

MEMORANDUM

DATE	February 2, 2022
TO	Board of Psychology
FROM	Sarah Proteau Central Services Office Technician
SUBJECT	Agenda Item # 16 – Discussion and Possible Approval of the Board Meeting Minutes: November 18-19, 2021

Background:

Attached are the draft minutes of the November 18-19, 2021 Board Meeting.

Action Requested:

Review and approve the minutes of the November 18-19, 2021 Board Meeting.

DRAFT TELECONFERENCE BOARD MEETING MINUTES

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, neither Board member locations nor a public meeting location are provided.

Board Members

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

Members Absent

None

Board Counsel

Rebecca Bon, Board Counsel
Heather Hoganson, Regulatory Counsel

Board Staff

Antonette Sorrick, Executive Officer
Jon Burke, Assistant Executive Officer
Stephanie Cheung, Licensing Manager
Jason Glasspiegel, Central Services Manager
Sandra Monterrubio, Enforcement Program Manager
Liezal McCockran, CE/Renewals Coordinator
Suzy Costa, Legislative and Regulatory Analyst
Sarah Proteau, Central Services Office Technician

Thursday, November 18, 2021

9:30 a.m. – 4:00 p.m. or until Completion of Business

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

President Foo called the meeting to order at 9:30 a.m., roll was taken, and a quorum established.

Agenda Item 2: President's Welcome

41 Mr. Foo welcomed all participants to the meeting and read the Board of Psychology
42 Mission Statement. He then asked the moderator to provide WebEx instructions for the
43 meeting, which was done.

44 **Agenda Item: 3: Public Comment for Items Not on the Agenda.**

45 There was no Board or public comment offered.

46 **Agenda Item 4: Executive Officer's Report**

47 a) Personnel Update

48 b) COVID-19 Update

49 Ms. Sorrick provided this report and noted that the Governor's Emergency Order had
50 been extended to March 31, 2022 and beyond that point remains to be seen.

51 There was no Board or public comment offered.

52 **Agenda Item 5: President's Report**

53 a) Dates and Locations of 2022 Board and Committee Meetings

54 Mr. Foo provided this report and referenced the 2022 Board and Committee Meeting
55 schedule which was included in the meeting materials.

56 b) Committee Updates

57 Mr. Foo introduced item 5(b) and stated that an Ad Hoc committee had been created for
58 the purpose of studying the Board's budget. This is a two-member committee and will
59 meet for the first time in January with staff to discuss staff analysis and
60 recommendations regarding the budget. He stated there would be a public stakeholder
61 meeting at or around the end of quarter one/beginning of quarter two to discuss the
62 recommendations. Following this, the Committee would meet in quarter two to approve
63 a recommendation which will be provided to the full Board at the spring Board meeting.

64 Mr. Foo announced that the Budget Ad-Hoc Committee would be chaired by Dr.
65 Rodgers and Ms. Nystrom would be a committee member.

66 Dr. Rodgers and Ms. Nystrom expressed appreciation for the opportunity to serve on
67 this Committee.

68 There was no further Board comment and no public comment offered.

69 Mr. Foo invited Dr. Rodgers to lead the Board and participants in a mindfulness
70 exercise which going forward would be agendized to take place at the start of Board
71 meetings.

72 Dr. Rodgers led participants in a ten-minute mindfulness practice.

73 Appreciation was expressed to Dr. Rodgers by Mr. Foo for the mindfulness practice.

74 **Agenda Item 6: Discussion and Possible Approval of the Board Meeting Minutes:**
75 **August 27, 2021**

76 Mr. Foo introduced this item.

77 It was M/(Tate)S/(Phillips)/C to approve the Board minutes from August 27, 2021.

78 There was no Board or public comment offered

79 Votes: 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rodgers,
80 Tate), 0 Noes

81 **Agenda Item 7: Department of Consumer Affairs (DCA) Update**

82 Ms. Carrie Holmes provided an update to this item. She provided a summary of items
83 that had been put into place since the onset of COVID-19. She then referenced various
84 scams that had been attempted against licensees of various Boards and directed
85 participants to review the DCA website for information.

86 Ms. Nystrom asked to have an example of any scams that DCA had noticed.

87 A discussion ensued between Board members and Ms. Holmes regarding examples of
88 attempted phishing scams via email and phone in which scammers attempted to get
89 personal information from licensees.

90 Dr. Phillips expressed concern regarding expiring in-person supervision waivers as the
91 pandemic has continued. Ms. Holmes stated that any concerns would be brought back
92 to the DCA Executive Office and that any updates would be provided as they are given.

93 Public discussion ensued supporting an extension or permanent change to accept
94 virtual supervision with the continuance of the COVID-19 pandemic.

95 **Agenda Item 8: Budget Report**

96 Mr. Glasspiegel referenced materials in the meeting packet and provided an update to
97 this item. This included a summary on the ongoing structural imbalance that had been
98 discussed for the previous three years. He stated the regulatory fee package was
99 planned for notice at least 45 days prior to the February 2022 meeting so the hearing
100 could take place at that meeting.

101 There was no Board or public comment offered.

102 **Agenda Item 9: Outreach and Communications Committee Report and**
103 **Consideration of and Possible Action on Committee Recommendations**

104 a) Strategic Plan Action Plan Update

105 Committee Chair, Dr. Tate, provided an update to this item. She stated that the attached
106 document was current as of October 27, 2021 and that they had been waiting on
107 regulatory and statutory changes to be able to move forward. This update was provided
108 as informational only, with no action required.

109 Discussion ensued as to the timeline of the future strategic plan and action plan which
110 would not be voted on until 2024.

111 There was no public comment offered.

112 b) Social Media Update

113 Mr. Glasspiegel provided an update to this item which was attached in the meeting
114 materials.

115 There was no Board or public comment offered.

116 c) Website Statistics Update

117 Mr. Glasspiegel provided an update to this item.

118 There was no Board or public comment offered.

119 d) Update on Newsletter

120 Dr. Tate provided an update to this item.

121 Dr. Cervantes commented regarding the engagement with the newsletter and
122 expressed appreciation to staff for time spent creating content.

123 Mr. Foo expressed appreciation to all contributors and staff for their work in the
124 newsletter.

125 Dr. Marilyn Immoos, California Department of Corrections and Rehabilitation, expressed
126 appreciation to President Foo's contributions to the Journal throughout his term as
127 President.

128 e) Outreach Activities Update

129 Dr. Tate provided an update to this item.

130 There was no Board or public comment offered.

131 f) Updates on Communications and/or Activities of the Association of State and
132 Provincial Psychology Boards (ASPPB)

133 Ms. Sorrick provided an update to this item.

134 There was no Board or public comment offered.

135 g) Discuss and Develop Plan to Update "For Your Peace of Mind – A Consumer's
136 Guide to Psychological Services"

137 Dr. Tate provided an update to this item. She stated that Dr. Rodgers would work with
138 staff to create an update to this guide which would later be brought to the Board.

139 There was no Board or public comment offered.

140 h) Action - Digital Divide – How Does the Digital Divide Impact Access to Telehealth

141 a. Draft Survey Questions to Assess Barriers to Telehealth

142 b. Determine Next Steps

143 Dr. Tate provided an update to this item and summarized that the Committee would be
144 drafting two surveys to examine the digital divide experienced within the COVID-19
145 pandemic and nationwide protests in 2020.

146 There was no Board or public comment offered.

147 **Agenda Item 10: Legislative and Regulatory Affairs Committee Updates**

148 Dr. Cervantes welcomed Ms. Costa as Legislative and Regulatory Analyst for the Board
149 and presented items 10(a) and 10(b) and stated that the information was listed on page
150 74 of the combined materials packet.

151 a) Board Sponsored Legislation for the 2021 Legislative Session: Review and
152 Possible Action (M. Cervantes)

153 Dr. Cervantes provided an informational update only update on this item. No update
154 was required.

155
156 b) SB 401 (Pan) Healing arts: psychology - Amendments to sections 2960 and
157 2960.1 of the Business and Professions Code Regarding Denial, Suspension
158 and Revocation for Acts of Sexual Contact

159 Dr. Cervantes provided an informational only update on this item and stated that this
160 is a two-year bill with no action required.

161 c) SB 801 (Roth) Healing arts: Board of Behavioral Sciences: Board of
162 Psychology: licensees.

163 Dr. Cervantes introduced this item and Ms. Costa provided a summary of SB 801
164 (Roth) which was provided on page 84-86 of the meeting materials.

165 Dr. Harb Sheets clarified that there was also authority delegated to the Licensure
166 Committee in the attempt to speed up requests for extensions of time and help
167 applicants to move through the process of gaining supervised experience more
168 quickly.

169 Ms. Sorrick clarified that additional clarifying information would be posted to the
170 advisory on the Board website after questions were gathered.

171 Dr. Phillips clarified that Psychiatrists were still able to be a delegated supervisor for
172 a Registered Psychological Assistant, but not the primary supervisor.

173 There was no public comment offered.

174 d) Legislative Update, Review, and Consideration of Additional Changes (M.
175 Cervantes)

176 e) Bills with Active Positions Taken by the Board

177 Dr. Cervantes stated that the summary on pages 75 through 82 in the combined packet
178 provided detail of each item which would provide the current status of each Bill for items
179 10(e) and 10(f).

180 She noted that page 83 includes an advisory on AB 107 (Salas) and that all items were
181 for information only, with no action required as the Legislative session ended in the fall.

182 There was no Board or public comment offered.

- 183 1. AB 32 (Aguiar-Curry) Telehealth
- 184 2. AB 107 (Salas) Department of Consumer Affairs: boards: temporary licenses:
185 military spouses
- 186 3. SB 221 (Wiener) Health care coverage: timely access to care
- 187 4. SB 731 (Durazo) Criminal records: relief
- 188 5. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations
189 f) Watch Bills
- 190 1. AB 29 (Cooper) State bodies: meetings
- 191 2. AB 54 (Kiley) COVID-19 emergency order violation: license revocation
- 192 3. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military
193 spouses: licenses
- 194 4. AB 339 (Lee) State and local government: open meetings
- 195 5. AB 361 (Rivas, Robert) Open meetings: state and local agencies:
196 teleconferences
- 197 6. AB 562 (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of
198 2021: health care providers: mental health services
- 199 7. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
- 200 8. AB 657 (Bonta) State civil service system: personal services contracts:
201 professionals
- 202 9. AB 810 (Flora) Healing arts: reports: claims against licensees
- 203 10. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties.
- 204 11. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
- 205 12. AB 1026 (Smith) Business licenses: veterans.
- 206 13. AB 1236 (Ting) Healing arts: licensees: data collection
- 207 14. AB 1386 (Cunningham) License fees: military partners and spouses
- 208 15. SB 102 (Melendez) COVID-19 emergency order violation: license revocation

209 16. SB 224 (Portantino) Pupil instruction: mental health education

210 g) Legislative Items for Future Meeting.

211 There was no Board or public comment offered.

212 **Agenda Item 11: Enforcement Unit Report**

213 Ms. Monterrubio provided an update to this item and stated that attachments were
214 included in the Hand Carry of the meeting materials.

215 Ms. Nystrom asked about whether there is a difference between open cases now and
216 historically.

217 Ms. Monterrubio clarified that the total of cases listed was only for July to November and
218 the Enforcement Unit was on track to have the average number of cases equivalent to
219 the previous few fiscal years.

220 Dr. Phillips expressed appreciation to staff for the reorganization of the data to be easier
221 to understand.

222 There was no further Board and no public comment offered,

223 **Agenda Item 12: Licensing Unit Report**

224 Ms. Cheung provided an update to this item and noted that the documents were
225 viewable beginning on page 90 of the meeting materials.

226 Dr. Harb Sheets expressed appreciation to the Licensing Unit staff and Ms. Cheung with
227 their quick responsiveness in addressing needed changes due to the COVID-19
228 pandemic.

229 Discussion ensued regarding the pass rates of EPPP and CPLEE test takers. It was
230 determined that further analysis would be done to address what reasons exist for a
231 lower passage rate in certain months. Ms. Snyder will contact ASPPB to get more
232 information with specific pass/fail rates of the EPPP and provide an update to the Board
233 at a future date.

234 Public Comment

235 Dr. Scott Harris, Los Angeles County Psychological Association (LACPA), asked about
236 the processing times for Psychological Assistants.

237 Ms. Cheung stated that the processing times listed included both Psychologists and
238 Psychological Assistant applications.

239 Mr. Foo stated that all processing times were available on the Board website and
240 congratulated the Licensing Unit on their significant efforts to shorten processing times.

241 There was no further Board or public comment offered.

242 **Agenda Item 13: Continuing Education and Renewals Program Report**

243 Mr. Glasspiegel provided an update to this item which was included in the meeting
244 materials on page 100.

245 Discussion ensued regarding continuing education and Mr. Foo congratulated staff on
246 the efforts made to be fully caught up on the CE audits. Comments were made
247 regarding CE courses and a reminder to licensees was provided to make sure that any
248 continuing education course meets the criteria of an approved course and to be sure to
249 retain copies of records of the course certificates for four years.

250 There was no public comment offered.

251 **Agenda Item 14: Regulatory Update, Review, and Consideration of Additional**
252 **Changes**

253 Dr. Cervantes introduced this item which began on page 107 in the meeting materials.

254 Mr. Glasspiegel provided an update and stated that the Continuing Professional
255 Development Package was with the Office of Administrative Law (OAL), who are waiting
256 for a signed fiscal impact form from the Department of Finance (399 form). Mr.
257 Glasspiegel stated that the OAL had begun the preliminary review while awaiting receipt
258 of said document. Mr. Glasspiegel also provided an update on the Psychologist Fee
259 Package which the Board had been working on in order to raise the fees to the statutory
260 maximum. He reported that the package is done with the initial departmental review. He
261 stated Board staff was waiting on the Business Consumer Service and Housing Agency
262 to receive all the final signed documents, after which it would be noticed with OAL The
263 hearing for this package is anticipated to take place at the February Board Meeting.

264 Additionally, an update was provided on the Retired License status category which Mr.
265 Glasspiegel stated was in the initial comment period. The comment period for that
266 package which would close November 30, 2021 with a hearing scheduled for December
267 1, 2021. After the hearing, any comments received during the public comment period or
268 during the hearing would be brought to the Board during the February 2022 Board
269 Meeting for consideration and final vote.

270 This information was provided as information only, with no action required.

271 A discussion ensued regarding the fee increases and clarification on effective dates for
272 implementation of the CPD regulatory package. It was stated that due to COVID-19,
273 OAL's review period had been extended, and that Mr. Glasspiegel was in contact with
274 OAL to investigate options to changing the effective date.

275 Ms. Hoganson, Board Counsel, provided historical context of past situations where
276 items for review were not approved by the implementation date and stated that any
277 updates would be provided as received and that typically regulations are effective on a
278 quarterly effective date. She also clarified that a one-year transition period was built into
279 the language.

280 Dr. Cervantes requested a presentation at the February 2022 Board meeting to show
281 how implementation could be put into place to provide clarity for stakeholders and
282 licensees.

283 Ms. Sorrick stated that a presentation would be made at the February Board meeting.

284 There was no further Board or public comment offered.

285 a) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
286 1391.12, 1392.1 – Psychological Assistants

287 b) 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired
288 License, Psychologist Fees

289 c) 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
290 Professional Development

291 d) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant
292 Registration and Reactivating a Psychological Assistant Registration

293 e) 16 CCR 1392 – Psychologist Fees – California Psychology Law and Ethics
294 Examination (CPLEE) and Initial License and Biennial Renewal Fee for a Psychologist

295 f) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to
296 Substance-Abusing Licensees

297 Mr. Foo thanked everyone for their participation and provided a summary of the
298 schedule and stated that there would be no further open session until the following day.

299 **Agenda Item 15: CLOSED SESSION**

300 The Board Will Meet in Closed Session Pursuant to Government Code Section
301 11126(c)(3) to Discuss Disciplinary Matters Including Proposed Decisions, Stipulations,
302 Petitions for Reinstatement or Modification of Penalty, Petitions for Reconsideration,
303 and Remands.

304 The meeting was adjourned after closed session at 3:50 p.m.

305 **Friday, November 19, 2021**

306

307 **Agenda Item 16: Call to Order/Roll Call/Establishment of a Quorum**

308 President Foo called the meeting to order at 9:30 a.m., roll was taken, and a quorum
309 was established. The Board went into closed session to resume with open session
310 afterward.

311 **Agenda Item 17: The Board will Meet in Closed Session Pursuant to Government**
312 **Code Section 11126(a)(1) to Conduct its Annual Evaluation of its Executive**
313 **Officer.**

314 **Agenda Item 18: The Board will Meet in Closed Session Pursuant to Government**
315 **Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Proposed**
316 **Decisions, Stipulations, Petitions for Reinstatement and Modification of Penalty,**
317 **Petitions for Reconsideration, and Remands.**

318 Open session reconvened at 10:07 a.m.

319 **Agenda Item 19: Public Comment for Items Not on the Agenda.**

320 Mr. Foo introduced this item and provided a brief summary of the requirements of the
321 Open Meetings Act.

322 There was no public comment offered.

323 **Agenda Item 20: EPPP2 Ad Hoc Committee Report and Consideration of and**
324 **Possible Action on Committee Recommendations**

325 a) Establish Committee Goal

326 Dr. Casuga introduced this item and provided a summary of the Committee Meeting on
327 October 22, 2021. She provided the Committee's recommendation to reestablish the
328 committee as a three-person committee with a name of EPPP Ad Hoc Committee. The
329 goal of the reestablished Committee will be to review issues related to the Board's
330 national examination, not only the EPPP Part 2.

331 It was M/(Harb Sheets)S/(Foo)/C to adopt the Committee recommendation.

332 There was no public comment offered.

333 Votes: 9 Ayes, (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
334 Rodgers, Tate), 0 Noes

335 b) Historical Overview of the EPPP (Part 2-Skills)

336 Dr. Casuga provided this summary and referenced page 110 in the meeting materials
337 for review. This information was provided as information only with no action required.

338 1. Timeline of Examination

339 2. Correspondence between the Board of Psychology and the Association of State
340 and Provincial Psychology Boards (ASPPB)

341 Dr. Casuga provided this update to this item which is included in the meeting materials.
342 She referenced ASPPB response to December 2018 letter that the Board sent to
343 ASPPB on page 190.

344 3. Identify Outstanding Issues

345 Dr. Casuga referenced page 193 and provided a summary of issues and concerns
346 raised by the EPPP Part 2 Task Force in November 2018 including:

- 347 • The lack of a proven necessity for an additional examination.
- 348 • Considerable concerns related to the examinations to assess skills as designed
349 and thus potentially providing negligible consumer protection.
- 350 • The additional cost burden on prospective licensees, especially historically
351 underrepresented and socioeconomically disadvantaged students.

- 352 • The additional examinations creation of new barriers to licensure and potentially
353 detrimental impact on access to psychological services to California consumers.
354 • Clarification on whether the optional enhanced EPPP, or the EPPP Part 2 as it is
355 now called, is an indefinite alternative or if ASPPB is simply postponing the
356 deadline for mandatory adoption, I.E: If the implementation date is merely being
357 delayed, the Board would appreciate clarification on the anticipated date for
358 mandatory implementation.

359 Dr. Casuga provided more information on the cost factor, some changes had been
360 made to extend the early adopter cost of \$300 through August 14, 2023 after which the
361 fee would be increased to \$450.

362 Discussion ensued regarding names of exams listed within the historical documentation
363 and how any change would need to be made on a legislative or regulatory level to
364 introduce the EPPP Part 2 Skills exam if it were to become required.

365 Public Comment

366 Dr. Jo Linder Crow, California Psychological Association, asked if the Board agrees with
367 ASPPB stance defining EPPP as one exam in two possible parts.

368 Dr. Elizabeth Winkleman, CPA, asked Dr. Turner if ASPPB was looking to make EPPP2
369 mandatory and if so, what the timeframe would be.

370 Dr. Turner stated that Board of Directors would be meeting in early February 2022 to
371 discuss what ASPPB would require and that he thought that the timeframe would
372 require a phase in period to implement.

373 Dr. Linder Crow asked if the Board would be developing a recommendation regarding
374 this matter.

375 Dr. Casuga stated that the Committee planned to meet after the ASPPB Board of
376 Directors meeting, at which time a response would be drafted. She clarified that the
377 Committee meeting would allow stakeholder input.

378 Ms. Sorrick summarized the work the Board has done to relay concerns to ASPPB
379 including beta testing, cost, and eligibility. She stated that California has been very
380 active and involved with relaying information from stakeholders to ASPPB and would
381 continue to be.

382 Discussion ensued regarding the included materials in the meeting materials packet
383 which included many letters back and forth with ASPPB with concerns provided.

384 Dr. Casuga referred to a more recent Board response to ASPPB correspondence found
385 on page 196 in the combined packet.

386 Dr. Turner confirmed that all comments and questions have been received and all would
387 be provided to the Board of Directors at the upcoming meeting.

388 c) ASPPB Report on the EPPP (Part 2-Skills)

389

390 1. Participating States

391 Dr Casuga introduced Dr. Turner to present information.

392 Dr. Turner provided this presentation. He stated that the EPPP (Part 2-Skills) exam was
393 being used in eight states. Minnesota had decided to adopt the exam and 14 states
394 were considering adoption. The overall intent was described as a movement toward
395 competence and applied skills.

396 Discussion ensued regarding the difficulties involved with proving an effective skill set.
397 Concern was echoed of previous discussions in regard to how states had phased out
398 oral exams for a variety of reasons including reliability, legal challenges, potential bias
399 and cost to which Dr. Turner stated that the intention was to give boards what they tried
400 to do through the oral exams.

401 2. Data from Initial Administrations

402 d) General Input Regarding the EPPP (Part 2-Skills)

403 e) DCA's Office of Professional Examination Services (OPES) Status Report of the
404 EPPP Audit

405 Amy Welsh Gandy, test developer from OPES, provided a report on this item and
406 summarized that both EPPP Part 1 and Part 2 were reviewed through an occupational
407 analysis and that California was well represented in the analysis. She stated that pass
408 rates for part 1 were reasonable but had not received pass rates for part 2 as it was still
409 in beta testing.

410 Ms. Welsh Gandy stated that the Licensed Psychologists who were subject matter
411 experts in the evaluation provided positive feedback which supported the EPPP Part 1
412 and liked the EPPP Part 2 in its measure of skills. She concluded that the plan was to
413 continue using Part 1 and continue to evaluate Part 2 as more data was collected with
414 more candidates and in the meantime, continue using the CPLEE.

415 Dr. Tracy Montez echoed Ms. Welsh Gandy's points and stated that the intent of
416 evaluating examination options was to balance consumer protection with not creating
417 barriers to licensure.

418 There was no Board or public comment offered.

419 **Agenda Item 21: Enforcement Committee Report and Consideration of and**
420 **Possible Action on Committee Recommendations**

421 Dr. Phillips stated for the record that Dr. Cervantes was no longer serving on the
422 Enforcement committee and provided an update to this item. He stated that items
423 21(a)(1) through 21(a)(12) were statues and regulations that the Committee had been
424 reviewing for several months and would bring back to the Board after the next
425 Committee meeting. Dr. Phillips stated the focus would be on item 21(a)(13) but opened
426 for comment for 21(a)(1) through 21(a)(12).

427 There was no Board or public comment offered.

- 428 a) Statutory and Regulatory Update, Review, and Consideration of Additional
429 Changes
- 430 1. 16 CCR Section 1380.6 – Display of License Number
- 431 2. 16 CCR Sections 1393 – Requirements for Psychologists on Probation
- 432 3. 16 CCR Sections 1396 – Competence; 1396.1 – Interpersonal Relations; 1396.2
433 – Misrepresentation; 1396.3 – Test Security; 1396.4 – Professional Identification;
434 1396.5 – Consumer Information; 1397 – Advertising; 1397.1 – Child Abuse Reporting
435 requirements; 1397.2 – Other Actions Constituting Unprofessional Conduct
- 436 4. 16 CCR Sections 1397.30 – Citation; 1397.36 – Requirements for Professional
437 Corporations; 1397.37 – Shares: Ownership and Transfer; 1397.39 – Corporate
438 Activities; 1397.40 – Trusts
- 439 5. 16 CCR Sections 1397.50 – Citations and Fines; 1397.51 – Amount of Fines;
440 1397.52 – Compliance with Orders of Abatement; 1397.53 – Citations for Unlicensed
441 Practice; 1397.54 – Contest of Citations; 1397.55 – Disconnection of Telephone Service
- 442 6. BPC Sections 2902 – Definitions; 2903 – Licensure requirement; Practice of
443 psychology; Psychotherapy; 2903.1 – Biofeedback instruments; 2908 – Exemption of
444 other professions; 2912 – Temporary practice by licensees of other state or foreign
445 country
- 446 7. BPC Section 2934.1 – Posting of license status on Web site
- 447 8. BPC 2936 – Consumer and professional education in matters relevant to ethical
448 practice; Standards of ethical conduct; Notice
- 449 9. BPC Sections 2960 – Grounds for action; 2960 (a)-(r) (o); 2960.05 – Limitations
450 period for filing accusation against licensee; 2960.1 – Sexual contact with patient;
451 Revocation; 2960.2 – Licensee’s physical, emotional and mental condition evaluated;
452 2960.5 – Mental illness or chemical dependency; 2960.6 – Actions by other states;
453 2961 – Scope of action; 2962 – Petition for reinstatement or modification of penalty;
454 2963 – Matters deemed conviction; 2964 – Report of license revocation or restoration;
455 2964.3 – Persons required to register as sex offender; 2964.5 – Conditions of probation
456 or suspension; 2964.6 – Payment of probationary costs; 2965 – Conduct of
457 proceedings; 2966 – Suspension during incarceration for felony conviction;
458 Determination of substantial relationship of felony to functions of psychologist; Discipline
459 or denial of license; 2969 – Penalties for failure to provide medical records; Failure to
460 comply with court order; Multiple acts
- 461 10. BPC Sections 2970 – Violation of chapter as misdemeanor; 2971 – Injunctions
- 462 11. BPC 2985 – Renewal of suspended licenses; Reinstatement of revoked licenses,
463 2986 – Effect of failure to renew within prescribed time
- 464 12. BPC Section 2995 – Psychological corporation, 2996 – Violation of
465 unprofessional conduct, 2996.1 – Conduct of practice, 2996.2 – Accrual of income to

466 shareholder while disqualified prohibited, 2997 – Shareholders, directors and officers to
467 be licensees, 2998 – Name, 2999 – Regulation by committee

468 13. Disciplinary Guidelines – Review and Consider Draft Language for Violations of
469 Prohibition on Conversion Therapy

470 Ms. Monterrubio provided a summary of this item, attached in the materials on Agenda
471 Item 21(a)(13) and provided the recommendation to approve the Committee’s
472 recommendation to add minimum and maximum penalties to the disciplinary guidelines
473 for violating the sections of the code prohibiting sexual orientation efforts/conversion
474 therapy.

475 It was M/(Tate)S/(Casuga)/C to adopt the Committee recommendation.

476 Discussion ensued regarding number of complaints received since prohibition on
477 conversion therapy had been implemented, of which there had been ten since 2013,
478 when the law went into effect.

479 Mr. Foo thanked the Board’s Deputy Attorney General (DAG) Liaison, Mr. Templet for
480 his assistance through the process of drafting language for these guidelines and stated
481 that this would be the last Board meeting for Mr. Templet as he had accepted a new
482 position.

483 Mr. Templet stated his appreciation for the well wishes.

484 There was no public comment offered.

485 Votes: 9 Ayes, (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
486 Rodgers, Tate), 0 Noes

487 **Agenda Item 22: Election of Officers**

488 Mr. Foo introduced Jonathan Burke, Assistant Executive Officer to facilitate the process
489 of the Annual Election of Officers.

490 Mr. Burke introduced this item and read from Business and Professions Code Section
491 2925, “The Board shall elect annually a President and Vice President from among its
492 members; or policy states, election for the offices of President and Vice President shall
493 be conducted at last Board meeting of the year. The newly elected President and Vice
494 President shall assume duties on January 1.” He stated that nominations for each office
495 would be accepted and followed by a vote for that office, beginning with the office of
496 President for 2022 and asked for any nominations to be given.

497 President

498 Dr. Phillips nominated Dr. Lea Tate. Dr. Tate accepted the nomination. This was
499 seconded by Ms. Nystrom.

500 Dr. Cervantes nominated Dr. Harb Sheets which was ultimately accepted then
501 withdrawn with much appreciation and gratitude by Dr. Harb Sheets. Dr. Harb Sheets

502 stated that she fully supported Dr. Tate's nomination and felt that Dr. Tate was
503 incredibly well qualified to serve as Board President.

504 Discussion ensued of the high regard that Board members had for both nominated
505 parties. Dr. Phillips commented that he believed that either Dr. Tate or Dr. Harb Sheets
506 would be effective and qualified in the role of Board President which was echoed by
507 Drs. Casuga and Cervantes.

508 There was no public comment offered.

509 It was M/(Phillips)S/(Nystrom)/C to nominate Dr. Tate as Board President for 2022.

510 Verbal Vote/Roll Call was called to elect Dr. Tate as Board President for 2022 at 1:26
511 p.m.

512 Votes: 9 Ayes, (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
513 Rodgers, Tate), 0 Noes

514 Vice President

515 Dr. Tate nominated Mr. Foo who accepted the nomination.

516 Dr. Cervantes nominated Dr. Rodgers who expressed gratitude at the nomination but
517 respectfully declined and stated her intent to support Mr. Foo.

518 Verbal Vote/Roll Call was called to elect Mr. Foo as Board Vice President for 2022 at
519 1:32 p.m.

520 Votes: 9 Ayes, (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
521 Rodgers, Tate), 0 Noes

522 Mr. Burke thanked everyone for their participation, congratulated the newly elected
523 officers and stated that their term would begin on January 1, 2022.

524 Discussion ensued between Board members where all Board members expressed
525 appreciation to outgoing President Foo on his leadership during a difficult time.

526 Mr. Foo expressed his appreciation to all Board Members for the kind words and stated
527 that he was grateful to continue service to the Board as Vice President.

528 **Agenda Item 23: Recommendations for Agenda Items for Future Board Meetings.**

529 Dr. Casuga requested a mindfulness exercise if Dr. Rodgers would be willing to lead
530 one at the next meeting which was agreed to by Dr. Rodgers.

531 Mr. Foo asked staff to include a separate line item in the February agenda to include a
532 mindfulness exercise led by Dr. Rodgers.

533 There was no public comment offered.

534 **ADJOURNMENT**

535 The meeting adjourned at 1:45 p.m.

MEMORANDUM

DATE	February 8, 2022
TO	Board of Psychology
FROM	Liezel McCockran Continuing Education and Renewals Coordinator
SUBJECT	Agenda Item #19(b) – Continuing Education and Renewals Report

The Continuing Education (CE) audits for July 2021 through December 2021 were sent out January 6, 2022, those audits conclude on March 7, 2022. The current pass rate for January 2021 through December 2021 CE audits is 41 percent with 40 percent of audits not yet received. The CE waiver states licensees who expire between October 1, 2021 and October 31, 2021 have until March 28, 2022 to complete all renewal related CE requirements. CE audit pass rates have been consistently over 80 percent since 2016. The pass rate for 2nd audits has risen from 68 percent in 2016 to 94 percent in 2019.

The Continuing Professional Development (CPD) goal from the Strategic Plan 2019-2023 to implement licensed Board member CPD audits each license renewal cycle for transparency purposes began with the January 1, 2019 audit cycle. The following Board members have had their continuing education courses audited for their 2021 renewal and passed:

Lea Tate, PsyD, President
Sheryll Casuga, PsyD
Shacunda Rogers, PhD

For renewals, between January 2021 through December 2021, 81 percent of Psychologists renewed as Active. Approximately 89 percent of Psychologists and Psychological Associates renewed their license online using BreEZe per month.

Action Requested:

These items are for information purposes only. No action requested

Attachments:

Attachment A: 2021 CE Audits

Attachment B: Audit Pass and Fail Rates for 2016-2021

Attachment C: 2nd Audits Pass and Fail Rates

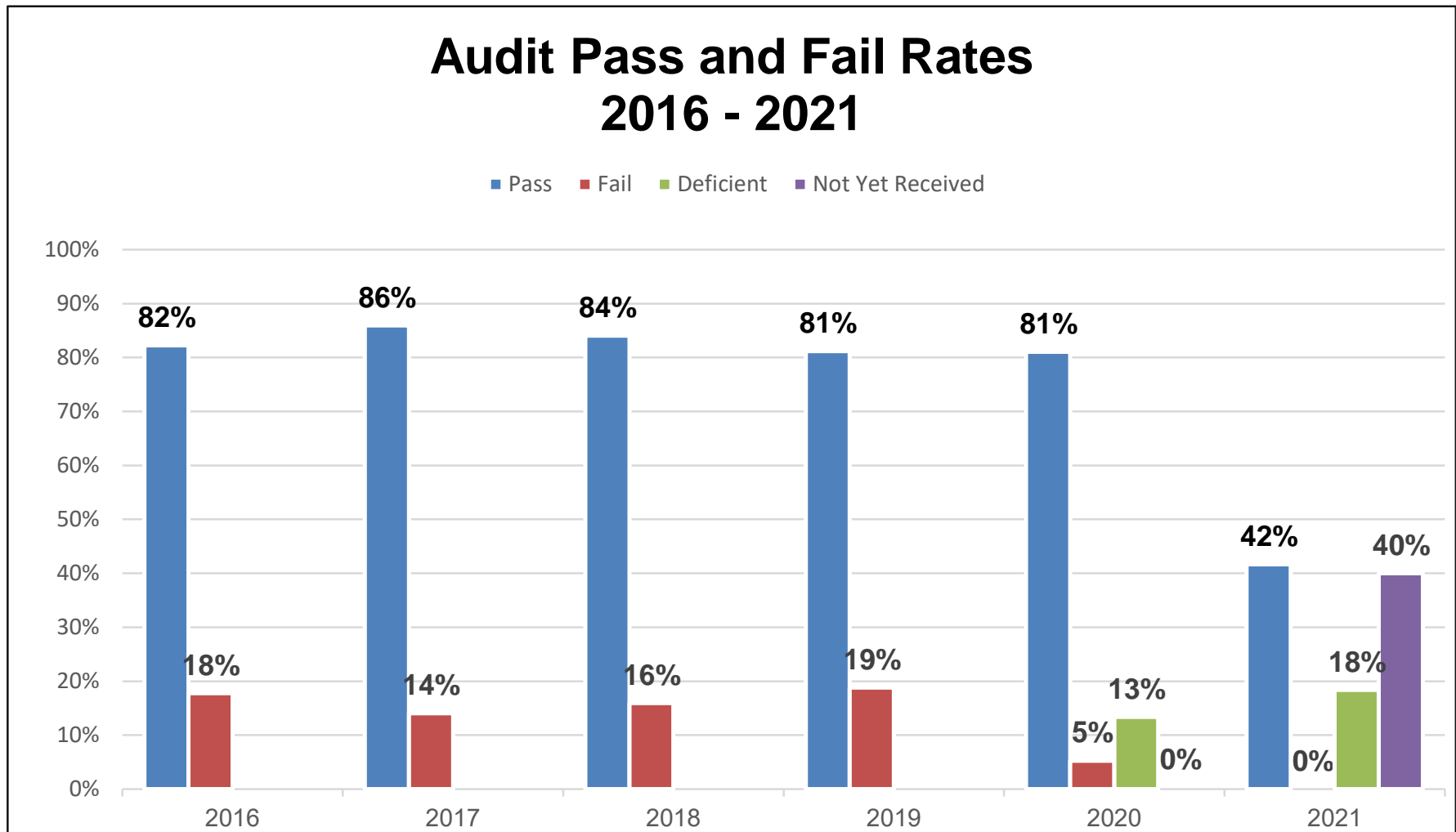
Attachment D: Online vs. Mailed in Renewals

Attachment E: Renewal Applications Processed: January 2021 – December 2021

**Continuing Education Audits
January 2021 - December 2021**

Month	Total # of Licensees Selected for Audit:	% Passed:	% Deficient	% Not Yet Received:	% Failed:
January	24	63%	21%	0%	0%
February	22	68%	27%	5%	0%
March	24	79%	21%	0%	0%
April	25	56%	40%	4%	0%
May	30	67%	30%	3%	0%
June	24	63%	38%	4%	0%
July	25	8%	8%	84%	0%
August	30	30%	3%	67%	0%
September	28	18%	7%	75%	0%
October	27	15%	4%	81%	0%
November	27	15%	11%	74%	0%
December	23	22%	9%	70%	0%
Totals:	309	41%	18%	40%	0%

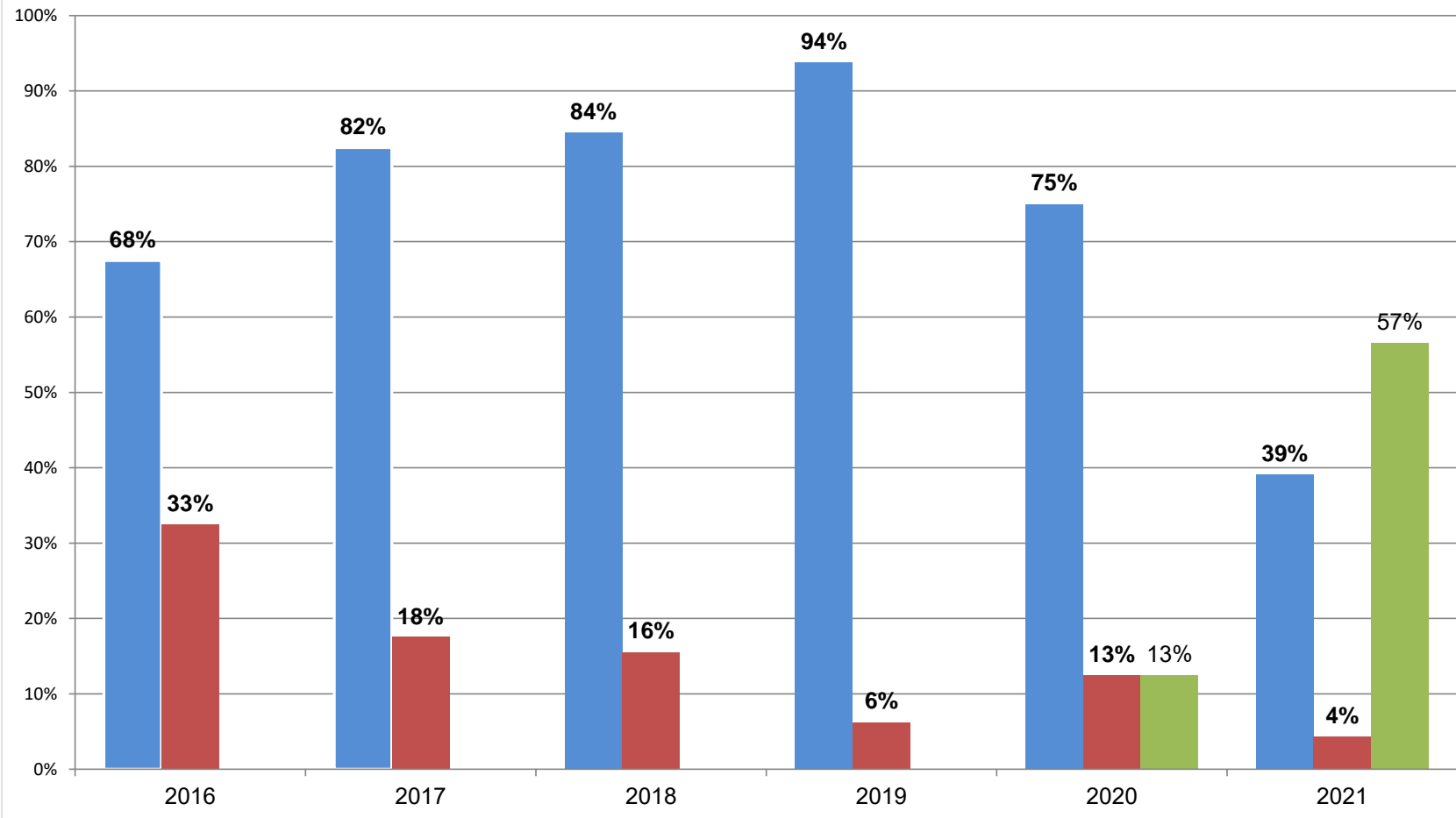
Of the total of 309 audits sent out in 2021, the current pass rate is 41% with 18% of audits found to be deficient and 40% of audits not yet received. Licensees who expired between March 31, 2020 through September 30, 2021 were given until January 26, 2022 to fulfill the CE requirement. Licensees who expired between October 1, 2021 and October 31, 2021 are given until March 28, 2022 to fulfill the CE requirement.



The deficiency rates for 2020 and 2021 are a result of the CE waivers that were provided for licensees who renewed between March 31, 2020 through October 31, 2021. Licensees were given more time to complete the CE requirements; January 26, 2022 and March 28, 2022 respectively.

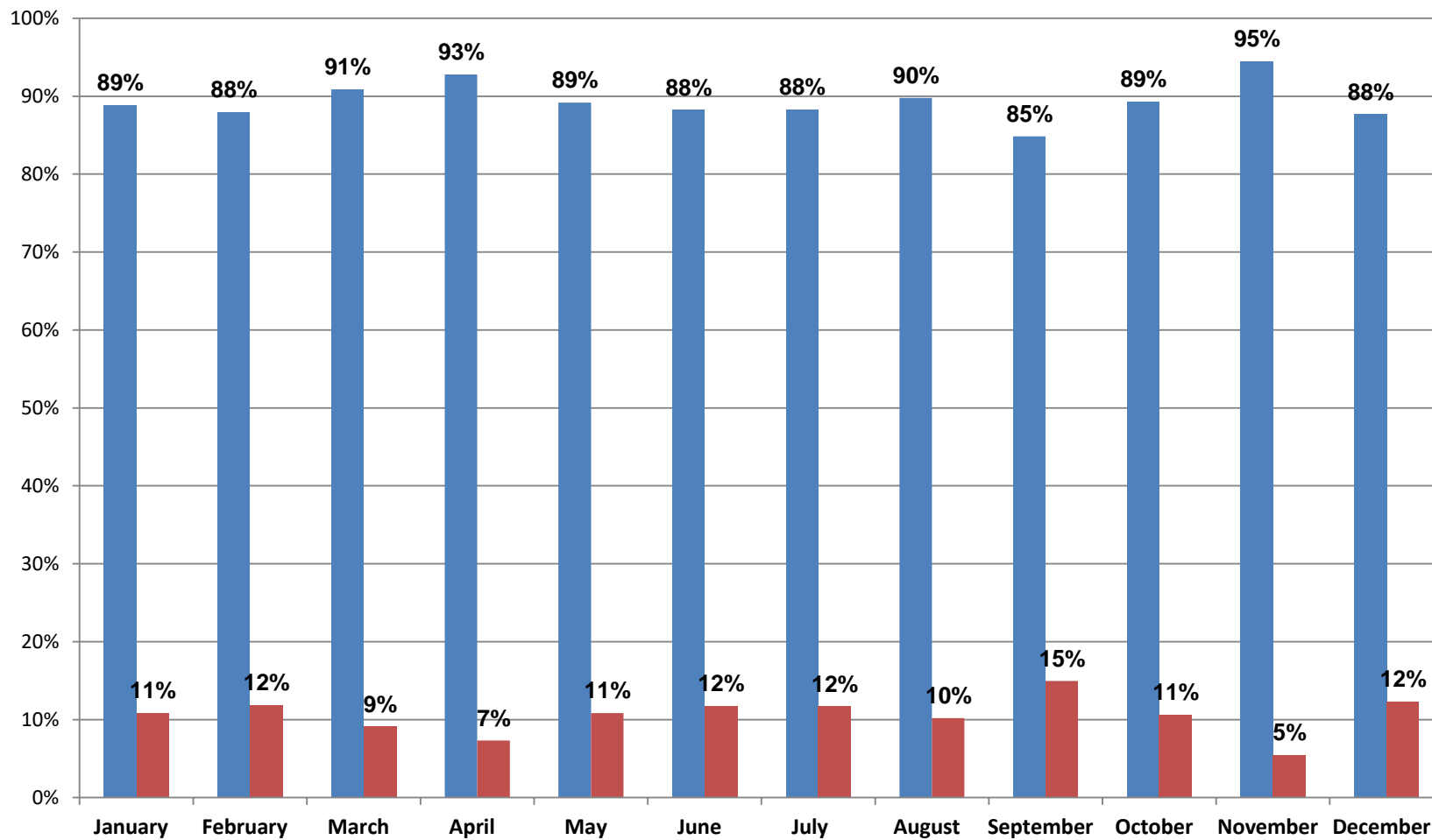
2nd Audit Pass and Fail Rates for 2016 - 2021

■ Pass ■ Fail ■ Pending



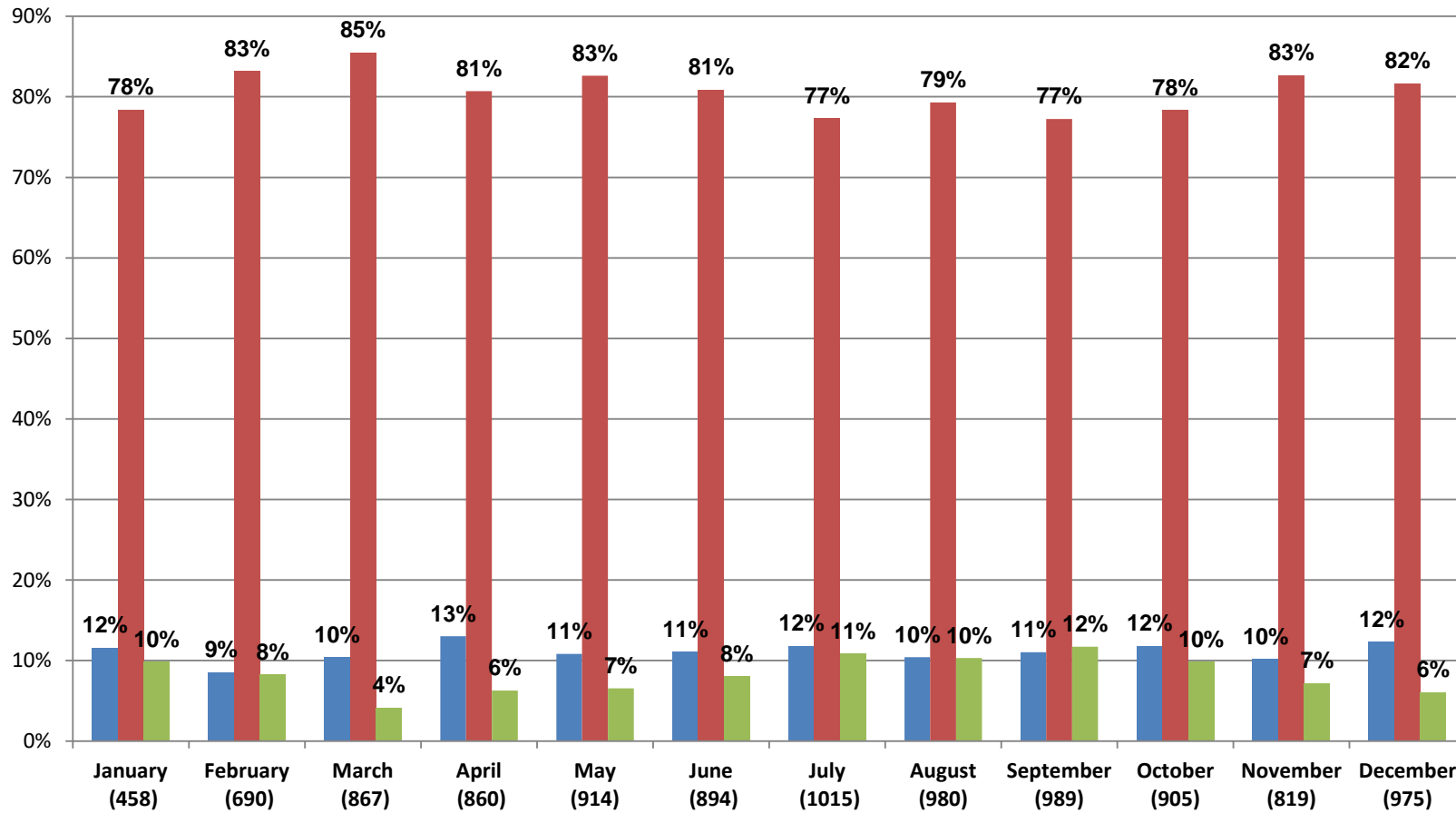
Online vs. Mailed In Renewals January 2021 - December 2021

■ Online ■ Mailed In



Renewal Applications Processed January 2021 - December 2021

■ Inactive ■ Active ■ Psych Associates



Every month, on average, 81% of Psychologists renew as Active, and 11% of Psychologists renew as Inactive. Additionally, an average of 8% of renewal applications submitted every month are from Psychological Associates.

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2022

Select a Quarter
Q2

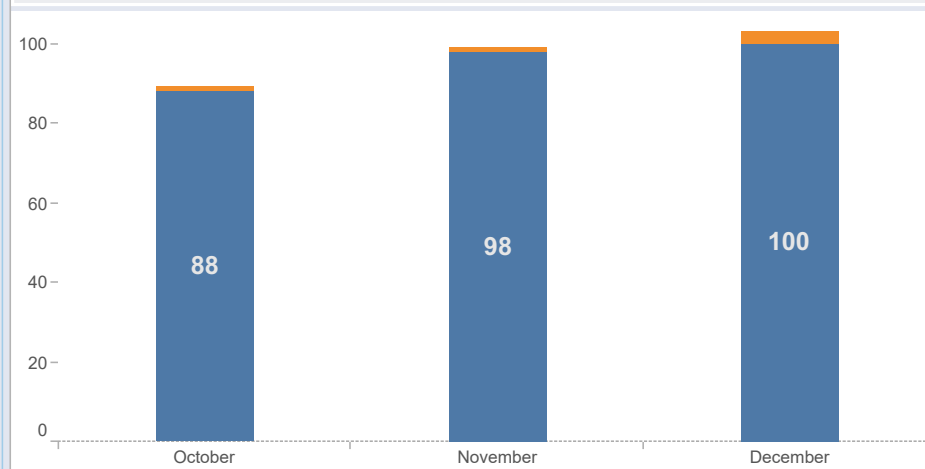
Case Type
 Complaints Conviction/Arrest

Performance Measure 1 (Case Volume) – Total number of complaints and conviction/arrest notices received within the specified period.

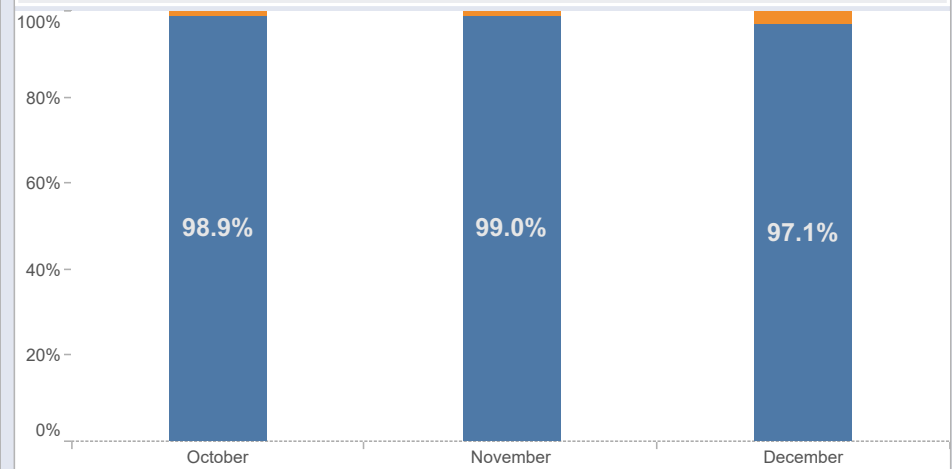
Board of Psychology New Cases Summary
Data last refreshed on 2/2/2022

Complaints	Conviction/Arrest	Total Volume
286	5	291

Board of Psychology
SFY 2022:Q2 - Case Volume



Board of Psychology
SFY 2022:Q2 - Case Volume % Distribution



Data Source: [California Department of Consumer Affairs, OIS/Data Governance Unit](#). The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

Cycle Time

Actual Target

Case Volume by Month

October November December

Performance Measure 2 represents the total number of complaint cases received and assigned for investigation and the average number of days (cycle time) from receipt of a complaint to the date the complaint was assigned for investigation or closed.

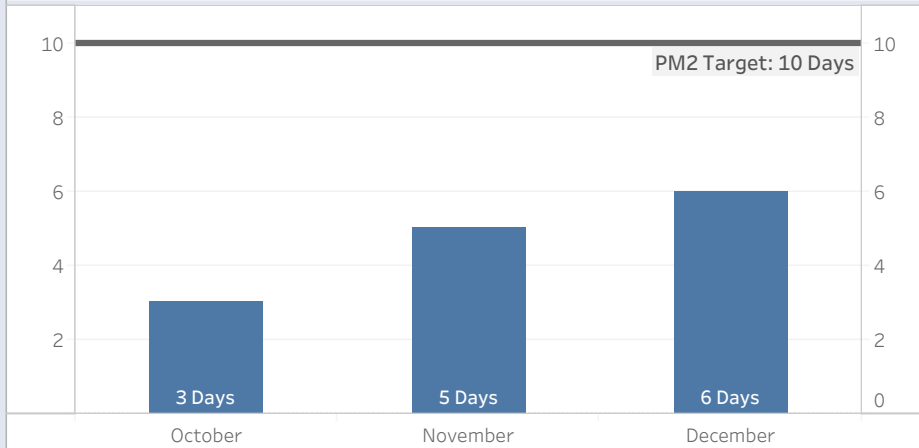
Board of Psychology PM2 Performance Summary

Data last refreshed on 2/02/2022

Case Volume	Target	Actual	Variance
250	10 Days	5 Day(s)	▼ -5 Day(s)

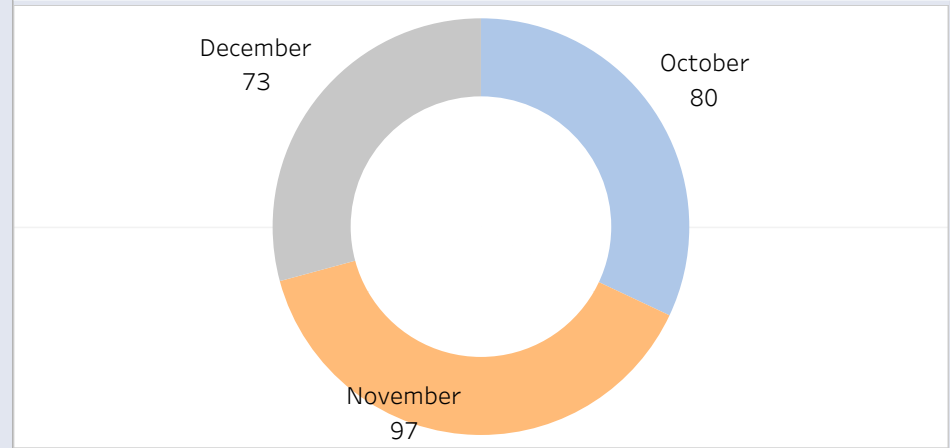
Board of Psychology

SFY 2022: Q2 | PM2 - Intake Cycle Time



Board of Psychology

SFY 2022: Q2 | PM2 - Volume



Data Source: [California Department of Consumer Affairs, OIS/Data Governance Unit](#). The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2022

Select a Quarter
Q2

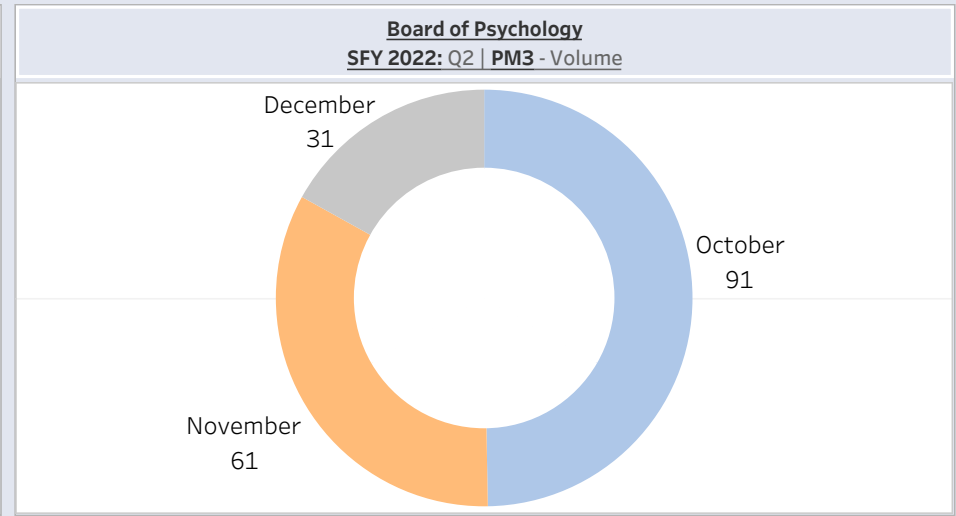
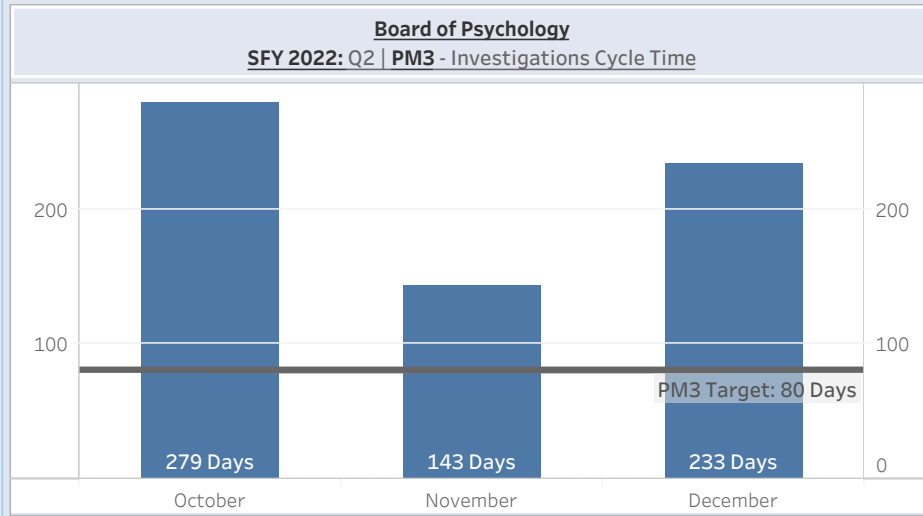
Cycle Time
Actual Target

Case Volume by Month
October November December

Performance Measure 3 (Investigation) – Total number of cases closed within the specified period that were not referred to the Attorney General for disciplinary action.

Board of Psychology PM3 Performance Summary
Data last refreshed on 2/02/2022

Case Volume	Target	Actual	Variance
183	80 Days	226 Day(s)	▲ 146 Day(s)



Data Source: [California Department of Consumer Affairs, OIS/Data Governance Unit](#). The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some ins..

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2022

Select a Quarter
Q2

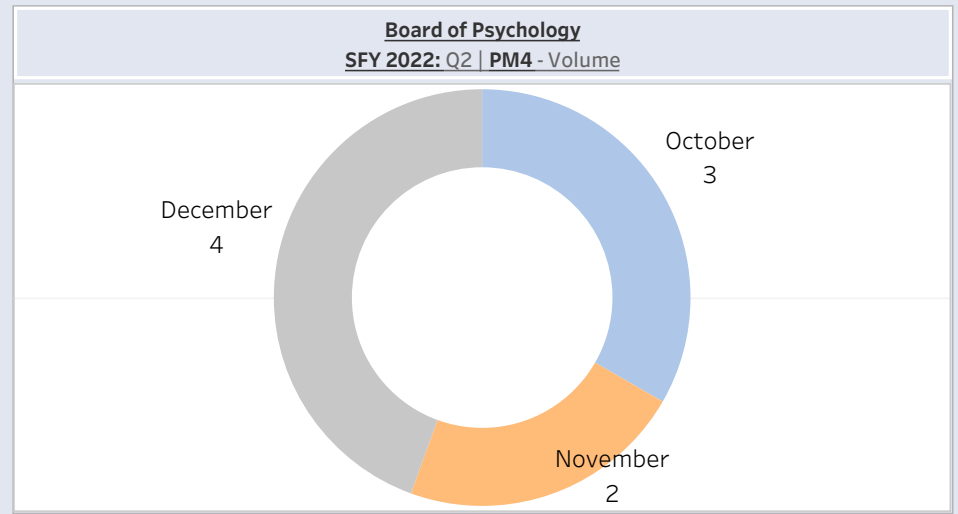
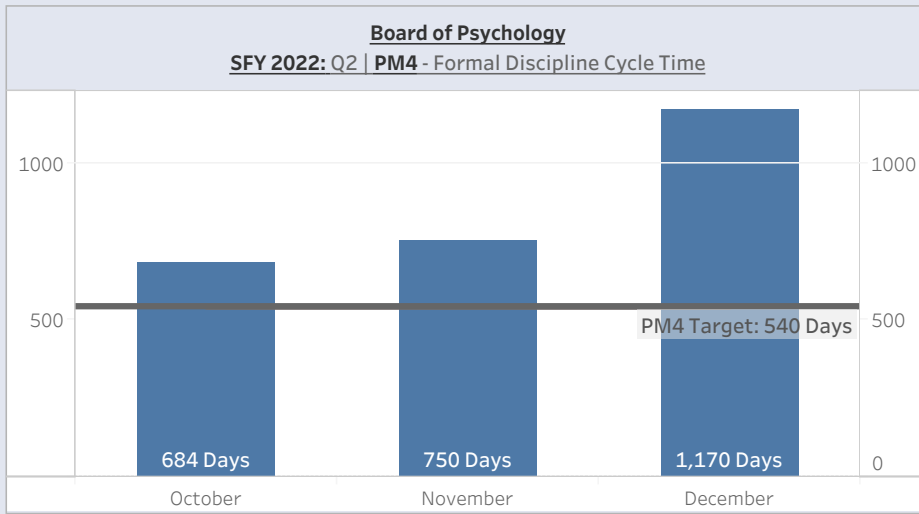
Cycle Time
Actual Target

Case Volume by Month
October November December

Performance Measure 4 (Formal Discipline) – Total number of cases closed within the specified period that were referred to the Attorney General for disciplinary action. This includes formal discipline, and closures without formal discipline (e.g. withdrawals, dismissals, etc.).

Board of Psychology PM4 Performance Summary
Data last refreshed on 2/02/2022

Case Volume	Target	Actual	Variance
9	540 Days	915 Day(s)	▲ 375 Day(s)



Data Source: [California Department of Consumer Affairs, OIS/Data Governance Unit](#). The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some ins..

Select a DCA Entity
Board of Psychology

Select a Fiscal Year
SFY 2022

Performance Measure
PM7

Select a Quarter
Q2

Cycle Time
 Actual Target

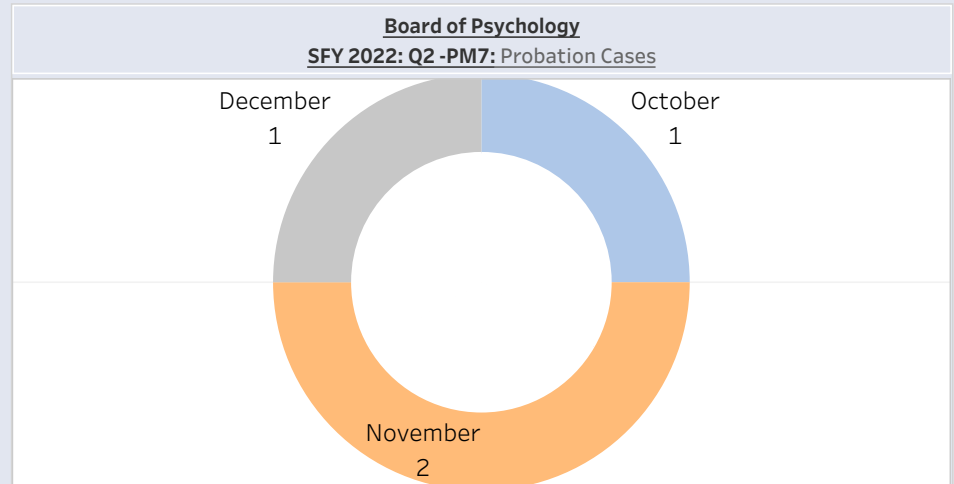
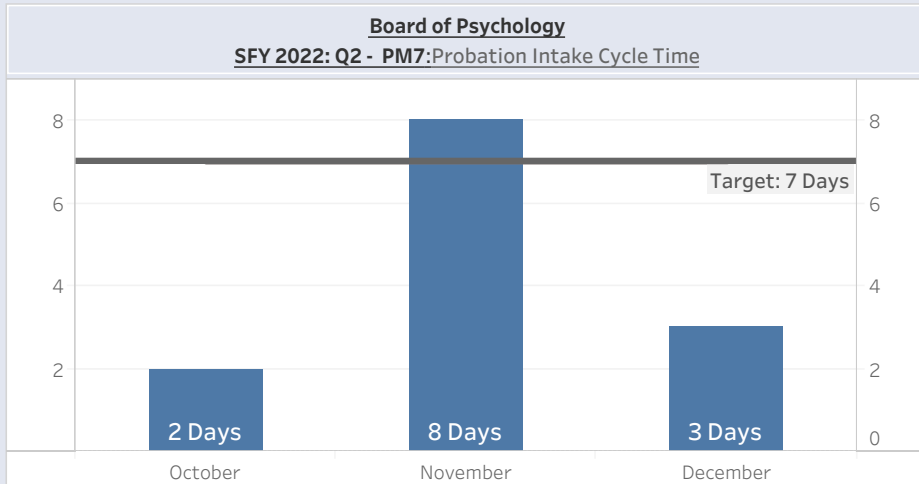
Case Volume by Month
 October November December

Performance Measure 7 (Probation Case Intake) – Total number of new probation cases and the average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Performance Measure 8 (Probation Violation Response) – Total number of probation violation cases and the average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Board of Psychology PM7 Performance Summary
Data last refreshed on 2/02/2022

Case Volume	Target	Actual	Variance
4	7 Days	5 Day(s)	▼ -2 Day(s)



Data Source: [California Department of Consumer Affairs, OIS/Data Governance Unit](#). The data included in this interactive tool is compiled from monthly enforcement statistical reporting from DCA Boards and Bureaus. In some instances historical enforcement performance data may differ slightly from the data reported in this tool due to errors and omissions in the previously released reports.

MEMORANDUM

DATE	February 8, 2022
TO	Board of Psychology
FROM	Sandra Monterrubio, Enforcement Program Manager
SUBJECT	Agenda Item 24 Regulatory Update, Report and Consideration of and Possible Action on Committee Recommendations

The Enforcement Committee and staff began a comprehensive review of all enforcement-related sections of the California Code of Regulations (CCR). Attached are two versions of the CCR, one with strikethroughs and underlines and one without. Please note that if sections are recommended for repeal, they will only appear in the version that has strikethroughs and underlines.

Attachments:

- 16 CCR Section 1380.6 – Professional Identification and Display of License Number
- 16 CCR 1393 – Requirements for Probation
- 16 CCR 1396 – Ethical Principles of Psychologists and Code of Conduct
- 16 CCR 1396.1 – Interpersonal Relations
- 16 CCR 1396.2 – Misrepresentation
- 16 CCR 1396.3 – Test Security
- 16 CCR 1396.4 – Professional Identification
- 16 CCR 1396.5 – Consumer Information
- 16 CCR 1397 – Advertising
- 16 CCR 1397.1 – Abuse and Neglect Reporting requirements
- 16 CCR 1397.2 – Other Actions Constituting Unprofessional Conduct
- 16 CCR 1397.30 – Citation
- 16 CCR 1397.36 – Requirements for Professional Corporations
- 16 CCR 1397.37 – Shares: Ownership and Transfer
- 16 CCR 1397.39 – Corporate Activities
- 16 CCR 1397.40 – Trusts
- 16 CCR 1397.50 – Citations and Fines

- 16 CCR 1397.51 – Violations and Fines; Criteria to be Considered in Assessing a Fine or Order of Abatement
- 16 CCR 1397.52 – Compliance with Orders of Abatement
- 16 CCR 1397.53 – Citations for Unlicensed Practice
- 16 CCR 1397.54 – Contest of Citations
- 16 CCR 1397.55 – Disconnection of Telephone Service

Action Requested

The Enforcement Committee (Committee) requests the Board approve the Committee's recommended changes to the CCR sections related to enforcement begin the rulemaking process. The Committee also requests the Board delegate to the Executive Officer to make any technical, non-substantive changes. Further, if no relevant adverse comments are received during the 45-day comment period or any requested hearing, authorize the executive officer to take all necessary steps to complete the rulemaking and Adopt the proposed regulations as listed, commencing with Title 16 of the California Code of Regulations, Division 13.1, Articles 1-9, commencing with section 1380.6.

1 **§ 1380.6. Professional Identification and Display of License Number.**

2
3 include his or her their license number, in any advertising, marketing materials, or other
4 professional communications directly controlled or administered by the licensee, their
5 representative, or office personnel, public directory, or solicitation, including, but not
6 limited to: regardless of whether such a presentment is made under the licensee's own
7 name, a fictitious business or group name or a corporate name: business cards,
8 letterhead, email signature blocks, informed consent forms, websites, professional
9 reports, professional social media pages and listings, flyers, mailers, brochures,
10 resumes, or curricula vitae.

11 ~~This requirement shall not apply to psychologists practicing in governmental~~
12 ~~organizations, nonprofit organizations which are engaged in research, education or~~
13 ~~services which services are defined by a board composed of community representatives~~
14 ~~and professionals.~~

15 (b) In addition to (a), a psychological associate shall also include the name and license
16 number of their primary supervisor(s).

17 (c) When engaged in any professional psychological activity, at all times and under all
18 circumstances:

19 (1) A psychologist shall identify themselves to others as a psychologist and provide their
20 license number upon request.

21 (2) A registered psychological associate shall identify themselves to others as a registered
22 psychological associate under the supervision of a Board-approved supervisor, and
23 provide their license number and the name and license number of their primary
24 supervisor(s) upon request.

25
26 **Note:** Authority cited: Sections 137, 2903, and 2930, and 2936, Business and
27 Professions Code. Reference: Sections 137, 2913, and 2936, Business and Professions
28 Code.

29
30 **HISTORY**

31 1. New section filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
32 This database is current through 11/16/18 Register 2018, No. 46
33 16 CCR § 1380.6, 16 CA ADC § 1380.6

34
35 **[Reviewed 7/25/2019]** **[EC updated May 29, 2020]** **[EC updated 9/18/2020]** **EC**

36
37
38
39 **§ 1393. Requirements for Psychologists on Probation.**

40 Each ~~psychologist~~ licensee who has been placed on probation by the Board shall be
41 subject to the Board's probation program and shall ~~be required to~~ fully cooperate with
42 the assigned probation monitor.

43
44 **Note:** Authority cited: Section 2930, Business and Professions Code. Reference:
45 Sections 2960 and 2961, Business and Professions Code.

46

1 **HISTORY**

2 1. Repealer of former section 1393, and renumbering and amendment of former section
3 1395 to section 1393 filed 6-15-83; effective thirtieth day thereafter (Register 83, No.
4 25). For prior history, see Register 79, No. 17.

5 2. Change without regulatory effect pursuant to section 100, Title 1, California Code of
6 Regulations filed 3-5-90 (Register 90, No. 20).

7 3. Amendment filed 3-6-2003; operative 4-5-2003 (Register 2003, No. 10).

8 4. Amendment of article heading filed 7-23-2012; operative 8-22-2012 (Register 2012,
9 No. 30).

10 This database is current through 11/16/18 Register 2018, No. 46
11 16 CCR § 1393, 16 CA ADC § 1393

12
13 [Reviewed 12/18/2019] [EC updated May 29, 2020] [EC reviewed 9/18/2020] EC
14 Reviewed 1-22-21

15
16
17
18 **§ 1396.-Competence.- Ethical Principles of Psychologists and Code of Conduct**

19 ~~A psychologist shall not function outside his or her particular field or fields of~~
20 ~~competence as established by his or her education, training and experience. Any~~
21 ~~violation of the "Ethical Principles of Psychologists and Code of Conduct" published by~~
22 ~~the American Psychological Association (APA) (Adopted August 21, 2002, Amended~~
23 ~~Effective January 1, 2017), which section 2936 of the Code establishes as the~~
24 ~~standards of ethical care and conduct, subjects a licensee to disciplinary action under~~
25 ~~sections 2936 and 2960.~~

26
27 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.
28 Reference: Section 2936, Business and Professions Code.

29
30 **HISTORY**

31 1. Repealer of Article 8 heading, renumbering of Article 9 to Article 8 (Sections 1396-
32 1397.40, not consecutive), renumbering and amendment of former Section 1396 to
33 Section 1394, and renumbering and amendment of former Section 1397.3 to Section
34 1396 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior
35 history, see Register 76, No. 52.

36 This database is current through 11/16/18 Register 2018, No. 46
37 16 CCR § 1396, 16 CA ADC § 1396

38
39 [Reviewed 12/18/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] EC
40 Updated 1-22-21] [Reviewed 1/6/22]

41
42
43
44 **§ 1396.1. Interpersonal Relations.**

45 ~~It is recognized that a psychologist's effectiveness depends upon his or her ability to~~
46 ~~maintain sound interpersonal relations, and that temporary or more enduring problems~~

1 in a psychologist's own personality may interfere with this ability and distort his or her
2 appraisals of others. A psychologist shall not knowingly undertake any activity in which
3 temporary or more enduring personal problems in the psychologist's personality
4 integration may result in inferior professional services or harm to a patient or client. If a
5 psychologist is already engaged in such activity when becoming aware of such personal
6 problems, he or she shall seek competent professional assistance to determine whether
7 services to the patient or client should be continued or terminated.

8
9 ~~Note: Authority cited: Sections 2930 and 2936, Business and Professions Code.~~
10 ~~Reference: Section 2936, Business and Professions Code.~~

11 HISTORY

12 1. Renumbering and amendment of former Section 1396.1 to Section 1395, and
13 renumbering of former Section 1397.4 to Section 1396.1 filed 6-15-83; effective thirtieth
14 day thereafter (Register 83, No. 25). For prior history, see Register 76, No. 52.
15 This database is current through 11/16/18 Register 2018, No. 46
16 16 CCR § 1396.1, 16 CA ADC § 1396.1

17
18 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC Reviewed 1-22-21] [Reviewed
19 1/6/22]

22 § 1396.2. Misrepresentation.

23 A psychologist shall not misrepresent nor permit the misrepresentation of his or her
24 professional qualifications, affiliations, or purposes, or those of the institutions,
25 organizations, products and/or services with which he or she is associated.

26
27 ~~Note: Authority cited: Sections 2930 and 2936, Business and Professions Code.~~
28 ~~Reference: Section 2936, Business and Professions Code.~~

29 HISTORY

30 1. Renumbering and amendment of former Section 1396.2 to Section 1395.1, and
31 renumbering of former Section 1397.5 to Section 1396.2 filed 6-15-83; effective thirtieth
32 day thereafter (Register 83, No. 25). For prior history, see Registers 76, No. 52; and 68,
33 No. 9.
34 This database is current through 11/16/18 Register 2018, No. 46
35 16 CCR § 1396.2, 16 CA ADC § 1396.2

36
37 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC Reviewed
38 1-22-21] [Reviewed 1/6/22]

41 § 1396.3. Test Security.

42 A psychologist shall not reproduce or describe in public or in publications subject to
43 general public distribution any psychological tests or other assessment devices, the
44 value of which depends in whole or in part on the naivete of the subject, in ways that

1 might invalidate the techniques; and shall limit access to such tests or devices to
2 persons with professional interests who will safeguard their use.

3
4 ~~Note: Authority cited: Sections 2930 and 2936, Business and Professions Code.~~
5 ~~Reference: Section 2936, Business and Professions Code.~~

6 **HISTORY**

7 ~~1. Renumbering and amendment of former Section 1397.7 to Section 1396.3 filed 6-15-~~
8 ~~83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Register~~
9 ~~68, No. 42.~~

10 This database is current through 11/16/18 Register 2018, No. 46
11 16 CCR § 1396.3, 16 CA ADC § 1396.3

12
13 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC Reviewed 1-22-21] [Reviewed
14 1/6/22]

15
16
17 **§ 1396.4. Professional Identification.**

18 ~~(a) When engaged in any professional psychological activity, whether for a fee or~~
19 ~~otherwise, a psychologist shall at all times and under all circumstances identify himself~~
20 ~~or herself as a psychologist.~~

21 ~~(b) A psychological assistant shall at all times and under all circumstances identify~~
22 ~~himself or herself to patients or clients as a psychological assistant to his or her~~
23 ~~employer or responsible supervisor when engaged in any psychological activity in~~
24 ~~connection with that employment.~~

25
26 ~~Note: Authority cited: Sections 2930 and 2936, Business and Professions Code.~~
27 ~~Reference: Sections 2913 and 2936, Business and Professions Code.~~

28
29 **HISTORY**

30 ~~1. Renumbering of former Section 1397.8 to Section 1396.3 filed 6-15-83; effective~~
31 ~~thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 76, No. 52;~~
32 ~~and 73, No. 4.~~

33 This database is current through 11/16/18 Register 2018, No. 46
34 16 CCR § 1396.4, 16 CA ADC § 1396.4

35
36 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC Reviewed
37 1-22-21] EC updated 11/12/21

38
39
40 **§ 1396.5. Consumer Information.**

41 ~~Licenseesd~~ psychologists who provide services to a client in a language other than
42 English shall:

1 (a) provide to the client as appropriate the translations of required or approved notices
2 or publications made available by the Board in that language;
3 (b) discuss with the client as appropriate the content of any required or approved notice
4 or publication for those notices or publications not available in the language in which
5 services are provided;
6 (3c) post the Notice to Consumers in the language(s) of service pursuant to section
7 2936 of the Code, if made available by the Board in that language(s).
8 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
9 Sections 728, 2930 and 2936, Business and Professions Code.

10 HISTORY

11 1. New section filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).
12 2. Change without regulatory effect amending subsections (a) and (3) filed 12-5-2018
13 pursuant to section 100, title 1, California Code of Regulations (Register 2018, No. 49).
14 This database is current through 10/18/19 Register 2019, No. 42
15 16 CCR § 1396.5, 16 CA ADC § 1396.5

16
17 [Reviewed 11/4/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC
18 Reviewed 1-22-21]

22 § 1397. Advertising.

23 (a) A licensed psychologist may advertise the provision of any services authorized to be
24 provided by such license within the psychologist's field of competence in a manner
25 authorized under Section 651 of the Code, so long as such advertising includes the
26 psychologist's license number does not promote the excessive or unnecessary use of
27 such services.

28 (b) A psychologist acting as a primary supervisor to a registered psychological
29 associate may advertise services performed by that registered psychological associate,
30 so long as such advertising includes, at a minimum, the following information:

31 (1) The services are provided by a registered psychological associate.

32 (2) The registered psychological associate is supervised by a psychologist(s).

33 (3) The name and license number of the primary supervisor(s) who is supervising the
34 registered psychological associate.

35 (4) The location(s) where in-person services are provided.

36
37 Note: Authority cited: Sections 651, 2930 and 2936, Business and Professions Code.
38 Reference: Sections 651, 2936 and 2960, Business and Professions Code.

39 HISTORY

40 1. Renumbering and amendment of former Section 1397.11 to Section 1397 filed 7-31-
41 84; effective thirtieth day thereafter (Register 84, No. 31). For history of former Section
42 1397, see Register 83, No. 25.

1 2. Change without regulatory effect amending section filed 12-5-2018 pursuant to
2 section 100, title 1, California Code of Regulations (Register 2018, No. 49).
3 This database is current through 10/18/19 Register 2019, No. 42
4 16 CCR § 1397, 16 CA ADC § 1397

5
6 [Reviewed 11/18/19] [partially reviewed 9/18/2020] [EC Reviewed 1-22-21] EC
7 Reviewed 11/12/21

9 **§ 1397.1. Child Abuse and Neglect Reporting Requirements.**

10 Failure to comply with the abuse and neglect reporting requirements contained in Penal
11 Code Section 11166 shall constitutes unprofessional conduct. These reporting
12 requirements include the following:

13 (a) Child abuse or neglect (Penal Code Section 11166),

14 (b) Elder and dependent adult abuse or neglect (Penal Code Section 368.6 or Welfare
15 and Institutions Code Section 15630).

16 Note: Authority cited: Sections 2930 and 2936, Business and Professions Code.

17 Reference: Sections 2936 and 2960 (i), Business and Professions Code.

18 **HISTORY**

19 1. New section filed 4-6-88; operative 5-6-88 (Register 88, No. 17).

20 This database is current through 10/18/19 Register 2019, No. 42

21 16 CCR § 1397.1, 16 CA ADC § 1397.1

22
23 [Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] EC Reviewed
24 11/12/21 [Reviewed 1/6/22]

26 **§ 1397.2. Other Actions Constituting Unprofessional Conduct.**

27 In addition to the conduct described in Section 2960 of the Code, “unprofessional
28 conduct” also includes but is not limited to the following:

29 (a) In the matter of a civil dispute arising from the licensee’s practice where the licensee
30 is or expects to be named as a party, the following provisions are prohibited from being
31 included in an agreement to settle the dispute whether the agreement is made before or
32 after the filing of an action:

33 ~~Including or permitting to be included any of the following provisions in an agreement to~~
34 ~~settle a civil dispute arising from the licensee's or registrant's practice to which the~~
35 ~~licensee or registrant is or expects to be named as a party, whether the agreement is~~
36 ~~made before or after the filing of an action:~~

37 (1) Any provision that prohibits another party to the dispute from contacting, cooperating
38 with, or filing a complaint with the Board.

39 (2) Any provision that requires another party to the dispute to attempt to withdraw the
40 withdrawal of a complaint ~~the party has~~ filed with the Board.

41 (b) Failure to provide to the Board, as directed, lawfully requested ~~certified~~ copies of
42 documents within 15 days of receipt of the request or within the time specified in the

1 request, whichever is later, unless the licensee or registrant can show good cause
2 which may include, physical inability to access the records in the time allowed due to
3 illness or travel. This subsection shall not apply to a licensee or registrant who does not
4 have access to, and control over, medical records.

5 (c) Failure to cooperate and participate in any Board investigation pending against the
6 licensee or registrant. This subsection shall not be construed to deprive a licensee or
7 registrant of any privilege guaranteed by the Fifth Amendment to the Constitution of the
8 United States, or any other constitutional or statutory privilege. This subsection shall not
9 be construed to require a licensee or registrant to cooperate with a request that would
10 require the licensee or registrant to waive any constitutional or statutory privilege or to
11 comply with a request for information or other matters within an unreasonable period of
12 time in light of the time constraints of the licensee's or registrant's practice. Any exercise
13 by a licensee or registrant of any constitutional or statutory privilege shall not be used
14 against the licensee or registrant in a regulatory or disciplinary proceeding against the
15 licensee or registrant.

16 (d) Failure to report to the Board within 30 days any of the following:

17 (1) The conviction of the licensee or registrant, including any verdict of guilty, or pleas of
18 guilty or no contest, of any felony or misdemeanor.

19 (2) Any disciplinary action taken by another licensing entity or authority of this state or of
20 another state, ~~or~~ an agency of the federal government, another country, or the United
21 States military.

22 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
23 Sections 141, 2960, 2963 and 2969, Business and Professions Code.

24 HISTORY

25 1. New section filed 7-23-2012; operative 8-22-2012 (Register 2012, No. 30). For prior
26 history, see Register 83, No. 25.

27 This database is current through 10/18/19 Register 2019, No. 42

28 16 CCR § 1397.2, 16 CA ADC § 1397.2

29
30 [Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

31 32 § 1397.35. Requirements for Professional Corporations.

33 A professional psychological corporation shall comply with the following provisions:

34 (a) The corporation is organized and exists pursuant to the general corporation law and
35 is a professional corporation within the meaning of the Moscone-Knox Professional
36 Corporation Act (Part 4, Division 3, Title 1 of the Corporations Code).

37 ~~(b) Each shareholder, director and officer (except as provided in Section 13403 of the~~
38 ~~Corporations Code and Section 2997 of the Code) holds a valid psychology license;~~
39 ~~provided that, a licensed physician, podiatrist, marriage, family, and child counselor,~~
40 ~~licensed clinical social worker, chiropractor, optometrist or registered nurse may be a~~
41 ~~shareholder, director or officer of a psychology corporation.~~ Each shareholder, officer,
42 director, and professional employee (except as provided in Section 13403 of the
43 Corporations Code and Section 2997 of the Code) is either:

1 (1) a licensed psychologist, who may be a shareholder in more than one psychological
2 corporation, or

3 (2) one of the licensees listed in Corporations Code section 13401.5(c) (i.e., licensed
4 physicians and surgeons, licensed doctors of podiatric medicine, registered nurses,
5 licensed optometrists, licensed marriage and family therapists, licensed clinical social
6 workers, licensed chiropractors, licensed acupuncturists, licensed naturopathic doctors,
7 licensed professional clinical counselors, and licensed midwives), as long as:

8 (i) These licensees together so long as such licensees own no more than 49% of the
9 total shares issued by the psychology corporation, and

10 (ii) the number of those licensees licensed physicians, podiatrists, family, and child
11 counselors licensed clinical social workers, chiropractors, optometrists or registered
12 nurses owning shares in the psychology corporation does not exceed the number of
13 psychologists owning shares in such a corporation.

14 ~~A psychologist may be a shareholder in more than one psychology corporation.~~

15 (c) Each professional employee of the corporation who will practice psychology,
16 podiatry, medicine, marriage, family and child counseling, clinical social work,
17 chiropractic, optometry or professional nursing, whether or not a shareholder, director,
18 or officer, holds a valid license in their respective profession.

19 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.

20 Reference: Section 2995, Business and Professions Code; and Sections 13401,
21 13401.5, 13403, 13406 and 13407, Corporations Code.

22 HISTORY

23 1. Amendment of subsections (b) and (d) filed 2-28-80; effective thirtieth day thereafter
24 (Register 80, No. 9).

25 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

26 3. Amendment of subsections (b) and (c) filed 3-13-97; operative 4-12-97 (Register 97,
27 No. 11).

28 4. Change without regulatory effect amending subsection (b) filed 12-5-2018 pursuant to
29 section 100, title 1, California Code of Regulations (Register 2018, No. 49).

30 This database is current through 10/18/19 Register 2019, No. 42

31 16 CCR § 1397.35, 16 CA ADC § 1397.35

32
33 [Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

36 § 1397.37. Shares: Ownership and Transfer.

37 (a) Where there are two or more shareholders in a psychology corporation and one of
38 the shareholders:

39 (1) Dies; or

40 (2) Becomes disqualified person as defined in Section 13401(d) of the Corporations
41 Code, ~~his or her~~ their shares of that shareholder shall be sold and transferred to the
42 corporation, its shareholders, or other eligible licensed persons ~~on such terms as are~~
43 ~~agreed upon~~. Such sale or transfer shall not be later than six (6) months after any such
44 death and ninety (90) days after ~~the shareholder becomes~~ any such disqualified

1 ~~disqualification person~~. The requirements of this subsection shall be set forth in the
2 psychology corporation's articles of incorporation or bylaws.

3 (b) A corporation and its shareholders may, ~~but need not~~, agree that after purchasing
4 ~~shares sold to it by from a person shareholder~~ who becomes a disqualified person it
5 ~~may be resold~~ resell the shares such to that person prior shareholder if and when ~~he or~~
6 ~~she they~~ again become an eligible shareholder again.

7 (c) The share certificates of a psychology corporation shall contain an appropriate
8 legend setting forth the restrictions of subsection (a).

9 (d) Nothing in these regulations shall be construed to prohibit a psychology corporation
10 from owning shares in a nonprofessional corporation.

11 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.

12 Reference: Section 2999, Business and Professions Code; and Sections 13401, 13403,
13 13406 and 13407, Corporations Code.

14 HISTORY

15 1. Amendment of subsections (e) and (f) filed 2-28-80; effective thirtieth day thereafter
16 (Register 80, No. 9).

17 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

18 This database is current through 11/16/18 Register 2018, No. 46

19 16 CCR § 1397.37, 16 CA ADC § 1397.37
20

21 [Reviewed 11/18/19] [EC Reviewed 1-22-21] [Reviewed 1/6/22]
22

23 § 1397.39. Corporate Activities.

25 (a) A psychology corporation may perform any act authorized in its articles of
26 incorporation or bylaws so long as that act is not in conflict with or prohibited by these
27 rules, the Psychology Licensing Law, ~~the Medical Practice Act, the Optometry Law or~~
28 ~~the Nursing Practice Act~~ or the practice acts to which any shareholder, officer, director,
29 or professional employee is subject, or the regulations adopted pursuant thereto.

30 (b) A psychology corporation may enter into partnership agreements with other
31 psychologists practicing individually or in a group or with other psychology corporations.

32 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.

33 Reference: Section 2996.6, Business and Professions Code; and Sections 13403,
34 13408 and 13410, Corporations Code.

35 HISTORY

36 1. Amendment of subsection (a) filed 2-28-80; effective thirtieth day thereafter (Register
37 80, No. 9).

38 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

39 This database is current through 11/16/18 Register 2018, No. 46

40 16 CCR § 1397.39, 16 CA ADC § 1397.39
41

1 [Reviewed 11/18/2019] [EC Reviewed 1-22-21]
2
3

4 **§ 1397.50. Citations and Fines.**

5 (a) For purposes of this article,

6 "board official" shall mean the executive officer of the board or his or her representative.

7 (b) ~~The executive officer or their designee A board official is authorized to determine~~
8 ~~when and against whom to issue a citation, will be issued and to issue citations~~
9 ~~containing and whether that citation will include an orders of abatement and/or an order~~
10 ~~to pay an administrative fines for violations by a licensed psychologist of the statutes~~
11 ~~referred to as described in section 1397.51.~~

12 (c)(b) ~~A citation shall be issued whenever any fine is levied or any order of abatement is~~
13 ~~issued. Each citation shall be in writing and shall describe with particularity the nature~~
14 ~~and facts of the violation, including a reference to the statute(s) or regulation(s) alleged~~
15 ~~to have been violated.~~

16 (c) ~~The Board citation shall be served~~ each citation upon the individual personally or by
17 certified mail, return receipt requested.

18
19 **Note:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
20 Reference: Sections 125.9 and 148, Business and Professions Code.

21 **HISTORY**

22 1. New article 9 (sections 1397.50-1397.55) and section filed 4-26-96; operative 5-
23 26-96 (Register 96, No. 17).

24
25 [Reviewed 11/18/2019] [EC Reviewed 4-30-21] EC Reviewed 11/12/21 [Reviewed
26 1/6/22]

27
28
29 **§ 1397.51 violations and fines: criteria to be considered in assessing a fine or**
30 **order of abatement**

31
32 (a) In any citation, the executive officer or their designee may assess a fine for
33 violations of the Psychology Licensing Law, any regulation adopted pursuant thereto, or
34 any applicable statutes governing the practice of psychology.

35 (b) The range of fines shall be from \$500 - \$5,000.

36 (c) In any citation that includes a fine, the following factors shall be considered in
37 determining the amount of the fine to be assessed:

38 (1) Gravity of the violation.

39 (2) History of previous violations of the same or similar nature.

40 (3) Persistence of the violation.

41 (4) Consequences of the violation, including potential or actual client harm.

42 (5) Evidence that the violation was willful.

43 (6) Violation(s) involve(s) the health and safety of another person;

44 (7) Violation(s) were perpetrated against a minor, elder, or dependent adult.

45 (8) The extent to which the individual cooperated with the Board's investigation.

1 (9) The extent to which the individual has remediated any knowledge, skills, or process
2 deficiencies that could have injured a client.

3 (10) Any other mitigating or aggravating factors.

4
5 **Note:** Authority cited: Sections 125.9 and 148 ~~and 2715~~, Business and Professions
6 Code. Reference: Sections 125.9 and 148, Business and Professions Code and Section
7 15610.23, Welfare and Institutions Code.

8
9 **[Reviewed 1/6/22]**

10
11 **§ 1397.51. Amount of Fines.**

12 ~~The amount of any fine to be levied by a board official shall take into consideration the~~
13 ~~factors listed in subdivision (b)(3) of section 125.9 of the code and shall be within the~~
14 ~~range set forth below.~~

15 ~~(a) A board official may issue a citation under section 1397.50 for a violation of the~~
16 ~~provisions listed in this section. The fine for a violation of the following code sections~~
17 ~~shall be from \$100 to \$2500:~~

- 18 ~~(1) Business and Professions Code section 125~~
- 19 ~~(2) Business and Professions Code section 125.6~~
- 20 ~~(3): Business and Professions Code section 136~~
- 21 ~~(4) Business and Professions Code section 475(a)(1)~~
- 22 ~~(5) Business and Professions Code section 490~~
- 23 ~~(6) Business and Professions Code section 496~~
- 24 ~~(7) Business and Professions Code section 580~~
- 25 ~~(8) Business and Professions Code section 581~~
- 26 ~~(9) Business and Professions Code section 582~~
- 27 ~~(10) Business and Professions Code section 583~~
- 28 ~~(11) Business and Professions Code section 584~~
- 29 ~~(12) Business and Professions Code section 650~~
- 30 ~~(13) Business and Professions Code section 651~~
- 31 ~~(14) Business and Professions Code section 654.2~~
- 32 ~~(15) Business and Professions Code section 702~~
- 33 ~~(16) Business and Professions Code section 810~~
- 34 ~~(17) Business and Professions Code section 2903~~
- 35 ~~(18) Business and Professions Code section 2960(a)~~
- 36 ~~(19) Business and Professions Code section 2960(c)~~
- 37 ~~(19) Business and Professions Code section 2960(d)~~
- 38 ~~(20) Business and Professions Code section 2960(f)~~
- 39 ~~(21) Business and Professions Code section 2960(g)~~
- 40 ~~(22) Business and Professions Code section 2960(h)~~
- 41 ~~(23) Business and Professions Code section 2960(i)~~
- 42 ~~(24) Business and Professions Code section 2960(k)~~
- 43 ~~(25) Business and Professions Code section 2960(l)~~
- 44 ~~(26) Business and Professions Code section 2960(m)~~
- 45 ~~(27) Business and Professions Code section 2960(n)~~
- 46 ~~(28) Business and Professions Code section 2960(p)~~

1 ~~(29) Business and Professions Code section 2960(q)~~

2 ~~(30) Business and Professions Code section 2960(r)~~

3 ~~(31) Business and Professions Code section 2960.6~~

4 ~~(32) Business and Professions Code section 17500~~

5 ~~(33) Penal Code section 11166.5~~

6 ~~(34) Business and Professions Code section 2913(c)~~

7 ~~(35) Business and Professions Code section 2914(c)~~

8 ~~(36) Business and Professions Code section 2915~~

9 ~~(b) At his or her discretion, a board official may issue a citation with an order of~~
10 ~~abatement without levying a fine for the first violation of any provision set forth above.~~

11 ~~(c) Notwithstanding the administrative fine amounts specified in this section, a citation~~
12 ~~may include a fine between \$2,501 and \$5,000 if one or more of the following~~
13 ~~circumstances apply:~~

14 ~~(1) The citation involves a violation that has an immediate relationship to the health and~~
15 ~~safety of another person;~~

16 ~~(2) The cited person has a history of two or more prior citations for the same or similar~~
17 ~~violations;~~

18 ~~(3) The citation involves multiple violations, which demonstrate a willful disregard of the~~
19 ~~law;~~

20 ~~(4) The citation involves a violation or violations perpetrated against a child, elderly~~
21 ~~person or person with a disability, or a dependent adult defined under Welfare and~~
22 ~~Institutions Code Section 15610.23. Note: Authority cited: Sections 125.9, 148 and~~
23 ~~2930, Business and Professions Code. Reference: Sections 125.9 and 148, Business~~
24 ~~and Professions Code.~~

25 **HISTORY**

26 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

27 2. New subsections (a)(34)-(36) filed 7-2-99; operative 8-1-99 (Register 99, No. 27).

28 3. New subsections (c)-(c)(4) filed 7-11-2005; operative 8-10-2005 (Register 2005, No.

29 28).

31 **[Reviewed 11/18/2019]** **[EC Reviewed 4-30-21]** EC Reviewed 11/12/21

34 **§ 1397.52. Compliance with Orders of Abatement.**

35 (a) The time allowed for the abatement of a violation shall begin when the order of
36 abatement has been served. ~~If a cited person who has been issued an order of~~
37 ~~abatement is unable to complete the correction with the time set forth in the citation~~
38 ~~because of conditions beyond his or her control after the exercise of reasonable~~
39 ~~diligence, the person cited may request an extension of time in which to complete the~~
40 ~~correction from the board official who issued the citation. Such a request shall be in~~
41 ~~writing and shall be made within the time set forth for abatement.~~

42 (b) A cited individual may request an extension of time to complete the order of
43 abatement, after the exercise of reasonable diligence and with verifiable evidence that
44 the conditions causing delay were beyond their control. The request shall be made in
45 writing within the time frame set forth for abatement.

1 ~~(bc) An order of abatement shall either be personally served or mailed by certified mail,~~
2 ~~return receipt requested. An order of abatement shall either be personally served or~~
3 ~~mailed by certified mail, return receipt requested. The time allowed for the abatement of~~
4 ~~a violation shall begin when the order of abatement is final and has been served. Such~~
5 ~~failure to meet comply with the order of abatement may result in the Board taking~~
6 ~~disciplinary action being taken against the cited individual by the Board of Psychology or~~
7 ~~other requesting appropriate judicial relief being taken against the person cited.~~

8
9 **Note:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
10 Reference: Sections 125.9 and 148, Business and Professions Code.

11 HISTORY

12 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

13
14 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

15 16 17 **§ 1397.53. Citations for Unlicensed Practice.**

18 ~~The executive officer or their designee board official is authorized to determine~~ when
19 ~~and against whom to issue a citation, will be issued and to issue citations containing~~
20 ~~which shall include an orders of abatement, and whether to include an order to pay an~~
21 ~~administrative fine against persons, partnerships, corporations, or associations who are~~
22 ~~performing or who have performed services for which licensure as a psychologist is~~
23 ~~required under the laws and regulations relating to the practice~~
24 ~~of psychology. Each citation issued shall contain an order of abatement. Where~~
25 ~~appropriate, a board official shall levy a Any order to pay an administrative fine for such~~
26 ~~unlicensed activity shall be issued in accordance with subdivision (b)(3) of sSection~~
27 ~~125.9 of the cCode. The provisions of section 1397.50 and 1397.52 shall apply to the~~
28 ~~issuance of citations for unlicensed activity under this subsection. The sanction citation~~
29 ~~authorized under this section shall be separate from and in addition to any other civil or~~
30 ~~criminal remedies.~~

31
32 **NOTE:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
33 Reference: Sections 125.9 and 148, Business and Professions Code.

34 History

35 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

36
37 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

38 39 40 **§ 1397.54. Contest of Citations.**

41 (a) ~~The cited individual may request a In addition to requesting a hearing to contest the~~
42 ~~citation.~~

43 (1) ~~The cited individual must submit any request for hearing:~~

44 (A) ~~in writing, as provided for in subdivision (b)(4) of sSection 125.9 of the cCode and,~~

45 (B) ~~within 30 calendar days of service of the citation.~~

1 (2) The Board will schedule a hearing, which will remain scheduled until and unless the
2 executive officer or their designee dismisses or withdraws the citation.;

3 (b) The person cited individual may also request an informal conference to contest the
4 citation.

5 (1) The cited individual must submit any request for informal conference:

6 (A) In writing, and,

7 (B) within ten (10) calendar days after of service or receipt of the citation, notify the
8 board official who issued the citation in writing of his or her request for an informal
9 conference with the Board official regarding the acts charged in the citation. The time
10 allowed for the request shall begin the first day after the citation has been served or
11 received.

12 (b₂) The Board official executive officer or their designee who issued the citation shall,
13 within 30 days from the receipt of the request, hold an informal conference.;

14 (A) within 30 calendar days from the receipt of the request, and

15 (B) with the person cited individual and, or his or her any applicable legal counsel or
16 authorized representative.

17 (3) After the informal conference, the executive officer or their designee shall:

18 (A) Decide to At the conclusion of the informal conference the board official may affirm,
19 modify, or dismiss the citation, including any fine levied or order of abatement or any
20 order to pay an administrative fine the citation may include.

21 (B) Issue that decision issued.;

22 (i) In writing, with reasons for the decision. The board official shall state in writing the
23 reasons for his or her action and serve or mail

24 (ii) a copy of his or her the findings and decision T to the person cited individual within
25 ten (10) calendar days from the date of the informal conference.

26 (4) After the executive officer or their designee issues the informal conference decision:

27 (A) No new informal conference may be requested or held.

28 (B) If the citation is affirmed, and if the cited individual:

29 (i) did not request a hearing within 30 days of service of the citation, then the affirmed
30 citation is a final order.

31 (ii) requested a hearing within 30 days of service of the citation, then the affirmed
32 citation will continue to that hearing.

33 (C) If the citation is modified:

34 (i) The original citation shall be considered withdrawn, with a new citation issued.

35 (ii) The cited individual may request a hearing for the new citation,

36 1. in writing, and

37 2. within 30 calendar days.

38 (D) If the citation is dismissed, any scheduled hearing will be canceled.

39 This decision shall be deemed to be a final order with regard to the citation issued,
40 including the fine levied and the order of abatement.

41 (c) The person cited does not waive his or her request for a hearing to contest a citation
42 by requesting an informal conference after which the citation is affirmed by a board
43 official. If the citation is dismissed after the informal conference, the request for a
44 hearing on the matter of the citation shall be deemed to be withdrawn. If the citation,
45 including any fine levied or order of abatement, is modified, the citation originally issued

1 ~~shall be considered withdrawn and new citation issued. If a hearing is requested for the~~
2 ~~subsequent citation it shall be requested within 30 days in accordance with subdivision~~
3 ~~(b)(4) of Section 125.9 of the code.~~

4
5 **NOTE:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
6 Reference: Sections 125.9 and 148, Business and Professions Code.

7 **History**

8 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

9
10 **[Reviewed 12/2/2019]** **[EC Reviewed 4-30-21]** EC Reviewed 11/12/21 **[Reviewed**
11 **1/6/22]**

12 13 **§ 1397.55. Disconnection of Telephone Service.**

14 ~~(a) If, upon investigation, the board official has probable cause to believe that an~~
15 ~~unlicensed person, who is not otherwise exempt from licensure, has advertised to~~
16 ~~provide psychological services in an alphabetical or classified directory in violation of~~
17 ~~section 2903 of the Code, the board official may issue a citation containing an order of~~
18 ~~abatement pursuant to section 1397.50 of these regulations. The order of abatement~~
19 ~~shall require the unlicensed person to cease the unlawful advertising and to notify the~~
20 ~~telephone company furnishing services to the cited person to (1) disconnect the~~
21 ~~telephone services furnished to any telephone number contained in the unlawful~~
22 ~~advertising, and (2) that subsequent calls to that number shall not be referred by the~~
23 ~~telephone company to any new number obtained by that person. The cited person shall~~
24 ~~provide written evidence of compliance to the board official.~~

25 ~~(b) If the person to whom a citation is issued under subdivision (a) submits a written~~
26 ~~request to the board official to appeal the citation, the board official shall afford an~~
27 ~~opportunity for a hearing, as provided in section 1397.54 of these regulations.~~

28 ~~(c) If the person to whom the citation and order of abatement is issued fails to comply~~
29 ~~with the order of abatement after the order is final as provided in section 1397.54(b) of~~
30 ~~these regulations, the board official shall inform the Public Utilities Commission of the~~
31 ~~violation in accordance with Business and Professions Code section 149.~~

32 ~~Note: Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.~~
33 ~~Reference: Sections 125.9, 148 and 149, Business and Professions Code.~~

34 35 **HISTORY**

36 1. ~~New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).~~

37 2. ~~Change without regulatory effect amending subsection (a) filed 12-5-2018 pursuant to~~
38 ~~section 100, title 1, California Code of Regulations (Register 2018, No. 49).~~

39 This database is current through 10/18/19 Register 2019, No. 42

40
41 **[EC Reviewed 4-30-21]**

1 **CCR REVISIONS WITH NO STRIKETHROUGH OR UNDERLINE**

2
3 **§ 1380.6. Professional Identification and Display of License Number.**

4 (a) Pursuant to Section 137 of the Code, every licensed licensee shall include ~~his or her~~
5 their license number, in any advertising, marketing materials, or other professional
6 communications directly controlled or administered by the licensee, their representative,
7 or office personnel, including, but not limited to business cards, letterhead, email
8 signature blocks, informed consent forms, websites, professional reports, professional
9 social media pages and listings, flyers, mailers, brochures, resumes, or curricula vitae.

10 (b) In addition to (a), a psychological associate shall also include the name and license
11 number of their primary supervisor(s).

12 (c) When engaged in any professional psychological activity, at all times and under all
13 circumstances:

14 (1) A psychologist shall identify themselves to others as a psychologist and provide their
15 license number upon request.

16 (2) A registered psychological associate shall identify themselves to others as a registered
17 psychological associate under the supervision of a Board-approved supervisor, and
18 provide their license number and the name and license number of their primary
19 supervisor(s) upon request.

20
21 **Note:** Authority cited: Sections 137, 2903, 2930, and 2936, Business and Professions
22 Code. Reference: Sections 137, 2913, and 2936, Business and Professions Code.

23
24 **HISTORY**

25 1. New section filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
26 This database is current through 11/16/18 Register 2018, No. 46
27 16 CCR § 1380.6, 16 CA ADC § 1380.6

28
29 **[Reviewed 7/25/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] EC**

30
31
32
33 **§ 1393. Requirements for Probation.**

34 Each licensee who has been placed on probation by the Board shall be subject to the
35 Board's probation program and shall fully cooperate with the assigned probation
36 monitor.

37
38 **Note:** Authority cited: Section 2930, Business and Professions Code. Reference:
39 Sections 2960 and 2961, Business and Professions Code.

40
41 **HISTORY**

42 1. Repealer of former section 1393, and renumbering and amendment of former section
43 1395 to section 1393 filed 6-15-83; effective thirtieth day thereafter (Register 83, No.
44 25). For prior history, see Register 79, No. 17.

1 2. Change without regulatory effect pursuant to section 100, Title 1, California Code of
2 Regulations filed 3-5-90 (Register 90, No. 20).

3 3. Amendment filed 3-6-2003; operative 4-5-2003 (Register 2003, No. 10).

4 4. Amendment of article heading filed 7-23-2012; operative 8-22-2012 (Register 2012,
5 No. 30).

6 This database is current through 11/16/18 Register 2018, No. 46

7 16 CCR § 1393, 16 CA ADC § 1393

8
9 **[Reviewed 12/18/2019]** **[EC updated May 29, 2020]** **[EC reviewed 9/18/2020]** **[EC**

10 Reviewed 1-22-21

11
12
13
14 **§ 1396. Ethical Principles of Psychologists and Code of Conduct**

15 Any violation of the "Ethical Principles of Psychologists and Code of Conduct" published
16 by the American Psychological Association (APA) (Adopted August 21, 2002, Amended
17 Effective January 1, 2017), which section 2936 of the Code establishes as the
18 standards of ethical care and conduct, subjects a licensee to disciplinary action under
19 sections 2936 and 2960.

20
21 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.

22 Reference: Section 2936, Business and Professions Code.

23
24 **HISTORY**

25 1. Repealer of Article 8 heading, renumbering of Article 9 to Article 8 (Sections 1396-
26 1397.40, not consecutive), renumbering and amendment of former Section 1396 to
27 Section 1394, and renumbering and amendment of former Section 1397.3 to Section
28 1396 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior
29 history, see Register 76, No. 52.

30 This database is current through 11/16/18 Register 2018, No. 46

31 16 CCR § 1396, 16 CA ADC § 1396

32
33 **[Reviewed 12/18/2019]** **[EC updated May 29, 2020]** **[EC updated 9/18/2020]** **[EC**

34 Updated 1-22-21] **[Reviewed 1/6/22]**

35
36
37
38 **§ 1396.5. Consumer Information.**

39 Licensees who provide services to a client in a language other than English shall:

40 (a) provide to the client as appropriate the translations of required or approved notices
41 or publications made available by the Board in that language;

42 (b) discuss with the client as appropriate the content of any required or approved notice
43 or publication for those notices or publications not available in the language in which
44 services are provided;

1 (c) post the Notice to Consumers in the language(s) of service pursuant to section 2936
2 of the Code, if made available by the Board in that language(s).

3 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
4 Sections 728, 2930 and 2936, Business and Professions Code.

5 HISTORY

6 1. New section filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).
7 2. Change without regulatory effect amending subsections (a) and (3) filed 12-5-2018
8 pursuant to section 100, title 1, California Code of Regulations (Register 2018, No. 49).
9 This database is current through 10/18/19 Register 2019, No. 42
10 16 CCR § 1396.5, 16 CA ADC § 1396.5

11
12 [Reviewed 11/4/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC
13 Reviewed 1-22-21]

14 15 16 17 § 1397. Advertising.

18 (a) A psychologist may advertise services within the psychologist's field of competence
19 in a manner authorized under Section 651 of the Code, so long as such advertising
20 includes the psychologist's license number.

21 (b) A psychologist acting as a primary supervisor to a registered psychological
22 associate may advertise services performed by that registered psychological associate,
23 so long as such advertising includes, at a minimum, the following information:

24 (1) The services are provided by a registered psychological associate.

25 (2) The registered psychological associate is supervised by a psychologist(s).

26 (3) The name and license number of the primary supervisor(s) who is supervising the
27 registered psychological associate.

28 (4) The location(s) where in-person services are provided.

29
30 Note: Authority cited: Sections 651, 2930 and 2936, Business and Professions Code.
31 Reference: Sections 651, 2936 and 2960, Business and Professions Code.

32 HISTORY

33 1. Renumbering and amendment of former Section 1397.11 to Section 1397 filed 7-31-
34 84; effective thirtieth day thereafter (Register 84, No. 31). For history of former Section
35 1397, see Register 83, No. 25.

36 2. Change without regulatory effect amending section filed 12-5-2018 pursuant to
37 section 100, title 1, California Code of Regulations (Register 2018, No. 49).

38 This database is current through 10/18/19 Register 2019, No. 42

39 16 CCR § 1397, 16 CA ADC § 1397

40
41 [Reviewed 11/18/19] [partially reviewed 9/18/2020] [EC Reviewed 1-22-21] EC
42 Reviewed 11/12/21

1 **§ 1397.1. Abuse and Neglect Reporting Requirements.**

2 Failure to comply with abuse and neglect reporting requirements constitutes
3 unprofessional conduct.

4 These reporting requirements include the following:

5 (a) Child abuse or neglect (Penal Code Section 11166),

6 (b) Elder and dependent adult abuse or neglect (Penal Code Section 368.6 or Welfare
7 and Institutions Code Section 15630).

8 Note: Authority cited: Sections 2930 and 2936, Business and Professions Code.

9 Reference: Sections 2936 and 2960 (i), Business and Professions Code.

10 **HISTORY**

11 1. New section filed 4-6-88; operative 5-6-88 (Register 88, No. 17).

12 This database is current through 10/18/19 Register 2019, No. 42

13 16 CCR § 1397.1, 16 CA ADC § 1397.1

14
15 [Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] EC Reviewed

16 11/12/21 [Reviewed 1/6/22]

17
18 **§ 1397.2. Other Actions Constituting Unprofessional Conduct.**

19 In addition to the conduct described in Section 2960 of the Code, “unprofessional
20 conduct” also includes but is not limited to the following:

21 (a) In the matter of a civil dispute arising from the licensee’s practice where the licensee
22 is or expects to be named as a party, the following provisions are prohibited from being
23 included in an agreement to settle the dispute whether the agreement is made before or
24 after the filing of an action:

25 (1) Any provision that prohibits another party to the dispute from contacting, cooperating
26 with, or filing a complaint with the Board.

27 (2) Any provision that requires the withdrawal of a complaint ~~the party has~~ filed with the
28 Board.

29 (b) Failure to provide to the Board, as directed, lawfully requested ~~certified~~ copies of
30 documents within 15 days of receipt of the request or within the time specified in the
31 request, whichever is later, unless the licensee or registrant can show good cause
32 which may include, physical inability to access the records in the time allowed due to
33 illness or travel. This subsection shall not apply to a licensee or registrant who does not
34 have access to, and control over, medical records.

35 (c) Failure to cooperate and participate in any Board investigation pending against the
36 licensee or registrant. This subsection shall not be construed to deprive a licensee or
37 registrant of any privilege guaranteed by the Fifth Amendment to the Constitution of the
38 United States, or any other constitutional or statutory privilege. This subsection shall not
39 be construed to require a licensee or registrant to cooperate with a request that would
40 require the licensee or registrant to waive any constitutional or statutory privilege or to
41 comply with a request for information or other matters within an unreasonable period of
42 time in light of the time constraints of the licensee's or registrant's practice. Any exercise
43 by a licensee or registrant of any constitutional or statutory privilege shall not be used

1 against the licensee or registrant in a regulatory or disciplinary proceeding against the
2 licensee or registrant.

3 (d) Failure to report to the Board within 30 days any of the following:

4 (1) The conviction of the licensee or registrant, including any verdict of guilty, or pleas of
5 guilty or no contest, of any felony or misdemeanor.

6 (2) Any disciplinary action taken by another licensing entity or authority of this state or of
7 another state, or an agency of the federal government, another country, or the United
8 States military.

9 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
10 Sections 141, 2960, 2963 and 2969, Business and Professions Code.

11 HISTORY

12 1. New section filed 7-23-2012; operative 8-22-2012 (Register 2012, No. 30). For prior
13 history, see Register 83, No. 25.

14 This database is current through 10/18/19 Register 2019, No. 42

15 16 CCR § 1397.2, 16 CA ADC § 1397.2

16
17 [Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

18 19 § 1397.35. Requirements for Professional Corporations.

20 A professional psychological corporation shall comply with the following provisions:

21 (a) The corporation is organized and exists pursuant to the general corporation law and
22 is a professional corporation within the meaning of the Moscone-Knox Professional
23 Corporation Act (Part 4, Division 3, Title 1 of the Corporations Code).

24 (b) Each shareholder, officer, director, and professional employee (except as provided
25 in Section 13403 of the Corporations Code and Section 2997 of the Code) is either:

26 (1) a licensed psychologist, who may be a shareholder in more than one psychological
27 corporation, or

28 (2) one of the licensees listed in Corporations Code section 13401.5(c) (i.e., licensed
29 physicians and surgeons, licensed doctors of podiatric medicine, registered nurses,
30 licensed optometrists, licensed marriage and family therapists, licensed clinical social
31 workers, licensed chiropractors, licensed acupuncturists, licensed naturopathic doctors,
32 licensed professional clinical counselors, and licensed midwives), as long as:

33 (i) These licensees together own no more than 49% of the total shares issued by the
34 psychology corporation, and

35 (ii) the number of those licensees owning shares in the psychology corporation does not
36 exceed the number of psychologists owning shares in such a corporation.

37 (c) Each professional employee of the corporation, whether or not a shareholder,
38 director, or officer, holds a valid license in their respective profession.

39 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.

40 Reference: Section 2995, Business and Professions Code; and Sections 13401,
41 13401.5, 13403, 13406 and 13407, Corporations Code.

42 HISTORY

- 1 1. Amendment of subsections (b) and (d) filed 2-28-80; effective thirtieth day thereafter
- 2 (Register 80, No. 9).
- 3 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
- 4 3. Amendment of subsections (b) and (c) filed 3-13-97; operative 4-12-97 (Register 97,
- 5 No. 11).
- 6 4. Change without regulatory effect amending subsection (b) filed 12-5-2018 pursuant to
- 7 section 100, title 1, California Code of Regulations (Register 2018, No. 49).
- 8 This database is current through 10/18/19 Register 2019, No. 42
- 9 16 CCR § 1397.35, 16 CA ADC § 1397.35

10
11 [Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

14 § 1397.37. Shares: Ownership and Transfer.

- 15 (a) Where there are two or more shareholders in a psychology corporation and one of
- 16 the shareholders:
- 17 (1) Dies; or
 - 18 (2) Becomes disqualified as defined in Section 13401(e) of the Corporations Code, the
 - 19 shares of that shareholder shall be sold and transferred to the corporation, its
 - 20 shareholders, or other eligible licensed persons. Such sale or transfer shall not be later
 - 21 than six (6) months after any such death and ninety (90) days after any such
 - 22 disqualification. The requirements of this subsection shall be set forth in the psychology
 - 23 corporation's articles of incorporation or bylaws.
- 24 (b) A corporation and its shareholders may agree that after purchasing shares from a
- 25 shareholder who becomes disqualified, it may resell the shares to that prior shareholder
- 26 if and when they become an eligible shareholder again.
- 27 (c) The share certificates of a psychology corporation shall contain an appropriate
- 28 legend setting forth the restrictions of subsection (a).
- 29 (d) Nothing in these regulations shall be construed to prohibit a psychology corporation
- 30 from owning shares in a nonprofessional corporation.
- 31 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.
- 32 Reference: Section 2999, Business and Professions Code; and Sections 13401, 13403,
- 33 13406 and 13407, Corporations Code.

34 HISTORY

- 35 1. Amendment of subsections (e) and (f) filed 2-28-80; effective thirtieth day thereafter
- 36 (Register 80, No. 9).
- 37 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
- 38 This database is current through 11/16/18 Register 2018, No. 46
- 39 16 CCR § 1397.37, 16 CA ADC § 1397.37

40
41 [Reviewed 11/18/19] [EC Reviewed 1-22-21] [Reviewed 1/6/22]

42

43

1 **§ 1397.39. Corporate Activities.**

2 (a) A psychology corporation may perform any act authorized in its articles of
3 incorporation or bylaws so long as that act is not in conflict with or prohibited by these
4 rules, the Psychology Licensing Law, or the practice acts to which any shareholder,
5 officer, director, or professional employee is subject, or the regulations adopted
6 pursuant thereto.

7 (b) A psychology corporation may enter into partnership agreements with other
8 psychologists practicing individually or in a group or with other psychology corporations.
9 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.

10 Reference: Section 2996.6, Business and Professions Code; and Sections 13403,
11 13408 and 13410, Corporations Code.

12 **HISTORY**

13 1. Amendment of subsection (a) filed 2-28-80; effective thirtieth day thereafter (Register
14 80, No. 9).

15 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

16 This database is current through 11/16/18 Register 2018, No. 46

17 16 CCR § 1397.39, 16 CA ADC § 1397.39

18
19 **[Reviewed 11/18/2019] [EC Reviewed 1-22-21]**

20
21
22 **§ 1397.50. Citations and Fines.**

23 The executive officer or their designee determines when and against whom to issue a
24 citation, and whether that citation will include an order of abatement and/or an order to
25 pay an administrative fine for violations as described in section 1397.51.

26 (e)(b) Each citation shall be in writing and shall describe facts of the violation, including
27 a reference to the statute(s) or regulation(s) alleged to have been violated.

28 (c) The Board shall be served each citation upon the individual personally or by certified
29 mail, return receipt requested.

30
31 **Note:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.

32 Reference: Sections 125.9 and 148, Business and Professions Code.

33 **HISTORY**

34 1. New article 9 (sections 1397.50-1397.55) and section filed 4-26-96; operative 5-
35 26-96 (Register 96, No. 17).

36
37 **[Reviewed 11/18/2019] [EC Reviewed 4-30-21] EC Reviewed 11/12/21 [Reviewed**
38 **1/6/22]**

39
40
41 **§ 1397.51 violations and fines: criteria to be considered in assessing a fine or**
42 **order of abatement**

43

1 (a) In any citation, the executive officer or their designee may assess a fine for
2 violations of the Psychology Licensing Law, any regulation adopted pursuant thereto, or
3 any applicable statutes governing the practice of psychology.

4 (b) The range of fines shall be from \$500 - \$5,000.

5 (c) In any citation that includes a fine, the following factors shall be considered in
6 determining the amount of the fine to be assessed:

7 (1) Gravity of the violation.

8 (2) History of previous violations of the same or similar nature.

9 (3) Persistence of the violation.

10 (4) Consequences of the violation, including potential or actual client harm.

11 (5) Evidence that the violation was willful.

12 (6) Violation(s) involve(s) the health and safety of another person;

13 (7) Violation(s) were perpetrated against a minor, elder, or dependent adult.

14 (8) The extent to which the individual cooperated with the Board's investigation.

15 (9) The extent to which the individual has remediated any knowledge, skills, or process
16 deficiencies that could have injured a client.

17 (10) Any other mitigating or aggravating factors.

18
19 **Note:** Authority cited: Sections 125.9 and 148, Business and Professions Code.

20 Reference: Sections 125.9 and 148, Business and Professions Code and Section
21 15610.23, Welfare and Institutions Code.

22
23 [Reviewed 1/6/22]

24
25
26 **§ 1397.52. Compliance with Orders of Abatement.**

27 (a) The time allowed for the abatement of a violation shall begin when the order of
28 abatement has been served.

29 (b) A cited individual may request an extension of time to complete the order of
30 abatement, after the exercise of reasonable diligence and with verifiable evidence that
31 the conditions causing delay were beyond their control. The request shall be made in
32 writing within the time frame set forth for abatement.

33 (c) An order of abatement shall either be personally served or mailed by certified mail,
34 return receipt requested. Failure to comply with the order of abatement may result in the
35 Board taking disciplinary action against the cited individual or requesting appropriate
36 judicial relief.

37
38 **Note:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.

39 Reference: Sections 125.9 and 148, Business and Professions Code.

40 **HISTORY**

41 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

42
43 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

44
45
46 **§ 1397.53. Citations for Unlicensed Practice.**

1 The executive officer or their designee determines when to issue a citation, which shall
2 include an orders of abatement, and whether to include an order to pay an
3 administrative fine against persons, partnerships, corporations, or associations who are
4 performing or who have performed services for which licensure as a psychologist is
5 required under the laws and regulations relating to the practice
6 of psychology.

7
8 Any order to pay an administrative fine for unlicensed activity shall be issued in
9 accordance with subdivision (b)(3) of Section 125.9 of the Code. The provisions of
10 section 1397.50 and 1397.52 shall apply to the issuance of citations for unlicensed
11 activity under this subsection. The citation authorized under this section shall be
12 separate from and in addition to any other civil or criminal remedies.

13
14 **NOTE:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
15 Reference: Sections 125.9 and 148, Business and Professions Code.

16 **History**

17 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

18
19 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

20 21 22 **§ 1397.54. Contest of Citations.**

23 (a) The cited individual may request a hearing to contest the citation.

24 (1) The cited individual must submit any request for hearing:

25 (A) in writing, and,

26 (B) within 30 calendar days of service of the citation.

27 (2) The Board will schedule a hearing, which will remain scheduled until and unless the
28 executive officer or their designee dismisses or withdraws the citation.

29 (b) The cited individual may also request an informal conference to contest the citation.

30 (1) The cited individual must submit any request for informal conference:

31 (A) In writing, and

32 (B) within ten (10) calendar days of service of the citation for the request shall begin the
33 first day after the citation has been served.

34 (2) The executive officer or their designee shall hold an informal conference:

35 (A) within 30 calendar days from the receipt of the request, and

36 (B) with the cited individual and any applicable legal counsel or authorized
37 representative.

38 (3) After the informal conference, the executive officer or their designee shall:

39 (A) Decide to affirm, modify, or dismiss the citation, including any order of abatement or
40 any order to pay an administrative fine the citation may include.

41 (B) Issue that decision.

42 (i) In writing, with reasons for the decision,

43 (ii) To the cited individual within ten (10) calendar days from the date of the informal
44 conference.

45 (4) After the executive officer or their designee issues the informal conference decision:

46 (A) No new informal conference may be requested or held.

- 1 (B) If the citation is affirmed, and if the cited individual:
2 (i) did not request a hearing within 30 days of service of the citation, then the affirmed
3 citation is a final order.
4 (ii) requested a hearing within 30 days of service of the citation, then the affirmed
5 citation will continue to that hearing.
6 (C) If the citation is modified:
7 (i) The original citation shall be considered withdrawn, with a new citation issued.
8 (ii) The cited individual may request a hearing for the new citation,
9 1. in writing, and
10 2. within 30 calendar days.
11 (D) If the citation is dismissed, any scheduled hearing will be canceled.

12
13 **NOTE:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
14 Reference: Sections 125.9 and 148, Business and Professions Code.

15 **History**

- 16 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

17
18 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] EC Reviewed 11/12/21 [Reviewed
19 1/6/22]

20
21

MEMORANDUM

DATE	February 9, 2022
TO	Board of Psychology
FROM	Sandra Monterrubio, Enforcement Program Manager
SUBJECT	Agenda Item 24 Statutory Update, Report and Consideration of and Possible Action on Committee Recommendations

The Enforcement Committee and staff began a comprehensive review of all enforcement-related sections of the Business and Professions Code (BPC). Attached are two versions of the BPC, one with strikethroughs and underlines and one without. Please note that if sections are recommended for repeal, they will only appear in the version that has strikethroughs and underlines.

Attachments:

- BPC Sections 2902 – Definitions
- BPC section 2903 – Licensure requirement; Practice of psychology; Psychotherapy
- BPC section 2903.1 – Biofeedback instruments
- BPC section 2908 – Exemption of other professions
- BPC section 2912 – Temporary practice by licensees of other state or foreign country
- BPC section 2934.1 – Posting of license status on Web site
- BPC section 2936 – Consumer and professional education in matters relevant to ethical practice; Standards of ethical conduct; Notice
- BPC section 2960 – Grounds for action subdivisions (a)-(r) & (o)
- BPC section 2960.05 – Limitations period for filing accusation against licensee
- BPC section 2960.1 – Sexual contact with patient; Revocation
- BPC section 2960.2 – Licensee’s physical, emotional and mental condition evaluated
- BPC section 2960.5 – Mental illness or chemical dependency
- BPC section 2960.6 – Actions by other states
- BPC section 2961 – Scope of action
- BPC section 2962 – Petition for reinstatement or modification of penalty
- BPC section 2963 – Matters deemed conviction
- BPC section 2964 – Report of license revocation or restoration
- BPC section 2964.3 – Persons required to register as sex offender
- BPC section 2964.5 – Conditions of probation or suspension

BPC section 2964.6 – Payment of probationary costs
BPC section 2965 – Conduct of proceedings
BPC section 2966 – Suspension during incarceration for felony conviction;
Determination of substantial relationship of felony to functions of psychologist; Discipline
or denial of license
BPC section 2969 – Penalties for failure to provide medical records; Failure to comply
with court order; Multiple acts
BPC section 2971 – Injunctions
BPC section 2985 – Renewal of suspended licenses; Reinstatement of revoked
licenses
BPC section 2986 – Effect of failure to renew within prescribed time

Action Requested

The Enforcement Committee requests the Board approve the Committee's recommended changes to the BPC sections related to enforcement and direct staff to seek an author for the proposed language.

1 **BUSINESS AND PROFESSIONS CODE - BPC**
2 **DIVISION 2. HEALING ARTS [500 - 4999.129]**
3 (*Division 2 enacted by Stats. 1937, Ch. 399.*)

4
5 **CHAPTER 6.6. Psychologists [2900 - 2999]**
6 (*Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.*)

7
8
9 **ARTICLE 1. General Provisions [2900 - 2919]**
10 (*Article 1 added by Stats. 1967, Ch. 1677.*)

11
12
13 **2902.**

14 ~~As used in this chapter~~For the purposes of this chapter, ~~unless the context clearly~~
15 ~~requires otherwise and except as in this chapter expressly otherwise provided,~~ the
16 following definitions apply:

17 (a) "Licensed psychologist" means an individual to whom a license has been issued
18 pursuant to the provisions of this chapter, which license is in force and has not been
19 suspended or revoked.

20 (b) "License" means a psychologist license or a registration issued by the board.

21 (c) "Licensee" means a licensed psychologist or a registered psychological associate
22 regulated by the board.

23 (d) "Client" means a patient or recipient of psychological services.

24 ~~(e)(b)~~ "Board" means the Board of Psychology.

25 ~~(f)(c)~~ A person represents himself or herself themselves to be a psychologist when the
26 person holds himself or herself themselves out to the public by any title or description of
27 services incorporating the words "psychology," "psychological," "psychologist,"
28 "psychology consultation," "psychology consultant," "psychometry," "psychometrics," or
29 "psychometrist," "psychotherapy," "psychotherapist," "psychoanalysis," or
30 "psychoanalyst," or when the person holds himself or herself themselves out to be trained,
31 experienced, or an expert in the field of psychology.

32 ~~(d) "Accredited," as used with reference to academic institutions, means the University~~
33 ~~of California, the California State University, or an institution that is accredited by a~~
34 ~~national or an applicable regional accrediting agency recognized by the United States~~
35 ~~Department of Education.~~

36 ~~(e) "Approved," as used with reference to academic institutions, means an institution~~
37 ~~having "approval to operate," as defined in Section 94718 of the Education Code.~~

38 (*Amended by Stats. 2004, Ch. 695, Sec. 19. Effective January 1, 2005.*)

39
40 [February 25, 2020] [Reviewed 4-30-2021]

41
42
43 **§ 2903. Licensure requirement; Practice of psychology; Psychotherapy**

44 (a) No person may engage in the practice of psychology, or represent himself
45 or herself themselves to be a psychologist, without a license granted under this chapter,
46 except as otherwise provided in this chapter. The practice of psychology is

1 defined as rendering or offering to render to individuals, groups, organizations,
2 or the public any psychological service involving the application of psychological
3 principles, methods, and procedures of understanding, predicting, and
4 influencing behavior, such as the principles pertaining to learning, perception,
5 motivation, emotions, and interpersonal relationships; and the methods and
6 procedures of interviewing, counseling, psychotherapy, behavior modification,
7 and hypnosis; and of constructing, administering, and interpreting tests of
8 mental abilities, aptitudes, interests, attitudes, personality characteristics,
9 emotions, and motivations.

10 (b) The application of these principles and methods includes, but is not
11 restricted to: assessment, diagnosis, prevention, treatment, and intervention
12 to increase effective functioning of individuals, groups, and organizations.

13 (c) Psychotherapy within the meaning of this chapter means the use of
14 psychological methods in a professional relationship to assist a person or
15 persons to acquire greater human effectiveness or to modify feelings, conditions,
16 attitudes, and behaviors that are emotionally, intellectually, or socially
17 ineffectual or maladaptive.

18 Added Stats 1967 ch 1677 § 2. Amended Stats 1973 ch 658 § 1; Stats 1978 ch 1208 §
19 2; Stats 2001
20 ch 728 § 24.2 (SB 724); Stats 2015 ch 529 § 1 (AB 1374), effective January 1, 2016.

21
22 [12/18/2019] [Reviewed 4-30-2021]

23
24
25 **2908.**

26 Nothing in this chapter shall be construed to prevent qualified members of other
27 recognized professional groups licensed to practice in the State of California, such as,
28 but not limited to, physicians, clinical social workers, educational psychologists,
29 marriage and family therapists, optometrists, psychiatric technicians, or registered
30 nurses, or attorneys admitted to the California State Bar, or persons utilizing hypnotic
31 techniques by referral from persons licensed to practice medicine, dentistry or
32 psychology, or persons utilizing hypnotic techniques which offer avocational or
33 vocational self-improvement and do not offer therapy for emotional or mental disorders,
34 or duly ordained members of the recognized clergy as defined in Welfare and
35 Institutions Code Section 15610.19, or duly ordained religious practitioners from doing
36 work of a psychological nature consistent with the laws governing their respective
37 professions, provided they do not hold themselves out to the public by any title or
38 description of services incorporating the words “psychological,” “psychologist,”
39 “psychology,” “psychometrist,” “psychometrics,” or “psychometry,” or that they do not
40 state or imply that they are licensed to practice psychology; except that persons
41 licensed under Article 5 (commencing with Section 4986) of Chapter 13 of Division 2
42 may hold themselves out to the public as licensed educational psychologists.
43 *(Amended by Stats. 2002, Ch. 1013, Sec. 10. Effective January 1, 2003.)*

44
45 [12/18/2019] [Reviewed 4-30-2021]

1
2
3 **2912.**

4 Nothing in this chapter shall be construed to restrict or prevent a person with a current
5 and active license ~~who is licensed~~ as a psychologist at the doctoral level in another state
6 or territory of the United States or in Canada from offering psychological services in this
7 Sstate for a period not to exceed no more than 30 days, consecutive or nonconsecutive,
8 in any calendar year. Practice for any part of a day is considered a full day for the
9 purposes of this section.

10 This section does not apply to either a licensee with an inactive or suspended license or
11 an individual whose license has been revoked or denied by, or surrendered to, the
12 board.

13 *(Amended by Stats. 2005, Ch. 658, Sec. 4. Effective January 1, 2006.)*
14

15 [12/18/2019] [Reviewed 4-30-2021]
16
17

18 **2934.1.**

19 (a) The board may post on its ~~Internet Web site~~ website the following information on the
20 ~~current status of the license~~ for all current and former licensees, including the following:

21 (1a) ~~Whether or not the licensee has a~~ Any record of a disciplinary action.

22 (2b) Any of the following ~~enforcement~~ actions or proceedings against the licensee:

23 (A1) Temporary restraining orders.

24 (B2) Interim suspension orders.

25 (C3) Penal Code Section 23 orders restricting licensed activity.

26 (D4) Revocations, suspensions, probations, public letters of reproof, or limitations on
27 practice ordered by the board or by a court with jurisdiction in the state, including those
28 made part of a probationary order, cease practice order, or stipulated agreement
29 settlement.

30 (D5) Accusations or petitions to revoke filed by the board, including those accusations
31 that are on appeal, excluding ones that have been dismissed or withdrawn where the
32 action is no longer pending.

33 (6) Decisions by the board on petitions for early termination or modification of probation
34 and petitions for reinstatement.

35 (E7) Citations issued by the board. ~~Unless withdrawn, citations shall be posted for five~~
36 years from the date of issuance.

37 (bc) The board may also post on its ~~Internet Web site~~ website all of the following
38 historical information in its possession, custody, or control regarding all current and
39 former licensees:

40 (1) Institutions that awarded the qualifying educational degree and type of degree
41 awarded.

42 (2) A link to the licensee's professional ~~Internet Web site~~ website. Any link that provides
43 access to a licensee's professional ~~Internet Web site~~ website, once clicked, shall be
44 accompanied by a notification that informs the ~~Internet Web site~~ website viewer that
45 they are no longer on the board's ~~Internet Web site~~ website.

1 (ed) The board may also post other information designated by the board in regulation.
2 (Added by Stats. 2016, Ch. 484, Sec. 9. (SB 1193) Effective January 1, 2017.)

3
4 [1/15/2020] [Reviewed 4-30-2021] [EC Reviewed 11/12/21]

5
6
7 **2936.**

8 The board shall adopt a program of consumer and professional education in matters
9 relevant to the ethical practice of psychology. The board shall establish as its standards
10 of ethical conduct relating to the practice of psychology, the “Ethical Principles of
11 Psychologists and Code of Conduct” published by the American Psychological
12 Association (APA). ~~The board shall apply those standards shall be applied by the board~~
13 as the accepted standard of care in all licensing examination development and in all
14 board enforcement policies and disciplinary case evaluations.

15 To ~~facilitate~~ help consumers in receiveing appropriate psychological services, all
16 licensees and registrants ~~shall be required to post~~, in a conspicuous location in their
17 principal psychological business office if any, and in their informed consent agreement,
18 a notice which reads as follows:

19
20 “NOTICE TO CONSUMERS: The Department of Consumer Affairs’ Board of
21 Psychology receives and responds to questions and complaints regarding the practice
22 of psychology. If you have questions or complaints, you may contact the board by email
23 at bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov, by calling 1-866-
24 503-3221, or by writing to the following address:

25 Board of Psychology
26 1625 North Market Boulevard, Suite N-215
27 Sacramento, California 95834”

28
29 (Amended by Stats. 2014, Ch. 316, Sec. 10. (SB 1466) Effective January 1, 2015.)

30 [November 4, 2019] [EC reviewed 11/12/21]

31
32
33 **2960.05.**

34 (a) Except as provided in subdivisions (b), ~~(c), and (e)~~, any accusation filed against a
35 licensee pursuant to Section 11503 of the Government Code shall be filed within ~~three~~
36 five years from the date the board ~~discovers~~ initiates an investigation of the alleged act
37 or omission that is the basis for disciplinary action, or within seven years from the date
38 the alleged act or omission that is the basis for disciplinary action occurred, whichever
39 occurs first.

40 (b) Exceptions to the limitations in subdivision (a) are as follows:

1 (1) An accusation filed against a licensee pursuant to Section 11503 of the Government
2 Code alleging the procurement of a license by fraud or misrepresentation is not subject
3 to the limitations set forth in subdivision (a).

4 (e2) An accusation filed against a licensee pursuant to Section 11503 of the
5 Government Code alleging sexual misconduct shall be filed within 10 years after the
6 alleged act or omission occurred.

7 ~~The limitation provided for by subdivision (a) shall be tolled for the length of time~~
8 ~~required to obtain compliance when a report required to be filed by the licensee or~~
9 ~~registrant with the board pursuant to Article 11 (commencing with Section 800) of~~
10 ~~Chapter 1 is not filed in a timely fashion.~~

11 (c) Instances in which any limitation period referenced in this section is tolled:

12 (1) If an alleged act or omission that is the basis for disciplinary action involves a minor,
13 any limitation period referenced in this section the seven-year limitations period
14 provided for by subdivision (a) and the 10-year limitations period provided for by
15 subdivision (e) shall be tolled is tolled until the minor reaches the age of majority
16 pursuant to Section 6502 of the Family Code.

17 (2) If a licensee fails to file a report with the board pursuant to Article 11 (commencing
18 with Section 800) of Chapter 1, any limitation period referenced in this section is tolled
19 until the licensee complies with reporting requirements.

20 ~~(d)~~

21 ~~(e) An accusation filed against a licensee pursuant to Section 11503 of the Government~~
22 ~~Code alleging sexual misconduct shall be filed within three years after the board~~
23 ~~discovers the act or omission alleged as the ground for disciplinary action, or within 10~~
24 ~~years after the act or omission alleged as the ground for disciplinary action occurs,~~
25 ~~whichever occurs first. This subdivision shall apply to a complaint alleging sexual~~
26 ~~misconduct received by the board on and after January 1, 2002.~~

27 ~~(f) (3) The limitations period provided by subdivision (a) shall be tolled during any period~~
28 ~~if material evidence necessary for prosecuting or determining whether a disciplinary~~
29 ~~action would be appropriate is unavailable to the board due to an ongoing criminal~~
30 ~~investigation, then any limitation period referenced in this section is tolled until such~~
31 ~~evidence is available to the board.~~

32 *(Amended by Stats. 2001, Ch. 617, Sec. 2. Effective January 1, 2002.)*

34 [1/15/2020] [EC Reviewed 11/12/21] [12/13/21] [Reviewed 1/6/22]

36 **2960.2.**

37 (a) A licensee shall meet the requirements set forth in subdivision (f)(2)(B) of Section
38 1031 of the Government Code prior to performing either of the following:

39 (1) An evaluation of a an individual's emotional and mental condition ~~peace officer~~
40 pursuant to Section 1031 of the Government Code ~~applicant's emotional and mental~~
41 ~~condition.~~

42 (2) An evaluation of a public officer or ~~peace officer's~~ fitness for duty.

43 ~~(b) This section shall become operative on January 1, 2005.~~

44 *(Added by Stats. 2003, Ch. 777, Sec. 2. Effective January 1, 2004. Section operative*
45 *January 1, 2005, by its own provisions.)*

1 [January 29, 2020] [12/13/21]
2
3

4 **2960.5.**

5 The board may ~~refuse to issue~~ deny any application for any registration or a license
6 whenever it appears that an applicant may be unable to practice ~~his or her~~ their
7 profession safely due to mental illness, physical illness affecting competency, or
8 chemical dependency. The procedures set forth in Article 12.5 (commencing with
9 Section 820) of Chapter 1 shall apply to any denial of a license ~~or registration~~ pursuant
10 to this section.

11 *(Added by Stats. 1992, Ch. 384, Sec. 1. Effective January 1, 1993.)*
12

13 [January 29, 2020] [12/13/21][Reviewed 1/6/22]
14
15

16 **2960.6.**

17 The board may deny any application for, or may suspend or revoke a license ~~or~~
18 ~~registration~~ issued under this chapter for, any either of the following:

19 (a) The revocation, suspension, or other disciplinary action, ~~or including the equivalent~~
20 action of another jurisdiction's licensing agency ~~other disciplinary action imposed by~~
21 ~~another state or country~~ on a license, certificate, or registration issued by that ~~state or~~
22 ~~country~~ jurisdiction to practice psychology shall constitute grounds for disciplinary action
23 for unprofessional conduct against that licensee ~~or registrant~~ in this sState. A certified
24 copy of the decision or judgment of the other ~~state or country~~ jurisdiction shall be
25 conclusive evidence of that action.

26 (b) The revocation, suspension, or other disciplinary action by any board established in
27 this division, or the equivalent action of another ~~state's or country's~~ jurisdiction's
28 licensing agency, of the license of a healing arts practitioner shall constitute grounds for
29 disciplinary action against that licensee ~~or registrant~~ under this chapter. The grounds for
30 the action shall be substantially related to the qualifications, functions, or duties of a
31 licensee ~~psychologist or psychological assistant~~. A certified copy of the decision or
32 judgment shall be conclusive evidence of that action.

33 *(Amended by Stats. 1994, Ch. 1275, Sec. 22. Effective January 1, 1995.)*
34

35 [January 29, 2020] [12/13/21]
36
37

38 **2961.**

39 ~~The board may,~~ After a hearing pursuant to Section 2965, the board may deny an
40 application for a license, ~~or issue a license~~ subject to terms and conditions, or suspend,
41 ~~or revoke,~~ or impose probationary conditions upon; a license ~~or registration~~ after a
42 hearing as provided in Section 2965.

43 *(Amended by Stats. 1989, Ch. 888, Sec. 31.)*
44

45 [January 29, 2020] [12/13/21]
46

1
2 **2962.**

3 (a) A person whose license ~~or registration~~ has been revoked, suspended, or
4 surrendered, or who has been placed on probation, may petition the board for
5 reinstatement or modification of the penalty, including modification or termination of
6 probation. The petition shall be on a form provided by the board and shall state any
7 facts and information as may be required by the board, including, but not limited to,
8 proof of compliance with the terms and conditions of the underlying disciplinary order. ,
9 after a period of not less than the following minimum periods has elapsed from the
10 effective date of the decision ordering that disciplinary action:

11 (1) At least three years for reinstatement of a license revoked or surrendered.

12 (2) At least two years for early termination of probation of three years or more.

13 (3) At least two years for modification of a condition of probation.

14 (4) At least one year for early termination of probation of less than three years.

15 (b) The petitioner may file the petition on or after the expiration of the following
16 timeframes, each of which commences on the effective date of the decision ordering the
17 disciplinary action, or from the date the disciplinary action is actually implemented in its
18 entirety if the order, or any portion of it, is stayed by the board itself or by the superior
19 court:

20 (1) Three years for reinstatement of a license revoked or surrendered.

21 (2) Two years for early termination of probation of three years or more.

22 (3) Two years for modification of a condition of probation.

23 (4) One year for early termination of probation of less than three years. The board may
24 require an examination for that reinstatement.

25 (c) The petitioner shall at all times have the burden of production of proof to establish by
26 clear and convincing evidence that they are entitled to the relief sought in the petition.
27 Notwithstanding Section 489, a person whose application for a license or registration
28 has been denied by the board, for violations of Division 1.5 (commencing with Section
29 475) of this chapter, may reapply to the board for a license or registration only after a
30 period of three years has elapsed from the date of the denial.

31 (d) When the board itself decides upon a petition, it may consider all factors presented,
32 including the following:

33 (1) The offense for which the petitioner was disciplined.

34 (2) The petitioner's rehabilitative efforts.

35 (3) The petitioner's activities since the disciplinary action was taken.

36 (e) The board may, without affording the petitioner an opportunity to present argument,
37 deny a petition for early termination of probation or modification of penalty for any of the
38 following reasons:

39 (1) The petitioner has failed to comply with the terms and conditions of the disciplinary
40 order.

1 (2) The board is conducting an investigation of the petitioner while they are on
2 probation.

3 (3) The petitioner has a subsequent arrest that is substantially related to the
4 qualifications, functions, or duties of the licensee and this arrest occurred while on
5 probation.

6 (4) The petitioner's probation with the board is currently tolled.

7 (f) For reinstatements, the board may require that the petitioner execute a form
8 authorizing release to the board or its designee, of all information concerning the
9 petitioner's current physical and mental condition. Information provided to the board
10 pursuant to the release shall be confidential and shall not be subject to discovery or
11 subpoena in any other proceeding, and shall not be admissible in any action, other than
12 before the board, to determine the petitioner's fitness to practice as required by Section
13 822.

14 (g) If the board issues an order to reinstate a license, the petitioner shall comply with:

15 (1) fingerprint submission requirements established by the board.

16 (2) provisions set forth in Section 2985.

17 (3) all terms and conditions as specified by the Order.

18
19 [February 12, 2020] [12/13/21] [Reviewed 1/6/22]

20
21 **2964.**

22 ~~Whenever the board revokes or reinstates orders a license revoked for cause, with the~~
23 ~~exception of nonpayment of fees, or restores a license, these facts it shall be reported~~
24 ~~the action to all other state psychology licensing boards the National Practitioner Data~~
25 ~~Bank.~~

26 *(Amended by Stats. 1989, Ch. 888, Sec. 34.)*

27
28 [February 12, 2020] [12/13/21]

29
30
31 **2964.3.**

32 Any person required to register as a sex offender pursuant to Section 290 of the Penal
33 Code, is not eligible for licensure ~~or registration~~ by the board.

34 *(Added by Stats. 1998, Ch. 589, Sec. 8. Effective January 1, 1999.)*

35
36 [February 12, 2020] [12/13/21]

37
38
39 **2964.5.**

40 ~~The board at its discretion may require any licensee it places on probation or whose~~
41 ~~license is suspended, to obtain additional continuing professional~~
42 ~~training development, to pass an examination as specified in Section 2941, or both.~~
43 ~~upon the completion of that training, and to pay the necessary examination fee. The~~

1 examination may be written or oral or both, and may include a practical or clinical
2 examination.

3 (*Amended by Stats. 1991, Ch. 1091, Sec. 5.*)

4
5 [February 12, 2020] [12/13/21]

6
7
8 **2964.6.**

9 The board may require any licensee it places on probation to pay the monetary costs
10 associated with probation. An administrative disciplinary decision that imposes terms of
11 probation may include, among other things, a requirement that the licensee who is
12 being placed on probation pay the monetary costs associated with monitoring the
13 probation.

14 (*Added by Stats. 1995, Ch. 708, first Sec. 12. Effective January 1, 1996.*)

15
16 [February 12, 2020] [12/13/21]

17
18 **2966.**

19
20 (a) Notwithstanding any other law, if a licensee is incarcerated due to conviction of a
21 felony, regardless of whether the conviction has been appealed, the license is
22 automatically suspended during that period of incarceration.

23 (b) The board shall, immediately upon receipt of the certified copy of the conviction,
24 determine whether the license has been automatically suspended due to incarceration
25 and notify the licensee of the suspension and of the licensee's right to a hearing on any
26 board order of discipline or denial, as described in subdivision (e).

27 (c) The board shall hold a hearing to determine if the felony conviction is substantially
28 related to the qualifications, functions, or duties of a licensee, as follows:

29 (1) Either by an administrative law judge sitting alone or with a panel of the board, in the
30 discretion of the board, and

31 (2) The record of the proceedings resulting in the conviction, including a transcript of the
32 testimony therein, may be received in evidence, except that:

33 (3) A conviction of any crime referenced in Section 187, 261, 262, or 288 of the Penal
34 Code shall be conclusively presumed to be substantially related to the qualifications,
35 functions, or duties of a licensee, and no hearing shall be held on this issue.

36 (d) If the hearing in subdivision (c) determines that the conviction is substantially related
37 to the qualifications, functions, or duties of a licensee, then the automatic suspension of
38 the license shall continue until either the time for appeal has elapsed, if no appeal has
39 been taken, or the judgment of conviction has been affirmed on appeal or has otherwise
40 become final, and until further order of the board.

41 (e) The board may order discipline or denial of the license in accordance with Section
42 2961, when either:

1 (1) the time for appeal has elapsed,

2 (2) the judgment of conviction has been affirmed on appeal,

3 (3) a court order granting probation suspends the sentence, irrespective of a
4 subsequent order under Section 1203.4 of the Penal Code allowing the person to
5 withdraw a plea of guilty and to enter a plea of not guilty, setting aside the verdict of
6 guilty, or dismissing the accusation, complaint, information, or indictment, or

7 (4) the licensee elects to have this issue heard before the time periods listed in
8 subdivision (e)(1-3). Where the licensee so elects, the issue of penalty shall be heard
9 at the hearing in subdivision (c).

10 (f) If the conviction is overturned on appeal, any discipline ordered pursuant to this
11 section shall automatically cease. Nothing in this subdivision shall prohibit the board
12 from pursuing disciplinary action based on any cause other than the overturned
13 conviction.

14 (g) Upon its own motion or for good cause shown, the board may set aside the
15 suspension when it appears to be in the interest of justice to do so, with due regard to
16 maintaining the integrity of and confidence in the psychology profession.

17 ~~(a) A psychologist's license shall be suspended automatically during any time that the~~
18 ~~holder of the license is incarcerated after conviction of a felony, regardless of whether~~
19 ~~the conviction has been appealed. The board shall, immediately upon receipt of the~~
20 ~~certified copy of the record of conviction, determine whether the license of the~~
21 ~~psychologist has been automatically suspended by virtue of the psychologist's~~
22 ~~incarceration, and if so, the duration of that suspension. The board shall notify the~~
23 ~~psychologist of the license suspension and of the right to elect to have the issue of~~
24 ~~penalty heard as provided in this section.~~

25 ~~(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is~~
26 ~~determined therefrom that the felony of which the licensee was convicted was~~
27 ~~substantially related to the qualifications, functions, or duties of a psychologist, the~~
28 ~~board shall suspend the license until the time for appeal has elapsed, if an appeal has~~
29 ~~not been taken, or until the judgment of conviction has been affirmed on appeal or has~~
30 ~~otherwise become final, and until further order of the board. The issue of substantial~~
31 ~~relationship shall be heard by an administrative law judge sitting alone or with a panel of~~
32 ~~the board, in the discretion of the board.~~

33 ~~(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 187,~~
34 ~~261, 288 or former Section 262 of the Penal Code shall be conclusively presumed to be~~
35 ~~substantially related to the qualifications, functions, or duties of a psychologist and a~~
36 ~~hearing shall not be held on this issue. Upon its own motion or for good cause shown,~~
37 ~~the board may decline to impose or may set aside the suspension when it appears to be~~
38 ~~in the interest of justice to do so, with due regard to maintaining the integrity of and~~
39 ~~confidence in the psychology profession.~~

40 ~~(d) (1) Discipline or the denial of the license may be ordered in accordance with Section~~
41 ~~2961, or the board may order the denial of the license when the time for appeal has~~
42 ~~elapsed, the judgment of conviction has been affirmed on appeal, or an order granting~~
43 ~~probation is made suspending the imposition of sentence, irrespective of a subsequent~~
44 ~~order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of~~

1 guilty and to enter a plea of not guilty, setting aside the verdict of guilty, or dismissing
2 the accusation, complaint, information, or indictment.

3 ~~(2) The issue of penalty shall be heard by an administrative law judge sitting alone or
4 with a panel of the board, in the discretion of the board. The hearing shall not be
5 commenced until the judgment of conviction has become final or, irrespective of a
6 subsequent order under Section 1203.4 of the Penal Code, an order granting probation
7 has been made suspending the imposition of sentence; except that a licensee may, at
8 the licensee's option, elect to have the issue of penalty decided before those time
9 periods have elapsed. Where the licensee so elects, the issue of penalty shall be heard
10 in the manner described in this section at the hearing to determine whether the
11 conviction was substantially related to the qualifications, functions, or duties of a
12 psychologist. If the conviction of a licensee who has made this election is overturned on
13 appeal, any discipline ordered pursuant to this section shall automatically cease. This
14 subdivision does not prohibit the board from pursuing disciplinary action based on any
15 cause other than the overturned conviction.~~

16 ~~(e) The record of the proceedings resulting in the conviction, including a transcript of the
17 testimony therein, may be received in evidence.~~

18 ~~(Amended by Stats. 2021, Ch. 626, Sec. 2. (AB 1171) Effective January 1, 2022.)~~

19
20 [February 25, 2020] [12/13/21]

21
22
23
24 **2969.**

25 a) A licensee shall:

26 1) Attend and participate in an interview requested by the Board when that
27 licensee is under investigation, no later than 60 days after receipt of notice
28 from the Board.

29 In the absence of good cause, failure of the licensee to comply with this shall
30 be considered unprofessional conduct and constitutes grounds for discipline
31 of their license.

32 2) Produce client records, pursuant to either:

33 i. A request from the board, when accompanied by that client's written
34 authorization for release of records to the board, within 15 days of receipt
35 of the request, or

36 ii. A court order, issued in the enforcement of a subpoena, mandating the
37 release of records to the board, unless it is determined that the order is
38 unlawful or invalid.

39
40 In the absence of good cause, failure to produce such records to the board
41 subjects the licensee to a civil penalty of one thousand dollars (\$1,000) per
42 day for each day that the records documents have not been produced (after
43 the 15th day of receiving the request and authorization, or after the date by
44 which the court order requires the records documents to be produced), and

1 not to exceed five thousand dollars (\$5,000). The amount of the penalty shall
2 be added to the licensee's renewal fee if it is not paid by the next succeeding
3 renewal date.

4 b) A healthcare facility shall produce client records pursuant to either:

- 5 1) A request from the board, when accompanied by that client's written
6 authorization for release of records to the board together with a notice citing
7 this section and describing the penalties for failure to comply with this section,
8 within 30 days of receiving the request, authorization, and notice. The board
9 shall pay the reasonable costs of copying the medical records. This
10 paragraph shall not require health care facilities to assist the board in
11 obtaining the client's authorization, or
12 2) A court order, issued in the enforcement of a subpoena, mandating the
13 release of records to the board, unless it is determined that the order is
14 unlawful or invalid.

15
16 In the absence of good cause, failure to produce such records to the board shall
17 subject the health care facility to a civil penalty, payable to the board, of up to
18 one thousand dollars (\$1,000) per day for each day that the documents records
19 have not been produced (after the 30th day of receiving the request,
20 authorization, and notice, or after the date by which the court order requires the
21 records documents to be produced), up to ten thousand dollars (\$10,000).

22 c) Multiple acts or omissions in violation of this section shall be considered grounds
23 for disciplinary action with respect to licensure, including suspension or
24 revocation of the license or certificate and shall be a misdemeanor punishable as
25 follows:

26 1) for a licensee:

- 27 i. by a fine not to exceed five thousand dollars (\$5,000), or
28 ii. by imprisonment in a county jail not exceeding six months, or
29 iii. by both that fine and imprisonment.

30 2) for a healthcare facility:

- 31 i. by a fine not to exceed five thousand dollars (\$5,000), and
32 ii. that healthcare facility shall be reported to the State Department of Health
33 Services State Department of Public Health

34 d) Any statute of limitations applicable to the filing of an accusation by the board is
35 tolled until the licensee or health care facility complies with this section and until
36 resolution of any related appeals.

37 e) Any civil penalties authorized by this section shall be imposed in accordance with
38 the Administrative Procedure Act (Chapter 5 (commencing with Section 11500)
39 of Division 3 of Title 2 of the Government Code).

40 f) For purposes of this section, "health care facility" means a clinic or health facility
41 licensed or exempt from licensure pursuant to Division 2 (commencing with
42 Section 1200) of the Health and Safety Code.

1 ~~A licensee who fails or refuses to comply with a request for the medical records of a~~
2 ~~patient that is accompanied by that patient's written authorization for release of records~~
3 ~~to the board, within 15 days of receiving the request and authorization, shall pay to the~~
4 ~~board a civil penalty of one thousand dollars (\$1,000) per day for each day that the~~
5 ~~documents have not been produced after the 15th day, unless the licensee is unable to~~
6 ~~provide the documents within this time period for good cause.~~

7 ~~(2) A health care facility shall comply with a request for the medical records of a patient~~
8 ~~that is accompanied by that patient's written authorization for release of records to the~~
9 ~~board together with a notice citing this section and describing the penalties for failure to~~
10 ~~comply with this section. Failure to provide the authorizing patient's medical records to~~
11 ~~the board within 30 days of receiving the request, authorization, and notice shall subject~~
12 ~~the health care facility to a civil penalty, payable to the board, of up to one thousand~~
13 ~~dollars (\$1,000) per day for each day that the documents have not been produced after~~
14 ~~the 30th day, up to ten thousand dollars (\$10,000), unless the health care facility is~~
15 ~~unable to provide the documents within this time period for good cause. This paragraph~~
16 ~~shall not require health care facilities to assist the board in obtaining the patient's~~
17 ~~authorization. The board shall pay the reasonable costs of copying the medical records.~~

18 ~~(b) (1) A licensee who fails or refuses to comply with a court order, issued in the~~
19 ~~enforcement of a subpoena, mandating the release of records to the board shall pay to~~
20 ~~the board a civil penalty of one thousand dollars (\$1,000) per day for each day that the~~
21 ~~documents have not been produced after the date by which the court order requires the~~
22 ~~documents to be produced, unless it is determined that the order is unlawful or invalid.~~
23 ~~Any statute of limitations applicable to the filing of an accusation by the board shall be~~
24 ~~tolled during the period the licensee is out of compliance with the court order and during~~
25 ~~any related appeals.~~

26 ~~(2) Any licensee who fails or refuses to comply with a court order, issued in the~~
27 ~~enforcement of a subpoena, mandating the release of records to the board, shall be~~
28 ~~subject to a civil penalty, payable to the board, of not to exceed five thousand dollars~~
29 ~~(\$5,000). The amount of the penalty shall be added to the licensee's renewal fee if it is~~
30 ~~not paid by the next succeeding renewal date. Any statute of limitations applicable to~~
31 ~~the filing of an accusation by the board shall be tolled during the period the licensee is~~
32 ~~out of compliance with the court order and during any related appeals.~~

33 ~~(3) A health care facility that fails or refuses to comply with a court order, issued in the~~
34 ~~enforcement of a subpoena, mandating the release of patient records to the board, that~~
35 ~~is accompanied by a notice citing this section and describing the penalties for failure to~~
36 ~~comply with this section, shall pay to the board a civil penalty of up to one thousand~~
37 ~~dollars (\$1,000) per day for each day that the documents have not been produced, up to~~
38 ~~ten thousand dollars (\$10,000), after the date by which the court order requires the~~
39 ~~documents to be produced, unless it is determined that the order is unlawful or invalid.~~
40 ~~Any statute of limitations applicable to the filing of an accusation by the board against a~~
41 ~~licensee shall be tolled during the period the health care facility is out of compliance with~~
42 ~~the court order and during any related appeals.~~

43 ~~(4) Any health care facility that fails or refuses to comply with a court order, issued in the~~
44 ~~enforcement of a subpoena, mandating the release of records to the board, shall be~~
45 ~~subject to a civil penalty, payable to the board, of not to exceed five thousand dollars~~
46 ~~(\$5,000). Any statute of limitations applicable to the filing of an accusation by the board~~

1 ~~against a licensee shall be tolled during the period the health care facility is out of~~
2 ~~compliance with the court order and during any related appeals.~~

3 ~~(c) Multiple acts by a licensee in violation of subdivision (b) shall be a misdemeanor~~
4 ~~punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in~~
5 ~~a county jail not exceeding six months, or by both that fine and imprisonment. Multiple~~
6 ~~acts by a health care facility in violation of subdivision (b) shall be a misdemeanor~~
7 ~~punishable by a fine not to exceed five thousand dollars (\$5,000) and shall be reported~~
8 ~~to the State Department of Health Services and shall be considered as grounds for~~
9 ~~disciplinary action with respect to licensure, including suspension or revocation of the~~
10 ~~license or certificate.~~

11 ~~(d) A failure or refusal of a licensee to comply with a court order, issued in the~~
12 ~~enforcement of a subpoena, mandating the release of records to the board constitutes~~
13 ~~unprofessional conduct and is grounds for suspension or revocation of his or her~~
14 ~~license.~~

15 ~~(e) The imposition of the civil penalties authorized by this section shall be in accordance~~
16 ~~with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of~~
17 ~~Division 3 of Title 2 of the Government Code).~~

18 ~~(f) For purposes of this section, "health care facility" means a clinic or health facility~~
19 ~~licensed or exempt from licensure pursuant to Division 2 (commencing with Section~~
20 ~~1200) of the Health and Safety Code.~~

21 *(Added by Stats. 2000, Ch. 836, Sec. 22. Effective January 1, 2001.)*

22
23 [February 25, 2020] [12/13/21]

24
25 **2971.**

26 Whenever any person other than a licensed psychologist has engaged in any act or
27 practice that constitutes an offense against this chapter, the superior court of any
28 county, on application of the board, may issue an injunction or other appropriate order
29 restraining that conduct. Proceedings under this section shall be governed by Chapter 3
30 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure, except
31 that it shall be presumed that there is no adequate remedy at law, and that irreparable
32 damage will occur if the continued violation continues ~~is not restrained or enjoined~~. On
33 the written request of the board, or on its own motion, the board may commence action
34 in the superior court under this section.

35 *(Amended by Stats. 1997, Ch. 758, Sec. 41. Effective January 1, 1998.)*

36
37 [February 25, 2020] [12/13/21]

38
39
40 **2985.**

41 (a) A suspended license is subject to expiration and shall be renewed as provided in
42 this article. ~~While the license remains suspended, but such renewal does not entitle the~~
43 ~~licensee, while the license remains suspended, and until it is reinstated, to engage in~~
44 ~~the practice of psychology as defined in Section 2903 of the Code licensed activity, or in~~

1 ~~any other activity or conduct in violation of the order or judgment by which the license~~
2 ~~was suspended.~~

3 (b) A revoked or surrendered license is not subject to expiration and revoked on
4 disciplinary grounds is subject to expiration as provided in this article, but it may not be
5 renewed. If it is reinstated after its expiration, the licensee, as a condition to
6 reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in
7 effect on the last preceding regular renewal date before the date on which it is
8 reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.
9 *(Added by Stats. 1967, Ch. 1677.)*

10 [Reviewed 12/2/2019] [12/13/21]

11

12

13 **2986.**

14 ~~A person who fails to renew his or her license within the three years after its expiration~~
15 ~~may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that~~
16 ~~person~~

17

18 A psychology license is void if not renewed within three years from the expiration date.
19 Once void, the board cannot restore or reissue that license. The person who held that
20 license may apply for and obtain a new license if he or she they meets the requirements
21 of this chapter, provided that they he or she:

22 (a) ~~Has~~ Have not committed any acts or crimes constituting grounds for denial of
23 ~~licensure~~ a license.

24 (b) Establishes to the satisfaction of the board that ~~with due regard for the public~~
25 ~~interest, he or she is~~ that they are qualified to practice psychology.

26 (c) Pays all of the required fees that would be required if application for licensure was
27 ~~being made for the first time~~.

28 ~~The board may provide for the waiver or refund of all or any part of an examination fee~~
29 ~~in those cases in which a license is issued without examination pursuant to this section.~~

30 *(Amended by Stats. 1994, Ch. 26, Sec. 81. Effective March 30, 1994.)*

31 [February 25, 2020] [12/13/21]

1 **STATUTORY REVISIONS WITH NO STRIKETHROUGH OR UNDERLINE**

2
3 **BUSINESS AND PROFESSIONS CODE - BPC**

4 **DIVISION 2. HEALING ARTS [500 - 4999.129]**

5 (*Division 2 enacted by Stats. 1937, Ch. 399.*)

6
7 **CHAPTER 6.6. Psychologists [2900 - 2999]**

8 (*Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.*)

9
10
11 **ARTICLE 1. General Provisions [2900 - 2919]**

12 (*Article 1 added by Stats. 1967, Ch. 1677.*)

13
14
15 **2902.**

16 For the purposes of this chapter, the following definitions apply:

17 (a) "Licensed psychologist" means an individual to whom a license has been issued
18 pursuant to the provisions of this chapter, which license is in force and has not been
19 suspended or revoked.

20 (b) "License" means a psychologist license or a registration issued by the board.

21 (c) "Licensee" means a licensed psychologist or a registered psychological associate
22 regulated by the board.

23 (d) "Client" means a patient or recipient of psychological services.

24 (e) "Board" means the Board of Psychology.

25 (f) A person represents themselves to be a psychologist when the person holds themselves
26 out to the public by any title or description of services incorporating the words
27 "psychology," "psychological," "psychologist," "psychology consultation," "psychology
28 consultant," "psychometry," "psychometrics," "psychometrist," "psychotherapy,"
29 "psychotherapist or when the person holds themselves out to be trained, experienced, or
30 an expert in the field of psychology.

31 (*Amended by Stats. 2004, Ch. 695, Sec. 19. Effective January 1, 2005.*)

32
33 **[February 25, 2020] [Reviewed 4-30-2021]**

34
35
36 **§ 2903. Licensure requirement; Practice of psychology; Psychotherapy**

37 (a) No person may engage in the practice of psychology, or represent
38 themselves to be a psychologist, without a license granted under this chapter,
39 except as otherwise provided in this chapter. The practice of psychology is
40 defined as rendering or offering to render to individuals, groups, organizations,
41 or the public any psychological service involving the application of psychological
42 principles, methods, and procedures of understanding, predicting, and
43 influencing behavior, such as the principles pertaining to learning, perception,
44 motivation, emotions, and interpersonal relationships; and the methods and
45 procedures of interviewing, counseling, psychotherapy, behavior modification,

1 and hypnosis; and of constructing, administering, and interpreting tests of
2 mental abilities, aptitudes, interests, attitudes, personality characteristics,
3 emotions, and motivations.

4 (b) The application of these principles and methods includes, but is not
5 restricted to: assessment, diagnosis, prevention, treatment, and intervention
6 to increase effective functioning of individuals, groups, and organizations.

7 (c) Psychotherapy within the meaning of this chapter means the use of
8 psychological methods in a professional relationship to assist a person or
9 persons to acquire greater human effectiveness or to modify feelings, conditions,
10 attitudes, and behaviors that are emotionally, intellectually, or socially
11 ineffectual or maladaptive.

12 Added Stats 1967 ch 1677 § 2. Amended Stats 1973 ch 658 § 1; Stats 1978 ch 1208 §
13 2; Stats 2001
14 ch 728 § 24.2 (SB 724); Stats 2015 ch 529 § 1 (AB 1374), effective January 1, 2016.

15
16 [12/18/2019] [Reviewed 4-30-2021]

17
18
19 **2908.**

20 Nothing in this chapter shall be construed to prevent qualified members of other
21 recognized professional groups licensed to practice in the State of California, such as,
22 but not limited to, physicians, clinical social workers, educational psychologists,
23 marriage and family therapists, optometrists, psychiatric technicians, or registered
24 nurses, or attorneys admitted to the California State Bar, or persons utilizing hypnotic
25 techniques by referral from persons licensed to practice medicine, dentistry or
26 psychology, or persons utilizing hypnotic techniques which offer avocational or
27 vocational self-improvement and do not offer therapy for emotional or mental disorders,
28 or duly ordained members of the recognized clergy as defined in Welfare and
29 Institutions Code Section 15610.19, or duly ordained religious practitioners from doing
30 work of a psychological nature consistent with the laws governing their respective
31 professions, provided they do not hold themselves out to the public by any title or
32 description of services incorporating the words “psychological,” “psychologist,”
33 “psychology,” “psychometrist,” “psychometrics,” or “psychometry,” or that they do not
34 state or imply that they are licensed to practice psychology; except that persons
35 licensed under Article 5 (commencing with Section 4986) of Chapter 13 of Division 2
36 may hold themselves out to the public as licensed educational psychologists.
37 *(Amended by Stats. 2002, Ch. 1013, Sec. 10. Effective January 1, 2003.)*

38
39 [12/18/2019] [Reviewed 4-30-2021]

40
41
42 **2912.**

43 Nothing in this chapter shall be construed to restrict or prevent a person with a current
44 and active license as a psychologist at the doctoral level in another state or territory of
45 the United States or in Canada from offering psychological services in this State for-no

1 more than 30 days, consecutive or nonconsecutive, in any calendar year. Practice for
2 any part of a day is considered a full day for the purposes of this section.

3 This section does not apply to either a licensee with an inactive or suspended license or
4 an individual whose license has been revoked or denied by, or surrendered to, the
5 board.

6 *(Amended by Stats. 2005, Ch. 658, Sec. 4. Effective January 1, 2006.)*

7
8 **[12/18/2019]** **[Reviewed 4-30-2021]**

9
10
11 **2934.1.**

12 The board may post on its website information on all current and former licensees,
13 including the following:

14 (a) Any record of a disciplinary action.

15 (b) Any of the following actions or proceedings against the licensee:

16 (1) Temporary restraining orders.

17 (2) Interim suspension orders.

18 (3) Penal Code Section 23 orders restricting licensed activity.

19 (4) Revocations, suspensions, probations, public letters of reproof, or limitations on
20 practice ordered by the board or by a court with jurisdiction in the state, including those
21 made part of a probationary order, cease practice order, or stipulated settlement.

22 (5) Accusations or petitions to revoke filed by the board, including those accusations
23 that are on appeal, excluding ones that have been dismissed or withdrawn where the
24 action is no longer pending.

25 (6) Decisions by the board on petitions for early termination or modification of probation
26 and petitions for reinstatement.

27 (7) Citations issued by the board, unless withdrawn, for five years from the date of
28 issuance.

29 (c) The board may also post on its website all of the following historical information in its
30 possession, custody, or control regarding all current and former licensees:

31 (1) Institutions that awarded the qualifying educational degree and type of degree
32 awarded.

33 (2) A link to the licensee's professional website. Any link that provides access to a
34 licensee's professional website, once clicked, shall be accompanied by a notification
35 that informs the website viewer that they are no longer on the board's website.

36 (ed) The board may also post other information designated by the board in regulation.

37 *(Added by Stats. 2016, Ch. 484, Sec. 9. (SB 1193) Effective January 1, 2017.)*

38
39 **[1/15/2020]** **[Reviewed 4-30-2021]** **[EC Reviewed 11/12/21]**

40
41
42 **2936.**

43 The board shall adopt a program of consumer and professional education in matters
44 relevant to the ethical practice of psychology. The board shall establish as its standards

1 of ethical conduct relating to the practice of psychology, the “Ethical Principles of
2 Psychologists and Code of Conduct” published by the American Psychological
3 Association (APA). The board shall apply those standards as the accepted standard of
4 care in all licensing examination development and in all board enforcement policies and
5 disciplinary case evaluations.

6 To help consumers receive appropriate psychological services, all licensees shall post,
7 in a conspicuous location in their principal psychological business office if any, and in
8 their informed consent agreement, a notice which reads as follows:

9
10 “NOTICE TO CONSUMERS: The Department of Consumer Affairs’ Board of
11 Psychology receives and responds to questions and complaints regarding the practice
12 of psychology. If you have questions or complaints, you may contact the board by email
13 at bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov, by calling 1-866-
14 503-3221, or by writing to the following address:

15 Board of Psychology
16 1625 North Market Boulevard, Suite N-215
17 Sacramento, California 95834”

18
19 *(Amended by Stats. 2014, Ch. 316, Sec. 10. (SB 1466) Effective January 1, 2015.)*

20 [November 4, 2019] [EC reviewed 11/12/21]
21
22

23 **2960.05.**

24 (a) Except as provided in subdivisions (b), any accusation filed against a licensee
25 pursuant to Section 11503 of the Government Code shall be filed within five years from
26 the date the board initiates an investigation of the alleged act or omission that is the
27 basis for disciplinary action, or within seven years from the date the alleged act or
28 omission that is the basis for disciplinary action occurred, whichever occurs first.

29 (b) Exceptions to the limitations in subdivision (a) are as follows:

30 (1) An accusation filed against a licensee pursuant to Section 11503 of the Government
31 Code alleging the procurement of a license by fraud or misrepresentation is not subject
32 to the limitations set forth in subdivision (a).

33 (e2) An accusation filed against a licensee pursuant to Section 11503 of the
34 Government Code alleging sexual misconduct shall be filed within 10 years after the
35 alleged act or omission occurred.

36 (c) Instances in which any limitation period referenced in this section is tolled:

37 (1) If an alleged act or omission that is the basis for disciplinary action involves a minor,
38 any limitation period referenced in this section is tolled until the minor reaches the age
39 of majority pursuant to Section 6502 of the Family Code.

40 (2) If a licensee fails to file a report with the board pursuant to Article 11 (commencing
41 with Section 800) of Chapter 1, any limitation period referenced in this section is tolled
42 until the licensee complies with reporting requirements.
43

1 (3) If material evidence necessary for prosecuting or determining whether a disciplinary
2 action would be appropriate is unavailable to the board due to an ongoing criminal
3 investigation, then any limitation period referenced in this section is tolled until such
4 evidence is available to the board.

5 *(Amended by Stats. 2001, Ch. 617, Sec. 2. Effective January 1, 2002.)*

6
7 [1/15/2020] [EC Reviewed 11/12/21] [12/13/21][Reviewed 1/6/22]

8
9 **2960.2.**

10 (a) A licensee shall meet the requirements set forth in subdivision (f)(2)(B) of Section
11 1031 of the Government Code prior to performing either of the following:

12 (1) An evaluation of an individual's emotional and mental condition pursuant to Section
13 1031 of the Government Code.

14 (2) An evaluation of a public officer or peace officer's fitness for duty.

15 *(Added by Stats. 2003, Ch. 777, Sec. 2. Effective January 1, 2004. Section operative*
16 *January 1, 2005, by its own provisions.)*

17
18 [January 29, 2020] [12/13/21]

19
20
21 **2960.5.**

22 The board may deny any application for a license whenever it appears that an applicant
23 may be unable to practice their profession safely due to mental illness, physical illness
24 affecting competency, or chemical dependency. The procedures set forth in Article 12.5
25 (commencing with Section 820) of Chapter 1 shall apply to any denial of a license
26 pursuant to this section.

27 *(Added by Stats. 1992, Ch. 384, Sec. 1. Effective January 1, 1993.)*

28
29 [January 29, 2020] [12/13/21][Reviewed 1/6/22]

30
31
32 **2960.6.**

33 The board may deny any application for, or may suspend or revoke a license issued
34 under this chapter for, either of the following:

35 (a) The revocation, suspension, or other disciplinary action, including the equivalent
36 action of another jurisdiction's licensing agency on a license, certificate, or registration
37 issued by that jurisdiction to practice psychology shall constitute grounds for disciplinary
38 action for unprofessional conduct against that licensee in this State. A certified copy of
39 the decision or judgment of the other jurisdiction shall be conclusive evidence of that
40 action.

41 (b) The revocation, suspension, or other disciplinary action by any board established in
42 this division, or the equivalent action of another jurisdiction's licensing agency, of the
43 license of a healing arts practitioner shall constitute grounds for disciplinary action
44 against that licensee under this chapter. The grounds for the action shall be
45 substantially related to the qualifications, functions, or duties of a licensee. A certified
46 copy of the decision or judgment shall be conclusive evidence of that action.

1 (Amended by Stats. 1994, Ch. 1275, Sec. 22. Effective January 1, 1995.)

2
3 [January 29, 2020] [12/13/21]

4
5
6 **2961.**

7 After a hearing pursuant to Section 2965, the board may deny an application for a
8 license, issue a license subject to terms and conditions, or suspend, revoke, or impose
9 probationary conditions upon a license.

10 (Amended by Stats. 1989, Ch. 888, Sec. 31.)

11
12 [January 29, 2020] [12/13/21]

13
14
15 **2962.**

16 (a) A person whose license has been revoked, suspended, or surrendered, or who has
17 been placed on probation, may petition the board for reinstatement or modification of
18 the penalty, including modification or termination of probation. The petition shall be on a
19 form provided by the board and shall state any facts and information as may be required
20 by the board, including, but not limited to, proof of compliance with the terms and
21 conditions of the underlying disciplinary order.

22 (b) The petitioner may file the petition on or after the expiration of the following
23 timeframes, each of which commences on the effective date of the decision ordering the
24 disciplinary action, or from the date the disciplinary action is actually implemented in its
25 entirety if the order, or any portion of it, is stayed by the board itself or by the superior
26 court:

27 (1) Three years for reinstatement of a license revoked or surrendered.

28 (2) Two years for early termination of probation of three years or more.

29 (3) Two years for modification of a condition of probation.

30 (4) One year for early termination of probation of less than three years.

31 (c) The petitioner shall at all times have the burden of production of proof to establish by
32 clear and convincing evidence that they are entitled to the relief sought in the petition.

33 (d) When the board itself decides upon a petition, it may consider all factors presented,
34 including the following:

35 (1) The offense for which the petitioner was disciplined.

36 (2) The petitioner's rehabilitative efforts.

37 (3) The petitioner's activities since the disciplinary action was taken.

38 (e) The board may, without affording the petitioner an opportunity to present argument,
39 deny a petition for early termination of probation or modification of penalty for any of the
40 following reasons:

41 (1) The petitioner has failed to comply with the terms and conditions of the disciplinary
42 order.

1 (2) The board is conducting an investigation of the petitioner while they are on
2 probation.

3 (3) The petitioner has a subsequent arrest that is substantially related to the
4 qualifications, functions, or duties of the licensee and this arrest occurred while on
5 probation.

6 (4) The petitioner's probation with the board is currently tolled.

7 (f) For reinstatements, the board may require that the petitioner execute a form
8 authorizing release to the board or its designee, of all information concerning the
9 petitioner's current physical and mental condition. Information provided to the board
10 pursuant to the release shall be confidential and shall not be subject to discovery or
11 subpoena in any other proceeding, and shall not be admissible in any action, other than
12 before the board, to determine the petitioner's fitness to practice as required by Section
13 822.

14 (g) If the board issues an order to reinstate a license, the petitioner shall comply with:

15 (1) fingerprint submission requirements established by the board.

16 (2) provisions set forth in Section 2985.

17 (3) all terms and conditions as specified by the Order.

18
19 [February 12, 2020] [12/13/21] [Reviewed 1/6/22]
20

21 **2964.**

22 Whenever the board revokes or reinstates a license it shall report the action to the
23 National Practitioner Data Bank.

24 *(Amended by Stats. 1989, Ch. 888, Sec. 34.)*

25
26 [February 12, 2020] [12/13/21]
27
28

29 **2964.3.**

30 Any person required to register as a sex offender pursuant to Section 290 of the Penal
31 Code, is not eligible for licensure by the board.

32 *(Added by Stats. 1998, Ch. 589, Sec. 8. Effective January 1, 1999.)*

33
34 [February 12, 2020] [12/13/21]
35
36

37 **2964.5.**

38 The board may require any licensee it places on probation or whose license it
39 suspends to obtain additional continuing professional development, to pass an
40 examination as specified in Section 2941, or both.

41 *(Amended by Stats. 1991, Ch. 1091, Sec. 5.)*
42

1 [February 12, 2020] [12/13/21]
2
3

4 **2964.6.**

5 The board may require any licensee it places on probation to pay the monetary costs
6 associated with probation.

7 *(Added by Stats. 1995, Ch. 708, first Sec. 12. Effective January 1, 1996.)*
8

9 [February 12, 2020] [12/13/21]
10

11 **2966.**
12

13 (a) Notwithstanding any other law, if a licensee is incarcerated due to conviction of a
14 felony, regardless of whether the conviction has been appealed, the license is
15 automatically suspended during that period of incarceration.

16 (b) The board shall, immediately upon receipt of the certified copy of the conviction,
17 determine whether the license has been automatically suspended due to incarceration
18 and notify the licensee of the suspension and of the licensee's right to a hearing on any
19 board order of discipline or denial, as described in subdivision (e).

20 (c) The board shall hold a hearing to determine if the felony conviction is substantially
21 related to the qualifications, functions, or duties of a licensee, as follows:

22 (1) Either by an administrative law judge sitting alone or with a panel of the board, in the
23 discretion of the board, and

24 (2) The record of the proceedings resulting in the conviction, including a transcript of the
25 testimony therein, may be received in evidence, except that:

26 (3) A conviction of any crime referenced in Section 187, 261, 262, or 288 of the Penal
27 Code shall be conclusively presumed to be substantially related to the qualifications,
28 functions, or duties of a licensee, and no hearing shall be held on this issue.

29 (d) If the hearing in subdivision (c) determines that the conviction is substantially related
30 to the qualifications, functions, or duties of a licensee, then the automatic suspension of
31 the license shall continue until either the time for appeal has elapsed, if no appeal has
32 been taken, or the judgment of conviction has been affirmed on appeal or has otherwise
33 become final, and until further order of the board.

34 (e) The board may order discipline or denial of the license in accordance with Section
35 2961, when either:

36 (1) the time for appeal has elapsed,

37 (2) the judgment of conviction has been affirmed on appeal,

38 (3) a court order granting probation suspends the sentence, irrespective of a
39 subsequent order under Section 1203.4 of the Penal Code allowing the person to
40 withdraw a plea of guilty and to enter a plea of not guilty, setting aside the verdict of
41 guilty, or dismissing the accusation, complaint, information, or indictment, or

1 (4) the licensee elects to have this issue heard before the time periods listed in
2 subdivision (e)(1-3). Where the licensee so elects, the issue of penalty shall be heard
3 at the hearing in subdivision (c).

4 (f) If the conviction is overturned on appeal, any discipline ordered pursuant to this
5 section shall automatically cease. Nothing in this subdivision shall prohibit the board
6 from pursuing disciplinary action based on any cause other than the overturned
7 conviction.

8 (g) Upon its own motion or for good cause shown, the board may set aside the
9 suspension when it appears to be in the interest of justice to do so, with due regard to
10 maintaining the integrity of and confidence in the psychology profession.

11 *(Amended by Stats. 2021, Ch. 626, Sec. 2. (AB 1171) Effective January 1, 2022.)*

12
13 [February 25, 2020] [12/13/21]

14
15 **2969.**

16 a) A licensee shall:

17 1) Attend and participate in an interview requested by the Board when that
18 licensee is under investigation, no later than 60 days after receipt of notice
19 from the Board.

20 In the absence of good cause, failure of the licensee to comply with this shall
21 be considered unprofessional conduct and constitutes grounds for discipline
22 of their license.

23 2) Produce client records, pursuant to either:

24 i. A request from the board, when accompanied by that client's written
25 authorization for release of records to the board, within 15 days of receipt
26 of the request, or

27 ii. A court order, issued in the enforcement of a subpoena, mandating the
28 release of records to the board, unless it is determined that the order is
29 unlawful or invalid.

30
31 In the absence of good cause, failure to produce such records to the board
32 subjects the licensee to a civil penalty of one thousand dollars (\$1,000) per
33 day for each day that the records documents have not been produced (after
34 the 15th day of receiving the request and authorization, or after the date by
35 which the court order requires the records documents to be produced), and
36 not to exceed five thousand dollars (\$5,000). The amount of the penalty shall
37 be added to the licensee's renewal fee if it is not paid by the next succeeding
38 renewal date.

39 b) A healthcare facility shall produce client records pursuant to either:

40 1) A request from the board, when accompanied by that client's written
41 authorization for release of records to the board together with a notice citing
42 this section and describing the penalties for failure to comply with this section,

- 1 within 30 days of receiving the request, authorization, and notice. The board
2 shall pay the reasonable costs of copying the medical records. This
3 paragraph shall not require health care facilities to assist the board in
4 obtaining the client's authorization, or
5 2) A court order, issued in the enforcement of a subpoena, mandating the
6 release of records to the board, unless it is determined that the order is
7 unlawful or invalid.
8

9 In the absence of good cause, failure to produce such records to the board shall
10 subject the health care facility to a civil penalty, payable to the board, of up to
11 one thousand dollars (\$1,000) per day for each day that the documents records
12 have not been produced (after the 30th day of receiving the request,
13 authorization, and notice, or after the date by which the court order requires the
14 records documents to be produced), up to ten thousand dollars (\$10,000).

- 15 c) Multiple acts or omissions in violation of this section shall be considered grounds
16 for disciplinary action with respect to licensure, including suspension or
17 revocation of the license or certificate and shall be a misdemeanor punishable as
18 follows:
19 1) for a licensee:
20 i. by a fine not to exceed five thousand dollars (\$5,000), or
21 ii. by imprisonment in a county jail not exceeding six months, or
22 iii. by both that fine and imprisonment.
23 2) for a healthcare facility:
24 i. by a fine not to exceed five thousand dollars (\$5,000), and
25 ii. that healthcare facility shall be reported to the State Department of Health
26 Services State Department of Public Health
27 d) Any statute of limitations applicable to the filing of an accusation by the board is
28 tolled until the licensee or health care facility complies with this section and until
29 resolution of any related appeals.
30 e) Any civil penalties authorized by this section shall be imposed in accordance with
31 the Administrative Procedure Act (Chapter 5 (commencing with Section 11500)
32 of Division 3 of Title 2 of the Government Code).
33 f) For purposes of this section, "health care facility" means a clinic or health facility
34 licensed or exempt from licensure pursuant to Division 2 (commencing with
35 Section 1200) of the Health and Safety Code.
36

37 *(Added by Stats. 2000, Ch. 836, Sec. 22. Effective January 1, 2001.)*
38

39 [February 25, 2020] [12/13/21]
40

41 **2971.**

42 Whenever any person other than a licensed psychologist has engaged in any act or
43 practice that constitutes an offense against this chapter, the superior court of any

1 county, on application of the board, may issue an injunction or other appropriate order
2 restraining that conduct. Proceedings under this section shall be governed by Chapter 3
3 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure, except
4 that it shall be presumed that there is no adequate remedy at law, and that irreparable
5 damage will occur if the violation continues. On the written request of the board, or on
6 its own motion, the board may commence action in the superior court under this section.
7 *(Amended by Stats. 1997, Ch. 758, Sec. 41. Effective January 1, 1998.)*

8
9 [February 25, 2020] [12/13/21]

10
11
12 **2985.**

13 (a) A suspended license is subject to expiration and shall be renewed as provided in
14 this article. While the license remains suspended, such renewal does not entitle the
15 licensee to engage in the practice of psychology as defined in Section 2903 of the
16 Code.

17 (b) A revoked or surrendered license is not subject to expiration and may not be
18 renewed. If it is reinstated, the licensee shall pay the renewal fee in effect on the date
19 on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its
20 revocation.

21 *(Added by Stats. 1967, Ch. 1677.)*

22 [Reviewed 12/2/2019] [12/13/21]

23
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25 **2986.**

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27 A psychology license is void if not renewed within three years from the expiration date.
28 Once void, the board cannot restore or reissue that license. The person who held that
29 license may apply for and obtain a new license if they meet the requirements of this
30 chapter, provided that they:

31 (a) Have not committed any act or crime constituting grounds for denial of a license.

32 (b) Establish to the satisfaction of the board that they are qualified to practice
33 psychology.

34 (c) Pay all required fees.

35 *(Amended by Stats. 1994, Ch. 26, Sec. 81. Effective March 30, 1994.)*

36 [February 25, 2020] [12/13/21]