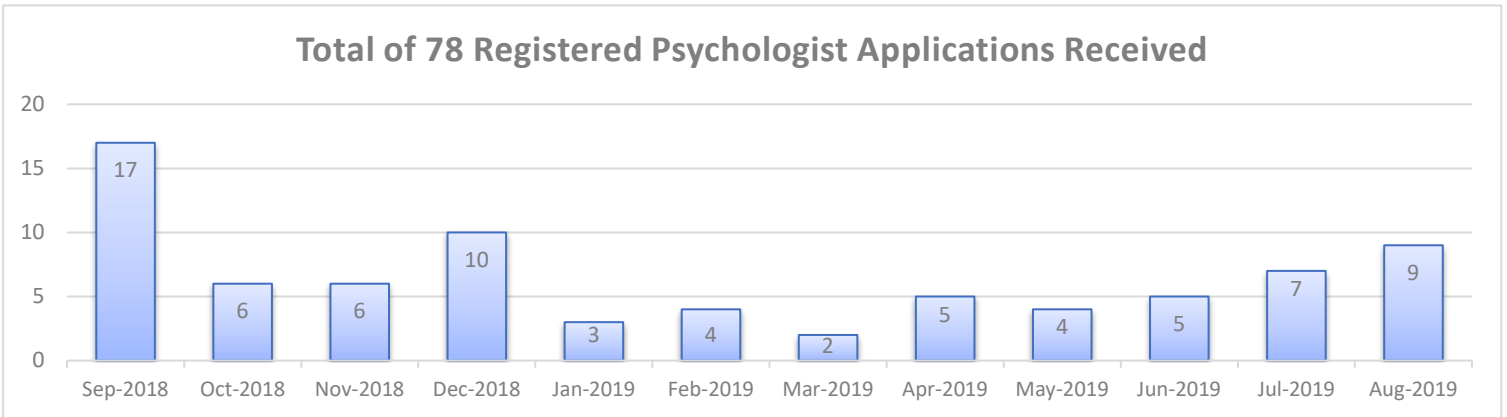
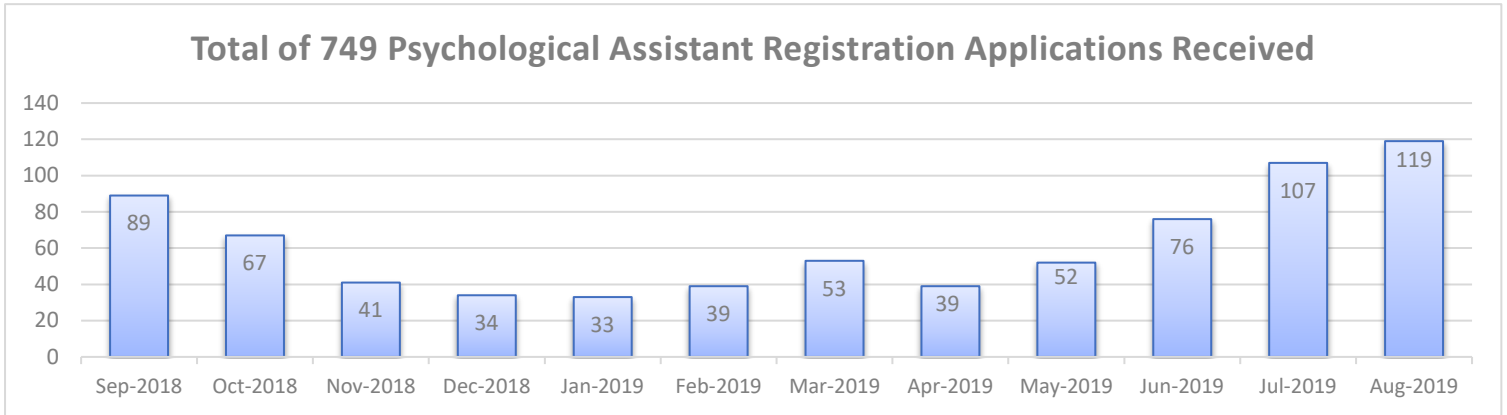
Psychological Assistant Application Workload Report March 1, 2019 to August 31, 2019



Registered Psychologist Application Workload Report March 1, 2019 to August 31, 2019



Applications Received September 2018 to August 2019
As of September 11, 2019



Applications Received September 2018 to August 2019
As of September 11, 2019

**Examination Statistics August 2018 - July 2019
As of September 17, 2019**

2018/2019 Monthly EPPP Examination Statistics

Month	# of Candidates	# Passed	% Passed	Total First Timers	First Time Passed	% First Time Passed
August 2018	137	66	48.18	74	50	67.57
September 2018	83	38	45.78	41	26	63.41
October 2018	147	78	53.06	66	47	71.21
November 2018	107	53	49.53	56	35	62.5
December 2018	126	61	48.41	63	42	66.67
January 2019	56	25	44.64	31	20	64.52
February 2019	110	59	53.64	62	41	66.13
March 2019	157	84	53.5	89	67	75.28
April 2019	174	94	54.02	96	74	77.08
May 2019	173	84	48.55	95	66	69.47
June 2019	148	69	46.62	83	56	67.47
July 2019	171	58	33.92	90	55	61.11
Total	1589	769	48.32	846	579	67.70

2018/2019 Monthly CPLEE Examination Statistics

Month	# of Candidates	# Passed	% Passed	Total First Timers	First Time Passed	% First Time Passed
August 2018	137	92	67.15	117	78	66.67
September 2018	132	76	57.58	115	69	60
October 2018	134	105	78.36	72	53	73.61
November 2018	106	86	81.13	70	56	80
December 2018	112	88	78.57	89	70	78.65
January 2019	86	60	69.77	50	35	70
February 2019	83	60	72.29	62	43	69.35
March 2019	105	75	71.43	87	68	78.16
April 2019	89	59	66.29	47	32	68.09
May 2019	79	60	75.95	53	38	71.7
June 2019	114	78	68.42	92	65	70.65
July 2019	106	84	79.25	76	60	78.95
Total	1283	923	72.18	930	667	72.15

MEMORANDUM

DATE	September 16, 2019
TO	Board of Psychology
FROM	Liezel McCockran Continuing Education and Renewals Coordinator
SUBJECT	Agenda Item #10 – Continuing Education Audit/Renewals Report

Attached please find the following Continuing Education (CE) Audit/Renewals statistics for Psychologists and Psychological Assistants:

- A. CE Audit
- B. Reasons for Not Passing CE Audit
- C. Psychologist and Psychological Assistant Renewal Applications Processed:
January 2019 – September 2019
- D. Online vs. Mailed In Renewals Processed
- E. Pass and Fail Rate 2014-2017
- F. Pass and Fail Rates for 2nd Audits

CE audits have been sent out for the months of January 2017 through December 2017. To date, the pass rate is 84 percent with 3 percent of audits still pending review. Audits for January, February and March of 2018 were sent out on August 12, 2019. The due date for those audits are October 12, 2019.

For January 2019 through September 15, 2019, an average of 839 renewal applications were processed per month, with 78 percent of Psychologists renewing as Active. Approximately 67 percent Psychologists and Psychological Assistants renewed their license online per month. The pass rate from 2014-2017 has been consistently over 80 percent. The pass rate for 2nd audits has risen from 68 percent in 2016 to 81 percent in 2017.

In the interest of reducing the Board's carbon footprint, conserving natural resources, reducing mailing costs, and making best use of licensee/registrant renewal fees, the Board is going PaperLite for all license and registration renewals. Effective January of 2020, licensees will no longer receive the automated renewal applications mailed to the address of record. Instead licensees will receive a postcard to renew online on BreZE.

The Continuing Professional Development (CPD) goal from the Strategic Plan 2019-2023 to implement licensed Board member CPD audits each license renewal cycle for transparency purposes will begin with the January 1, 2019 audit cycle.

Action Requested:

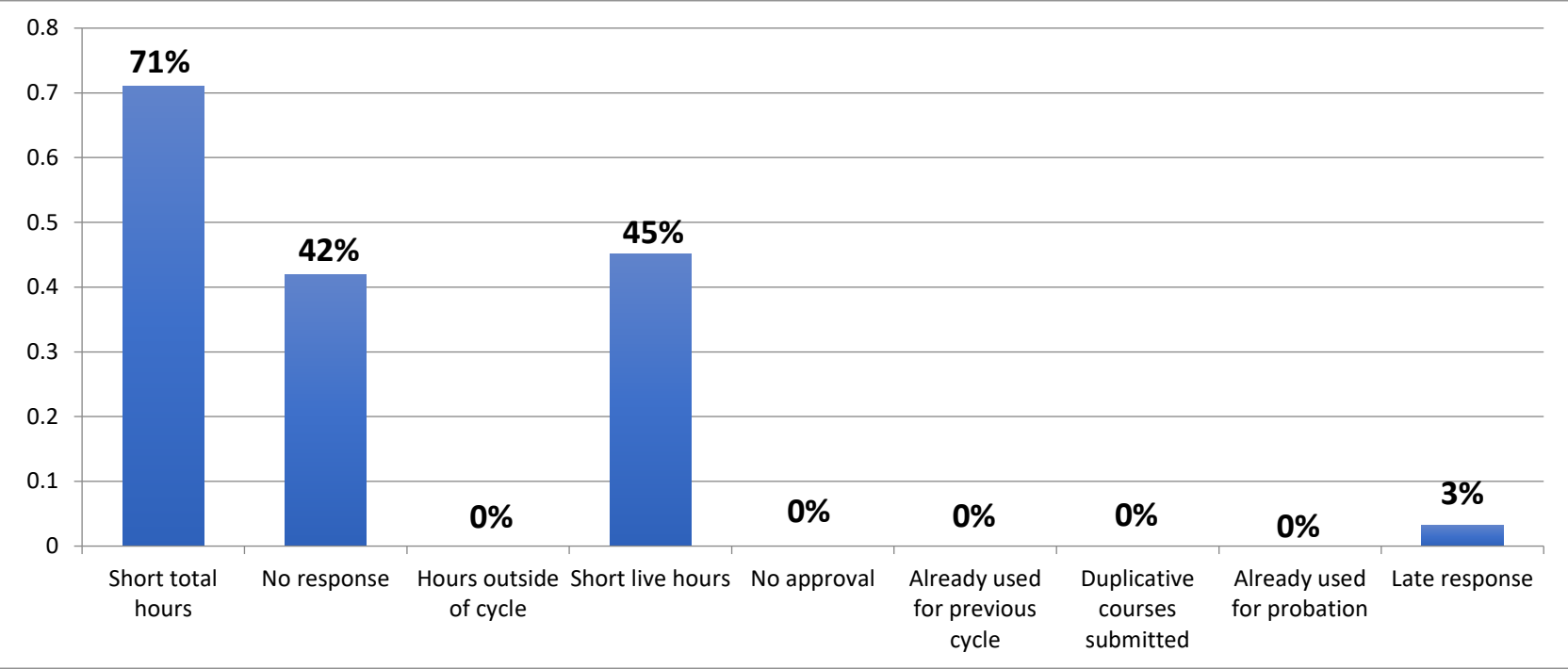
These items are for information purposes only. No action requested.

Continuing Education Audits January 2017 - December 2017

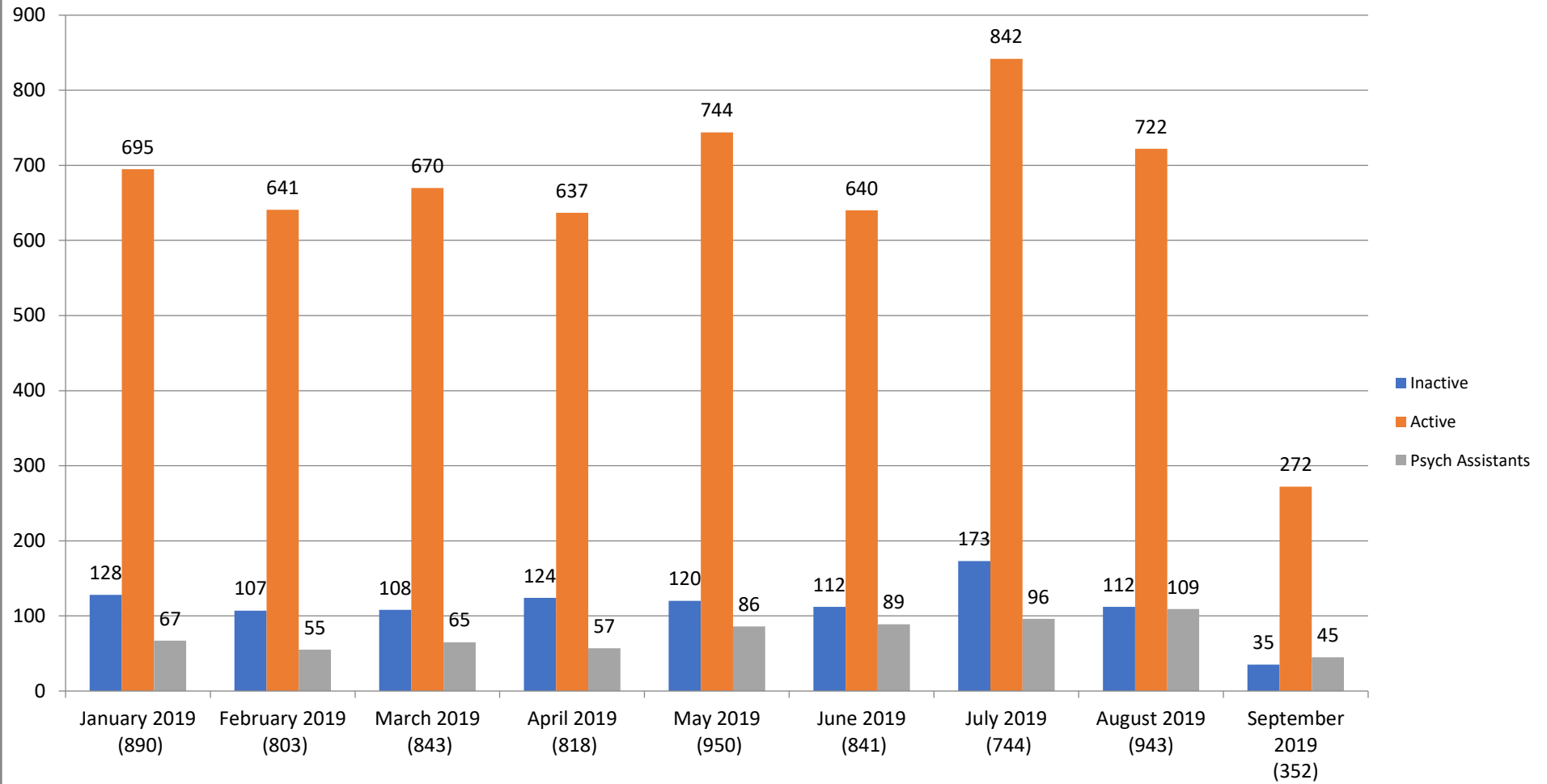
Month	Total # of Licensees Selected for Audit:	# Passed:	% Passed:	# Pending:	% Pending:	# Failed: (Referred to Citation & Fine Program)	% Failed:
January	33	31	94%	0	0%	2	6%
February	29	25	86%	0	0%	4	14%
March	35	26	74%	2	6%	7	20%
April	28	26	93%	0	0%	2	7%
May	30	25	83%	1	3%	4	13%
June	32	24	75%	0	0%	8	25%
July	30	27	90%	0	0%	3	10%
August	35	27	77%	2	6%	6	17%
September	34	31	91%	0	0%	3	9%
October	28	23	82%	1	4%	4	14%
November	32	25	78%	4	13%	3	9%
December	32	26	81%	2	6%	4	13%
Totals:	378	316	84%	12	3%	50	13%

Total Audited	Total Passed	Total Failed	Total Pending	Total Upheld
378	316	50	12	0
	84%	13%	3%	0%

Reasons for Not Passing CE Audit January 2017 - December 2017



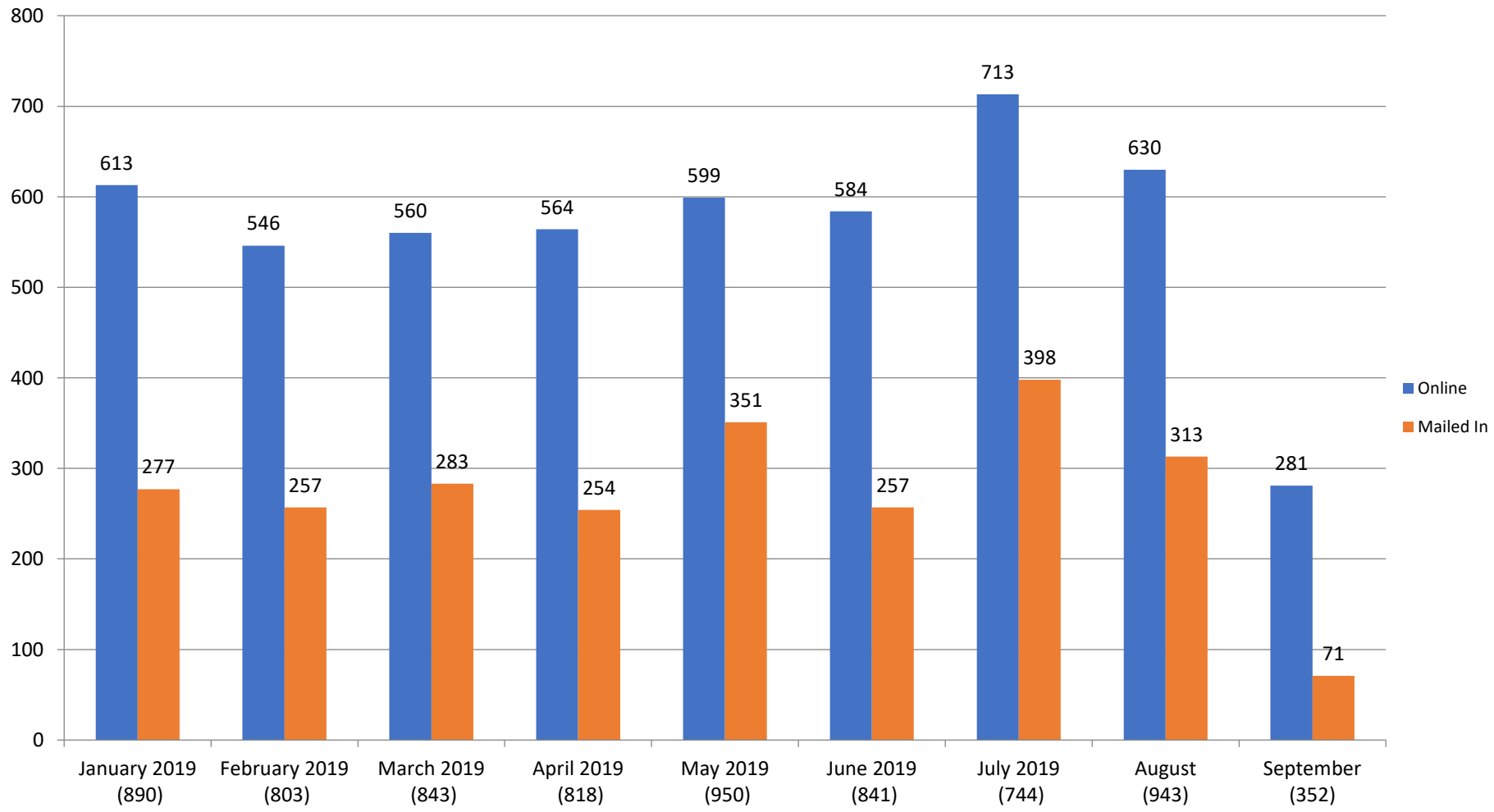
Psychologist and Psychological Assistant Renewal Applications Processed January 2019 - September 2019



An average of 839 renewal applications were processed each month, with an average of 652 Psychologists renewing as Active, and an average of 113 Psychologists renewing as Inactive. Additionally, an average of 74 Psychological Assistant renewal applications were processed each month.

As of September 15, 2019

Online vs. Mailed In Renewals Processed January 2019 - September 2019

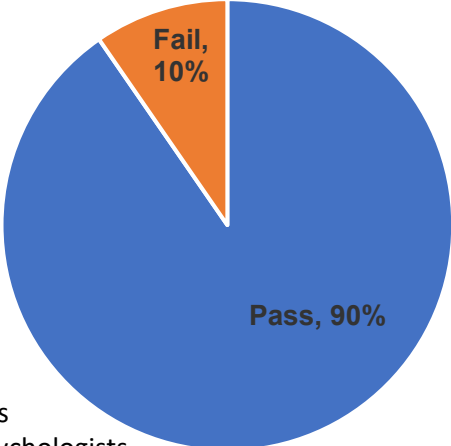


On average, 566 renewals were renewed online using BreEZe and an average 273 renewals were mailed in.

As of September 15, 2019

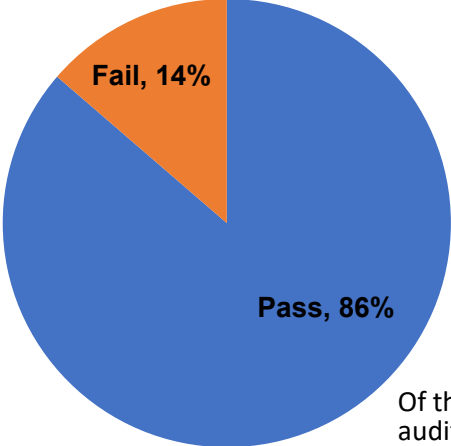
Pass and Fail Rate 2014 - 2017

2014



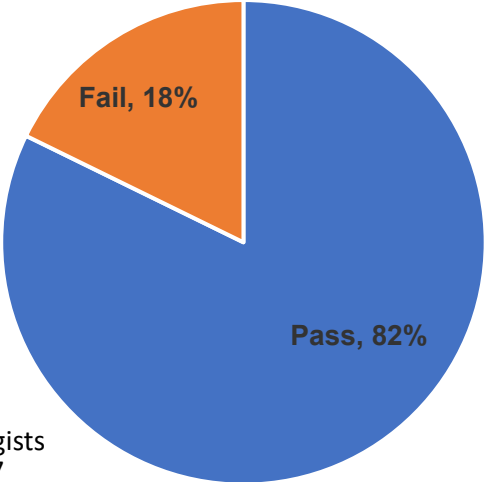
Of the 956 psychologists audited in 2014, 864 psychologists passed and 92 failed.

2015



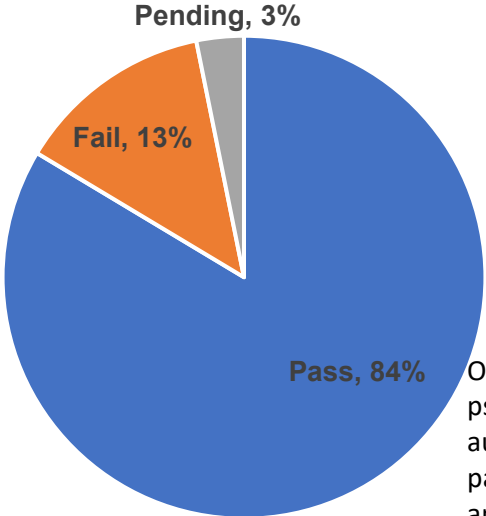
Of the 841 psychologists audited in 2015, 726 passed and 115 failed.

2016



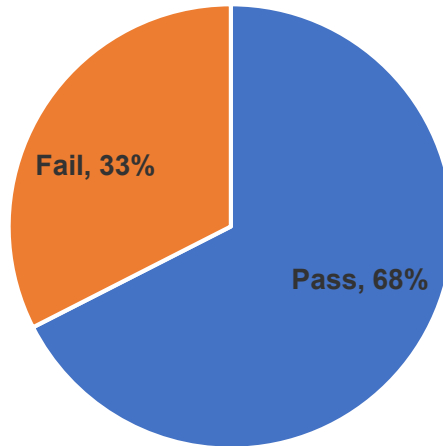
Of the 507 psychologists audited in 2016, 417 passed and 90 failed.

2017



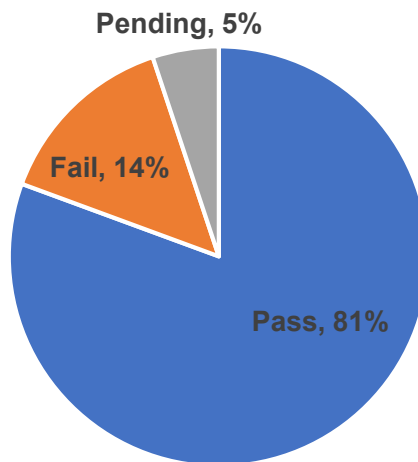
Of the 378 psychologists audited in 2017, 216 passed, 50 failed, and 12 are pending review.

Pass and Fail Rate for 2nd Audits 2016



Of the 80 psychologists who had been audited for the second time, 54 passed and 26 failed.

Pass and Fail Rates for 2nd Audits 2017



Of the 98 psychologists who had been audited for the second time, 79 passed, 14 failed and 5 are pending review.

MEMORANDUM

DATE	September 11, 2019
TO	Board of Psychology Members
FROM	Antonette Sorrick, Executive Officer
SUBJECT	Strategic Plan Action Plan Update: Agenda Item 11

Background:

The Board convened for Strategic Planning on December 3-4, 2018. The Board ratified the 2019-2023 Strategic Plan (Plan) at the February 2019 Board Meeting.

Attachment:

Strategic Plan Action Plan

Action Requested:

No action required.



**BOARD OF
PSYCHOLOGY**
Action Plan 2019-2023

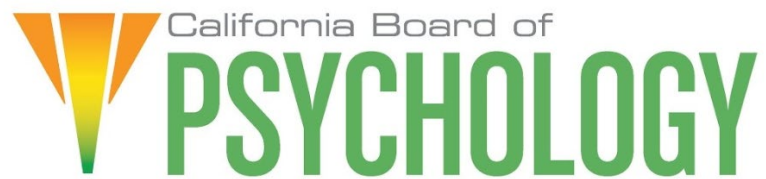


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Board of Psychology of California Members

Stephen Phillips, JD, PsyD (President)

Seyron Foo, Public Member (Vice President)

Lucille Acquaye-Baddoo, Public Member

Alita Bernal, Public Member

Marisela Cervantes, Public Member

Sheryll Casuga, PsyD

Jacqueline Horn, PhD

Mary Harb Sheets, PhD

Lea Tate, PsyD

Gavin Newsom, Governor

Alexis Podesta, Secretary, Business, Consumer Services, and Housing Agency

Chris Shultz, Chief Deputy Director, Department of Consumer Affairs

Antonette Sorrick, Executive Officer

Jeffrey Thomas, Assistant Executive Officer

About the Board

The California Board of Psychology dates back to 1958 when the first psychologists were certified in the state. The Board of Psychology is one of 30 regulatory entities which fall under the organizational structure of the Department of Consumer Affairs. Historically, the Board has been closely affiliated with the Medical Board of California.

The Board consists of nine members (five licensed psychologists and four public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two terms. The five licensed members and two public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly. Public members cannot be licensed by the Board of Psychology or by any other Department of Consumer Affairs healing arts board.

The Board's executive officer is appointed by the Board to ensure that the Board functions efficiently and serves solely in the interests of the consumers of psychological services in the State of California.

The Board of Psychology is funded totally through license, application, and examination fees. The Board receives absolutely no tax money from the general Revenue Fund of the State of California.

The Board of Psychology exists solely to serve the public by:

- Protecting the health, safety, and welfare of consumers of psychological services with integrity honesty, and efficiency;
- Advocating the highest principles of professional psychological practice;
- Empowering the consumer through education on licensee/registrant disciplinary actions and through providing the best available information on current trends in psychological service options.

Who Does the Board Regulate?

- Licensed psychologists may practice independently in any private or public setting.
- Psychological assistants must possess a qualifying master's degree and are registered to a licensed psychologist or to a board-certified psychiatrist as employees who may provide limited psychological services to the public under the direct supervision of the psychologist or psychiatrist to whom they are registered.
- Registered psychologists must possess a doctoral degree which meets licensure requirements and possess at least 1,500 hours of qualifying supervised professional experience.

- Registered psychologists are registered to engage in psychological activities at nonprofit community agencies that receive a minimum of 25% of their funding from some governmental source. Registered psychologists may not engage in psychological activities outside the approved nonprofit community agency where they are registered.

How Does the Board Accomplish Its Mission?

The Board accomplishes its mission by working to ensure that psychologists provide consumers appropriate and ethical psychological services and do not exploit consumers by abusing the power advantage inherent in any psychotherapeutic relationship. The Board also works to ensure that:

- Those entering the profession of psychology possess minimal competency to practice psychology independently and safely. This is achieved by requiring candidates for a license to possess an appropriate doctorate degree from an approved or accredited university and by requiring the completion of a minimum of 3,000 hours of supervised professional experience. Each license applicant must also pass a national written examination and a California examination. In addition, in order to renew a license, a psychologist must complete 36 hours of approved continuing education every two years.
- The Board's enforcement efforts are focused on protecting a vulnerable consumer population from exploitative, unscrupulous, and/or otherwise incompetent licensed psychologists.

Mission, Vision, and Values

Mission

The Board of Psychology protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.

Vision

A healthy California where our diverse communities enjoy the benefits of the highest standard of psychological services.

Values

Transparency

Integrity

Fairness

Responsiveness

Professionalism

Strategic Goal Areas

Goal 1: Licensing

The Board of Psychology (Board) establishes pathways to obtain and maintain a license to provide psychological services in California.

Goal 2: Continuing Professional Development

The Board ensures that licensees maintain competency to practice psychology in California.

Goal 3: Policy and Advocacy

The Board advocates for statutes and develops regulations that provide for the protection of consumer health and safety.

Goal 4: Enforcement

The Board investigates complaints and enforces the laws governing the practice of psychology in California.

Goal 5: Outreach and Education

The Board engages, informs, and educates consumers, licensees, students, and other stakeholders about the practice of psychology and the laws that govern it.

Goal 6: Board Operations

The Board Members and Staff work together to maintain the resources necessary to implement the Board's mission and meet its goals.

Acronyms

AEO – Assistant Executive Officer

CE – Continuing Education

CERC – Continuing Education and Renewals Coordinator

CPD – Continuing Professional Development

CSC – Central Services Coordinator

CSM – Central Services Manager

DCA – Department of Consumer Affairs

DOI – Department of Investigation

EO – Executive Officer

EPM – Enforcement Program Manager

LBC – Licensing and BreEZe coordinator

LM – Licensing Manager

OAG – Office of the Attorney General

OAH – Office of Administrative Hearings

OCM – Organizational Change Management

OEC – Outreach and Education Committee

Goal 1: Licensing

1.1 Implement electronic submission of application and renewal processes to reduce paper and administrative costs.

Start Date: Q2 2019		End Date: Q4 2023	
Success Measure: Increase percentage of applications received online.			
Major Tasks	Responsible Party	Completion Date	Status
Conduct organizational change management process to review application and renewal procedures for paper lite in both Central Services and Licensing Units.	CSM and LM	Q2 2019	Q4 2019
Implement recommendations from OCM.*	LBC and CERC	Q2 2020	Q4 2019
Outreach and education regarding paper lite processes.	All Staff	Q2 2020 (ongoing)	Q4 2019

1.2 Examine reliability and accuracy of license application and renewal data to reduce unnecessary and duplicative requests to licensees.

Start Date: Q2 2019		End Date: Q1 2021	
Success Measure: Decrease unnecessary and duplicative requests.			
Major Tasks	Responsible Party	Completion Date	Status
Collaborate with OCM to address issue.	CSM and LM	Q2 2019	Q4 2019
Implement recommendations from OCM.*	BC and CERC	Q1 2021	Q4 2019

*Implementation includes training

1.3 Implement the “Pathways to Licensure” as approved by the Board to reduce barriers to licensure, eliminate confusion, and streamline the process.

Start Date: Q4 2019		End Date: Q3 2023	
Success Measure: Decrease in phone calls and emails regarding the licensure process and processing times.			
Major Tasks	Responsible Party	Completion Date	Status
Draft legislative proposals 1 Substantive changes 2 Non-substantive changes	CSM	Q4 2019	On Schedule
Create advisories to applicants, licensees and supervisors regarding statutory changes.	CSC and LBC	Q1 2021	On Schedule
Implement statutory changes.*	CSC and LBC	Q1 2021	On Schedule
Draft regulatory proposal.	LM and AEO	Q3 2021	On Schedule
Create advisories to applicants, licensees and supervisors regarding regulatory changes.	CSC and LBC	Q3 2023	On Schedule
Implement regulatory changes.*	CSC and LBC	Q3 2023	On Schedule

1.4 Create an online system to check application process for applicants to easily check their application or renewal status.

Start Date: Q1 2022		End Date: Q1 2023 (ongoing)	
Success Measure: Increase applicant and licensee autonomy regarding the application status.			
Major Tasks	Responsible Party	Completion Date	Status
Identify BreEZe enhancements.	LBC and CERC	Q1 2022	On Schedule
Request BreEZe enhancements.	LBC and CERC	Q2 2022	On Schedule
Educate licensees and applicants regarding new functionality.	Licensing and Central Services Staff	Q1 2023 (ongoing)	On Schedule

1.5 Establish and implement a plan to improve responsiveness to address stakeholder concerns.

Start Date: Q2 2019		End Date: Q3 2023	
Success Measure: Improved accessibility to staff and customer service for stakeholders.			
Major Tasks	Responsible Party	Completion Date	Status
Process improvement through OCM, Pathways to Licensure, and BreEZe enhancements to make staff more accessible to stakeholders.	All Staff	Q3 2023 (ongoing)	On Schedule

1.6 Implement retired status regulations and ensure Board staff and licensees are educated about the new requirements to provide licensees an additional option.

Start Date: Q2 2021		End Date: Q4 2021	
Success Measure: The number of licensees using the retired status option.			
Major Tasks	Responsible Party	Completion Date	Status
Identify and request BreEZe enhancements.	LBC and CSC	Q2 2021	On Schedule
Implement retired status regulations.*	CSM	Q4 2021	On Schedule
Train Central Services staff on new regulations.	CSM	Q4 2021	On Schedule
Outreach and education to licensees regarding the new status.	Central Services Staff	Q4 2021	On Schedule

Goal 2: Continuing Professional Development

2.1 Implement licensed Board member Continuing Professional Development (CPD) audits each license renewal cycle for transparency.

Start Date: Q1 2019		End Date: Q4 2023	
Success Measure: Increased transparency for Board member CPD compliance.			
Major Tasks	Responsible Party	Completion Date	Status
Conduct audits for Board members.*	CERC	Ongoing	On Schedule

*Add this to New Board Member orientation

2.2 Create a media presentation for Continuing Education/Continuing Professional Development process to improve clarity, reduce confusion, and increase stakeholder satisfaction.

Start Date: Q4 2020		End Date: Q1 2021	
Success Measure: Number of YouTube views.			
Major Tasks	Responsible Party	Completion Date	Status
Create presentation.	CERC and AEO	Q4 2020	On Schedule
Post presentation on YouTube.	CERC	Q1 2021	On Schedule

2.3 Create a web page that links to American Psychological Association, California Psychological Association, Accreditation Council for Continuing Medical Education, Association of Black Psychologists, and their approved providers to assist licensees in selecting available CE courses.

Start Date: Q2 2019		End Date: Q2 2019	
Success Measure: Links are accessible to licensees on Board's website.			
Major Tasks	Responsible Party	Completion Date	Status
Create and maintain web page.	CERC	Q2 2019	Completed
Outreach and education to licensees regarding the new web page.	CERC	Q2 2019 (ongoing)	Completed

2.4 Implement Continuing Professional Development regulations and ensure Board staff and licensees are educated about the new requirements to broaden licensees' opportunities to maintain professional competence.

Start Date: Q1 2020		End Date: Q1 2021	
Success Measure: Additional opportunities to maintain competence.			
Major Tasks	Responsible Party	Completion Date	Status
Identify and request BreEZe enhancements.	LBC and CERC	Q1 2020	On Schedule
Implement CPD regulations.	CERC	Q1 2021	On Schedule
Train Central Services staff on new regulations.	CERC	Q4 2020	On Schedule
Outreach and education to licensees regarding the new CPD regulations.	Central Services Staff	Q4 2020	On Schedule

Goal 3: Policy and Advocacy

3.1 Conduct landscape analysis of potential partners for legislative advocacy to implement the Board's mission and meet its goals.

Start Date: Q4 2021		End Date: Q1 2022	
Success Measure: More effective advocacy for legislative goals.			
Major Tasks	Responsible Party	Completion Date	Status
Conduct analysis to identify groups in various areas of interest.	EO and CSM	Q4 2021	On Schedule
Utilize partnerships to assist the Board in meeting its legislative goals.	CSM and CSC	Q1 2022	On Schedule

3.2 Increase the effectiveness of communication regarding the Board's legislative efforts to help stakeholders understand the policy priorities of the Board.

Start Date: Q3 2022		End Date: Q1 2023	
Success Measure: Additional communication tools put in place.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate current communication modalities.	EO and CSM	Q3 2022	On Schedule
Identify more effective communication tools.	EO and CSM	Q4 2022	On Schedule
Implement identified communication tools.	CSC	Q1 2023	On Schedule

3.3 Implement telepsychology regulations and ensure Board staff and licensees are educated about the new regulations to allow licensees to incorporate technology into their practices.

Start Date: Q2 2020		End Date: Q2 2020	
Success Measure: The availability of information on the new regulations to staff and licensees.			
Major Tasks	Responsible Party	Completion Date	Status
Train all staff on new regulations.	AEO	Q2 2020	On Schedule
Outreach and education to licensees regarding the new regulations.	All Staff	Q2 2020	On Schedule
Create advisory for licensees	CSC/CERC	Q2 2020	On Schedule

Goal 4: Enforcement

4.1 Develop and implement effective communication process from open to close of a case to better inform complainants and respondents.

Start Date: Q2 2021		End Date: Q4 2021	
Success Measure: More effective communication.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate current communication tools to complainants and respondents.	Enforcement Staff	Q2 2021	On Schedule
Identify more effective communication tools.	Enforcement Staff	Q3 2021	On Schedule
Implement identified communication tools.*	Enforcement Staff	Q4 2021	On Schedule

* Communication tools include acknowledgement, subject letter, and flow chart

4.2 Educate licensees and consumers about the enforcement process to clarify for stakeholders the roles and responsibilities in the decision-making process.

Start Date: Q1 2022		End Date: Q3 2022	
Success Measure: The availability of information on the enforcement process to stakeholders.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate the enforcement page on the Board's website.	Enforcement Staff	Q1 2022	On Schedule
Identify areas for improvement.	EPM	Q2 2022	On Schedule
Develop and publish a fact sheet regarding roles and responsibilities of the different government entities* involved in the decision-making process.	EPM	Q3 2022	On Schedule

*Government entities include the Board, DCA, DOI, OAG, and OAH

4.3 Support DCA's efforts to recruit and maintain investigative staff and resources to reduce investigative timeframes.

Start Date: Q1 2019	End Date: Q1 2019		
Success Measure: Additional investigative staff.			
Major Tasks	Responsible Party	Completion Date	Status
Advocate for additional investigative staff.	EO	Q1 2019	Completed

4.4 Complete review of the Board’s existing and proposed enforcement statutes and regulations for clarity, cohesiveness, and effectiveness.

Start Date: Q4 2019		End Date: Q4 2023	
Success Measure: Enforcement laws are more clear, cohesive and effective.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate existing statutes and regulations.	Enforcement Staff	Q4 2019	On Schedule
Identify amendments and additions to statues and regulations.	Enforcement Staff	Q2 2020	On Schedule
Draft legislative proposal.	EPM and CSM	Q4 2020	On Schedule
Create advisories to stakeholders regarding statutory changes.	CSC and EPM	Q1 2022	On Schedule
Implement statutory changes.	Enforcement Staff	Q1 2022	On Schedule
Draft regulatory proposal.	EPM	Q2 2022	On Schedule
Create advisories to stakeholders regarding regulatory changes.	CSC and EPM	Q4 2023	On Schedule
Implement regulatory changes.	Enforcement Staff	Q4 2023	On Schedule

4.5 Evaluate internal policies and procedures related to evolving enforcement issues, such as child custody evaluations, to ensure a fair and equitable process.

Start Date: Q3 2019		End Date: Q2 2021	
Success Measure: Enforcement processes evaluated.			
Major Tasks	Responsible Party	Completion Date	Status
Collaborate with OCM to evaluate current processes.	Enforcement Staff	Q3 2019	Q1 2020
Implement recommendations from OCM.	Enforcement Staff	Q2 2021	Q1 2021

4.6 Increase pool of qualified enforcement subject matter experts to ensure effective and fair enforcement proceedings.

Start Date: Q3 2020		End Date: Q1 2021	
Success Measure: Larger pool of qualified experts.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate recruitment tools for subject matter experts.	EO and EPM	Q3 2020	On Schedule
Identify more effective recruitment tools.	EO and EPM	Q4 2020	On Schedule
Implement identified recruitment tools.	Enforcement Staff	Q1 2021	On Schedule

Goal 5: Outreach and Education

5.1 Expand current communication plan and collaborate with entities that work with consumers to increase community outreach.

Start Date: Q2 2022		End Date: Q4 2023	
Success Measure: More effective communication plan.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate current plan.	EO and CSM	Q2 2022	On Schedule
Identify entities that work with consumers.	EO and CSM	Q3 2022	On Schedule
Identify necessary amendments to plan.	EO and CSM	Q3 2023	On Schedule
Implement new plan.	CSM	Q4 2023	On Schedule

5.2 Update instructional videos regarding licensing application to better inform stakeholders.

Start Date: Q1 2020		End Date: Q3 2021	
Success Measure: Availability of instructional videos.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate current videos.	Licensing Staff	Q1 2020	On Schedule
Identify need for updating existing videos.	Licensing Staff	Q1 2020	On Schedule
Identify need for additional videos.	LM	Q2 2020	On Schedule
Work with Office of Public Affairs to produce videos.	LM	Q4 2020	On Schedule
Outreach and education regarding availability of videos.	Licensing Staff	Q3 2021	On Schedule

5.3 Increase Board engagement with schools, training programs, public events, and relevant professional organizations to raise awareness of the Board’s activities.

Start Date: Q1 2019		End Date: Q4 2023 (ongoing)	
Success Measure: Increase in number of outreach events attended.			
Major Tasks	Responsible Party	Completion Date	Status
Identify opportunities for outreach and education.	EO, AEO, CSM, LM, EPM	Q1 2019 (ongoing)	On Schedule
Participate in outreach activities.	All Staff	Ongoing	On Schedule

5.4 Analyze resources allocated to outreach and education to maximize outreach and education efforts.

Start Date: Q4 2019		End Date: Q4 2020	
Success Measure: Resource allocation analyzed.			
Major Tasks	Responsible Party	Completion Date	Status
Collaborate with OCM to address issue.	CSM	Q4 2019	On Schedule
Implement recommendations from OCM.	CSM	Q4 2020	On Schedule

5.5 Improve communication of the Board's activities to interested parties list to expand understanding of the Board's actions.

Start Date: Q4 2021		End Date: Q1 2023	
Success Measure: More effective communication of Board activities.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate current communication tools.	EO and CSM	Q4 2021	On Schedule
Identify need for additional communication tools.	EO, AEO, CSM, and CSC	Q4 2022	On Schedule
Implement necessary communication tools.	All Staff	Q1 2023	On Schedule

5.6 Review, update, and create informational publications to foster effective communication and reduce stakeholder confusion.

Start Date: Q1 2019		End Date: Q3 2023	
Success Measure: Relevant publications available to stakeholders.			
Major Tasks	Responsible Party	Completion Date	Status
Evaluate current publications.	All Staff	Q1 2019 (ongoing)	On Schedule
Identify need for updating existing publications.	All Staff	Q1 2022	On Schedule
Identify need for additional publications.	All Staff	Q2 2022	On Schedule
Work with Office of Publications, Design, & Editing to produce publications.	EO	Q3 2023	On Schedule
Outreach and education regarding availability of publications.	All Staff	Q3 2023	On Schedule

5.7 Develop campaign(s) to communicate what the Board is and what it does to promote a better understanding to specific stakeholders of the purpose, activities, and processes of the Board.

Start Date: Q2 2022		End Date: Q2 2023	
Success Measure: Increased stakeholder awareness of the Board.			
Major Tasks	Responsible Party	Completion Date	Status
Develop a campaign plan with the Outreach and Education Committee (OEC).	EO, AEO, CSM, and OEC	Q2 2022	On Schedule
Implement plan.	All Staff	Q2 2023	On Schedule

Goal 6: Board Operations

6.1 Strengthen internal culture of customer service to respond to consumers, applicants, and licensees of the Board.

Start Date: Q3 2019		End Date: Q3 2020	
Success Measure: Improved customer service.			
Major Tasks	Responsible Party	Completion Date	Status
Conduct analysis.	AEO	Q3 2019	On Schedule
Utilize SOLID to implement changes identified by analysis to improve customer service.	EO, AEO, CSM, LM, and EPM	Q3 2020	On Schedule

6.2 Collaborate with DCA to review internal processes and implement recommended improvements to better serve the stakeholders of the Board.

Start Date: Q1 2020		End Date: Q4 2023	
Success Measure: More effective and efficient internal processes.			
Major Tasks	Responsible Party	Completion Date	Status
Collaborate with OCM to review internal processes.	All Staff	Q1 2020	On Schedule
Implement recommendations from OCM.	All Staff	Q4 2023	On Schedule

6.3 Advance transition to reduce the use of paper documents to promote environmental friendliness and reduce costs over time.

Start Date: Q1 2020		End Date: Q4 2023	
Success Measure: Reduction in the use of paper documents.			
Major Tasks	Responsible Party	Completion Date	Status
Collaborate with OCM to reduce paper processes.	All Staff	Q1 2020	On Schedule
Implement recommendations from OCM.*	All Staff	Q4 2023	On Schedule

MEMORANDUM

DATE	September 18, 2019
TO	Board of Psychology
FROM	Evan Gage Special Projects Analyst
SUBJECT	Agenda Item #12: Social Media Update

Background:

- a) Facebook: <https://www.facebook.com/BoardofPsychology>

Total “Likes”: 620 (For “Likes” over time, please see attached chart)

Most popular post since the last Board meeting:

8/23/2019 – At the Licensing Committee (Committee) meeting on October 25, 2018, concerns were raised that some current or potential supervisors are unclear about their roles and responsibilities in providing supervision to trainees. Given this, the Committee agreed that informational videos might be helpful tools...– 136 views, 9 “Post Clicks”, 1 “Likes”.

- b) Twitter: <https://twitter.com/CABDofPsych>

Followers: 362 (For Followers over time, please see attached chart)

Following: 576

Total Tweets: 886

- c) Board Meeting Webcast:

2019

September 12th – 4 Views (Licensure)

September 13th – 5 Views (Licensure)

August 15th – 73 Views

August 16th – 67 Views

June 13th – 91 Views (Licensure)

April 24th – 118 Views

April 25th – 87 Views

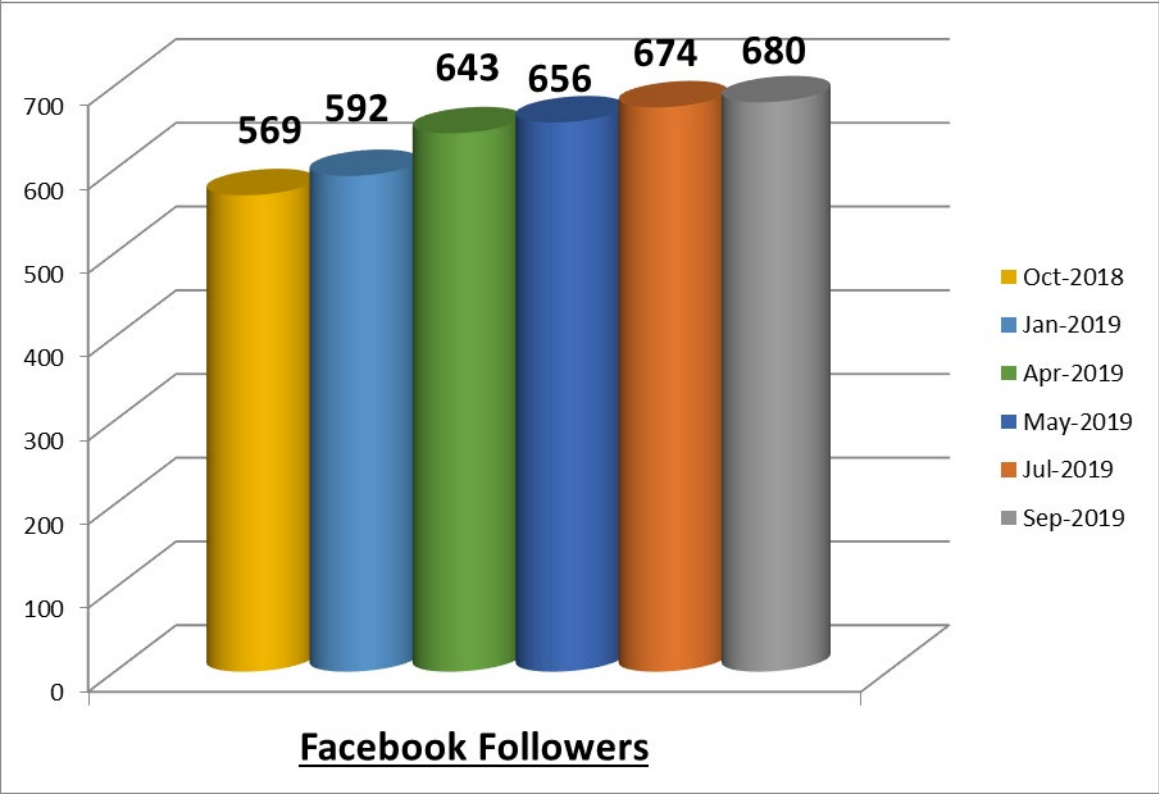
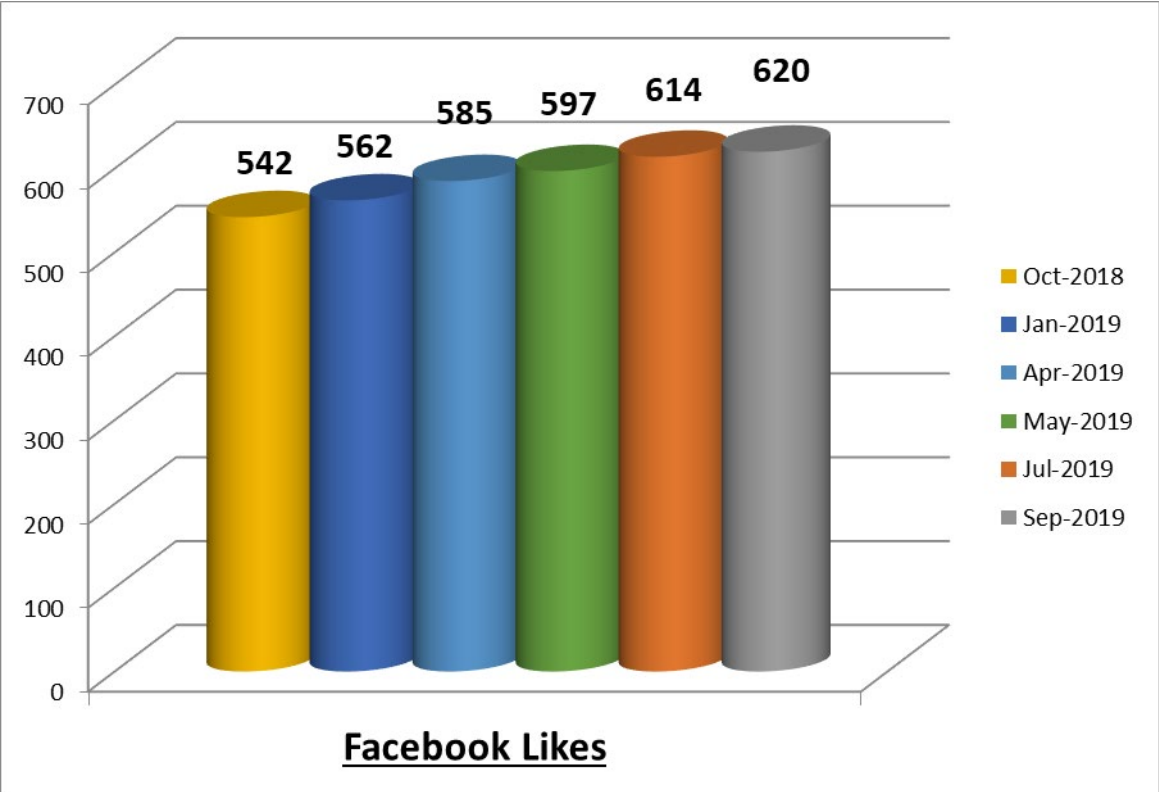
April 26th – 208 Views

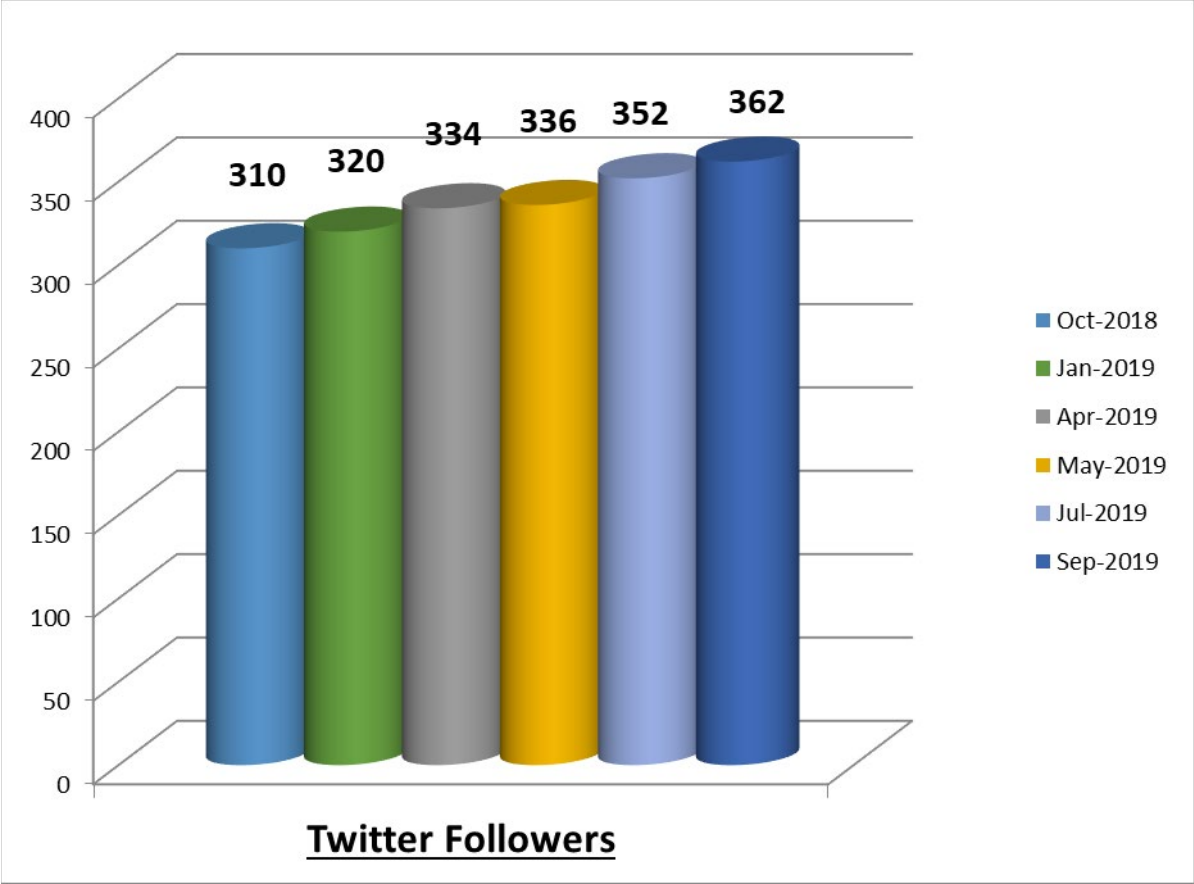
February 7th – 113 Views

February 8th – 134 Views

Action Requested:

This item is for informational purposes only. No action is required.





MEMORANDUM

DATE	September 18, 2019
TO	Board of Psychology
FROM	Evan Gage Special Projects Analyst
SUBJECT	Agenda Item 13: Website Update

Website Background:

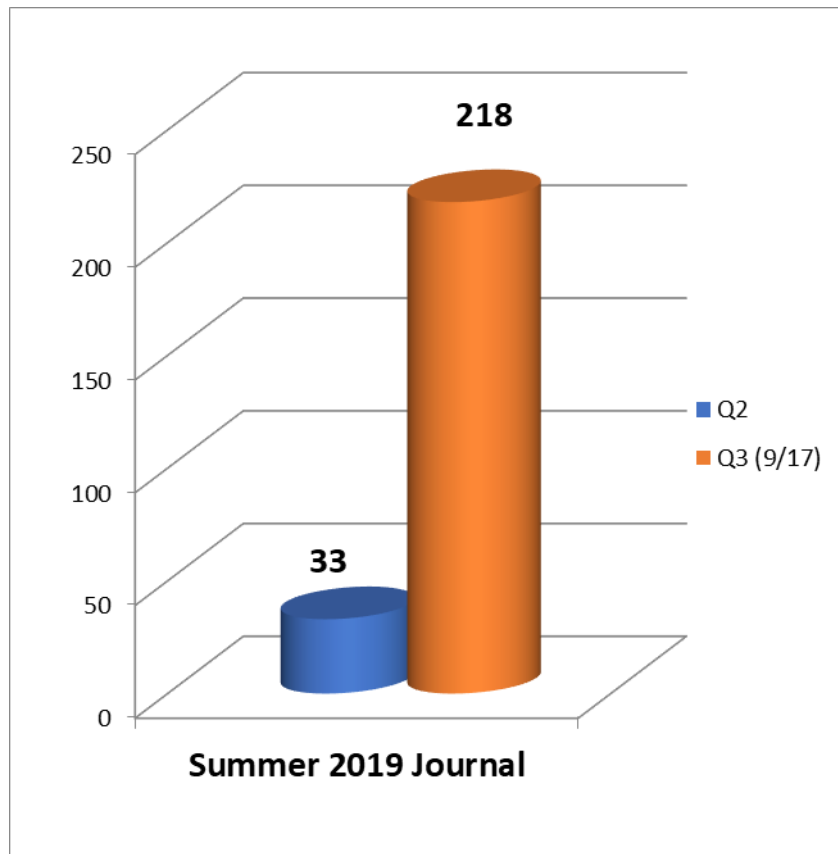
Website: www.psychology.ca.gov

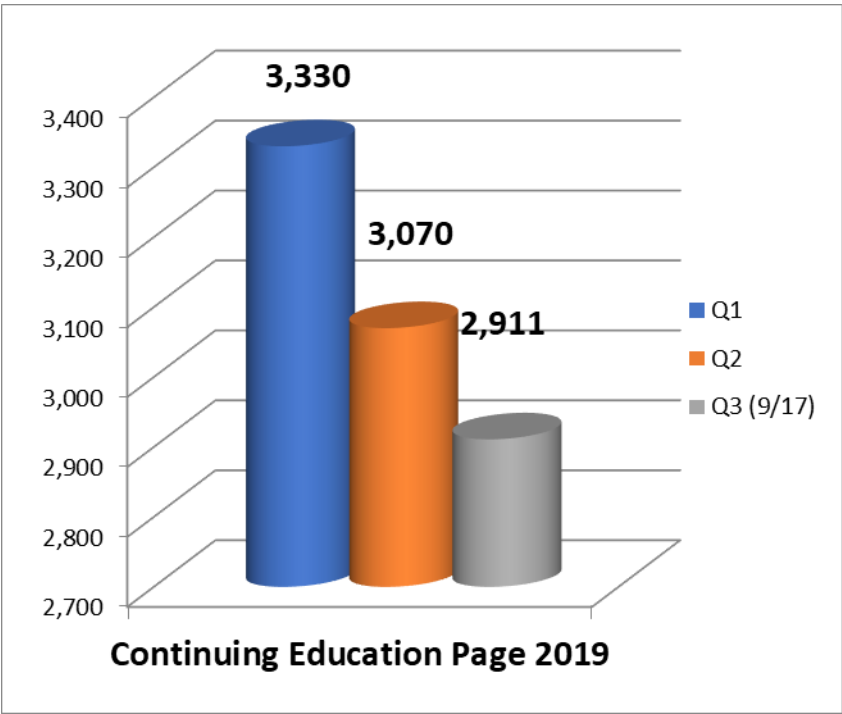
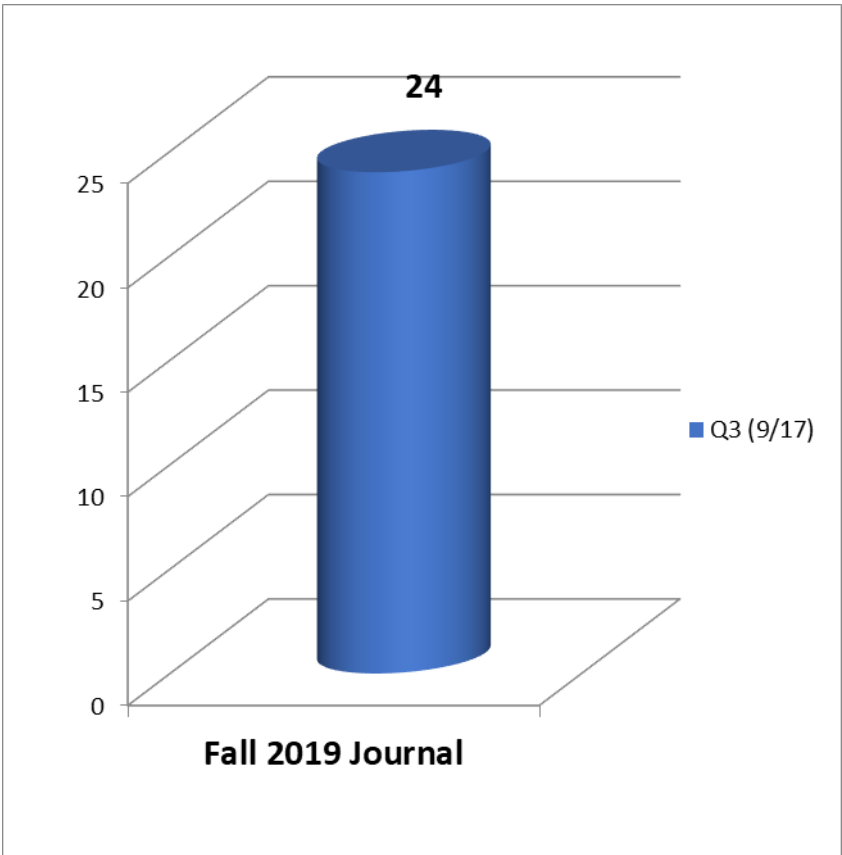
Below and on the following pages, please find the top five web pages viewed between July 22, 2019 and September 17, 2019.

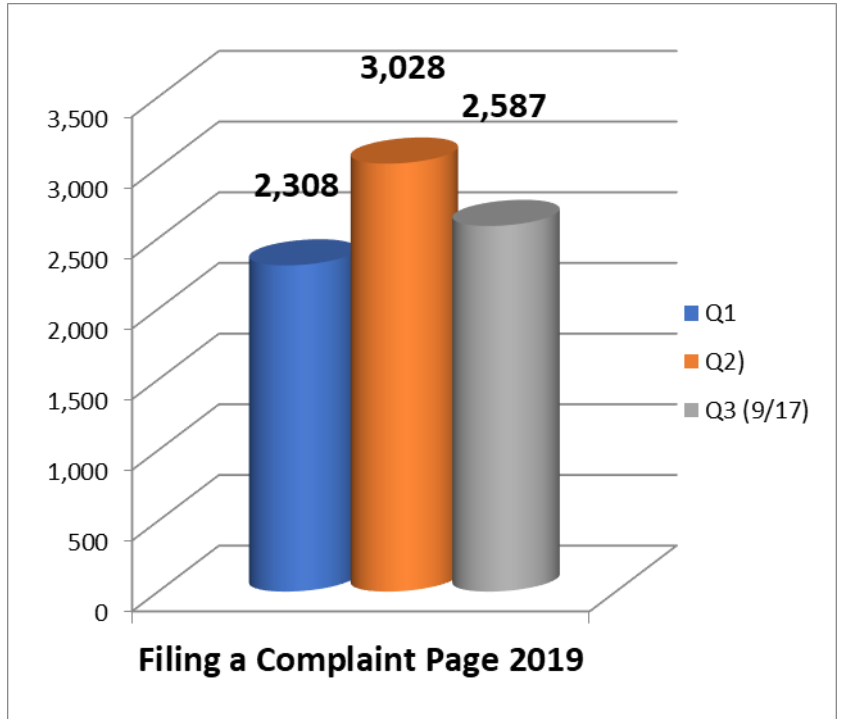
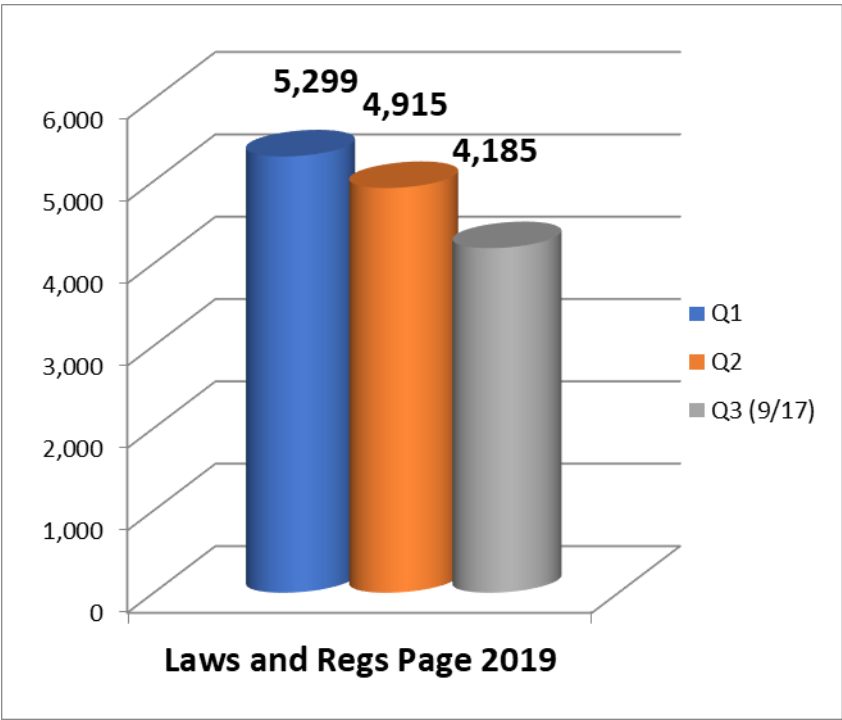
TOP FIVE PAGES	# OF VIEWS	CONTENT
/applicants/psychologist.shtml	6,988	Psychologist Applicant Page
/licensees/index.shtml	6,669	Licensee and Registrant Information Page
/about_us/breeze.shtml	6,101	BreEZe Online Services – First Time User Instructions
/applicants/index.shtml	4,901	Applicant Information Page
/applicants/psychological_assistant.shtml	4,298	Psychological Assistant Application Information Page

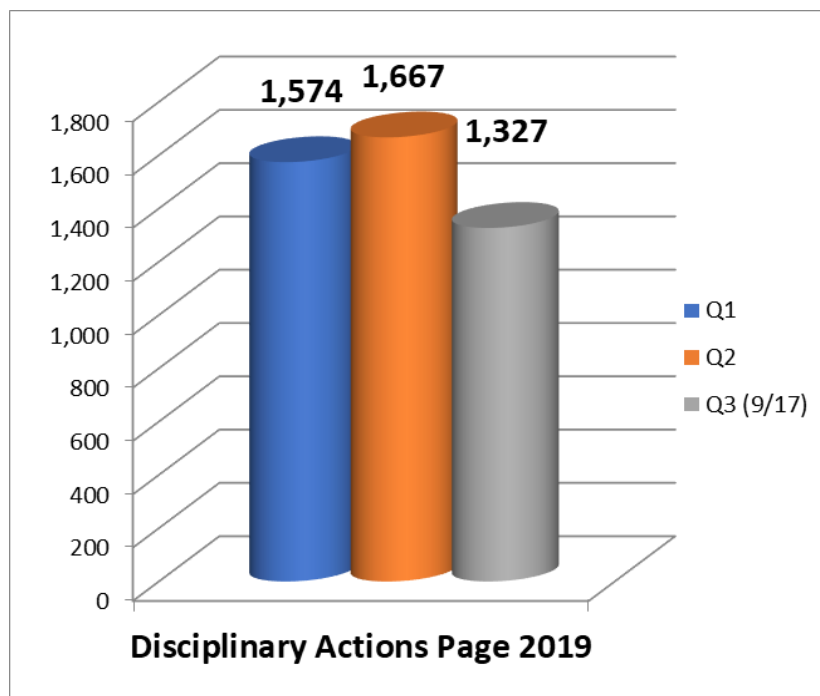
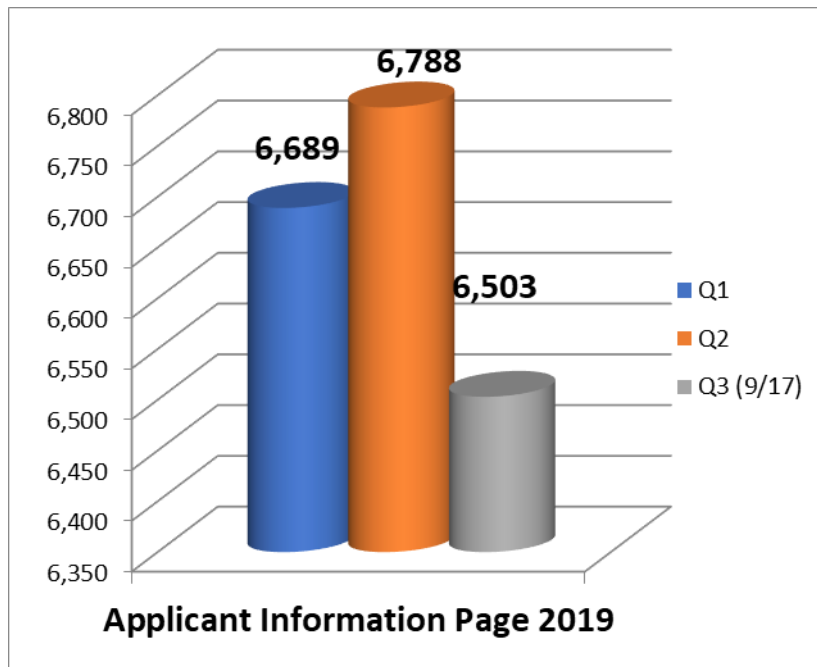
2019 viewings for the following pages by quarter:

- Newsletter page
- Most Recent Newsletter
- Continuing Education Page
- Laws and Regulations Page
- Filing a Complaint Page
- Applicant Information Page
- Disciplinary Actions Page









Regulatory and Legislative Advisories

Views to Date

AB 282 (Jones-Sawyer) – Aiding, Advising, or Encouraging Suicide	72
AB 2138 (Chiu) – Licensing Boards: Denial of Application	76
AB 2968 (Levine) – Psychotherapist-Client Relationship	286
AB 89 (Levine) – Psychologists: Suicide Prevention Training	12,098
SB 547 (HILL) – Omnibus (Delinquent Fee Change)	3,841
Verification of Experience Regulation	20,915

Action Requested:

This item is for informational purposes only. No action is required.

MEMORANDUM

DATE	September 11, 2019
TO	Psychology Board Members
FROM	Antonette Sorrick, Executive Officer
SUBJECT	Newsletter: Agenda Item 14

Background:

Attached is the Board's *Fall Journal*. The *Winter Journal* will go out in December 2019.

Action Requested:

This item is for informational purposes only. No action is required.

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

**Item Available Upon
Request**

- Agenda Item 14 – Update on Newsletter

MEMORANDUM

DATE	September 13, 2019
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21(a)(1) – SB 275 (Pan) – Amendments to Section 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact

Background:

The Board of Psychology (Board) proposed adding sexual behavior to the offenses in Business and Professions Code (BPC) section 2960.1 that require a proposed decision to contain an order of revocation when the finding of facts prove that there were acts of sexual behavior between a psychologist and their client or former client. This change to section 2960.1 would require revocation to be in the proposed decision and not allow an administrative law judge to propose an alternate decision. The proposed language would also clarify that the Board would retain the final adjudicatory discretion to apply a lower level of discipline if the circumstances of the case warranted such a reduction.

The impetus to add inappropriate sexual behavior to the statutory provisions requiring revocation in the proposed decision for cases involving inappropriate sexual behaviors that did not rise to the definition of sexual contact was due to the Board's experiences prosecuting cases with clearly inappropriate sexual behavior but being unable to achieve disciplinary terms that matched the egregiousness of the acts in the case. In other cases, clients did not complain to the Board or know that the behavior was inappropriate until sexual contact was initiated, but there were clear sexual grooming behaviors exhibited by the psychologist before sexual contact was initiated. Some examples of inappropriate sexual behaviors that the Board has seen in a variety of cases include:

- kissing a client,
- touching or exposing oneself inappropriately,
- sending flirtatious, sexually suggestive or sexually explicit texts (sexting), messages or emails to a client,
- sending clients photos that include nudity, genitals, or sexually suggestive poses, and
- buying romantic/sexual gifts for a client.

Regarding the proposed changes to BPC Section 2960.1, the Policy and Advocacy Committee (Committee) began discussions and policy activities at its April 19, 2018 meeting, where it reviewed and revised the proposed language. During this discussion, the Committee members expressed support for a broader definition of sexual behavior, as the violation could be a series or pattern of lesser behaviors or one extremely egregious behavior, and specific behaviors would change over time with advances in technology and communication mediums. In December 2018, the Committee held a teleconference stakeholder meeting to obtain stakeholder input on the proposed changes to BPC Section 2960.1. Board staff invited a diverse group of stakeholders to attend the teleconference as well as posted the meeting to social media sites and through the Board's email listserv. During the December teleconference meeting, the Committee listened to stakeholder comments and Board staff and Board Legal

Counsel provided clarification on how the proposed language would operate within the disciplinary process and how that process has built-in protections to ensure that allegations of sexual behavior would be reviewed by subject matter experts and sworn peace-officers, thus ensuring that those allegations prosecuted as sexual behavior were serious violations that were not part of appropriate therapeutic interventions relating to sexual issues. The Committee also voted to add language to BPC 2960.1 to provide additional clarity to the public and licensees regarding the Board's ability to stay the revocation if the Board determined that the allegations did not warrant revocation.

At the Board's February meeting, the Board approved the language and for staff to seek an author. The week after the Board meeting, Senator Richard Pan agreed to author the bill for the Board, which became SB 275 (Pan).

On April 1, 2019, the Senate Committee on Business, Professions and Economic Development heard SB 275. Board President Stephen Phillips, JD, PsyD, testified on the Board's behalf. SB 275 received unanimous support from the committee and passed through the Senate Floor on May 5, 2019.

On July 9, 2019 the Assembly Committee on Business and Professions (Assembly B&P) heard SB 275. At the hearing, Dr. Pan and Dr. Phillips gave strong testimony on the need for the bill and Ms. Burns provided additional statutory clarification to the committee, but Assembly B&P failed to move the bill or take a vote. Since the bill did not move out of Assembly B&P by the legislative deadline, the bill became a 2-year bill and can be acted on upon the start of the next session in January 2020.

Board staff worked with Assembly B&P staff and Senator Pan's staff regarding potential technical amendments to facilitate moving the bill forward. These draft amendments (attached and highlighted in yellow) are brought to the Board for review and consideration so that the amendments can be made at the beginning of the new session in January 2020.

Location: 7/9/2019 Assembly Committee on Business and Professions

Status: 7/10/2019 Failed Deadline pursuant to Rule 61(a)(10). (May be acted upon January 2020).

Votes: 4/1/2019 Senate Committee on Business, Professions and Economic Development (9-0-0)
5/2/2019 Senate Floor (38-0-0)

Action Requested:

Staff requests the Board review and approve the proposed amendments to SB (275) Pan and direct staff to continue working with Senator Pan to achieve passage of the bill in the 2020 legislative session.

Attachment: Proposed Amendments to SB 275 (Pan)

SB 275 – Proposed Amendments

SECTION 1.

Section 2960.1 of the Business and Professions Code is amended to read:

2960.1.

(a) Notwithstanding Section 2960, any proposed decision or decision issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section ~~728729~~, or sexual behavior, as defined in subdivision (b), when that act is with a ~~patient, client~~, or with a former ~~patient client~~ within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the administrative law ~~judge~~. judge, but may be stayed by the board.

(b) For purposes of this section, “sexual behavior” means inappropriate contact or communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse. “Sexual behavior” does not include the provision of appropriate therapeutic interventions relating to sexual issues.

MEMORANDUM

DATE	September 20, 2019
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21(a)(2) – SB 786 (Committee on Business Professions and Economic Development) Healing Arts – Update on Amendments to Sections 2940-2944 of the Business and Professions Code Regarding Examinations.

Background:

The Board of Psychology (Board) submitted its legislative proposals to revise Business and Professions Code (BPC) Sections 2940-2944 regarding Examinations, BPC Section 2912 regarding temporary practice provisions, and the addition of a new section of the BPC regarding Voluntary Surrender to the Senate Committee on Business, Professions and Economic Development (Committee) for inclusion in their 2019 Committee Bill. For the 2019 Committee Bill, the Committee reviewed legislative proposals from DCA boards and bureaus that make technical, non-substantive, and/or non-controversial changes to the BPC that clarify, update and/or strengthen current law related to health professions.

The Board's proposal included the following provisions:

- Removal of outdated examination requirements and make the remaining provisions consolidated, more concise, and more easily understood by consumers and applicants.
- Clarification to the Board's temporary practice provisions that would have clarified that temporary practice is allowed for 30 days in a calendar year which do not need to be consecutive, and that practice for any portion of a day counts for a full day.
- Addition of provisions that would have clarified the Board's authority to accept a non-disciplinary surrender of a license and clearly identified that a licensee who voluntarily surrenders their license outside of the formal discipline process has the option to petition the Board for reinstatement of that license after a period of not less than one (1) year after the effective date of the Board's acceptance of the voluntary surrender.

In April, the Committee advised the Board that they intend to include the Board's provisions related to the examination language. The Committee declined to include the language related to temporary practice or voluntary surrender.

On June 26, 2019, SB 786 was amended to include changes to 2940 and 2941 as requested by the Board.

At the August Board Meeting, the Board voted to Support SB 786.

Location: 9/19/2019 Governor's Office

Status: 9/19/2019 Enrolled and presented to the Governor at 3:00 p.m.

Votes: 7/9/2019 Assembly Committee on Business and Professions (19-0-0)
8/14/2019 Assembly Committee on Appropriations (18-0-0)
9/10/2019 Assembly Floor (79-0-0)
9/11/2019 Senate Floor (40-0-0)

Action Requested:

No action is required. This item is for informational purposes only.

Attachment A: Letter to the Governor Supporting SB 786

Attachment B: SB 786 Applicable Bill Text

September 13, 2019

The Honorable Gavin Newsom
Governor
State Capitol, First Floor
Sacramento, CA 95814

**RE: SB 786 (Committee on Business Professions and Economic Development)
Healing Arts – Request for SIGNATURE**

Dear Governor Newsom:

At its August 16, 2019 meeting, the Board of Psychology (Board) adopted a **SUPPORT** position on SB 786 (Committee on Business Professions and Economic Development).

Related in part to the Board, this bill removes the Board's outdated examination requirements and makes the remaining provisions consolidated, more concise, and more easily understood by consumers and applicants. These changes were necessary as the Board no longer proctors or administers written examinations. Additionally, the provisions in the bill would consolidate and make the Board's statutes and regulations relating to examinations more concise and easier to understand.

Due to the bill's benefit to applicants for licensure and consumers of psychological services, the Board asks for your "**Signature**" on SB 786 (Business Professions and Economic Development).

If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113.

Sincerely,



STEPHEN C. PHILLIPS, JD, PsyD
President, Board of Psychology

cc: Senate Committee on Business, Professions, and Economic Development
Anthony Williams, Secretary, Legislative Affairs, Office of the Governor

SEC. 59.

Section 2940 of the Business and Professions Code is repealed.

~~2940.~~

~~Each person desiring to obtain a license from the board shall make application to the board. The application shall be made upon a form and shall be made in a manner as the board prescribes in regulations duly adopted under this chapter.~~

~~The application shall be accompanied by the application fee prescribed by Section 2949. This fee shall not be refunded by the board.~~

SEC. 60.

Section 2940 is added to the Business and Professions Code, to read:

2940.

To obtain a license from the board, an applicant shall submit any applications and pay any applicable fees as prescribed in Section 2987. These fees shall not be refunded by the board.

SEC. 61.

Section 2941 of the Business and Professions Code is repealed.

~~2941.~~

~~Each applicant for a psychology license shall be examined by the board, and shall pay to the board, at least 30 days prior to the date of examination, the examination fee prescribed by Section 2987, which fee shall not be refunded by the board.~~

SEC. 62.

Section 2941 is added to the Business and Professions Code, to read:

2941.

(a) Each applicant for licensure as a psychologist shall take and pass any examination required by the board. An applicant may be examined for knowledge in any theoretical or applied fields of psychology, as well as professional skills and judgment in the use of psychological techniques and methods and the ethical practice of psychology, as the board deems appropriate.

(b) Each applicant shall pay any applicable examination fees as prescribed in Section 2987. These fees shall not be refunded by the board.

MEMORANDUM

DATE	September 19, 2019
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21(b)(1)(A) – AB 1076 (Ting) Criminal Records: automatic relief

Background:

Current law allows an individual who has been arrested or convicted to petition the courts, under specified circumstances, to have certain arrest and criminal conviction information sealed. In addition to this option, this bill would require the California Department of Justice (DOJ) to automatically seal specified arrest and conviction records that meet certain criteria and timeframes without requiring the individual to petition the court. This bill would also prohibit DOJ from providing any licensing board under the Department of Consumer Affairs with information on arrests or convictions that have been sealed. Additionally, this bill would prohibit the courts from disclosing any information concerning arrests that were granted relief pursuant to the bill's provisions or convictions that have been granted relief pursuant to multiple code sections, to any entity except for criminal justice agencies and California Department of Social Services licensing programs related to facilities and/or services for the elderly, chronically ill, or child day care. This bill would also remove the Board of Psychology's (Board's) ability to deny an application for licensure based on a conviction, or the acts underlying the conviction, that has received relief under the provisions of AB 1076 by adding it to the other convictions that were provided relief that the Board cannot use pursuant to AB 2138 (Chapter 995, Statutes of 2018).

Examples of the kinds of misdemeanors and felonies that the Board currently sees and has access to records for, but would lose access to arrest and conviction information on due to AB 1076 include:

- Misdemeanors
 - Public Intoxication
 - Petty Theft
 - Simple Assault
 - Trespass
 - Reckless Driving
 - Prostitution
- Felonies
 - Assault
 - Grand Theft
 - Domestic Violence

AB 1076 (Ting) would restrict the Board's ability to access critical arrest and conviction information regarding its licensees, petitioners, and applicants, and would significantly diminish the Board's ability to carry out its mission of consumer protection.

Location: Engrossing and Enrolling

Status: 9/10/19 Senate amendments concurred in. To Engrossing and Enrolling.

Votes: 4/2/2019 Assembly Committee on Public Safety (6-2-0)
5/16/2019 Assembly Committee on Appropriations (12-5-1)
5/29/2019 Assembly Floor (52-21-7)
7/09/2019 Senate Committee on Public Safety
8/30/2019 Senate Appropriations (5-2-0)
9/05/2019 Senate Floor (27-12-1)
9/10/2019 Assembly Floor (52-23-4)

Action Requested:

No action is required at this time. This item is for informational purposes only.

Attachment A: Board Letter to the Governor Opposing AB 1076 (Ting)

Attachment B: AB 1076 (Ting) Bill Text

September 13, 2019

The Honorable Gavin Newsom
Governor
State Capitol, First Floor
Sacramento, CA 95814

RE: AB 1076 (Ting) – Criminal Records: Automatic Relief – Request for VETO

Dear Governor Newsom:

At its August 16, 2019 meeting, the Board of Psychology (Board) adopted an **OPPOSE** position on AB 1076 (Ting). This bill would significantly impair the Board's ability to access critical arrest and conviction information regarding its licensees, petitioners, and applicants, and would significantly undermine the Board's ability to carry out its mission of consumer protection.

Specifically, AB 1076 (Ting) would require the California Department of Justice (DOJ) to automatically seal specified arrest and conviction records that meet certain criteria and timeframes without requiring the individual to petition the court. The bill would also prohibit DOJ from providing the Board with information on arrests or convictions that have been sealed. It would also prohibit the courts from disclosing any information concerning arrests that were granted relief pursuant to the bill's provisions or convictions that have been granted relief pursuant to other code sections. This bill would also remove the Board's ability to deny an application for licensure based on a conviction, or the acts underlying the conviction, where the convicted individual has received relief.

The Board's primary concerns with the provisions of AB 1076 (Ting) is that it will have detrimental impacts on the Board's mission of protecting consumers in the following ways:

- It will remove the Board's ability to adequately evaluate and determine the rehabilitation of petitioners for reinstatement due to the loss of arrest and conviction information and the associated court documents related to any arrest(s) and conviction(s) subsequent to license revocation;
- It could diminish the Board's ability to adequately protect the health and safety of California consumers by removing the Board's ability to review and evaluate a current licensee's arrest and conviction information for the purposes of disciplinary action; and
- It will unnecessarily increase costs to the Board and substantially lengthen investigation timeframes for petitions for reinstatement and some subsequent arrest and conviction investigations of current licensees.

Of critical concern to the Board is the complete loss of arrest and conviction information necessary for the Board to determine the rehabilitation, pursuant to Title 16 California Code of Regulations (CCR) sections 1395 and 1395.1, of licensees who are subject to disciplinary action and former licensees petitioning for reinstatement of a license that has been revoked or surrendered. Under the provisions of the bill, a petitioner for license reinstatement would not have to disclose a subsequent conviction that had been granted relief, when such petitioners for reinstatement had past violations so egregious that the Board revoked their license (or the license was surrendered in lieu of revocation). To adequately protect consumers, it is paramount to have access to this arrest and conviction information for purposes of determining a licensee's

or petitioner's fitness to practice independently and the degree of rehabilitation achieved by the individual. The arrest or conviction may likely be directly relevant to that determination.

In relation to arrest information for current Board licensees, the Board is also concerned about losing arrest information due to reliability and timeliness issues with subsequent arrest notifications from DOJ. While it does not occur frequently, the Board has had multiple instances in the past five years where the Board was not notified by DOJ regarding a licensee's subsequent arrest despite the fact that the disclosure was made on the licensee's renewal application, or the Board was notified by DOJ up to a year after the arrest. Under AB 1076, the subsequent arrest notifications that the Board received over a year after the arrest could have been automatically granted relief and, barring self-disclosure by a licensee (which AB 1076 makes unnecessary), the Board would have received no notification of the arrest. The Board's Enforcement Program relies on subsequent arrest information from DOJ to protect the health and safety of the public, where these notifications alert the Board to arrests of its licensees when the crime may demonstrate an unfitness to independently practice psychology, where patient abuse may be ongoing (e.g., financial or elder abuse), or where danger to the public is imminent thereby warranting an interim suspension order or an order to cease practice pursuant to Penal Code Section 23.

While it does appear that the Department of Consumer Affairs' Division of Investigation (DOI) will continue to have access to arrest and conviction information under the bill, including court records, in order for the Board to access this information it would have to be a part of a complaint investigation by DOI. Currently, the Board does not utilize DOI for investigating petitions for reinstatements and instead uses its in-house Special Investigator (SI), in conformity with DOI's directives to the Board. Using DOI to investigate all petitions for reinstatements and subsequent arrest notifications is currently not an option as DOI's Complaint Prioritization and Referral Guidelines dictate that subsequent arrest notifications without an immediate public threat and arrest and conviction record complaints are to be investigated by the Board.

Further, even if DOI were to revise their guidelines in order to investigate Board petitions for reinstatement and subsequent arrests for licensees, this option would be highly impractical since complaints generally take up to 12 to 16 months for DOI to investigate (as complaints involving sexual misconduct and consumer harm must be given first priority), and the investigative costs are significantly higher than when performed by in-house staff. If the Board were able to perform these investigations using DOI, this would increase the Board's investigation timeframes and costs, which the Board would most likely be unable to recover. In effect, if AB 1076 were signed into law, the Board would be unable to ensure adequate review and consideration of subsequent arrest and conviction information for the purposes of determining rehabilitation, pursuant to 16 CCR sections 1395 and 1395.1, of individuals petitioning for reinstatement of a license and licensees who are subject to disciplinary action.

Regarding the fiscal impact of AB 1076, the potential impact is not estimable at this time. Currently, the Board's SI reviews and investigates an average of two (2) petitions for reinstatement per Fiscal Year (FY) over the past four FYs. Since the Board has not used DOI to investigate petitions for reinstatement in many years, and the scope and extent of their investigation would depend on the criminal history of the petitioner, the Board is unable to estimate the potential increase in DOI investigative time and associated costs.

Currently, one of the Board's Enforcement Analysts (Staff Services Analyst (SSA)) reviews the criminal history summaries of an average of 154 applicants per year, 93 percent of which are approved for licensure after a review of their criminal history. Due to current data restraints, it is not possible for the Board to estimate how many of these applicants would have had criminal history summaries under AB 1076's provisions. It is therefore impossible for the Board to estimate the decrease in the number of criminal history reviews that would be needed in the future. However, due to the higher hourly rate of DOI investigatory staff time in comparison with the hourly rate of an SSA, the cost savings due to reductions in the review of criminal histories for initial applications could potentially be negligible due to the increased DOI costs for petitions for reinstatement and subsequent arrests of licensees.

Due to the bill's weakening of the consumer protections integral to the Board's enforcement processes and the bill's undermining of the Board's legislative mandate of consumer protection, the Board asks for your "**Veto**" of AB 1076 (Ting).

If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113.

Sincerely,



STEPHEN C. PHILLIPS, JD, PsyD
President, Board of Psychology

cc: Assembly Member Ting
Anthony Williams, Secretary, Legislative Affairs, Office of the Governor

AB 1076 - (E) Amends the Law

SECTION 1.

Section 480 of the Business and Professions Code, as amended by Section 3 of Chapter 995 of the Statutes of 2018, is amended to read:

480.

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, ~~1203.41~~, or ~~1203.41~~ ~~1203.425~~ of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit ~~himself~~ ~~themselves~~ or ~~herself~~ or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which ~~the~~ application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that ~~he or she has~~ ~~they have~~ been convicted of a felony if ~~he or she has~~ ~~they have~~ obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that ~~he or she has~~ ~~they have~~ been convicted of a misdemeanor if ~~he or she has~~ ~~they have~~ met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, ~~1203.41~~, or ~~1203.41~~ ~~1203.425~~ of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

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(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 2.

Section 480 of the Business and Professions Code, as added by Section 4 of Chapter 995 of the Statutes of 2018, is amended to read:

480.

(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

(i) Chapter 1 (commencing with Section 5000) of Division 3.

(ii) Chapter 6 (commencing with Section 6500) of Division 3.

(iii) Chapter 9 (commencing with Section 7000) of Division 3.

(iv) Chapter 11.3 (commencing with Section 7512) of Division 3.

(v) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.

(vi) Division 4 (commencing with Section 10000).

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(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, ~~1203.42~~, or ~~1203.42~~ ~~1203.425~~ of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that ~~he or she~~ ~~the person~~ has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if ~~he or she~~ ~~that person~~ has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, ~~1203.42~~, or ~~1203.42~~ ~~1203.425~~ of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's

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criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of ~~his or her~~ *the applicant's* complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's ~~Internet Web site~~ *internet website* and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

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(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 2.5.

Section 480 of the Business and Professions Code, as added by Section 4 of Chapter 995 of the Statutes of 2018, is amended to read:

480.

(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

~~(i) Chapter 1 (commencing with Section 5000) of Division 3.~~

~~(ii) (i) Chapter 6 (commencing with Section 6500) of Division 3.~~

~~(iii) (ii) Chapter 9 (commencing with Section 7000) of Division 3.~~

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~~(iv)~~ (iii) Chapter 11.3 (commencing with Section 7512) of Division 3.

~~(v)~~ (iv) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.

~~(vi)~~ (v) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, [1203.42](#), or ~~1203.42~~ [1203.425](#) of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that ~~he or she~~ [the person](#) has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if ~~he or she~~ [that person](#) has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, [1203.42](#), or ~~1203.42~~ [1203.425](#) of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter

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3.1 (commencing with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of ~~his or her~~ *the applicant's* complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's ~~Internet Web site~~ *internet website* and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected

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pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 3.

Section 480.2 of the Business and Professions Code is amended to read:

480.2.

(a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

- (1) Been convicted of a crime.
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit ~~himself~~ *themselves* or ~~herself or~~ another, or substantially injure another.
- (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which *the* application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that ~~he or she~~ *the person* has been convicted of a felony if ~~he or she~~ *that person* has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that ~~he or she~~ *the person* has been convicted of a misdemeanor if ~~he or she~~ *the person* has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California

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Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, ~~1203.41~~, or ~~1203.41~~ ~~1203.425~~ of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, ~~suspension~~ ~~suspension~~, or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f) (1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

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(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, [1203.41](#), or ~~1203.41~~ [1203.425](#) of the Penal Code.

(j) This section shall become operative on July 1, 2020.

SEC. 4.

Section 11345.2 of the Business and Professions Code, as amended by Section 14 of Chapter 995 of the Statutes of 2018, is amended to read:

11345.2.

(a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. Notwithstanding subdivision (c) of Section 480, if the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, [1203.41](#), or ~~1203.41~~ [1203.425](#) of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in

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any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date ~~he or she~~ *the individual* has knowledge of that fact.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 5.

Section 11345.2 of the Business and Professions Code, as added by Section 15 of Chapter 995 of the Statutes of 2018, is amended to read:

11345.2.

(a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, *1203.42*, or ~~1203.42~~ *1203.425* of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date ~~he or she~~ *the individual* has knowledge of that fact.

(c) This section shall become operative on July 1, 2020.

SEC. 6.

Section 432.7 of the Labor Code is amended to read:

432.7.

(a) (1) An employer, whether a public agency or private individual or corporation, shall not ask an applicant for employment to disclose, through any written form or verbally, information concerning an arrest or detention that did not result in conviction, or information concerning a referral to, and participation in, any pretrial or posttrial diversion program, or concerning a conviction that has been judicially dismissed or ordered sealed pursuant to law, including, but not limited to, Sections 1203.4, 1203.4a, *1203.425*, 1203.45, and 1210.1 of the Penal Code. An employer also shall not seek

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from any source whatsoever, or utilize, as a factor in determining any condition of employment including hiring, promotion, termination, or any apprenticeship training program or any other training program leading to employment, any record of arrest or detention that did not result in conviction, or any record regarding a referral to, and participation in, any pretrial or posttrial diversion program, or concerning a conviction that has been judicially dismissed or ordered sealed pursuant to law, including, but not limited to, Sections 1203.4, 1203.4a, [1203.425](#), 1203.45, and 1210.1 of the Penal Code. This section shall not prevent an employer from asking an employee or applicant for employment about an arrest for which the employee or applicant is out on bail or on ~~his or her~~ *their* own recognizance pending trial.

(2) An employer, whether a public agency or private individual or corporation, shall not ask an applicant for employment to disclose, through any written form or verbally, information concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of the juvenile court. An employer also shall not seek from any source whatsoever, or utilize, as a factor in determining any condition of employment including hiring, promotion, termination, or any apprenticeship training program or any other training program leading to employment, any record concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while a person was subject to the process and jurisdiction of the juvenile court.

(3) For purposes of this section:

(A) "Conviction" includes a plea, verdict, or finding of guilt, regardless of whether a sentence is imposed by the court.

(B) "Conviction" does not include, and shall not be construed to include, any adjudication by a juvenile court or any other court order or action taken with respect to a person who is under the process and jurisdiction of the juvenile court.

(b) This section shall not prohibit the disclosure of the information authorized for release under Sections 13203 and 13300 of the Penal Code, to a government agency employing a peace officer. However, the employer shall not determine any condition of employment other than paid administrative leave based solely on an arrest report. The information contained in an arrest report may be used as the starting point for an independent, internal investigation of a peace officer in accordance with Chapter 9.7 (commencing with Section 3300) of Division 4 of Title 1 of the Government Code.

(c) If a person violates this section, or Article 6 (commencing with Section 11140) of Chapter 1 of Title 1 of Part 4 of the Penal Code, the applicant may bring an action to recover from that person actual damages or two hundred dollars (\$200), whichever is greater, plus costs, and reasonable attorney's fees. An intentional violation of this section shall entitle the applicant to treble actual damages, or five hundred dollars (\$500), whichever is greater, plus costs, and reasonable attorney's fees. An intentional violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

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(d) The remedies under this section shall be in addition to and not in derogation of all other rights and remedies that an applicant may have under any other law.

(e) Persons seeking employment or persons already employed as peace officers or persons seeking employment for positions in the Department of Justice or other criminal justice agencies as defined in Section 13101 of the Penal Code are not covered by this section.

(f) (1) Except as provided in paragraph (2), this section does not prohibit an employer at a health facility, as defined in Section 1250 of the Health and Safety Code, from asking an applicant for employment either of the following:

(A) With regard to an applicant for a position with regular access to patients, to disclose an arrest under any section specified in Section 290 of the Penal Code.

(B) With regard to an applicant for a position with access to drugs and medication, to disclose an arrest under any section specified in Section 11590 of the Health and Safety Code.

(2) (A) An employer specified in paragraph (1) shall not inquire into information concerning or related to an applicant's arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law, unless the information concerns an adjudication by the juvenile court in which the applicant has been found by the court to have committed a felony or misdemeanor offense specified in paragraph (1) that occurred within five years preceding the application for employment.

(B) Notwithstanding any other provision of this subdivision, an employer specified in paragraph (1) shall not inquire into information concerning or related to an applicant's juvenile offense history that has been sealed by the juvenile court.

(3) An employer seeking disclosure of offense history under paragraph (2) shall provide the applicant with a list describing the specific offenses under Section 11590 of the Health and Safety Code or Section 290 of the Penal Code for which disclosure is sought.

(g) (1) A peace officer or employee of a law enforcement agency with access to criminal or juvenile offender record information maintained by a local law enforcement criminal or juvenile justice agency shall not knowingly disclose, with intent to affect a person's employment, any information pertaining to an arrest or detention or proceeding that did not result in a conviction, including information pertaining to a referral to, and participation in, any pretrial or posttrial diversion program, to any person not authorized by law to receive that information.

(2) Any other person authorized by law to receive criminal or juvenile offender record information maintained by a local law enforcement criminal or juvenile justice agency shall not knowingly disclose any information received pertaining to an arrest or detention or proceeding that did not result in a conviction, including information pertaining to a referral to, and participation in, any pretrial or posttrial diversion program, to any person not authorized by law to receive that information.

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(3) Except for those specifically referred to in Section 1070 of the Evidence Code, a person who is not authorized by law to receive or possess criminal or juvenile justice records information maintained by a local law enforcement criminal or juvenile justice agency, pertaining to an arrest or other proceeding that did not result in a conviction, including information pertaining to a referral to, and participation in, any pretrial or posttrial diversion program, shall not knowingly receive or possess that information.

(h) "A person authorized by law to receive that information," for purposes of this section, means any person or public agency authorized by a court, statute, or decisional law to receive information contained in criminal or juvenile offender records maintained by a local law enforcement criminal or juvenile justice agency, and includes, but is not limited to, those persons set forth in Section 11105 of the Penal Code, and any person employed by a law enforcement criminal or juvenile justice agency who is required by that employment to receive, analyze, or process criminal or juvenile offender record information.

(i) This section does not require the Department of Justice to remove entries relating to an arrest or detention not resulting in conviction from summary criminal history records forwarded to an employer pursuant to law.

(j) As used in this section, "pretrial or posttrial diversion program" means any program under Chapter 2.5 (commencing with Section 1000) or Chapter 2.7 (commencing with Section 1001) of Title 6 of Part 2 of the Penal Code, Section 13201 or 13352.5 of the Vehicle Code, Sections 626, 626.5, 654, or 725 of, or Article 20.5 (commencing with Section 790) of Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code, or any other program expressly authorized and described by statute as a diversion program.

(k) (1) Subdivision (a) shall not apply to any city, city and county, county, or district, or any officer or official thereof, in screening a prospective concessionaire, or the affiliates and associates of a prospective concessionaire for purposes of consenting to, or approving of, the prospective concessionaire's application for, or acquisition of, any beneficial interest in a concession, lease, or other property interest.

(2) For purposes of this subdivision the following terms apply:

(A) "Screening" means a written request for criminal or juvenile history information made to a local law enforcement agency.

(B) "Prospective concessionaire" means any individual, general or limited partnership, corporation, trust, association, or other entity that is applying for, or seeking to obtain, a public agency's consent to, or approval of, the acquisition by that individual or entity of any beneficial ownership interest in any public agency's concession, lease, or other property right whether directly or indirectly held. However, "prospective concessionaire" does not include any of the following:

(i) A lender acquiring an interest solely as security for a bona fide loan made in the ordinary course of the lender's business and not made for the purpose of acquisition.

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(ii) A lender upon foreclosure or assignment in lieu of foreclosure of the lender's security.

(C) "Affiliate" means any individual or entity that controls, or is controlled by, the prospective concessionaire, or who is under common control with the prospective concessionaire.

(D) "Associate" means any individual or entity that shares a common business purpose with the prospective concessionaire with respect to the beneficial ownership interest that is subject to the consent or approval of the city, county, city and county, or district.

(E) "Control" means the possession, direct or indirect, of the power to direct, or cause the direction of, the management or policies of the controlled individual or entity.

(l) (1) Subdivision (a) does not prohibit a public agency, or any officer or official thereof, from denying consent to, or approval of, a prospective concessionaire's application for, or acquisition of, any beneficial interest in a concession, lease, or other property interest based on the criminal history information of the prospective concessionaire or the affiliates or associates of the prospective concessionaire that show any criminal conviction for offenses involving moral turpitude. Criminal history information for purposes of this subdivision includes any criminal history information obtained pursuant to Section 11105 or 13300 of the Penal Code.

(2) In considering criminal history information, a public agency shall consider the crime for which the prospective concessionaire or the affiliates or associates of the prospective concessionaire was convicted only if that crime relates to the specific business that is proposed to be conducted by the prospective concessionaire.

(3) Any prospective concessionaire whose application for consent or approval to acquire a beneficial interest in a concession, lease, or other property interest is denied based on criminal history information shall be provided a written statement of the reason for the denial.

(4) (A) If the prospective concessionaire submits a written request to the public agency within 10 days of the date of the notice of denial, the public agency shall review its decision with regard to any corrected record or other evidence presented by the prospective concessionaire as to the accuracy or incompleteness of the criminal history information utilized by the public agency in making its original decision.

(B) The prospective concessionaire shall submit the copy or the corrected record of any other evidence to the public agency within 90 days of a request for review. The public agency shall render its decision within 20 days of the submission of evidence by the prospective concessionaire.

(m) (1) Paragraph (1) of subdivision (a) does not prohibit an employer, whether a public agency or private individual or corporation, from asking an applicant about, or seeking from any source information regarding, a particular conviction of the applicant if, pursuant to Section 1829 of Title 12 of the United States Code or any other federal law, federal regulation, or state law, any of the following apply:

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(A) The employer is required by law to obtain information regarding the particular conviction of the applicant, regardless of whether that conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation.

(B) The applicant would be required to possess or use a firearm in the course of ~~his or her~~ *their* employment.

(C) An individual with that particular conviction is prohibited by law from holding the position sought by the applicant, regardless of whether that conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation.

(D) The employer is prohibited by law from hiring an applicant who has that particular conviction, regardless of whether that conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation.

(2) For purposes of this subdivision, "particular conviction" means a conviction for specific criminal conduct or a category of criminal offenses prescribed by any federal law, federal regulation, or state law that contains requirements, exclusions, or both, expressly based on that specific criminal conduct or category of criminal offenses.

(n) Nothing in this section shall prohibit an employer, whether a public agency or private individual or corporation, required by state, federal, or local law to conduct criminal background checks for employment purposes or to restrict employment based on criminal history from complying with those requirements, or to prohibit the employer from seeking or receiving an applicant's criminal history report that has been obtained pursuant to procedures otherwise provided for under federal, state, or local law. For purposes of this subdivision, federal law shall include rules or regulations promulgated by a self-regulatory organization, as defined in Section 3(a)(26) of the Securities Exchange Act of 1934, pursuant to the authority in Section 19(b) of the Securities Exchange Act of 1934, as amended by 124 Stat. 1652 (Public Law 11-203).

SEC. 7.

Section 851.93 is added to the Penal Code, to read:

851.93.

(a) (1) On a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository, shall identify persons with records of arrest that meet the criteria set forth in paragraph (2) and are eligible for arrest record relief.

(2) A person is eligible for relief pursuant to this section, if the arrest occurred on or after January 1, 2021, and meets any of the following conditions:

(A) The arrest was for a misdemeanor offense and the charge was dismissed.

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(B) The arrest was for a misdemeanor offense, there is no indication that criminal proceedings have been initiated, at least one calendar year has elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges that arose, from that arrest.

(C) The arrest was for an offense that is punishable by imprisonment pursuant to paragraph (1) or (2) of subdivision (h) of Section 1170, there is no indication that criminal proceedings have been initiated, at least three calendar years have elapsed since the date of the arrest, and no conviction occurred, or the arrestee was acquitted of any charges arising, from that arrest.

(D) The person successfully completed any of the following, relating to that arrest:

(i) A prefiling diversion program, as defined in Section 851.87, administered by a prosecuting attorney in lieu of filing an accusatory pleading.

(ii) A drug diversion program administered by a superior court pursuant to Section 1000.5, or a deferred entry of judgment program pursuant to Section 1000 or 1000.8.

(iii) A pretrial diversion program, pursuant to Section 1000.4.

(iv) A diversion program, pursuant to Section 1001.9.

(v) Any diversion program described in Chapter 2.8 (commencing with Section 1001.20), Chapter 2.8A (commencing with Section 1001.35), Chapter 2.81 (commencing with Section 1001.40), Chapter 2.9 (commencing with Section 1001.50), Chapter 2.9A (commencing with Section 1001.60), Chapter 2.9B (commencing with Section 1001.70), Chapter 2.9C (commencing with Section 1001.80), Chapter 2.9D (commencing with Section 1001.81), or Chapter 2.92 (commencing with Section 1001.85), of Title 6.

(b) (1) The department shall grant relief to a person identified pursuant to subdivision (a), without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(2) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's arrest record, a note stating "arrest relief granted," listing the date that the department granted relief, and this section. This note shall be included in all statewide criminal databases with a record of the arrest.

(3) Except as otherwise provided in subdivision (d), an arrest for which arrest relief has been granted is deemed not to have occurred, and a person who has been granted arrest relief is released from any penalties and disabilities resulting from the arrest, and may answer any question relating to that arrest accordingly.

(c) On a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on February 1, 2021, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in subdivision (d), the court shall not disclose information concerning an arrest that is

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granted relief pursuant to this section to any person or entity, in any format, except to the person whose arrest was granted relief or a criminal justice agency, as defined in Section 851.92.

(d) Relief granted pursuant to this section is subject to the following conditions:

(1) Arrest relief does not relieve a person of the obligation to disclose an arrest in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(2) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(3) This section does not limit the ability of a district attorney to prosecute, within the applicable statute of limitations, an offense for which arrest relief has been granted pursuant to this section.

(4) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control any firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the arrest would otherwise affect this authorization or susceptibility.

(5) Relief granted pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the arrest.

(6) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(e) This section shall not limit petitions, motions, or orders for arrest record relief, as required or authorized by any other law, including, but not limited to, Sections 851.87, 851.90, 851.91, 1000.4, and 1001.9.

(f) The department shall annually publish statistics for each county regarding the total number of arrests granted relief pursuant to this section and the percentage of arrests for which the state summary criminal history information does not include a disposition, on the OpenJustice Web portal, as defined in Section 13010.

(g) This section shall be operative commencing January 1, 2021, subject to an appropriation in the annual Budget Act.

SEC. 8.

Section 1203.425 is added to the Penal Code, immediately following Section 1203.42, to read:

1203.425.

(a) (1) On a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify persons with convictions that meet the criteria set forth in paragraph (2) and are eligible for automatic conviction record relief.

(2) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(A) The person is not required to register pursuant to the Sex Offender Registration Act.

(B) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(C) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for any offense and there is no indication of any pending criminal charges.

(D) Except as otherwise provided in clause (iii) of subparagraph (E), there is no indication that the conviction resulted in a sentence of incarceration in the state prison.

(E) The conviction occurred on or after January 1, 2021, and meets either of the following criteria:

(i) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(ii) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(b) (1) Except as specified in subdivision (h), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to subdivision (a), without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(2) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(3) Except as otherwise provided in subdivision (d) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

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(c) On a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on February 1, 2021, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in subdivision (d), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(d) Relief granted pursuant to this section is subject to the following conditions:

(1) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(2) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, or for contracting with the California State Lottery Commission.

(3) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(4) Relief granted pursuant to this section does not limit the jurisdiction of the court over any subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(5) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control any firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(6) Relief granted pursuant to this section does not affect any prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

(7) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(8) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible to provide, or receive payment for providing, in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3

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of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and Institutions Code.

(9) In any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(e) This section shall not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections 1203.4 and 1204.4a.

(f) The department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (h), on the OpenJustice Web portal, as defined in Section 13010.

(g) Subdivisions (a) to (f), inclusive, shall be operative commencing January 1, 2021, subject to an appropriation in the annual Budget Act.

(h) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting such relief would pose a substantial threat to the public safety.

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In determining whether granting such relief would pose a substantial threat to the public safety, the court may consider any relevant factors including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing such relief. In determining whether the defendant's hardship outweighs the threat to the public safety,

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the court may consider any relevant factors including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief pursuant to this section.

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to Section 1203.4 or 1203.4a. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the applicable section, and the department shall grant relief pursuant to that section.

(i) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

SEC. 9.

Section 11105 of the Penal Code is amended to read:

11105.

(a) (1) The Department of Justice shall maintain state summary criminal history information.

(2) As used in this section:

(A) "State summary criminal history information" means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person.

(B) "State summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

(b) The Attorney General shall furnish state summary criminal history information to the following, if needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public

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utility, or any other entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

- (1) The courts of the state.
- (2) Peace officers of the state, as defined in Section 830.1, subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and (b) of Section 830.5.
- (3) District attorneys of the state.
- (4) Prosecuting city attorneys or city prosecutors of a city within the state.
- (5) City attorneys pursuing civil gang injunctions pursuant to Section 186.22a, or drug abatement actions pursuant to Section 3479 or 3480 of the Civil Code, or Section 11571 of the Health and Safety Code.
- (6) Probation officers of the state.
- (7) Parole officers of the state.
- (8) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section 4852.08.
- (9) A public defender or attorney of record when representing a person in a criminal case or a juvenile delinquency proceeding, including all appeals and postconviction motions, or a parole, mandatory supervision pursuant to paragraph (5) of subdivision (h) of Section 1170, or postrelease community supervision revocation or revocation extension proceeding, if the information is requested in the course of representation.
- (10) An agency, officer, or official of the state if the state summary criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The agency, officer, or official of the state authorized by this paragraph to receive state summary criminal history information may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.
- (11) A city or county, city and county, district, or an officer or official thereof if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the state summary criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The city or county, city and county, district, or the officer or official thereof authorized by this paragraph may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

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(12) The subject of the state summary criminal history information under procedures established under Article 5 (commencing with Section 11120).

(13) A person or entity when access is expressly authorized by statute if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct.

(14) Health officers of a city, county, city and county, or district when in the performance of their official duties enforcing Section 120175 of the Health and Safety Code.

(15) A managing or supervising correctional officer of a county jail or other county correctional facility.

(16) A humane society, or society for the prevention of cruelty to animals, for the specific purpose of complying with Section 14502 of the Corporations Code for the appointment of humane officers.

(17) Local child support agencies established by Section 17304 of the Family Code. When a local child support agency closes a support enforcement case containing state summary criminal history information, the agency shall delete or purge from the file and destroy any documents or information concerning or arising from offenses for or of which the parent has been arrested, charged, or convicted, other than for offenses related to the parent's having failed to provide support for minor children, consistent with the requirements of Section 17531 of the Family Code.

(18) County child welfare agency personnel who have been delegated the authority of county probation officers to access state summary criminal history information pursuant to Section 272 of the Welfare and Institutions Code for the purposes specified in Section 16504.5 of the Welfare and Institutions Code. Information from criminal history records provided pursuant to this subdivision shall not be used for a purpose other than those specified in this section and Section 16504.5 of the Welfare and Institutions Code. When an agency obtains records both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check.

(19) The court of a tribe, or court of a consortium of tribes, that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code. This information may be used only for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. Article 6 (commencing with Section 11140) shall apply to officers, members, and employees of a tribal court receiving state summary criminal history information pursuant to this section.

(20) Child welfare agency personnel of a tribe or consortium of tribes that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code and to whom the state has delegated duties under paragraph (2) of subdivision (a) of Section 272 of the Welfare and Institutions Code. The purposes for use of the information shall be for the purposes specified in Section 16504.5 of the

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Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. When an agency obtains records on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check. Article 6 (commencing with Section 11140) shall apply to child welfare agency personnel receiving criminal record offender information pursuant to this section.

(21) An officer providing conservatorship investigations pursuant to Sections 5351, 5354, and 5356 of the Welfare and Institutions Code.

(22) A court investigator providing investigations or reviews in conservatorships pursuant to Section 1826, 1850, 1851, or 2250.6 of the Probate Code.

(23) A person authorized to conduct a guardianship investigation pursuant to Section 1513 of the Probate Code.

(24) A humane officer pursuant to Section 14502 of the Corporations Code for the purposes of performing ~~his or her~~ *the officer's* duties.

(25) A public agency described in subdivision (b) of Section 15975 of the Government Code, for the purpose of oversight and enforcement policies with respect to its contracted providers.

(26) (A) A state entity, or its designee, that receives federal tax information. A state entity or its designee that is authorized by this paragraph to receive state summary criminal history information also may transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation for the purpose of the state entity or its designee obtaining federal level criminal offender record information from the Department of Justice. This information shall be used only for the purposes set forth in Section 1044 of the Government Code.

(B) For purposes of this paragraph, "federal tax information," "state entity" and "designee" are as defined in paragraphs (1), (2), and (3), respectively, of subdivision (f) of Section 1044 of the Government Code.

(c) The Attorney General may furnish state summary criminal history information and, when specifically authorized by this subdivision, federal level criminal history information upon a showing of a compelling need to any of the following, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) A public utility, as defined in Section 216 of the Public Utilities Code, that operates a nuclear energy facility when access is needed in order to assist in employing persons to work at the facility, provided that, if the Attorney General supplies the data, ~~he or she~~ *the Attorney General* shall furnish a copy of the data to the person to whom the data relates.

(2) To a peace officer of the state other than those included in subdivision (b).

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(3) To an illegal dumping enforcement officer as defined in subdivision (j) of Section 830.7.

(4) To a peace officer of another country.

(5) To public officers, other than peace officers, of the United States, other states, or possessions or territories of the United States, provided that access to records similar to state summary criminal history information is expressly authorized by a statute of the United States, other states, or possessions or territories of the United States if the information is needed for the performance of their official duties.

(6) To a person when disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the state summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(7) The courts of the United States, other states, or territories or possessions of the United States.

(8) Peace officers of the United States, other states, or territories or possessions of the United States.

(9) To an individual who is the subject of the record requested if needed in conjunction with an application to enter the United States or a foreign nation.

(10) (A) (i) A public utility, as defined in Section 216 of the Public Utilities Code, or a cable corporation as defined in subparagraph (B), if receipt of criminal history information is needed in order to assist in employing current or prospective employees, contract employees, or subcontract employees who, in the course of their employment, may be seeking entrance to private residences or adjacent grounds. The information provided shall be limited to the record of convictions and arrests for which the person is released on bail or on ~~his or her~~ *their* own recognizance pending trial.

(ii) If the Attorney General supplies the data pursuant to this paragraph, the Attorney General shall furnish a copy of the data to the current or prospective employee to whom the data relates.

(iii) State summary criminal history information is confidential and the receiving public utility or cable corporation shall not disclose its contents, other than for the purpose for which it was acquired. The state summary criminal history information in the possession of the public utility or cable corporation and all copies made from it shall be destroyed not more than 30 days after employment or promotion or transfer is denied or granted, except for those cases where a current or prospective employee is out on bail or on ~~his or her~~ *their* own recognizance pending trial, in which case the state summary criminal history information and all copies shall be destroyed not more than 30 days after the case is resolved.

(iv) A violation of this paragraph is a misdemeanor, and shall give the current or prospective employee who is injured by the violation a cause of action against the public utility or cable corporation to recover damages proximately caused by the violations. A public utility's or cable corporation's request for state summary criminal history information for purposes of employing current or prospective employees who may be

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seeking entrance to private residences or adjacent grounds in the course of their employment shall be deemed a “compelling need” as required to be shown in this subdivision.

(v) This section shall not be construed as imposing a duty upon public utilities or cable corporations to request state summary criminal history information on current or prospective employees.

(B) For purposes of this paragraph, “cable corporation” means a corporation or firm that transmits or provides television, computer, or telephone services by cable, digital, fiber optic, satellite, or comparable technology to subscribers for a fee.

(C) Requests for federal level criminal history information received by the Department of Justice from entities authorized pursuant to subparagraph (A) shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. Federal level criminal history information received or compiled by the Department of Justice may then be disseminated to the entities referenced in subparagraph (A), as authorized by law.

(11) To a campus of the California State University or the University of California, or a four-year college or university accredited by a regional accreditation organization approved by the United States Department of Education, if needed in conjunction with an application for admission by a convicted felon to a special education program for convicted felons, including, but not limited to, university alternatives and halfway houses. Only conviction information shall be furnished. The college or university may require the convicted felon to be fingerprinted, and any inquiry to the department under this section shall include the convicted felon’s fingerprints and any other information specified by the department.

(12) To a foreign government, if requested by the individual who is the subject of the record requested, if needed in conjunction with the individual’s application to adopt a minor child who is a citizen of that foreign nation. Requests for information pursuant to this paragraph shall be in accordance with the process described in Sections 11122 to 11124, inclusive. The response shall be provided to the foreign government or its designee and to the individual who requested the information.

(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying the request for information, if any, may be stamped “no criminal record” and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, a person or entity required to pay a fee to the

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department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or a state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting state summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on ~~his or her~~ *their* own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do

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not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(G) Sentencing information, if present in the department's records at the time of the response.

(l) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on ~~his or her~~ *their* own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or which did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice indicate or if the genuine effort reveals that the subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention, or the subject was granted relief pursuant to Section 851.91.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.

(F) Sentencing information, if present in the department's records at the time of the response.

(m) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or a statute that incorporates the criteria of

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any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on ~~his or her~~ *their* own recognizance pending trial.

(C) Every arrest for an offense for which the Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(E) Sentencing information, if present in the department's records at the time of the response.

(3) Notwithstanding the requirements of the sections referenced in paragraph (1) of this subdivision, the Department of Justice shall not disseminate information about an arrest subsequently deemed a detention or an arrest that resulted in the successful completion of a diversion program, exoneration, or a grant of relief pursuant to Section 851.91.

(n) (1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) A statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference.

(2) With the exception of applications submitted by transportation companies authorized pursuant to Section 11105.3, and notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section 1203.49, rendered against the applicant for a violation or attempted violation of

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an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within 10 years of the date of the agency's request for information or the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on ~~his or her~~ *their* own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(o) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 379 or 550 of the Financial Code, or a statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of an offense specified in Section 550 of the Financial Code, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for a violation or attempted violation of an offense specified in Section 550 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on ~~his or her~~ *their* own recognizance pending trial.

(C) Sentencing information, if present in the department's records at the time of the response.

(p) (1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice as the result of an application by an agency, organization, or individual not defined in subdivision (k), (l), (m), (n), or (o), or by a transportation company authorized pursuant to Section 11105.3, or a statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

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(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section [1203.4](#), [1203.4a](#), [1203.41](#), [1203.42](#), [1203.425](#), or 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on ~~his or her~~ *their* own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(D) Sentencing information, if present in the department's records at the time of the response.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (l), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

SEC. 10.

Section 13555 of the Vehicle Code is amended to read:

13555.

A termination of probation and dismissal of charges pursuant to Section 1203.4 *of*, or a dismissal of charges pursuant to Section 1203.4a ~~of~~ *of, or relief granted pursuant to Section 1203.425 of*, the Penal Code does not affect any revocation or suspension of the privilege of the person convicted to drive a motor vehicle under this chapter. Such person's prior conviction shall be considered a conviction for the purpose of revoking or suspending or otherwise limiting such privilege on the ground of two or more convictions.

SEC. 11.

Section 2.5 of this bill incorporates amendments to Section 480 of the Business and Professions Code, as added by Section 4 of Chapter 995 of the Statutes of 2018, proposed by both this bill and Assembly Bill 1521. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 480 of the Business and Professions Code, as added by Section 4 of Chapter 995 of the Statutes of 2018, and (3) this bill is enacted after Assembly Bill 1521, in which case Section 2 of this bill shall not become operative.

MEMORANDUM

DATE	September 19, 2019
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21(b)(1)(B) – AB 1145 (Garcia, Christina) Child abuse: reportable conduct

Background:

For the purposes of the Child Abuse Neglect Reporting Act (CANRA), this bill would have revised the definition of sexual assault to no longer include any acts under Penal Code Sections 286 (sodomy), 287 or former Section 288a (oral copulation), and Section 289 (sexual penetration), if committed voluntarily and if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age.

This bill would have provided for equal treatment of consenting minors under the law regardless of the type of consensual sexual activities they engage in and provides clarity on the requirements of mandatory reporters under CANRA in these situations.

At the April 24-26 Board Meeting, the Board took a Support position on AB 1145 (Garcia, Christina). Due to the bill being held in the Assembly Appropriations Committee, this bill is now a two-year bill.

Location: Assembly Committee on Appropriations

Status: 4/24/2019 In committee: Hearing postponed by committee

Votes: 4/2/2019 Assembly Public Safety (5-2-1)

Action Requested:

No action is required at this time. This item is for informational purposes only.

Attachment A: AB 1145 (Garcia, Christina) Bill Text

AB 1145 - (I) Amends the Law

SECTION 1.

Section 11165.1 of the Penal Code is amended to read:

11165.1.

As used in this article, “sexual abuse” means sexual assault or sexual exploitation as defined by the following:

(a) “Sexual assault” means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), Section 264.1 (rape in concert), Section 285 (incest), Section 286 (sodomy), Section 287 or former Section 288a (oral copulation), subdivision (a) or ~~(b)~~, (b) of, or paragraph (1) of subdivision (c) ~~of of~~, Section 288 (lewd or lascivious acts upon a child), Section 289 (sexual penetration), or Section 647.6 (child molestation). *“Sexual assault” for the purposes of this article does not include voluntary conduct in violation of Section 286, 287, or 289, or former Section 288a, if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age.*

(b) Conduct described as “sexual assault” includes, but is not limited to, all of the following:

(1) Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(2) Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(3) Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.

(4) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.

(5) The intentional masturbation of the perpetrator’s genitals in the presence of a child.

(c) “Sexual exploitation” refers to any of the following:

(1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

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(2) A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

(3) A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

(d) "Commercial sexual exploitation" refers to either of the following:

(1) The sexual trafficking of a child, as described in subdivision (c) of Section 236.1.

(2) The provision of food, shelter, or payment to a child in exchange for the performance of any sexual act described in this section or subdivision (c) of Section 236.1.

MEMORANDUM

DATE	September 19, 2019
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21(b)(1)(C) – SB 53 (Wilk) Open meetings

Background:

This bill would have modified the Bagley-Keene Open Meeting Act (Bagley-Keene) to require two-member advisory committees of a “state body” to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body, and the advisory committee is supported, in whole or in part, by funds provided by the state body.

All items that are created or modified during two-member advisory committees are brought to the Board in an open meeting for discussion and approval. The Board of Psychology only utilizes a two-person committee structure when necessary due to concerns for employee safety and the necessity for a collaborative discussion of confidential information which could not be discussed in depth during a public meeting.

At the April 24-26, 2019 Board Meeting, the Board voted to Oppose SB 53 (Wilk).

Location: 7/11/2019 Assembly Committee on Appropriations

Status: 8/30/2019 August 30 hearing: Held in committee and under submission

Votes: 3/12/2019 Sen Governmental Organization (14-0-2)
4/8/2019 Senate Committee on Appropriations (6-0-0)
4/22/2019 Senate Floor (38-0-0)
7/10/2019 Assembly Governmental Organization (21-0-0)

Action Requested:

No action is required at this time. This item is for informational purposes only.

Attachment A: SB 53 (Wilk) Bill Text

SB 53 - (A) Amends the Law

SECTION 1.

Section 11121 of the Government Code is amended to read:

11121.

As used in this article, “state body” means each of the following:

- (a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.
- (b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.
- (c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more ~~persons~~. *persons, except as provided in subdivision (d).*
- (d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.
- (e) Notwithstanding subdivision (a) of Section 11121.1, the State Bar of California, as described in Section 6001 of the Business and Professions Code. This subdivision shall become operative on April 1, 2016.

SEC. 2.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to avoid unnecessary litigation and ensure the people’s right to access the meetings of public bodies pursuant to Section 3 of Article 1 of the California Constitution, it is necessary that this act take effect immediately.

MEMORANDUM

DATE	September 19, 2019
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21(b)(1)(D) – SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic services

Background:

This bill would have allowed Medi-Cal reimbursement for a patient receiving both medical and mental health services at a federally qualified health center (FQHC) or rural health clinic (RHC) on the same day.

At the April 24-26, 2019 Board Meeting, the Board voted to **Support** SB 66 (Atkins).

Location: 9/1/2019 Assembly Floor

Status: 9/11/2019 Ordered to inactive file on request of Assembly Member Calderon.

Votes: 3/20/2019 Senate Health (8-0-1)
5/16/2019 Senate Committee on Appropriations (6-0-0)
5/23/2019 Senate Floor (38-0-0)
7/2/2019 Assembly Health (15-0-0)
8/30/2019 Assembly Appropriations (18-0-0)

Action Requested:

No action is required at this time. This item is for informational purposes only.

Attachment A: SB 66 (Atkins) Bill Text

SB 66 - (A) Amends the Law

SECTION 1.

Section 14132.100 of the Welfare and Institutions Code is amended to read:

14132.100.

(a) The federally qualified health center services described in Section 1396d(a)(2)(C) of Title 42 of the United States Code are covered benefits.

(b) The rural health clinic services described in Section 1396d(a)(2)(B) of Title 42 of the United States Code are covered benefits.

(c) Federally qualified health center services and rural health clinic services shall be reimbursed on a per-visit basis in accordance with the definition of “visit” set forth in subdivision (g).

(d) Effective October 1, 2004, and on each October 1 thereafter, until no longer required by federal law, federally qualified health center (FQHC) and rural health clinic (RHC) per-visit rates shall be increased by the Medicare Economic Index applicable to primary care services in the manner provided for in Section 1396a(bb)(3)(A) of Title 42 of the United States Code. Prior to January 1, 2004, FQHC and RHC per-visit rates shall be adjusted by the Medicare Economic Index in accordance with the methodology set forth in the state plan in effect on October 1, 2001.

(e) (1) An FQHC or RHC may apply for an adjustment to its per-visit rate based on a change in the scope of **services service** provided by the FQHC or RHC. Rate changes based on a change in the scope of **services service** provided by an FQHC or RHC shall be evaluated in accordance with Medicare reasonable cost principles, as set forth in Part 413 (commencing with Section 413.1) of Title 42 of the Code of Federal Regulations, or its successor.

(2) Subject to the conditions set forth in subparagraphs (A) to (D), inclusive, of paragraph (3), a change in scope of service means any of the following:

(A) The addition of a new FQHC or RHC service that is not incorporated in the baseline prospective payment system (PPS) rate, or a deletion of an FQHC or RHC service that is incorporated in the baseline PPS rate.

(B) A change in service due to amended regulatory requirements or rules.

(C) A change in service resulting from relocating or remodeling an FQHC or RHC.

(D) A change in types of services due to a change in applicable technology and medical practice utilized by the center or clinic.

(E) An increase in service intensity attributable to changes in the types of patients served, including, but not limited to, populations with HIV or AIDS, or other chronic diseases, or homeless, elderly, migrant, or other special populations.

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(F) Any changes in any of the services described in subdivision (a) or (b), or in the provider mix of an FQHC or RHC or one of its sites.

(G) Changes in operating costs attributable to capital expenditures associated with a modification of the scope of any of the services described in subdivision (a) or (b), including new or expanded service facilities, regulatory compliance, or changes in technology or medical practices at the center or clinic.

(H) Indirect medical education adjustments and a direct graduate medical education payment that reflects the costs of providing teaching services to interns and residents.

(I) Any changes in the scope of a project approved by the federal Health Resources and Services Administration (HRSA).

(3) A *No* change in costs ~~is not, shall,~~ in and of itself, ~~a scope-of-service change, be considered a scope of service change~~ unless all of the following apply:

(A) The increase or decrease in cost is attributable to an increase or decrease in the scope of ~~services~~ *service* defined in subdivisions (a) and (b), as applicable.

(B) The cost is allowable under Medicare reasonable cost principles set forth in Part 413 (commencing with Section 413) of Subchapter B of Chapter 4 of Title 42 of the Code of Federal Regulations, or its successor.

(C) The change in the scope of ~~services~~ *service* is a change in the type, intensity, duration, or amount of services, or any combination thereof.

(D) The net change in the FQHC's or RHC's rate equals or exceeds 1.75 percent for the affected FQHC or RHC site. For FQHCs and RHCs that filed consolidated cost reports for multiple sites to establish the initial prospective payment reimbursement rate, the 1.75-percent threshold shall be applied to the average per-visit rate of all sites for the purposes of calculating the cost associated with a ~~scope-of-service~~ *scope of service* change. "Net change" means the per-visit rate change attributable to the cumulative effect of all increases and decreases for a particular fiscal year.

(4) An FQHC or RHC may submit requests for ~~scope-of-service~~ *scope of service* changes once per fiscal year, only within 90 days following the beginning of the FQHC's or RHC's fiscal year. Any approved increase or decrease in the provider's rate shall be retroactive to the beginning of the FQHC's or RHC's fiscal year in which the request is submitted.

(5) An FQHC or RHC shall submit a ~~scope-of-service~~ *scope of service* rate change request within 90 days of the beginning of any FQHC or RHC fiscal year occurring after the effective date of this section, if, during the FQHC's or RHC's prior fiscal year, the FQHC or RHC experienced a decrease in the scope of ~~services~~ *service* provided that the FQHC or RHC either knew or should have known would have resulted in a significantly lower per-visit rate. If an FQHC or RHC discontinues providing onsite pharmacy or dental services, it shall submit a ~~scope-of-service~~ *scope of service* rate change request within 90 days of the beginning of the following fiscal year. The rate change shall be effective as provided for in paragraph (4). As used in this paragraph, "significantly lower" means an average per-visit rate decrease in excess of 2.5 percent.

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(6) Notwithstanding paragraph (4), if the approved ~~scope-of-service~~ *scope of service* change or changes were initially implemented on or after the first day of an FQHC's or RHC's fiscal year ending in calendar year 2001, but before the adoption and issuance of written instructions for applying for a ~~scope-of-service~~ *scope of service* change, the adjusted reimbursement rate for that ~~scope-of-service~~ *scope of service* change shall be made retroactive to the date the ~~scope-of-service~~ *scope of service* change was initially implemented. ~~Scope-of-service~~ *Scope of service* changes under this paragraph shall be required to be submitted within the later of 150 days after the adoption and issuance of the written instructions by the department, or 150 days after the end of the FQHC's or RHC's fiscal year ending in 2003.

(7) All references in this subdivision to "fiscal year" shall be construed to be references to the fiscal year of the individual FQHC or RHC, as the case may be.

(f) (1) An FQHC or RHC may request a supplemental payment if extraordinary circumstances beyond the control of the FQHC or RHC occur after December 31, 2001, and PPS payments are insufficient due to these extraordinary circumstances. Supplemental payments arising from extraordinary circumstances under this subdivision shall be solely and exclusively within the discretion of the department and shall not be subject to subdivision (l). These supplemental payments shall be determined separately from the ~~scope-of-service~~ *scope of service* adjustments described in subdivision (e). Extraordinary circumstances include, but are not limited to, acts of nature, changes in applicable requirements in the Health and Safety Code, changes in applicable licensure requirements, and changes in applicable rules or regulations. Mere inflation of costs alone, absent extraordinary circumstances, shall not be grounds for supplemental payment. If an FQHC's or RHC's PPS rate is sufficient to cover its overall costs, including those associated with the extraordinary circumstances, then a supplemental payment is not warranted.

(2) The department shall accept requests for supplemental payment at any time throughout the prospective payment rate year.

(3) Requests for supplemental payments shall be submitted in writing to the department and shall set forth the reasons for the request. Each request shall be accompanied by sufficient documentation to enable the department to act upon the request. Documentation shall include the data necessary to demonstrate that the circumstances for which supplemental payment is requested meet the requirements set forth in this section. Documentation shall include both of the following:

(A) A presentation of data to demonstrate reasons for the FQHC's or RHC's request for a supplemental payment.

(B) Documentation showing the cost implications. The cost impact shall be material and significant, two hundred thousand dollars (\$200,000) or 1 percent of a facility's total costs, whichever is less.

(4) A request shall be submitted for each affected year.

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(5) Amounts granted for supplemental payment requests shall be paid as lump-sum amounts for those years and not as revised PPS rates, and shall be repaid by the FQHC or RHC to the extent that it is not expended for the specified purposes.

(6) The department shall notify the provider of the department's discretionary decision in writing.

(g) (1) An FQHC or RHC "visit" means a face-to-face encounter between an FQHC or RHC patient and a physician, physician assistant, nurse practitioner, certified nurse-midwife, clinical psychologist, licensed clinical social worker, or a visiting nurse. For purposes of this section, "physician" shall be interpreted in a manner consistent with the federal Centers for Medicare and Medicaid Services' Medicare Rural Health Clinic and Federally Qualified Health Center Manual (Publication 27), or its successor, only to the extent that it defines the professionals whose services are reimbursable on a per-visit basis and not as to the types of services that these professionals may render during these visits and shall include a ~~physician and surgeon,~~ *medical doctor*, osteopath, podiatrist, dentist, optometrist, and chiropractor. A visit shall also include a face-to-face encounter between an FQHC or RHC patient and a comprehensive perinatal practitioner, as defined in Section 51179.7 of Title 22 of the California Code of Regulations, providing comprehensive perinatal services, a four-hour day of attendance at an adult day health care center, and any other provider identified in the state plan's definition of an FQHC or RHC visit.

(2) (A) A visit shall also include a face-to-face encounter between an FQHC or RHC patient and a dental hygienist, a dental hygienist in alternative practice, ~~or~~ a marriage and family ~~therapist.~~ *therapist, or a licensed acupuncturist.*

(B) Notwithstanding subdivision (e), if an FQHC or RHC that currently includes the cost of the services of a dental hygienist in alternative practice, or a marriage and family therapist for the purposes of establishing its FQHC or RHC rate chooses to bill these services as a separate visit, the FQHC or RHC shall apply for an adjustment to its per-visit rate, and, after the rate adjustment has been approved by the department, shall bill these services as a separate visit. However, multiple encounters with dental professionals or marriage and family therapists that take place on the same day shall constitute a single visit. The department shall develop the appropriate forms to determine which FQHC's or RHC's rates shall be adjusted and to facilitate the calculation of the adjusted rates. An FQHC's or RHC's application for, or the department's approval of, a rate adjustment pursuant to this subparagraph shall not constitute a change in scope of service within the meaning of subdivision (e). An FQHC or RHC that applies for an adjustment to its rate pursuant to this subparagraph may continue to bill for all other FQHC or RHC visits at its existing per-visit rate, subject to reconciliation, until the rate adjustment for visits between an FQHC or RHC patient and a dental hygienist, a dental hygienist in alternative practice, or a marriage and family therapist has been approved. Any approved increase or decrease in the provider's rate shall be made within six months after the date of receipt of the department's rate adjustment forms pursuant to this subparagraph and shall be retroactive to the beginning of the fiscal year in which the FQHC or RHC submits the request, but in no case shall the effective date be earlier than January 1, 2008.

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(C) An FQHC or RHC that does not provide dental hygienist, dental hygienist in alternative practice, or marriage and family therapist services, and later elects to add these services and bill these services as a separate visit, shall process the addition of these services as a change in scope of service pursuant to subdivision (e).

(3) Notwithstanding any other provision of this section, ~~no later than~~ by July 1, 2018, a visit shall include a marriage and family therapist.

(h) If FQHC or RHC services are partially reimbursed by a third-party payer, such as a managed care entity, as defined in Section 1396u-2(a)(1)(B) of Title 42 of the United States Code, the Medicare Program, or the Child Health and Disability Prevention (CHDP) Program, the department shall reimburse an FQHC or RHC for the difference between its per-visit PPS rate and receipts from other plans or programs on a contract-by-contract basis and not in the aggregate, and may not include managed care financial incentive payments that are required by federal law to be excluded from the calculation.

(i) (1) Provided that the following entities are not operating as intermittent clinics, as defined in subdivision (h) of Section 1206 of the Health and Safety Code, each entity shall have its reimbursement rate established in accordance with one of the methods outlined in paragraph (2) or (3), as selected by the FQHC or RHC:

(A) An entity that first qualifies as an FQHC or RHC in 2001 or later.

(B) A newly licensed facility at a new location added to an existing FQHC or RHC.

(C) An entity that is an existing FQHC or RHC that is relocated to a new site.

(2) (A) An FQHC or RHC that adds a new licensed location to its existing primary care license under paragraph (1) of subdivision (b) of Section 1212 of the Health and Safety Code may elect to have the reimbursement rate for the new location established in accordance with paragraph (3), or notwithstanding subdivision (e), an FQHC or RHC may choose to have one PPS rate for all locations that appear on its primary care license determined by submitting a change in scope of service request if both of the following requirements are met:

(i) The change in scope of service request includes the costs and visits for those locations for the first full fiscal year immediately following the date the new location is added to the FQHC's or RHC's existing licensee.

(ii) The FQHC or RHC submits the change in scope of service request within 90 days after the FQHC's or RHC's first full fiscal year.

(B) The FQHC's or RHC's single PPS rate for those locations shall be calculated based on the total costs and total visits of those locations and shall be determined based on the following:

(i) An audit in accordance with Section 14170.

(ii) Rate changes based on a change in scope of service request shall be evaluated in accordance with Medicare reasonable cost principles, as set forth in Part 413 (commencing with Section 413.1) of Title 42 of the Code of Federal Regulations, or its successors.

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(iii) Any approved increase or decrease in the provider's rate shall be retroactive to the beginning of the FQHC's or RHC's fiscal year in which the request is submitted.

(C) Except as specified in subdivision (j), this paragraph does not apply to a location that was added to an existing primary care clinic license by the State Department of Public Health, whether by a regional district office or the centralized application unit, prior to January 1, 2017.

(3) If an FQHC or RHC does not elect to have the PPS rate determined by a change in scope of service request, the FQHC or RHC shall have the reimbursement rate established for any of the entities identified in paragraph (1) or (2) in accordance with one of the following methods at the election of the FQHC or RHC:

(A) The rate may be calculated on a per-visit basis in an amount that is equal to the average of the per-visit rates of three comparable FQHCs or RHCs located in the same or adjacent area with a similar caseload.

(B) In the absence of three comparable FQHCs or RHCs with a similar caseload, the rate may be calculated on a per-visit basis in an amount that is equal to the average of the per-visit rates of three comparable FQHCs or RHCs located in the same or an adjacent service area, or in a reasonably similar geographic area with respect to relevant social, health ~~care~~, *care* and economic characteristics.

(C) At a new entity's one-time election, the department shall establish a reimbursement rate, calculated on a per-visit basis, that is equal to 100 percent of the projected allowable costs to the FQHC or RHC of furnishing FQHC or RHC services during the first 12 months of operation as an FQHC or RHC. After the first 12-month period, the projected per-visit rate shall be increased by the Medicare Economic Index then in effect. The projected allowable costs for the first 12 months shall be cost settled and the prospective payment reimbursement rate shall be adjusted based on actual and allowable cost per visit.

(D) The department may adopt any further and additional methods of setting reimbursement rates for newly qualified FQHCs or RHCs as are consistent with Section 1396a(bb)(4) of Title 42 of the United States Code.

(4) In order for an FQHC or RHC to establish the comparability of its caseload for purposes of subparagraph (A) or (B) of paragraph (1), the department shall require that the FQHC or RHC submit its most recent annual utilization report as submitted to the Office of Statewide Health Planning and Development, unless the FQHC or RHC was not required to file an annual utilization report. FQHCs or RHCs that have experienced changes in their services or caseload subsequent to the filing of the annual utilization report may submit to the department a completed report in the format applicable to the prior calendar year. FQHCs or RHCs that have not previously submitted an annual utilization report shall submit to the department a completed report in the format applicable to the prior calendar year. The FQHC or RHC shall not be required to submit the annual utilization report for the comparable FQHCs or RHCs to the department, but shall be required to identify the comparable FQHCs or RHCs.

(5) The rate for any newly qualified entity set forth under this subdivision shall be effective retroactively to the later of the date that the entity was first qualified by the applicable federal agency as an FQHC or RHC, the date a new facility at a new location was added to an existing FQHC or RHC, or the date on which an existing FQHC or RHC was relocated to a new site. The FQHC or RHC shall be permitted to continue billing for Medi-Cal covered benefits on a fee-for-service basis under its existing provider number until it is informed of its *new FQHC or RHC enrollment approval, provider number*, and the department shall reconcile the difference between the fee-for-service payments and the FQHC's or RHC's prospective payment rate at that time.

(j) (1) Visits occurring at an intermittent clinic site, as defined in subdivision (h) of Section 1206 of the Health and Safety Code, of an existing FQHC or RHC, in a mobile unit as defined by paragraph (2) of subdivision (b) of Section 1765.105 of the Health and Safety Code, or at the election of the FQHC or RHC and subject to paragraph (2), a location added to an existing primary care clinic license by the State Department of Public Health prior to January 1, 2017, shall be billed by and reimbursed at the same rate as the FQHC or RHC that either established the intermittent clinic site or mobile unit, or that held the clinic license to which the location was added prior to January 1, 2017.

(2) If an FQHC or RHC with at least one additional location on its primary care clinic license that was added by the State Department of Public Health prior to January 1, 2017, applies for an adjustment to its per-visit rate based on a change in the scope of *services service* provided by the FQHC or RHC as described in subdivision (e), all locations on the FQHC or RHC's primary care clinic license shall be subject to a *scope-of-service- scope of service* adjustment in accordance with either paragraph (2) or (3) of subdivision (i), as selected by the FQHC or RHC.

(3) Nothing in this subdivision precludes or otherwise limits the right of the FQHC or RHC to request a *scope-of-service- scope of service* adjustment to the rate.

(k) An FQHC or RHC may elect to have pharmacy or dental services reimbursed on a fee-for-service basis, utilizing the current fee schedules established for those services. These costs shall be adjusted out of the FQHC's or RHC's clinic base rate as *scope-of-service- scope of service* changes. An FQHC or RHC that reverses its election under this subdivision shall revert to its prior rate, subject to an increase to account for all Medicare Economic Index increases occurring during the intervening time period, and subject to any increase or decrease associated with applicable *scope-of-service- scope of service* adjustments as provided in subdivision (e).

(l) (1) For purposes of this subdivision, the following definitions apply:

(A) A "mental health visit" means a face-to-face encounter between an FQHC or RHC patient and a psychiatrist, clinical psychologist, licensed clinical social worker, or marriage and family therapist.

(B) A "dental visit" means a face-to-face encounter between an FQHC or RHC patient and a dentist, dental hygienist, or registered dental hygienist in alternative practice.

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(C) “Medical visit” means a face-to-face encounter between an FQHC or RHC patient and a physician, physician assistant, nurse practitioner, certified nurse-midwife, visiting nurse, or a comprehensive perinatal practitioner, as defined in Section 51179.7 of Title 22 of the California Code of Regulations, providing comprehensive perinatal services.

(2) A maximum of two visits, as defined in subdivision (g), taking place on the same day at a single location shall be reimbursed when one or both of the following conditions exists:

(A) After the first visit the patient suffers illness or injury requiring additional diagnosis or treatment.

(B) The patient has a medical visit and a mental health visit or a dental visit.

(3) (A) Notwithstanding subdivision (e), an FQHC or RHC that currently includes the cost of a medical visit and a mental health visit that take place on the same day at a single location as constituting a single visit for purposes of establishing its FQHC or RHC rate may elect to apply for an adjustment to its per-visit rate, and, after the rate adjustment has been approved by the department, the FQHC or RHC shall bill a medical visit and a mental health visit that take place on the same day at a single location as separate visits.

(B) The department shall develop and adjust all appropriate forms to determine which FQHC’s or RHC’s rates shall be adjusted and to facilitate the calculation of the adjusted rates.

(C) An FQHC’s or RHC’s application for, or the department’s approval of, a rate adjustment pursuant to this paragraph shall not constitute a change in scope of service within the meaning of subdivision (e).

(D) An FQHC or RHC that applies for an adjustment to its rate pursuant to this paragraph may continue to bill for all other FQHC or RHC visits at its existing per-visit rate, subject to reconciliation, until the rate adjustment has been approved.

(4) The department, by July 1, 2020, shall submit a state plan amendment to the federal Centers for Medicare and Medicaid Services reflecting the changes described in this subdivision.

~~(4)~~ *(m) Reimbursement for Drug Medi-Cal services shall be provided pursuant to this subdivision.*

(1) An FQHC or RHC may elect to have Drug Medi-Cal services reimbursed directly from a county or the department under contract with the FQHC or RHC pursuant to paragraph (4).

(2) (A) For an FQHC or RHC to receive reimbursement for Drug Medi-Cal services directly from the county or the department under contract with the FQHC or RHC pursuant to paragraph (4), costs associated with providing Drug Medi-Cal services shall not be included in the FQHC’s or RHC’s per-visit PPS rate. For purposes of this subdivision, the costs associated with providing Drug Medi-Cal services shall not be

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considered to be within the FQHC's or RHC's clinic base PPS rate if in delivering Drug Medi-Cal services the clinic uses different clinical staff at a different location.

(B) If the FQHC or RHC does not use different clinical staff at a different location to deliver Drug Medi-Cal services, the FQHC or RHC shall submit documentation, in a manner determined by the department, that the current per-visit PPS rate does not include any costs related to rendering Drug Medi-Cal services, including costs related to utilizing space in part of the FQHC's or RHC's building, that are or were previously calculated as part of the clinic's base PPS rate.

(3) If the costs associated with providing Drug Medi-Cal services are within the FQHC's or RHC's clinic base PPS rate, as determined by the department, the Drug Medi-Cal services costs shall be adjusted out of the FQHC's or RHC's per-visit PPS rate as a change in scope of service.

(A) An FQHC or RHC shall submit to the department a ~~scope-of-service~~ *scope of service* change request to adjust the FQHC's or RHC's clinic base PPS rate after the first full fiscal year of rendering Drug Medi-Cal services outside of the PPS rate. Notwithstanding subdivision (e), the ~~scope-of-service~~ *scope of service* change request shall include a full fiscal year of activity that does not include Drug Medi-Cal services costs.

(B) An FQHC or RHC may submit requests for ~~scope-of-service~~ *scope of service* change under this subdivision only within 90 days following the beginning of the FQHC's or RHC's fiscal year. Any ~~scope-of-service~~ *scope of service* change request under this subdivision approved by the department shall be retroactive to the first day that Drug Medi-Cal services were rendered and reimbursement for Drug Medi-Cal services was received outside of the PPS rate, but in no case shall the effective date be earlier than January 1, 2018.

(C) The FQHC or RHC may bill for Drug Medi-Cal services outside of the PPS rate when the FQHC or RHC obtains approval as a Drug Medi-Cal provider and enters into a contract with a county or the department to provide these services pursuant to paragraph (4).

(D) Within 90 days of receipt of the request for a ~~scope-of-service~~ *scope of service* change under this subdivision, the department shall issue the FQHC or RHC an interim rate equal to 90 percent of the FQHC's or RHC's projected allowable cost, as determined by the department. An audit to determine the final rate shall be performed in accordance with Section 14170.

(E) Rate changes based on a request for ~~scope-of-service~~ *scope of service* change under this subdivision shall be evaluated in accordance with Medicare reasonable cost principles, as set forth in Part 413 (commencing with Section 413.1) of Title 42 of the Code of Federal Regulations, or its successor.

(F) For purposes of recalculating the PPS rate, the FQHC or RHC shall provide upon request to the department verifiable documentation as to which employees spent time, and the actual time spent, providing federally qualified health center services or rural health center services and Drug Medi-Cal services.

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(G) After the department approves the adjustment to the FQHC's or RHC's clinic base PPS rate and the FQHC or RHC is approved as a Drug Medi-Cal provider, an FQHC or RHC shall not bill the PPS rate for any Drug Medi-Cal services provided pursuant to a contract entered into with a county or the department pursuant to paragraph (4).

(H) An FQHC or RHC that reverses its election under this subdivision shall revert to its prior PPS rate, subject to an increase to account for all Medicare Economic Index increases occurring during the intervening time period, and subject to any increase or decrease associated with the applicable ~~scope-of-service~~ *scope of service* adjustments as provided for in subdivision (e).

(4) Reimbursement for Drug Medi-Cal services shall be determined according to subparagraph (A) or (B), depending on whether the services are provided in a county that participates in the Drug Medi-Cal organized delivery system (DMC-ODS).

(A) In a county that participates in the DMC-ODS, the FQHC or RHC shall receive reimbursement pursuant to a mutually agreed upon contract entered into between the county or county designee and the FQHC or RHC. If the county or county designee refuses to contract with the FQHC or RHC, the FQHC or RHC may follow the contract denial process set forth in the Special Terms and Conditions.

(B) In a county that does not participate in the DMC-ODS, the FQHC or RHC shall receive reimbursement pursuant to a mutually agreed upon contract entered into between the county and the FQHC or RHC. If the county refuses to contract with the FQHC or RHC, the FQHC or RHC may request to contract directly with the department and shall be reimbursed for those services at the Drug Medi-Cal fee-for-service rate.

(5) The department shall not reimburse an FQHC or RHC pursuant to subdivision (h) for the difference between its per-visit PPS rate and any payments for Drug Medi-Cal services made pursuant to this subdivision.

(6) For purposes of this subdivision, the following definitions shall apply:

(A) "Drug Medi-Cal organized delivery system" or "DMC-ODS" means the Drug Medi-Cal organized delivery system authorized under the California Medi-Cal 2020 Demonstration, Number 11-W-00193/9, as approved by the federal Centers for Medicare and Medicaid Services and described in the Special Terms and Conditions.

(B) "Special Terms and Conditions" shall have the same meaning as set forth in subdivision (o) of Section 14184.10.

~~(m)~~ (n) Reimbursement for specialty mental health services shall be provided pursuant to this subdivision.

(1) An FQHC or RHC and one or more mental health plans that contract with the department pursuant to Section 14712 may mutually elect to enter into a contract to have the FQHC or RHC provide specialty mental health services to Medi-Cal beneficiaries as part of the mental health plan's network.

(2) (A) For an FQHC or RHC to receive reimbursement for specialty mental health services pursuant to a contract entered into with the mental health plan under

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paragraph (1), the costs associated with providing specialty mental health services shall not be included in the FQHC's or RHC's per-visit PPS rate. For purposes of this subdivision, the costs associated with providing specialty mental health services shall not be considered to be within the FQHC's or RHC's clinic base PPS rate if in delivering specialty mental health services the clinic uses different clinical staff at a different location.

(B) If the FQHC or RHC does not use different clinical staff at a different location to deliver specialty mental health services, the FQHC or RHC shall submit documentation, in a manner determined by the department, that the current per-visit PPS rate does not include any costs related to rendering specialty mental health services, including costs related to utilizing space in part of the FQHC's or RHC's building, that are or were previously calculated as part of the clinic's base PPS rate.

(3) If the costs associated with providing specialty mental health services are within the FQHC's or RHC's clinic base PPS rate, as determined by the department, the specialty mental health services costs shall be adjusted out of the FQHC's or RHC's per-visit PPS rate as a change in scope of service.

(A) An FQHC or RHC shall submit to the department a ~~scope-of-service~~ *scope of service* change request to adjust the FQHC's or RHC's clinic base PPS rate after the first full fiscal year of rendering specialty mental health services outside of the PPS rate. Notwithstanding subdivision (e), the ~~scope-of-service~~ *scope of service* change request shall include a full fiscal year of activity that does not include specialty mental health costs.

(B) An FQHC or RHC may submit requests for a ~~scope-of-service~~ *scope of service* change under this subdivision only within 90 days following the beginning of the FQHC's or RHC's fiscal year. Any ~~scope-of-service~~ *scope of service* change request under this subdivision approved by the department shall be retroactive to the first day that specialty mental health services were rendered and reimbursement for specialty mental health services was received outside of the PPS rate, but in no case shall the effective date be earlier than January 1, 2018.

(C) The FQHC or RHC may bill for specialty mental health services outside of the PPS rate when the FQHC or RHC contracts with a mental health plan to provide these services pursuant to paragraph (1).

(D) Within 90 days of receipt of the request for a ~~scope-in-service~~ *scope of service* change under this subdivision, the department shall issue the FQHC or RHC an interim rate equal to 90 percent of the FQHC's or RHC's projected allowable cost, as determined by the department. An audit to determine the final rate shall be performed in accordance with Section 14170.

(E) Rate changes based on a request for ~~scope-of-service~~ *scope of service* change under this subdivision shall be evaluated in accordance with Medicare reasonable cost principles, as set forth in Part 413 (commencing with Section 413.1) of Title 42 of the Code of Federal Regulations, or its successor.

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(F) For the purpose of recalculating the PPS rate, the FQHC or RHC shall provide upon request to the department verifiable documentation as to which employees spent time, and the actual time spent, providing federally qualified health center services or rural health center services and specialty mental health services.

(G) After the department approves the adjustment to the FQHC's or RHC's clinic base PPS rate, an FQHC or RHC shall not bill the PPS rate for any specialty mental health services that are provided pursuant to a contract entered into with a mental health plan pursuant to paragraph (1).

(H) An FQHC or RHC that reverses its election under this subdivision shall revert to its prior PPS rate, subject to an increase to account for all Medicare Economic Index increases occurring during the intervening time period, and subject to any increase or decrease associated with the applicable ~~scope-of-service~~ *scope of service* adjustments as provided for in subdivision (e).

(4) The department shall not reimburse an FQHC or RHC pursuant to subdivision (h) for the difference between its per-visit PPS rate and any payments made for specialty mental health services under this subdivision.

~~(n)~~ *(o)* FQHCs and RHCs may appeal a grievance or complaint concerning ratesetting, ~~scope-of-service~~ *scope of service* changes, and settlement of cost report audits, in the manner prescribed by Section 14171. The rights and remedies provided under this subdivision are cumulative to the rights and remedies available under all other provisions of law of this state.

~~(o)~~ *(p)* The department shall promptly seek all necessary federal approvals in order to implement this section, including any amendments to the state plan. To the extent that any element or requirement of this section is not approved, the department shall submit a request to the federal Centers for Medicare and Medicaid Services for any waivers that would be necessary to implement this section.

~~(p)~~ *(q)* The department shall implement this section only to the extent that federal financial participation is available.

~~(q)~~ *(r)* Notwithstanding any other law, the director may, without taking regulatory action pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, implement, interpret, or make specific subdivisions

~~(r)~~ *(m)* and ~~(m)~~ *(n)* by means of a provider bulletin or similar instruction. The department shall notify and consult with interested parties and appropriate stakeholders in implementing, interpreting, or making specific the provisions of subdivisions ~~(r)~~ *(m)* and ~~(m)~~ *(n)*, including all of the following:

(1) Notifying provider representatives in writing of the proposed action or change. The notice shall occur, and the applicable draft provider bulletin or similar instruction, shall be made available at least 10 business days prior to the meeting described in paragraph (2).

(2) Scheduling at least one meeting with interested parties and appropriate stakeholders to discuss the proposed action or change.

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(3) Allowing for written input regarding the proposed action or change, to which the department shall provide summary written responses in conjunction with the issuance of the applicable final written provider bulletin or similar instruction.

(4) Providing at least 60 days advance notice of the effective date of the proposed action or change.

MEMORANDUM

DATE	September 19, 2019
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21(b)(1)(E) – SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct

Background:

SB 425 would require any health care facility, or other entity that arranges for healing arts licensees to practice or provide care for patients at their institution (such as a college), to report any written allegation of sexual abuse or sexual misconduct made against a healing arts licensee by a patient, or the patient's representative, to the relevant state licensing agency within 15 days of receiving the written allegation. This bill would also require the relevant agency to investigate the circumstances underlying a received report. The bill would require such a report to be kept confidential and not subject to discovery or disclosure, except that it may be reviewed and disclosed in any subsequent disciplinary hearing conducted pursuant to the Administrative Procedure Act. Additionally, the bill would make a willful failure to file the report by a health care facility or other entity punishable by a civil fine not to exceed \$100,000 per violation and any other failure to make that report punishable by a civil fine not to exceed \$50,000 per violation.

SB 425 adds a critical reporting tool to ensure that when allegations of sexual misconduct with a patient are made against a licensee at a licensed health facility or college it is also reported to the Board for investigation and potential discipline. This new reporting requirement is similar to reports currently required under Business and Professions Code Section 805, but with the added safeguard that adverse action against the healing arts licensee's privileges does not have to occur before the health facility/peer review body reports the allegations to the Board. This additional sexual misconduct reporting requirement for health facilities/peer review bodies and licensees working in these facilities/peer review bodies is not only warranted but is long overdue.

At the April 24-26, 2019 Board Meeting, the Board voted to Support SB 425 (Hill).

Location: 9/19/2019 Governor's Office

Status: 9/19/2019 Enrolled and presented to the Governor at 3:00 p.m..

Votes: 4/08/2019 Senate Committee on Business, Professions and Economic Development (9-0-0)
4/23/2019 Senate Committee on Judiciary (7-2-0)

5/16/2019 Senate Committee on Appropriations (4-2-0)
5/28/2019 Senate Floor (33-5-0)
6/25/2019 Assembly Committee on Business and Professions (19-0-0)
7/9/2019 Assembly Committee on Judiciary (12-0-0)
8/30/2019 Assembly Appropriations (18-0-0)
9/10/2019 Assembly Floor (79-0-0)
9/11/2019 Senate Floor (40-0-0)

Action Requested:

No action is required at this time. This item is for informational purposes only.

Attachment A: Letter to the Governor Supporting SB 425 (Hill).

Attachment B: SB 425 (Hill) Bill Text

September 13, 2019

The Honorable Gavin Newsom
Governor
State Capitol, First Floor
Sacramento, CA 95814

**RE: SB 425 (Hill) – Health Care Practitioners: Licensee’s File: Probationary
Physician’s and Surgeon’s Certificate: Unprofessional Conduct –
Request for SIGNATURE**

Dear Governor Newsom:

At its April 26, 2019 meeting, the Board of Psychology (Board) adopted a **SUPPORT** position on SB 425 (Hill). This bill would require any health care facility, or other entity that arranges for healing arts licensees to practice or provide care for patients at their institution (such as a college), to report any written allegation of sexual abuse or sexual misconduct made against a healing arts licensee by a patient, or the patient’s representative, to the relevant state licensing agency within 15 days of receiving the written allegation. This bill would also make a willful failure to file the report by a health care facility or other entity punishable by a civil fine not to exceed \$100,000 per violation and any other failure to make that report punishable by a civil fine not to exceed \$50,000 per violation. As this bill would also make changes to Medical Board of California’s (MBC) authority and operations that are unrelated to this Board’s purview, the Board is silent on those provisions of the bill.

SB 425 adds a critical reporting tool to ensure that when allegations of sexual misconduct with a patient are made against a licensee at a licensed health facility or educational institution, the allegations must also be reported to the Board for investigation and potential discipline. This new reporting requirement is similar to reports currently required under Business and Professions Code (BPC) Section 805, but with the added safeguard that adverse action against the healing arts licensee’s privileges does not have to occur before the health facility/educational institution reports the allegations to the Board. The current requirements to wait to report sexual misconduct allegations until an investigation is completed and action is taken against the healing arts licensee’s privileges undermines the Board’s responsibility to protect California consumers of psychological services and maintains current loopholes that have allowed seriously egregious behavior by a small number of bad actors to go unreported to their respective licensing boards.

The Board does not have any concerns regarding the other provisions of the bill regarding complaint confidentiality and civil fines. All complaints remain confidential unless an accusation is filed against a licensee, including complaints initiated through mandatory reports like BPC Section 805 Reports. SB 425 would not change the way the Board treats these complaints, only when the Board would receive them.

Regarding workload impacts, the new reporting requirement in SB 425 (Hill) could potentially cause a small increase in the number of sexual misconduct complaints that the Board receives and investigates, but it is more likely that the Board would simply be seeing

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Page 2

the same complaints sooner. Note that if two identical complaints were received against the same licensee over the same incident, this would be investigated as one complaint.

Regarding fiscal impacts of this bill, it is unknown and unquantifiable at this time. Currently, the Board receives few reports under BPC Section 805, and it is impossible to know if the new provisions in this bill to report all accusations of sexual abuse or misconduct would create a significant increase in the number of reports and subsequent complaints against Board licensees or would simply bring a change in the timing of the reports.

The Board believes that the additional sexual misconduct reporting requirements in SB 425 (Hill) are not only warranted but are long overdue. This new reporting tool will ensure all allegations of sexual misconduct with a patient that are made against a licensee at a licensed health facility or educational institution are reported to the Board for investigation and potential discipline in a more timely fashion, thereby heightening consumer protection.

For these reasons, the Board asks for your **“Signature”** on SB 425 (Hill). If you have any questions or concerns, please feel free to contact the Board’s Executive Officer, Antonette Sorrick, at (916) 574-7113.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SC Phillips', written over a horizontal line.

STEPHEN C. PHILLIPS, JD, PsyD
President, Board of Psychology

cc: Senator Hill
Anthony Williams, Secretary, Legislative Affairs, Office of the Governor

SB 425 - (E) Amends the Law

SECTION 1.

Section 800 of the Business and Professions Code is amended to read:

800.

(a) The Medical Board of California, the ~~California- Podiatric Medical~~ Board of ~~Podiatric Medicine-~~ ~~California~~, the Board of Psychology, the Dental Board of California, the Dental Hygiene Board of California, the Osteopathic Medical Board of California, the State Board of Chiropractic Examiners, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the State Board of Optometry, the Veterinary Medical Board, the Board of Behavioral Sciences, the Physical Therapy Board of California, the California State Board of Pharmacy, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, the California Board of Occupational Therapy, the Acupuncture Board, and the Physician Assistant Board shall each separately create and maintain a central file of the names of all persons who hold a license, certificate, or similar authority from that board. Each central file shall be created and maintained to provide an individual historical record for each licensee with respect to the following information:

(1) Any conviction of a crime in this or any other state that constitutes unprofessional conduct pursuant to the reporting requirements of Section 803.

(2) Any judgment or settlement requiring the licensee or ~~his or her~~ ~~the licensee's~~ insurer to pay any amount of damages in excess of three thousand dollars (\$3,000) for any claim that injury or death was proximately caused by the licensee's negligence, error or omission in practice, or by rendering unauthorized professional services, pursuant to the reporting requirements of Section 801 or 802.

(3) Any public complaints for which provision is made pursuant to subdivision (b).

(4) Disciplinary information reported pursuant to Section 805, including any additional exculpatory or explanatory statements submitted by the licensee pursuant to subdivision (f) of Section 805. If a court finds, in a final judgment, that the peer review resulting in the 805 report was conducted in bad faith and the licensee who is the subject of the report notifies the board of that finding, the board shall include that finding in the central file. For purposes of this paragraph, "peer review" has the same meaning as defined in Section 805.

(5) Information reported pursuant to Section 805.01, including any explanatory or exculpatory information submitted by the licensee pursuant to subdivision (b) of that section.

(b) (1) Each board shall prescribe and promulgate forms on which members of the public and other licensees or certificate holders may file written complaints to the board

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alleging any act of misconduct in, or connected with, the performance of professional services by the licensee.

(2) If a board, or division thereof, a committee, or a panel has failed to act upon a complaint or report within five years, or has found that the complaint or report is without merit, the central file shall be purged of information relating to the complaint or report.

(3) Notwithstanding this subdivision, the Board of Psychology, the Board of Behavioral Sciences, and the Respiratory Care Board of California shall maintain complaints or reports as long as each board deems necessary.

(c) (1) The contents of any central file that are not public records under any other provision of law shall be confidential except that the licensee involved, or ~~his or her~~ *the licensee's* counsel or representative, ~~shall have the right to~~ *may* inspect and have copies made of ~~his or her~~ *the licensee's* complete file except for the provision that may disclose the identity of an information source. For the purposes of this section, a board may protect an information source by providing a copy of the material with only those deletions necessary to protect the identity of the source or by providing a ~~comprehensive~~ summary of the substance of the material. Whichever method is used, the board shall ensure that full disclosure is made to the subject of any personal information that could reasonably in any way reflect or convey anything detrimental, disparaging, or threatening to a licensee's reputation, rights, benefits, privileges, or qualifications, or be used by a board to make a determination that would affect a licensee's rights, benefits, privileges, or qualifications. The information required to be disclosed pursuant to Section 803.1 shall not be considered among the contents of a central file for the purposes of this subdivision.

(2) The licensee may, but is not required to, submit any additional exculpatory or explanatory statement or other information that the board shall include in the central file.

(3) Each board may permit any law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes to inspect and have copies made of that licensee's file, unless the disclosure is otherwise prohibited by law.

(4) These disclosures shall effect no change in the confidential status of these records.

SEC. 2.

Section 805.8 is added to the Business and Professions Code, to read:

805.8.

(a) As used in this section, the following terms shall have the following meanings:

(1) "Agency" means the relevant state licensing agency with regulatory jurisdiction over a healing arts licensee listed in paragraph (2).

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(2) *“Healing arts licensee” or “licensee” means a licensee licensed under Division 2 (commencing with Section 500) or any initiative act referred to in that division. “Healing arts licensee” or “licensee” also includes a person authorized to practice medicine pursuant to Sections 2064.5, 2113, and 2168.*

(3) *“Health care facility” means a clinic or health facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.*

(4) *“Other entity” includes, but is not limited to, a postsecondary educational institution as defined in Section 66261.5 of the Education Code.*

(5) *“Sexual misconduct” means inappropriate contact or communication of a sexual nature.*

(b) *A health care facility or other entity that makes any arrangement under which a healing arts licensee is allowed to practice or provide care for patients shall file a report of any allegation of sexual abuse or sexual misconduct made against a healing arts licensee by a patient, if the patient or the patient’s representative makes the allegation in writing, to the agency within 15 days of receiving the written allegation of sexual abuse or sexual misconduct. An arrangement under which a licensee is allowed to practice or provide care for patients includes, but is not limited to, full staff privileges, active staff privileges, limited staff privileges, auxiliary staff privileges, provisional staff privileges, temporary staff privileges, courtesy staff privileges, locum tenens arrangements, and contractual arrangements to provide professional services, including, but not limited to, arrangements to provide outpatient services.*

(c) *The report provided pursuant to subdivision (b) shall be kept confidential and shall not be subject to discovery, except that the information may be reviewed as provided in subdivision (c) of Section 800 and may be disclosed in any subsequent disciplinary hearing conducted pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).*

(d) *A willful failure to file the report described in subdivision (b) shall be punishable by a fine, not to exceed one hundred thousand dollars (\$100,000) per violation, that shall be paid by the health care facility or other entity subject to subdivision (b). The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the licensee regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file the report under this section is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. If the person who is designated or otherwise required to file the report required under this section is a licensed doctor of podiatric medicine, the action or proceeding shall be brought by the Podiatric Medical Board of California. The fine shall be paid to that agency, but not expended until appropriated by the Legislature. A violation of this subdivision may constitute unprofessional conduct by the licensee. A person who is alleged to have violated this subdivision may assert any defense available at law. As used in this subdivision, “willful” means a voluntary and intentional violation of a known legal duty.*

(e) Except as provided in subdivision (c), any failure to file the report described in subdivision (b) shall be punishable by a fine, not to exceed fifty thousand dollars (\$50,000) per violation, that shall be paid by the health care facility or other entity subject to subdivision (b). The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file the report required under this section is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. If the person who is designated or otherwise required to file the report required under this section is a licensed doctor of podiatric medicine, the action or proceeding shall be brought by the Podiatric Medical Board of California. The fine shall be paid to that agency, but not expended until appropriated by the Legislature. The amount of the fine imposed, not exceeding fifty thousand dollars (\$50,000) per violation, shall be proportional to the severity of the failure to report and shall differ based upon written findings, including whether the failure to file caused harm to a patient or created a risk to patient safety; whether any person who is designated or otherwise required by law to file the report required under this section exercised due diligence despite the failure to file or whether the person knew or should have known that a report required under this section would not be filed; whether there has been a prior failure to file a report required under this section; and whether a report was filed with another state agency or law enforcement. The amount of the fine imposed may also differ based on whether a health care facility is a small or rural hospital, as defined in Section 124840 of the Health and Safety Code.

(f) A person, including an employee or individual contracted or subcontracted to provide health care services, a health care facility, or other entity shall not incur any civil or criminal liability as a result of making a report required by this section.

(g) The agency shall investigate the circumstances underlying a report received pursuant to this section.

SEC. 3.

Section 2221 of the Business and Professions Code is amended to read:

2221.

(a) The board may deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of ~~his or her~~ *their* license. The ~~board~~ *board*, in its sole discretion, may issue a probationary physician's and surgeon's certificate to an applicant subject to terms and conditions, including, but not limited to, any of the following conditions of probation:

(1) Practice limited to a supervised, structured environment where the licensee's activities shall be supervised by another physician and surgeon.

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- (2) Total or partial restrictions on drug prescribing privileges for controlled substances.
- (3) Continuing medical or psychiatric treatment.
- (4) Ongoing participation in a specified rehabilitation program.
- (5) Enrollment and successful completion of a clinical training program.
- (6) Abstention from the use of alcohol or drugs.
- (7) Restrictions against engaging in certain types of medical practice.
- (8) Compliance with all provisions of this chapter.
- (9) Payment of the cost of probation monitoring.

(b) The board may modify or terminate the terms and conditions imposed on the probationary certificate upon receipt of a petition from the licensee. The board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the board.

(c) The board shall deny a physician's and surgeon's certificate to an applicant who is required to register pursuant to Section 290 of the Penal Code. This subdivision does not apply to an applicant who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.

(d) An applicant shall not be eligible to reapply for a physician's and surgeon's certificate for a minimum of three years from the effective date of the denial of ~~his or her~~ *their* application, except that the ~~board may,~~ *board,* in its discretion and for good cause demonstrated, *may* permit reapplication after not less than one year has elapsed from the effective date of the denial.

(e) The board shall disclose a probationary physician's and surgeon's certificate issued pursuant to this section and the operative statement of issues to an inquiring member of the public and shall post the certificate and statement on the board's internet website for 10 years from issuance.

SEC. 4.

Section 2234 of the Business and Professions Code is amended to read:

2234.

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

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(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct that would have warranted the denial of a certificate.

~~(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.~~

~~(h)~~ (g) The ~~repeated~~ failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

SEC. 4.5.

Section 2234 of the Business and Professions Code is amended to read:

2234.

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

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(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct that would have warranted the denial of a certificate.

~~(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.~~

~~(h)~~ (g) The ~~repeated~~ failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

SEC. 5.

Section 4.5 of this bill incorporates amendments to Section 2234 of the Business and Professions Code proposed by both this bill and Senate Bill 786. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 2234 of the Business and Professions Code, and (3) this bill is enacted after Senate Bill 786, in which case Section 4 of this bill shall not become operative.

MEMORANDUM

DATE	September 20, 2019
TO	Board of Psychology
FROM	Cherise Burns Central Services Manager
SUBJECT	Agenda Item #21(b)(2) – Review of Bills with Watch Status

Background:

The enclosed matrix lists the legislative bills the Board of Psychology watched during the 2019 legislative session. This matrix references the status and location of the bills to date.

Information on bills in the matrix can be found at: <http://leginfo.legislature.ca.gov>.

Action Requested:

This is for informational purposes only. No action is required.

Only Watch Bills

For Board Meeting Packet

AB 5

(Gonzalez D) Worker status: employees and independent contractors.

Chapter Number: 296

Introduced: 12/3/2018

Last Amend: 9/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law, as established in the case of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (*Dynamex*), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Existing law requires a 3-part test, commonly known as the “ABC” test, to establish that a worker is an independent contractor for those purposes. This bill would state the intent of the Legislature to codify the decision in the *Dynamex* case and clarify its application. The bill would provide that for purposes of the provisions of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. The bill, notwithstanding this provision, would provide that any statutory exception from employment status or any extension of employer status or liability remains in effect, and that if a court rules that the 3-part test cannot be applied, then the determination of employee or independent contractor status shall be governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (*Borello*). The bill would exempt specified occupations from the application of *Dynamex*, and would instead provide that these occupations are governed by *Borello*. These exempt occupations would include, among others, licensed insurance agents, certain licensed health care professionals, registered securities broker-dealers or investment advisers, direct sales salespersons, real estate licensees, commercial fishermen, workers providing licensed barber or cosmetology services, and others performing work under a contract for professional services, with another business entity, or pursuant to a subcontract in the construction industry. This bill contains other related provisions and other existing laws.

Governor's Message: To Members of the California Assembly: Assembly Bill 5 is landmark legislation for workers and our economy. It will help reduce worker misclassification-workers being wrongly classified as "independent contractors," rather than employees, which erodes basic worker protections like the minimum wage, paid sick days and health insurance benefits. The hollowing out of our middle-class has been 40 years in the making, and the need to create lasting economic security for our workforce demands action. Assembly Bill 5 is an important step. A next step is creating pathways for more workers to form a union, collectively bargain to earn more, and have a stronger voice at work -- all while preserving flexibility and innovation. In this spirit, I will convene leaders from the Legislature, the labor movement and the business community to support innovation and a more inclusive economy by stepping in where the federal government has fallen short and granting workers excluded from the National Labor Relations Act the right to organize and collectively bargain. Sincerely, GOVERNOR GAVIN NEWSOM

Position
Watch

AB 8

(Chu D) Pupil health: mental health professionals.

Introduced: 12/3/2018

Last Amend: 5/16/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: (1) Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils and authorizes the governing board of a school district to employ properly certified persons for the work. Existing law requires a school of a school district or county office of education and a charter school to notify pupils and parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both, as provided. Existing law requires, subject to sufficient funds being provided, the State Department of Education, in consultation with the State Department of Health Care Services and appropriate stakeholders, to, on or before July 1, 2020, develop guidelines for

the use of telehealth technology in public schools, including charter schools, to provide mental health and behavioral health services to pupils on school campuses. This bill would require, on or before December 31, 2024, a school of a school district or county office of education and a charter school to have at least one mental health professional, as defined, for every 600 pupils generally accessible to pupils on campus during school hours. The bill would require, on or before December 31, 2024, a school of a school district or county office of education and a charter school with fewer than 600 pupils to have at least one mental health professional generally accessible to pupils on campus during school hours, to employ at least one mental health professional to serve multiple schools, or to enter into a memorandum of understanding with a county agency or community-based organization for at least one mental health professional employed by the agency or organization to provide services to pupils. The bill would encourage a school subject to the bill's provisions with pupils who are eligible to receive Medi-Cal benefits to seek reimbursement for costs of implementing the bill's provisions, as specified. By imposing additional requirements on local educational agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position
Watch

[AB 166](#)

(Gabriel D) Medi-Cal: violence preventive services.

Introduced: 1/7/2019

Last Amend: 9/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes a schedule of benefits under the Medi-Cal program, including various mental health services. Existing federal law authorizes, at the option of the state, preventive services, as defined, that are recommended by a physician or other licensed practitioner of the healing arts. This bill would require the department to establish, no later than January 1, 2021, a violence intervention pilot program at a minimum of 9 sites, including at least one site in 9 specified counties, and would require the department to consult with identified stakeholders, such as professionals in the community violence intervention field, for purposes of establishing the pilot program. The bill would require the department to provide violence preventive services that are rendered by a qualified violence prevention professional to a Medi-Cal beneficiary who meets identified criteria, including that the beneficiary has received medical treatment for a violent injury. The bill would require the department to approve one or more training and certification programs for violence prevention professionals, and would require an entity that employs or contracts with a qualified violence prevention professional to maintain specified documentation on, and to ensure compliance by, that professional. This bill contains other related provisions.

Position
Watch

[AB 189](#)

(Kamlager-Dove D) Child abuse or neglect: mandated reporters: autism service personnel.

Introduced: 1/10/2019

Last Amend: 9/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever they, in their professional capacity or within the scope of their employment, have knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to 6 months of confinement in a county jail, by a fine of \$1,000, or by both that imprisonment and fine. This bill would add qualified autism service providers, qualified autism service professionals, and qualified autism service paraprofessionals, as defined, to the list of individuals who are mandated reporters. By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position
Watch

[AB 241](#)

(Kamlager-Dove D) Implicit bias: continuing education: requirements.

Introduced: 1/18/2019

Last Amend: 8/28/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe	Chaptered
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1st House	2nd House	Conc.		d	
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Summary: Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Under the act, a physician and surgeon is required to demonstrate satisfaction of continuing education requirements, including cultural and linguistic competency in the practice of medicine, as specified. This bill, by January 1, 2022, would require all continuing education courses for a physician and surgeon to contain curriculum that includes specified instruction in the understanding of implicit bias in medical treatment. The bill, by January 1, 2022, would require associations that accredit these continuing education courses to develop standards to comply with these provisions. This bill contains other related provisions and other existing laws.

Position
Watch

[AB 289](#)

(Fong R) California Public Records Act Ombudsperson.

Introduced: 1/28/2019

Last Amend: 4/24/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. This bill would establish, within the California State Auditor's Office, the California Public Records Act Ombudsperson. The bill would require the California State Auditor to appoint the ombudsperson subject to certain requirements. The bill would require the ombudsperson to receive and investigate requests for review, as defined, determine whether the denials of original requests, as defined, complied with the California Public Records Act, and issue written opinions of its determination, as provided. The bill would require the ombudsperson to create a process to that effect, and would authorize a member of the public to submit a request for review to the ombudsperson consistent with that process. The bill would require the ombudsperson, within 30 days from receipt of a request for review, to make a determination, as provided, and would require the ombudsperson to require the state agency to provide the public record if the ombudsperson determines that it was improperly denied. The bill would authorize the ombudsperson to require any state agency determined to have improperly denied a request to reimburse the ombudsperson for its costs to investigate the request for review. The bill would require the ombudsperson to report to the Legislature, on or before January 1, 2021, and annually thereafter, on, among other things, the number of requests for review the ombudsperson has received in the prior year. By expanding the duties of the California State Auditor's Office, this bill would create an appropriation. This bill contains other existing laws.

Position
Watch

[AB 469](#)

(Petrie-Norris D) State records management: records management coordinator.

Introduced: 2/11/2019

Last Amend: 6/3/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law, the State Records Management Act, requires the Secretary of State to establish and administer a records management program that will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of state records. The act requires the Secretary of State, as part of those duties, to obtain from agencies the reports required for administration of the records management program. This bill would require the Secretary of State to obtain those reports from agencies on a biennial basis, and would require the Secretary of State to report statewide compliance with the act to the Department of Finance at least every 2 years. This bill contains other related provisions and other existing laws.

Position
Watch

[AB 476](#)

(Rubio, Blanca D) Department of Consumer Affairs: task force: foreign-trained professionals.

Introduced: 2/12/2019

Last Amend: 9/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law provides for the licensure and regulation of various professions and vocations by boards within

the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session. This bill, the California Opportunity Act of 2019, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than July 1, 2022, as specified. This bill contains other related provisions.

Position
Watch

[AB 496](#)

(Low D) Business and professions.

Introduced: 2/12/2019

Last Amend: 9/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Under existing law, the Department of Consumer Affairs, which is under the control of the director of the Director of Consumer Affairs, is comprised of various boards, as defined, that license and regulate various professions and vocations. With respect to the Department of Consumer Affairs, existing law provides that the Governor has power to remove from office any member of any board appointed by the Governor for specified reasons, including incompetence. This bill would instead provide that the appointing authority has power to remove a board member from office for those specified reasons. This bill contains other related provisions and other existing laws.

Position
Watch

[AB 512](#)

(Ting D) Medi-Cal: specialty mental health services.

Introduced: 2/13/2019

Last Amend: 8/30/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law requires the department to implement managed mental health care for Medi-Cal beneficiaries through contracts with mental health plans, and requires mental health plans to be governed by various guidelines, including a requirement that a mental health plan assess the cultural competency needs of the program. Existing law requires mental health plan reviews to be conducted by an external quality review organization (EQRO) on an annual basis, and requires those reviews to include specific data for Medi-Cal eligible minor and nonminor dependents in foster care, such as the number of Medi-Cal eligible minor and nonminor dependents in foster care served each year. This bill would require each mental health plan to prepare a cultural competence plan to address specified matters, including mental health disparities in access, utilization, and outcomes by various categories, such as race, ethnicity, and immigration status. The bill would require a mental health plan to convene a committee for the purpose of reviewing and approving the cultural competence plan, to annually update its cultural competence plan and progress, to post this material on its internet website, and to submit its cultural competence plan to the department every 3 years for technical assistance and implementation feedback. The bill would require the department to develop at least 8 statewide mental health disparities reduction targets, to post the cultural competence plan submitted by each mental health plan to its internet website, and to consult with the Office of Health Equity to review and implement county assessments and statewide performance on mental health disparities reductions. The bill would require the department to direct the EQRO to develop a protocol for monitoring performance of each mental health plan, and to report on identified matters, including statewide progress related to the mental health disparities reduction targets. The bill would require the EQRO to publish specified information in the annual detailed technical report, such as recommendations for statewide strategies to reduce mental health disparities. The bill would require the mental health plan to meet specified mental health disparities reduction targets or make year-over-year improvements toward meeting the targets.

Position
Watch

[AB 565](#)

(Maienschein D) Public health workforce planning: loan forgiveness, loan repayment, and scholarship programs.

Introduced: 2/13/2019

Last Amend: 6/10/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law establishes the Steven M. Thompson Physician Corps Loan Repayment Program (program) in the California Physician Corps Program within the Health Professions Education Foundation, which provides financial incentives, including repayment of educational loans, to a physician and surgeon who practices in a medically underserved area, as defined. Existing law establishes the Medically Underserved Account for Physicians, a continuously appropriated account, within the Health Professions Education Fund, to primarily provide funding for the ongoing operations of the program. This bill also would define “practice setting” to include a program or facility operated by, or contracted to, a county mental health plan. By expanding the group of persons eligible for financial incentives payable from a continuously appropriated fund, this bill would make an appropriation. This bill contains other related provisions and other existing laws.

Position
Watch

[AB 577](#)

(Eggman D) Health care coverage: maternal mental health.

Introduced: 2/14/2019

Last Amend: 8/14/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. This bill would, for purposes of an individual who presents written documentation of being diagnosed with a maternal mental health condition, as defined, from the individual’s treating health care provider, require completion of covered services for that condition, not exceeding 12 months, as specified. By expanding the duties of health care service plans, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

Position
Watch

[AB 630](#)

(Arambula D) Board of Behavioral Sciences: marriage and family therapists: clinical social workers: educational psychologists: professional clinical counselors: required notice: exemptions.

Chapter Number: 229

Introduced: 2/15/2019

Last Amend: 6/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law provides for the licensure and regulation of marriage and family therapists, educational psychologists, clinical social workers, and professional clinical counselors by the Board of Behavioral Sciences, which is within the Department of Consumer Affairs. A violation of these provisions is a crime. This bill, commencing July 1, 2020, would require those licensees and registrants, prior to initiating specified services, to provide a client with a specified written notice that the board receives and responds to complaints regarding services within the scope of the licensed practice and that the client may contact the board. This bill contains other related provisions and other existing laws.

Position
Watch

[AB 744](#)

(Aguiar-Curry D) Health care coverage: telehealth.

Introduced: 2/19/2019

Last Amend: 9/10/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Under existing law, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for teleophthalmology, teledermatology,

and teledentistry by store and forward. Existing law requires a Medi-Cal patient receiving teleophthalmology, tele dermatology, or teledentistry by store and forward to be notified of the right to receive interactive communication with a distant specialist physician, optometrist, or dentist, and authorizes a patient to request that interactive communication. This bill would delete those interactive communication provisions, and would instead specify that face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for any health care services provided by store and forward. This bill contains other related provisions and other existing laws.

Position
Watch

AB 1179

(Rubio, Blanca D) Child custody: allegations of abuse: report.

Chapter Number: 127

Introduced: 2/21/2019

Last Amend: 6/25/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Existing law requires the court to require an evaluation, investigation, or assessment in any contested proceeding involving child custody or visitation rights if the court has appointed a child custody evaluator or has referred the case for a full or partial court-connected evaluation, investigation, or assessment, and the court determines that there is a serious allegation of child sexual abuse, as defined. Existing law authorizes a court to require an evaluation, investigation, or assessment if there is an allegation of child abuse in any other circumstances. Existing law establishes certain minimum standards for these evaluations, investigations, or assessments. This bill would require the Judicial Council, on or before January 1, 2021, to adopt a form to be used for an evaluation, investigation, or assessment conducted pursuant these provisions, and further require the form to be used on and after that date.

Position
Watch

AB 1184

(Gloria D) Public records: writing transmitted by electronic mail: retention.

Introduced: 2/21/2019

Last Amend: 8/30/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: The California Public Records Act requires a public agency, defined to mean any state or local agency, to make public records available for inspection, subject to certain exceptions. Existing law specifies that public records include any writing containing information relating to the conduct of the public's business, including writing transmitted by electronic mail. The act requires any agency that has any information that constitutes a public record not exempt from disclosure to make that public record available in accordance with certain provisions, and authorizes every agency to adopt regulations stating the procedures to be followed when making its records available, if the regulations are consistent with those provisions. Existing law authorizes cities, counties, and special districts to destroy or to dispose of duplicate records that are less than two years old when they are no longer required by the city, county, or special district, as specified. This bill would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail. This bill contains other related provisions and other existing laws.

Position
Watch

AB 1519

(Low D) Healing arts.

Introduced: 2/22/2019

Last Amend: 9/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: (1) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of California and authorizes the board to appoint an executive officer to exercise powers and perform duties delegated by the board to the executive officer. The act requires the Governor, the Senate Committee on Rules, and the Speaker of the Assembly to appoint specified members of the board, and authorizes the Governor to remove a member of the board from office at any time for continued neglect of duty, incompetency, or unprofessional or dishonorable conduct. These provisions are in effect only until January 1, 2020, and, upon repeal of those provisions, the board will be subject to review by the appropriate policy committees of the Legislature. This bill would instead authorize

the appointing authority to remove from office at any time a member of the board appointed by that authority for the reasons specified above. The bill would revise and recast additional provisions relating to administration of the act, and would extend the provisions relating to the Dental Board of California and the executive officer to January 1, 2024. This bill contains other related provisions and other existing laws.

Position
Watch

[SB 163](#)

(Portantino D) Health care coverage: pervasive developmental disorder or autism.

Introduced: 1/24/2019

Last Amend: 9/5/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law defines developmental disability for these purposes to include, among other things, autism. This bill would revise the definition of behavioral health treatment to require the services and treatment programs provided to be based on behavioral, developmental, relationship-based, or other evidence-based models. The bill would remove the exception for health care service plans and health insurance policies in the Medi-Cal program, consistent with the MHPAEA. This bill contains other related provisions and other existing laws.

Position
Watch

[SB 546](#)

(Hueso D) Immigration consultants.

Introduced: 2/22/2019

Last Amend: 9/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law regulates the practice of immigration consultants who provide nonlegal assistance or advice in an immigration matter. This bill would state the intent of the Legislature to enact legislation to further regulate immigration consultants.

Position
Watch

[SB 601](#)

(Morrell R) State agencies: licenses: fee waiver.

Introduced: 2/22/2019

Last Amend: 6/27/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law requires various licenses to be obtained by a person before engaging in certain professions or vocations or business activities, including licensure as a healing arts professional by various boards within the Department of Consumer Affairs. This bill would authorize any state agency that issues any business license to establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency, as defined, to submit an application for reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

Position
Watch

[SB 639](#)

(Mitchell D) Medical services: credit or loan.

Introduced: 2/22/2019

Last Amend: 9/6/2019

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoe d	Chaptered
1st House				2nd House				Conc.			

Summary: Existing law prohibits a healing arts licensee, as defined, or an employee or agent of that licensee from charging treatment or costs to an open-end credit or loan extended by a third party that is arranged for or established in the licensee's office before the date on which the treatment is rendered or costs are incurred without first providing a

specified written treatment plan, a specified written or electronic notice, and a specified list of which treatment and services are being charged. Existing law prohibits a licensee, or the licensee's employee or agent, from arranging for or establishing credit or a loan that is extended by a third party for a patient who has been administered or is under the influence of general anesthesia, conscious sedation, or nitrous oxide. Existing law provides that a person who willfully violates these provisions is subject to specified civil liability. This bill would instead prohibit a licensee or employee or agent of that licensee from charging treatment or costs to an open-end credit or loan that is extended by a third party and that is arranged for, or established in, that licensee's office more than 30 days before the date on which the treatment is rendered or costs are incurred, except for specified incremental fees charged by a licensed dentist for orthodontic treatment. The bill would additionally prohibit a licensee or employee or agent of that licensee from arranging for or establishing an open-end credit or loan application that contains a deferred interest provision, except as specified. The bill would require a licensee, if the licensee accepts Medi-Cal, to indicate on the treatment plan for a Medi-Cal patient if Medi-Cal would cover an alternate, medically necessary service, as defined, and would require the treatment plan to indicate that the patient has a right to ask for only services covered by Medi-Cal and that the licensee agrees to follow Medi-Cal rules to secure Medi-Cal covered services before treatment. The bill would make it unlawful for a licensee, or an employee or agent of a licensee, to complete any portion of an application for credit or a loan for the patient or arrange for or establish an application that is not completely filled out by the patient. The bill would prohibit a licensee or the licensee's employee or agent from arranging for or establishing credit or a loan that is extended by a third party for a patient in a treatment area where medical treatment is administered unless the patient agrees to do so. The bill would also revise the content of the required written or electronic notice. The bill would make these provisions operative on July 1, 2020.

Position
Watch

Total Measures: 21

Total Tracking Forms: 21

MEMORANDUM

DATE	September 20, 2019
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #21(b)(3) – Review of Two-Year Bills with Watch Status

Background:

The enclosed matrix lists the legislative bills the Board of Psychology watched during the 2019 legislative session. These bills have failed to meet a legislative deadline in 2019, but can be heard again in 2020.

Information on bills in the matrix can be found at: <http://leginfo.legislature.ca.gov>.

Action Requested:

This is for informational purposes only. No action is required.

2-Year Report

2-Year Bill Report

[AB 71](#)

(Melendez R) Employment standards: independent contractors and employees.

Current Text: Amended: 2/25/2019 [html](#) [pdf](#)

Introduced: 12/3/2018

Last Amend: 2/25/2019

Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. & E. on 1/17/2019)(May be acted upon Jan 2020)

Location: 4/26/2019-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law prescribes comprehensive requirements relating to minimum wages, overtime compensation, and standards for working conditions for the protection of employees applicable to an employment relationship. Existing law makes it unlawful for a person or employer to avoid employee status for an individual by voluntarily and knowingly misclassifying that individual as an independent contractor. Existing law authorizes the Labor and Workforce Development Agency to take specified actions against violators of these provisions, authorizes civil penalties, and authorizes the Labor Commissioner to enforce those provisions pursuant to administrative authority or by civil suit. This bill would, instead, require a determination of whether a person is an employee or an independent contractor to be based on a specific multifactor test, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors. The bill would make related, conforming changes. This bill contains other existing laws.

Group
2-Year

[AB 184](#)

(Mathis R) Board of Behavioral Sciences: registrants and licensees.

Current Text: Introduced: 1/10/2019 [html](#) [pdf](#)

Introduced: 1/10/2019

Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was B.&P. on 1/24/2019)(May be acted upon Jan 2020)

Location: 4/26/2019-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law establishes the Board of Behavioral Sciences within the Department of Consumer Affairs, and requires the board to regulate various registrants and licensees under the Licensed Marriage and Family Therapist Act, the Educational Psychologist Practice Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act. This bill would require the board to offer every applicant for an initial registration number or license and every applicant for renewal of a registration number or license under the board's jurisdiction the option to elect to have the applicant's home address be kept confidential.

Group
2-Year

[AB 193](#)

(Patterson R) Professions and vocations.

Current Text: Amended: 3/20/2019 [html](#) [pdf](#)

Introduced: 1/10/2019

Last Amend: 3/20/2019

Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was B.&P. on 2/4/2019)(May be acted upon Jan 2020)

Location: 4/26/2019-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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1st House	2nd House				
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Summary: (1)Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated. This bill would require the department, beginning on January 1, 2021, to conduct a comprehensive review of all licensing requirements for each profession regulated by a board within the department and identify unnecessary licensing requirements, as defined by the bill. The bill, beginning February 1, 2021, and every 2 years thereafter, would require each board within the department to submit to the department an assessment on the board’s progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information. The bill would require the department to report to the Legislature on March 1, 2023, and every 2 years thereafter, on the department’s progress in conducting its review, and would require the department to issue a final report to the Legislature no later than March 1, 2033. The bill would require the biennial reports to the Legislature to include the assessment information submitted by each board to the department, to identify the professions reviewed by the department, each unnecessary licensing requirement, and the department’s recommendations to the Legislature on whether to keep, modify, or eliminate the unnecessary licensing requirement. The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided. This bill contains other related provisions and other existing laws.

Group
2-Year

AB 312

(Cooley D) State government: administrative regulations: review.

Current Text: Introduced: 1/29/2019 [html](#) [pdf](#)

Introduced: 1/29/2019

Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/3/2019)(May be acted upon Jan 2020)

Location: 5/17/2019-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations. This bill would require each state agency to, on or before January 1, 2022, review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report its findings and actions taken to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2023.

Group
2-Year

AB 396

(Eggman D) School employees: School Social Worker Pilot Program.

Current Text: Amended: 3/20/2019 [html](#) [pdf](#)

Introduced: 2/6/2019

Last Amend: 3/20/2019

Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/3/2019)(May be acted upon Jan 2020)

Location: 5/17/2019-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law establishes the State Department of Education, under the administration of the Superintendent of Public Instruction, and assigns to the department numerous duties relating to the financing, governance, and guidance of the public elementary and secondary schools in this state. Existing law authorizes a school district to employ and compensate psychologists and social workers who meet specified qualifications. This bill, subject to an appropriation of moneys by the Legislature, would establish the School Social Worker Pilot Program, under the administration of the department, to provide a multiyear grant award to one school district or the governing body of a charter school in each of the Counties of Alameda, Riverside, San Benito, San Joaquin, and Shasta to fund a social worker at each eligible school, as defined, within the school district or charter school, as applicable, for the 2021–22 fiscal year to the 2025–26 fiscal year, inclusive. The bill would require the department to develop an application process and criteria for determining grant recipients on a competitive basis, as provided. The bill would require each governing board of a school district and

governing body of a charter school receiving a grant award to report to the department, and would require the department, on or before January 1, 2027, to report to the Legislature, changes in pupil outcomes at the schools participating in the pilot program, including, among others, changes in chronic absenteeism and changes in rates of suspension and expulsion. The bill would make the pilot program inoperative on July 1, 2027, and would repeal it on January 1, 2028.

Group
2-Year

AB 536

(Frazier D) Developmental services.

Current Text: Introduced: 2/13/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Status: 6/4/2019-Failed Deadline pursuant to Rule 61(a)(8). (Last location was APPR. SUSPENSE FILE on 5/15/2019)

Location: 6/4/2019-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families, and requires regional centers to identify and pursue all possible sources of funding for consumers receiving those services. Existing law defines a “developmental disability” as a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual. This bill would modify that definition to mean a disability that originates before an individual attains 22 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for the individual. The bill would make various technical and nonsubstantive changes.

Group
2-Year

AB 544

(Brough R) Professions and vocations: inactive license fees and accrued and unpaid renewal fees.

Current Text: Amended: 3/21/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amend: 3/21/2019

Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2019)(May be acted upon Jan 2020)

Location: 5/17/2019-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law provides for the licensure and regulation of professions and vocations by various boards within the Department of Consumer Affairs. Existing law provides for the payment of a fee for the renewal of certain licenses, certificates, or permits in an inactive status, and, for certain licenses, certificates, and permits that have expired, requires the payment of all accrued fees as a condition of reinstatement of the license, certificate, or permit. This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

Group
2-Year

AB 613

(Low D) Professions and vocations: regulatory fees.

Current Text: Introduced: 2/14/2019 [html](#) [pdf](#)

Introduced: 2/14/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was B., P. & E.D. on 5/8/2019)(May be acted upon Jan 2020)

Location: 7/10/2019-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge

fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated. This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

Group
2-Year

AB 768

(Brough R) Professions and vocations.

Current Text: Introduced: 2/19/2019 [html](#) [pdf](#)

Introduced: 2/19/2019

Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was B.&P. on 2/28/2019)(May be acted upon Jan 2020)

Location: 4/26/2019-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law provides for the licensure and regulation of various professions and vocations by boards, as defined, within the Department of Consumer Affairs. Existing law generally requires the department and each board in the department to charge a fee of \$2 for the certification of a copy of any record, document, or paper in its custody. Existing law generally requires that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not less than \$25 nor more than \$150. This bill would instead authorize the department and each board in the department to charge a fee not to exceed \$2 for the certification of a copy of any record, document, or paper in its custody. The bill would also require that the delinquency, penalty, or late fee for any licensee within the department to be 50% of the renewal fee for that license, but not to exceed \$150.

Group
2-Year

AB 770

(Garcia, Eduardo D) Medi-Cal: federally qualified health clinics: rural health clinics.

Current Text: Amended: 5/2/2019 [html](#) [pdf](#)

Introduced: 2/19/2019

Last Amend: 5/2/2019

Status: 6/4/2019-Failed Deadline pursuant to Rule 61(a)(8). (Last location was APPR. SUSPENSE FILE on 5/15/2019)

Location: 6/4/2019-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law provides that federally qualified health center (FQHC) services and rural health clinic (RHC) services, as defined, are covered benefits under the Medi-Cal program, to be reimbursed, in accordance with Medicare reasonable cost principles, and to the extent that federal financial participation is obtained, to providers on a per-visit basis that is unique to each facility. Existing law prescribes the reimbursement rate methodology for establishing and adjusting the per-visit rate. Under existing law, if an FQHC or RHC is partially reimbursed by a 3rd-party payer, such as a managed care entity, the department is required to reimburse the FQHC or RHC for the difference between its per-visit rate programs on a contract-by-contract basis. Existing law authorizes an FQHC or RHC to apply for an adjustment to its rate based on a change in the scope of service that it provides within 150 days following the beginning of the FQHC's or RHC's fiscal year. Existing law provides that the department's implementation of FQHC and RHC services is subject to federal approval and the availability of federal financial participation. This bill would require the methodology of the adjusted per-visit rate to exclude, among other things, a provider productivity standard. The bill would authorize an FQHC or RHC to apply for a rate adjustment for the adoption, implementation, or upgrade of a certified electronic health record system as a change in the scope of service. The bill would clarify specified terms, including the meaning of "scope of service," would expand the meaning of "visit" to include FQHC and RHC services rendered outside of the facility location, and would modify how the department reimburses an FQHC or RHC that is partially reimbursed by a 3rd-party payer. The bill would require a health care provider who contracts with an FQHC or RHC to provide services outside of the facility on behalf of the facility, and for which the facility bills for those services, to comply with specified requirements, including actively

serving patients in the same county as, or a county adjacent to, the physical location of the billing FQHC or RHC. The bill would repeal the provisions authorizing an FQHC or RHC to apply for an adjustment to its rate based on a change in the scope of service that it provides within 150 days following the beginning of the FQHC's or RHC's fiscal year, and would instead extend the time frame for an FQHC or RHC to file a scope of service rate change to any time during the fiscal year. The bill would require the department to ensure that department staff conducting audits related to FQHC and RHC services receive appropriate training on federal and state laws governing those facilities, and would make various conforming and technical changes.

Group
2-Year

AB 895

(Muratsuchi D) Pupil Mental Health Services Program Act.

Current Text: Amended: 4/8/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amend: 4/8/2019

Status: 4/9/2019-Re-referred to Com. on ED.

Location: 3/4/2019-A. ED.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Existing law, the School-Based Early Mental Health Intervention and Prevention Services for Children Act of 1991, authorizes the Director of Health Care Services, in consultation with the Superintendent of Public Instruction, to provide matching grants to local educational agencies to pay the state share of the costs of providing school-based early mental health intervention and prevention services to eligible pupils at schoolsites of eligible pupils, subject to the availability of funding each year. This bill would enact a similar program to be known as the Pupil Mental Health Services Program Act. The act would authorize the State Department of Education, in consultation with the Superintendent, beginning with grants for the 2020–21 school year and subject to the availability of funding each year, to award matching grants to local educational agencies, as defined, throughout the state for programs that provide supportive services, defined to mean services that enhance the mental health and social-emotional development of pupils, to eligible pupils at schoolsites. The act would award matching grants for a period of not more than 3 years and would prohibit a single schoolsite from being awarded more than one grant. For these purposes, an eligible pupil would be defined as a pupil who attends kindergarten, including transitional kindergarten, or any of grades 1 to 12, inclusive, at a local educational agency. The bill would prescribe the procedure for a local educational agency to apply for a matching grant. The bill would also prohibit more than 10% of the moneys allocated to the department for these purposes from being used for program administration and evaluation. This bill contains other related provisions and other existing laws.

Group
2-Year

AB 1201

(Boerner Horvath D) Unfair Practices Act.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/21/2019)(May be acted upon Jan 2020)

Location: 5/3/2019-A. 2 YEAR

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Existing law defines unfair competition to mean and include an unlawful, unfair, or fraudulent business act or practice, unfair, deceptive, untrue, or misleading advertising, and any false representations to the public and provides that any person who engages, has engaged, or proposes to engage in unfair competition is liable for a civil penalty. Existing law requires that one-half of a penalty collected as the result of an action brought by the Attorney General be paid to the treasurer of the county in which the judgment was entered and the other half to the General Fund. This bill would make a nonsubstantive change to that provision.

Group
2-Year

AB 1271

(Diep R) Licensing examinations: report.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was B.&P. on 3/11/2019)(May be acted upon Jan 2020)

Location: 4/26/2019-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law provides for the licensure and regulation of professions and vocations by various boards that comprise the Department of Consumer Affairs. This bill would require the department, on or before January 1, 2021, to provide a report to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development that contains specified information relating to licensing examinations for each licensed profession and vocation under the department's jurisdiction.

Group
2-Year

AB 1601

(Ramos D) Office of Emergency Services: behavioral health response.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 6/4/2019-Failed Deadline pursuant to Rule 61(a)(8). (Last location was APPR. SUSPENSE FILE on 5/16/2019)

Location: 6/4/2019-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Emergency Services Act establishes the Office of Emergency Services within the Governor's office under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. Existing law authorizes the Governor, or the director when the governor is inaccessible, to proclaim a state of emergency under specified circumstances. This bill would establish a behavioral health deputy director within the Office of Emergency Services to ensure individuals have access to necessary mental and behavioral health services and supports in the aftermath of a natural disaster or declaration of a state of emergency and would require the deputy director to collaborate with the Director of Health Care Services to coordinate the delivery of trauma-related support to individuals affected by a natural disaster or state of emergency. The bill would require the Director of Health Care Services, in collaboration with the Office of Emergency Services, to immediately request necessary federal waivers to ensure the provision of healthcare services, as specified, during a natural disaster or declared state of emergency.

Group
2-Year

SB 181

(Chang R) Healing arts boards.

Current Text: Introduced: 1/28/2019 [html](#) [pdf](#)

Introduced: 1/28/2019

Status: 2/6/2019-Referred to Com. on RLS.

Location: 1/28/2019-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Existing law creates various regulatory boards within the Department of Consumer Affairs. Existing law authorizes health-related boards to adopt regulations requiring licensees to display their licenses in the locality in which they are treating patients and to make specified disclosures to patients. This bill would make nonsubstantive changes to that license display and disclosure provision.

Group
2-Year

SB 201

(Wiener D) Medical procedures: treatment or intervention: sex characteristics of a minor.

Current Text: Amended: 3/25/2019 [html](#) [pdf](#)

Introduced: 1/31/2019

Last Amend: 3/25/2019

Status: 4/26/2019-Failed Deadline pursuant to Rule 61(a)(2). (Last location was B., P. & E.D. on 2/13/2019)(May be acted upon Jan 2020)

Location: 4/26/2019-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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1st House	2nd House				
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Summary: Under existing law, the Medical Practice Act, it is unprofessional conduct for a physician and surgeon to fail to comply with prescribed informed consent requirements relating to various medical procedures, including sterilization procedures, the removal of sperm or ova from a patient under specified circumstances, and the treatment of breast cancer. Any violation of the law relating to enforcement of the Medical Practice Act is a misdemeanor, as specified. This bill would, absent a medical necessity, prohibit a physician and surgeon from performing any treatment or intervention on the sex characteristics of an intersex minor without the informed consent of the intersex minor, as described. The bill would, among other things, require a physician and surgeon, prior to performing the treatment or intervention, to provide a written and oral disclosure and to obtain the informed consent of the intersex minor to the treatment or intervention, as specified. The bill would authorize a physician and surgeon to perform the medical procedure without the minor's consent if it is medically necessary and the physician and surgeon provides the written and oral disclosure to the parent or guardian and obtains their informed consent, as specified. The bill would authorize the Medical Board of California to develop and adopt medical guidelines to implement these requirements. Any violation of these provisions would be subject to disciplinary action by the board, but not criminal prosecution.

Group
2-Year

SB 546

(Hueso D) Immigration consultants.

Current Text: Amended: 9/6/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amend: 9/6/2019

Status: 9/6/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Location: 2/22/2019-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Existing law regulates the practice of immigration consultants who provide nonlegal assistance or advice in an immigration matter. This bill would state the intent of the Legislature to enact legislation to further regulate immigration consultants.

Group
2-Year

SB 700

(Roth D) Business and professions: noncompliance with support orders and tax delinquencies.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on RLS.

Location: 2/22/2019-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoe d	Chaptered
1st House				2nd House							

Summary: Under existing law, each applicant for the issuance or renewal of a license, certificate, registration, or other means to engage in a business or profession regulated by specified entities, who is not in compliance with a judgment or order for child or family support, is subject to support collection and enforcement proceedings by the local child support agency. Existing law also makes each licensee or applicant whose name appears on a list of the 500 largest tax delinquencies subject to suspension or revocation of the license or renewal by a state governmental licensing entity, as specified. This bill would make nonsubstantive changes to those provisions.

Group
2-Year

Total Measures: 18

Total Tracking Forms: 18

MEMORANDUM

DATE	July 23, 2019
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #23 – Regulatory Update

The following is a list of the Board's regulatory packages, and their status in the regulatory process:

a) **Update on 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants**

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package is in the Initial Review Stage. Staff received feedback from Board Legal Counsel on May 8, 2019, and are working to incorporate the recommended changes prior to submitting the package back to legal. Upon approval by Board Legal Counsel, the package will be submitted for the Initial Departmental Review which involves reviews by DCA Legal Affairs Division, DCA Budget Office, DCA's Division of Legislative Affairs, DCA Chief Counsel, DCA Director, and the Business Consumer Services and Housing Agency.

b) **Addition to 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating A Psychological Assistant Registration**

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package is in the Initial Review Stage. Staff received feedback from Legal Counsel on September 17, 2019, and are working to incorporate the recommended changes prior to submitting the package back to legal before the August Board Meeting. Upon approval by Board Legal Counsel, the package will be submitted for the Initial Departmental Review which involves reviews by DCA Legal Affairs Division, DCA Budget Office, DCA's Division of Legislative Affairs, DCA Chief Counsel, DCA Director, and the Business Consumer Services and Housing Agency.

c) Update on 16 CCR Section 1396.8 – Standards of Practice for Telehealth

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package was provided to the Department of Consumer Affairs (DCA) on March 15, 2019 and is now in the Initial Departmental Review Stage. This stage involves a review by DCA’s legal, budget, and executive offices, and the State’s Business Consumer Services and Housing Agency (Agency). Upon approval by DCA and Agency, staff will notice this package for a 45-day comment period and subsequent hearing.

d) Update on 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package is in the Initial Review Stage. Staff received feedback from Legal Counsel on March 8, 2019, and are working to incorporate the recommended changes prior to submitting the package back to legal. Upon approval by Board Legal Counsel, the package will be submitted for the Initial Departmental Review which involves reviews by DCA Legal, DCA Budgets, DCA’s Division of Legislative and Regulatory Review, DCA Chief Counsel, DCA Executive Office and Business Consumer Services and Housing Agency.

e) Update on 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package was provided to the Department of Consumer Affairs (DCA) on August 23, 2019 and is now in the Initial Departmental Review Stage. This stage involves a review by DCA’s legal, budget, and executive offices, and the State’s Business Consumer Services and Housing Agency (Agency). Upon approval by DCA and Agency, staff will notice this package for a 45-day comment period and subsequent hearing.

f) Update on 16 CCR Sections 1394, 1395, 1395.1, 1392 – Substantial Relationship Criteria, Rehabilitation Criteria for Denials and Reinstatements, Rehabilitation Criteria for Suspensions and Revocations

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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This package is in the Initial Review Stage. Staff received feedback from Legal Counsel on September 16, 2019, and are working to incorporate the recommended changes prior to submitting the package back to legal. Upon approval by Board Legal Counsel, the package will be submitted for the Initial Departmental Review which involves reviews by DCA Legal, DCA Budgets, DCA's Division of Legislative and Regulatory Review, DCA Chief Counsel, DCA Executive Office and Business Consumer Services and Housing Agency.

Action Requested:

Review and approve amended Retired License, Renewal of Expired License, Psychologist Fees (attached and highlighted in yellow).

Attachment A: Retired License Status Regulations Language

**California Board of Psychology
Department of Consumer Affairs**

Newly proposed language is shown as underlined. Newly proposed deletions are shown as struck-through.

§ 1381.10. Retired Status

(a) Pursuant to Section 2988.5 of the Code:

(1) A psychologist who holds a current Active or Inactive license issued by the Board may apply to place that license in retired status by submitting Form PSY 900 (Rev. 11/2017), which is hereby incorporated by reference.

(2) “Otherwise restricted by the board” means that the license is not currently on probation or subject to any other terms and conditions, or the licensee is not restricted from practice.

(3) “Subject to discipline under this chapter” means that there are no pending Accusations or Interim Suspension Orders filed pursuant to the Administrative Procedures Act, or evaluations pursuant to Section 820 of the Code.

(b) To apply to restore the license to active status if the application to place the license in retired status was granted less than three (3) years prior, the licensee shall:

(1) Submit Form PSY 905 (Rev. 11/2017), which is incorporated by reference, and pay the biennial renewal fee and all additional fees as prescribed in section 2987 of the Code, and section 1397.69 of the Board’s regulations at the time of the request to restore to active status is received;

(2) Furnish to the Department of Justice, a full set of electronic fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search if the licensee has not been previously fingerprinted for the Board or for whom an electronic record of the submission of fingerprints does not exist in the Department of Justice’s criminal offender identification database.

(c) The Board will not grant an application for a license to be placed in a retired status more than twice.

(d) A licensee who has been granted a license in retired status twice, must apply for a new license in order to obtain a license in active status.

Note: Authority cited: Sections 2930 and 2988.5 Business and Professions Code. Reference: Sections 118, 2960, 2960.6, and 2988.5, Business and Professions Code; and Section 11105(b)(10), Penal Code.

§ 1392. Psychologist Fees

- (a) The application fee for a psychologist is \$40.00.
- (b) The fee for the California Psychology Laws and Ethics Examination (CPLEE) is \$129.00.
- (c) An applicant taking or repeating the licensing examination shall pay the full fee for that examination.
- (d) The initial license fee and the biennial renewal fee for a psychologist are \$400.00; ~~except that if an initial license will expire less than one year after its issuance, then the initial license fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.~~
- (e) The biennial renewal fee for an inactive license is \$40.00.
- (f) The application fee for a retired license is \$75.00.

Note: Authority cited: Sections 2930, 2987, 2988.5 and 2989, Business and Professions Code. Reference: Sections 2987, 2988, 2988.5 and 2989, Business and Professions Code.

§ 1397.69. Continuing Professional Development Audit Fee Licensee Fees. [Effective January 1, 2013.]

~~This section shall be applicable to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013.~~

For the administration of this article, in addition to any other fees due the Board, and as a condition of renewal or reinstatement, a \$10 fee is to be paid to the Board by a licensee renewing in an active status or after inactive, ~~or delinquent~~ expired, or reactivating from a retired status.

Note: Authority cited: Sections ~~2915(g)~~ and 2930, Business and Professions Code. Reference: Sections 2915(jh) and 2988.5, Business and Professions Code.

MEMORANDUM

DATE	September 16, 2019
TO	Psychology Board Members
FROM	Antonette Sorrick Executive Officer
SUBJECT	Agenda Item #24 – Review and Consideration of the Sunset Review Committee Report -- Review and Possible Approval of Board's Sunset Report

Background:

On July 22, 2019, the Board received the Sunset Review Oversight Form (Form). The Sunset Review Oversight process allows the Legislature to review the laws and regulations pertaining to each board and evaluate the board's programs and policies; determine whether the board operates and enforces its regulatory responsibilities and is carrying out its statutory duties; and examine fiscal management practices and financial relationships with other agencies. Through Sunset Review Oversight, boards are also evaluated on key performance measures and targets related to the timeliness of action, enforcement, and other necessary efforts to serve the needs of and adequately protect California consumers while promoting regulatory efficiency and effectiveness.

Board staff reviewed and discussed the draft Form with the Sunset Review Committee (Dr. Stephen C. Phillips and Mr. Seyron Foo) on September 16, 2019. The attached draft Form is provided for the Board's review and consideration. Please be mindful that the questions and tables with blue shading are provided by the legislature and not Board staff and may not be edited. Additionally, in section 10 "Board Action and Response to Prior Sunset Issues," we only need to review or consider the text in the "UPDATE" boxes and their relevant tables with current data.

Action Requested:

Review the draft Form and provide feedback and/or edits to staff for incorporation into the Form, delegating staff to make any nonsubstantive changes necessary and submit the Form to the Legislature.

Attachment A: Draft Sunset Review Oversight Form and relevant attachments

Attachment B: Timeline of Sunset Process

1 **Board of Psychology**
2 **BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT**
3 **REGULATORY PROGRAM**
4 **As of [date]**
5

6
7 **Section 1 –**
8 **Background and Description of the Board and Regulated Profession**
9

10 **Provide a short explanation of the history and function of the board.¹ Describe the**
11 **occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title**
12 **Acts).**

13
14 **HISTORY AND FUNCTION OF THE BOARD**
15

16 The California Board of Psychology (Board) regulates psychologists, registered psychologists, and
17 registered psychological assistants. Only licensed psychologists can practice psychology
18 independently in California. Registered psychologists are registered to work and train under
19 supervision in non-profit agencies that receive government funding, and registered psychological
20 assistants provide psychological services under the supervision of a qualified licensed psychologist or
21 board-certified psychiatrist.
22

23 With the Certification Act of 1958, the psychology profession became regulated in California. While
24 the Certification Act protected the title “psychologist,” it did not take into consideration the interests of
25 the consumers of psychological services. Later, the regulation of the profession evolved when the
26 California Legislature recognized the potential for consumer harm by those practicing psychology and
27 shifted the focus of the regulation of the profession to protection of the public.
28

29 This redirection resulted in legislation in 1967 that protected the “psychologist” title, defined the
30 practice, and required licensure in order to practice legally. During these early licensing days, the
31 Board was an “examining committee” under the jurisdiction of what was then the Division of Allied
32 Health Professions of the Board of Medical Quality Assurance (BMQA). During the 1970s, the
33 Psychology Examining Committee gradually became more independent and began taking
34 responsibility for its own operations, including the authority to adopt regulations and administrative
35 disciplinary actions without the endorsement of BMQA. The Psychology Examining Committee
36 officially became the Board of Psychology in 1990 (Assembly Bill 858, Margolin, 1989).
37

38 The Mission of the Board is to protect consumers of psychological services by licensing
39 psychologists, regulating the practice of psychology, and supporting the evolution of the profession.
40 The Board’s Values are transparency, integrity, fairness, responsiveness, and professionalism. The
41 Vision of the Board is a healthy California where our diverse communities enjoy the benefits of the
42 highest standard of psychological services.
43

44 **1. Describe the make-up and functions of each of the board’s committees (cf., Section 12,**
45 **Attachment B).**

¹ The term “board” in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term “board” throughout this document to appropriately refer to the entity being reviewed.

46
47 **Standing Committees**
48

49 Outreach and Communications Committee – The goal of the Outreach and Communications
50 Committee is to engage, inform, and educate consumers, students, applicants, licensees, and other
51 stakeholders regarding the evolving practice of psychology, the work of the Board, and their relevant
52 laws and regulations.
53

54 Legislative and Regulatory Affairs Committee – The goal of this committee is to advocate for
55 legislation and develop regulations that provide for the protection of consumer health and safety. The
56 Committee reviews, monitors and recommends positions on legislation that affects the Board,
57 consumers, and the profession of psychology. The Committee also recommends regulatory changes
58 and informs the Board about the status of regulatory packages.
59

60 Licensure Committee – The goal of this committee is to create and maintain a clear and efficient
61 framework for licensure, examination processes, and continuing professional development through
62 the Board’s statutes and regulations to ensure licensees meet the qualifications necessary to practice
63 safely and ethically. The Committee communicates relevant information to its affected stakeholders.
64

65 **Ad Hoc Committees**
66

67 Enforcement Committee – The goal of this committee is to protect the health and safety of consumers
68 of psychological services through the active enforcement of the statutes and regulations governing
69 the safe practice of psychology in California. The Committee reviews the Board’s *Disciplinary*
70 *Guidelines* and enforcement statutes and regulations and submits recommended amendments to the
71 full Board for consideration.
72

73 Sunset Review Committee – The goal of this committee is to review staff’s responses to the
74 questions asked by the Assembly Business and Professions and the Senate Business, Professions
75 and Economic Development Committees. The Committee formulates and reviews the responses
76 before submission to the full Board.
77

78 Telepsychology Committee – The goal of this committee is to develop regulatory language for the
79 practice of psychology that is conducted remotely within the State of California and interstate practice
80 that is conducted remotely. This is a rapidly developing area of the profession, and technology has
81 outpaced the current guidelines.
82

83 Below is a list of Board Member attendance at all noticed Board and Committee meetings since the
84 last Sunset Review and dates that Board Members were appointed to the Board:
85

Table 1a. Attendance			
Lucille Acquaye-Baddoo			
Date Appointed:	June 12, 2009; Re-appointed: June 18, 2011; June 8, 2015		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes

Table 1a. Attendance			
Lucille Acquaye-Baddoo (cont.)			
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Outreach and Education Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Enforcement Committee Meeting	10/20/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Enforcement Committee Meeting	1/19/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/8/2018	Sacramento	Yes
Outreach and Education Committee Mtg	4/6/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Enforcement Committee Meeting	6/22/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Enforcement Committee Meeting	9/21/2018	Sacramento	Yes
Enforcement Committee Meeting	10/12/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/22/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	No
Board Meeting	4/24-26/2019	Los Angeles	Yes
Outreach and Education Committee Meeting	5/17/2019	Sacramento	Yes
Johanna Arias-Bhatia			
Date Appointed:	August 10, 2012; Re-appointed: June 3, 2015		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes

Table 1a. Attendance			
Adelita "Alita" Bernal			
Date Appointed:	August 3, 2016		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/18-19/2016	Berkeley	No
Outreach and Education Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	No
Outreach and Education Committee Mtg	4/6/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	No
Board Meeting	4/24-26/2019	Los Angeles	No
Outreach and Education Committee Mtg	5/17/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Board Meeting	10/3-4/2019	San Diego	
Outreach and Communications Committee	11/15/2019	Sacramento	
Sheryll Casuga			
Date Appointed:	August 18, 2017		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
EPPP2 Task Force Meeting	4/5/2018	Sacramento	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
EPPP2 Task Force Meeting	6/29/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	No
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes

Table 1a. Attendance			
Sheryll Casuga (cont.)			
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	No
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Board Meeting	10/3-4/2019	San Diego	
Marisela Cervantes			
Date Appointed:	April 29, 2019		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Berkeley	Yes
Enforcement Committee	9/20/2019	Sacramento	
Board Meeting	10/3-4/2019	San Diego	
Michael Erickson			
Date Appointed:	August 6, 2010; Re-Appointed: July 15, 2014		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Telepsychology Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Telepsychology Committee Meeting	2/3/2017	Sacramento	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/13/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Policy and Advocacy Committee Meeting	5/15/2017	Sacramento	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	No
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes

Table 1a. Attendance			
Seyron Foo			
Date Appointed:	May 17, 2017		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	No
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
EPPP2 Task Force Meeting	4/5/2018	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
EPPP2 Task Force Meeting	6/29/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	Yes
Sunset Review Committee Meeting	9/16/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	
Miguel Gallardo			
Date Appointed:	August 6, 2010; Re-appointed: December 28, 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	No
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	No
Board Meeting	4/4/2016	Teleconference	No
Board Meeting	5/19-20-2016	Los Angeles	Yes

Table 1a. Attendance			
Mary Harb Sheets			
Date Appointed:	December 7, 2018		
Meeting Type	Meeting Date	Meeting Location	Attended?
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	No
Board Meeting	10/3-4/2019	San Diego	
Andrew Harlem			
Date Appointed:	August 10, 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	No
Board Meeting	11/28/2015	Sacramento	No
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Jacqueline Horn			
Date Appointed:	October 25, 2013; Re-appointed: June 3, 2015		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes

Table 1a. Attendance			
Jacqueline Horn (cont.)			
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	4/6/2018	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	
Outreach and Communications Committee	11/15/2019	Sacramento	
Nicole J. Jones			
Date Appointed:	August 10, 2012; Re-appointed June 18, 2014		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	No
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes

Table 1a. Attendance			
Nicole J. Jones (cont.)			
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/13/2017	Sacramento	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Policy and Advocacy Committee Meeting	5/15/2017	Sacramento	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	No
Board Meeting	11/15-16/2018	San Diego	No
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	No
Board Meeting	3/29/2019	Teleconference	No
Stephen Phillips			
Date Appointed:	September 30, 2013; Reappointed June 10, 2016		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes
Telepsychology Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Telepsychology Committee Meeting	2/3/2017	Sacramento	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes

Table 1a. Attendance			
Stephen Phillips (cont.)			
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Enforcement Committee Meeting	10/20/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/8/2018	Sacramento	Yes
Policy and Advocacy Committee Meeting	4/19/2019	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Enforcement Committee Meeting	6/22/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Enforcement Committee Meeting	9/21/2018	Sacramento	Yes
Enforcement Committee Meeting	10/12/2018	Sacramento	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Enforcement Committee Meeting	1/19/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes
Enforcement Committee Meeting	3/2/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Telepsychology Committee Meeting	4/19/2019	Sacramento	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Sunset Review Committee	9/16/2019	Sacramento	Yes
Enforcement Committee	9/20/2019	Sacramento	
Board Meeting	10/3-4/2019	San Diego	
Linda Starr			
Date Appointed:	January 9, 2013		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes

Table 1a. Attendance			
Linda Starr (cont.)			
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Lea Tate			
Date Appointed:	December 7, 2018		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Outreach and Education Committee Mtg	5/17/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	No
Board Meeting	10/3-4/2019	San Diego	
Outreach and Communications Committee	11/15/2019	Sacramento	

87

Table 1b. Board/Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Adelita "Alita" Bernal	8/3/2016		6/1/2020	Senate	Public Member
Sheryll Casuga, PsyD	8/18/2017		6/1/2019	Governor	Licensed Member
Marisela Cervantes	4/29/2019		6/1/2022	Assembly	Public Member
Seyron Foo (Vice-President)	5/17/2017		6/1/2020	Governor	Public Member
Mary Harb Sheets, PhD	12/7/2018		6/1/2020	Governor	Licensed Member
Jacqueline Horn, PhD	10/23/2013	6/3/2015	6/1/2019	Governor	Licensed Member
Stephen Phillips, JD, PsyD (President)	9/25/2013	6/2/2016	6/1/2019	Governor	Licensed Member
Lea Tate, PsyD	12/7/2018		6/1/2022	Governor	Licensed Member
VACANT				Governor	Public Member

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2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

There have been no issues with establishing a quorum in the past four years.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)
- All legislation sponsored by the board and affecting the board since the last sunset review.
- All regulation changes approved by the board the last sunset review. Include the status of each regulatory change approved by the board.

104 **Internal Changes**

105 Since the last Sunset Review, the Board has undertaken major reorganization within its internal
106 structure, including the addition of one Staff Services Manager I (SSM I) and one Staff Services
107 Manager II (SSM II), which has allowed the Board to establish a more effective organizational
108 structure with a Licensing Unit, Enforcement Unit, and Central Services Unit. This reorganization
109 was a result of the 2015 Cooperative Personnel Services (CPS) Human Resource Consulting
110 analysis of the Board's programs.

111
112 The CPS analysis recommended a structural reorganization of the Board into three distinct units
113 by function: Licensing, Enforcement, and Central Services (which includes legislative, regulatory,
114 and cashiering functions, among others). The study also recommended that each of these units
115 have an SSM I to directly supervise staff and recommended a reclassification of the Assistant
116 Executive Officer to an SSM II position to perform higher level support for the Board. This new
117 structure ensures that each unit has appropriate supervisory positions in order to adequately
118 monitor staff performance and aid the Board's program improvement efforts.

119
120 The Board also has added one additional Associate Governmental Program Analyst (AGPA) to
121 the Enforcement Unit to address increased complaint workload and enhance the Board's
122 enforcement performance measures.

123
124 The Board adopted a new Strategic Plan in February 2019, which will direct the Board's activities
125 over the next five years. This plan includes goals related to program efficiencies, process
126 improvements, moving the Board to PaperLite processes, and updating statutes and regulations
127 related to the Board's enforcement and licensing units.

128
129 PaperLite is the Board's initiative to reduce its carbon footprint by minimizing its use of paper in its
130 forms, applications and processes. It is anticipated that this effort will result in cost reductions in
131 coming years.

132
133 **Legislation**

134
135 Since the last Sunset Report, the following legislation was sponsored by the Board or affected the
136 Board, its licensees, or consumers of psychological services. This information is provided in
137 chronological order.

138
139 **Legislation Sponsored by the Board:**

140
141 ***AB 89 (Levine, Chapter 182, Statutes of 2017) Psychologists: Suicide Prevention Training.***

142
143 This bill, commencing January 1, 2020, requires candidates for licensure as a psychologist to
144 complete at least six hours of coursework or applied experience under supervision in suicide risk
145 assessment and intervention. This bill also applied this same one-time requirement to current
146 licensees as a condition of licensure renewal commencing January 1, 2020.

147
148 ***AB 2968 (Levine, Chapter 778, Statutes of 2018) Psychotherapist-Client Relationship:
149 Victims of Sexual Behavior and Sexual Contact: Informational Brochure.***

150
151 This bill modified and modernized requirements for the Department of Consumer Affairs
152 (Department) publication entitled "Professional Therapy Never Includes Sex" (brochure).
153 Specifically, this bill: (1) eliminated the requirement that the Department develop the brochure in
154 consultation with the Attorney General's office; (2) deleted the inclusion of civil and professional

155 association complaint procedures in the brochure; (3) required the brochure to also be provided to
156 victims of psychotherapist-client sexual behavior; (4) defined sexual behavior; and (5) deleted the
157 requirement that the brochure include histories of victims and their families.

158
159 ***SB 275 (Pan, 2019) Psychologist: Prohibition Against Sexual Behavior.***

160
161 This bill would have required an administrative law judge's proposed decision to include an order
162 of licensure revocation when there is a finding that a licensee of the Board of Psychology has
163 engaged in sexual behavior short of sexual contact with a client during therapy, or within two
164 years of termination of therapy.

165
166 **Disposition:** This bill is a 2-year bill and will be taken up in January of 2020.

167
168 **Legislation Affecting the Board, its Licensees, and Consumers of Psychological Services**

169
170 ***AB 796 (Nazarian, Chapter 493, Statutes of 2016) Health Care Coverage: Autism and***
171 ***Pervasive Developmental Disorders***

172
173 This bill deleted the sunset date, thereby extending indefinitely the requirement that every health
174 care service plan contract and every health insurance policy provide coverage for behavioral
175 health treatment for pervasive developmental disorder or autism.

176
177 **Position:** Oppose

178 **Disposition:** Signed by the Governor

179
180 ***AB 1715 (Holden, 2016) Healing Arts: Behavior Analysis: Licensing.***

181
182 This bill would have: 1) established the Behavior Analyst Act (Act) and provided authority to the
183 Board of Psychology (Board) to enforce the Act; 2) required a license as either a Behavior Analyst
184 or an Assistant Behavior Analyst in order to practice behavior analysis, registration to act as a
185 Behavior Analyst Intern, and approval to act as a Behavior Analysis Technician; 3) created the
186 Behavior Analyst Committee (Committee) within the Board; 4) increased the size of the Board; 5)
187 required that the Board begin issuing licenses on July 1, 2018 for Behavior Analysis Technicians
188 and Behavior Analysis Interns, and July 1, 2019 for Behavior Analysts and Assistant Behavior
189 Analysts; and 6) vested the Board with authority to enforce the Act until January 1, 2022, among
190 other things.

191
192 **Position:** Support if Amended

193 **Disposition:** Held in the Senate Business, Professions and Economic Development Committee.

194
195 ***AB 2017 (McCarty, 2016) College Mental Health Services Program***

196
197 This bill, until January 1, 2022, would have required the Mental Health Services Oversight and
198 Accountability Commission, subject to appropriation by the Legislature, to create a grant program
199 for public community colleges, colleges, and universities for purposes of improving access to
200 mental health services on those campuses.

201
202 **Position:** Support

203 **Disposition:** Vetoed by the Governor

206 ***AB 2086 (Cooley, 2016) Workers Compensation: Neuropsychologists***
207

208 This bill would have authorized a licensed clinical psychologist meeting specified requirements to
209 be appointed as a qualified medical evaluator in neuropsychology. Additionally, it provided that a
210 medical doctor or osteopath who had successfully completed a residency or fellowship program
211 accredited by a predecessor to the Accreditation Council for Graduate Medical Education would
212 satisfy the residency training requirement for an evaluator under the Worker's Compensation Law.
213

214 **Position:** Support If Amended

215 **Disposition:** Vetoed by the Governor
216

217 ***AB 2443 (Baker, 2016) Improving Mental Health Access for Students***
218

219 This bill relates to a Local Control and Accountability Plan by the governing board of a school
220 district. This bill would have required a description of the annual goals to be achieved for each of
221 the state's delineated priorities for all pupils, and certain subgroups of pupils, and add to those
222 factors the number of practicing school psychologists working on school climate issues.
223

224 **Position:** Support

225 **Disposition:** Failed deadline, last location was in Assembly Committee on Appropriations
226

227 ***SB 1034 (Mitchell, 2016) Health Care Coverage: Autism***
228

229 This bill would have modified requirements to be a qualified autism service professional to include
230 providing behavioral health treatment, which would have included clinical management and case
231 supervision under the direction and supervision of a qualified autism service provider. The bill
232 would have required that, unless a treatment plan was modified by a qualified autism service
233 provider, utilization review would be conducted no more than once every six months. The bill
234 would have also provided that coverage for behavioral health treatment for pervasive
235 developmental disorder or autism would be dependent on medical necessity, subject to utilization
236 review, and required to be in compliance with federal mental health parity requirements. The bill
237 would have extended the operation of these provisions to January 1, 2022.
238

239 **Position:** Oppose

240 **Disposition:** Failed deadline, last location was in Assembly Committee on Appropriations
241

242 ***SB 1193 (Hill, Chapter 484, Statutes of 2016) Healing Arts.***
243

244 This bill, among other things, extended the sunset date for the Board of Psychology four years
245 from January 1, 2017, to January 1, 2021, as well as provided several policy changes.
246 Specifically, this bill required an applicant to graduate from a regionally accredited institution;
247 redefined continuing education as continuing professional development, and modified the
248 requirements to satisfy the standard for continuing professional development before license
249 renewal; established policies for posting licensee information on the Board's website; created a
250 "retired" license category; and made technical changes to the psychological assistant registration.
251

252 **Position:** Support

253 **Disposition:** Signed by the Governor
254
255
256

257 **AB 244 (Cervantes, 2017) – Maternal Mental Health**
258

259 This bill would have created a pilot program, in counties that elected to participate, to increase the
260 capacity of health providers that serve pregnant and postpartum women up to one year after
261 delivery to effectively prevent, identify, and manage postpartum depression and other mental
262 health conditions. The pilot program could have included the following: a consultation program
263 utilizing telehealth and e-consult technologies; training and toolkits on screening, assessment, and
264 the range of treatment options; coordination of care for program participants; and access to
265 perinatal psychiatric consultations for program participants.
266

267 **Position:** Support If Amended

268 **Disposition:** Failed deadline, last location was in Assembly Committee on Health
269

270 **AB 1456 (Low, Chapter 151, Statutes of 2017) Professional Licensure.**
271

272 This bill modifies existing waivers from licensure requirements allowed in specified facilities or
273 settings under the California Department of Public Health, Department of Health Care Services,
274 Department of State Hospitals, and the California Department of Corrections. This bill brings
275 conformity to the various exemption waivers by making all waivers up to a maximum of five years
276 and requires that individuals receiving the exemption waiver must be working to gain the
277 supervised professional experience required for licensure.
278

279 **Position:** Support

280 **Disposition:** Signed by the Governor
281

282 **AB 1188 (Nazarian, Chapter 557, Statutes of 2017) Health Professions Development: Loan**
283 **Repayment.**
284

285 This urgency bill increases the fee collected from psychologists, marriage and family therapists,
286 and clinical social workers at the time of licensure renewal for deposit into the Mental Health
287 Practitioner Education Fund (Fund) from \$10 to \$20. This bill also adds licensed professional
288 clinical counselors and associate professional clinical counselors to the list of mental health
289 providers that can apply for grants from the Fund and establishes a \$20 fee for licensed
290 professional clinical counselors at the time of licensure renewal for deposit into the Fund. Although
291 this was an urgency bill, it did not take effect until July 1, 2018.
292

293 **Position:** Support

294 **Disposition:** Signed by the Governor
295

296 **SB 547 (Hill, Chapter 429, Statutes of 2017) – Professions and Vocations: Weights and**
297 **Measures (Board Omnibus Bill)**
298

299 SB 547 removes the specification in statute as to who can pay the psychological assistant
300 registration fee to the Board and specifies that the delinquency for Board licensees is 50 percent
301 of the renewal fee for each license type, not to exceed one hundred and fifty dollars (\$150). This
302 bill also makes various changes to provisions for the Board of Accountancy.
303

304 **Position:** Support

305 **Disposition:** Signed by the Governor
306
307

308 ***SB 572 (Stone, 2017) – Healing Arts Licensees: Violations: Grace Period***

309
310 This bill would have prohibited healing arts boards under the DCA from issuing a disciplinary
311 action or otherwise penalizing a licensee who commits a violation that does not cause irreparable
312 harm to a consumer and is remedied within 15 days.

313
314 **Position:** Oppose

315 **Disposition:** Failed deadline, last location was in Senate Committee on Business, Professions
316 and Economic Development

317
318 ***AB 282 (Jones-Sawyer, Chapter 245, Statutes of 2018) – Aiding, Advising, or Encouraging***
319 ***Suicide: Exemption from Prosecution***

320
321 This bill codifies that any person whose actions are performed in compliance with the provisions in
322 the End of Life Option Act cannot be prosecuted for those actions under Penal Code Section 401.

323
324 **Position:** Support

325 **Disposition:** Signed by the Governor

326
327 ***AB 1436 (Levine, Chapter 527, Statutes of 2018) – Board of Behavioral Sciences:***
328 ***Licensees: Suicide Prevention Training***

329
330 This bill, on or after January 1, 2021, requires an applicant for any license type under the Board of
331 Behavioral Sciences (BBS), to complete a minimum of 6 hours of coursework or applied
332 experience under supervision in suicide risk assessment and intervention. Additionally, the bill
333 requires, on or after January 1, 2021, as a onetime requirement, any licensee under BBS to have
334 completed this suicide risk assessment and intervention training requirement prior to the time of
335 his or her first renewal. Lastly, the bill also requires, on or after January 1, 2021, a person applying
336 for reactivation or for reinstatement to have completed this suicide risk assessment and
337 intervention training requirement.

338
339 **Position:** Support

340 **Disposition:** Signed by the Governor

341
342 ***AB 2138 (Chiu, Chapter 995, Statutes of 2018) – Licensing Boards: Denial of Application:***
343 ***Revocation or Suspension of Licensure: Criminal Conviction***

344
345 This bill amended various provisions of the Business and Professions Code relating to the Board's
346 ability to deny a license or take disciplinary action in relation to criminal convictions based on
347 various factors related to the crime, and revised requirements related to the criteria of
348 rehabilitation that boards must consider when evaluating the denial of an application, a petition for
349 reinstatement, or a petition for early termination of probation. This bill significantly limited when the
350 Board can deny, revoke or suspend a license based on a conviction or other act.

351
352 **Position:** Oppose

353 **Disposition:** Signed by the Governor

358 ***AB 2143 (Caballero, 2018) – Mental Health: Licensed Mental Health Service Provider***
359 ***Education Program***

360 This bill would have expanded the Licensed Mental Health Service Provider Education Program to
361 apply to persons eligible under existing law who attain further education in order to practice as
362 psychiatric-mental health nurse practitioners or physician assistants in psychiatric mental health
363 settings, thereby allowing those practitioners to apply for grants under the program for
364 reimbursement of those later-incurred educational loans, but paid for by the fund established for
365 psychology licensees.
366

367
368 **Position:** Oppose

369 **Disposition:** Vetoed by the Governor
370

371 ***AB 2483 (Voepel, 2018) – Indemnification of Public Officers and Employees: Antitrust***
372 ***Awards***

373
374 This bill would have expanded the Government Claims Act to require a public entity to pay a
375 judgment or settlement for treble damage antitrust awards against a member of a regulatory board
376 within the DCA for an act or omission occurring within the scope of the member's official capacity
377 as a member of the regulatory board. The bill would have also specified that treble damages
378 awarded pursuant to, and for violation of ,specified federal laws are not punitive or exemplary
379 damages for purposes of the act.
380

381 **Position:** Support

382 **Disposition:** Failed deadline, last location was on the Senate Committee on Judiciary
383

384 ***AB 2943 (Low, 2018) – Unlawful Business Practices: Sexual Orientation Change Efforts***
385

386 This bill would have included, as an unlawful practice prohibited under the Consumer Legal
387 Remedies Act, advertising, offering for sale, or selling services constituting sexual orientation
388 change efforts to an individual.

389 This bill would have defined sexual orientation change efforts as follows:

390 (1) "Sexual orientation change efforts" means any practices that seek to change an individual's
391 sexual orientation. This includes efforts to change behaviors or gender expressions, or to
392 eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.

393 (2) "Sexual orientation change efforts" does not include psychotherapies that: (A) provide
394 acceptance, support, and understanding of clients or the facilitation of clients' coping, social
395 support, and identity exploration and development, including sexual orientation-neutral
396 interventions to prevent or address unlawful conduct or unsafe sexual practices or to otherwise
397 promote healthy sexual and romantic relationships; and (B) do not seek to change sexual
398 orientation.
399

400 **Position:** Support

401 **Disposition:** Failed deadline, last location was on the Assembly Floor
402

403 ***SB 1125 (Atkins, 2018) – Federally Qualified Health Center and Rural Health Clinic Services***
404

405 This bill would have allowed Medi-Cal reimbursement for a patient receiving medical services at a
406 federally qualified health center or rural health clinic, to receive both medical services and also to
407 obtain mental health services on the same day they receive the medical services.
408

409 **Position:** Support

410 **Disposition:** Vetoed by the Governor

411
412 **AB 1076 (Ting) Criminal Records: Automatic Relief**

413
414 This bill would require the California Department of Justice to automatically seal specified arrest
415 and conviction records that meet certain criteria and timeframes without requiring the individual to
416 petition the court. This bill would also prohibit DOJ from providing any licensing board under the
417 DCA with information on arrests or convictions that have been sealed. Additionally, this bill would
418 prohibit the courts from disclosing any information concerning arrests that were granted relief
419 pursuant to the bill's provisions or convictions that have been granted relief pursuant to multiple
420 code sections, to any entity except for criminal justice agencies and California Department of
421 Social Services licensing programs related to facilities and/or services for the elderly, chronically
422 ill, or child day care. Additionally, this bill would remove the Board's ability to deny an application
423 for licensure based on a conviction, or the acts underlying the conviction, that has received relief
424 under the provisions of AB 1076 by adding it to the other convictions that were provided relief that
425 the Board cannot use pursuant to AB 2138 (Chapter 995, Statutes of 2018).

426 **Position:** Oppose

427 **Disposition:** Pending

428
429
430 **AB 1145 (Garcia, 2019) Child Abuse: Reportable Conduct**

431
432 For the purposes of the Child Abuse Neglect Reporting Act (CANRA), this bill would have revised
433 the definition of sexual assault to no longer include any acts under Penal Code Sections 286
434 (sodomy), 287 (oral copulation) or former Section 288a, and Section 289 (sexual penetration), if
435 committed voluntarily and if there are no indicators of abuse, unless the conduct is between a
436 person 21 years of age or older and a minor who is under 16 years of age.

437
438 **Position:** Support

439 **Disposition:** Failed deadline, last location was on the Assembly Committee on Appropriations

440
441 **SB 53 (Wilk) Open Meetings**

442
443 This bill would modify the Bagley-Keene Open Meeting Act (Bagley-Keene) to require two-
444 member advisory committees of a "state body" to hold open, public meetings if at least one
445 member of the advisory committee is a member of the larger state body, and the advisory
446 committee is supported, in whole or in part, by funds provided by the state body.

447
448 **Position:** Oppose

449 **Disposition:** Pending

450
451 **SB 66 (Atkins) Medi-Cal: Federally Qualified Health Center and Rural Health Clinic Services**

452
453 This bill would allow Medi-Cal reimbursement for a patient receiving both medical and mental
454 health services at a federally qualified health center or rural health clinic on the same day.

455
456 **Position:** Support

457 **Disposition:** Pending

459 **SB 425 (Hill) Health Care Practitioners: Licensee's File: Probationary Physician's and**
460 **Surgeon's Certificate: Unprofessional Conduct**
461

462 This bill would require any health care facility, or other entity that arranges for healing arts
463 licensees to practice or provide care for patients at their institution (such as a college), to report
464 any written allegation of sexual abuse or sexual misconduct made against a healing arts licensee
465 by a patient, or the patient's representative, to the relevant state licensing agency within 15 days
466 of receiving the written allegation. This bill would also require the relevant agency to investigate
467 the circumstances underlying a received report. The bill would require such a report to be kept
468 confidential and not subject to discovery or disclosure, except that it may be reviewed and
469 disclosed in any subsequent disciplinary hearing conducted pursuant to the Administrative
470 Procedure Act. Additionally, the bill would make a willful failure to file the report by a health care
471 facility or other entity punishable by a civil fine not to exceed \$100,000 per violation and any other
472 failure to make that report punishable by a civil fine not to exceed \$50,000 per violation.
473

474 **Position:** Support

475 **Disposition:** Pending

476 **Regulatory Changes**
477

478
479 *Approved Packages*

- 480 • **Verification of Experience Package – Effective October 1, 2017.** This regulatory
481 package amended regulations regarding criteria for the submission of Verification of
482 Experience and Supervision Agreement forms. Specifically, the regulation requires that the
483 Supervision Agreement and Verification of Experience forms be submitted to the Board at
484 the time of application for licensure or registration. This regulatory package also removed
485 the requirement that a training plan be submitted and pre-approved by the Board when a
486 psychological assistant is in a private practice setting.
487
- 488 • **Uniform Standards Related to Substance Abuse and Disciplinary Guidelines –**
489 **Effective January 1, 2017.** In order to implement a 2008 legislation from Senate Bill (SB)
490 1441 (Ridley-Thomas, Chapter 548), which was designated to protect the public by
491 monitoring psychologists (and other healing arts professionals) impaired by drug or alcohol
492 abuse, the Board promulgated regulations which became effective January 1, 2017. The
493 Board now utilizes the revised disciplinary guidelines entitled "Disciplinary Guidelines and
494 Uniform Standards Related to Substance Abusing Licensees" (4/15), which have been
495 incorporated into section 1397.12 (renumbered to 1395.2) of Title 16 of the California Code
496 of Regulations (CCR). The new Guidelines are used when considering discipline against a
497 substance abusing licensee and clarified and restructured existing guidelines used when
498 considering disciplinary action.
499
- 500 • **Filing of Addresses – Effective July 1, 2016.** This regulatory package requires a licensee
501 to provide a physical address if their current address of record is a P.O. Box. This
502 regulatory package also requires licensees to report their electronic mailing address (if they
503 have one) and report any address of record changes to the Board within 30 days.
504
505
506
507
508
509

510 **Current Regulatory Packages**

511 In this section, “Initial Departmental Review” means review by the following entities:

- 513 • DCA Legal Affairs Division
- 514 • DCA Budget Office
- 515 • DCA Division of Legislative Affairs
- 516 • DCA Deputy Director of Legal Affairs
- 517 • DCA Director
- 518 • Secretary of Business, Consumer Services, and Housing Agency

519 Update on 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants

520 Preparing Regulatory Package	521 Initial Departmental Review	522 Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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523 The purpose of this proposed regulatory language is to conform to statutory changes, 524 implementing the requirement that the person responsible for the initial registration, the 525 registration renewal, and any changes in the registration status, is the psychological assistant, 526 not the employer and/or primary supervisor. 527

528 **This package is in the Initial Departmental Review Stage.**

529 Addition to 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological Assistant 530 Registration and Reactivating A Psychological Assistant Registration

531 Preparing Regulatory Package	532 Initial Departmental Review	533 Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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534 16 CCR section 1391.1 limits the period of a psychological assistant registration to a cumulative 535 total of six years (72 months). The period of registration counts towards the six-year limitation as 536 long as the psychological assistant is holding a current registration. Currently, there is no 537 mechanism available to place a registration on hold. This regulatory package would create an 538 “inactive” status for registered psychological assistants that would be similar to the “inactive” 539 status currently available for a psychologist licensee who is not engaging in the practice of 540 psychology. 541

542 **Staff is currently preparing this regulatory package and will submit it to Board Legal Counsel 543 upon completion.** 544

545 Update on 16 CCR Section 1396.8 – Standards of Practice for Telehealth

546 Preparing Regulatory Package	547 Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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548 The Board regulates licensed psychologists, registered psychological assistants, and registered 549 psychologists, all of whom are entitled to provide psychological services in California. BPC 550 Section 2920.1 states that protection of the public shall be the highest priority for the Board in 551 exercising its licensing, regulatory, and disciplinary functions. BPC Sections 2290.5 and 2904.5 552 allow licensees of the Board to provide psychological health care services via telehealth. BPC 553

Section 2930 authorizes the Board to adopt regulations as may be necessary to enable the Board to effectuate the Psychology Licensing Law. This regulatory package would add 16 CCR section 1396.8 to establish standards of practice for providing services via telehealth by licensed California psychologists and psychology trainees.

This package is in the Initial Departmental Review Stage.

Update on 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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Senate Bill (SB) 1193 (Hill) (Chapter 484, Statutes of 2016) was signed by Governor Brown on September 22, 2016. This bill added BPC Section 2988.5, effective January 1, 2017, which gives the Board the authority to issue a retired license to a psychologist who holds a current license issued by the Board. Although SB 1193 gave the Board the statutory authority to issue retired licenses, it does not specify the provisions and procedures for obtaining such a license status. The purpose of this regulatory language is to specify the requirements for obtaining and maintaining a psychologist license in retired status.

This package is in the Initial Departmental Review Stage.

Update on 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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Currently, the Board requires all licensees to accrue 36 hours of continuing education, including nine hours of live or live-interactive CE, each renewal cycle in order to maintain their license. This regulatory package would replace the current continuing education model with a broader Continuing Professional Development (CPD) model. This model will consist of fourteen continuing professional development activities grouped under four different categories. The four categories and fourteen learning activities include:

- 1) Professional (Peer Consultation, Practice Outcome Monitoring, Professional Activities, Conferences/Conventions, Examination Functions)
- 2) Academic (Academic Courses, Academic Instruction, Supervision, Publications)
- 3) Sponsored Continuing Education Coursework including Independent/Online Learning, and
- 4) Board Certification from the American Board of Professional Psychology (ABPP).

This package is in the Initial Departmental Review Stage.

Update on 16 CCR Sections 1394, 1395, 1395.1, 1392 – Substantial Relationship Criteria, Rehabilitation Criteria for Denials and Reinstatements, Rehabilitation Criteria for Suspensions and Revocations

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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As required under AB 2138 (Chapter 995, Statutes of 2018), the Board proposes to amend sections 1394, 1395, and 1395.1 of article 7 of division 13.1 of title 16 of the CCR to adhere to these mandates and revise its “substantial relationship” criteria and “rehabilitation” criteria for denials and reinstatements, and suspension and revocations.

This package is in the Initial Departmental Review Stage.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

The Board has not conducted any major studies since the last Sunset Review.

5. List the status of all national associations to which the board belongs.

- **Does the board’s membership include voting privileges?**

Association of State and Provincial Psychology Boards (ASPPB)

The Board is currently a member of the ASPPB. This organization includes state, provincial, and territorial agencies responsible for the licensure and certification of psychologists throughout the United States (U.S.) and Canada. Currently, the psychology boards of all 50 states of the U.S., the District of Columbia, the U.S. Virgin Islands, Puerto Rico, Guam, and all 10 provinces of Canada are members of ASPPB. This membership includes voting privileges; however, attendance is required to exercise voting privileges in this association.

Council on Licensure, Enforcement and Regulation (CLEAR)

CLEAR is an association of individuals, agencies and organizations that comprise the international community of professional and occupational regulation, providing a forum for improving the quality and understanding of regulation to enhance public protection. The Board’s membership is part of a Department of Consumer Affairs (DCA) organizational membership and does come with voting privileges represented by a single organization vote.

- **List committees, workshops, working groups, task forces, etc., on which board participates.**

ASPPB

The Board's Executive Officer is a standing member of ASPPB's Board Administrators and Regents Committee (BARC).

CLEAR

None.

- **How many meetings did board representative(s) attend? When and where?**

ASPPB

ASPPB conducts its Annual Meeting of Delegates in October of each year, and its Midyear Meeting in April of each year. Unfortunately, due to budget constraints, since the last Sunset Review, the Board has only been approved to participate in two of the last eight meetings. The meetings attended were in April 2018 in Savannah, Georgia and April 2019 in Santa Fe, New Mexico. Additionally, the Board attended the ASPPB Board of Director’s luncheon meeting in San Francisco, CA in August 2018.

CLEAR

None.

- 650
651 • **If the board is using a national exam, how is the board involved in its development,**
652 **scoring, analysis, and administration?**
653

654 ASPPB is the owner and developer of the national licensing examination in psychology, the
655 Examination for Professional Practice in Psychology (EPPP). Although the Board is not directly
656 involved in the development and scoring of this examination, as a member of ASPPB, the
657 Board's delegate can provide feedback and raise jurisdictional concerns to inform the
658 development of future forms of the examination, when approved to attend the Annual or
659 Midyear meetings. The Board contracts with ASPPB for the administration of the examination.
660 The passing score for the EPPP in California is established by regulation. Currently, the Board
661 applies a scaled score of 500 as recommended by ASPPB. The Board utilizes the services of
662 the Department of Consumer Affairs' (DCA) Office of Professional Examination Services to
663 conduct an audit of the national examination every seven years. The purpose of the audit is to
664 determine whether the examination meets the professional guidelines and technical standards
665 outlined in the Standards for Educational and Psychological Testing (Standards) and the
666 California Business and Professions Code (BPC) Section 139. The ASPPB conducts a
667 complete occupational analysis every seven to ten years. Its last occupational analysis was
668 completed in 2017.
669
670

671 **Section 2 –** 672 **Performance Measures and Customer Satisfaction Surveys**

- 673
674 **6. Provide each quarterly and annual performance measure report for the board as published**
675 **on the DCA website.**
676

677 See attached quarterly and annual performance measure reports in Section 12, Attachment D.
678 The reports are available on the DCA website and are current through FY 2017/18.
679

- 680 **7. Provide results for each question in the board's customer satisfaction survey broken down**
681 **by fiscal year. Discuss the results of the customer satisfaction surveys.**
682

683 See attached licensing customer satisfaction survey data broken down by fiscal year in section
684 [Section 12 and Attachment E].
685

686 In the last four fiscal years, a total of 631 surveys were received by the Board:
687

688 The majority of customers first contacted the Board's Licensing/Registration Unit through its
689 website/email. Over 50 percent of customers rated the ability of the analysts to address their
690 questions or concerns, staff persons' courteousness and professionalism, and the timeliness of
691 the response received at "Very Good" or above.
692

693 In FY 2015/16 and FY 2016/17, 75 percent of the survey responses were received from
694 registration applicants while in FY 2017/18 and 2018/19, 85 percent of responses were received
695 from licensure applicants.
696

697 Despite the difference in the type of applicants, over 55 percent of the respondents rated the level
698 of ease to complete the application at "Very Good" or above, and over 60 percent reported that
699 their applications were processed in a timely manner. Between 46 and 59 percent of respondents
700 reported being contacted in a timely manner regarding any deficiencies in their application, and

701 over 65 percent of them rated the courteousness, helpfulness and responsiveness of the staff
 702 person processing the application at “Very Good” or above. The overall average ratings for the
 703 last four fiscal years are provided below:
 704

	Level of Ease to Complete Application	Courteousness, Helpfulness and Responsiveness of Staff
Excellent	30%	56%
Very Good	32%	15%
Good	19%	8%
Fair	9%	7%
Poor	5%	8%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

	Application was Processed in a Timely Manner	Contacted in a Timely Manner regarding Application Deficiencies
Yes	72%	52%
No	23%	18%
Not Applicable	N/A	26%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

706 The percentage of online applications for licensure nearly doubled from FY 2015/16 (26 percent)
 707 to FY 2016/17 (50 percent), and roughly half of the respondents reported applying online for
 708 licensure during FY 2017/18 (42 percent) and FY 2018/19 (47 percent).
 709

710 Regarding the examination processes, nearly half of the respondents rated their experience with
 711 the examination vendor, Pearson VUE, and their scheduling process to sit for the Examination for
 712 Professional Practice of Psychology (EPPP), at “Very Good” or above in FY 2015/16 (46 percent)
 713 and FY 2016/17 (41 percent). An increase in respondents providing a “Very Good” or above rating
 714 was reported in FY 2017/18 (53 percent) and FY 2018/19 (54 percent). Some respondents also
 715 rated the experience with the examination vendor, Psychological Services, Inc., and their
 716 scheduling process for the California Psychology Laws and Ethics Examination (CPLEE) at “Very
 717 Good” or above in FY 2015/16 (46 percent) and in FY 2016/17 (32 percent); an increasing trend of
 718 a “Very Good” or above rating was reported in FY 2017/18 (57 percent) and FY 2018/19 (63
 719 percent). The overall average ratings of the experience with the examination vendors and their
 720 respective scheduling process for the last four fiscal years are provided below:
 721
 722

	Experience with Pearson VUE & Scheduling Process for EPPP	Experience with Psychological Services, Inc. & Scheduling Process for CPLEE
Excellent	28%	28%
Very Good	21%	23%
Good	11%	9%
Fair	4%	5%
Poor	2%	5%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

723 The Board received a “Very Good” or above rating on the overall experience with the
 724 Licensing/Registration Unit from 54 percent to 70 percent of the applicants over the last four fiscal
 725 years.
 726

727 In addition, 139 additional comments were provided over the last four fiscal years. The Board
 728 received 57 positive responses regarding the professionalism and helpfulness of staff. Forty-nine
 729

respondents experienced long processing times in the review of additional documents and response times relating to applications. A small number of respondents experienced difficulties with the BreZE system and would like to have the option for all examinations and licensure applications to be available online. Some also felt that the Board is understaffed which is what contributed to the long processing and response times.

Section 3 – Fiscal and Staff

Fiscal Issues

8. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

The Board’s fund is not continuously appropriated.

9. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.

The Board is authorized to spend \$5,231,000 including \$402,000 direct to fund charges and projects to collect \$4,219,000 in 2019/20. The budget is structurally out of balance with a current reserve level of 20.4 months, which is slowly decreasing based on the structural imbalance.

The Board is in compliance with BPC Section 128.5 by ensuring its reserves do not exceed more than its operating budget for the next two fiscal years.

10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

Based on the latest fund condition analysis provided by the DCA, the Board is projected to have a fund condition by 2024/25 that would necessitate a fee increase should the projection be realized. If a fee increase is required, the Board has authority to seek a regulatory change to implement the increase.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Beginning Balance	\$5,237	\$4,777	\$4,297	\$3,399	\$7,557	\$9,843
Revenues and Transfers	\$4,150	\$4,337	\$4,328	\$4,404	\$4,219	\$4,287
Total Revenue	\$9,387	\$9,114	\$8,625	\$13,208	\$15,476	\$14,130
Budget Authority	\$4,984	\$4,989	\$5,158	\$5,341	\$5,231	\$5,388*
Expenditures	\$4,658	\$4,585	\$4,919	\$5,290	\$5,231*	\$5,388*
Direct to Fund charges	\$8	\$232	\$307	\$361	\$402*	\$402*
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$1,605	\$3,700**	\$0
Loans Repaid from General Fund	\$0	\$0	\$0	\$3,800	\$3,700	\$0

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Fund Balance	\$4,721	\$4,297	\$3,399	\$7,557	\$9,843	\$8,340
Months in Reserve	11.8	9.9	7.2	16.1	20.4	16.8

*Projected figures

**Interest payment amount pending report from DCA Budget Office

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

A loan of \$5.0 million was made from the Board to the General Fund in Fiscal Year (FY) 2002/03, \$3.8 million was repaid to the Board in FY 2018/19, and \$1.2 million is scheduled for repayment in FY 2019/20. An interest payment of \$1.605 million was repaid to the Board in FY 2018/19. A loan of \$2.5 million was made from the Board to the General Fund in FY 2008/09 and is scheduled for repayment in FY 2019/20.

12. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

As of FY 2018/19, the Board operated on a budget of \$5.3 million, with approximately 33 percent of its budget devoted to enforcement activities, 24 percent to examination and licensing functions, 25 percent to administration, and 18 percent to DCA pro rata costs.

Table 3. Expenditures by Program Component								(list dollars in thousands)	
	FY 2015/16		FY 2016/17		FY 2017/18**		FY 2018/19**		
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	
Enforcement	\$612	\$1,527	\$664	\$1,389	\$669	\$1,394	\$739	\$1,007	
Examination	\$0	\$132	\$0	\$138	\$0	\$71	\$0	\$298	
Licensing	\$812	\$344	\$976	\$264	\$697	\$228	\$770	\$215	
Administration*	\$438	\$148	\$470	\$103	\$957	\$281	\$1,051	\$265	
DCA Pro Rata	\$0	\$780	\$0	\$770	\$0	\$857	\$0	\$939	
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
TOTALS	\$1,862	\$2,931	\$2,110	\$2,664	\$2,323	\$2,831	\$2,560	\$2,724	

*Administration includes costs for executive staff, board, administrative support, examination personnel, and fiscal services.

**Figures are projected.

13. Describe the amount the board has contributed to the BreZE program. What are the anticipated BreZE costs the board has received from DCA?

Through FY 2017/18, the Board has paid \$1,068,689 for the BreZE system. The Board is projected to spend \$206,000 towards BreZE in FY 2018/19 and \$160,000 in FY 2019/20.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

Licensed psychologists renew their licenses biennially. Psychological assistants renew annually. There have been no changes to the renewal cycle in the last 10 years; however, effective January 1, 2016, the renewal cycle for licensed psychologists changed to two years from the date of issuance. Previously, licenses expired at 12 midnight of the last day of the month of the birthdate of the licensee during the second year of a two-year term and biennially thereafter.

- Effective January 1, 2013, the psychology license renewal fee was \$420, with the following breakdown in fees:
 - \$400 (16 CCR section 1392(e))
 - \$10 (BPC Section 2987.2)
 - \$10 (16 CCR section 1397.69)
- Since July 1, 2018, the psychology license renewal fee is \$430, with the following breakdown in fees:
 - \$400 (16 CCR section 1392(e))
 - \$20 (BPC Section 2987.2)
 - \$10 (16 CCR section 1397.69)
- Effective January 1, 2018, the Delinquent Renewal for Psychologists changed from \$25 to \$150 and the Delinquent Renewal for Psychological Assistants changed from \$25 to \$20.

Table 4. Fee Schedule and Revenue								(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	% of Total Revenue	
LICENSING FEES								
Application Fee – Psychologist BPC § 2987/16 CCR § 1392	\$40	\$50	\$58	\$55	\$59	\$61	1%	
Application Fee – Psych Assistant BPC § 2987/16 CCR § 1392.1	\$40	\$75	\$41	\$35	\$31	\$30	1%	
Initial License Fee – Psychologist BPC § 2987/16 CCR § 1392	\$400	\$500	\$401	\$334	\$362	\$346	8%	
California Psychology Laws and Ethics Examination (CPLEE) BPC § 2987/16 CCR § 1392	\$129	Actual Cost to Board	\$156	\$144	\$157	\$170	4%	
CE Evaluation Fee BPC § 2915(j)/16 CCR § 1397.69	\$10	\$10	\$81	\$87	\$78	\$85	2%	
Biennial Renewal Fee – Psychologist BPC § 2987	\$400	\$500	\$3,197	\$3,439	\$3,301	\$3,416	78%	
Inactive License (Psychologists) BPC § 2987/16 CCR § 1392	\$40	\$40	\$50	\$58	\$58	\$55	1%	
Annual Renewal Fee – Psychological Assts BPC § 2987/16 CCR § 1392.1	\$40	\$75	\$34	\$36	\$36	\$33	1%	

Table 4. Fee Schedule and Revenue								(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	% of Total Revenue	
Delinquent Fee – Psychologist BPC § 2987	\$150	\$150*	\$11	\$12	\$23	\$34	1%	
Delinquent Inactive Renewal Fee – Psychologists BPC § 2987	\$20	50% of Renewal Fee	\$0	\$0	\$2	\$4	<1%	
Delinquency Fee – Psychological Assts BPC § 2987	\$20	50% of Renewal Fee	\$1	\$1	\$1	\$1	<1%	
LICENSING FEES (cont.)								
Duplicate License Fee BPC § 2987	\$5	\$5	\$3	\$3	\$8	\$5	<1%	
Certification / Letter of Good Standing	\$5	\$5	\$2	\$2	\$2	\$2	<1%	
FINES & PENALITIES								
Citations & Fines BPC § 125.9/16 CCR § 1397.51	Varies	\$5,000	\$58	\$64	\$148	\$53	1%	
Franchise Tax Board Cite Fine Collection	Varies	N/A	\$0	\$0	\$3	\$1	<1%	
OTHER								
Income from Surplus Money Investment	Variable	N/A	\$24	\$38	\$40	\$68	2%	
Suspended Revenue	Variable	N/A	\$32	\$21	\$19	\$23	1%	
Over/Short Fees	Variable	N/A	\$1	\$0	\$0	\$0	<1%	
Miscellaneous**	Variable	N/A	\$1	\$1	\$4	\$1	<1%	

*B&P 2987 mandates the delinquent fee be 50% of the renewal fee up to \$150.

**Includes sales of publications, cancelled warrants revenue and dishonored check fee.

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

The Board of Psychology submitted three BCPs in the past four fiscal years.

In FY 2016/17, the Board received position authority for one Program Technician (PT) II position to address increased workload associated with new cashiering and mail processing responsibilities.

In FY 2017/18, the Board received position authority for one Staff Services Manager I (SSM I) and one Staff Services Manager II (SSM II). This BCP was related to a major reorganization in the Board's internal structure, which has allowed the Board to establish a more effective organizational structure with a Licensing Unit, Enforcement Unit, and Central Services Unit.

In FY 2019/20, the Board received position authority for one Associate Governmental Program Analyst (AGPA) in its Enforcement Unit. This AGPA has helped manage the increasing complaint volume.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year*	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-026	2015/16	PT II performs increased workload in mail processing and new cashiering duties.	1.0 PT II	1.0 PT II	\$0	\$0	\$0	\$0
1111-012	2016/17	Transition temporary SSM II and SSM I to permanent status.	1.0 SSM II 1.0 SSM I	1.0 SSM II 1.0 SSM I	\$0	\$0	\$0	\$0
1111-002	2018/19	Transition temporary Enforcement Analyst to permanent status.	1.0 AGPA	1.0 AGPA	\$0	\$0	\$0	\$0

*Fiscal Year in which BCP was submitted

Staffing Issues

16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The Board continues to monitor staffing issues and challenges by evaluating program data to identify staffing resource needs. The Board has experienced difficulty in recruiting and retaining qualified staff at the administrative level (e.g., Program Technician and Office Technician) due to the eligibility requirements established by CalHR. As a result, this has extended the recruitment timelines for these classifications, which in turn has had a detrimental effect on Board resources during lengthy vacancies. Otherwise, the Board has not experienced difficulties filling vacancies with qualified candidates.

The Board engaged the services of Cooperative Personnel Services (CPS) Human Resource Consulting to perform a training needs assessment and succession plan evaluation. CPS identified the training needs of all staff and provided a succession planning manual.

17. Describe the board's staff development efforts and how much is spent annually on staff development.

In addition to on-the-job training and cross-training measures, the Board utilizes the DCA's Strategic Organization, Leadership, and Individual Development (SOLID) for staff development purposes. SOLID provides a wide variety of options for staff to consider when seeking or recommending developmental opportunities.

In addition to SOLID, Board staff has participated in developmental opportunities offered by such entities as CPS, CalHR, Office of Administrative Law (OAL), and Council on Licensure, Enforcement, and Regulation (CLEAR), in the following amounts:

Expenditures	2015/16	2016/17	2017/18	2018/19 ⁸⁶⁹
Staff Training	\$1,143	\$620	\$840	\$4,870

Section 4 – Licensing Program

18. What are the board’s performance targets/expectations for its licensing² program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

Previously, the Board’s processing goals were established pursuant to 16 CCR section 1381.6, as follows:

Type of application:	Maximum time for notification
Licensed Psychologist:	60 days
Registered Psychologist:	60 days
Registered Psychological Assistant:	180 days

16 CCR section 1381.6 was repealed in 2018. The Board is meeting program expectations. The Board’s current timeframes for initial application review and notification (identify deficiencies or next steps) to the applicant are as follows:

Type of application:	# of business days*
Licensed Psychologist:	25 days
Registered Psychologist:	19 days
Registered Psychological Assistant:	8 days

*Data as of August 29, 2019

19. Describe any increase or decrease in the board’s average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Over the past three fiscal years, the Board has observed a slight increase in the average time to process complete applications and a significant increase in the average time to process incomplete applications. Additionally, the number of pending applications has outpaced completed applications over the last three fiscal years. The Board made enhancements to the BreZE system to more accurately reflect the actual number of pending applications in early 2019, and the number of pending applications appears to exceed that of completed applications by 14 percent

² The term “license” in this document includes a license certificate or registration.

for licensure and registration. The number of pending applications for examinations also exceeds that of completed applications on an average of 13 percent.

While the Board has maintained reasonable application processing timeframes, the Board aims to identify any performance barriers in the licensing process through the Organizational Change Management (OCM) process.

The Board has developed the following improvement plans:

- Pathways to Licensure – The Board has conducted a comprehensive review of its statutes and regulations addressing how licensure can be obtained. Amendments identified will remove barriers to licensure and program inefficiencies in the steps to licensure. The Board will be pursuing statutory and regulatory changes to accomplish this goal.
- OCM – The Board will be working with the Department of Consumer Affairs (DCA) through OCM to identify and evaluate program and process efficiencies.
- Once the review with OCM is complete, the Board will submit a BCP to seek authorized positions to improve performance.

20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population					
License Type	License Status	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Psychologist	Active	17,434	17,828	18,255	18,719
	Delinquent	1,023	1,062	1,144	1,146
	Retired	N/A	N/A	N/A	N/A
	Out of State***	N/A	N/A	N/A	N/A
	Out of Country***	N/A	N/A	N/A	N/A
Registered Psychologist	Active	262	232	177	129
	Delinquent**	N/A	N/A	N/A	N/A
	Retired	N/A	N/A	N/A	N/A
	Out of State*	N/A	N/A	N/A	N/A
	Out of Country*	N/A	N/A	N/A	N/A
Psychological Assistant	Active	1,580	1,442	1,355	1,378
	Delinquent	95	78	100	87
	Retired	N/A	N/A	N/A	N/A
	Out of State*	N/A	N/A	N/A	N/A
	Out of Country*	N/A	N/A	N/A	N/A

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.
 *Registered Psychologists and Psychological Assistants are not registered outside of California.
 **Registered Psychologists do not renew so there is no delinquent status
 ***Licensed Psychologists who reside outside of California hold the same active or inactive status code as those who are located in California. Therefore, BreEZe does not distinguish this data.

Table 7a. Licensing Data by Type

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, IF unable to separate out
FY 2016/17	(Exam)**	2,617	2,347	N/A	N/A	320	-	-	N/A	N/A	N/A
	(License)***	2,416	1,735	N/A	1,735	2,949	-	-	24	41	N/A
	(Renewal)	9,626	9,327	N/A	9,327	N/A	-	-	N/A	N/A	N/A
FY 2017/18	(Exam)**	2,818	2,523	N/A	N/A	408	-	-	N/A	N/A	N/A
	(License)***	2,322	1,687	N/A	1,687	3,072	-	-	36	62	N/A
	(Renewal)	9,975	9,520	N/A	9,520	N/A	-	-	N/A	N/A	N/A
FY 2018/19	(Exam)**	2,816	2,437	N/A	N/A	404	-	-	N/A	N/A	N/A
	(License)***	2,361	1,616	N/A	1,616	1,840****	-	-	35	87	N/A
	(Renewal)	9,970	9,838	N/A	9,838	N/A	-	-	N/A	N/A	N/A

* Optional. List if tracked by the board.
 ** Exam applications include initial EPPP and CPLEE applications.
 *** License applications include Initial Application for Licensure across all three types of license and registrations (psychologist, registered psychological assistant and registered psychologist).
 **** In early 2019, a data patch closed invalid Initial Application for Psychology Licensure to align with 16 CCR section 1381.4, which resulted in a lower but more accurate number of pending Initial Applications for Psychology Licensure compared to previous fiscal years.

932

Table 7b. Total Licensing Data

	FY 2016/17	FY 2017/18	FY 2018/19
Initial Licensing Data:			
Initial Exam Applications Received**	2,617	2,818	2,816
Initial Exam Applications Approved**	1,735	1,687	1,616
Initial Exam Applications Closed**	N/A	N/A	N/A
License Issued***	1,735	1,687	1,616
Initial License/Initial Exam Pending Application Data:****			
Pending Applications (total at close of FY)	320	408	404
Pending Applications (outside of board control)*	N/A	N/A	N/A
Pending Applications (within the board control)*	N/A	N/A	N/A
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):****			
Average Days to Application Approval (All - Complete/Incomplete)	29	31	40
Average Days to Application Approval (incomplete applications)*	46	58	81
Average Days to Application Approval (complete applications)*	23	26	34
License Renewal Data:			
License Renewed	9,327	9,520	9,838

Note: The values in Table 7b are the aggregates of values contained in Table 7a.

* Optional. List if tracked by the board.
 ** Exam applications include initial EPPP and CPLEE applications.
 *** License issued includes approved Initial Application for Licensure across all three types of license (psychologist, registered psychological assistant and registered psychologist).
 **** This reflects only initial examination data. Exam Cycle Time Data includes only CPLEE applications

933
934 **21. How many licenses or registrations has the board denied over the past four years based on**
935 **criminal history that is determined to be substantially related to the qualifications,**
936 **functions, or duties of the profession, pursuant to BPC Section 480? Please provide a**
937 **breakdown of each instance of denial and the acts the board determined were substantially**
938 **related.**
939

940 Denials based on criminal history:

- 941 • FY 2015/16: 5
- 942 • FY 2016/17: 5
- 943 • FY 2017/18: 6
- 944 • FY 2018/19: 2

945
946 Circumstances based on applicant:

- 947 • FY 2015/17
 - 948 ○ Applicant 1 denied based on conviction(s) of: DUI convictions (2)
 - 949 ○ Applicant 2 denied based on conviction(s) of: DUI convictions (2)
 - 950 ○ Applicant 3 denied based on conviction(s) of: DUI convictions (2)
 - 951 ○ Applicant 4 denied based on conviction(s) of: DUI convictions (3)
 - 952 ○ Applicant 5 denied based on conviction(s) of: DUI convictions (2)
- 953
- 954 • FY 2016/17
 - 955 ○ Applicant 1 denied based on conviction(s) of: DUI, fighting in public, and driving with a
 - 956 suspended license
 - 957 ○ Applicant 2 denied based on conviction(s) of: Felony making a false statement
 - 958 ○ Applicant 3 denied based on conviction(s) of: DUI, disorderly conduct, public
 - 959 intoxication, improper lane change, and hit and run
 - 960 ○ Applicant 4 denied based on conviction(s) of: DUI
 - 961 ○ Applicant 5 denied based on conviction(s) of: Indecent exposure, disturbing the peace,
 - 962 and battery
- 963
- 964 • FY 2017/18
 - 965 ○ Applicant 1 denied based on conviction(s) of: Driving with a suspended license,
 - 966 providing false identity to a peace officer, and felony false evidence
 - 967 ○ Applicant 2 denied based on conviction(s) of: Petty theft, fictitious checks, and felony
 - 968 grand theft
 - 969 ○ Applicant 3 denied based on conviction(s) of: Contributing to the delinquency of a minor
 - 970 ○ Applicant 4 denied based on conviction(s) of: DUI, and reckless driving
 - 971 ○ Applicant 5 denied based on conviction(s) of: DUI, and reckless driving
 - 972 ○ Applicant 6 denied based on conviction(s) of: Felony medical fraud
- 973
- 974 • FY 2018/19
 - 975 ○ Applicant 1 denied based on conviction(s) of: Theft by swindle
 - 976 ○ Applicant 2 denied based on conviction(s) of: DUI, trespassing, prostitution, and wet
 - 977 and reckless
- 978
- 979
- 980
- 981
- 982
- 983

984
985 **22. How does the board verify information provided by the applicant?**
986

- 987 **a. What process does the board use to check prior criminal history information, prior**
988 **disciplinary actions, or other unlawful acts of the applicant? Has the board denied any**
989 **licenses over the last four years based on the applicant’s failure to disclose information**
990 **on the application, including failure to self-disclose criminal history? If so, how many**
991 **times and for what types of crimes (please be specific)?**
992

993 **Process**

994 The Board requires every applicant for a registration or license to be fingerprinted for a criminal
995 history background check. Once the applicant has completed the fingerprinting process, the
996 Department of Justice (DOJ)/Federal Bureau of Investigation (FBI) provides the background
997 information directly to BreEZe. Authorized Board staff retrieve the applicant's background
998 report. Applicants with a clear criminal history report continue with the application review
999 process. Applicants with a conviction history are requested to provide court certified
000 documentation regarding the arrest and the conviction. Enforcement staff review the criminal
001 history documentation to determine if the conviction is substantially related to the practice of
002 psychology. If a substantial relationship exists, the application may be denied.
003

004 Prior to the issuance of a license or registration, Board staff check BreEZe to determine if any
005 disciplinary action has been filed against the applicant by another DCA entity. Additionally, the
006 Board accesses the ASPPB Disciplinary Data Bank to determine if an applicant has ever been
007 disciplined by another jurisdiction.
008

009 Once an applicant is licensed or registered, the Board receives subsequent arrest information
010 from the DOJ via a secure portal. Staff checks the secure portal daily for subsequent arrest or
011 conviction records and forwards any applicable records to the Board's Enforcement Unit for
012 further review.
013

014 **Denials**

015 The Board has denied licensure applications over the last four years based on the applicant’s
016 failure to disclose information on the application, including failure to self-disclose criminal
017 history.
018

- 019 • FY 2015/16: 1
 - 020 • FY 2016/17: 1
 - 021 • FY 2017/18: 2
 - 022 • FY 2018/19: 0
- 023

- 024 **b. Does the board fingerprint all applicants?**
025

026 Every applicant for a license or registration must complete the fingerprint process.
027

- 028 **c. Have all current licensees been fingerprinted? If not, explain.**
029

030 Since the last Sunset Review, the Board identified individuals who did not have fingerprint
031 results on file and required them to be fingerprinted. All current and active licensees are in
032 compliance with the fingerprint requirement.
033

034 **d. Is there a national databank relating to disciplinary actions? Does the board check the**
035 **national databank prior to issuing a license? Renewing a license?**
036

037 The ASPPB maintains a national databank of disciplinary actions taken against licensees in
038 every state, Canadian province, and U.S. territory. Licensing staff conducts a manual check of
039 the databank for each of its applicants prior to the issuance of every license or registration.
040 Renewing licensees and registrants are required to disclose on their renewal application,
041 under penalty of perjury, whether or not, since their last renewal, they have had any license
042 disciplined by a government agency or other disciplinary body.
043

044 The Board does not check the national databank for disciplinary action as a condition of
045 renewal; however, the Board does cross-reference data from the ASPPB for out-of-state
046 discipline on a quarterly basis for all licensees.
047

048 **e. Does the board require primary source documentation?**
049

050 The Board requires primary source verification for the following:

- 051 • Official transcripts
- 052 • Verification of supervised professional experience
- 053 • Certified court-related documents
054

055 **23. Describe the board's legal requirement and process for out-of-state and out-of-country**
056 **applicants to obtain licensure.**
057

058 **Out-of-State**

059 BPC Section 2914(b) requires each applicant for licensure to possess a doctoral degree in
060 psychology, educational psychology, or in education with a field of specialization in counseling
061 psychology or educational psychology from a regionally accredited educational institution in
062 the U.S. or Canada, or from an educational institution in California that is approved by the
063 Bureau for Private Postsecondary Education (BPPE).
064

065 Pursuant to changes made from the Board's last sunset review (SB 1193, Chapter 484,
066 Statutes of 2016), the following educational requirements apply for those enrolled or who
067 graduated from a BPPE approved school:

- 068 • Applicants for licensure that are enrolled as of December 31, 2016, in a doctoral
069 program in psychology, educational psychology, or education with a field of
070 specialization in counseling psychology or educational psychology at a nationally
071 accredited institution, or an approved institution that meets the requirements of Section
072 2914 (h), will be able to apply for licensure at any time, and this requirement will not
073 apply.
- 074 • Applicants for licensure that enroll in a doctoral program on or after January 1, 2017, in
075 psychology, educational psychology, or education with a field of specialization in
076 counseling psychology or educational psychology at a nationally accredited institution,
077 or an approved institution that meets the requirements of Section 2914 (h), will need to
078 meet the requirements for and apply for licensure on or before December 31, 2019.
- 079 • Applicants for licensure that apply on or after January 1, 2020, must possess an earned
080 doctorate degree in psychology, educational psychology, or education with the field of
081 specialization in counseling psychology or educational psychology from a college or
082 institution of higher education that is accredited by a regional accrediting agency
083 recognized by the U.S. Department of Education.

084
085 BPC Section 2914(c) also requires each applicant to have engaged for at least two years in
086 supervised professional experience under the direction of a licensed psychologist. 16 CCR
087 Section 1387.4(a) requires that all out-of-state supervised professional experience be
088 supervised by a psychologist licensed at the doctoral level in the State, U.S. territory or
089 Canadian province in which the experience is taking place, in compliance with all laws and
090 regulations of the jurisdiction in which the experience was accrued, and in substantial
091 compliance with all the supervision requirements of section 1387. SPE can be accrued at a
092 U.S. military installation so long as the experience is supervised by a qualified psychologist
093 licensed at the doctoral level in the U.S. or Canada.

094
095 16 CCR section 1388(b) sets forth the examination requirements for all applicants for
096 licensure. The licensing examination shall consist of the EPPP, and the CPLEE.
097

098 16 CCR section 1388.6 sets forth a waiver of the EPPP for applicants for licensure as a
099 psychologist who have been licensed in another state, Canadian province or U.S. territory for
100 at least five years. Although the EPPP is waived under this section, an applicant must file a
101 complete application and meet all current licensing requirements, including payment of any
102 fees, take and pass the CPLEE, and not have been subject to discipline. Those out-of-state
103 applicants who have been licensed for at least five years and who hold a Certificate of
104 Professional Qualification (CPQ) issued by the ASPPB, are credentialed as a Health Service
105 Provider in Psychology by the National Register of Health Service Psychologists, or are
106 certified by the American Board of Professional Psychology (ABPP) are deemed to have met
107 the educational and experience requirements of subdivisions (b) and (c) of BPC Section 2914.
108

109 **Out-of-Country**

110 BPC Section 2914(b) provides that applicants for licensure trained in an educational institution
111 outside the U.S. or Canada shall demonstrate to the satisfaction of the Board that they
112 possess a doctorate degree in psychology that is equivalent to a degree earned from a
113 regionally accredited university in the U.S. or Canada. These applicants must provide the
114 Board with a comprehensive evaluation of their degree by a foreign credential evaluation
115 service that is a member of the National Association of Credential Evaluation Services, and
116 any other documentation the Board deems necessary.
117

118 BPC Section 2914(c) also requires each applicant to have engaged for at least two years in
119 supervised professional experience under the direction of a licensed psychologist. 16 CCR
120 section 1387.4(b) allows for SPE to be accrued at a U.S. military installation so long as the
121 experience is supervised by a qualified psychologist licensed at the doctoral level in the U.S. or
122 Canada. Additionally, section 1387.4(c) provides that supervised professional experience can
123 be accrued in countries outside the U.S. or Canada that regulate the profession of psychology
124 pursuant to the same requirements as set forth in BPC section 2914. Supervision accrued
125 outside the U.S., its territories, or Canada must comply with all the supervision requirements of
126 section 1387, and the burden is on the applicant to provide the necessary documentation and
127 translation that the Board may require to verify the qualification of the experience.
128

129 16 CCR section 1388(b) sets forth the examination requirements for all applicants for
130 licensure. The licensing examination shall consist of the EPPP and the CPLEE.
131
132
133
134

135 **24. Describe the board's process, if any, for considering military education, training, and**
136 **experience for purposes of licensing or credentialing requirements, including college**
137 **credit equivalency.**
138

139 **a. Does the board identify or track applicants who are veterans? If not, when does the**
140 **board expect to be compliant with BPC § 114.5?**
141

142 The Board requires applicants to identify if they have served in the military as required by BPC
143 Section 114.5. Since the last Sunset Review, the DCA added a tracking mechanism in BreZE
144 for the Board to be in compliance with this section.
145

146 **b. How many applicants offered military education, training or experience towards meeting**
147 **licensing or credentialing requirements, and how many applicants had such education,**
148 **training or experience accepted by the board?**
149

150 The Board does not make a distinction between applicants with military education, training or
151 experience from those with education, training or experience accrued in other settings.
152 Supervised professional experience can be accrued at a U.S. military installation if the
153 experience is supervised by a doctoral level psychologist who is licensed in the U.S. or
154 Canada.
155

156 **c. What regulatory changes has the board made to bring it into conformance with BPC §**
157 **35?**
158

159 16 CCR section 1387.4(b) permits supervised professional experience to be accrued at a U.S.
160 military installation so long as the experience is supervised by a qualified psychologist who is
161 licensed at the doctoral level in the U.S. or Canada.
162

163 **d. How many licensees has the board waived fees or requirements for pursuant to BPC §**
164 **114.3, and what has the impact been on board revenues?**
165

166 The Board has received and processed two waivers from renewal fees and continuing
167 education requirements pursuant to BPC Section 114.3 since the last Sunset Review. The
168 fiscal impact of these waivers has been negligible.
169

170 **e. How many applications has the board expedited pursuant to BPC § 115.5?**
171

172 The Board has expedited 125 applications pursuant to BPC Section 115.5 since the last
173 Sunset Review.
174

175 **25. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing**
176 **basis? Is this done electronically? Is there a backlog? If so, describe the extent and**
177 **efforts to address the backlog.**
178

179 The Board sends No Longer Interested (NLI) notifications to DOJ on a regular and ongoing basis.
180 The NLI's are submitted electronically to the DOJ through the DCA BreZE interface. At the
181 current time, there is no known backlog.
182
183
184
185

186
187

Examinations

Table 8. Examination Data		
California Examination (include multiple language) if any:		
	License Type	PSY
	Exam Title	CPLEE
FY 2015/16	# of 1 st Time Candidates	953
	Pass %	98.11%
FY 2016/17	# of 1 st Time Candidates	860
	Pass %	78.02%
FY 2017/18	# of 1 st Time Candidates	899
	Pass %	80.42%
FY 2018/19	# of 1 st time Candidates	918
	Pass %	70.70%
	Date of Last OA	2012
	Name of OA Developer	OPES
	Target OA Date	2019
National Examination (include multiple language) if any:		
	License Type	PSY
	Exam Title	EPPP
FY 2015/16	# of 1 st Time Candidates	694
	Pass %	87.75%
FY 2016/17	# of 1 st Time Candidates	901
	Pass %	69.70%
FY 2017/18	# of 1 st Time Candidates	912
	Pass %	68.20%
FY 2018/19	# of 1 st time Candidates	859
	Pass %	69.27%
	Date of Last OA	2016
	Name of OA Developer	ASPPB
	Target OA Date	2021-2023

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200

26. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

The national examination required for licensure is the EPPP administered by ASPPB, and the California examination required for licensure is the CPLEE, which is administered by the Board. The EPPP is available in French; however, this version is available only to applicants for licensure in Canada.

Pursuant to 16 CCR 1388(h), an applicant for whom English is the applicant's second language may be eligible for additional time when taking the licensing examinations.

201 **27. What are pass rates for first time vs. retakes in the past 4 fiscal years? Are pass rates**
202 **collected for examinations offered in a language other than English?**

203
204 Below are the pass rates for first time vs. retakes in the past four fiscal years:
205

BOARD OF PSYCHOLOGY EXAMINATION PASS RATE OF FIRST TIME VS. RETAKES

Fiscal Year	EPPP				CPLEE			
	Total First Timers	Pass Rate	Total Retakes	Pass Rate	Total First Timers	Pass Rate	Total Retakes	Pass Rate
2015/2016	694	88%	688	23%	953	98%	375	48%
2016/2017	901	70%	587	28%	860	78%	209	62%
2017/2018	912	68%	692	30%	899	80%	269	71%
2018/2019	859	69%	732	28%	918	71%	348	69%

206
207 Neither examination is offered in another language for California examination candidates. No data
208 is collected for pass rates in a language other than English.
209

210 **28. Is the board using computer based testing? If so, for which tests? Describe how it works.**
211 **Where is it available? How often are tests administered?**

212
213 The EPPP and CPLEE are both computer-based examinations. Applicants approved for the EPPP
214 and CPLEE are notified of their eligibility via email by the Board, as well as by the examination
215 vendor. Applicants are instructed to visit a secure website to schedule their examinations. Both
216 examinations are available six days a week at secure testing locations throughout the state. The
217 EPPP is developed and maintained by ASPPB and administered by Pearson VUE at Pearson
218 VUE owned and operated locations. Pearson VUE currently owns 27 examination site locations in
219 California, 283 locations throughout the rest of the U.S. and 24 locations in Canada. The CPLEE
220 is administered by Psychological Services, Inc. There are 19 California examination site locations
221 and 19 out-of-state examination sites. Applicants taking the EPPP are allowed to take the
222 examination four times within a 12-month period. The CPLEE has a new examination version
223 available every three months, making the examination available to candidates four times per year.
224

225 **29. Are there existing statutes that hinder the efficient and effective processing of applications**
226 **and/or examinations? If so, please describe.**

227
228 Since the last Sunset Review, the Board has completed its review of all statutes and regulations
229 that affect the pathways to licensure and registration by identifying sections that create undue
230 barriers and those that are inconsistent with the current training environments, education, and new
231 technologies. The Board will be pursuing legislation, including recommendations made in this
232 report, to address said sections.
233

234 **School approvals**

235
236 **30. Describe legal requirements regarding school approval. Who approves your schools?**
237 **What role does BPPE have in approving schools? How does the board work with BPPE in**
238 **the school approval process?**

239
240 BPC Section 2914(h) requires that until January 1, 2020, an applicant holding a doctoral degree in
241 psychology from an approved institution is deemed to have met the requirements of this section if

both of the following are true: (1) The approved institution offered a doctoral degree in psychology designed to prepare students for a license to practice psychology and was approved by the former Bureau for Private Postsecondary and Vocational Education on or before July 1, 1999; (2) The approved institution has not, since July 1, 1999, had a new location, as described in Section 94823.5 of the Education Code. School approvals are conducted solely by the Bureau for Private Postsecondary Education (BPPE).

Applicants for licensure that apply on or after January 1, 2020, must possess an earned doctorate degree in psychology, educational psychology, or education with the field of specialization in counseling psychology or educational psychology from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the U.S. Department of Education.

31. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The Board does not approve schools and has no authority to do so. There are currently five (5) schools approved by the BPPE that meet the criteria listed above.

32. What are the board's legal requirements regarding approval of international schools?

The Board does not approve international schools. However, BPC Section 2914 provides that an applicant for licensure trained in an educational institution outside the U.S. or Canada shall demonstrate to the satisfaction of the Board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the U.S. or Canada. These applicants must provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services, and any other documentation the Board deems necessary. The Board will be seeking legislation to expand the options and requirements for foreign degree evaluation services to include the National Register of Health Service Psychologists.

Continuing Education/Competency Requirements

33. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

Currently, the Board requires all licensees to accrue 36 hours of continuing education, including nine hours of live or live-interactive CE, each renewal cycle in order to maintain their license. Since the last Sunset Review, the Board has initiated the rulemaking process to implement regulatory changes that would replace the current continuing education model with a broader CPD model. This model will consist of fourteen continuing professional development activities grouped under four different categories. The four categories and fourteen learning activities include:

- 1) Professional (Peer Consultation, Practice Outcome Monitoring, Professional Activities, Conferences/Conventions, Examination Functions)
- 2) Academic (Academic Courses, Academic Instruction, Supervision, Publications)
- 3) Sponsored Continuing Education Coursework including Independent/Online Learning, and
- 4) Board Certification from the American Board of Professional Psychology (ABPP).

292 **a. How does the board verify CE or other competency requirements? Has the Board**
293 **worked with the Department to receive primary source verification of CE completion**
294 **through the Department's cloud?**
295

296 The Board's renewal application requires licensees to self-certify under penalty of perjury that
297 they have met the CE requirements. The Board then conducts random CE audits of licensees
298 renewing each month to verify that the licensees have obtained the required 36 approved
299 hours as certified on their renewal application. While the Board is not working with the
300 Department's cloud-based system, we anticipate the launch of CE audit functionality in the
301 BreEZe system.
302

303 **b. Does the board conduct CE audits of licensees? Describe the board's policy on CE**
304 **audits.**
305

306 The Board conducts random CE audits of its licensees renewing each month. Selected
307 licensees are mailed and emailed an initial audit notice and are given 60 days from the date of
308 the notice to submit CE course certificates to verify completion of the required CE. If the Board
309 does not receive a response within 30 days, a final notice of the audit deadline is mailed to the
310 licensee. If a licensee passes the audit, the licensee is sent a compliance letter.
311

312 **c. What are consequences for failing a CE audit?**
313

314 If a licensee does not submit verification of enough hours or submits certificates that do not
315 meet the Board's requirements, the licensee is sent a deficiency letter and is issued a citation
316 and fine. The citation requires the licensee to comply with an order of abatement to accrue the
317 hours the licensee is deficient, and to pay a fine. Fines range from \$250 to \$2,500 depending
318 on the number of hours short and the number of audits the licensee has previously failed. Any
319 licensee who wants to contest a citation or fine can request an informal conference or an
320 administrative hearing. If the licensee fails to provide any response to the audit, the licensee
321 may be subject to discipline.
322

323 **d. How many CE audits were conducted in the past four fiscal years? How many fails?**
324 **What is the percentage of CE failure?**
325

326 In the past four fiscal years, 2,485 licenses have been audited. Of the 2,485 licensees audited,
327 322 have failed (13%).
328

329 **e. What is the board's course approval policy?**
330

331 Pursuant to 16 CCR section 1397.61(c), the Board recognizes and accepts for continuing
332 education credit courses that are provided by entities approved by:
333

- 334 • American Psychological Association
- 335 • California Psychological Association
- 336 • Association of Black Psychologists
- 337 • California Medical Association / Accreditation Council for Continuing Medical Education
338 (courses must be specifically applicable and pertinent to the practice of psychology)
339
340

341 **f. Who approves CE providers? Who approves CE courses? If the board approves them,**
342 **what is the board application review process?**

343
344 The Board does not approve CE providers or CE courses. CE courses and providers are
345 currently approved by the CE approvers cited above.
346

347 **g. How many applications for CE providers and CE courses were received? How many**
348 **were approved?**

349
350 The Board does not approve CE providers or CE courses; therefore, the Board did not receive
351 any applications.
352

353 **h. Does the board audit CE providers? If so, describe the board's policy and process.**

354
355 The Board does not audit CE providers.
356

357 **i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward**
358 **performance based assessments of the licensee's continuing competence.**

359
360 The Board's effort to revise its CE policy can be seen through its development of the CPD
361 model. Rather than relying entirely on more passive means of demonstrating competency, it
362 includes and encourages that a portion of CPD be earned by performance-based activities. As
363 competency is not a fixed quality, this ensures a more active participation in maintaining
364 competence.
365

366 ASPPB recommended the CPD model and the Board developed and adopted a framework
367 based on this model in order to provide additional avenues for maintaining competence. These
368 additional options are meant to expand the ways licensees can increase their learning and
369 maintain competence and to include avenues for performance-based assessments of
370 licensees' competence. The use of peer consultation is an example of CPD that accomplishes
371 performance-based competency. The Board has initiated the rulemaking process to move
372 forward with the implementation of this model as authorized by statute.
373
374

375 **Section 5 –** 376 **Enforcement Program**

377
378 **34. What are the board's performance targets/expectations for its enforcement program? Is**
379 **the board meeting those expectations? If not, what is the board doing to improve**
380 **performance?**
381

Performance Measure (PM)	Definition	Performance Target
PM 1 Volume	Number of complaints and convictions received.	*
PM 2 Intake	Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.	9 days
PM 3 Intake/ Investigation	Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation).	80 days

Performance Measure (PM)	Definition	Performance Target
PM 4 Formal Discipline	Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline (includes intake, investigation, and transmittal outcome).	540 days
PM 5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**
PM 6 Customer Satisfaction	Consumer satisfaction with the service received during the enforcement process.	***
PM 7 Probation/ Intake	Average number of days from monitor assignment, to date the monitor makes first contact with the probationer.	7 days
PM 8 Probation Violation Response	Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.	10 days
* Complaint volume is counted and not considered a performance measure ** Data not collected *** The DCA-wide average for all participating programs has been between 80-85% since 2015.		

The Board has consistently met all of its performance measures with the exception of Performance Measure 4 (Formal Discipline). The DCA set the performance measure at 540 days; however, this measure includes case involvement outside of the Board's control. For example, cases referred to the Office of the Attorney General and the Office of Administrative Hearings are included in Performance Measure 4 (Formal Discipline). Since the last Sunset Review, the Board has limited the amount of time given to the respondent during settlement negotiations and requested that Accusations/Statement of Issues be filed within 30 days of transmittal to the Office of the Attorney General to improve this performance measure.

35. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board's volume of complaints and arrests has increased by 27% since the last Sunset Review. Over the past four fiscal years, the Board received the largest number of complaints and arrests totaling 1,232 cases in FY 2018/19 (see Table 9a) as compared to 972 complaints and arrests reported in the last Sunset Review.

The Board continues to meet its performance targets as identified by the Consumer Protection Enforcement Initiative (CPEI), with the exception of Performance Measure 4 (Formal Discipline) (see Attachment 12D). There have been no recognizable trends that the Board has identified to explain the continued increase in complaint volume.

Ratio of Closure to Pending Cases	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Prior Year Pending (AG Pending Cases and Pending Intake or Investigation Cases)	275	415	274	376	488
Complaints and Arrests Received	972	1,038	1,232	1,183	1,232
Closed at Intake	92	210	274	351	336
Closed at Investigation	736	768	918	882	837
Closed at AG	15	15	13	9	11
Closed with Discipline	20	34	53	33	29
Case Workload	1,247	1,453	1,506	1,559	1,720
Case Closure	863	1,027	1,258	1,275	1,213
Pending Cases	384	426	248	284	507
Closure to Pending Ratio	2.25:1	2.41:1	5.07:1	4.49:1	2.39:1

The performance barriers identified by the Board are as follows:

- Increased number of complaints and enforcement workload

Since the last Sunset Review, the Board has experienced an increase in the number of desk investigations due to a growing number of complaints and applicant file reviews where there is a history of convictions or discipline from another state or jurisdiction. Additionally, the Board has experienced an increase in the number of administrative subpoenas and petitions for early termination of probation and reinstatement. In addition to performing desk investigations, enforcement analysts are also responsible for updating forms and procedure manuals, responding to Public Records Act (PRA) requests, preparing statistical data reports, facilitating and organizing expert training, and preparing and issuing administrative subpoenas.

In FY 2017/18, the Board added a full-time permanent Associate Governmental Program Analyst (AGPA) to address case load issues and staff processing times. Although we have added a full-time position, each analyst is responsible for 120 to 130 cases at any given time. Since our last Sunset Review, the Board no longer uses the Division of Investigation (DOI) to perform background investigations for petitions for reinstatement. Internal use of the Board's Special Investigator (SI) has helped improve investigative time frames for investigations of petitions for reinstatement. The Board no longer performs background investigations for petitions for early termination of probation because the Board is actively monitoring these individuals through its probation program, which makes background investigations unnecessary. Lastly, the enforcement staff attended subpoena training through DCA to streamline the process for preparing and issuing administrative subpoenas, instead of referring these to DOI.

- Limited pool of Subject Matter Experts (SMEs)

Currently, the Board has 42 SMEs, which is down from 100 SMEs from the prior Sunset Review. The Board utilizes licensed psychologists as SMEs to review and opine on complaints to determine if there has been a departure from the standard of care. Experts must be licensed by the Board for a minimum of three years, have not had any disciplinary action, and have three or more years of experience in a specific area of practice. Factors leading to this decrease include, but are not limited to, the following: amount paid in relation to the prevailing hourly rate, availability, potential conflicts of interest with respondents,

complainants, or opposing counsel, and limited pools of experts in certain fields such as child custody evaluations, neuropsychology, and forensic psychology.

In order to address this barrier, since the last Sunset Review, the Board has made an adjustment to its hourly rate and will continue to monitor rates in comparison to other DCA entities. Additionally, the Board has increased its outreach efforts to licensees by publishing articles, sending targeted emails to licensees to encourage participation and recruit qualified candidates, and leveraged all Board in-person outreach opportunities to inform and engage licensees about the SME Program.

- Timeframes for formal investigations

The Board no longer utilizes the Health Quality Investigative Unit (HQIU) due to lengthy timeframes of approximately 24 months for investigations. To reduce investigative timeframes to between 12 to 16 months, the Board engaged DOI's Investigative Enforcement Unit (IEU) in 2017 to take over investigative workload. Additionally, the Board supported DOI's efforts to augment investigative resources through the BCP process.

- Statutory barriers to obtain necessary documentation

Through the Child Custody Stakeholder Meeting held in September 2018, the Board has identified statutory barriers to obtaining necessary documentation in its investigations of child custody-related complaints. The Board will be working with the Office of the Attorney General and the State Legislature to make changes to the Evidence Code sections identified in the meeting to remedy this barrier.

- Timeframes for administrative hearings

Currently, the Office of Administrative Hearings (OAH) takes an average of 12 months to hear a disciplinary matter, once scheduled. This barrier is outside of the Board's control.

Table 9a. Enforcement Statistics			
	FY 2016/17	FY 2017/18	FY 2018/19
COMPLAINT			
Intake			
Received	1,191	1,130	1,192
Closed	274	351	336
Referred to INV	854	805	862
Average Time to Close	10	18	9
Pending (close of FY)	146	120	114
Source of Complaint			
Public	861	871	909
Licensee/Professional Groups	6	5	19
Governmental Agencies	288	190	166
Other	36	64	98
Conviction / Arrest			
CONV Received	41	53	40
CONV Closed	39	48	31
Average Time to Close	8	8	9
CONV Pending (close of FY)	2	5	9

Table 9a. Enforcement Statistics			
	FY 2016/17	FY 2017/18	FY 2018/19
LICENSE DENIAL			
License Applications Denied	10	8	3
SOIs Filed	7	7	6
SOIs Withdrawn	3	2	0
SOIs Dismissed	1	0	0
SOIs Declined	0	0	0
Average Days SOI	733	128	160
ACCUSATION			
Accusations Filed	31	19	29
Accusations Withdrawn	3	2	3
Accusations Dismissed	N/A	N/A	N/A
Accusations Declined	2	3	4
Average Days Accusations	860	1,088	830
Pending (close of FY)	54	78	84
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	8	9	5
Stipulations	45	24	24
Average Days to Complete	1,005	1,111	1,220
AG Cases Initiated	55	72	55
AG Cases Pending (close of FY)	57	78	84
Disciplinary Outcomes			
Revocation	2	10	0
Voluntary Surrender	26	10	9
Suspension	1	2	0
Probation with Suspension ¹	0	0	0
Probation ²	19	10	18
Probationary License Issued	1	0	0
Other	0	0	0
PROBATION			
New Probationers	15	9	15
Probations Successfully Completed	3	8	13
Probationers (close of FY)	52	53	38
Petitions to Revoke Probation	0	7	3
Probations Revoked	0	2	0
Probations Modified	1	2	4
Probations Extended	1	1	3
Probationers Subject to Drug Testing	25	22	24
Drug Tests Ordered	653	832	780
Positive Drug Tests	146	149	42
Petition for Reinstatement Granted	1	0	1
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

Table 9b. Enforcement Statistics (continued)			
	FY 2016/17	FY 2017/18	FY 2018/19
INVESTIGATION			
All Investigations			
First Assigned	892	996	898
Closed	918	882	837
Average days to close	46	62	86
Pending (close of FY)	173	290	428
Desk Investigations			
Closed	881	882	910
Average days to close	46	62	101
Pending (close of FY)	173	290	428
Non-Sworn Investigation			
Closed	24	27	14
Average days to close	38	373	56
Pending (close of FY)	15	62	23
Sworn Investigation			
Closed	143	57	48
Average days to close	373	363	488
Pending (close of FY)	70	72	107
COMPLIANCE ACTION			
ISO & TRO Issued	1	2	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	3	4	3
Cease & Desist/Warning	N/A	N/A	N/A
Referred for Diversion	N/A	N/A	N/A
Compel Examination	0	3	0
CITATION AND FINE			
Citations Issued	165	198	75
Average Days to Complete	79	138	77
Amount of Fines Assessed	\$123,000	\$143,750	\$60,500
Reduced, Withdrawn, Dismissed	33	29	10
Amount Collected	\$100,250	\$119,882	\$38,050
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

480

481

Table 10. Enforcement Aging						
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	1	1	1	2	5	10%
1 - 2 Years	3	4	2	2	11	23%
2 - 3 Years	2	3	2	3	10	21%
3 - 4 Years	4	3	2	2	11	23%
Over 4 Years	5	2	2	2	11	23%
Total Attorney General Cases Closed	15	13	9	11	48	

Table 10. Enforcement Aging						
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days	603	760	601	525	2,489	78%
91 - 180 Days	84	74	67	103	328	10%
181 - 1 Year	46	35	51	66	198	6%
1 - 2 Years	25	43	40	40	148	4%
2 - 3 Years	10	16	11	13	50	2%
Over 3 Years	0	0	1	0	1	<1%
Total Investigation Cases Closed	768	918	771	747	3,204	

482
483
484
485
36. What do overall statistics show as to increases or decreases in disciplinary action since last review?

486 Since the last Sunset Review, the overall statistics do not reflect a significant change in the
487 number of disciplinary actions the Board has taken. Stipulated Settlements and Voluntary
488 Surrenders have increased from the last Review.
489

490
491
492
493
37. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)*? If so, explain why.

494 The Board prioritizes cases in accordance with the DCA August 2009 memorandum, "Complaint
495 Prioritization for Health Care Agencies." There are three levels of prioritization: urgent, high, and
496 routine. Each complaint is reviewed and placed in one of the three categories. Complaints
497 involving sexual misconduct are immediately placed in the "urgent" priority and forwarded to IEU
498 for formal investigation. All other complaints are opened in the order received and assigned to an
499 analyst. Analysts perform a desk investigation of the complaint and determine prioritization and
500 appropriate action.
501

502
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506
38. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

507 The mandatory reporting requirements are as follows:

- 508
- 509 • BPC Section 801(a) requires that every insurer providing professional liability insurance to
510 a person who holds a license, certificate, or similar authority from or under any agency
511 specified in subdivision (a) of Section 800 send a complete report to that agency as to any
512 settlement of an arbitration award over three thousand dollars (\$3,000) of a claim or action
513 for damages for death or personal injury caused by that person's negligence, error, or
514 omission in practice, or by his or her rendering unauthorized professional services.
- 515 • BPC Section 802(a) requires a person who holds a license, certificate, or other similar
516 authority from an agency specified in subdivision of Section 800, to report any settlement,
517 judgment or arbitration award over three thousand dollars (\$3,000) of a claim or action for
518 damages for death or personal injury caused by that person's negligence, error or omission
519 in practice, or by his or her rendering unauthorized professional services.

- BPC Section 803(a) requires the clerk of the court, within 10 days after a judgment by a court of this state, to report if any person who holds a license, certificate, or other similar authority from the Board has committed a crime, or is liable for any death or personal injury resulting in a judgment for an amount in excess of thirty thousand dollars (\$30,000) caused by his or her negligence, error or omission in practice, or his or her rendering unauthorized professional services.
- BPC Section 803.5 requires the district attorney, city attorney, or other prosecuting agency to notify the Board of any filings against a licensee charging a felony immediately upon obtaining information that the defendant is a licensee of the board. The notice must identify the licensee and describe the crimes charged and the facts alleged.
- BPC Section 805(b) requires peer review bodies, such as health care service plans, and committees that review quality of care, to report to the Board whenever a licensee's application for staff privileges or membership is denied or rejected for a medical disciplinary cause or reason, a licensee's membership, staff privileges, or employment is terminated or revoked for a medical disciplinary cause or reason or, restrictions are imposed, or voluntarily accepted, on staff privileges, membership of employment for a cumulative total of 30 days or more for any 12-month period, for a medical disciplinary reason.

While the Board primarily receives violation reports via BPC Section 801(a), we have not had difficulty retrieving reports from any other mandatory reporting entity.

a. What is the dollar threshold for settlement reports received by the board?

BPC Section 803(a) requires the clerk of the court, within 10 days after a judgment by a court of this state, to report if any person who holds a license, certificate, or other similar authority from the Board has committed a crime, or is liable for any death or personal injury resulting in a judgment for an amount in excess of thirty thousand dollars (\$30,000) caused by his or her negligence, error or omission in practice, or his or her rendering unauthorized professional services.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the Board is \$110,499.00.

39. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

Stipulations are legal documents that typically contain admissions by the licensee to one or more violations of law and set forth a proposal for appropriate discipline. Appropriate discipline is based on the Board's Disciplinary Guidelines and Uniform Standards which outline both minimum and maximum penalties for every violation of the Psychology Licensing Act. Discipline comes in many forms and, depending on the admission(s) of misconduct, may include probation with terms and conditions, suspension, surrender of license, or even revocation. Stipulations are negotiated between the licensee or their attorney and the Board's legal representative from the Office of the Attorney General. Once a stipulation is agreed upon and signed by the licensee and the Board's legal representative, the document is voted upon by the Board members. The Board votes to either adopt the stipulation, reject it, or offer a counterproposal. If the licensee does not agree with the counterproposal, they have the right to request a formal hearing before an Administrative Law Judge.

570 a. **What is the number of cases, pre-accusation, that the board settled for the past four**
571 **years, compared to the number that resulted in a hearing?**

572
573 The Board does not enter into settlement agreements with licensees prior to the filing of an
574 accusation.

575
576 b. **What is the number of cases, post-accusation, that the board settled for the past four**
577 **years, compared to the number that resulted in a hearing?**

578

	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Settled	38	45	24	24
Hearing	2	6	5	4

579
580 c. **What is the overall percentage of cases for the past four years that have been settled**
581 **rather than resulted in a hearing?**

- 582
- 583 • FY 2015/16: 95%
 - 584 • FY 2016/17: 88%
 - 585 • FY 2017/18: 82%
 - 586 • FY 2018/19: 76%
- 587

588 **40. Does the board operate with a statute of limitations? If so, please describe and provide**
589 **citation. If so, how many cases have been lost due to statute of limitations? If not, what is**
590 **the board's policy on statute of limitations?**

591
592 The Board operates within a statute of limitations. BPC Section 2960.05 provides, in pertinent
593 part, that any accusation filed against a licensee pursuant to Section 11503 of the Government
594 Code be filed within three years from the date the Board discovers the alleged act or omission that
595 is the basis for disciplinary action, or within seven years from the date the alleged act or omission
596 that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or
597 omission involves a minor, the seven-year limitation period provided for by subdivision (a) and the
598 10-year limitation period provided for by subdivision (e), is tolled until the minor reaches the age of
599 majority. Since the last Sunset Review, the Board did not have or lost jurisdiction due to statute of
600 limitations in 37 cases.

601
602 **41. Describe the board's efforts to address unlicensed activity and the underground economy.**

603
604 The Board continues to investigate all unlicensed activity cases. The Board has the authority to
605 issue a Citation and Fine for unlicensed activity or for false or misleading advertising. Through
606 DOI, the Board can refer cases to local District Attorney offices for criminal prosecution.

607
608 **Cite and Fine**

609
610 **42. Discuss the extent to which the board has used its cite and fine authority. Discuss any**
611 **changes from last review and describe the last time regulations were updated and any**
612 **changes that were made. Has the board increased its maximum fines to the \$5,000**
613 **statutory limit?**

614
615 A Citation and Fine is a tool the Board can use to take action against an unlicensed person or a
616 licensee who is found to be in violation of Psychology Laws and Regulations. For licensees, a

617 Citation and Fine is used to address relatively minor violations that typically do not warrant formal
618 discipline.

619
620 Since the last Sunset Review, the Board has not amended its regulations regarding its Citation
621 and Fine authority. The Board increased its fine authority to the statutory limit of \$5,000 in 2005.
622

623 **43. How is cite and fine used? What types of violations are the basis for citation and fine?**

624
625 A Citation and Fine is used for cases that do not warrant formal discipline. The types of violations
626 that are the basis for Citation and Fine include, but are not limited to, the following:

- 627 • Failure to comply with the continuing education requirements;
- 628 • False or misleading advertising;
- 629 • Unlicensed practice;
- 630 • Failure to maintain proper record keeping; and
- 631 • Failure to comply with an investigation.

632
633 **44. How many informal office conferences, Disciplinary Review Committees reviews and/or**
634 **Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**

635
636 The Board of Psychology does not have a Disciplinary Review Committee. In the last four fiscal
637 years, the Board held 45 enforcement-related and 87 CE-related informal conferences and three
638 enforcement-related and four CE-related Administrative Procedure Act appeals.
639

640 **45. What are the 5 most common violations for which citations are issued?**

641
642 The five most common violations for which citations are issued are as follows:

- 643 • Failure to comply with the continuing education requirements;
- 644 • Failure to disclose conviction information on renewal application;
- 645 • False or misleading advertising;
- 646 • Unlicensed practice; and
- 647 • Failure to maintain proper record keeping.

648
649 **46. What is average fine pre- and post- appeal?**

650
651 The average pre-appeal fine for enforcement citation orders is \$1,950 and the average post-
652 appeal fine is \$1,125.

653
654 The average pre-appeal fine for CE citation orders is \$772 and the average post-appeal fine is
655 \$573.
656

657 **47. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.**

658
659 In instances of failure to pay a fine within the required time, the licensee or non-licensee's
660 information is forwarded to the DCA for referral to Franchise Tax Board for collection through its
661 Interagency Intercept Collection Program.
662
663
664
665
666
667

668 **Cost Recovery and Restitution**

669
670 **48. Describe the board’s efforts to obtain cost recovery. Discuss any changes from the last**
671 **review.**

672
673 BPC Section 125.3 states, in part, that the Board may request the administrative law judge direct
674 any licensee found to have committed a violation or violations of the licensing act, to pay the
675 Board a sum not to exceed reasonable costs of the investigation and enforcement of the case.
676 Cost Recovery is a standard term and condition specified in the Board's disciplinary guidelines for
677 all proposed decisions and stipulations. There have been no changes in this policy since the last
678 review.

679
680 **49. How many and how much is ordered by the board for revocations, surrenders and**
681 **probationers? How much do you believe is uncollectable? Explain.**

682
683 There is no specific amount of cost recovery ordered for revocations, surrenders, and
684 probationers. Each discipline case has its own amount of cost recovery ordered depending on the
685 investigation and prosecution costs incurred. Most cost recovery is due within 12 months of the
686 order's effective date. During negotiations, a probationer can request a payment plan if he or she
687 needs additional time to reimburse the Board. All cost recovery must be paid six-months prior to
688 the completion of probation. If cost recovery is determined to be unrecoverable, the Board uses
689 the Franchise Tax Board's Interagency Intercept Collection Program to collect the amount due.
690 Generally, licensees pay cost recovery as it is a term and condition of probation, and to not pay
691 could result in the revocation of the license.

Table 11. Cost Recovery		(list dollars in thousands)			
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	
Total Enforcement Expenditures	\$1,268	\$953	\$1,149	\$784**	
Potential Cases for Recovery *	37	31	25	33	
Cases Recovery Ordered***	29	41	26	21	
Amount of Cost Recovery Ordered	\$264	\$410	\$222	\$225	
Amount Collected	\$107	\$114	\$53	\$29	

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the License Practice Act.
 ** Total based on preliminary yearly expenditures provided by DCA
 ***Cost recovery ordered may be from other accusations in different fiscal years

693
694 **50. Are there cases for which the board does not seek cost recovery? Why?**

695 The Board does not seek cost recovery in cases where it has denied an application for a license
696 or registration and a Statement of Issues has been filed. BPC Section 125.3, which authorizes the
697 collection of cost recovery, applies only to licensees and not applicants.

698 **51. Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery.**

699
700 Failure to pay cost recovery is generally a violation of probation, so it is not common for a licensee
701 to fail to pay cost recovery. The Board uses the Franchise Tax Board (FTB) to collect outstanding
702 monies due if not paid within the agreed upon timeframe.

52. Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The Board may impose a probation term compelling restitution. The Board can order restitution in cases involving Medi-Cal or other insurance fraud. One example of when restitution would be ordered is in cases where a patient or client paid for services that were never provided. Evidence relating to the amount of restitution would be introduced at the administrative hearing. Failure to pay the ordered restitution would be deemed a violation of probation and further discipline or revocation would be sought.

Table 12. Restitution		(list dollars in thousands)		
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Amount Ordered	0	0	1,508	0
Amount Collected	0	0	1,508	0

Section 6 – Public Information Policies

53. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board’s website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board continually updates its website to reflect upcoming Board activities, changes in laws, regulations, licensing and/or registration, and other relevant information of interest to stakeholders. Agendas are posted on the Board's website at least 10 days prior to meeting dates. Meeting materials are also made available on the website. These items remain available on the website for as long as permitted by policy. Draft minutes are posted online only as agenda item materials for an upcoming meeting. Minutes from each Board meeting are posted on the Board's website once they have been formally approved and adopted by the Board at a subsequent meeting. Minutes remain available on the Board's website for as long as permitted by policy.

54. Does the board webcast its meetings? What is the board’s plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

The Board has been webcasting its meetings since 2011 and will continue to request that the DCA webcast future Board and Committee meetings. Webcast meetings remain on the website along with the meeting agendas and materials for as long as permitted by policy.

55. Does the board establish an annual meeting calendar, and post it on the board’s web site?

The Board posts an annual calendar of Board meetings to its website and updates this calendar as various committee and task force meetings are scheduled.

751 **56. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum***
752 ***Standards for Consumer Complaint Disclosure*? Does the board post accusations and**
753 **disciplinary actions consistent with DCA's *Web Site Posting of Accusations and***
754 ***Disciplinary Actions* (May 21, 2010)?**
755

756 The Board's disclosure policy is consistent with the DCA Recommended Minimum Standards for
757 Consumer Complaint Disclosure as well as the Department's Web Site Posting of Accusations
758 and Disciplinary Actions. The Board posts discipline documents on the licensee's verification page
759 on the website and sends a monthly email of all disciplinary actions initiated or finalized in that
760 month to persons who have requested to receive such information.
761

762 **57. What information does the board provide to the public regarding its licensees (i.e.,**
763 **education completed, awards, certificates, certification, specialty areas, disciplinary action,**
764 **etc.)?**
765

766 The Board provides license number, license status, issue date of license, expiration date of
767 license, address of record, school name and graduation year used as the qualifying degree for
768 licensure, and history of disciplinary actions. The Board also provides the option to include a
769 professional website address on the DCA License Search page.
770

771 **58. What methods are used by the board to provide consumer outreach and education?**
772

773 The Board has a standing Outreach and Communications Committee. The goal of this Committee
774 is to engage, inform, and educate consumers, students, applicants, licensees, and other
775 stakeholders regarding the evolving practice of psychology, the work of the Board, and their
776 relevant laws and regulations. Since the last Sunset Review, the Board updated its consumer
777 brochure *Therapy Never Includes Sexual Behavior* (formerly, Professional Therapy Never
778 Includes Sex), which required collaboration with the Medical Board of California, Osteopathic
779 Medical Board of California, and the Board of Behavioral Sciences on the revisions and statutory
780 changes required for this update. The Board maintains its website with current, relevant
781 information for consumers. Consumers can also sign up on the Board's website to receive email
782 notifications on a variety of topics. The Board also provides consumer updates on Facebook and
783 Twitter. The public also has access to view Board of Psychology meeting webcasts. Annually, the
784 Board holds at least two Board Meetings in Northern California, and two in Southern California to
785 increase consumer access to board meetings. The Board looks forward to future opportunities to
786 enhance its outreach and education efforts.
787
788

789 **Section 7 –**
790 **Online Practice Issues**
791

792 **59. Discuss the prevalence of online practice and whether there are issues with unlicensed**
793 **activity. How does the board regulate online practice? Does the board have any plans to**
794 **regulate internet business practices or believe there is a need to do so?**
795

796 The Board receives numerous inquiries about online practice but receives very few complaints
797 directly related to online practice. Since the last Sunset Review, the Telepsychology Committee
798 recommended a new regulatory section to address issues with the mode of delivery of
799 psychological services. This regulatory package is currently in the Initial Review Phase with the
800 Department of Consumer Affairs and the Board hopes that this package will be formally noticed by
801 2020.

802
803 **Section 8 –**
804 **Workforce Development and Job Creation**
805

806 **60. What actions has the board taken in terms of workforce development?**
807

808 The Board strives to achieve streamlined internal processes for the issuance of initial licenses and
809 registrations. Since the last Sunset Review, the Board has reviewed its statutes and regulations to
810 identify barriers to licensure and to increase efficiencies in the licensure application process. As
811 part of the Board's current Strategic Plan, the Board will be working to implement statutory and
812 regulatory changes to reduce barriers to licensure, eliminate confusion, and streamline its
813 processes. By reducing barriers, the Board aims to get qualified individuals into the profession
814 more efficiently.
815

816 In addition, from 2015 to 2017, the Board engaged in a two-year campaign regarding access to
817 mental health care in the State of California in an effort to increase the number of mental health
818 providers working in California's underserved and un-served communities. The campaign included
819 a presentation on access to care before the Senate Select Committee on Mental Health;
820 presentations at Board Meetings regarding the health of the Health Professions Education
821 Foundation (HPEF) fund, under the Office of Statewide Health Planning and Development
822 (OSHPD); and has produced targeted newsletter articles on topics such as the number of mental
823 health care professionals per county and the aging demographics of the licensed workforce, which
824 have been shared with legislative offices and the media. As a result of the campaign, the Board
825 advocated for and received an increase in the HPEF fee, paid by Board licensees via the biennial
826 renewal process. The fee increased from a statutory amount of \$10, to \$20 per renewal. The
827 HPEF offers a number of scholarship and loan repayment programs for eligible health
828 professional students and graduates. All program recipients are required to provide direct patient
829 care in a medically underserved area of California as designated by OSHPD. This program aims
830 to increase access to mental health services in California by increasing the number of licensed
831 providers in those identified areas.
832

833 **61. Describe any assessment the board has conducted on the impact of licensing delays.**
834

835 The Board regularly monitors its licensing timeframes for licensure and registration applications.
836 At this point of time, the Board is not seeing any significant licensing delays; therefore, the Board
837 has not conducted any formal assessment of the impacts of licensing delays since the last Sunset
838 Review.
839

840 **62. Describe the board's efforts to work with schools to inform potential licensees of the**
841 **licensing requirements and licensing process.**
842

843 Schools are identified stakeholders of the Board and as such are consulted on statutory and
844 regulatory changes that may impact students and future applicants to the Board. For example, in
845 February 2018, surveys were sent to solicit stakeholder input regarding a proposal relating to the
846 standardization of trainee categories. The aim of the proposal was to enhance consumer
847 protection and transparency by creating a single pathway to licensure that would standardize the
848 process for trainees to gain experience towards licensure as a psychologist. The proposal would
849 have required all trainees to register as psychological assistants with the Board to ensure
850 accountability while providing psychological services to the public and while accruing supervised
851 professional experience.
852

853 Additionally, whenever policy changes are made that affect applicants, the Board disseminates an
854 advisory on changes to licensing requirements and processes. Due to travel restrictions, the
855 Board is unable to travel to schools to present this information directly to their students.
856

857 **63. Describe any barriers to licensure and/or employment the board believes exist.**
858

859 BPC Section 2914 requires applicants for licensure who received their degree from an educational
860 institution outside of the U.S. or Canada to provide the Board with a comprehensive evaluation of
861 the degree performed by a foreign credential evaluation service that is a member of the National
862 Association of Credential Evaluation Services. At a recent ASPPB meeting, one of the topics
863 discussed was the evaluation of foreign-trained applicants. One of the presenters on the topic was
864 a representative from the National Register of Health Service Psychologists (NRHSP), which is a
865 national organization that also performs this service. As a result of this meeting, the NRHSP was
866 invited to present their credential review processes and criteria to the Board's Licensure
867 Committee. As a result of the presentation, the Board approved draft statutory amendments to
868 add the NRHSP as an additional credentials evaluation service. This additional credentials
869 evaluation service will provide foreign-trained applicants another avenue to obtain the credentials
870 evaluation required for licensure.
871

872 **64. Provide any workforce development data collected by the board, such as:**
873

874 **a. Workforce shortages**
875

876 Since the last Sunset Review, DCA has not collected data regarding workforce shortages.
877

878 **b. Successful training programs.**
879

880 Since the last Sunset Review, DCA has not collected data regarding successful training
881 programs.
882
883

884 **Section 9 –**
885 **Current Issues**
886

887 **65. What is the status of the board's implementation of the Uniform Standards for Substance**
888 **Abusing Licensees?**
889

890 In order to implement SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008), which was
891 designated to protect the public by monitoring psychologists (and other healing arts professionals)
892 impaired by drug or alcohol abuse, the Board promulgated regulations which became effective
893 January 1, 2017. These regulations provide guidelines which are followed when considering
894 discipline against a substance abusing licensee.
895

896 **66. What is the status of the board's implementation of the Consumer Protection Enforcement**
897 **Initiative (CPEI) regulations?**
898

899 The Board completed implementation of the CPEI regulations in 2012.
900
901
902

903 **67. Describe how the board is participating in development of BreEZe and any other secondary**
904 **IT issues affecting the board.**

- 905
906 **a. Is the board utilizing BreEZe? What Release was the board included in? What is the**
907 **status of the board's change requests?**

908
909 The Board is utilizing BreEZe and was included in the first Release of the system. Board staff
910 continuously identifies and submits change requests to the DCA to enhance the functionalities
911 of the BreEZe system to meet the Board's needs. As required by DCA, the Board submits
912 weekly prioritization reports regarding its change requests. The Board's change requests are
913 completed by the DCA based upon the Board's prioritization of these requests, the capacity of
914 the DCA BreEZe team, and the availability of release dates.

- 915
916 **b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What**
917 **discussions has the board had with DCA about IT needs and options? What is the**
918 **board's understanding of Release 3 boards? Is the board currently using a bridge or**
919 **workaround system?**

920 Not applicable.
921
922
923

924 **Section 10 –**
925 **Board Action and Response to Prior Sunset Issues**

926
927 **Include the following:**

- 928 **1. Background information concerning the issue as it pertains to the board.**
929 **2. Short discussion of recommendations made by the Committees during prior sunset**
930 **review.**
931 **3. What action the board took in response to the recommendation or findings made under**
932 **prior sunset review.**
933 **4. Any recommendations the board has for dealing with the issue, if appropriate.**
934

935 **ISSUE # 1: Lack of mental health providers in certain communities.**
936

937 **Background:** According to the Office of Statewide Health Planning and Development (OSHPD),
938 approximately 16 percent of Californians live in a Mental Health Professional Shortage Area, which is
939 designated based on the availability of psychiatrists and other mental health professionals, including
940 psychologists.

941
942 There are several programs administered by OSHPD to encourage licensees to work in these areas:

943
944 Mental Health Loan Assumption Program (MHLAP)
945

946 MHLAP was created by Proposition 63, the Mental Health Services Act (Act), passed by California
947 voters in November 2004. The Act provided funding to develop a loan forgiveness program in order to
948 retain qualified professionals working within the Public Mental Health System (PMHS). Through the
949 Workforce Education and Training component of the Act, \$10 million is allocated yearly to loan
950 assumption awards. An award recipient may receive up to \$10,000 to repay educational loans in
951 exchange for a 12-month service obligation in a hard-to-fill or retain position within the County PMHS.
952

953 Mental Health Practitioner Education Fund

954 The Board collects a \$10 fee as part of license renewals to support the Mental Health Practitioner
955 Education Fund that is administered by OSHPD. An awardee may receive up to \$15,000 to repay
956 educational loans over a 24-month period in exchange for a 24-month commitment to practicing and
957 providing direct care in a publicly funded or public mental health facility, a non-profit mental health
958 facility, or a mental health professions shortage area.

959
960 The Board does not formally track data regarding workforce shortages, but it has many occasions to
961 solicit and communicate opportunities to its licensees.

962
963 **Staff Recommendation: *The Board should inform the Committee what it is doing to promote***
964 ***service in underserved areas and evaluate whether \$10 is sufficient to fund the Mental Health***
965 ***Practitioner Education Fund.***

966
967 **Board Response**

968 In February 2015, the Board of Psychology embarked on a two-year access to mental healthcare in
969 the State of California campaign. To date, the Board has done the following:

- 970 • Produced an article in the winter 2015 *Journal* identifying licensed mental health professionals
971 per county, per capita. This *Journal* has a distribution of more than 15,000 per publication. This
972 data has been shared with the Department of Consumer Affairs, the Health Professions
973 Education Foundation, the Senate Business, Professions and Economic Development
974 Committee and other interested Members of the state legislature.
- 975 • Produced an article in the spring 2015 *Journal* entitled, “Educational Loan Opportunities for
976 Mental Health Providers”.
- 977 • In August 2015, the Health Professions Education Foundation (HPEF) gave the Board an
978 overview of the program at the Board Meeting, an update on the fiscal health of the program,
979 and an overview of the process for application for loan repayment. The Foundation agreed to
980 present to the Board annually.
- 981 • Summer 2015 recipient profile of HPEF (Jaseon Outlaw, PhD) in the Board’s summer *Journal*.
982 Going forward, the Board will include a recipient profile in the quarterly *Journal* as awards are
983 given.
- 984 • Inserts will be included in all license renewals packets promoting the HPEF. The inserts will
985 instruct licensees how to apply for loan forgiveness and how to contribute additional funds to
986 the program.
- 987 • Additionally, the Board plans to do the following:
 - 988 ○ Develop outreach to high schools and community colleges to encourage individuals to
989 enter into the profession.
 - 990 ○ Develop telepsychology regulations that will instruct licensees how to provide telehealth
991 to Californians, giving psychologists additional opportunities to provide care to
992 underserved populations.
 - 993 ○ Engage stakeholders to help the Board promote entering the profession and the
994 availability of the loan repayment program.
 - 995 ○ Increase awareness regarding other loan repayment programs.

996
997 According to a recent survey conducted by the American Psychological Association of Graduate
998 Students (APAGS), the median loan debt of a recent graduate of a doctoral program is between
999 \$90,000-200,000 plus (depending on the program and institution from which they graduated)
000 <http://www.apa.org/monitor/2015/06/datapoint.aspx>. The size of available awards under existing state
001 programs are small by comparison thereby reducing the potential incentive to locate in underserved
002 areas.

- The average award amount varies from \$2,558 to \$13,910 depending on profession of awardee.

Renewal fees are authorized for the specified professions listed under the statutory definition of a licensed mental health service provider (LMHSP).

- Per Health and Safety Code section 128454 (1) “Licensed mental health service provider” means a psychologist licensed by the Board of Psychology, registered psychologist, postdoctoral psychological assistant, postdoctoral psychology trainee employed in an exempt setting pursuant to BPC Section 2910, or employed pursuant to a State Department of Health Care Services waiver pursuant to Section 5751.2 of the Welfare and Institutions Code, marriage and family therapist, marriage and family therapist intern, licensed clinical social worker, and associate clinical social worker.”
- The majority of mental health practitioners who apply for the loan repayment program do not receive any award due to limitations in financial resources. Please see the table below, which reflects the **Licensed Mental Health Services Provider Education** program application numbers. Specifically, the table reflects how many applications were received, eligible, awarded and not awarded in FY 2012-13, 2013-14, and 2014-15.
- The Mental Health Loan Assumption Program (MHLAP) is funded by Proposition 63 funds. Licensees of the Board are also eligible for awards through this program. Applicants can receive up to \$10,000 from this Program.

Board of Psychology Fund			
LMH	2012/13	2013/14	2014/15
Total applications received	31	63	49
Total eligible applications	29	61	40
Did not score high enough for award	NA	5	19
Awarded through Grant funding	NA	22	NA
Awarded through Board of Psychology Funding	8	7	10
Total not awarded	21	27	11

It appears that the financial resources of the HPEF fund cannot meet the demands of applicants who wish to work in underserved communities.

UPDATE:

The Board advocated for AB 1188 (Nazarian), which increased the psychologist renewal fee for deposit into the Mental Health Practitioner Education Fund. This bill became operative July 1, 2018.

See the table below for an update on the LMH program.

Board of Psychology Fund				
LMH	2015/16	2016/17	2017/18	2018/19
Total applications received	89	78	64	62
Total eligible applications	89	78	64	26
Did not score high enough for award	24	32	26	9
Awarded through Grant funding	4	5	5	0
Awarded through Board of Psychology Funding	8	4*	8*	6
Total not awarded	53	37	25	11

*One applicant was offered an award but declined before June 30th of the award year.

ISSUE # 2: California remains the only state that allows licensure of psychologists from unaccredited schools. Should the Psychology Act be amended to require accreditation of institutions offering degrees intended to lead to licensure by the Board?

Background: California is the only state that allows students from unaccredited schools to sit for psychology licensing examinations. Current law requires the Board to accept doctoral degrees in psychology from either accredited or approved institutions. An institution is deemed approved if it is not a franchise, was approved by the BPPVE on or before 1999, and has not moved to a new location since 1999. There are six schools meeting these criteria, and approvals and oversight are conducted solely by the BPPE.

This issue was raised during the previous review of the Board. The Board was concerned that there is little quality control over the schools' operations or curriculum and students have a low pass rate on the national exam, among other issues. At that time, the Board stated that the students from these schools should not be eligible for licensure and expressed their preference for a change in law to prohibit applicants from approved schools. This law was not changed.

In an effort to increase the quality of educational programs in California, the California Private Postsecondary Education Act of 2009 was amended in 2014 (SB 1247, Lieu, Chapter 840, Statutes of 2014) to require degree granting institutions to be accredited by an agency recognized by the U.S. Department of Education by July 1, 2020 in order to receive BPPE approval. AB 2099 (Frazier, Chapter 676, Statutes of 2014) also established requirements for unaccredited degree granting programs participating in Title 38, the program that provides educational awards for eligible active duty military members and veterans.

While the Board recognizes recent Legislative actions as significant progress, there remains a concern that these changes may be insufficient to raise California's psychologists to the national standard. The main barrier is that the ASPPB requires member states to have regionally accredited schools to participate in their Agreement of Reciprocity for licensure – U.S. Department of Education allows national accreditation. Further, California psychologists may not be able to join the American Psychological Association, the largest professional psychology organization in the nation, as full members; participate in certain pre-doctoral or post-doctoral programs necessary for some types of employment, including the U.S. Department of Veterans' Affairs Health and Medical Centers -- the largest employer of psychologists in the U.S; or be eligible for licensure in some states.

Unaccredited degree granting institutions are extremely concerned about the requirement to obtain accreditation and have been working through the legislative process to create exemptions to the new

078 requirements set forth by SB 1247 and AB 2099. It would be helpful for the Committees to better
079 understand the barriers to schools becoming accredited, particularly for schools offering degrees.
080

Staff Recommendation: *The Committees should remove current language authorizing
081 graduates with degrees from unaccredited institutions to sit for licensure by the Board, and
082 ensure that timeframes for this change accommodate current students. The Board should
083 provide information to the Committees as to whether regional accreditation may be preferable
084 to other types of accreditation, and the Committees should specify the type of accreditation
085 that should be required of institutions offering degrees intended to lead to licensure.*
086
087

Board Response

088
089

090 The Board of Psychology believes that institutions offering degrees eligible for licensure should be
091 regionally accredited. A requirement of regional accreditation would accomplish the following:
092

093 Greater protection of the consumer of psychological services is better ensured by regionally
094 accredited institutions offering applied psychology graduate programs. Such institutions offer
095 substantially greater opportunities for placement in rigorous training sites accredited by the American
096 Psychological Association, the Association of Psychological Postgraduate and Internship Programs
097 and the California Psychology Internship Council, all of which require that graduate and postgraduate
098 students be enrolled in, or have received their degree from, regionally accredited institutions.
099

100 Greater protection of the consumer of psychological services and the psychology graduate students
101 attending graduate programs at regionally accredited institutions is better ensured due to the more
102 rigorous curriculum requirements and the careful monitoring of the administrative and financial
103 stability of the institutions offering psychology doctoral programs. This is particularly important to the
104 student consumers in that they incur on average six figures in student debt for the graduate portion of
105 their education alone (See Doran, J. M., Kraha, A., Marks, L. R., Ameen, E. J., & El-Ghoroury, N. H.
106 (2016)). Graduate debt in psychology: A quantitative analysis. Training and Education in Professional
107 Psychology, 10(1), 3-13, <http://dx.doi.org/10.1037/tep0000112>.) Such debt would appear to be
108 particularly onerous for those graduates whose ability to successfully traverse the pathways to
109 licensure in this or another jurisdiction is compromised due to the lack of regional accreditation.
110 Students and graduates of regionally accredited institutions will not only be eligible for the most
111 rigorous and respected predoctoral and postdoctoral internships but also enjoy greater future job
112 opportunities, such as employment by the Veterans Administration and other federal governmental
113 institutions, as well as appointment to faculty and research positions at major academic institutions.
114

115 In addition to the primary concern for the consumer of psychological services and the efficacy and
116 cost effectiveness to student consumers of applied psychology graduate education, regional
117 accreditation would afford benefits to licensees of the Board by better ensuring the increased
118 geographic portability of a California psychology license should the licensee ultimately wish to
119 practice in other or additional jurisdictions. At present, the equivalency of a California license in
120 applying for out of state licensure has been often viewed as inferior due to the Board's licensing of
121 graduates of institutions that are not regionally accredited. Many types of licensees of the Board, such
122 as forensic psychologists, industrial/organizational psychologists and consulting psychologists,
123 benefit from licensure in multiple jurisdictions due to the nature of the work they perform. Some
124 psychologists wish to move to other jurisdictions to practice in order to better provide for their family
125 or to take advantage of career opportunities. They are sometimes hampered in these efforts due to
126 the less rigorous requirements for accreditation of the California institutions from which they received
127 their doctoral degrees.
128

1129 The Board looks forward to working with the Committees to amend BPC Section 2914 to address this
1130 issue.
1131

UPDATE:

As a result of the provisions made in the last Sunset Bill (SB 1193 (Hill)), BPC Section 2914 was amended to remove language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the Board and ensured the timeframes for this change accommodated current students from these institutions. Therefore, students enrolling after January 1, 2020 are required to enroll in a regionally accredited institution in order to meet the degree qualifications for licensure as a psychologist.

ISSUE # 3: Continuing Education.

Background: Traditional models of CE entail formal learning activities conducted in classroom or workshop settings. As referenced earlier in the report, the Board is considering changes to their CE program to accommodate a broader competency model called continuing professional development (CPD). The model was developed by the ASPPB and provides additional avenues for maintaining competence. These options are meant to expand the ways licensees can increase their learning and to include performance-based assessments of licensees' competence.

The Board is seeking to amend existing continuing education statutes and regulations to accommodate this new approach. Changes should include:

- Redefining "Continuing Education" requirements as "Continuing Professional Development" requirements;
- Removing specific course requirements found in the BPC; and,
- Enabling the Board to approve specific organizations that provide continuing professional development activities.

Staff Recommendation: *The Board should provide recommendations to the Committee for updating continuing education statutes.*

Board Response

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend BPC Section 2915. This change would redefine continuing education with a continuing professional development model. The Committee has graciously agreed to include this change in the Board's sunset legislation. This model will allow licensees alternative ways to maintain competence, decrease isolation, and enhance the probability that ongoing professional competence can be demonstrated.

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2915 was amended to replace the current continuing education model with a broader continuing professional development model. Continuing professional development is defined as certain continuing education learning activities approved in four different categories:

1. Professional
2. Academic
3. Sponsored Continuing Education Coursework
4. Board Certification from the American Board of Professional Psychology

The Board has initiated the formal rulemaking process to implement these statutory changes in regulation. This regulatory package is currently in the initial departmental review phase with the DCA. The Board hopes that this package will be formally noticed by 2020.

ISSUE # 4: Expansion of Psychological Assistant practice areas.

Background: In order to become a licensed psychologist, applicants must accrue 3,000 hours of supervised professional experience. Individuals who have a Master's degree and are admitted into a doctoral program may obtain these hours by registering with the Board as a psychological assistant. A psychological assistant provides psychological services to individuals or groups while under the supervision of a licensed psychologist or a board certified psychiatrist.

Current law requires that a psychological assistant be employed only by a psychological or medical corporation, a California licensed psychology clinic, a Bronzan-McCorquodale contract clinic, a licensed psychologist, or a board certified psychiatrist.

The Board recognizes that these statutes are outdated and do not reflect the employment, contract, or volunteer opportunities available in settings beyond current limitations, such as hospitals, nursing homes, and rehabilitation centers.

Staff Recommendation: *The Board should provide recommendations to the Committee for updating psychological assistant statutes to focus on appropriate supervision, rather than physical setting.*

Board Response

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend BPC Section 2913. This change would address the following two issues:

1. Eliminating the restrictions of the current work settings required of a psychological assistant.
2. Receiving the application directly from the psychological assistant instead of the supervisor.

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2913 was amended to remove the restriction on the types of settings in which a psychological assistant can work. The Board has implemented these changes through its statutory authority and is seeking additional conforming changes via regulations. This regulatory package is currently in the initial **departmental** review phase with the DCA. The Board hopes that this package will be formally noticed by 2020.

197
198 **ISSUE # 5: Retired license.**
199

200 **Background:** The Psychology Act does not authorize a retired license. Under existing law, a retired
201 licensee may choose only between “inactive” status, which costs \$25 per year, or “delinquent” status.
202 These have negative connotations and may not respect a long and honorable career.
203

204 The Board is seeking to establish a “retired” licensure category, similar to many other healing arts
205 programs such as the Medical Board, Professional Fiduciaries Bureau, Board of Behavioral Sciences,
206 and Board of Optometry. The creation of this license would require a one-time fee and would provide
207 a means for a retired licensee to return to active status under certain circumstances.
208

209 Adding this license designation is a consistent request from licensees and is included in the Board’s
210 2014-2018 Strategic Plan.
211

212 **Staff Recommendation:** *The Board should provide recommendations to the Committee for*
213 *establishing a retired license.*
214

215 **Board Response**

216 The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic
217 Development Committee to add a section to the Psychology Licensing Law in the BPC creating a
218 retired license category for psychologists.
219

220 UPDATE:

221 As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2988.5 was added
222 to create the statutory authority for the Board to create a retired license status. The Board has initiated the
formal rulemaking process to implement these statutory changes in regulation. This regulatory package is
currently in the initial departmental review phase with the DCA. The Board hopes that this package will be
formally noticed by 2020.

223 **ISSUE # 6: Web Site information.**
224

225 **Background:** The Board has been very active in providing information to consumers, and seeks
226 legislative authority to post historical information on existing and past licensees’ approved graduate
227 and post-graduate education on its Web site. This will enable consumers to make informed decisions
228 when selecting a psychology provider.
229

230 **Staff Recommendation:** *The Board should provide recommendations to the Committee for*
231 *updating its public information policies.*
232

233 **Board Response**

234 The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic
235 Development Committee to add a section to the Psychology Licensing Law in the BPC establishing a
236 mechanism for posting historical information on existing and past licensees. This information will
237 include:
238

- 239 1. Institutions that awarded the qualifying educational degree and type of degree awarded.
240 2. A link to the licensee’s professional website.

241 3. Historical enforcement activity including Statements of Issues, Accusations, Proposed Decisions,
242 and Stipulated Settlements.
243

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2934.1 was added to clarify the Board's authority to post enforcement-related actions and documents and to add the following licensee information on current and former licensees:

1. Institutions that awarded the qualifying educational degree and type of degree awarded
2. A link to the licensee's professional internet website

The Board worked with the DCA to implement these changes to the Board's website and the BreZE system.

244
245
246 **CONTINUED REGULATION OF THE PROFESSION BY THE CURRENT MEMBERS OF THE**
247 **BOARD**
248
249

250 **ISSUE # 7: Should the licensing and regulation of the practice of psychology be continued**
251 **and be regulated by the current Board membership?**
252

253 **Background:** The health, safety, and welfare of consumers are protected by a well-regulated
254 psychologist profession. The Board has shown a strong commitment to improve the Board's overall
255 efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to
256 bring about necessary changes. The Board should be continued with a four-year extension of its
257 sunset date so that the Committee may review once again if the issues and recommendations in this
258 Paper and others of the Committee have been addressed.
259

260 **Staff Recommendation:** *Recommend that the practice of psychology continue to be regulated*
261 *by the current Board members in order to protect the interests of the public and be reviewed*
262 *once again in four years.*
263

264 **Board Response**

265 The Board appreciates the confidence the Committees have demonstrated in recommending the
266 continuance of the regulation of the practice of psychology by the Board in its current configuration. In
267 the next four years the Board is committed to addressing the following issues:

1. Ensuring greater access to mental health care in California.
2. Establishing higher criteria for applicants for licensure to ensure consistency with other licensing jurisdictions across the nation.
3. Establishing continuing professional development to ensure competence for its licensees
4. Redefining the psychological assistant statute to focus on appropriate supervision rather than physical setting.
5. Developing a mechanism to provide licensees an alternative license status at the end of their career.
6. Increasing transparency to the consumers of psychological services in California by providing expanded educational and disciplinary data on its licensees.
7. Continuing to review and amend the statutes and regulations in order to be more transparent, more understandable to consumers and evolve with the field.

UPDATE:

In order to protect the consumers of psychological services in the State of California, the Board strongly urges the Legislature to continue the regulation of the practice of psychology by the Board of Psychology under its current membership.

**Section 11 –
New Issues**

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board’s recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

There are no issues that were raised under the prior Sunset Review report that have not been addressed.

2. New issues that are identified by the board in this report.

Foreign Degree Evaluation

As discussed in questions 32 and 63, BPC Section 2914 requires applicants for licensure who received their degree from an educational institution outside of the U.S. or Canada to provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services. At an ASPPB meeting, one of the topics discussed was the evaluation of foreign-trained applicants. One of the presenters on the topic was a representative from the National Register of Health Service Psychologists (NRHSP), which is a national organization that also performs this service. As a result of this meeting, the NRHSP was invited to present their credentials review processes and criteria to the Board’s Licensure Committee. As a result of the presentation, the Board approved draft statutory amendments to add NRHSP as an additional credentials evaluation service. This additional credentials evaluation service will provide foreign-trained applicants an additional avenue to obtain the credentials evaluation required for licensure.

Statutory Changes for Pathways to Licensure

As discussed in questions 19 and 29, the Board has conducted a comprehensive review of its statutes and regulations addressing how licensure can be obtained. In part, amendments to BPC Sections 2911, 2915.7, and 2946 have been identified with the goal of removing barriers to licensure and improving program efficiencies. The Board will be pursuing statutory and regulatory changes to accomplish this goal.

327 **3. New issues not previously discussed in this report.**
328

329 **Temporary Practice Provisions**
330

331 Through input from various stakeholders, the Board was made aware of confusion regarding
332 temporary practice provisions set forth in BPC Section 2912 for those who are licensed at the
333 doctoral level in another state or jurisdiction in the U.S. or Canada. These provisions have
334 been interpreted in multiple ways overtime. The Board would like to clarify that the 30 calendar
335 days of practice allowed in statute do not need to be consecutive but instead any 30
336 consecutive or non-consecutive days in any calendar year, where practice for any part of a day
337 is considered a day.
338

339 **Reinstatement After Non-Disciplinary Voluntary Surrender**
340

341 Based on the Board's analysis of its aging licensee demographic and input from its
342 stakeholders about discipline related to a licensee's cognitive impairment, the Board has
343 reevaluated its approach to investigation and discipline of complaints where there is no
344 consumer harm involved. The Board has experienced instances where licensees have
345 diminished cognitive capacity due to diseases such as Alzheimer's and the licensee's family or
346 a fellow licensee reported that the licensee is starting to experience cognitive issues due to
347 their impairment but have no consumer complaints filed against them. Currently, the Board has
348 implicit statutory authority to accept a non-disciplinary surrender of a license under BPC
349 Section 118(b). However, the Board does not have a mechanism for reinstatement of such a
350 surrendered license in circumstances where medication or surgery could restore cognitive
351 function. As such, the Board would like to clarify the process for voluntary surrender and to
352 establish a mechanism for such individuals to petition the Board for reinstatement of their
353 license.
354

355 **Delegation Authority for the Licensure Committee**
356

357 Currently, licensing issues are discussed in closed session at the Licensure Committee
358 meetings and then brought to the full Board for final decision in open session at a Board
359 Meeting. For example, applicants requesting additional time to accrue the supervised
360 professional experience required for licensure due to personal or health-related reasons. This
361 process creates unnecessary and long delays for those seeking licensure, where these
362 individuals may be unable to practice while awaiting a final decision from the Board. The Board
363 would like the authority to conduct the review of these requests in closed session via the
364 Licensure Committee without having to go to the full Board for final decision.
365

366 **4. New issues raised by the Committees.**
367

368 As of the date of this report, the Board has received no additional issues from the Committee
369 and has addressed all issues raised in the last Sunset Review.
370
371
372
373
374
375
376
377

378 **Section 12 –**
379 **Attachments**

380
381 **Please provide the following attachments:**

- 382 **A. Board’s administrative manual.**
- 383 **B. Current organizational chart showing relationship of committees to the board and**
- 384 **membership of each committee (cf., Section 1, Question 1).**
- 385 **C. Year-end organization charts for last four fiscal years. Each chart should include**
- 386 **number of staff by classifications assigned to each major program area (licensing,**
- 387 **enforcement, administration, etc.) (cf., Section 3, Question 15).**
- 388 **D. Quarterly and Annual Performance Measures reports from the Department of Consumer**
- 389 **Affairs website.**
- 390 **E. Customer Satisfaction Survey Results**
- 391
- 392

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

Item Available Upon Request

- Agenda Item 24 – Attachment A – Section 12 Attachment A – Board’s Administrative Manual

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

Item Available Upon Request

- Agenda Item 24 – Attachment A – Section 12 Attachment B – Committee Structure

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

Item Available Upon Request

- Agenda Item 24 – Attachment A – Section 12 Attachment C – FY-end Annual Organizational Charts

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

Item Available Upon Request

- Agenda Item 24 – Attachment A – Section 12 Attachment D – Quarterly and Annual Performance Measures from DCA Website

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

Item Available Upon Request

- Agenda Item 24 – Attachment A – Section 12 Attachment E – Licensing Customer Satisfaction Survey Results

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

Item Available Upon Request

- Agenda Item 24 – Attachment B - Sunset Chart 2019/2020

MEMORANDUM

DATE	September 23, 2019
TO	Board Members
FROM	Sandra Monterrubio, Enforcement Program Manager Board of Psychology
SUBJECT	Enforcement Report, Agenda Item 25

Please find attached the Overview of Enforcement Activity conveying complaint, investigation, and discipline statistics to date for the current fiscal year and the Legend.

Complaint Program

Since July 1, 2019, the Board has received 236 complaints. All complaints received are opened within eight (8) days and assigned an enforcement analyst.

Citation Program

Since July 1, 2019, the Board has issued 14 enforcement citations. Citation and fines are issued for minor violations.

Discipline Program

Since July 1, 2019, the Board has referred 18 cases to the Office of the Attorney General for formal discipline.

Probation Program

Enforcement staff is currently monitoring 65 active probationers and 23 tolled probationers.

Attachments:

Statistical Overview of Enforcement Activity and Legend

Action Requested

No action is required at this time, this is for informational purposes only

BOARD OF PSYCHOLOGY

Overview of Enforcement Activity

License & Registration	15/16	16/17	17/18	18/19	*19/20
Psychologist	20,024	20,596	20,977	21,329	18,763
Registered Psychologist	278	249	188	162	127
Psychological Assistant	1,466	1,442	1,350	1,475	1,392
Cases Opened	15/16	16/17	17/18	18/19	*19/20
Complaints Received	798	1,042	1,097	1,093	236
Arrest Reports**	50	39	53	40	16
Investigations Opened	602	771	805	862	213
Cases referred to DA	0	0	0	0	0
Cases referred to AG	33	45	70	56	18
Filings	15/16	16/17	17/18	18/19	*19/20
Accusations	23	27	15	31	8
Statement of Issues	5	7	6	4	3
Petition to Revoke Probation	3	1	6	3	2
Petitions to Compel Psych. Exam	1	0	0	0	2
Petitions for Penalty Relief	0	3	6	5	0
Petition for Reinstatement	0	2	1	5	0
Petitions for Reconsideration	0	0	2	0	0
Filing Withdrawals/Dismissals	15/16	16/17	17/18	18/19	*19/20
Accusations Withdrawn	5	0	0	3	0
Accusations Dismissed	4	1	0	4	0
Statement of Issues Withdrawn	0	1	3	0	0
Citations	15/16	16/17	17/18	18/19	*19/20
Citations Ordered	27	32	46	47	14
Disciplinary Decisions	15/16	16/17	17/18	18/19	*19/20
Revocations	4	2	9	1	1
Revocation, Stayed, Probation	24	16	7	11	4
Revoked, Stayed, Probation, Susp.	0	0	0	0	0
Surrender	12	26	11	9	4
Reprovals	3	3	4	1	0
ISO/TRO/PC23 Ordered	2	1	2	1	0
Statement of Issues-License Denied	0	0	0	0	0
Total Disciplinary Decisions	45	48	33	23	9
Other Decisions	15/16	16/17	17/18	18/19	*19/20
Statement of Issues-License Granted	1	0	0	3	0
Petitions for Penalty Relief Denied	0	2	4	7	0
Petitions for Penalty Relief Granted	0	1	2	3	1
Petition for Reinstatement Granted	0	0	0	1	0
Petition for Reinstatement Denied	0	2	1	1	1
Reconsiderations Denied	1	0	2	0	0
Reconsiderations Granted	0	0	0	0	0
Orders Compelling Psych. Evaluation	0	0	3	0	1
Total Other Decisions	2	5	12	15	3
Violation Types	15/16	16/17	17/18	18/19	*19/20
Gross Negligence/Incompetence	23	29	20	20	4
Improper Supervision	1	0	1	0	0
Repeated Negligent Acts	22	31	21	13	1
Self-Abuse of Drugs or Alcohol	7	15	7	3	0
Dishonest/Corrupt/Fraudulent Act	6	8	9	6	1
Mental Illness	4	5	2	2	1
Aiding Unlicensed Practice	1	0	0	0	0
General Unprofessional Conduct	5	2	13	8	7
Probation Violation	3	26	29	12	2
Sexual Misconduct	6	14	2	3	0
Conviction of a Crime	18	23	1	8	4
Discipline by Another State Board	5	5	2	0	0
Misrepresentation of License Status	1	1	1	0	0

**Enforcement data pulled on September 16, 2019

Cases Opened

Complaints Received:

Complaints are received at the Board of Psychology through many different forms of submission, the most common being via the BreEZe online system and through regular mail. There is no fee to file a complaint.

Arrest Reports (Previously “Criminal Conviction Reports Received”):

Department of Justice (DOJ) is required to notify the Board any time a Board licensee is arrested. When the Board receives a notice of arrest from DOJ, the Board opens a complaint and begins an investigation into the circumstances surrounding the arrest.

Investigations Opened:

Most, but not all, complaints submitted to the Board are assigned to an Enforcement Analyst and fall under this category. Cases that are closed immediately upon intake are not included in this number. Cases that may be closed immediately upon intake would typically be cases where the Board has no jurisdiction, such as a complaint involving the licensee of another board or bureau.

Cases referred to DA:

When the Board directly refers a complaint to the Office of the District Attorney (DA), that referral would be counted here. However, most referrals to the DA are made by the Office of the Attorney General (AG) or by the investigation unit conducting the field investigation. If the Board reports ‘zero’ referrals to the DA, this only refers to action on the Board’s part and not what another agency may have done independently as part of their law enforcement duties.

Cases referred to AG:

When a case is determined to contain one or more egregious violations of the laws relating to the practice of psychology in California, the case may be referred to the AG. This number reports how many cases were transmitted to the AG by the Board requesting that an Accusation be filed against the licensee.

Filings

Accusations:

If the AG accepts the case that the Board transmitted, the AG will draft an Accusation, which is the charging document to be used to determine the allegations arising from the complaint. An Accusation can only be filed against a licensee of the Board and is administrative in nature, not criminal or civil.

Statement of Issues: A Statement of Issues is issued when an applicant for Board licensure appeals the Board’s decision to deny that applicant licensure. The due process under a Statement of Issues closely mirrors the Accusation process with one

key distinction – that the Statement of Issues is only used for unlicensed individuals who are applying for licensure.

Petition to Revoke Probation:

When a licensee whose license is currently on probation with the Board violates probation or is subjected to a new Accusation arising from a new complaint, the Board may, at its discretion, request that the AG draft an Accusation and Petition to Revoke Probation. Probation occurs when a licensee has their license revoked, but that revocation is stayed for as long as the licensee complies with the terms of their probation, including to obey all laws. A licensee on probation having their probation revoked via this Petition to Revoke Probation suffers the loss of their license entirely and can no longer practice.

Filing Withdrawals / Dismissals:

When an Accusation or Statement of Issues is withdrawn by the Board or dismissed, there is no discipline imposed.

Disciplinary Decisions:

Revocation

When the Board prevails against a licensee who has violated the laws relating to the practice of psychology in California to an egregious degree, the most extreme administrative penalty the Board may impose is revocation of that license. A licensee who has their license revoked is not permitted to practice psychology.

Revocation, Stayed, Probation:

When the Board revokes a license, the Board has the option of staying that revocation and imposing probation instead. For the entire duration of the probation period, the probationer must comply with all standard and optional terms of probation, including to obey all laws, administrative, civil or criminal. Failure to comply with all terms and conditions may result in probation being revoked and the revocation that was stayed being reimposed, with the result being that the licensee will lose their license and be unable to practice psychology.

Surrender:

By stipulated agreement between the Board and the licensee who is the subject of an Accusation, the Board may accept the surrender of the license as an alternative to pursuing revocation. The end result in either case is that the licensee loses their ability to practice psychology in California.

Reprovals:

In cases where an extreme departure from the standard of care has occurred, but where other mitigating factors reduce the severity of the allegations, especially when

there was little or no patient harm, the Board may impose the administrative discipline of a Public Letter of Reprimand through the AG. This Reprimand becomes a permanent part of a licensee's enforcement file and has some of the same conditions imposed through it as though the licensee were on probation.

Disciplinary Decisions (continued):

ISO/TRO/PC23 Ordered:

An Interim Suspension Order (ISO) is issued by an Administrative Law Judge to immediately and temporarily suspend the practice of a licensee when there is clear harm or threat of harm to the public if the practice continues. The ISO may be imposed to allow the OAG time to file an Accusation and seek further administrative holds on the licensee's practice.

A Temporary Restraining Order (TRO) is issued by a Superior Court Judge on the presumption that a continued violation of the type committed by the licensee will result in irreparable damage.

Penal Code section 23 (PC23) allows the Board to seek an injunction against a licensee or participate in the cause of justice when a licensee has been arrested, convicted, or incarcerated for a crime that relates substantially to the qualifications, functions or duties of a licensee.

MEMORANDUM

DATE	September 23, 2019
TO	Board Members
FROM	Sandra Monterrubio, Enforcement Program Manager Board of Psychology
SUBJECT	Agenda Item 26- Presentation by the Office of the Attorney General on Clear and Convincing to a Reasonable Certainty Standard of Proof in Accusations, and the Office of the Attorney General Role in the Board's Enforcement Process

Senior Assistant Attorney General of the Health and Quality Enforcement Section Civil Division at the Office of the Attorney General's Gloria L. Castro will provide a presentation on Clear and Convincing to a Reasonable Certainty Standard of Proof in Accusations, and the Office of the Attorney General Role in the Board's Enforcement Process.

Department of Consumer Affairs
Board of Psychology

October 3 – 4, 2019 Board Meeting
San Diego, CA

**Hand-Carry
Agenda Item**

- Agenda Item 27 – Enforcement Committee Report -- Consideration and Possible Approval of Committee Recommendations (Phillips – Chairperson, Cervantes)

MEMORANDUM

DATE	September 17, 2019
TO	Board Members
FROM	Mai Xiong Licensing and BreEZe Coordinator
SUBJECT	Agenda Item 28(a)(1-3) Informational Video for Supervisors: Recommendations for Content to be Included 1) Laws and Regulations 2) Frequently Asked Questions (FAQs) 3) Best Practices

Background:

At the October 25, 2018 Licensure Committee meeting, the Committee raised concerns that some current or potential supervisors are unclear about their roles and responsibilities in providing supervision to a trainee. The Committee agreed that an informational video would be an additional resource for current supervisors and may be used as a guiding tool to prepare a licensee who will assume the role as a supervisor in future.

At the January 11, 2019 Licensure Committee meeting, the Committee discussed and agreed that the supervision videos cover the following areas – regulations, best practices, and frequently asked questions (FAQ). The Committee reviewed the content area for the relevant regulations and a flowchart to illustrate how each selected regulation pertains to the licensure process at their meeting on June 13, 2019. The Committee was also provided preliminary information of an existing psychological assistant FAQs document that is available on the Board’s website for possible content that may be incorporated into the video.

Staff collaborated with DCA’s SOLID Training and Planning Solutions to create an online survey questionnaire to solicit feedback on the informational video for supervisors. Staff sent the questionnaire to stakeholders via email in late August 2019 and 332 responses were received. At the September 12-13, 2019 Licensure Committee meeting, SOLID facilitated a stakeholders’ discussion and captured their suggestions and feedback relating to the informational videos. SOLID also presented the survey results for the Committee and stakeholders’ consideration. Considering the input from Dr. Carol Falender, via public comment, it was noted that information in a video format makes locating information difficult and is not helpful. The Committee recommended to refer these tools as “informational resources” instead of “informational videos.” The Committee tasked staff to begin creating content for the Committee’s review and consideration.

Action Requested:

This item is for informational purposes only. No action is required.

MEMORANDUM

DATE	September 13, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(b) Discussion and Consideration for Grievance Process: Options in Resolving a Discrepancy between Weekly Log and Verification of Experience

Background:

At the January 11, 2019 meeting, a trainee questioned the policy of the Board regarding considering weekly logs if there is a discrepancy on the supervised professional experience (SPE) reported by the primary supervisor on the Verification of Experience (VOE) form. The trainee also asked if the Committee would consider any grievance process when such a discrepancy occurs.

California Code of Regulations (CCR), section 1387(b)(11), provides:

(11) Once the SPE outlined in the agreement has been completed, the primary supervisor shall submit to the supervisee both the agreement, unless previously submitted to the Board pursuant to Section 1387(b)(10), and a verification of experience form signed by the primary supervisor under penalty of perjury, in a sealed envelope, signed across the seal for submission to the Board by the supervisee along with his or her application. The verification shall certify to completion of the hours consistent with the terms of the agreement. The supervisor must indicate, in his or her best professional judgment, whether the supervisee demonstrated an overall performance at or above the level of competence expected for the supervisee's level of education, training and experience. When SPE is accrued in a formal pre-doctoral internship or postdoctoral training program, the program's training director shall be authorized to perform the verification and rating duties of the primary supervisor provided that the internship training director is a licensed psychologist who possesses a valid, active license free of any disciplinary action.

If the SPE is not consistent with the terms of the agreement, or if the supervisee did not demonstrate an overall performance at or above the level of competence expected for the supervisee's level of education, training and experience, then the hours accrued will not count toward the licensure requirements.

Pursuant to CCR section 1387(b)(11), the Board is unable to accept SPE toward licensure requirements when the primary supervisor states on the Verification of Experience form that the trainee did not demonstrate an overall performance at or above the level of competence expected. The SPE weekly log is required to be maintained by the trainee and provided to the Board upon request pursuant to CCR section 1387.5; however, it is not required as part of the licensure application.

At the June 13, 2019 Committee meeting, the Committee tasked staff to work with legal counsel to draft appropriate language to create a process when there are discrepancies in the number of hours being reported on the verification of experience form(s) and weekly logs.

Legal counsel and staff met and discussed possible processes with the goal to address these types of discrepancies, including circumstances when supervisors indicate on the VOE forms that the SPE accrued was not performed satisfactorily. Below are three proposed options provided for the Licensure Committee's consideration:

1. Amend the California Code of Regulations section 1387.5 to require the submission of weekly log with the VOE forms.

Proposed amendments would be drafted based on the Committee's policy guidance on the specifics for the relevant regulation section(s). For example, if the SPE is deemed unsatisfactory for the week, would any of the SPE (e.g., supervision hours) be counted towards licensure? Would electronic records of the log and electronic signatures be allowed? Would documentation be required to be kept by both primary supervisor and trainee for consistency?

2. Amend the California Code of Regulations sections 1387 to mandate the completion of the weekly log as a component of the required face-to-face supervision.

Proposed amendments would be drafted based on the Committee's policy guidance relating to the practicability of this requirement.

3. Present the case to the Committee for review and consideration as a licensure qualification issue on a case-by-case basis during closed session at its meeting.

This option provides the Committee the opportunity to conduct a comprehensive review of the all the necessary information relevant to the SPE. The Committee would also be able to identify any gaps in the communication between the supervisor and trainee through the review of the weekly log and discussion during face-to-face supervision. This is also the option recommended by staff.

Action Requested:

The Licensure Committee recommends the Board adopt option 3 for the Committee to conduct case-by-case review to resolve discrepancies identified between weekly logs and verification of experience.

MEMORANDUM

DATE	September 13, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(c) Discussion and Consideration of Revisions to the Guidelines for the Review of Requests for Extension to the California Code of Regulations Sections 1391.1(b) and 1387(a)

Background:

At the Board meeting on May 20, 2016, the Board approved the current guidelines and delegated the authority to staff to review and approve straightforward extension requests.

Staff has revised the guidelines to include instruction on how to submit an extension request and updated the review portion to include succinct information relating to the purpose of the guidelines.

At the Licensure Committee meeting on September 13, 2019, the Committee reviewed and approved the revised guidelines (Attachment B). The revised guidelines will be included as an update to the Administrative Procedural Manual.

Attachment:

- A: Existing Guidelines for Reviewing Extension Requests
- B: Revised Guidelines for Reviewing Extension Requests

Action Requested:

The Licensure Committee recommends the Board adopt the revised guidelines as written.

GUIDELINES FOR REVIEW OF REQUESTS FOR EXTENSION TO THE CALIFORNIA CODE OF REGULATIONS SECTIONS 1391.1(b) AND 1387(a)

The following are guidelines to assist Board staff in the review of requests for extensions to the 72 cumulative month limitation for psychological assistant registration and for the 30 consecutive month limit to accrue 1,500 hours of pre or post-doctoral supervised professional experience (SPE).

72 Month Limitation for a Psychological Assistant Registration				
Reason for Extension	Parameters	Approve	Length of Extension	Bring to Board
Disability under the ADA	Impact ability to practice. Medical form		1-year or less	
Care of family member	Impact ability to practice. Medical form, documentation		1-year or less	
Injury or accident	Impact ability to practice. Medical form		1-year or less	
Parental leave	Impact ability to practice. Medical form, documentation		1-year or less	

30 consecutive Month Limit to Accrue 1,500 Hours of SPE				
Reason for Extension	Parameters	Approve	Length of Extension	Bring to Board
Disability under the ADA	Impact ability to practice. Medical form		1-year or less	
Care of family member	Impact ability to practice. Medical form, documentation		1-year or less	
Injury or accident	Impact ability to practice. Medical form		1-year or less	
Parental leave	Impact ability to practice. Medical form, documentation		1-year or less	

Submission and Review Guidelines for Extension Requests

Requests may be submitted to extend the following time limitation pursuant to the California Code of Regulations Sections 1391.1(b) and 1387(a):

- 72-month limitation for psychological assistant registration;
- 30-month limit to accrue 1,500 hours of pre or post-doctoral supervised professional experience (SPE); or
- 60-month limit to accrue 3,000 hours of post-doctoral SPE.

Submission Guidelines

To submit an extension request, please provide the following information to the Board for review via email at boplicensing@dca.ca.gov:

- In the subject line, indicate the type of extension request by stating whether it is for an extension to the 72-month registration limitation period of a psychological assistant registration or the 30- or 60-month time limitation in accruing SPE.
- The length of the extension.
- The reason for the extension request.
- Attach any documents (e.g., medical letter, birth/death certificates, timeline, etc.) that support the stated reason(s) for the extension request.

Review Guidelines

The following information serves as guidelines to assist Board staff in the preliminary review of straightforward requests for extension. Please note that requests made based on the following listed reason(s) do not indicate an automatic approval as they will be reviewed on a case-by-case basis. Requests submitted may still be subject to the review of the Licensure Committee at its future scheduled meeting prior to a final determination is made.

Reasons for Extension	Parameters	Length of Extension
Disability under the ADA	Unable to practice	1-year or less
Care of family member		
Injury or accident		
Parental leave		

For your information, the intent for a psychological assistant registration is one of the avenues to allow an individual to accrue the necessary SPE required for licensure as a psychologist. An extension to a registration beyond the 72-month limitation is unnecessary if the individual has successfully accrued all required experience.

MEMORANDUM

DATE	September 13, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(d) Consideration of Seeking Statutory Change to Allow the Licensure Committee to Meet in Closed Session to Make Final Licensure Determinations

Background:

The Committee reviews different types of requests for licensure purposes in closed session of its meetings. The two most common types of requests received are from registered psychological assistant for an extension to renew the registration when the registration is approaching or has met the 72-month registration limitation set forth by the Board's regulation, and requests from applicants seeking permission to accrue the experience required for licensure outside the timeframe as stated in the Board's regulations.

Because of the nature of the requests and the privacy interests involved in those requests, the Committee discusses them in closed session. The Open Meeting Act, however, only permits discussions on licensing issues by an advisory body (such as the Committee), which may constitute an unwarranted invasion of privacy, in closed session where there is no quorum of the Board present. (Gov. Code section 11126(c)(2)). Accordingly, once the Committee arrives at a recommendation whether to grant or deny such requests, the Committee must provide its recommendations to the full Board for a vote at the next Board meeting. An applicant or registrant must wait for the outcome determined by the full Board prior to making the necessary plans to continue accruing hours necessary for licensure. This process often takes an average of four to six months to be completed depending on the quality and quantity of requests received.

With the goal to provide a more streamlined process in determining the outcome of these requests, staff has proposed seeking a statutory change to allow the Committee to make final licensure determinations in closed session, rather than to act as an advisory body for these purposes. At the September 13, 2019 meeting, the Committee reviewed and approved the proposed statutory amendments provided in Attachment A.

Attachment:

A: Proposed statutory amendments to Business and Professions Code

B: Example of statutory language – Dental Practice Act (Business and Professions Code Section 1696)

C: Government Code Section 11126(c)

Action Requested:

The Licensure Committee recommends the Board adopt the proposed statutory amendments and seek legislation.

Business and Professions Code Section XXXX

Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a committee of the board formed to address issues relating to licensure, and to which the board delegates authority to consider and decide requests from any applicant or licentiate pertaining to their qualifications for licensure, may convene in closed session to decide such requests. The committee shall only convene in closed session to the extent that it is necessary to protect the privacy of such an applicant or licentiate.

Business and Professions Code Section [1696](#)

Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a committee may convene in closed session to consider reports pertaining to any licentiate requesting or participating in a diversion program. A committee shall only convene in closed session to the extent that it is necessary to protect the privacy of such a licentiate.

(Amended by Stats. 1993, Ch. 589, Sec. 2. Effective January 1, 1994.)

Government Code Section [11126\(c\)](#) provides in part:

(c) Nothing in this article shall be construed to do any of the following:

[...]

(2) Prevent an advisory body of a state body that administers the licensing of persons engaged in businesses or professions from conducting a closed session to discuss matters that the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

[...]

(Amended by Stats. 2019, Ch. 40, Sec. 15. (AB 97) Effective July 1, 2019.)

MEMORANDUM

DATE	September 16, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(e) – PSY Applicant #1 Consider Qualifications for Licensure: Extension to the 30-consecutive Month Limitation to Accrue 1500 Hours of Post-doctoral Supervised Professional Experience

Background:

California Code of Regulations (CCR), Title 16, section 1387 provides in part:

(a) Pursuant to section 2914(c) of the code, two years of qualifying SPE shall be completed and documented prior to licensure. One year of SPE shall be defined as 1500 hours. At least one year of SPE shall be completed postdoctorally. Each year of SPE shall be completed within a thirty (30) consecutive month period. If both years of SPE (3000 hours) are completed postdoctorally, they shall be completed within a sixty (60) month period. Upon showing of good cause as determined by the board, these specified time limitations may be reasonably modified.

PSY Applicant #1 – Request for an Eight-month Extension to the 30-Consecutive Month Limitation to Accrue Post-Doctoral Supervised Professional Experience (SPE)

PSY Applicant #1 reported a total of 3,019 hours of SPE and 2,310 hours of SPE was credited towards licensure. The breakdown of the total hours of SPE is as follows:

Pre-doctoral SPE: 585	
Number of Hours	Start and End Date of SPE
585	March 7, 2014 – December 19, 2014

Post-doctoral SPE: 2,434	
Number of Hours	Start and End Date of SPE
737	March 14, 2016 – March 31, 2017
466	April 3, 2017 – December 22, 2017
324	January 8, 2018 – June 30, 2018
797	July 1, 2018 – March 31, 2019
110	April 1, 2019 – April 30, 2019

Pursuant to CCR section 1387(a), PSY Applicant #1 is required to complete the post-doctoral SPE for licensure between March 14, 2016 and September 14, 2018. However, 690 hours of SPE were completed after September 14, 2018, which is outside the permitted 30-month timeframe.

PSY Applicant #1 accrued the pre-doctoral and post-doctoral hours of SPE from out-of-state. PSY Applicant #1 encountered and discussed the following reasons for seeking an extension to the timeframe in accruing SPE:

- Difficulties in finding a psychologist as a supervisor in a small city who specializes in clinical psychology, forensic psychology, and neuropsychology as these are the PSY Applicant #1's areas of interest.
- Unable to travel for more than two hours to a neighboring major city to search for a qualified supervisor due to holding a current full-time job in a small city.

PSY Applicant #1 spent much time seeking a supervisor and finally found a local psychologist who specializes in the same areas of interests as PSY Applicant #1. PSY Applicant #1 had been under the supervision of the psychologist since March 14, 2016, but the supervisory relationship ended in May 2019 when the psychologist retired.

PSY Applicant #1 is requesting an eight-month extension to the 30-month limitation in accruing post-doctoral SPE, which would allow the remaining 690 hours of SPE to be credited towards licensure

The reasons stated for requesting an extension do not fall within the guidelines provided to staff in reviewing straightforward requests. Upon the Licensure Committee's review, staff is referring the Committee's recommendation to the full Board members for the final review.

Action Requested:

Review and consider the Licensure Committee's recommendation to grant the eight-month extension request to the 30-consecutive month limitation to accrue post-doctoral SPE.

MEMORANDUM

DATE	September 16, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(e) – PSY Applicant #2 Consider Qualifications for Licensure: Extension to the 30-consecutive Month Limitation to Accrue 1500 Hours of Pre-doctoral Supervised Professional Experience

Background:

California Code of Regulations (CCR), Title 16, section 1387 provides in part:

(a) Pursuant to section 2914(c) of the code, two years of qualifying SPE shall be completed and documented prior to licensure. One year of SPE shall be defined as 1500 hours. At least one year of SPE shall be completed postdoctorally. Each year of SPE shall be completed within a thirty (30) consecutive month period. If both years of SPE (3000 hours) are completed postdoctorally, they shall be completed within a sixty (60) month period. Upon showing of good cause as determined by the board, these specified time limitations may be reasonably modified.

PSY Applicant #2 – Request for Three-Year-and-Four-Month Extension to the 30-Consecutive Month Limitation to Accrue Pre-Doctoral Supervised Professional Experience (SPE)

PSY Applicant #2 reported a total of 1,886 hours of pre-doctoral SPE. The breakdown of the pre-doctoral SPE is as follows:

- 1,000 hours accrued from September 19, 2011 to July 9, 2012; and
- 886 hours accrued from August 15, 2016 to July 14, 2017.

Pursuant to the time limitation in accruing SPE set forth by section 1387(a) of the CCR, PSY Applicant #2 is required to complete the pre-doctoral SPE hours between September 19, 2011 and March 19, 2014.

As of August 12, 2019, PSY Applicant #2 reported a total of 999 hours of post-doctoral SPE. Below is the breakdown of the post-doctoral SPE received from PSY Applicant #2:

- 419 hours accrued from September 16, 2017 to August 1, 2018; and
- 580 hours accrued from August 6, 2018 to May 5, 2019.

PSY Applicant #2 stated that the reason for the request is due to the delays in obtaining an internship successfully over the years. PSY Applicant #2 stated that this delay was caused by an accusation of misconduct that led to termination at an internship in 2012,

the prohibition imposed by the Director of Clinical Training to apply for another internship, the long investigation process by the school administrations, and additional practicum requirements in 2015.

Below is the timeline of events for PSY Applicant #2 as shown in ascending chronological order:

Event	Date
Started first pre-doctoral internship	September 2011
Birth of first child	September 2011
Completed first internship	July 2012
Started second pre-doctoral internship	August 2012
Terminated from internship	December 11, 2012
Final appeal to resume internship denied	January 30, 2013
Informal hearing to discuss course of action	May 29, 2013
Birth of second child	November 2013
Formal hearing	February 24, 2014
Results from formal hearing required PSY Applicant #2 to complete a written and oral exam, and at least 400 practicum hours with at least 200 hours face-to-face.	April 7, 2014
Took and passed oral and written ethics exam	May 16, 2014
Started and completed first practicum	January 2015 – June 2015
Started and completed second practicum	October 2015 – April 2016
Started and completed pre-doctoral internship	August 2016 – July 2017

PSY Applicant #2 explained that all requirements were completed as timely as the university allowed. PSY Applicant #2 is requesting a three-year and four-month extension hoping to have all 1,886 pre-doctoral SPE hours accrued to be approved for licensure.

Action Requested:

Review and consider the Licensure Committee’s recommendation to grant the three-year-and-four-month extension request to the 30-consecutive month limitation to accrue 1500 hours of pre-doctoral supervised professional experience.

MEMORANDUM

DATE	September 16, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(e) – PSY Applicant #3 Consider Qualifications for Licensure: Extension to the 30-consecutive Month Limitation to Accrue 1500 Hours of Post-doctoral Supervised Professional Experience

Background:

California Code of Regulations (CCR), Title 16, section 1387 provides in part:

(a) Pursuant to section 2914(c) of the code, two years of qualifying SPE shall be completed and documented prior to licensure. One year of SPE shall be defined as 1500 hours. At least one year of SPE shall be completed postdoctorally. Each year of SPE shall be completed within a thirty (30) consecutive month period. If both years of SPE (3000 hours) are completed postdoctorally, they shall be completed within a sixty (60) month period. Upon showing of good cause as determined by the board, these specified time limitations may be reasonably modified.

PSY Applicant #3 – Request for a One-Year Extension to the 30-Consecutive Month Limitation to Accrue Post-Doctoral Supervised Professional Experience (SPE)

PSY Applicant #3 reported a total of 3,183 hours of SPE and 2,310 hours of SPE was credited towards licensure. The breakdown of the total hours of SPE is as follows:

Pre-doctoral SPE: 1,570	
Number of Hours	Start and End Date of SPE
568	September 1, 2013 – June 27, 2014
1,002	July 7, 2014 – March 31, 2015

Post-doctoral SPE: 1,563	
Number of Hours	Start and End Date of SPE
933	August 24, 2015 – August 31, 2016
630	May 27, 2018 – February 1, 2019

Pursuant to CCR section 1387(a), PSY Applicant #3 is required to complete the post-doctoral SPE for licensure between August 24, 2015 and February 24, 2018. However,

630 hours of SPE were completed after February 24, 2018, which is outside the permitted 30-month timeframe.

PSY Applicant #3 explained that PSY Applicant #3 took time off from providing psychological practices due to a mental health impairment, specifically obsessive-compulsive disorder. PSY Applicant #3 stated that the time taken off from providing psychological practices was made in the best interest of the welfare of clients.

PSY Applicant #3 provided the timeframe below when PSY Applicant #3 began to seek for medical attention:

- After August 31, 2016 – Began individual therapy with a Licensed Marriage Family Therapist
- February 3, 2017 - Began seeing a psychiatrist for medication management

PSY Applicant #3 is requesting a one-year extension to the 30-month limitation in accruing post-doctoral SPE, which would allow the remaining 630 hours of SPE to be credited towards licensure.

PSY Applicant #3 was approved to take the Exam for Professional Practice of Psychology (EPPP) on June 7, 2019, and no examination attempt has been made per the Board's record.

Action Requested:

Review and consider the Licensure Committee's recommendation to grant the one-year extension request to the 30-consecutive month limitation to accrue 1500 hours of post-doctoral supervised professional experience.

MEMORANDUM

DATE	September 16, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(f) – PSB#1 Consideration of Licensing Committee Recommendations Regarding Requests for an Extension of the 72-Month Registration Period Limitation for Registered Psychological Assistant Pursuant to Section 1391.1(b) of Title 16 of the California Code of Regulations

Background:

California Code of Regulations (CCR), Title 16, section 1391.1 provides in part:

(b) Registration as a psychological assistant shall be limited to a cumulative total of six years (72 months). Each registration shall be subject to annual renewal pursuant to section 1391.12.

For any psychological assistant registered prior to the effective date of this subdivision, subsequent renewals or registrations shall be limited to a cumulative total of six years (72 months) from the date of the psychological assistant's next registration or renewal, whichever occurs first.

Upon showing of good cause as determined by the Board, these specified time limitations may be reasonably modified.

Psychological Assistant (PSB) #1 – Request for a One-Year Extension of the 72-Month Registration Period

PSB #1 was issued a psychological assistant registration on October 24, 2013 and is set to expire on October 23, 2019. PSB #1 has completed the required 3,000 of SPE on November 18, 2014.

PSB #1 has taken the Examination for Professional Practice in Psychology (EPPP) a total of eight times. Below are the dates for each attempt:

1. October 9, 2015
2. March 30, 2016
3. May 26, 2016
4. September 30, 2016
5. January 31, 2017
6. July 20, 2017

7. October 23, 2017
8. January 22, 2018

PSB #1 previously submitted a one-year extension request for the psychological assistant registration on December 17, 2018. The extension request was reviewed by staff and was denied based on the need for extra time to study for the EPPP.

PSB #1 resubmitted an extension request due to an increase in mental health symptoms this year. The symptoms that PSB #1 stated include depression, anxiety and attention deficit hyperactivity disorder. PSB #1 is requesting a one-year extension hoping to get back on track with recovery and career plans.

Action Requested:

Review and consider the Licensure Committee's recommendation to deny the one-year extension request of the 72-month limitation for the psychological assistant registration.

MEMORANDUM

DATE	September 13, 2019
TO	Board of Psychology
FROM	Jeffrey Thomas Assistant Executive Officer
SUBJECT	Agenda Item 28(g) Consideration of Renaming Registered Psychological Assistant

Background:

The statutory and regulatory proposed amendments relating to Pathways to Licensure were reviewed and approved by the Board at its November 16, 2018 meeting. One of the approved proposed amendments was to rename “Psychological Assistant” to “Psychological Associate”.

It was brought to staff’s attention that, a title that includes the word “Associate”, could be categorized as an independent practitioner for reimbursement purpose. This perception could potentially mislead the public to believe that “Psychological Associates” are independent practitioners while, in actuality, they are required to be under the immediate supervision of a qualified primary supervisor in order to perform any psychological functions pursuant to Business and Professions Code, section 2913, which provides in part:

“(c)(1) The psychological assistant is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or a licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or the American College of Osteopathic Board of Neurology and Psychiatry, who shall be responsible for insuring that the extent, kind, and quality of the psychological services that the psychological assistant performs are consistent with his or her training and experience and be responsible for the psychological assistant’s compliance with this chapter and regulations.”

At the August 16, 2019 Board meeting, the Board discussed this matter and requested staff to research to determine if and how the terms “psychological assistant” and “psychological associate” are used in other jurisdictions. The Licensure Committee reviewed the issue at its meeting on September 13, 2019. After a review of the research provided and the use of the title “Psychological Associate” in other jurisdictions, the

Committee voted to continue with the renaming of “Psychological Assistant” to “Psychological Associate” and to submit the recommendation to the full Board.

Attachment:

Titles of Training Categories Utilized in Other Jurisdictions

Actions Requested:

Review and consider the Licensure Committee’s recommendation to continue with the renaming of “Psychological Assistant” to “Psychological Associate.”

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

**Item Available Upon
Request**

- Agenda Item 28(g) – Attachment A – Training Categories

Department of Consumer Affairs

Board of Psychology

October 3-4, 2019 Board Meeting
San Diego, CA

Item Available Upon Request

- Agenda Item 28(h) – Attachment – Pupil Personnel Services Credentials

MEMORANDUM

DATE	September 13, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(h) Pupil Personnel Services Credential: Report on Presentation and Discussion by Commission on Teacher Credentialing (CTC) for a Credential with a Specialization in School Psychology

Background:

At the September 13, 2019 Licensure Committee meeting, staff invited the Commission on Teacher Credentialing (CTC) representative, Ms. Tammy Duggan, Consultant, to present information relating to the scope of practice and roles of Individuals holding a Credential with a Specialization in School Psychology.

The presentation and discussion can be viewed through the recorded webcast link provided on the Board's website.

Attachment:

Pupil Personnel Services Credentials

Action Requested:

This item is for informational purposes only. No action is required.

MEMORANDUM

DATE	September 13, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(i) Update on the California Association of School Psychologists Regarding Written Statement to Clarify the Role of Licensed Educational Psychologists

Background:

At the June 13, 2019 Licensure Committee meeting, the Board of Behavioral Sciences (BBS) representatives, Ms. Kim Madsen, Executive Officer, and Ms. Betty Connolly, LEP and Board Chair, provided an overview of the licensure requirements and answered questions relating to the scope of practice and roles of LEPs. We appreciate their valuable time and contributions to the discussion at the meeting.

At the Board members' request during their meeting on August 16, 2019, staff reached out to BBS regarding whether there was any update on a formal, written statement that would clarify the role of LEPs by the Association of School Psychologists as a result of the discussion. BBS shared that the scope of practice and the role of a LEP is specified in the Business and Professions Code section 4989.14, which has greater weight in terms of consumer protection and ethical practice than a formal statement. BBS believes that this governing statute and Ms. Connolly's testimony is sufficient.

Action Requested:

This item is for informational purposes only. No action is required.

MEMORANDUM

DATE	September 17, 2019
TO	Board Members
FROM	Stephanie Cheung Licensing Manager
SUBJECT	Agenda Item 28(j) Discussion and Consideration of How to Inform Consumers Regarding the Respective Roles of a Licensed Psychologist, Licensed Educational Psychologist, and Individuals Holding a Credential with a Specialization in School Psychology

Background:

The Committee was provided information regarding the requirements, scope of practice, and the role of Licensed Educational Psychologists by the Board of Behavioral Sciences (BBS) at the June 13, 2019 meeting.

The Commission on Teacher Credentialing (CTC) provided information relating to credentialing with a specialization in school psychology at the September 13, 2019 meeting. With the goal of addressing public confusion regarding the scope of practice of the three professions, the Committee discussed and considered staff's recommendation to collaborate with the BBS and CTC to co-host a stakeholder meeting to solicit input on how to best inform consumers regarding the respective roles of the three professions. The BBS and the California Association of School Psychologists (CASP) were present at the September Committee meeting. The BBS welcomed the partnership with the Board in this effort, and the CAPS also welcomed the opportunity in contributing as a stakeholder.

Action Requested:

Recommend that the Board of Behavioral Sciences, the Commission on Teachers Credentialing, and the Board to co-host a stakeholder meeting in the near future to solicit input on how to best inform consumers regarding the respective roles of the three professions.