

## MEMORANDUM

<b>DATE</b>	January 27, 2021
<b>TO</b>	Board of Psychology
<b>FROM</b>	Liezel McCockran Continuing Education and Renewals Coordinator
<b>SUBJECT</b>	Agenda Item # 6 – Discussion and Possible Approval of the Board Meeting Minutes: November 19-20, 2020

**Background:**

Attached are the draft minutes of the November 19-20, 2020 Board Meeting.

**Action Requested:**

Review and approve the minutes of the November 19-20, 2020 Board Meeting.

**BOARD MEETING TELECONFERENCE**

NOTE: Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location were provided.

**Thursday, November 19, 2020**

**Members Present**

Seyron Foo, President  
Mary Harb Sheets, PhD, Vice-President  
Sheryll Casuga, PsyD  
Marisela Cervantes  
Julie Nystrom  
Stephen Phillips, JD, PsyD  
Ana Rescate  
Shacunda Rodgers, PhD  
Lea Tate, PsyD

**Legal Counsel**

Clay Jackson  
Will Maguire  
Norine Marks

**Board Staff Present**

Antonette Sorrick, Executive Officer  
Stephanie Cheung, Licensing Unit Manager  
Sandra Monterrubio, Enforcement Program Manager  
Jason Glasspiegel, Central Services Manager  
Liezal McCockran, Continuing Education and Renewals Coordinator

Thursday, November 19, 2020

**Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum**

Seyron Foo, Board President, called the open session meeting to order at 10:06 a.m. A quorum was present and due notice had been sent to all interested parties.

**Agenda Item #2: President’s Welcome**

Mr. Foo asked for a moment of silence in memoriam for the Board’s Assistant Executive Officer, Jeffrey Thomas. Mr. Foo recognized Mr. Thomas’s work with the Board that spanned over three decades. Mr. Foo welcomed the attendees to the Board’s quarterly meeting. He welcomed and introduced the two new Board members, Ms. Nystrom and Ms. Rescate. Mr. Foo also welcomed Mr. Maguire and Mr. Jackson as the Board’s new legal counsel. He stated that Ms. Marks will be retiring and thanked her for her service

46 to the Board. Mr. Foo stated that four of the five licensed Board members passed the  
47 CE audit in accordance with the Strategic Plan goal to audit licensed Board members.  
48

49 **Agenda Item #3 - Public Comment for Items Not on the Agenda. Note: The Board**  
50 **May Not Discuss or Take Action on Any Matter Raised During this Public**  
51 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**  
52 **of a Future Meeting [Government Code sections 11125 and 11125.7(a)].**  
53

54 No public comments were made.  
55

56 **Agenda Item #4 - Coronavirus (COVID-19) Update Including but not Limited to**  
57 **Updates on Waivers**  
58

59 Ms. Sorrick stated that the most recent updates to the waivers were the extension of the  
60 Continuing Education waiver and the Face to Face supervision waiver.  
61

62 Dr. Dan Evans, member of the public, requested to add an agenda item for a future  
63 meeting. Dr. Evans stated that the law and ethics exam is done only in person which  
64 creates concerns of contracting COVID-19. Dr. Evans stated that in July 2020, he  
65 requested to take the test outdoors or in a private testing room and was told by the  
66 Board that that specific accommodation was only used for those with disabilities or  
67 mentally ill. Dr. Evans is asking for the Board to provide remedies.  
68

69 Ms. Marks stated that this issue can be added to the Licensure Committee meeting  
70 agenda or the Board can take a vote on whether they want to add it at a future meeting.  
71

72 Dr. Harb Sheets stated that as the Chair of the Licensure Committee, she will talk to  
73 legal counsel, do research on what other states have been doing, and add this to the  
74 Licensure Committee agenda.  
75

76 **Agenda Item #5 - President's Report**

77 a) Dates and Locations of 2021 Board and Committee Meetings  
78

79 Mr. Foo addressed the 2021 meeting calendar and stated the Board plans to meet  
80 remotely until summer of 2021.  
81

82 b) Committee Updates

83 a. Telepsychology Ad Hoc Committee

84 i. 2021 PSYPACT Analysis  
85

86 Mr. Foo stated that due to the incredible interest in PSYPACT, the Telepsychology Ad  
87 Hoc Committee, chaired by Dr. Phillips, will conduct an analysis of the PSYPACT  
88 agreement. Mr. Foo stated that Ms. Nystrom and Dr. Tate are members of the  
89 Telepsychology Ad Hoc Committee.  
90

91 Dr. Phillips stated that the Board wanted to be responsive to licensees who expressed  
92 concerns regarding the Board not joining PSYPACT. He stated that the Committee will  
93 review the modifications made to the PSYPACT since the Board's first analysis.

94  
95 Jo Linder-Crow, CEO of the California Psychological Association (CPA), asked that as a  
96 three-person committee, will the committee meetings be publicly noticed.

97  
98 Mr. Foo stated that the meetings will be noticed and posted online.

99  
100 Natalie Feinblatt, member of the public, asked where online could one find the  
101 committee meeting notice.

102  
103 Mr. Foo stated the meeting notices will be on the Board's website,  
104 [www.psychology.ca.gov](http://www.psychology.ca.gov). He stated that if one were to have any problems navigating the  
105 website, to please reach out to [BOPMail@dca.ca.gov](mailto:BOPMail@dca.ca.gov).

106  
107 Ms. Marks stated that those on the interested parties list will get an email regarding the  
108 meetings.

109  
110 **Agenda Item #6 - Discussion and Possible Approval of the Board Meeting Minutes:**  
111 **July 9-10, 2020**

112  
113 Mr. Foo introduced this agenda item and asked the Board for any questions or comments  
114 on the minutes. No questions or comments received.

115  
116 It was M(Tate)/S(Harb Sheets)/C to approve the minutes as presented.

117  
118 No public or Board comment were given.

119  
120 Vote: 8 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate),  
121 0 noes, 1 abstain (Nystrom)

122  
123 **Agenda Item #7 - Outreach and Communications Committee Report and**  
124 **Consideration of and Possible Action on Committee Recommendations**

125 i) **Addressing Cultural Diversity and Access to Psychological Services in**  
126 **California**

127  
128 The Outreach and Communications Committee (Committee) chairperson, Dr. Tate,  
129 provided the update. Dr. Tate stated that with feedback from the attendees at the last  
130 Committee meeting, the Committee would like to develop a survey to assess what  
131 issues around delivery of psychological services and telehealth.

132  
133 Dr. Casuga stated that this is a wonderful idea. Dr. Casuga stated she would ask that  
134 the survey account for the following: populations that need an interpreter or translator,  
135 individuals that have developmental disabilities, those that have technological  
136 limitations, and the elderly.

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Dr. Tate said the survey has not been created yet but, once approval is received, it will make sure to include those populations.

It was M(Phillips)/S(Casuga)/C to delegate to the Committee the development of a survey to stakeholders (consumer groups, licensees, non-profit organizations, training programs, and schools) to assess what the issues are surrounding the digital divide that impact delivery of mental health services via telehealth.

Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

Regarding the remaining items under this agenda item, Mr. Foo stated that the Board will only be looking at items that need motions and will be returning to Dr. Tate to provide further updates on the Committee if time allows.

**Agenda Item #8 - Review and Consideration of and Possible Action on Changes to the Board’s Administrative Procedures Manual**

Ms. Sorrick presented this agenda item and stated she will take any questions regarding the draft document.

Dr. Harb Sheets suggested that the strategic goals be consistent with the names of the committees and to also update the Board member list.

Ms. Sorrick stated these items are set as of the date of the Strategic Plan.

It was M(Tate)/S(Cervantes)/C to adopt the draft administrative procedure manual.

Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

**Agenda Item #9 - Legislative and Regulatory Affairs Updates**

- a) Review of Status of Proposed Legislation
  - 1) Review Status of Bills with Active Positions Taken by the Board;
    - Determine if Action Necessary
      - A. AB 1145 (Garcia) Child abuse: reportable conduct.
      - B. AB 1263 (Low) Contracts: consumer services: consumer complaints.
      - C. AB 2112 (Ramos) Suicide prevention.
      - D. AB 2164 (Rivas, Robert) Telehealth
      - E. AB 2253 (Low) Professional licensure.
      - F. AB 2360 (Maienschein) Telehealth: mental health.
      - G. AB 2630 (Flora) Criminal history information: subsequent arrest notification.
      - H. AB 2704 (Ting) Healing arts: licensees: data collection.

- 182 I. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans:  
183 military spouses: licenses.  
184 J. SB 53 (Wilk) Open meetings.  
185 K. SB 66 (Atkins) Medi-Cal: federally qualified health center and rural  
186 health clinic services.  
187 L. SB 1474 (Committee on Business, Professions and Economic  
188 Development) Professions and Vocations.  
189  
190 2) Status of Watch Bills  
191 A. AB 499 (Mayes) Personal information: social security numbers: state  
192 agencies.  
193 B. AB 613 (Low) Professions and vocations: regulatory fees.  
194 C. AB 798 (Cervantes) Maternal mental health.  
195 D. AB 1616 (Low) Department of Consumer Affairs: boards: expunged  
196 convictions.  
197 E. AB 1911 (Maienschein) State agencies: veterans.  
198 F. AB 2028 (Aguiar-Curry) State agencies: meetings.  
199 G. AB 2093 (Gloria) Public records: writing transmitted by electronic mail:  
200 retention.  
201 H. AB 2113 (Low) Refugees, asylees, and immigrants: professional  
202 licensing.  
203 I. AB 2138 (Chau) California Public Records Act.  
204 J. AB 2164 (Rivas, Robert) Telehealth.  
205 K. AB 2185 (Patterson) Professions and vocations: applicants licensed in  
206 other states: reciprocity.  
207 L. AB 2438 (Chau) California Public Records Act: conforming revisions.  
208 M. AB 2476 (Diep) Healing arts licensees.  
209 N. AB 2549 (Salas) Department of Consumer Affairs: temporary licenses.  
210 O. AB 2631 (Cunningham) License fees: military partners and spouses.  
211 P. AB 2856 (Committee on Business and Professions) Board of  
212 Psychology.  
213 Q. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans:  
214 military spouses: licenses.  
215 R. SB 806 (Grove) Worker status: employees: independent contractors.  
216 S. SB 878 (Jones) Department of Consumer Affairs Licensing:  
217 applications: wait times.  
218

219 Mr. Foo stated the Board will return to this item.  
220

- 221 b) Legislative Items for Future Meeting. The Board May Discuss Other Items of  
222 Legislation in Sufficient Detail to Determine Whether Such Items Should be  
223 on a Future Board Meeting Agenda and/or Whether to Hold Special Meeting  
224 of the Board to Discuss Such Items Pursuant to Government Code Section  
225 11125.4  
226

227 Ms. Cervantes would like to reintroduce a concept previously discussed in February  
228 concerning legislation aimed at gathering demographic data in the licensing process.

229  
230 Mr. Foo stated he will ask staff to add it to the Licensure Committee agenda.

231  
232 No public comments were made.

233  
234 **Agenda Item #10 - Enforcement Unit Report**

235  
236 Ms. Monterrubio provided the Enforcement Unit Report.

237  
238 Ms. Cervantes asked if the number and nature of complaints have been impacted by  
239 COVID.

240  
241 Ms. Monterrubio stated she is not seeing any trends. Ms. Monterrubio stated that the  
242 Enforcement Unit is on track to receive the same number of complaints from the  
243 previous fiscal year.

244  
245 Dr. Casuga asked what are the factors that are considered for prioritization.

246  
247 Ms. Monterrubio stated that Board staff follows the Department of Consumer Affairs  
248 Complaint Prioritization guidelines which is broken down into four categories. She then  
249 went on to briefly explain the categories.

250  
251 Kathleen Russell, Executive Director for Center for Judicial Excellence, stated that there  
252 have been concerns from general public involving this Board's licensees who are  
253 custody evaluators. Ms. Russell asked how many of these complaints include child  
254 custody complaints and whether this addresses complaints filed, or complaints  
255 investigated.

256  
257 Ms. Monterrubio stated that all complaints filed are investigated. Of the 651 complaints  
258 received, 18 complaints related to child custody issues.

259  
260 Catherine Campbell, California Protective Parents Associations, stated people reach out  
261 to the California Protective Parents Associations regarding family court situations. Ms.  
262 Campbell asked the following questions:

- 263
- 264 • If a complaint involves an evaluator working with a family that includes sexual  
265 abuse or other types of abuse to a child, that the complaint be prioritized.
  - 266 • Asked for clarification on the 18 licensees who had complaints concerning child  
267 custody. She asked whether there were multiple complaints concerning one  
268 family or if there were multiple complaints where one licensee is hurting multiple  
269 families.
  - 270 • What procedures are in place to ensure complaints are properly investigated?

271 Ms. Marks stated she wanted to make sure that the response be related to the  
272 Enforcement report and that the other questions be answered on tomorrow's agenda  
273 item #23.

274  
275 Ms. Monterrubio provided a detailed explanation of the procedure of processing child  
276 custody complaints. Ms. Monterrubio stressed that every complaint is investigated. She  
277 stated that there is not much more information regarding the details of the 18  
278 complaints. Ms. Monterrubio also stated that she will include the performance measures  
279 in the Enforcement Report for the February 2021 Board meeting.

280  
281 **Agenda Item #17 - CLOSED SESSION**

282  
283 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to  
284 discuss disciplinary matters including the above Petitions, Proposed Decisions,  
285 Stipulations, Petitions for Reconsideration, and Remands.

286  
287 **Agenda Item #13 – Regulatory Hearing**

288 Regulatory Hearing, Division 13.1 of Title 16, of the California Code of Regulations  
289 sections 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67 – Continuing  
290 Education/Professional Development

291  
292 Mr. Foo stated that in conformance to the Board's Practice Act, Continuing Education is  
293 now referred to as Continuing Professional Development (CPD). He stated that the  
294 regulations that will be discussed will outline how a licensee can meet the requirements  
295 of CPD for purposes of license renewal.

296  
297 Ms. Sorrick provided a procedural overview of how the regulations came to be.

298  
299 Dr. Phillips, Dr. Horn, and Dr. Gallardo provided historical background on the CPD  
300 regulations.

301  
302 The public hearing commenced at 2:00 p.m.

303  
304 Dr. Elizabeth Winkelman, Director of Professional Affairs at CPA, wanted to first confirm  
305 that the Board received the written comment submitted by Dr. Jo Linder-Crow on behalf  
306 of CPA. Dr. Winkelman stated that a main concern is the implementation deadline,  
307 requesting it be delayed to January 2022 or later, and request an increase in flexibility in  
308 how people obtain CPD hours. CPA is specifically requesting to allow all CPD be  
309 accrued either through all sponsored continuing education or a mixture of sponsored  
310 continuing education and self-directed learning.

311  
312 Eric Bayon, licensed psychologist, expressed his concern regarding the CPD language.  
313 Specifically, the requirement which mandates a minimum of two hours in each CPD  
314 category. Dr. Bayon asked that psychologists be able to choose how many hours in a  
315 CPD category they may accrue. He asked that in section 1397.61(E), to strike the



316 sentence that begins with “With the exception of....” He asked that the number of CPD  
317 hours in 1397.61(H)(1) be changed from 27 to 36.

318  
319 Karen Shore, member of the public, asked about the wording of the definition for the  
320 “Peer Consultation” category. Dr. Shore stated that she believes the definition states  
321 that the licensee must be part of an on-going set of meetings, and Dr. Shore states that  
322 most psychologists but do speak with each other but on an on-going basis. Dr. Shore  
323 stated that the assumptions that psychologists are only doing one offs and that they are  
324 all talking heads is not true. She also asked to expand the categories and to clarify if  
325 psychologists can add book clubs, special interest groups, consults with lawyers, and  
326 consults with CPA’s laws and ethics committee.

327  
328 Mr. Foo confirmed with legal counsel that the Board will provide a response at a later  
329 date.

330  
331 Shawn McCall, licensed psychologist and attorney, expressed his confusion the  
332 “Conference/Convention Attendance” CPD category. Dr. McCall asked which category  
333 attendance of an American Psychological Association (APA) conference or CPA  
334 convention would fall under. Dr. McCall asked that the term “virtual attendance” be  
335 added in the language. He asked which professional organizations counts as  
336 attendance. Dr. McCall stated that regarding the ethics, diversity, and social justice  
337 issues as well as legal issues, he had an understanding that some sort of dual credit  
338 could be captured.

339  
340 Dr. Linder-Crow stated CPA has been working with the Board over the last several  
341 years in the creation of this CPD model. Dr. Linder-Crow stated she would like to  
342 reiterate that the implementation date should be set forward one year. She stated that  
343 the year would help CPA continue the outreach and answer the numerous questions  
344 and concerns regarding the new CPD model. Dr. Linder-Crow stated that some of the  
345 clarifications need to reflect the times we are in, specifically about adding virtual  
346 attendance in the language.

347  
348 Ms. Cervantes asked if there was an analysis of potential cost increase or cost  
349 decrease with this regulatory change.

350  
351 Mr. Glasspiegel stated that there are several sections that discuss fiscal effects.

352  
353 Dr. Shore asked if the definition of Peer Consultation could be clarified to an as needed  
354 basis for a fee or for no fee.

355  
356 The hearing concluded at 2:39 p.m.

357  
358 Mr. Jackson provided a detailed explanation of the regulation procedure.

359  
360 Mr. Foo stated that Agenda Item #14 will be held for the following day so that staff can  
361 process the oral comments made today and prepare a response.

362

363 **Agenda Item #15 - Consideration of Adding section 1396.8, to Division 13.1 of**  
364 **Title 16 of the California Code of Regulations – Standards of Practice for**  
365 **Telehealth**

366

367 Dr. Phillips provided historical context on the telehealth regulations.

368

369 Mr. Glasspiegel explained the document the Board members are currently reviewing  
370 and the regulatory process.

371

372 Dr. Winkelman stated that the primary focus of the telehealth regulations should be to  
373 expand access to services and not restrict it. Dr. Winkelman stated that the healthcare  
374 field is moving towards telehealth and there is a limitation of access to those who are  
375 here on a temporary status e.g. college students, immigrants. Dr. Winkelman stated that  
376 no other state provides limitations on who can gain access.

377

378 Raymond Coffin, licensed psychologist, stated that he agrees with Dr. Winkelman's  
379 concerns regarding restricting treatments to residents. Dr. Coffin stated that he would  
380 like to comment on three groups of patients: injured workers, people who have PTSD,  
381 and members of the military and their families. Dr. Coffin stated that treatment of injured  
382 workers often goes on for a very long period and due to the financial burden from legal  
383 issues that require them to move out of state. Dr. Coffin stated that this is also the case  
384 for those who suffer from PTSD, they are unable to continue living in California due to  
385 financial reasons. Dr. Coffin stated that he would prefer that the clients be able to be  
386 given the option to stay with a clinician that they trust.

387

388 Dr. Linder-Crow stated that she finds the language confusing. She stated that she  
389 concurs that the term resident is problematic. Dr. Linder-Crow urges the Board to  
390 simplify the language as much as possible. She refers to the Board of Behavioral  
391 Science's telehealth language to compliment how simple the language is.

392

393 Discussion ensued between Board members and legal counsel regarding the use of the  
394 term "resident" in the telehealth regulatory language.

395

396 Dr. Rodgers provided modification to the language that would not be confusing to  
397 licensees but provide enough structure for staff to answer questions about providing  
398 telehealth services.

399

400 Mr. Foo stated Agenda Item #16 will be held for tomorrow.

401

402 **Agenda Item #17 - Closed Session**

403

404 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to  
405 discuss disciplinary matters including Proposed Decisions, Stipulations, Petitions for  
406 Reinstatement and Modification of Penalty, Petitions for Reconsideration, and  
407 Remands.

408  
409 The Board returned to open session and the meeting was adjourned at 6:00 pm.

Friday, November 20, 2020

410  
411 **Agenda Item #18 - Call to Order/Roll Call/Establishment of a Quorum**

412  
413 Seyron Foo, Board President, called the open session meeting to order at 10:12 a.m. A  
414 quorum was present and due notice had been sent to all interested parties.

415  
416 **Members Present**

417 Seyron Foo, President  
418 Mary Harb Sheets, PhD, Vice-President  
419 Sheryll Casuga, PsyD  
420 Marisela Cervantes  
421 Julie Nystrom  
422 Stephen Phillips, JD, PsyD  
423 Ana Rescate  
424 Shacunda Rodgers, PhD  
425 Lea Tate, PsyD

426  
427 **Legal Counsel**

428 Norine Marks  
429 Will Maguire  
430 Clay Jackson

431  
432 **Board Staff Present**

433 Antonette Sorrick, Executive Officer  
434 Stephanie Cheung, Licensing Unit Manager  
435 Sandra Monterrubio, Enforcement Program Manager  
436 Jason Glasspiegel, Central Services Manager  
437 Liezel McCockran, Continuing Education and Renewals Coordinator

438  
439 **Agenda Item #19 – Closed Session**

440  
441 The Board met in closed session pursuant to Government Code Section 11126(a)(1) to  
442 conduct its annual evaluation of its Executive Officer.

443  
444 **Agenda Item #20 - Closed Session**

445  
446 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to  
447 discuss disciplinary matters including Proposed Decisions, Stipulations, Petitions for  
448 Reinstatement and Modification of Penalty, Petitions for Reconsideration, and  
449 Remands.

450  
451 **RETURN TO OPEN SESSION** – The Board returned at 12:07 p.m.

452

453 **Agenda Item #21 - Public Comment for Items Not on the Agenda. Note: The Board**  
454 **May Not Discuss or Take Action on Any Matter Raised During this Public**  
455 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**  
456 **of a Future Meeting [Government Code sections 11125 and 11125.7(a)].**

457  
458 Ms. Russell asked that Business and Professions Code section 129(d) be added to a  
459 future agenda. Ms. Russell stated that she read the code and would like further  
460 clarification if this annual reporting is taking place.

461  
462 **Agenda Item #14 - Consideration of Adopting Amendments to 1381.9, 1397.60,**  
463 **1397.61, 1397.62, and 1397.67, and adding sections 1397.60, 1397.61, 1397.62, and**  
464 **1397.67, of Division 13.1 of Title 16 of the California Code of Regulations –**  
465 **Continuing Education/Professional Development**

466  
467 Mr. Glasspiegel provided the Board with a summary of what happened during the first  
468 day of the Board meeting.

469  
470 Dr. Harb Sheets would like to have a conversation about the implementation date.

471  
472 Mr. Foo stated that the implementation date has been changed to January 1, 2022.

473  
474 Discussion ensued regarding adding the term “virtual attendance” under the CPD  
475 category of ‘Conference/Convention Attendance.’

476  
477 Mr. Foo led the Board members through a review of the comments to determine if  
478 comments should be accepted or rejected.

479  
480 Dr. Linder-Crow asked if attending Board meetings can be done via virtual/remote  
481 means. She also asked clarification regarding accepted comments. Also, Dr. Linder-  
482 Crow stated that some of these questions could be answered in a FAQ document.

483  
484 Ms. Sorrick stated that in regard to Board of Psychology quarterly Board meetings, the  
485 concern with adding the term ‘virtual’ for meeting attendance is that there is no  
486 mechanism to monitor participation.

487  
488 Mr. Jackson stated that the FAQ could be considered an underground regulation rather  
489 than just fixing the regulation.

490  
491 Dr. McCall asked for audit purposes, what documentation would be required for  
492 verification for attending Board meetings? The process for verification was addressed.

493  
494 Dr. Winkelman noted an error in CPD language. She also stated that she believes there  
495 needs to be additional clarification on the CPD category of ‘Peer Consultation.’ Dr.  
496 Winkelman asked the Board to consider that it still be possible to maintain two different  
497 categories but modify the language such that people could fulfill all CPD categories  
498 through sponsored CE and self-directed learning.

499  
500 The Board continued to review and determine if comments should be accepted or  
501 rejected.  
502  
503 Dr. Winkelman stated she is fine with keeping the language in the 'Peer Consultation'  
504 category.  
505  
506 Dr. Linder-Crow asked for clarification on a statement from Dr. Phillips regarding  
507 accruing hours from two or more categories. Dr. Linder-Crow also asked if peer  
508 consultation can be paid or non-paid. She also asked if peer consultation required  
509 giving as well as receiving peer consultation. She asked if the language could be  
510 clarified.  
511  
512 Dr. Phillips stated that the Board does not have a preference whether peer consultation  
513 is paid or not.  
514  
515 Board members weighed in regarding peer consultation as both receiving and providing  
516 peer consultation. Language was modified to clarify this.  
517  
518 The Board continued to review and determine if comments should be accepted or  
519 rejected.  
520  
521 Dr. Linder-Crow provided clarification of reading the CPA newsletter. She stated CPA  
522 offers CE credit as self-study with accreditation from APA.  
523  
524 Dr. Harb Sheets asked Dr. Linder-Crow if she is suggesting that reading CPA magazine  
525 is sponsored CE or self-study.  
526  
527 Dr. Linder-Crow stated she sees reading the CPA newsletter as sponsored CE.  
528  
529 Dr. Phillips stated that you could use the credit from reading a CPA newsletter for  
530 sponsored CE or self-study, but you cannot use it for both categories.  
531  
532 Dr. McCall stated that this was what he was referring to when he spoke on the first day  
533 of the Board meeting where there were some things that can go into two categories. He  
534 provided other examples that can fall into two categories. He asked that this be clarified.  
535  
536 Mr. Glasspiegel stated that if a licensee goes to a convention and the convention offers  
537 CE that attending the convention is fulfills the convention attendance CPD category and  
538 the CE that were offered fulfills another CPD category.  
539  
540 The Board continued to review and determine if comments should be accepted or  
541 rejected.  
542  
543 It was M(Harb Sheets)/S(Tate)/M to accept the modified text inclusive of gender-neutral  
544 terms and updating references to statute for 15-day public comment.

545

546 No public comments were made.

547

548 Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
549 Rodgers, Tate), 0 noes

550

551 It was M(Casuga)/S(Tate)/C to delegate to the Executive officer to adopt the modified  
552 text in the absence of any negative comments and to continue the process to finalize  
553 the regulatory package, including making any non-substantive changes.

554

555 No public comments were made.

556

557 Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
558 Rodgers, Tate), 0 noes

559

560 **§ 1381.9. Renewal of Expired License: Reapplication After Cancelled**  
561 **License.**

562

563 (a) In the event a licensee does not renew ~~his or her~~their license as provided in section  
564 2982 of the Code, the license expires. In addition to any other requirements, a  
565 licensee renewing pursuant to section 2984 of the Code shall furnish a full set of  
566 fingerprints as required by and set out in section 1381.7(b) as a condition of renewal.

567

568 (b) After a license has been expired for three years, the license is automatically  
569 cancelled, and a new license must be obtained in order to provide psychological  
570 services. A person whose license has been cancelled may obtain a new license  
571 pursuant to the requirements in section 2986 of the Code, and providing the person:

572

(1) submits a complete licensing application pursuant to section 1381;

573

(2) meets all current licensing requirements;

574

(3) successfully passes the examination pursuant to section 1388.6;

575

(4) provides evidence of continuing professional development taken pursuant to  
576 section 1397.67(b), and no fact, circumstance, or condition exists that would

577

be grounds for denial of licensure under sections 480 or Division/ Chapter/

578

Article 4 of the Code.

579

580 NOTE: Authority cited: Sections 2930 and 2982, Business and Professions Code.

581

Reference: Sections 118, 480, 2984 and 2986, Business and Professions Code; and  
582 Section 11105(b)(10), Penal Code.

583

584 **§ 1397.60. Definitions. [Effective until December 31, 2020.]**

585

586 This section is inoperative January 1, 2024~~2~~, and repealed on December 31,

587

2042.

588

589 As used in this article:

- 590 (a) "Conference" means a course consisting of multiple concurrent or sequential free-  
591 standing presentations. Acceptable presentations must meet the requirements of  
592 section 1397.61(c).  
593
- 594 (b) "Continuing education" (CE) means the variety of forms of learning experiences,  
595 including, but not limited to, lectures, conferences, seminars, workshops, grand  
596 rounds, in-service training programs, video conferencing, and independent learning  
597 technologies.  
598
- 599 (c) "Course" or "presentation" means an approved systematic learning experience of at  
600 least one hour in length. One hour shall consist of 60 minutes of actual instruction.  
601 Courses or presentations less than one hour in duration shall not be acceptable.  
602
- 603 (d) "Grand rounds" or "in-service training program" means a course consisting of  
604 sequential, free-standing presentations designed to meet the internal educational  
605 needs of the staff or members of an organization and is not marketed, advertised or  
606 promoted to professionals outside of the organization. Acceptable presentations must  
607 meet the requirements of section 1397.61(c).  
608
- 609 (e) "Independent learning" means the variety of forms of organized and directed learning  
610 experiences that occur when the instructor and the student are not in direct visual or  
611 auditory contact. These include, but are not limited to, courses delivered via the  
612 Internet, CD-ROM, satellite downlink, correspondence and home study. Self-initiated,  
613 independent study programs that do not meet the requirements of section 1397.61(c)  
614 are not acceptable for continuing education. Except for qualified individuals with a  
615 disability who apply to and are approved by the Board pursuant to section 1397.62(c),  
616 independent learning can be used to meet no more than 75% (27~~2~~-hours) of the  
617 continuing education required in each renewal cycle. Independent learning courses  
618 must meet the requirements of section 1397.61(c).  
619
- 620 (f) "Provider" means an organization, institution, association, university, or other person  
621 or entity assuming full responsibility for the course offered, whose courses are  
622 accepted for credit pursuant to section 1397.61(c)(1).  
623

624 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions  
625 Code. Reference: Sections 29 and 2915, Business and Professions Code.  
626

627 **§ 1397.60. Definitions. [Effective January 1, 2024~~2~~.]**  
628

629 This section shall be applicable to a license that expires on or after, or is  
630 renewed, reactivated, or reinstated on or after, January 1, 2024~~2~~.

631 Continuing Professional Development (CPD) means required learning activities  
632 approved for the purpose of license renewal. CPD shall be met in the following four  
633 categories: Professional Activities; Academic; Sponsored Continuing Education; and

634 Board Certification.

635

636 (a) Acceptable CPD learning activities under “Professional Activities” include: (1)  
637 “Peer Consultation”

638 (A) “Peer Consultation” means engaging in structured and organized  
639 interaction, in person or electronically mediated, with professional  
640 colleagues designed to broaden professional knowledge and expertise,  
641 reduce professional isolation, and directly inform the work of the  
642 psychologist. CPD pursuant to this section may only be obtained  
643 through individual or group case consultation, reading groups, or  
644 research groups. These activities must be focused on maintaining,  
645 developing, or increasing conceptual and applied competencies that  
646 are relevant to psychological practice, education, or science.

647 (B) “Peer Consultation” does not include “Supervision” as defined in section  
648 (b)(3).

649

650 (2) “Practice Outcome Monitoring” (POM)

651 “Practice Outcome Monitoring” (POM) means the application of  
652 outcome assessment protocols with clients/patients, in order to monitor  
653 one’s own practice process and outcomes, with the goal of assessing  
654 effectiveness. All outcome measures must be sensitive to cultural and  
655 diversity issues.

656

657 (3) “Professional Services”

658 “Professional Services” means ongoing participation in services  
659 related to the field of psychology, or other related disciplines,  
660 including but not limited to, serving on psychological association  
661 boards or committees, editorial boards of peer reviewed journals  
662 related to psychology or other related disciplines, scientific grant  
663 review teams, boards of regulatory bodies, program development  
664 and/or evaluation activities, separate and apart from a fee for service  
665 arrangement.

666

667 (4) “Conference/Convention Attendance” “Conference/Convention

668 Attendance” means attending a  
669 professional gathering, either in person or via electronic means, that  
670 consists of multiple concurrent or sequential free-standing presentations  
671 related to the practice of psychology, or that may be applied to  
672 psychological practice, where the licensee interacts with professional  
673 colleagues and participates in the social, interpersonal, professional,  
674 and scientific activities that are part of the environment of those  
675 gatherings. CPD credit may be accrued for “Conference/Convention  
676 Attendance” separate from credit earned for completing sponsored CE  
677 coursework or sessions at the same conference/convention.

678



- 679 (5) "Examination Functions"  
680 "Examination Functions" means serving in any function related to  
681 examination development for the Board or for the development of the  
682 EPPP.  
683
- 684 (6) "Expert Review/Consultation"  
685 "Expert Review/Consultation" means serving in any expert capacity for  
686 the Board.  
687
- 688 (7) "Attendance at a California Board of Psychology Meeting"  
689 "Attendance at a California Board of Psychology Meeting" means  
690 physical attendance at a full-day Board meeting or physical  
691 attendance at a separately noticed Committee meeting of the Board.  
692
- 693 (b) Acceptable CPD learning activities under "Academic" include: (1)  
694 "Academic Coursework"  
695 "Academic Coursework" means completing and earning academic credit  
696 for a graduate-level course related to psychology from an institution  
697 whose degree meets the requirements of section 2914 of the Code.  
698
- 699 (2) "Academic/Sponsor-Approved Continuing Education (CE) Instruction" (A)  
700 "Academic Instruction" means teaching a graduate-level course that is  
701 part of a degree program which degree meets the requirements of  
702 section 2914(c) of the Code.  
703 (B) "Sponsor-Approved CE Instruction" means teaching a sponsored  
704 CE course that relates to the practice of psychology as defined in  
705 section 1397.60(c).  
706
- 707 (3) "Supervision"  
708 "Supervision" means overseeing the professional experience of a  
709 trainee who is accruing hours toward licensure as a Psychologist,  
710 Marriage and Family Therapist, Licensed Clinical Social Worker,  
711 Licensed Professional Clinical Counselor, Licensed Educational  
712 Psychologist, or Physician and Surgeon.  
713
- 714 (4) "Publications"  
715 "Publications" means authoring or co-authoring peer-reviewed journal  
716 articles, book chapters, or books, or editing or co-editing a book,  
717 related to psychology or related discipline.  
718
- 719 (5) "Self-Directed Learning"  
720 "Self-Directed Learning" means independent educational activities  
721 focused on maintaining, developing, or increasing conceptual and  
722 applied competencies that are relevant to psychological practice.

723 education, or science, such as reading books or peer-reviewed journal  
724 articles, watching videos or webcasts, or listening to podcasts.  
725

726 (c) Acceptable CPD learning activities under “Sponsored Continuing Education” means  
727 Sponsor-Approved Continuing Education, which includes any approved structured,  
728 sequenced learning activity, whether conducted in-person or online. “Course” or  
729 “presentation” means a sponsor-approved systematic learning experience. “Provider”  
730 means an organization, institution, association, university, or other person or entity  
731 assuming full responsibility for the CE program offered, and whose courses are  
732 accepted for credit pursuant to section 1397.61(k).  
733

734 (d) Acceptable CPD learning activities under “Board Certification” are defined as the  
735 initial earning of a specialty certification in an area of psychology from the American  
736 Board of Professional Psychology (ABPP).  
737

738 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions  
739 Code. Reference: Sections 29 and 2915, Business and Professions Code.  
740

741 **§ 1397.61. Continuing Education Requirements. [Effective until December 31,**  
742 **2021.]**  
743

744 This section is inoperative January 1, 2022, and repealed on December 31,  
745 2022.  
746

747 (a) Except as provided in section 2915(e) of the Business and Professions Code and  
748 section 1397.62 of these regulations, each licensed psychologist shall certify on the  
749 application for license renewal that ~~he or she~~ the licensee has completed the  
750 continuing education requirements set forth in section 2915 of the Code. A licensee  
751 who renews ~~his or her~~ their license for the first time after the initial issuance of the  
752 license is only required to accrue continuing education for the number of months that  
753 the license was in effect, including the month the license was issued, at the rate of  
754 1.5 hours of approved continuing education per month. Continuing education earned  
755 via independent learning pursuant to section 1397.60(e) shall be accrued at no more  
756 than 75% of the continuing education required for the first time renewal. The  
757 required hours of continuing education may not be accrued prior to the effective date  
758 of the initial issuance of the license. A licensee who falsifies or makes a material  
759 misrepresentation of fact on a renewal application or who cannot verify completion  
760 of continuing education by producing verification of attendance certificates,  
761 whenever requested to do so by the Board, is subject to disciplinary action under  
762 section 2960 of the Code.  
763

764 (b) Any person renewing or reactivating ~~his or her~~ their license shall certify under penalty  
765 of perjury to the Board of Psychology as requested on the application for license  
766 renewal, that ~~he or she~~ the licensee has obtained training in the subject of laws and

767 ethics as they apply to the practice of psychology in California. The training shall  
768 include recent changes/updates on the laws and regulations related to the practice of  
769 psychology; recent changes/updates in the Ethical Principles of Psychologists and  
770 Code of Conduct published by the American Psychological Association; accepted  
771 standards of practice; and other applications of laws and ethics as they affect the  
772 licensee's ability to practice psychology with safety to the public. Training pursuant to  
773 this section may be obtained in one or more of the following ways:

- 774 (1) Formal coursework in laws and ethics taken from an accredited  
775 educational institution;
- 776 (2) Approved continuing education course in laws and ethics;
- 777 (3) Workshops in laws and ethics;
- 778 (4) Other experience which provide direction and education in laws and ethics  
779 including, but not limited to, grand rounds or professional association  
780 presentation.

781  
782 If the licensee chooses to apply a specific continuing education course on the topic  
783 of laws and ethics to meet the foregoing requirement, such a course must meet the  
784 content requirements named above, must comply with section 1397.60(c), and may  
785 be applied to the 36=hours of approved continuing education required in Business  
786 and Professions Code section 2915(a).

787  
788 (c) The Board recognizes and accepts for continuing education credit courses pursuant  
789 to this section. A licensee will earn one hour continuing education credit for each hour  
790 of approved instruction.

- 791 (1) Continuing education courses shall be:
  - 792 (A) provided by American Psychological Association (APA), or its  
793 approved sponsors;
  - 794 (B) Continuing Medical Education (CME) courses specifically applicable  
795 and pertinent to the practice of psychology and that are accredited by  
796 the California Medical Association (CMA) or the Accreditation Council  
797 for Continuing Medical Education (ACCME); or
  - 798 (C) provided by the California Psychological Association, or its  
799 approved sponsors.
  - 800 (D) approved by an accrediting agency for continuing education courses  
801 taken prior to January 1, 2013, pursuant to this section as it existed  
802 prior to January 1, 2013.

- 803 (2) Topics and subject matter for all continuing education shall be pertinent to  
804 the practice of psychology. Course or learning material must have a  
805 relevance or direct application to a consumer of psychological services.
- 806 (3) No course may be taken and claimed more than once during a renewal period,  
807 nor during any twelve (12) month period, for continuing education credit.
- 808 (4) An instructor may claim the course for his/her own credit only one time that  
809 he/she teaches the acceptable course during a renewal cycle, or during any  
810 twelve (12) month period, receiving the same credit hours as the participant.

811  
812 (d) Examination Functions. A licensee who serves the Board as a selected participant in

813 any examination development related function will receive one hour of continuing  
814 education credit for each hour served. Selected Board experts will receive one hour  
815 of continuing education credit for each hour attending Board sponsored Expert  
816 Training Seminars. A licensee who receives approved continuing education credit as  
817 set forth in this paragraph shall maintain a record of hours served for submission to  
818 the Board pursuant to section 1397.61(e).

819  
820 (e) A licensee shall maintain documentation of completion of continuing education  
821 requirements for four (4) years following the renewal period, and shall submit  
822 verification of completion to the Board upon request. Documentation shall contain the  
823 minimum information for review by the Board: name of provider and evidence that  
824 provider meets the requirements of section 1397.61(c)(1); topic and subject matter;  
825 number of hours or units; and a syllabus or course description. The Board shall make  
826 the final determination as to whether the continuing education submitted for credit  
827 meets the requirements of this article.

828  
829 (f) Failure to provide all of the information required by this section renders any  
830 application for renewal incomplete and not eligible for renewal.

831  
832 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.  
833 Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.

834  
835 **§ 1397.61. Continuing Professional Development Requirements. [Effective**  
836 **January 1, 2024].**

837  
838 This section shall be applicable to a license that expires on or after, or is  
839 renewed, reactivated, or reinstated on or after, January 1, 2024.

840  
841 (a) Except as provided in section 2915(e) of the Business and Professions Code and  
842 section 1397.62 of these regulations, a psychologist shall certify under penalty of  
843 perjury to the Board on the application for license renewal that he or  
844 she has completed the CPD requirements set forth in this Article and section 2915 of  
845 the Code. Failing to do so, or falsifying or making a material misrepresentation of  
846 fact on a renewal application, or failing to provide documentation verifying  
847 compliance whenever requested to do so by the Board, shall be considered  
848 unprofessional conduct and subject the licensee to disciplinary action and render his  
849 or her license ineligible for renewal.

850  
851 (b) A psychologist renewing his or her license shall certify under penalty of perjury  
852 on the application for license renewal that he or she the licensee has engaged in a  
853 minimum of four (4) hours of training in the subject of laws and ethics, as they apply  
854 to the practice of psychology in California for each renewal period. This includes  
855 recent changes or updates on the laws and regulations related to the practice of  
856 psychology; recent changes or updates in the Ethical Principles of Psychologists  
857 and Code of Conduct published by the American Psychological Association;

858 accepted standards of practice; and other applications of laws and ethics as they  
859 affect the licensee's ability to practice psychology safely. This requirement shall be  
860 met using any combination of the four (4) CPD categories, and the licensee shall  
861 indicate on ~~his or her~~their documentation which of the CPD activities are being used  
862 to fulfill this requirement. The four (4) hours shall be considered part of the 36-hour  
863 CPD requirement.  
864

865 (c) A psychologist renewing ~~his or her~~their license shall certify under penalty of perjury  
866 on the application for license renewal that ~~he or she~~the licensee has engaged in a  
867 minimum of four (4) hours of training for each renewal period pertinent to Cultural  
868 Diversity and/or Social Justice issues as they apply to the practice of psychology in  
869 California. Cultural Diversity pertains to differences in age, race, culture, ethnicity,  
870 nationality, immigration status, gender, gender identity, sexual orientation,  
871 socioeconomic status, religion/spirituality, and physical ability. Social Justice pertains  
872 to the historical, social and political inequities in the treatment of people from non-  
873 dominant groups, while addressing the various injustices and different types of  
874 oppression that contribute to individual, family and community psychological  
875 concerns. This requirement shall be met using any combination of the four (4) CPD  
876 categories and the licensee shall indicate on ~~his or her~~their documentation which of  
877 the CPD activities are being used to fulfill this requirement. The four (4) hours shall be  
878 considered part of the 36-hour CPD requirement.  
879

880 (d) Topics and subject matter for all CPD activities shall be pertinent to the  
881 practice of psychology.  
882

883 (e) The Board recognizes and accepts CPD hours that meet the description of the  
884 activities set forth in section 1397.60. With the exception of 100% ABPP Board  
885 Certification, a licensee shall accrue hours during each renewal period from at least  
886 two (2) of the four (4) CPD activity categories: Professional Activities; Academic;  
887 Sponsored Continuing Education; and Board Certification.  
888 Unless otherwise specified, for any activity for which the licensee wishes to claim  
889 credit, no less than one (1) hour credit may be claimed and no more than the  
890 maximum number of allowable hours, as set forth in subsection (f), may be claimed  
891 for each renewal period.  
892

893 (f) Acceptable CPD learning activities under "Professional Activities" include: (1)  
894 "Peer Consultation"

895 (A) A maximum of 18-hour shall be credited in "Peer Consultation". (B)  
896 One (1) hour of activity in "Peer Consultation" equals one (1) hour of  
897 credit.

898 (C) The licensee shall maintain a record of this activity as  
899 documentation of compliance. This record shall include: date(s), type  
900 of activity, and total number of hours.  
901

902 (2) "Practice Outcome Monitoring" (POM)

- 903 (A) A maximum of nine (9) hours shall be credited in "POM".  
904 (B) "POM" for one (1) patient/client equals one (1) hour credited. (C) The  
905 licensee shall maintain a record of this activity as documentation of  
906 compliance. This record shall include: date(s) of monitoring, client  
907 identifier, and how outcomes were measured.  
908
- 909 (3) "Professional Service"  
910 (A) A minimum of 4.5 hours and a maximum of 12 hours shall be  
911 credited in "Professional Service".  
912 (B) One (1) year of "Professional Service" for a particular activity equals  
913 nine (9) hours credited and six (6) months equals 4.5 hours credited.  
914 (C) The licensee shall maintain a record of this activity as documentation  
915 of compliance. This record shall include: board or program name,  
916 role of licensee, dates of service, and term of service (six months or  
917 one year).  
918
- 919 (4) "Conference/Convention Attendance"  
920 (A) A maximum of six (6) hours shall be credited in  
921 "Conference/Convention Attendance".  
922 (B) One (1) full conference/convention day attendance equals one (1)  
923 hour credited.  
924 (C) The licensee shall maintain a record of this activity as documentation  
925 of compliance. This record shall include: name of  
926 conference/convention attended, proof of registration, and date(s) of  
927 conference/convention attended.  
928
- 929 (5) "Examination Functions"  
930 (A) A maximum of 12 hours shall be credited in "Examination  
931 Functions".  
932 (B) One (1) hour of service equals one (1) hour of credit. (C) The  
933 licensee shall maintain a record of this activity as  
934 documentation of compliance. This record shall include: name of  
935 exam, dates of service, and number of hours.  
936
- 937 (6) "Expert Review/Consultation"  
938 (A) A maximum of 12 hours shall be credited in "Expert  
939 Review/Consultation".  
940 (B) One (1) hour of service in an expert capacity equals one (1) hour of  
941 credit.  
942 (C) The licensee shall maintain a record of this activity as documentation  
943 of compliance. This record shall include: dates of service and  
944 number of hours.  
945
- 946 (7) "Attendance at a California Board of Psychology Meeting"

- 947 (A) A maximum of eight (8) hours shall be credited in “Attendance at a  
948 California Board of Psychology Meeting”.
- 949 (B) Attendance for one (1) day Board or Committee meeting equals six (6)  
950 hours of credit. For Board or Committee meetings that are three (3)  
951 hours or less, one (1) hour of attendance equals one (1) hour of credit.
- 952 (C) The licensee shall maintain a record of hours as documentation of  
953 compliance. This record shall include: date of meeting, name of  
954 meeting, and number of hours attended. A psychologist requesting CPD  
955 credit pursuant to this subdivision shall have signed in and out on an  
956 attendance sheet providing ~~his or her~~ their first and last name, license  
957 number, time of arrival and time of departure from the meeting.

959 (g) Acceptable CPD learning activities under “Academic” include: (1)  
960 “Academic Coursework”

- 961 (A) A maximum of 18½-hours shall be credited in “Academic  
962 Coursework”.
- 963 (B) Each course taken counts only once for each renewal period and may  
964 only be submitted for credit once the course is completed. (C) Each one  
965 (1) semester unit earned equals six (6) hours of credit and each one (1)  
966 quarter unit earned equals 4.5½-hours of credit.
- 967 (D) The licensee shall maintain a record of this activity as  
968 documentation of compliance. This record shall include a transcript with  
969 evidence of a passing grade (C or higher or “pass”).

971 (2) “Academic/Sponsor-Approved CE Instruction” (A)  
972 “Academic Instruction”

- 973 (i) A maximum of 18½-hours shall be credited in “Academic  
974 Instruction”.
- 975 (ii) Each course taught counts only once for each renewal period and may  
976 only be submitted for credit once the course is completed. (iii) A term-  
977 long (quarter or semester) academic course equals 18½-hours of credit.
- 978 (iv) The licensee shall maintain a record of this activity as documentation  
979 of compliance. This record shall include: course syllabus, title of course,  
980 name of institution, and dates of instruction.

981 (B) “Sponsor-Approved CE Instruction”

- 982 (i) A maximum of 18½-hours shall be used in “Sponsor-Approved CE  
983 Instruction”.
- 984 (ii) Each course taught counts only once for each renewal period and may  
985 only be submitted for credit once the course is completed. (iii) One (1)  
986 hour of instruction equals 1.5½-hours of credit.
- 987 (iv) The licensee shall maintain a record of this activity as  
988 documentation of compliance. This record shall include: course  
989 syllabus, title of course, dates of instruction, name of sponsoring  
990 entity, and number of hours taught.
- 991

992

993

(3) “Supervision”

994

(A) A maximum of 18-hours shall be credited in “Supervision”. (B)

995

One (1) hour of supervision equals one (1) hour of credit. (C) The

996

licensee shall maintain a record of this activity as documentation of

997

compliance. This record shall include: dates of supervision and a

998

trainee identifier.

999

1000

(4) “Publications”

1001

(A) A maximum of nine (9) hours shall be credited in “Publications”. (B)

1002

One (1) publication equals nine (9) hours of credit.

1003

(C) A publication may only be counted once.

1004

(D) The licensee shall maintain a record of this activity as

1005

documentation of compliance. This record shall include: either a

1006

letter of acceptance for publication, or proof of publication with

1007

publication date in the renewal period for which it is being submitted.

1008

1009

(5) “Self-Directed Learning”

1010

(A) A maximum of six (6) hours shall be credited in “Self-Directed Learning”.

1011

(B) One (1) hour of activity in “Self-Directed Learning” equals one (1) hour of credit.

1012

(C) The licensee shall maintain a record of this activity as

1013

documentation of compliance. This record shall include: date(s),

1014

medium (e.g. webinar), topic or title, and total number of hours.

1015

medium (e.g. webinar), topic or title, and total number of hours.

1016

medium (e.g. webinar), topic or title, and total number of hours.

1017

1018

(h) Acceptable “Sponsored Continuing Education” includes:

1019

(1) A maximum of 27-hours shall be credited in “Sponsored Continuing Education”.

1020

(2) Credit may be granted only once during a renewal cycle for each course taken.

1021

(2) Credit may be granted only once during a renewal cycle for each course taken.

1022

(3) One (1) hour of sponsored continuing education equals one (1) hour of credit.

1023

(4) The licensee shall maintain proof of attendance provided by the sponsor

1024

of the continuing education as documentation of compliance.

1025

of the continuing education as documentation of compliance.

1026

1027

(i) Acceptable CPD learning activities under “Board Certification” include: (1) ABPP Board Certification

1028

ABPP Board Certification

1029

(A) ABPP Board Certification may count for 100% (36-hours) of required CPD in the renewal cycle in which the certification is

1030

required CPD in the renewal cycle in which the certification is

1031

awarded.

1032

(B) The licensee shall maintain proof of specialty certification as

1033

documentation of compliance.

1034

documentation of compliance.

1035

(2) “Senior Option” ABPP Board Certification

1035

(2) “Senior Option” ABPP Board Certification



- 1036 (A) "Senior Option" ABPP Board Certification may count for 50% (18-  
1037 hours) of required CPD in the renewal cycle in which the certification  
1038 is awarded.
- 1039 (B) The licensee shall maintain proof of specialty certification as  
1040 documentation of compliance.  
1041
- 1042 (i) To satisfy the requirements of section 2915 of the Code, an organization seeking the  
1043 authority to approve a provider of continuing education shall meet the following  
1044 requirements. An organization authorized pursuant to this section may also provide  
1045 continuing education. An organization previously approved by the Board to approve  
1046 providers of CE are deemed authorized under this section.
- 1047 (1) The approving organization must:
- 1048 (A) have a 10-year history of providing educational programming for  
1049 psychologists,  
1050 (B) have documented procedures for maintaining a continuing  
1051 education approval program, including, but not limited to:  
1052 (i) maintaining and managing records and data related to approved CE  
1053 programs, and  
1054 (ii) monitoring and approving CE providers and courses  
1055 (C) have policies in place to avoid a conflict of interest between its  
1056 provider and approval functions,  
1057 (D) evaluate each CE provider seeking approval, including itself, according  
1058 to current evidence as to what constitutes an appropriate program in  
1059 terms of content and level of presentation, as set out in subsection  
1060 (j)(2),  
1061 (E) conduct periodic reviews of courses offered by providers approved by the  
1062 organization, as well as its own courses, to determine compliance with the  
1063 organization's requirements and the requirements of the Board,  
1064 (F) establish a procedure for determining if an approved provider meets  
1065 regulatory criteria as established in this subsection, and (G) have a  
1066 process to respond to complaints from the Board,  
1067 providers, or from licensees concerning activities of any of its approved  
1068 providers or the provider's~~their~~ courses.  
1069
- 1070 (2) The approving organization shall ensure that approved providers:
- 1071 (A) offer content at post-licensure level in psychology that is designed to  
1072 maintain, develop, broaden, and/or increase professional competencies,  
1073 (B) demonstrate that the information and programs presented are intended to  
1074 maintain, develop, and increase conceptual and applied competencies that  
1075 are relevant to psychological practice, education, or science, and have a  
1076 direct consumer application in at least one of the following ways:  
1077 (i) programs include content related to well-established  
1078 psychological principles,  
1079 (ii) programs are based on content that extends current theory,  
1080 methods or research, or informs current practice,

- 1081 (iii) programs provide information related to ethical, legal, statutory,  
1082 or regulatory guidelines and standards that impact the practice of  
1083 psychology, and/or  
1084 (iv) programs' content focuses on non-traditional or emerging  
1085 practice or theory and can demonstrate relevance to practice.  
1086 (C) use a formal (written) evaluation tool to assess program effectiveness  
1087 (what was learned) and assess how well each of the educational goals  
1088 was achieved (this is separate from assessing attendee satisfaction  
1089 with the CE program),  
1090 (D) use results of the evaluation process to improve and plan future  
1091 programs,  
1092 (E) provide CE credit on the basis of one hour of credit will be earned for  
1093 each hour of approved instruction,  
1094 (F) provide attendance verification to CE attendees that includes the name of  
1095 the licensee, the name of the course, the date of the course, the number  
1096 of credit hours earned, and the approving agency,  
1097 (G) provide services to all licensees without discrimination, and  
1098 (H) ensure that advertisements for CE courses include language that  
1099 accurately reflects the approval status of the provider.  
1100

- 1101 (3) Failure of the approving organization to meet the provisions of this section  
1102 shall constitute cause for revocation of authorization by the Board.  
1103 Authorization shall be revoked only by a formal Board action, after notice and  
1104 hearing, and for good cause.  
1105

1106 (k)(1) Each person who applies to renew ~~his or her~~ their license shall certify under  
1107 penalty of perjury that ~~he or she~~ the licensee has complied with all the  
1108 requirements of this section within the licensure period they are currently in, shall  
1109 maintain proof of compliance for four (4) years from the effective date of the  
1110 renewal, and shall submit such proof to the Board upon request.  
1111

1112 (k)(2) Each person who applies to reactivate or reinstate ~~his or her~~ their license shall  
1113 certify under penalty of perjury that ~~he or she~~ the licensee has complied with all the  
1114 requirements of this section within the 24 month period prior to the request to  
1115 reactive or reinstate, shall maintain proof of compliance for four (4) years from the  
1116 date of the reactivation or reinstatement, and shall submit such proof to the Board  
1117 upon request.  
1118

1119 (l) No activity may be claimed for credit in more than one CPD category.  
1120

1121 (m) For a license that renews or is reactivated between January 1, 2024~~2~~, and  
1122 December 31, 2024~~2~~, the hours accrued will qualify for renewal if they meet either  
1123 the requirements of this section as it existed prior to January 1, 2024~~2~~ or as it exists  
1124 after January 1, 2024~~2~~.  
1125

1126 Note: Authority cited: Sections 2915 and 2930, Business and Professions Code.  
1127 Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.  
1128

1129 **§ 1397.62. Continuing Education Exemptions and Exceptions. [Effective**  
1130 **until December 31, 2020].**  
1131

1132 This section is inoperative January 1, 2021, and repealed on December 31,  
1133 2021.  
1134

1135 At the time of making application for renewal of a license, a psychologist may as  
1136 provided in this section request an exemption or an exception from all or part of the  
1137 continuing education requirements.  
1138

1139 (a) The Board shall grant an exemption only if the psychologist verifies in writing that,  
1140 during the two-year period immediately prior to the expiration date of the license, ~~he~~  
1141 ~~or she~~ the licensee:

1142 (1) Has been engaged in active military service reasonably preventing  
1143 completion of the continuing education requirements, except that a  
1144 licensee granted an exemption pursuant to this section shall still be  
1145 required to fulfill the laws and ethics requirement set forth in section  
1146 1397.61(b); or

1147 (2) Has been prevented from completing the continuing education  
1148 requirements for reasons of health or other good cause which includes:

1149 (A) Total physical and/or mental disability of the psychologist for at least  
1150 one year; or

1151 (B) Total physical and/or mental disability of an immediate family  
1152 member for at least one year where the psychologist has total  
1153 responsibility for the care of that family member.  
1154

1155 Verification of a physical disability under subsection (a)(2) shall be by a licensed  
1156 physician and surgeon or, in the case of a mental disability, by a licensed  
1157 psychologist or a board certified or board eligible psychiatrist.  
1158

1159 (b) An exception to the requirements of Business and Professions Code section 2915(d)  
1160 may be granted to licensed psychologists who are not engaged in the direct delivery  
1161 of mental health services for whom there is an absence of available continuing  
1162 education courses relevant to their specific area of practice.

1163 (1) An exception granted pursuant to this subsection means that the Board will  
1164 accept continuing education courses that are not acceptable pursuant to  
1165 section 1397.61(c) provided that they are directly related to the licensee's  
1166 specific area of practice and offered by recognized professional organizations.  
1167 The Board will review the licensee's area of practice, the subject matter of the  
1168 course, and the provider on a case-by-case basis. This exception does not  
1169 mean the licensee is exempt from completing the continuing education  
1170 required by Business and Professions Code section 2915 and this article.

1171 (2) Licensees seeking this exception shall provide all necessary information to  
1172 enable the Board to determine the lack of available approved continuing  
1173 education and the relevance of each course to the continuing competence of  
1174 the licensee.  
1175

1176 Such a request shall be submitted in writing and must include a clear statement as to  
1177 the relevance of the course to the practice of psychology and the following  
1178 information:

1179 (A) Information describing, in detail, the depth and breadth of the content  
1180 covered (e.g., a course syllabus and the goals and objectives of the  
1181 course), particularly as it relates to the practice of psychology.

1182 (B) Information that shows the course instructor's qualifications to teach  
1183 the content being taught (e.g., ~~his or her~~their education, training,  
1184 experience, scope of practice, licenses held and length of experience  
1185 and expertise in the relevant subject matter), particularly as it relates  
1186 to the practice of psychology.

1187 (C) Information that shows the course provider's qualifications to offer the  
1188 type of course being offered (e.g., the provider's background, history,  
1189 experience and similar courses previously offered by the provider),  
1190 particularly as it relates to the practice of psychology.  
1191

1192 (3) This subsection does not apply to licensees engaged in the direct  
1193 delivery of mental health services.  
1194

1195 (c) Psychologists requiring reasonable accommodation according to the Americans with  
1196 Disabilities Act may be granted an exemption from the on-site participation  
1197 requirement and may substitute all or part of their continuing education requirement  
1198 with an American Psychological Association or accreditation agency approved  
1199 independent learning continuing education program. A qualified individual with a  
1200 disability must apply to the Board to receive this exemption.  
1201

1202 (d) Any licensee who submits a request for an exemption or exception that is denied by  
1203 the Board shall complete any continuing education requirements within 120 days of  
1204 the notification that the request was denied.  
1205

1206 NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions  
1207 Code. Reference: Section 2915, Business and Professions Code.  
1208

1209 **§ 1397.62. Continuing Education Exemptions. [Effective January 1, 2024~~2~~]**  
1210

1211 This section shall be applicable to a license that expires on or after, or is  
1212 renewed, reactivated, reinstated on or after, January 1, 2024~~2~~.  
1213

1214 (a) To be granted an exemption from all or part of the CPD requirements, a licensee must  
1215 certify in writing that ~~he or she~~the licensee has met the requirement of section 114.3

1216 of the Code that during the two-year period immediately preceding the expiration of  
1217 the license, ~~he or she~~ the licensee was on active military duty. The request for  
1218 exemption must be submitted no less than thirty (30) days prior to the submission of  
1219 an application for the renewal of the license. For the first renewal after discharge from  
1220 active military service, ~~he or she~~ the licensee shall be exempt from the CPD renewal  
1221 requirements, except that ~~he or she~~ the licensee must accrue, as a condition of  
1222 renewal, 1.5 hours per month (or portion of month) remaining in the renewal cycle  
1223 post-discharge, calculated 60 days after discharge date. The licensee shall then, at a  
1224 minimum, fulfill the Laws and Ethics requirement set out in section 1397.61(b), and  
1225 the Cultural Diversity and/or Social Justice requirement set out in section 1397.61(c).  
1226

1227 (b) Any licensee who submits a request for an exemption that is denied, in whole or in  
1228 part, by the Board shall complete any CPD requirements within 120 days of the  
1229 notification that the request was denied.

1230

1231 NOTE: Authority cited: Sections 114.3, 2915(g), and 2930, Business and  
1232 Professions Code. Reference: Sections 114.3 and 2915, Business and  
1233 Professions Code.

1234

1235 **§ 1397.67. Renewal After Inactive or Delinquent Expired Status. [Effective**  
1236 **until December 31, 2020.]**

1237

1238 This section is inoperative January 1, 2024~~2~~, and repealed on December 31,  
1239 2024~~2~~.

1240

1241 (a) To activate a license which has been placed on inactive status pursuant to section  
1242 2988 of the Code, the licensee must submit evidence of completion of the requisite  
1243 36 hours of qualifying continuing education courses for the two-year period prior to  
1244 establishing the license as active.

1245

1246 (b) For the renewal of a delinquent psychologist license within three years of the date of  
1247 expiration, the applicant for renewal shall provide evidence of completion of 36 hours  
1248 of qualifying continuing education courses for the two-year period prior to renewing  
1249 the license.

1250

1251 After a license has been delinquent for three years, the license is automatically  
1252 cancelled and the applicant must submit a complete licensing application, meet all  
1253 current licensing requirements, and successfully pass the licensing examination just  
1254 as for the initial licensing application unless the board grants a waiver of the  
1255 examination pursuant to section 2946 of the Code.

1256

1257 NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions  
1258 Code. Reference: Section 2915, 2984, and 2988, Business and Professions  
1259 Code.

1260

1261 **§ 1397.67. Continued Professional Development Requirements for**  
1262 **Reactivation. [Effective January 1, 2024.]**  
1263

1264 This section shall be applicable to a license that expires on or after, or is  
1265 renewed, reactivated, or reinstated on or after, January 1, 2024.  
1266

1267 (a) To activate a license that has been placed on inactive status pursuant to section 2988  
1268 of the Code, the licensee shall submit evidence of completion of the requisite 36-  
1269 hours of qualifying CPD for the two-year period prior to reactivating the license.  
1270

1271 (b) For the renewal of an expired psychologist license within three years of the date of  
1272 expiration, the applicant for renewal shall provide evidence of completion of 36-hours  
1273 of qualifying CPD for the two-year period prior to renewing the license.  
1274

1275 NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions  
1276 Code. Reference: Section 2915, 2984, and 2988, Business and Professions  
1277 Code.  
1278  
1279

1280 **Agenda Item #15 - Consideration of Adding section 1396.8, to Division 13.1 of**  
1281 **Title 16 of the California Code of Regulations – Standards of Practice for**  
1282 **Telehealth**  
1283

1284 Mr. Foo provided an overview of the agenda item and explained that it was carried over  
1285 from the first day of the Board meeting.  
1286

1287 Dr. Casuga stated she believes a better term than “resident” can be used. She also  
1288 stated she finds section 6 to be confusing and asked why it was added.  
1289

1290 Discussion ensued regarding the addition of section 6. It was recommended to delete  
1291 section 6 from the language.  
1292

1293 Sarah Huchel, University of California Office of the President, stated that she likes the  
1294 addition of section 6 due to having students who are not on campus.  
1295

1296 Mr. Jackson stated that in the scenario that Ms. Huchel described is that the student  
1297 can receive services because they are actively attending school in California. He stated  
1298 that due to COVID, students had to go home which may be out of state, but they are  
1299 actively attending a school in California.  
1300

1301 Discussion ensued regarding the student scenario brought up by Ms. Huchel.  
1302

1303 Dr. Winkelman stated that a California license is a basis for practicing out of state, but it  
1304 isn't a free for all. She provided an example of how a California psychologist has a

1305 specific area of practice where a person who is out of state may want to work with that  
1306 clinician. Dr. Winkelman also stated is that under current California law, a person with  
1307 an out of state license may practice in the State of California for 30 calendar days. She  
1308 stated that this language is putting California psychologists at a disadvantage compared  
1309 to out of state licensees.

1310  
1311 Edward Howard, Senior Counsel for the Children’s Advocacy Institute at UC San Diego  
1312 School of Law, asked that before the deletion of section 6, to consider whether it is  
1313 lawful if a citizen or resident of another state can seek services in California.

1314  
1315 Dr. McCall stated that if a patient is out of state, then the licensee is subject to the  
1316 limitations of that jurisdiction.

1317  
1318 Dr. Linder-Crow stated that operative language is in the beginning, it is not in the  
1319 scenarios.

1320  
1321 Dr. Phillips provided the purpose of why the scenarios were added in the language.

1322  
1323 Mr. Foo asked Mr. Glasspiegel to show that section 6 was deleted.

1324  
1325 The Board discussed the addition of section 2 and provided amended language.

1326  
1327 Dr. Winkelman stated she agreed with Ms. Marks concern of modifying the language.  
1328 She stated that giving examples provides complications rather than just allowing  
1329 licensees to practice to the full extent of the interjurisdictional practice laws.

1330  
1331 Ms. Huchel expressed her concern that UC San Diego counselors were worried about  
1332 providing emergency psychological services in other jurisdictions because of concerns  
1333 about committing unprofessional conduct in California. She stated she appreciates the  
1334 striking of that language.

1335  
1336 Dr. McCall provided his opinion of having the language without the scenarios would be  
1337 a better option.

1338  
1339 Discussion ensued regarding whether the inclusion of scenarios is more problematic  
1340 than helpful and modifying the language.

1341  
1342 It was M(Casuga)/S(Rodgers)/C to adopt modified text of the language in A1, 2, and 4  
1343 for 15-day notice.

1344  
1345 Dr. Linder-Crow stated that licensees are not forbidden to practice outside of California  
1346 as long as the other jurisdiction allows it. Dr. Linder-Crow believes this language assists  
1347 with answering the questions of whether it is permitted to practice outside of California.

1348  
1349 Ms. Huchel stated her agreement with the language.

1350

1351 Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
1352 Rodgers, Tate), 0 noes

1353  
1354 It was M(Cervantes)/S(Tate)/M to delegate to the executive officer authority to adopt the  
1355 modified text in the absence of negative comments and continue with the process to  
1356 finalize the regulatory package, including making non-substantive changes

1357  
1358 No public comments were made.

1359  
1360 Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
1361 Rodgers, Tate), 0 noes

1362  
1363 §1396.8. Standards of Practice for Telehealth Services

1364  
1365 (a) A licensee is permitted to provide psychological health care services via telehealth to  
1366 a client at an originating site in this State, as defined in section 2290.5 of the Code,  
1367 as well as to a client who is a resident of California who is temporarily located  
1368 outside of this State, subject to the laws and regulations of the other state jurisdiction  
1369 where either the licensee and/or the client is located, including, but not limited to, the  
1370 following circumstances:

1371 (1) To a client at an originating site in this State, as defined in section 2290.5 of the  
1372 Code, when a licensee is located at a distant site within this state. Resident means  
1373 any individual who is or has been present in California for other than a temporary or  
1374 transitory purpose, or who is domiciled in California.

1375 (2) To a client who has received services in California, and who is temporarily located  
1376 outside of this State. Domicile means the place where an individual voluntarily  
1377 establishes themselves and their family, not merely for a special or limited purpose,  
1378 but with a present intention of making it their true, fixed, permanent home and  
1379 principal establishment.

1380 (3) To a client who is located in this State when a licensee is temporarily located  
1381 outside of this State.

1382  
1383 (b) As used in this section, a licensee shall include a licensee, registrant, psychology  
1384 trainee, or other supervised individual permitted to provide psychological services  
1385 under the Psychology Licensing Law, beginning with section 2900 of the Code.

1386  
1387 (c) The provision of psychological health care services under subdivision (a) are  
1388 subject to the following conditions:

1389 (1) The licensee holds a valid and current license issued by the Board or is otherwise  
1390 allowed to practice under this section.

1391 (2) The licensee obtains and documents informed consent for the provision of  
1392 psychological health care services via telehealth from the client. Such consent shall  
1393 cover concerns unique to the receipt of psychological health care services via



- 1394 telehealth, including risks to confidentiality and security, data storage policies and  
1395 procedures specific to telehealth, the possibility of disruption and/or interruption of  
1396 service due to technological failure, insurance coverage considerations, and other  
1397 issues that the licensee can reasonably anticipate regarding the non-comparability  
1398 between psychological health care services delivered in person and those delivered  
1399 via telehealth.
- 1400 (3) The licensee determines that delivery of psychological health care services via  
1401 telehealth is appropriate after considering at least the following factors:  
1402 (A) The client's diagnosis, symptoms, and medical/psychological history;  
1403 (B) The client's preference for receiving psychological health care services via  
1404 telehealth;  
1405 (C) The nature of the psychological health care services to be provided, including  
1406 anticipated benefits, risks, and constraints resulting from their delivery via  
1407 telehealth;  
1408 (D) The benefits, risks, or constraints posed by the client's physical location. These  
1409 include the availability of appropriate physical space for the receipt of  
1410 psychological health care services via telehealth, accessibility of local  
1411 emergency psychological health care services, and other considerations related  
1412 to the client's diagnosis, symptoms, or condition.  
1413 (E) The provision of telehealth services is within the scope of competency of a  
1414 psychology trainee, or other supervised individuals as specified in (b) above,  
1415 who provides psychological health care services under the supervision of the  
1416 licensee.
- 1417 (4) The licensee is competent to deliver such services based upon whether ~~he or she~~ the  
1418 licensee possesses the appropriate knowledge, skills, and abilities relating to  
1419 delivery of psychological health care services via telehealth, the information  
1420 technology chosen for the delivery of telehealth services, and how such services  
1421 might differ from those delivered in person.
- 1422 (5) The licensee takes reasonable steps to ensure that electronic data is transmitted  
1423 securely, and informs the client immediately of any known data breach or  
1424 unauthorized dissemination of data.
- 1425 (6) The licensee complies with all other provisions of the Psychology Licensing Law and  
1426 its attendant regulations, and all other applicable provisions of law and standards of  
1427 care in this state and the other ~~state~~ jurisdiction, if any, where either the licensee or  
1428 the client is located.
- 1429 ~~(c) Failure to comply with these regulations or the laws and regulations relating to~~  
1430 ~~telehealth of the other state, if any, where either the licensee or the client is located~~  
1431 ~~constitutes unprofessional conduct.~~

1433  
1434 Authority: 2930 Business and Professions Code

1435 Reference: Business and Profession Code sections 686, 2290.5, 2904.5, 2960, 2960.6

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**Agenda Item #24 - Emergency Preparedness Ad Hoc Committee Report and Consideration of and Possible Action on Committee Recommendations**

- a) Consideration of Statutory Proposal to Address Emergency Waiver Authority
- b) Consideration of Recommendation for Committee Chair and Executive Officer to Contact Business and Professions Committee Staff to Discuss COVID-Related Questions in Sunset Review

Ms. Cervantes provided the report.

Dr. Harb Sheets asked if the Emergency Waiver Authority would be bypassing DCA and the language seems to be asking for significant power. She wondered if this would jeopardize the sunset review process.

Ms. Marks stated that the idea is that the Board would have its own authority to waive certain provisions of its laws. She stated it is limited so it would not be bypassing DCA. Ms. Sorricks stated that this language is roughly based on the Board of Pharmacy’s language as that is the only board she is aware of that has limited authority to waive certain provisions. Mr. Foo stated that Board staff would let Board members know if it could jeopardize the process of the sunset review.

Discussion ensued regarding the modification of the language. The Board changed the term ‘mental health services’ to ‘psychological services’.

It was M(Foo)/S(Phillips)/C to approve the language as amended and seek legislation to make said additions to the Board’s Practice Act. Also, delegate to the Emergency Preparedness Committee Chair and Executive Officer to contact the Business and Professions Committee staff to include for considerations as part of sunset review.

Dr. Casuga stated that individuals with development disabilities that require psychological services are a big proportion of consumers and she does not believe they should be discarded.

Ms. Nystrom stated that she is an employee of the California state legislature so she will be abstaining from this item.

Dr. Linder-Crow expressed her support of the use of the term ‘psychological services.’ She stated licensees work and provide other services than mental health services.

Vote: 8 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 noes, 1 abstain (Nystrom),

**Agenda Item #22 - Review and Possible Approval of Sunset Report**

1480 Mr. Foo stated that the Sunset Report presented before the Board is reflective of the  
1481 Board members comments for the Emergency Preparedness Ad Hoc Committee and  
1482 includes what was just adopted. Mr. Foo referred to the new language in red.

1483  
1484 Discussion ensued between Board members and Board staff regarding the Sunset  
1485 Report and Board actions and responses to COVID-19 documents.

1486  
1487 It was M(Harb Sheets)/S(Tate)/C to approve the updated Sunset Report and Board  
1488 Actions and responses to COVID-19 documents as amended.

1489  
1490 No public comments were made.

1491  
1492 Vote: 8 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate),  
1493 0 noes, 1 abstain (Nystrom)

1494  
1495 **25. Election of Officers**

1496  
1497 Ms. Marks explained the process of nominating and electing officers. Ms. Marks opened  
1498 the nominations for the office of President.

1499  
1500 Dr. Phillips nominated Mr. Foo

1501  
1502 No public comments were made.

1503  
1504 Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
1505 Rodgers, Tate), 0 noes

1506  
1507 Mr. Foo was elected President for the calendar year of 2021 starting January 1, 2021.

1508  
1509 Ms. Marks opened the nominations for the office of Vice President:

1510  
1511 Dr. Casuga nominated Dr. Harb Sheets

1512  
1513 Dr. Phillips nominated Dr. Tate

1514  
1515 Dr. Harb Sheets stated she would like to continue the continuity of her involvement. She  
1516 appreciated the opportunity to have held the office of Vice President for 2020 and would  
1517 like to continue to work in that same capacity for 2021.

1518  
1519 Dr. Tate stated that this year has highlighted diversity, inequality, all while a pandemic is  
1520 going on. She stated she believes she can be an asset in the Vice President role.

1521  
1522 No public comments were made.

1523

1524 During a roll call vote, Dr. Harb Sheets received 3 votes (Casuga, Harb Sheets,  
1525 Nystrom), Dr. Tate received 5 votes (Cervantes, Foo, Phillips, Rodgers, Tate), and 1  
1526 abstention (Rescate).

1527  
1528 Dr. Tate was elected Vice President for the calendar year of 2021 starting January 1,  
1529 2021.

1530

1531 **Agenda Item #23 - Enforcement Committee Report and Consideration of and**  
1532 **Possible Action on Committee Recommendations**

- 1533 a) Child Custody Stakeholder Meeting-Implementation Plan Update  
1534 1) Statutory Discussion Regarding Proposed Exception to Psychotherapist-  
1535 Patient Privilege for Board Investigations

1536

1537 Dr. Phillips and Ms. Monterrubio presented this report.

1538

1539 Mr. Foo stated the vote on this action item will be held for a future meeting but wanted  
1540 to allow public comment on this item.

1541

1542 Ms. Russell provided a brief summary of what the Center for Judicial Excellence does.  
1543 She also provided definition and examples of parental alienation. Ms. Russell wanted to  
1544 reiterate concern of secrecy and lack of transparency of the Ad Hoc Enforcement  
1545 Committee. Ms. Russell stated that the complaint process is the only avenue for redress  
1546 for these cases. She expressed concern about comments in memo for this agenda item  
1547 that state, "under current law the Board is unable complete investigations." Ms. Russell  
1548 notified the Board that there is a bill that the Board of Behavioral Sciences spent two  
1549 years working on to close the licensing loophole dealing with confidential custody  
1550 reports; AB1843 was signed into law in 2014.

1551

1552 Ms. Campbell stated children are being severely harmed. She stated that it is important  
1553 that people understand a custody evaluator is not a psychotherapist. Ms. Campbell  
1554 referred to and discussed an Enforcement report previously given on November 16<sup>th</sup>,  
1555 2020. She stated that she does not believe the 6 hours of CE in domestic violence and  
1556 child abuse every 3 years is enough.

1557

1558 Connie Valentine, past president of California Protective Parent's Association, wanted  
1559 to highlight that legislation was put into place to have access to the reports of the  
1560 evaluators. The report goes to the court before it is corrected by the litigants. She stated  
1561 regarding custody evaluations, the evaluator can charge whatever the market will bear  
1562 and some charge \$60,000 for an evaluation. This is often paid by the party accused of  
1563 abuse and the accused in most cases get the outcome they want. Ms. Valentine stated  
1564 the system of custody evaluators needs to be overhauled.

1565

1566 Dr. Phillips stated that the Enforcement Committee is composed of two individuals so  
1567 that the meetings do not need to be publicly noticed. Enforcement Committee meetings  
1568 are attended by all enforcement analysts who state the issues they are facing, and it  
1569 would be impossible to have that level of discourse and for the staff to remain

1570 anonymous for their safety if the meetings were made public. Dr. Phillips stated that all  
1571 items discussed by the Enforcement Committee are presented in full to the Board.

1572  
1573 Dr. Linder-Crow stated that this proposal seems to erode the psychotherapist/patient  
1574 privilege. This proposal came out of the stakeholder meeting for custody evaluation. Dr.  
1575 Linder-Crow stated you already have access to custody reports and there is no therapy  
1576 privilege, as these are reports that belong to the court. Dr. Linder-Crow expressed  
1577 concern that the report presents an exception to the privilege, where there is none, and  
1578 an exception to extend more broadly. Dr. Linder-Crow spoke with Expert Reviewers of  
1579 the Board and they did not indicate they had a problem in making these kinds of  
1580 decisions.

1581  
1582 **Agenda Item #26 - Recommendations for Agenda Items for Future Board**  
1583 **Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised**  
1584 **During This Public Comment Section, Except to Decide Whether to Place the**  
1585 **Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and**  
1586 **11125.7(a)].**

1587  
1588 No public comments were made.

1589  
1590 **Agenda Item #20 – Closed Session**  
1591 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to  
1592 Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for  
1593 Reinstatement and Modification of Penalty, Petitions for Reconsideration, and  
1594 Remands.

1595  
1596 The Board returned to open session and the meeting was adjourned at 6:40 p.m.

1597  
1598  
1599  
1600 \_\_\_\_\_  
1601 President Date

1602

## MEMORANDUM

<b>DATE</b>	January 27, 2021
<b>TO</b>	Board Members
<b>FROM</b>	Stephanie Cheung Licensing Manager
<b>SUBJECT</b>	<b>Agenda Item 8(f)</b> Update on California Psychology Law and Ethics Exam (CPLEE) Online Administrations

### **Background:**

At the November 2020 Board meeting, a public member was concerned of being exposed to COVID-19 if he is going to take the CPLEE in-person. He stated that examination accommodations are currently being considered if an examination candidate suffers from physical or mental disability. He requested the Board to consider alternative options and make them available to candidates, such as offering the CPLEE for online administrations.

The Board has asked the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) for guidance relating the online administration option. Please see Attachment A for the response and recommendation provided by Dr. Tracy Montez, Chief of the Division of Programs and Policy Review.

The Licensure Committee discussed and reviewed the attachment at the January 2021 meeting. The Committee agreed and shared the concern listed relating to online or remote proctoring of the CPLEE. Dr. Harb Sheets, Chairperson of the Licensure Committee, stated that thought a part of the Board's mission statement relates to the "evolution of the profession", consumer protection is the number one goal of the Board.

### **Attachment:**

A: Memorandum by Dr. Montez

### **Action Requested:**

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



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

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## MEMORANDUM

<b>DATE</b>	December 15, 2020
<b>TO</b>	Antonette Sorrick, Executive Officer California Board of Psychology
<b>FROM</b>	<i>Tracy Montez</i> Tracy Montez, Ph.D., Chief Division of Programs and Policy Review
<b>SUBJECT</b>	<b>California Psychology Law and Ethics Examination (CPLEE)</b>

The California Board of Psychology (Board) has been receiving inquiries about the use of online/remote proctoring for the California Psychology Law and Ethics Examination (CPLEE). The Board has asked the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) for guidance on this test administration option.

The COVID-19 pandemic has caused DCA entities to reevaluate how their services are provided, including how their licensing examinations are administered. DCA and OPES recognize that online or remote proctoring is intended to make examinations more accessible and to reduce candidate anxiety, especially during the pandemic.

However, DCA and OPES strongly recommend that programs carefully evaluate online or remote proctoring using psychometric guidelines and standards, particularly the *Standards for Educational and Psychological Testing (Standards)*.<sup>1</sup> DCA's examination programs must comply with California Business and Professions Code (BPC) section 139, which is based on the *Standards*.

Although initial research indicates that online or remote proctoring results in pass rates consistent with traditionally proctored examinations, OPES cautions that this test delivery system may have unintended consequences. These consequences

<sup>1</sup> American Educational Research Association, American Psychological Association, and National Council on Measurement in Education. (2014). *Standards for Educational and Psychological Testing*. Washington, DC: American Educational Research Association.

## California Psychology Law and Ethics Examination (CPLÉE)

may include new opportunities for candidate misconduct and examination subversion, as well as potential legal issues.<sup>2</sup>

Before high-stakes licensing examinations are implemented using online or remote proctoring, many factors need to be further researched and evaluated. These factors include:

- Type of examination (e.g., format of items).
- Length of examination (i.e., number of questions/administration time).
- Number of breaks allowed, if any.
- Materials or equipment used.
- Ratio of candidates to proctors.
  - Proctor training; managing the remote environment.
- Fairness and Technology requirements.
  - Use of artificial intelligence; automated pass/fail decision-making.
- Security analytics and security measures implemented.
  - Measures to address cameras/recording of examinations.
- Impact of potential examination subversion on program item banks and on the safety of consumers.
  - Robustness of item banks; ability to create new forms independent of compromised test items; delays in testing as a result of examination subversion.
- Legal issues related to candidate privacy.
  - Policies addressing purpose and sharing of personal information; use of video surveillance; retention of test results and video.

Considering the above psychometric, legal, and security factors, which are addressed by both BPC section 139 and the *Standards*, we do not think that online or remote proctoring should be used for the CPLÉE at this time.

If you have questions, please contact me at 916.574.7956.

Sincerely,

Tracy A. Montez, Ph.D.  
Division Chief

Cc: Carrie Holmes, Deputy Director, Board and Bureau Relations  
Heidi Lincer, Ph.D., Chief, Office of Professional Examination Service

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<sup>2</sup> Association of Test Publishers' Security Committee. (April 7, 2020). *Privacy Considerations in Online/Remote Proctoring*. Washington, DC: Association of Test Publishers.



## MEMORANDUM

<b>DATE</b>	January 27, 2021
<b>TO</b>	Board Members
<b>FROM</b>	Stephanie Cheung Licensing Manager
<b>SUBJECT</b>	<b>Agenda Item 8(g)</b> Consideration and Possible action on Guidelines for Board Meeting Materials relating to Extension Requests

### **Background:**

At the July 2020 Board meeting, Dr. Phillips raised the question of how and which supporting documents are being included with the meeting materials during the review of extension requests. Dr. Harb Sheets directed staff to add the discussion and development of a guideline regarding the types of documentation to be included in the Board meeting materials.

Currently, a memorandum and any supporting letters are included as Board meeting materials relating to extension requests. The types of documents for extension request provided to staff include, but not limited to:

- Extension request letter/email
- Verification of experience forms
- Medical record
- Decree, e.g., birth certificate
- Unofficial transcript
- Letters of support

At the January 2021 Licensure Committee, the Committee discussed and recommended the following types of documents to be included as Board meeting materials:

- Extension request letter/email
- Letters of support with the appropriate redactions

### **Action Requested:**

Review and consider the Licensure Committee's recommendation on the types of documents to be included for Board Meeting Materials relating to Extension Requests.

## **Bus. & Prof. Code, § 2960**

The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to: ...

(o) Any act of sexual abuse; any act of sexual behavior or sexual relations with a patient or former patient within two years following termination of therapy; or any act of sexual misconduct that is substantially related to the qualifications, functions, or duties of a psychologist or psychological assistant or registered psychologist. "Sexual behavior" means inappropriate physical 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.

## **Bus. & Prof. Code, § 2960.1**

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 abuse, sexual relations, or sexual misconduct, in violation of Section 2960, subdivision (o) sexual contact, as defined in Section 728, when that act is with a patient, or with a former patient within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.

**2021 TENTATIVE LEGISLATIVE CALENDAR**  
 COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE CHIEF CLERK  
 Revised 12-21-2020

**DEADLINES**

<b>JANUARY</b>						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

<b>FEBRUARY</b>						
S	M	T	W	TH	F	S
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21	22	23	24	25	26	27
28						

<b>MARCH</b>						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
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28	29	30	31			

<b>APRIL</b>						
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<b>MAY</b>						
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30	31					

- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 11](#) Legislature **reconvenes** (J.R. 51(a)(1)).
- [Jan. 18](#) Martin Luther King, Jr. Day.
- [Jan. 22](#) Last day to submit **bill requests** to the Office of Legislative Counsel.

- [Feb. 15](#) Presidents' Day
- [Feb. 19](#) Last day for bills to be **introduced** (J.R. 61(a)(1)), (J.R. 54(a)).

- [Mar. 25](#) **Spring Recess** begins upon adjournment of this day's session (J.R. 51(a)(2)).
- [Mar. 31](#) Cesar Chavez Day.

- [Apr. 5](#) Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- [Apr. 30](#) Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

- [May 7](#) Last day for **policy committees** to hear and report to the Floor **non-fiscal** bills introduced in their house (J.R. 61(a)(3)).
- [May 14](#) Last day for **policy committees** to meet prior to June 7 (J.R. 61(a)(4)).
- [May 21](#) Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (a)(5)). Last day for **fiscal committees** to meet prior to June 7 (J.R. 61 (a)(6)).
- [May 31](#) Memorial Day.

\* Holiday schedule subject to final approval by Rules Committee

**2021 TENTATIVE LEGISLATIVE CALENDAR**  
 COMPILED BY THE OFFICES OF THE SECRETARY OF THE SENATE AND THE CHIEF CLERK  
 Revised 12-21-2020

JUNE						
S	M	T	W	TH	F	S
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	5
6	<u>7</u>	8	9	10	11	12
13	14	<u>15</u>	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

**June 1-4 Floor Session Only.** No committee, other than Conference or Rules, may meet for any purpose (J.R. 61(a)(7)).

**June 4** Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

**June 7** Committee meetings may resume (J.R. 61(a)(9)).

**June 15 Budget bill** must be passed by **midnight** (Art. IV, Sec. 12 (c)(3)).

JULY						
S	M	T	W	TH	F	S
				1	<u>2</u>	3
4	5	6	7	8	9	10
11	12	13	<u>14</u>	15	<u>16</u>	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**July 2** Independence Day observed.

**July 14** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).

**July 16 Summer Recess** begins upon adjournment of this day's session, provided Budget Bill has been passed (J.R. 51(a)(3)).

AUGUST						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	<u>16</u>	17	18	19	20	21
22	23	24	25	26	<u>27</u>	28
29	<u>30</u>	<u>31</u>				

**Aug. 16** Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

**Aug. 27** Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(a)(11)).

**Aug. 30-Sept. 10 Floor Session only.** No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

SEPTEMBER						
S	M	T	W	TH	F	S
			<u>1</u>	<u>2</u>	<u>3</u>	4
5	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

**Sept. 3** Last day to **amend** bills on the Floor (J.R. 61(a)(13)).

**Sept. 6** Labor Day.

**Sept. 10** Last day for **each house to pass bills** (J.R. 61(a)(14)). **Interim Study Recess** begins at end of this day's session (J.R. 51(a)(4)).

**IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS**

**2021**

**Oct. 10** Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 10 and in the Governor's possession after Sept. 10 (Art. IV, Sec. 10(b)(1)).

**2022**

**Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).

**Jan. 3** Legislature reconvenes (J.R. 51 (a)(4)).

\*\* Holiday schedule subject to final approval by Rules Committee