

MEMORANDUM

DATE	April 11, 2022
TO	Board of Psychology
FROM	Sarah Proteau Central Services Office Technician
SUBJECT	Agenda Item # 4 – Discussion and Possible Approval of the Board Meeting Minutes: February 17-18, 2022

Background:

Attached are the draft minutes of the February 17-18, 2022, Board Meeting.

Action Requested:

Review and approve the minutes of the February 17-18, 2022, Board Meeting.

1
2 **Draft Teleconference Board Meeting Minutes February 17-18, 2022**

3
4
5 **Board Members Present**

6 Lea Tate, PsyD, President
7 Seyron Foo, Vice President
8 Sheryll Casuga, PsyD
9 Marisela Cervantes, EdD, MPA
10 Mary Harb Sheets, PhD
11 Julie Nystrom
12 Stephen Phillips, JD, PsyD
13 Ana Rescate
14 Shacunda Rodgers, PhD

15
16 **Board Members Absent**

17 None

18
19 **Board Staff**

20 Antonette Sorrick, Executive Officer
21 Jon Burke, Assistant Executive Officer
22 Stephanie Cheung, Licensing Manager
23 Jason Glasspiegel, Central Services Manager
24 Sandra Monterrubio, Enforcement Program Manager
25 Liezel McCockran, CE/Renewals Coordinator
26 Suzy Costa, Legislative and Regulatory Analyst
27 Sarah Proteau, Central Services Office Technician
28 Rebecca Bon, Board Counsel
29 Heather Hoganson, Regulatory Counsel

30
31 **Thursday, February 17, 2022**

32
33 **Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum**

34
35 President Tate called the meeting to order at 9:00 a.m., roll was taken, and a quorum
36 established.

37
38 **Agenda Item 2: President's Welcome**

39
40 (a) Mindfulness Exercise

41
42 Dr. Tate welcomed all participants to the first meeting of 2022 and introduced Dr. Rodgers
43 who led a mindfulness exercise.

44

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

46

47 There was no Board or public comment offered.

48

49 The above agenda items had been completed earlier than had been expected so the
50 Board opted to take some items out of order prior to the scheduled petition in Item 4.

51

52 **Agenda Item 16: Discussion and Possible Approval of the Board Meeting**

53 **Minutes: November 18-19, 2021**

54

55 It was M/(Harb Sheets) S/(Casuga)/C to approve the meeting minutes.

56

57 There was no Board or public comment offered.

58

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

61

62 **Agenda Item 14: Executive Officer's Report**

63

64 a) Personnel Update

65 b) COVID-19 Update

66

67 Ms. Sorrick provided these updates.

68

69 Public Comment

70

71 Dr. Elizabeth Winkelman, California Psychological Association (CPA), asked about the
72 status of the remote supervision waiver in regard to the date of expiration.

73

74 Ms. Sorrick explained the declared emergency allows waivers to be in effect and stated
75 the various potential scenarios regarding the extension.

76

77 **Agenda Item 15: President's Report**

78

79 a) Committee Appointments

80 b) Meeting Calendar

81

82 Dr. Tate provided the update. She also made note of the 2022 meeting calendar in the
83 meeting materials and stated that April and August 2022 Board meetings would be
84 remote with the possibility of having the November Board meeting be in person.

85

86 There was no Board or public comment offered.

87

88 **Agenda Item 4: Petition for Early Termination of Probation – Celena Horton, PsyD**

89
90 Administrative Law Judge Jonathan Lew presided. Deputy Attorney General Aaron Lent
91 was present and represented the People of the State of California. Celena Horton,
92 PsyD, was present and represented herself.

93
94 **Agenda Item 6: Regulations Hearing**

95
96 Regulations: Public Hearing Pursuant to Gov. Code § 11346.8 related to Psychologist
97 Fees – California Psychology Law and Ethics Examination (CPLEE) and Initial License
98 and Biennial Renewal Fee (16 CCR § 1392).

99
100 This item, originally set for 11:30 a.m. on the meeting agenda, began at 11:50 a.m.

101
102 Dr. Tate opened the Regulations Hearing at 11:51 a.m. and introduced this item as an
103 opportunity to receive oral and written testimony concerning the regulatory proposal and
104 provided the procedures which would be followed.

105
106 Public Comment:

107
108 There was no public comment offered.

109
110 After confirming that no individuals wanted to provide comment, Dr. Tate stated that
111 with no individuals requesting public comment, the hearing was closed at 11:55 a.m.

112
113 **Agenda Item 18: Budget Report**

114
115 Dr. Tate introduced item 18 and Mr. Glasspiegel provided an update to this item.

116
117 Dr. Phillips asked for clarification on the date of projected insolvency for the fund which
118 was provided by Mr. Glasspiegel as fiscal year 2023/2024 (July 1, 2023).

119
120 There was no further Board comment and no public comment offered.

121
122 **Agenda Item 5: CLOSED SESSION**

123
124 The Board Met in Closed Session Pursuant to Government Code Section
125 11126(c)(3) to Discuss Disciplinary Matters Including the Above Petition, Proposed
126 Decisions, Stipulations, Petitions for Reconsideration, and Remands.

127
128 **Agenda Item 7: Petition for Early Termination of Probation – Manmeet Rattu, PsyD**

129
130 Administrative Law Judge Jonathan Lew presided. Deputy Attorney General Ryan
131 Yates was present and represented the People of the State of California. Mr. Jeffery
132 Kravitz was present and represented Dr. Manmeet Rattu, PsyD, who was also present.

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Agenda Item 8: CLOSED SESSION

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

Agenda Item 9: Petition for Reinstatement of Surrendered License – Anthony Sabatasso, PhD

Administrative Judge Jonathan Lew presided. Deputy Attorney General Aaron Lent was present and represented the People of the State of California. Dr. Anthony Sabatasso, PhD, was present and represented himself.

Agenda Item 10: CLOSED SESSION

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

The meeting adjourned after closed session at 5:00 p.m.

Friday, February 18, 202

Agenda Item 11: Call to Order/Roll Call/Establishment of a Quorum

President Tate called the meeting to order at 9:00 a.m., roll was taken, and a quorum established. The Board then went in to closed session.

Agenda Item 12: CLOSED SESSION

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

The Board returned to Open Session at 9:55 a.m., roll was taken and a quorum established.

Agenda Item 13: Public Comment for Items Not on the Agenda

No public comment was offered.

Agenda Item 17: Department of Consumer Affairs (DCA) Update

177 Ms. Brianna Miller provided an update to this item including updates to mask mandates,
178 vaccination guidance, and required training for DCA.

179
180 There was no Board or public comment offered.

181
182 **Agenda Item 19: Licensure Committee Report and Consideration of Committee**
183 **Recommendations**

184
185 a) Licensing Report

186
187 Dr. Harb Sheets, Chair, introduced this item and stated that Board and public comment
188 would be taken after item 16(b).

189
190 Ms. Cheung provided the licensing report which included statistics referenced within the
191 meeting materials.

192
193 b) Continuing Education and Renewals Report

194
195 Ms. McCockran provided this update.

196
197 Board and public discussion ensued regarding the length of processing times and exam
198 scheduling times from initial application date. Ms. Cheung explained how most of the
199 processes involved within the steps toward licensure were applicant driven and were
200 put into motion when an application was submitted.

201
202 Ms. Cheung stated that average turnaround varies but if everything is received with no
203 missing documents, approval currently takes around 2 and a half months. She provided
204 additional insight into what happens when applications were submitted for
205 examinations.

206
207 Mr. Foo asked a question about CE audits on item 19(b) and how audit pass rates may
208 have been affected by various waivers due to COVID-19.

209
210 Discussion ensued regarding CE waivers and whether the audit passage rates would be
211 higher than in previous years due to the COVID-19 waivers.

212
213 There was no further Board or public comment offered.

214
215 c) Proposed Regulatory Changes to 16 CCR §§ 1380.3, 1381, 1381.1, 1381.2,
216 1381.4, 1381.5, 1382, 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.10, 1387.1, 1387.2,
217 1387.3, 1387.4, 1387.5, 1387.6, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3,
218 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, 1391.12 Related to Pathways to Licensure

219

220 Dr. Harb Sheets introduced this item and Ms. Cheung provided background information
221 and a summary of what amendments had been proposed. The proposed changes were
222 highlighted and included in the meeting materials.

223

224 Dr. Harb Sheets provided the purpose of the edits from the Committee's perspective.
225 She clarified that the attempt was to provide consistency in defining different licensing
226 categories and terms as defined within CCR 1381.3.

227

228 Dr. Harb Sheets clarified that there had been some categories in the Pathways
229 language that were decided would be confusing to the public and did not accurately
230 define the role of certain specialties.

231

232 Ms. Cheung went through each Section and provided the substantive and non-
233 substantiative edits that had been made, which were highlighted and including in the
234 meeting materials.

235

236 Dr. Harb Sheets asked to look to at CCR 1386.6 and provide clarity into what was
237 edited.

238

239 Ms. Cheung provided context that the Section had to do with exam score transfers and
240 stated that the language had been reworded to clarify that the score transfer was
241 necessary for applicants if they had previously taken and passed the EPPP in another
242 jurisdiction.

243

244 Dr. Rodgers asked about the possibility to make changes to the forms so they were
245 more gender inclusive. Ms. Cheung stated this was possible.

246

247 Dr. Cervantes made some suggestions of small adjustments to various forms for
248 licensure which would be researched by staff.

249

250 Discussion ensued related to whether a listing of total fees for applicants would be a
251 possibility. It was determined that since 3rd-party fees are not under the Board's control,
252 this could be difficult to provide but options would be investigated as to an FAQ or other
253 alternative.

254

255 It was M/(Foo)S/(Casuga)/C to approve the additional proposed amendments, and
256 delegate to staff to make any technical and non-substantive edits.

257

258 Public comment

259

260 Discussion ensued regarding the definitions of "trainee" and "licensee" within the
261 revised 1380.3 Section of the CCR and what those represented in relation to the
262 Business and Professions Code section 23.7, as well as in CCR 1387. Concern was

263 expressed by Dr. Elizabeth Winkelman, CPA, regarding how the Registered
264 Psychological Associate would fall under the definitions as both a trainee and licensee.
265

266 Ms. Hoganson, Board Regulatory Counsel, was called upon by Dr. Harb Sheets to
267 provide legal perspective, in which she preferred using the BPC section 23.7 definition.
268

269 Dr. Phillips stated agreement with Ms. Hoganson on the trend of allowing “licensee” to
270 encapsulate both licensed psychologists and registered psychological associates.
271

272 Ms. Sorrick referred to another BPC section where the term “licensee” means both a
273 licensed psychologist and registered psychological associate.
274

275 Dr. Harb Sheets asked Dr. Winkelman for further clarification on her concern. Dr. Harb
276 Sheets then provided a solution of defining a “licensee” as a psychologist and defining a
277 “trainee” as a registered psychological associate registered with the Board, pursuant to
278 BPC section 23.7 which Dr. Winkelman was amenable to.
279

280 Dr. Marilyn Immoos, California Department of Corrections and Rehabilitation (CDCR),
281 echoed support for Dr. Winkelman’s comments in the discussion.
282

283 Dr. Melodie Schaefer provided comment which included an offer to assist in the drafting
284 of any FAQ that would be created to help with questions from applicants and licensees.
285

286 Mr. Foo made a comment to amend the motion on the table to reflect the discussion
287 and to clarify for staff and Board Members that the verbal agreements made regarding
288 edits to be included in the motion.
289

290 There was no further Board or public comment offered.
291

292 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
293 Rodgers, Tate), 0 Noes
294

295 The language adjustments for Pathways are as follows:
296

297 **§ 1380.3. Definitions.**
298

299 The following general definitions shall apply whenever the terms are used throughout
300 Division 13.1, except where specifically noted otherwise.~~For the purpose of the~~
301 ~~regulations contained in this chapter, the term~~
302

303 (a) “~~b~~Board” means the Board of Psychology, ~~and the term~~
304

305 (b) “~~e~~Code” means the Business and Professions Code.
306

307 (c) "Client" means a client or patient of the licensee.

308

309 (d) "Licensed" or "licensed psychologist" means a psychologist licensed by the Board.

310

311 (ed) "Licensee" means a psychologist or registered psychological associate registrant
312 licensed by the Board pursuant to BPC Section 23.7.

313

314 (fe) "Trainee" means a psychology trainee working under supervision as specified in
315 section 1387.

316

317 (g) "General Applied Psychologist" means a licensed psychologist whose training is in
318 forensic, consulting, industrial/organizational, or applied developmental psychology, or
319 applied psychological research.

320

321 (h) "Health Service Psychologist" means a licensed psychologist whose training is in
322 clinical, counseling, or school psychology.

323

324 Note: Authority and reference cited: Section 2930, Business and Professions Code.

325

326 **§ 1381. Applications.**

327

328 All applications shall be accompanied by such evidence, statements or documents as
329 ~~therein~~ required to establish that the applicant meets all of the requirements for
330 ~~licensing~~ licensure or registration as set forth in the eCode.

331

332 (1) An application to take the Examination for Professional Practice in Psychology
333 (EPPP) shall include the following:

334

- 335 • Application to take the EPPP (Rev. XX/XX), hereby incorporated by reference
- 336 • Verification of Experience (Rev. XX/XX), hereby incorporated by reference
- 337 • Official Transcript

338

339 (2) An application to take the California Psychology Law and Ethics Exam (CPLÉE)
340 shall include the following:

341

342 (a) Application to take the CPLÉE (Rev. XX/XX), hereby incorporated by reference

343

344 (b) Additional Verification of Experience (Rev. XX/XX), hereby incorporated by
345 reference, if applicable

346

347 (c) Any application or examination fees pursuant to section 1392

348

349 (3) An application for licensure shall include the following:

350

(a) Application for licensure (Rev. XX/XX), hereby incorporated by reference

(b) Any application fees as listed in section 1392

(c) Evidence of prelicensure coursework pursuant to BPC section 2915.5 or sections
1382, 1382.3, 1382.4, 1382.5

(d) Evidence of fingerprint submission and related fees as prescribed by XXXX

351
352 (4) Applicants who, obtained eligibility from another jurisdiction outside of California,
353 have taken and passed the EPPP but are not licensed, or are currently licensed at
354 the doctoral level in another state, Canadian province, or U.S. territory and have
355 taken and passed the EPPP, shall submit the Out-of-State Applicants: Application to
356 take the CPLEE (Rev. XX/XX), hereby incorporated by reference and as described
357 in subdivision (c).
358

359 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
360 Sections 2940 and 2941, Business and Professions Code.

361
362 **§ 1381.1. AbandonmentWithdrawal of Applications.**
363

364 An application shall be deemed withdrawn after thirty six (36) months denied without
365 prejudice when, in the discretion of the board, an applicant does not exercise due
366 diligence in the completion of his or her application, in furnishing additional information
367 or documentsdocumentation or fees as required by the Psychology Act and regulations,
368 requested or in the payment of any required fees. An applicant who subsequently
369 decides to reapply shall be required to file a new application and pay the current
370 application fee.

371 If an applicant does not supply documents or fees as required by these Psychology
372 Regulations or the Code, after thirty-six (36) months of having been notified by the
373 Board that documents or fees are required, the applicant's application shall be deemed
374 abandoned. Thereafter, the applicant meeting all current licensure requirements may
375 submit a new application with applicable fees without prejudice. Such applicant shall be
376 required to take and pass the California Psychology Laws and Ethics Examination
377 (CPLEE).

378 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
379 Section 2940, Business and Professions Code.

380
381 **§ 1381.2. Petition for Hearing.**
382

383 An applicant for examination or licensure whose credentials indicate ineligibility shall be
384 notified of the deficiency. The applicant may correct the deficiency indicated or in the
385 alternative file a request for hearing before the appropriate committee.
386

387 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
388 Section 2940, Business and Professions Code.

389
390 **§ 1381.4. Failure to Appear for Examination—Withdrawal of Application.**
391

392 The application shall be deemed withdrawn, for aAny applicant approved to take or
393 retake a bBoard licensing examination who fails to appear for such examination in any
394 twelve-month period shall be deemed have his or her application withdrawn. An

395 applicant who subsequently decides to take the examination shall be required to file a
396 new application and pay the current application and examination fees.
397

398 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
399 Sections 2914, 2931, 2940, 2941, and 2942, Business and Professions Code.
400

401 **§ 1381.5. Failure to Pay Initial License Fee.**
402

403 An application shall be deemed to have been abandoned if an applicant fails
404 to pay the initial license fee within three yearsthirty six (36) months after notification by
405 the bBoard that the fee for licensure is due. An applicant whose application has been
406 deemed ~~withdrawn~~abandoned may again be eligible for licensure upon the filing of a
407 new application and meeting all current licensure requirements, including
408 payment of any fees. Such applicant shall not be required to take the Examination for
409 Professional Practice in Psychology (EPPP) but shall take and pass the California
410 Psychology SupplementalLaws and Ethics Examination (CPSLEE).
411

412 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
413 Sections 2940 and 2983, Business and Professions Code.
414

415 **§ 1382. Human Sexuality Training.**
416

417 (a) An applicant for licensure as a psychologist shall complete as a condition of
418 licensure a minimum of six (6) hours of coursework or applied experience in human
419 sexuality, which includes the study of physiological, psychological and sociocultural
420 variables associated with sexual identity, sexual behavior or sexual disorders, major
421 treatment approaches and the specific ethical and legal issues related to practice in this
422 area.
423

424 (b) This requirement shall be met in one of the following ways:
425

426 (1) Obtained as part of the applicant's qualifying graduate degree program. To
427 satisfy this requirement, the applicant shall submit to the Board a written certification
428 from the registrar or training director of the educational institution or program from
429 which the applicant graduated stating that the coursework required by this section is
430 included within the institution's curriculum required for graduation at the time the
431 applicant graduated, or within the coursework that was completed by the applicant.
432

433 (2) Obtained as part of the applicant's applied experience. Applied experience can
434 be met in any of the following settings: practicum, internship, or formal postdoctoral
435 placement that meets the requirement of section 2911, or other qualifying
436 supervised professional experience. To satisfy this requirement, the applicant shall
437 submit to the board a written certification from the director of training for the program

438 or primary supervisor where the qualifying experience has occurred stating that the
439 training required by this section is included within the applied experience.

440
441 (3) By taking a continuing education course that meets the requirements of
442 subdivision (de) or (ef) of section 2915 and that qualifies as a continuing education
443 learning activity category specified in paragraph (2) or (3) of subdivision (c) of
444 section 2915. To satisfy this requirement, the applicant shall submit to the board a
445 certification of completion.

446
447 ~~Unless otherwise exempted, all persons applying for a license as a psychologist shall, in~~
448 ~~addition to all other requirements for licensure, have completed coursework or training~~
449 ~~in human sexuality which meets the requirements of this section. Such training shall:~~

450 ~~(a) Be completed after January 1, 1970.~~

451 ~~(b) Be obtained~~

452
453 ~~(1) In an accredited or approved educational institution, as defined in section~~
454 ~~2901 of the Code, including extension courses offered by such institutions, or~~

455
456 ~~(2) In an educational institution approved by the Department of Education~~
457 ~~pursuant to section 94310 of the Education Code, or~~

458
459 ~~(3) From a continuing education provider approved by a professional association, or~~

460
461 ~~(4) In a course sponsored or offered by a professional association, or~~

462
463 ~~(5) In a course sponsored, offered or approved by a local, county or state~~
464 ~~department of health or mental health or by health agencies of the Federal~~
465 ~~Government.~~

466
467 ~~(c) Have a minimum length of ten (10) contact hours.~~

468
469 ~~(d) Include the study of physiological-psychological and social-cultural variables~~
470 ~~associated with sexual identity, sexual behavior or sexual disorders.~~

471
472 ~~All applicants shall provide the board with documentation of completion of the required~~
473 ~~human sexuality training. It is the intent of the board that all persons licensed to practice~~
474 ~~psychology have minimal training in human sexuality. It is not intended that by~~
475 ~~complying with the requirements of this section only, a practitioner is fully trained in the~~
476 ~~subject of sex therapy.~~

477
478 ~~Note: Authority cited: Section 2930, Business and Professions Code. Reference:~~
479 ~~Section 25, Business and Professions Code.~~

480
481 **§ 1382.3. Training in Alcoholism/Chemical Dependency Detection and Treatment.**

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(a) An applicant for licensure as a psychologist shall complete as a condition of licensure a minimum of six (6) hours of coursework or applied experience in alcoholism/chemical dependency detection and treatment. Such coursework or training shall include assessment and intervention of chemical dependency and alcoholism, the study of physiological, psychological and sociocultural variables associated with chemical dependency and alcoholism, prevailing treatment models, and the specific ethical and legal issues related to practice in this area.

(b) This requirement shall be met in one of the following ways:

(1) Obtained as part of the applicant's qualifying graduate degree program. To satisfy this requirement, the applicant shall submit to the Board a written certification from the registrar or training director of the educational institution or program from which the applicant graduated stating that the coursework required by this section is included within the institution's curriculum required for graduation at the time the applicant graduated, or within the coursework that was completed by the applicant.

(2) Obtained as part of the applicant's applied experience. Applied experience can be met in any of the following settings: practicum, internship, or formal postdoctoral placement that meets the requirement of section 2911, or other qualifying supervised professional experience. To satisfy this requirement, the applicant shall submit to the board a written certification from the director of training for the program or primary supervisor where the qualifying experience has occurred stating that the training required by this section is included within the applied experience.

(3) By taking a continuing education course that meets the requirements of subdivision (de) or (ef) of section 2915 and that qualifies as a continuing education learning activity category specified in paragraph (2) or (3) of subdivision (c) of Section 2915. To satisfy this requirement, the applicant shall submit to the board a certification of completion.

~~The requirements set forth in Section 2914 (e) of the code shall be satisfied by completion of a graduate level course which meets the following criteria:~~

~~(a) The course shall be devoted solely to the topic of alcoholism and chemical dependency detection and treatment and shall not be less than a semester or a quarter term in length.~~

~~(b) The course must be obtained at an educational institution, or in an extension course offered by an institution, which is either credited under Education Code Section 94310.1, or approved under Education Code Section 94310.2, by the State Department of Education.~~

526 ~~(c) An original transcript indicating successful completion of the course shall be deemed~~
527 ~~sufficient evidence for purposes of satisfying this requirement.~~

528

529 ~~(d) The course shall include training in each of the following subjects as they relate to~~
530 ~~alcoholism and chemical dependency:~~

531

532 ~~(1) The definition of alcoholism and other chemical dependency, and the evaluation~~
533 ~~of the user.~~

534

535 ~~(2) Current theories of, and research on, the etiology of substance abuse.~~

536

537 ~~(3) Physiological and medical aspects and effects of alcoholism and other chemical~~
538 ~~dependency.~~

539

540 ~~(4) Psychopharmacology and the interaction of various classes of drugs, including~~
541 ~~alcohol.~~

542

543 ~~(5) Diagnosing and differentiating alcoholism and substance abuse in patients~~
544 ~~referred for other clinical symptoms, such as depression, anxiety, psychosis, and~~
545 ~~impotence.~~

546

547 ~~(6) Populations at risk with regard to substance abuse.~~

548

549 ~~(7) Cultural and ethnic considerations.~~

550

551 ~~(8) Prenatal effects.~~

552

553 ~~(9) Adolescent substance abuse.~~

554

555 ~~(10) Implications for the geriatric population.~~

556

557 ~~(11) Iatrogenic dependency.~~

558

559 ~~(12) Major treatment approaches to alcoholism and chemical dependency, including~~
560 ~~research and application.~~

561

562 ~~(13) The role of persons and systems which support or compound abuse.~~

563

564 ~~(14) Family issues which include treatment approaches with families of alcoholics~~
565 ~~and/or substance abusers.~~

566

567 ~~(15) The process of referring affected persons.~~

568

569 ~~(16) Community resources offering assessment, treatment and follow up for the~~
570 ~~abuser and family.~~

571
572 ~~(17) Ethical and Legal issues for clinical practice.~~

573
574 ~~(18) Prevention of substance abuse.~~

575
576 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
577 Section 2914(e), Business and Professions Code.

578
579 **§ 1382.4. Child Abuse Assessment, Detection, Intervention, and Reporting**
580 **Training Requirements.**

581
582 (a) An applicant for licensure as a psychologist who began graduate study on or after
583 January 1, 1983, shall complete as a condition of licensure a minimum of seven (7)
584 hours of coursework or applied experience in child abuse and neglect assessment,
585 detection, intervention, and reporting. Such coursework or training shall include
586 assessment, detection, intervention, and reporting of child abuse and neglect, the study
587 of physiological, psychological, and sociocultural variables associated with child abuse
588 and neglect, prevailing treatment models, and the specific ethical and legal issues
589 related to practice in this area.

590
591 (b) This requirement shall be met in one of the following ways:

592
593 (1) Obtained as part of the applicant's qualifying graduate degree program. To
594 satisfy this requirement, the applicant shall submit to the Board a written certification
595 from the registrar or training director of the educational institution or program from
596 which the applicant graduated stating that the coursework required by this section is
597 included within the institution's curriculum required for graduation at the time the
598 applicant graduated, or within the coursework that was completed by the applicant.

599
600 (2) Obtained as part of the applicant's applied experience. Applied experience can
601 be met in any of the following settings: practicum, internship, or formal postdoctoral
602 placement that meets the requirement of section 2911, or other qualifying
603 supervised professional experience. To satisfy this requirement, the applicant shall
604 submit to the board a written certification from the director of training for the program
605 or primary supervisor where the qualifying experience has occurred stating that the
606 training required by this section is included within the applied experience.

607
608 (3) By taking a continuing education course that meets the requirements of
609 subdivision (de) or (ef) of section 2915 and that qualifies as a continuing education
610 learning activity category specified in paragraph (2) or (3) of subdivision (c) of
611 Section 2915. To satisfy this requirement, the applicant shall submit to the board a
612 certification of completion.

613
614 ~~All persons applying for a license or renewal of a license as a psychologist shall in~~
615 ~~addition to all other requirements for licensure, have completed coursework or training~~
616 ~~in child abuse assessment and reporting and shall submit documentation thereof to the~~
617 ~~board. The coursework or training in child abuse assessment and reporting shall consist~~
618 ~~of not less than 7 instructional hours and shall include training in each of the subject~~
619 ~~areas described in section 28 of the Code. The coursework or training shall be:~~

620
621 ~~(a) Obtained at an educational institution, or in an extension course offered by an~~
622 ~~institution which is accredited by the Western Association of Schools and Colleges, the~~
623 ~~Northwest Association of Secondary and Higher Schools, or an essentially equivalent~~
624 ~~accrediting agency as determined by the board or approved by the State Department of~~
625 ~~Education pursuant to section 94310.2 of the Education Code; or~~

626
627
628 ~~(b) Obtained from a statewide professional association representing the professions of~~
629 ~~psychology, social work, or marriage, family and child counseling; or~~

630
631 ~~(c) Obtained from or sponsored by a local county, state or federal governmental entity.~~

632
633 ~~(d) Completed after January 1, 1983.~~

634
635 Note: Authority cited: Sections 28 and 2930, Business and Professions Code.
636 Reference: Section 28, Business and Professions Code.

637
638 **§ 1382.5. Spousal or Partner Abuse Assessment, Detection, and Intervention**
639 **Strategies Training Requirements.**

640
641 (a) An applicant for licensure as a psychologist shall complete as a condition of
642 licensure a minimum of six (6) hours of coursework or applied experience in spousal or
643 partner abuse assessment, detection, and intervention strategies. Such coursework or
644 training shall include assessment, detection, and intervention of spousal abuse, the
645 study of physiological, psychological, and sociocultural variables associated with
646 spousal abuse, prevailing treatment models, and the specific ethical and legal issues
647 related to practice in this area.

648
649 (b) This requirement shall be met in one of the following ways:

650
651 (1) Obtained as part of the applicant's qualifying graduate degree program. To
652 satisfy this requirement, the applicant shall submit to the Board a written certification
653 from the registrar or training director of the educational institution or program from
654 which the applicant graduated stating that the coursework required by this section is
655 included within the institution's curriculum required for graduation at the time the
656 applicant graduated, or within the coursework that was completed by the applicant.

657
658 (2) Obtained as part of the applicant's applied experience. Applied experience can
659 be met in any of the following settings: practicum, internship, or formal postdoctoral
660 placement that meets the requirement of section 2911, or other qualifying
661 supervised professional experience. To satisfy this requirement, the applicant shall
662 submit to the board a written certification from the director of training for the program
663 or primary supervisor where the qualifying experience has occurred stating that the
664 training required by this section is included within the applied experience.
665

666 (3) By taking a continuing education course that meets the requirements of
667 subdivision (de) or (ef) of section 2915 and that qualifies as a continuing education
668 learning activity category specified in paragraph (2) or (3) of subdivision (c) of
669 section 2915. To satisfy this requirement, the applicant shall submit to the board a
670 certification of completion.
671

672 ~~All persons applying for a license as a psychologist who began their graduate training~~
673 ~~on or after January 1, 1995 shall, in addition to all other requirements for licensure, have~~
674 ~~completed coursework in spousal or partner abuse assessment, detection, and~~
675 ~~intervention strategies and shall submit documentation thereof to the board. The~~
676 ~~coursework in spousal or partner abuse assessment, detection, and intervention~~
677 ~~strategies shall consist of not less than a combined total of two (2) hours focused on this~~
678 ~~topic. All persons applying for a license as a psychologist who began their graduate~~
679 ~~training on or after January 1, 2004 shall also meet the above requirement, however,~~
680 ~~such course shall consist of at least fifteen (15) contact hours.~~
681

682 ~~The coursework shall be:~~

683
684 ~~(a) taken in fulfillment of other educational requirements in the applicant's graduate~~
685 ~~and/or doctoral training, or~~
686

687 ~~(b) taken in a separate course approved by the board's recognized continuing education~~
688 ~~accrediting agency, or~~
689

690 ~~(c) taken in a separate course provided by a sponsor approved by the American~~
691 ~~Psychological Association.~~
692

693 ~~(d) completed after January 1, 1995.~~
694

695 ~~An applicant may request an exemption from this requirement if he or she intends to~~
696 ~~practice in an area that does not include the direct provision of mental health services.~~
697

698 Note: Authority cited: Sections 2914(f) and 2930, Business and Professions Code.

699 Reference: Section 2914(f), Business and Professions Code.
700

701 **§ 1386. Revised Criteria for Evaluation of Education.**

702

703 (a) Only those doctorate degrees ~~which~~that are designated as being earned in a
704 department or school of psychology, ~~educational psychology or education with the~~
705 ~~psychology with the field of specialization in clinical, counseling, school, consulting,~~
706 ~~forensic or industrial/organizational psychology,~~ or in education with the field of
707 ~~specialization in counseling psychology, or educational psychology, or school~~
708 ~~psychology~~field of specialization in counseling psychology or educational psychology
709 shall be accepted as an earned doctorate degree as specified in section 2914,
710 subdivisions (b), ~~and (c)(1) through (3)~~, of the Code. If compliance with section 2914 of
711 the Code is not evident on the official transcript, the Board may require that any
712 doctorate degree ~~earned in education with the field of specialization in counseling~~
713 ~~psychology or educational psychology~~ be certified by the registrar as such a degree.

714

715 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
716 Section 2914, Business and Professions Code.

717

718 **§ 1387. Supervised Professional Experience (SPE).**

719

720 This section applies to all trainees, ~~pre- or post-doctoral, who intend~~ accruing for hours
721 of supervised professional experience (SPE) to count toward meeting the
722 licensing~~licensure~~ requirements ~~stated in section 2914(ed) of the Business and~~
723 ~~Professions Code.~~ This section also applies to all ~~These~~ trainees accruing hours of
724 SPE~~supervised experience in areas of general applied psychology that do not include~~
725 ~~direct mental health services should refer to section 1387.3 for information on~~
726 ~~establishing an alternate plan for SPE.~~

727

728 (a) SPE is defined as an organized program that consists of a planned, structured and
729 administered sequence of professionally supervised, comprehensive, ~~clinical~~ training
730 experiences. SPE shall have a logical training sequence that builds upon the skills and
731 competencies of trainees to prepare them for ~~the independent practice of psychology~~
732 once they become licensed. SPE shall include:

733

734 ~~SPE shall include (1)~~ socialization into the profession of psychology and shall be
735 augmented by integrated modalities including mentoring, didactic exposure, role-
736 modeling, ~~enactment,~~ observational/vicarious learning, and consultative guidance.

737

738 ~~SPE shall include (2)~~ activities ~~which that~~ address the integration of psychological
739 concepts and current and evolving competencies, scientific knowledge, principles, and
740 theories to the professional delivery of psychological services to the ~~consumer~~ public.

741

742 ~~SPE shall include (3)~~ only the time spent by the trainee engaged in psychological
743 activities that directly serve to prepare the trainee for ~~the independent practice of~~

744 psychology once licensed. SPE shall not include custodial tasks such as filing,
745 transcribing or other clerical duties.

746

747 The term "trainee" as used in these regulations means a psychology trainee working
748 under one of the conditions listed in subsections (a)(1) and (a)(2) of this section.

749 (ab) Pursuant to section 2914(ed) of the eCode, two years of qualifying SPE shall be
750 completed and documented prior to licensure. One year of SPE shall be defined as
751 1500 hours. At least one year of SPE shall be completed post-doctorally. Each year of
752 SPE shall be completed within a thirty (30) consecutive months period. If both years of
753 SPE (3000 hours) are completed post-doctorally, they shall be completed within a sixty
754 (60) consecutive months period. Upon showing of good cause as determined by the
755 bBoard, these specified time limitations may be reasonably modified.

756

757 (1) Pre-doctoral SPE: Up to 1500 hours of SPE may be accrued pre-doctorally but
758 only after completion of 48 semester/trimester or 72 quarter units of graduate
759 coursework in psychology, not including thesis, internship or dissertation. Pre-
760 doctoral SPE shall may be accrued only as follows:

761

762 (A) In a formal an internship placement pursuant to section 2911 of the eCode,;
763 which is accredited by the American Psychological Association (APA), or which is
764 a member of the Association of Psychology Postdoctoral and Internship Centers
765 (APPIC) or the California Psychology Internship Council (CAPIC) and Rregistration
766 with the Board is not required. A formal internship placement that actually began
767 prior to January 1, 2007 that meets the membership requirements of, but is not a
768 member of, APPIC or CAPIC will satisfy the requirements of this section; however,
769 verification of the internship (e.g., proof of internship enrollment on transcript, a
770 copy of the official internship placement with the start and end date) shall be
771 provided to the Board; or

772

773 (B) As an employee of an exempt setting pursuant to section 2910 of the Ceode
774 and Rregistration with the bBoard is not required; or

775

776 (C) As a registered psychological associate pursuant to section 2913 of the Ceode
777 and Rregistration with the Bboard prior to commencing work is required; or

778

779 (D) Pursuant to a Department of Mental Health Wwaiver granted under section
780 (5751.2(d) of the Welfare and Institutions Code) for which registration with the
781 board is not required; however, evidence of an approved waiver shall be provided
782 to the Board.

783

784 (2) Post-doctoral SPE: At least 1500 hours of SPE shall be accrued post-
785 doctorally. "Post-doctorally" means after the date certified as "meeting all the
786 requirements for the doctoral degree" by the Registrar or Dean of the educational

787 institution, or by the Director of Training of the doctoral program. Post-doctoral
788 SPE ~~shall~~ may be accrued only as follows:

789
790 (A) For postdoctoral SPE accrued on or after January 1, 2006, in ~~in~~ a formal post-
791 doctoral training ~~placement~~ program pursuant to section 2911 of the ~~Code~~, which
792 is accredited by the American Psychological Association (APA), or which is a
793 member of the Association of Psychology Postdoctoral and Internship Centers
794 (APPIC) or the California Psychology Internship Council (CAPIC) and ~~R~~ registration
795 with the ~~B~~ board is not required; however, verification of formal post-doctoral
796 training placement (e.g., a copy of the placement contract with the start and end
797 date) shall be provided to the Board; or

798
799 ~~(B) As a registered psychologist pursuant to section 2909(d) of the Code~~
800 ~~and registration with the board prior to commencing work is required;~~ or

801
802 ~~(C) As an employee of an exempt setting pursuant to section 2910 of the Code,~~
803 ~~and registration with the board is not required;~~ or

804
805 ~~(D) As a registered psychological associate pursuant to section 2913 of the~~
806 ~~Code, and registration with the board prior to commencing work is required;~~ or

807
808 (E) Pursuant to a Department of Mental Health Waiver granted under section
809 (5751.2(d) of the Welfare and Institutions Code) for which registration with the
810 board is not required; however, evidence of an approved waiver shall be provided
811 to the Board.

812
813 (b) Supervision Requirements:

814
815 (1) All SPE must be overseen by a primary supervisor.

816
817 (A) All primary supervisors must be licensed psychologists who meet the
818 requirements of section 1387.1(a), except for SPE accrued in areas of general
819 applied psychology, including but not limited to applied psychological research,
820 industrial/organizational psychology, applied developmental psychology or
821 consulting psychology, in which case the primary supervisor may be unlicensed.

822
823 If the primary supervisor is unlicensed, the trainee must obtain a co-supervisor who
824 is a licensed psychologist that meets the requirements of section 1387.1(c).

825
826 (B) The primary supervisor may delegate supervision to other licensed mental
827 health professionals who meet the requirements of section 1387.1(b).

828
829 Primary supervisors shall meet the requirements set forth in section 1387.1.

830 (2) Delegated supervisors shall meet the requirements set forth in section 1387.2.

831
832 (23) Trainees shall have no proprietary interest in the business of the primary or
833 delegated supervisor(s) and shall not serve in any capacity which that would hold
834 influence over the primary or delegated supervisor(s)' judgment in providing
835 supervision.

836
837 ~~(34) Trainees shall be provided with supervision for 10% of the total time. A~~
838 maximum of 40 hours per week can be credited toward SPE. Time spent in
839 supervision can be counted toward the trainee's SPE. worked each week. At least
840 one (1) hour per week shall be face-to-face, must be in real-time, direct, individual
841 supervision with the primary supervisor. Additional supervision can be provided by
842 the primary, delegated, or co-supervisor(s). See table below for supervision
843 requirements.
844

Hours Worked	Within the Hours Worked, Time Spent in Supervision
0-10	1
11-20	2
21-30	3
31-40	4
Total Countable SPE	40

845
846 (5) A maximum of forty four (44) hours per week will be credited toward meeting
847 the SPE requirement. This shall include the required 10% supervision.

848
849 (6) The primary supervisor shall be employed by the same work setting as the
850 trainee and be available to the trainee 100% of the time the trainee is accruing
851 SPE. This availability may be in person, by telephone, by pager or by other
852 appropriate technology.

853
854 (7) Primary supervisors shall ensure that a plan is in place to protect the
855 patient/client in the event a patient/client crisis or emergency occurs during any
856 time the supervisor is not physically present at the established site at which the
857 trainee is working. The primary supervisor shall ensure that the trainee thoroughly
858 understands the plan in the event of a crisis/emergency.

859
860 (48) SPE shall not be obtained from supervisors who have received payment,
861 monetary or otherwise, from the trainee for the purpose of providing such
862 supervision. No supervisor shall request, receive, or facilitate the receipt of
863 payment, monetary or otherwise, from the trainee as a condition for the accrual of
864 SPE.
865

866 (59) SPE Experience gained while the trainee is functioning under another mental
867 health license shall not be credited toward meeting the SPE requirements for
868 licensure. ~~the psychologist's license.~~

869
870 (10) ~~Prior to the start of the experience, the primary supervisor and the supervisee~~
871 ~~shall together prepare an agreement that outlines the structure and sequence of~~
872 ~~the planned program of supervision to accomplish the goals and objectives of the~~
873 ~~experience. Hours accrued prior to preparing such an agreement results in those~~
874 ~~hours not counting toward the licensure requirements. The original agreement shall~~
875 ~~accompany the application for registration, if any, and identify at least the following:~~

- 876 (1) ~~Name, license number and signature of primary supervisor;~~
877 (2) ~~Name and signature of supervisee;~~
878 (3) ~~Statutory authority under which the supervisee will function;~~
879 (4) ~~Start date of the experience and the anticipated completion date;~~
880 (5) ~~Duties to be performed in a sequential structured plan as defined in this~~
881 ~~section;~~
882 (6) ~~Address of the locations at which the duties will be performed;~~
883 (7) ~~Goals and objectives of the plan for SPE, including how socialization into the~~
884 ~~profession will be achieved; and~~
885 (8) ~~How and when the supervisor will provide periodic assessments and feedback~~
886 ~~to the traineesupervisee as to whether or not he or she is performing as~~
887 ~~expected.~~

888 Additionally, the agreement shall reflect that both supervisor and supervisee have
889 discussed and understand each term of SPE as required by the California Code of
890 Regulations.

891
892 (614) Once the SPE outlined in the agreement has been completed, the primary
893 supervisor shall sign and date submit to the traineesupervisee both the agreement,
894 unless previously submitted to the Board pursuant to Section 1387(b)(10), and a
895 verification of experience form VOE (Rev. XX/XX), which is hereby incorporated by
896 reference, signed by the primary supervisor under penalty of perjury, in a sealed
897 envelope, signed across the seal by the primary supervisor, for submission to the
898 Board by the traineesupervisee along with his or herthe trainee's application for
899 licensure. The verification shall certify to completion of the hours consistent with
900 the terms of the agreement and contain the following information:

- 901 (9) Name and contact information of the trainee
902 (10) Name, license number and contact information of the supervisor
903 (11) Start and end date of the experience
904 (12) Total number of hours per week worked by the trainee
905 (13) Total number of supervised hours per week
906 (14) Total number of hours being verified

907
908 The supervisor must indicate, in ~~his or her~~the supervisor's best professional
909 judgment, whether the traineesupervisee demonstrated an overall performance at

910 or above the level of competence expected for the trainee's~~supervisee's~~ level of
911 education, training and experience. When SPE is accrued in a formal pre-doctoral
912 internship or post-doctoral training program, the program's training director shall be
913 authorized to perform the verification and rating duties of the primary supervisor
914 provided that the internship training director is a licensed psychologist who
915 possesses a valid, active license free of any disciplinary action.

916
917 ~~If the SPE is not consistent with the terms of the agreement, or if the~~
918 ~~trainees~~~~supervisee~~ did not demonstrate an overall performance at or above the
919 level of competence expected for the trainee's~~supervisee's~~ level of education,
920 training and experience, then the SPE~~hours accrued shall~~ will not count towards the
921 licensure requirements.

922
923 (7) The trainee shall maintain a written weekly log of all hours of SPE earned
924 toward licensure, in accordance with section 1387.5.

925
926 (8) Failure to comply with the requirements of this section shall be considered
927 unprofessional conduct and may subject the supervisor to disciplinary action.

928
929 (c) ~~Delegated Supervision Requirements:~~

930
931 ~~(1) Except as provided in section 1391.5, which regulates the supervision of~~
932 ~~registered psychological associates, primary supervisors may delegate supervision~~
933 ~~to other qualified psychologists or to other qualified mental health professionals~~
934 ~~including licensed marriage and family therapists, licensed educational~~
935 ~~psychologists, licensed clinical social workers and board certified psychiatrists.~~

936
937 ~~(2) The primary supervisor remains responsible for providing the minimum one~~
938 ~~hour per week of direct, individual face-to-face supervision.~~

939
940 ~~(3) The primary supervisor remains responsible for ensuring compliance with this~~
941 ~~section.~~

942
943 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
944 Sections 2911 and 2914, Business and Professions Code.

945
946 **§ 1387.10 Supervision Requirements for Trainees who have Accrued Hours**

947
948 This section applies to trainees who have completed 3000 hours of supervised
949 professional experience. If an individual has completed all required hours of SPE, they
950 must still comply with the requirements as set forth in Section 1387(c).

951
952 Notwithstanding completion of all required hours of supervised professional experience,
953 all trainees must comply with the requirements of 1387(c).

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§ 1387.1. Qualifications and Responsibilities of Primary Supervisors.

~~All primary supervisors shall be licensed psychologists.~~

(a) Primary supervisors shall comply with all of the following requirements:

(1) Prior to functioning as a primary supervisor and every two (2) years thereafter while acting as a primary supervisor, the supervisor shall complete six (6) hours of approved continuing professional development in supervision that meets the requirements in section 1397.61(c)(2).

(A) Primary supervisors shall certify under penalty of perjury to completion of the six (6) hour course, as required by this section, each time the supervisor completes a verification of the experience as referenced in section 1387(c)(7).

(B) Documentation of the course shall be maintained for six (6) years from the date of completion. Evidence of completion of the course shall be submitted to the Board upon request.

~~(2) Primary supervisors shall possess and maintain a valid, active license free of any current formal disciplinary action that disqualifies the supervisor from providing supervision, and shall immediately notify the traineesupervisee of any disciplinary action, including revocation, surrender, suspension, probation terms, or changes in licensure status including inactive license, delinquent license or any other license status change that affects the primary supervisor's ability or qualifications to supervise.~~

~~(b) Primary supervisors who are licensed by the Board shall complete a minimum of six (6) hours of supervision coursework every two years.~~

~~(1) Primary supervisors shall certify under penalty of perjury to completion of this coursework requirement each time the supervisor completes a verification form as referenced in section 1387(b)(10).~~

~~(3e) Primary supervisors shall be in compliance~~Ensure that all supervisors and trainees comply~~at all times with the provisions of the Psychology Licensing Law and regulations the Medical Practice Act, whichever is applicable, and the regulations adopted pursuant to these laws.~~

~~(d) Primary supervisors shall be responsible for ensuring compliance at all times by the trainee with the provisions of the Psychology Licensing Law and the regulations adopted pursuant to these laws.~~

998 ~~(4e) Primary supervisors shall b~~Be responsible for ensuring that all SPE including
999 ~~record keeping~~ is conducted in compliance with the Ethical Principles of
1000 Psychologists and Code of Conduct ~~of~~published by the American Psychological
1001 Association.

1002
1003 ~~(5f) Primary supervisors shall b~~Be responsible for monitoring the welfare of the
1004 trainee's clients who receive psychological services rendered by the trainees.

1005
1006 ~~(6g) Primary supervisors shall e~~Ensure that each client or patient is informed, prior
1007 to the rendering of services by the trainee (4) that:

1008
1009 (A) tThe trainee is unlicensed and is functioning under the direction and
1010 supervision of the supervisor; ~~(2) that~~

1011
1012 (B) tThe primary supervisor shall have full access to the clienttreatment records; ~~in~~
1013 ~~order to perform supervision responsibilities and (3) that~~

1014
1015 (C) aAny fees associated with services provided by the trainee paid for the
1016 ~~services of the trainee must~~shall be paid directly to the ~~primary supervisor or~~
1017 employer.

1018
1019 ~~(7h) Primary supervisors shall b~~Be responsible for monitoring the performance and
1020 professional development of the trainee, ~~and~~including how and when the
1021 supervisor will provide periodic assessments and feedback to the
1022 traineesupervisee as to whether or not the traineehe or she is performing as
1023 expected.

1024
1025 ~~(i) Primary supervisors shall ensure that they have the education, training, and~~
1026 ~~experience in the area(s) of psychological practice they will supervise.~~

1027
1028 ~~(8j) Primary supervisors shall h~~Have no current or former financial, personal, or
1029 ~~familial, intimate, business relationship with the trainee, or other relationship with~~
1030 ~~the trainee which would~~that could compromise the supervisor's effectiveness,
1031 ~~and/or which would~~that violates the Ethical Principles of Psychologists and Code of
1032 ~~of~~published by the American Psychological Association.

1033
1034 ~~(k) Primary supervisors shall not supervise a trainee who is now or has ever been a~~
1035 ~~psychotherapy client of the supervisor.~~

1036
1037 ~~(l) Primary supervisors shall not exploit trainees or engage in sexual relationships or any~~
1038 ~~other sexual contact with trainees.~~

1039
1040 ~~(9m) Primary supervisors shall require~~Provide the trainees to review with the
1041 pamphlet "Professional Therapy Never Includes SexSexual Behavior."

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~~(10a) Primary supervisors shall m~~Monitor the supervision performance of
~~all~~provided by delegated supervisors.

(11) Be employed or contracted by the same organization as the trainee and be available 100% of the time SPE is being accrued. This availability may be in-person, by telephone, or by other appropriate technology.

(12) Ensure that a crisis plan is in place to protect the client in the event a crisis or emergency occurs during any time the supervisor is not physically present at the location the trainee is working. The primary supervisor shall ensure that the trainee thoroughly understands the crisis plan.

(13) Have the education, training and experience in the areas of psychological practice for which they will supervise, and shall be responsible for supervising the psychological functions performed by the trainee and ensure compliance with the provisions of the Code, the Board's regulations, and the Ethical Principles of Psychologists and Code of Conduct published by ethical standards established by the American Psychological Association pursuant to BPC section 2936.

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

§ 1387.2. Qualifications and Responsibilities of Delegated Supervisors.

(b) A primary supervisor who is a licensed psychologist may delegate supervision to another psychologist, licensed marriage and family therapist, licensed educational psychologist, licensed clinical social worker, licensed professional clinical counselor or board certified psychiatrist. Upon such delegation, the primary supervisor shall maintain responsibility for providing the minimum one (1) hour per week of real-time, direct, individual supervision to the trainee, and ensuring compliance with this section. Supervision may be provided by HIPAA compliant technology. For purposes of this Division 13.1, "real-time" requires the ability to see and hear synchronously, either in physical proximity or remotely in compliance with federal and state laws relating to confidentiality of patient health information.

~~A D~~delegated supervisors shall be qualified psychologists or those other qualified mental health professionals listed in section 1387(c). comply with all of the following requirements:

~~(1) The delegated supervisor(s) shall~~Be employed or contracted byin the same entitywork setting as the trainee.

~~(2a) Delegated supervisors shall have~~Possess and shall maintain a valid, active license free of any ~~current~~formal disciplinary action that disqualifies the supervisor

1086 from providing supervision, and shall immediately notify the trainee and the primary
1087 supervisor of any disciplinary action initiated by the Board from which they receive
1088 their license, including revocation, surrender, suspension, probation terms, or
1089 changes in licensure status including inactive license, or any other license status
1090 change that affects the supervisor's ability or qualifications to supervise.

1091
1092 ~~(3b) Delegated supervisors shall be~~ Be in compliance at all times with the provisions
1093 of the Psychology Licensing Law, and other applicable State licensing laws and the
1094 regulations adopted pursuant to these laws.

1095
1096 (4) Ensure that they have education, training, and experience in the areas of
1097 psychological practice for which they will supervise.

1098
1099 ~~(5e) Delegated supervisors shall be~~ Be responsible for ensuring compliance by the
1100 trainee with the provisions of the Psychology Licensing Law and the regulations
1101 adopted pursuant to these laws.

1102
1103 ~~(6d) Delegated supervisors shall be responsible for e~~ Ensuring that all SPE and
1104 record keeping performed under their supervision delegated to them is conducted
1105 in compliance with the Ethical Principles of Psychologists and Code of Conduct of
1106 published by the American Psychological Association.

1107
1108 ~~(7e) Delegated supervisors shall be responsible for m~~ Monitoring the welfare of the
1109 trainees-clients who receive psychological services rendered by the trainee while
1110 under their delegated supervision.

1111
1112 ~~(8f) Delegated supervisors shall be responsible for m~~ Monitoring and report to the
1113 primary supervisor the performance and professional development of the
1114 trainee and for reporting this performance and development to the primary
1115 supervisor.

1116
1117 ~~(g) Delegated supervisors shall ensure that they have the education, training, and~~
1118 ~~experience in the area(s) of psychological practice to be supervised.~~

1119 (9h) Delegated supervisors shall h Have no current or former financial, personal, or
1120 familial, intimate, business relationship with the trainee, or other relationship with
1121 the trainee which would that could compromise the supervisor's effectiveness,
1122 and/or which would that violates the Ethical Principles of Psychologists and Code of
1123 Conduct of published by the American Psychological Association.

1124
1125 ~~(i) Delegated supervisors shall not supervise a trainee who is now or has ever been a~~
1126 ~~psychotherapy client of the supervisor.~~

1127
1128 ~~(j) Delegated supervisors shall not exploit trainees or engage in sexual relationships, or~~
1129 ~~any other sexual contact with trainees~~

1130
1131 (c) If SPE is obtained in areas of general applied psychology, a licensed co-supervisor
1132 is required if a primary supervisor is not licensed. The co-supervisor shall comply with
1133 all of the following requirements:

1134
1135 (1) Possess and maintain a valid, active license issued by the Board free of any
1136 formal disciplinary action that disqualifies the supervisor from providing supervision
1137 during the period of supervision;

1138
1139 (2) Notify the trainee of any current disciplinary action that disqualifies the co-
1140 supervisor from providing supervision;

1141
1142 (3) Prior to functioning as a co-supervisor and every two (2) years thereafter, the
1143 co-supervisor shall complete six (6) hours of approved continuing education in
1144 supervision that meets the requirements in section 1397.61(c)(1);

1145
1146 (A) Co-supervisors shall certify under penalty of perjury to completion of the six (6)
1147 hour course, as required by this section, each time the co-supervisor completes a
1148 verification of the experience as referenced in section 1387(c)(7); and

1149
1150 (B) Documentation of the course shall be maintained for six (6) years from the date
1151 of completion. Evidence of completion of the course shall be submitted to the
1152 Board upon request.

1153
1154 (4) Monitor the performance and professional development of the trainee and
1155 report this to the primary supervisor;

1156
1157 (5) Have no current or former financial, personal, or familial relationship with the
1158 trainee, or other relationship that could compromise the co-supervisor's
1159 effectiveness, or that violates the Ethical Principles of Psychologists and Code of
1160 Conduct published by the American Psychological Association;

1161
1162 (6) Supervise no more than five (5) trainees at any given time; and

1163
1164 (7) Ensure that all supervisors and trainees comply with the provisions of the
1165 Psychology Licensing Law and regulations.

1166
1167 (d) Interim supervision by a person other than the primary supervisor may be provided
1168 by a person who meets the requirements of section 1387.1(a) for a period not to exceed
1169 thirty (30) consecutive calendar days in the event the primary supervisor is unavailable
1170 for reasons including, but not limited to, illness, injury or vacation. For psychological
1171 associates, interim supervision that is expected to continue for more than thirty (30)
1172 consecutive calendar days requires the psychological associate to add or change the
1173 primary supervisor at that location.

1174
1175 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
1176 Section 2914, Business and Professions Code.
1177

1178 **§ 1387.3. Alternate Plan for Supervised Professional Experience in Non-Mental**
1179 **Health Services.**

1180
1181 This section pertains only to those trainees who are preparing for practice, once
1182 licensed, in the non-mental health areas of the profession of psychology.
1183

1184 Due to lack of training sites and qualified supervisors, typically in the area of applied
1185 psychological research, industrial-organizational psychology, media and social-
1186 experimental psychology, but not including those involving direct mental health services,
1187 trainees in these areas of psychology shall submit a plan for supervised professional
1188 experience to the board for approval on a case-by-case basis as provided for in section
1189 2914(c) of the code. In all such cases, the proposed plan must be submitted by the
1190 supervisee and approved by the board prior to commencement of supervision.
1191 Supervised professional experience (SPE) which is accrued prior to the approval of the
1192 plan will not count towards licensure.
1193

1194 (a) Supervision Plan Required

1195 The proposed supervision plan ("plan") submitted by the trainee for approval shall be
1196 signed by all participants involved. It shall describe the qualifications and responsibilities
1197 of the supervisor (and co-supervisor, if appropriate) for supervision. The plan shall be
1198 developed for and shall demonstrate appropriate preparation of the trainee to practice
1199 effectively in non-mental health services, and within the specific non-mental health
1200 setting. The plan shall address how the quality of work done by the trainee working in a
1201 non-mental health role will be monitored and assure protection of the client. As used in
1202 this section, "trainee" means a psychology trainee working under the provisions of this
1203 section.
1204

1205 (b) Hours and Setting Requirements

1206
1207 (1) Pursuant to section 2914(c) of the code, two years of qualifying SPE shall be
1208 completed and documented prior to licensure. One year of SPE shall be defined as
1209 1500 hours. At least one year of SPE shall be completed postdoctorally. Each year
1210 of SPE shall be completed within a thirty (30) consecutive month period. If both
1211 years of SPE (3000 hours) are completed postdoctorally, they shall be completed
1212 within a sixty (60) month period. Upon showing of good cause as determined by
1213 the board, these specified time limitations may be reasonably modified.
1214

1215 (2) Predoctoral SPE under this section may be accrued only as follows:
1216

- 1217 ~~(A) In a formal internship placement pursuant to section 2911 of the code and~~
1218 ~~registration with the board is not required; or~~
1219
1220 ~~(B) As an employee of an exempt setting pursuant to section 2910 of the code and~~
1221 ~~registration with the board is not required; or~~
1222
1223 ~~(C) As a registered psychological associate pursuant to section 2913 of the code~~
1224 ~~and registration with the board prior to commencing work is required.~~
1225
1226 ~~(3) Postdoctoral SPE may be accrued only as follows:~~
1227
1228 ~~(A) As a registered psychological associate pursuant to section 2913 of the code~~
1229 ~~and registration with the board prior to commencing work is required; or~~
1230
1231 ~~(B) Repealed.~~
1232
1233 ~~(C) As an employee of an exempt setting pursuant to section 2910 of the code and~~
1234 ~~registration with the board is not required.~~

1235
1236 (c) Supervision Requirements

- 1237
1238 ~~(1) The trainee shall be provided with supervision for 10% of the total time worked~~
1239 ~~each month. At least four hours per month shall be face-to-face, direct, individual~~
1240 ~~supervision with the primary supervisor. The plan shall address how the~~
1241 ~~supervision will be provided. The remainder of the 10% may be provided by the~~
1242 ~~delegated supervisor or co-supervisor and may include supervision via electronic~~
1243 ~~means.~~
1244
1245 ~~(2) A maximum of forty four (44) hours per week, including the required 10%~~
1246 ~~supervision, may be credited toward meeting the supervised professional~~
1247 ~~experience requirement.~~
1248
1249 ~~(3) The trainee shall have no proprietary interest in the business of the primary,~~
1250 ~~delegated or co-supervisor and shall not serve in any capacity that would hold~~
1251 ~~influence over the primary, delegated or co-supervisor's judgment in providing~~
1252 ~~supervision.~~
1253
1254 ~~(4) Neither the primary supervisor nor any delegated or co-supervisor shall receive~~
1255 ~~payment, monetary or otherwise, from the trainee for the purpose of providing~~
1256 ~~supervision.~~
1257
1258 ~~(5) The trainee will not function under any other license with the same client or in~~
1259 ~~the same setting during the supervised experience accrued pursuant to the plan.~~
1260

1261 ~~(6) A clear and accurate record of the trainee's supervision shall be maintained.~~
1262 ~~The trainee shall maintain this record in an SPE log pursuant to section 1387.5 but~~
1263 ~~shall also include information relevant to the co-supervisor;~~

1264
1265 ~~(7) Except as provided in section 1391.5(c), a primary supervisor who is a licensed~~
1266 ~~psychologist may delegate supervision pursuant to section 1387.2.~~

1267
1268 ~~(8) If the primary supervisor is unlicensed, the trainee shall also obtain a co-~~
1269 ~~supervisor who meets the requirements of subsection (f).~~

1270
1271 ~~(d) Qualifications and Responsibilities of Primary Supervisors~~

1272 ~~The primary supervisor shall:~~

1273
1274 ~~(1) possess a degree that meets the requirements of section 2914(b) of the code;~~

1275
1276 ~~(2) meet the requirements of section 2913 of the code if supervising a registered~~
1277 ~~psychological associate;~~

1278
1279 ~~(3) if licensed, possess and maintain a valid, active license issued by the board~~
1280 ~~free of any formal disciplinary action during the period of supervision covered by~~
1281 ~~the plan. The primary supervisor shall notify the trainee of any disciplinary action~~
1282 ~~that disqualifies him or her from providing supervision. If not licensed, the primary~~
1283 ~~supervisor shall never have been denied, or possessed a professional license for~~
1284 ~~providing psychological or other mental health services issued by any jurisdiction~~
1285 ~~that was subject to discipline, or surrendered with charges pending;~~

1286
1287 ~~(4) be employed or contracted by the same organization as the trainee;~~

1288
1289 ~~(5) be available to the trainee 100% of the time the trainee is accruing SPE~~
1290 ~~pursuant to the plan. This availability may be in person, through telephone, pager~~
1291 ~~or other appropriate technology(ies);~~

1292
1293 ~~(6) if licensed, complete a minimum of six hours of supervision coursework every~~
1294 ~~two years as described in section 1387.1(b);~~

1295
1296 ~~(7) ensure that all parties work together throughout the training experience to~~
1297 ~~ensure that the trainee will be engaged in duties that are considered doctoral level;~~

1298
1299 ~~(8) maintain ongoing communication between all parties regarding supervisory~~
1300 ~~needs and experiences;~~

1301
1302 ~~(9) ensure that all parties to the plan comply at all times with the provisions of the~~
1303 ~~Psychology Licensing Law or the Medical Practice Act, whichever might apply, and~~
1304 ~~the regulations adopted pursuant to these laws;~~

- 1305
1306 ~~(10) ensure that all SPE accrued under the plan complies with the Ethical~~
1307 ~~Principles and Code of Conduct of the American Psychological Association;~~
1308
1309 ~~(11) monitor the welfare of the trainee's clients;~~
1310
1311 ~~(12) ensure that each client of the trainee is informed prior to rendering of services~~
1312 ~~by the trainee that the trainee is unlicensed and is functioning under the direction~~
1313 ~~and supervision of the primary supervisor;~~
1314
1315 ~~(13) monitor the performance and professional development of the trainee which~~
1316 ~~shall include socialization into the practice of psychology;~~
1317
1318 ~~(14) have the education, training, and experience in the area(s) of psychological~~
1319 ~~practice for which they are providing supervision;~~
1320
1321 ~~(15) have or have had no familial, intimate, sexual, social, or professional~~
1322 ~~relationship with the trainee which could compromise the supervisor's~~
1323 ~~effectiveness, or would violate the Ethical Principles and Code of Conduct of the~~
1324 ~~American Psychological Association;~~
1325
1326 ~~(16) not supervise a trainee who is a current or former client of psychological~~
1327 ~~services provided by the supervisor; and~~
1328
1329 ~~(17) monitor the supervision performance of all delegated supervisors and co-~~
1330 ~~supervisors.~~

1331
1332 ~~(e) Qualifications and Responsibilities of Delegated Supervisors~~
1333 ~~Except as provided in section 1391.5, which regulates the supervision of registered~~
1334 ~~psychological associates, primary supervisors may delegate supervision to other~~
1335 ~~qualified psychologists or to other qualified mental health professionals including~~
1336 ~~licensed marriage and family therapists, licensed educational psychologists, licensed~~
1337 ~~clinical social workers, and board certified psychiatrists.~~

1338
1339 ~~The delegated supervisor shall:~~

- 1340
1341 ~~(1) possess and maintain a valid, active license free of any formal disciplinary~~
1342 ~~action during the period covered by the plan. The supervisor shall notify the trainee~~
1343 ~~of any disciplinary action that disqualifies him or her from providing supervision;~~
1344
1345 ~~(2) be employed or contracted by the same organization as the trainee;~~
1346
1347 ~~(3) be responsible for ensuring compliance by the trainee with the provisions of the~~
1348 ~~Psychology Licensing Law, the licensing laws of the Board of Behavioral Sciences,~~

1349 or the Medical Practice Act, whichever might apply, and the regulations adopted
1350 pursuant to these laws.

1351
1352 (4) ensure that all SPE accrued under the supervision delegated to them complies
1353 with the Ethical Principles and Code of Conduct of the American Psychological
1354 Association;

1355
1356 (5) monitor the welfare of the trainee's clients while under their delegated
1357 supervision;

1358
1359 (6) monitor the performance and professional development of the trainee and is
1360 responsible for reporting this performance and development to the primary
1361 supervisor;

1362
1363 (7) have the education, training, and experience in the area(s) of psychological
1364 practice to be supervised;

1365
1366 (8) have or have had no familial, intimate, social, sexual or professional
1367 relationship with the trainee which could compromise the supervisor's
1368 effectiveness, or would violate the Ethical Principles and Code of Conduct of the
1369 American Psychological Association; and

1370
1371 (9) not supervise a trainee who is now or has ever been a psychotherapy client of
1372 the supervisor.

1373
1374 (f) Qualifications and Responsibilities of the Co-Supervisor (This section only applies
1375 when the primary supervisor is not licensed)

1376 The co-supervisor shall:

1377
1378 (1) possess and maintain a valid, active license issued by the board free of any
1379 formal disciplinary action during the period covered by the plan. The co-supervisor
1380 shall notify the trainee of any disciplinary action that disqualifies him or her from
1381 providing supervision;

1382
1383 (2) complete a minimum of six hours of supervision coursework every two years as
1384 described in section 1387.1(b);

1385
1386 (3) monitor the performance and professional development of the trainee and is
1387 responsible for reporting this performance and development to the primary
1388 supervisor;

1389
1390 (4) not supervise a trainee who is a current or former client of psychological
1391 services provided by the supervisor;

1392

1393 ~~(5) have or have had no familial, intimate, social, sexual or professional~~
1394 ~~relationship with the trainee which could compromise the supervisor's~~
1395 ~~effectiveness, or would violate the Ethical Principles and Code of Conduct of the~~
1396 ~~American Psychological Association;~~

1397
1398 ~~(6) ensure that all parties work together throughout the training experience to~~
1399 ~~ensure that the trainee will be engaged in duties that are considered doctoral level;~~

1400
1401 ~~(7) maintain ongoing communication between all parties regarding supervisory~~
1402 ~~needs and experiences; and~~

1403
1404 ~~(8) not supervise more than five trainees under any section at any given time.~~

1405
1406 NOTE: Authority cited: Section 2930, Business and Professions Code. Reference:
1407 Section 2914, Business and Professions Code.

1408
1409 **§ 1387.4. Out-of-State Jurisdiction Experience Accrued Outside of California, or**
1410 **Within a Federal Agency.**

1411
1412 (a) Except as described in subsection (b), ~~a~~All out-of-state SPE must be:

1413
1414 (1) supervised by a primary supervisor who is a psychologist licensed at the
1415 doctoral level in the state, U.S. United States territory, or Canadian province in
1416 which the SPE is taking place was accrued;

1417
1418 (2) in compliance with all laws and regulations related to the practice of psychology
1419 inef the jurisdiction wherein which the experience was accrued, and

1420
1421 (3) in ~~substantial~~ compliance with all the supervision requirements of section 1387.

1422
1423 Upon an applicant's showing of good cause as determined by the Board, these
1424 specified requirements may be modified.

1425
1426 (b) ~~Supervised professional experience~~SPE can be accrued at a U.S. military
1427 Installation within any federal agency, so long as provided the experience is supervised
1428 by a qualified psychologist licensed at the doctoral level in the U.S. United States or its
1429 territoriesCanada.

1430
1431 ~~(c) SPE can be accrued in countries outside the U.S. or Canada which regulate the~~
1432 ~~profession of psychology pursuant to the same requirements as set forth in section~~
1433 ~~2914 of the code. SPE accrued in countries outside the U.S., its Territories or Canada~~
1434 ~~must comply with all the supervision requirements of section 1387. The burden shall be~~
1435 ~~upon the applicant to provide the necessary documentation and translation that the~~
1436 ~~board may require to verify the qualification of the SPE.~~

1437
1438 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
1439 Section 2914, Business and Professions Code.

1440
1441 **§ 1387.5. SPE Log.**

1442
1443 (a) The trainee shall maintain a typed or legibly written weekly log of all hours of SPE
1444 earned toward licensure. The log shall be made available to the Board upon request
1445 and contain an weekly accounting of the following information and shall be made
1446 available to the board upon request:

- 1447
1448 (1) The specific work setting in which the SPE took place.
1449
1450 (2) The specific dates for which the log is being completed.
1451
1452 (3) The number of hours worked during the week.
1453
1454 (4) The number of hours of supervision received during the week.
1455
1456 (5) An indication of whether the supervision was direct, individual, real-time face-to-
1457 face, group, or other (specifically listing each activity).
1458
1459 (6) ~~An indication of whether the SPE performed that week was satisfactory.~~ A
1460 description of the psychological duties performed during the period of SPE.

1461
1462 (b) ~~This log must also contain the following information:~~

- 1463 (1) ~~The trainee's legibly printed name, signature, and date signed.~~
1464
1465 (2) ~~The primary supervisor's legibly printed name, signature, license type and~~
1466 ~~number, and date signed.~~
1467
1468 (3) ~~Any delegated supervisor's legibly printed name, license type and number.~~
1469 (4) ~~A description of the psychological duties performed during the period of~~
1470 ~~supervised professional experience.~~
1471
1472 (5) ~~A statement signed by the primary supervisor attesting to the accuracy of the~~
1473 ~~information.~~
1474
1475 (9) The primary supervisor's printed name, signature, license type and number,
1476 and date signed.

1477
1478 (c) When SPE is accrued as part of a formal pre-doctoral internship or post-doctoral
1479 placement, the ~~internship~~ training director shall be authorized to provide all information
1480 required in this section 1387.5(b).

1481
1482 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
1483 Section 2914, Business and Professions Code.

1484
1485 **~~§ 1387.6. Registered Psychological Associates.~~**

1486
1487 ~~In order to accrue hours of SPE, a registered psychological associate shall at all times~~
1488 ~~be in compliance with the supervision requirements of section 1387 and with the~~
1489 ~~requirements for registered psychological associates set forth in Article 5.1 of this~~
1490 ~~chapter. A registered psychological associate accruing SPE in a private setting shall~~
1491 ~~submit a plan for SPE to the Board for approval as provided for in section 1387(b)(11).~~
1492 ~~The proposed supervision plan submitted by the registered psychological associate for~~
1493 ~~approval shall be signed by all participants involved. It shall describe the qualifications~~
1494 ~~and responsibilities of the supervisor and/or the delegated supervisor. The plan shall be~~
1495 ~~developed for, and shall demonstrate appropriate preparation of, the registered~~
1496 ~~psychological associate to practice effectively, and within the specific private practice~~
1497 ~~setting. The plan shall address how the quality of work done by the registered~~
1498 ~~psychological associate will be monitored and assure protection of the client.~~

1499
1500 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
1501 Sections 2913 and 2914, Business and Professions Code.

1502
1503 **§ 1388. Examinations.**

1504
1505 (a) The Board recognizes the expertise of the Department of Consumer Affairs' (DCA)
1506 Office of Professional Examination Services (OPES). The Board shall utilize the
1507 services of the OPES in licensing examination development and validation through an
1508 interagency agreement.

1509
1510 (b) An applicant shall successfully take and pass the licensing examinations prior to
1511 being licensed. The licensing examinations shall consist of the Association of State and
1512 Provincial Psychology Boards' (ASPPB) Examination for Professional Practice in
1513 Psychology (EPPP), and the California Psychology Laws and Ethics Examination
1514 (CPLEE), ~~except that the EPPP shall be waived for those applicants who meet the~~
1515 ~~criteria in section 1388.6 of this chapter. Such applicants shall be required to take and~~
1516 ~~pass the CPLEE.~~

1517
1518 (c) An applicant is eligible to take the EPPP upon completion of a qualifying doctorate
1519 degree and 1500 hours of qualifying professional experience. An applicant shall pass
1520 the EPPP and complete all 3000 hours of supervised professional experience prior to
1521 being eligible for the CPLEE, whichever is applicable, pursuant to section 1388.6.

1522
1523 (d) Upon application, the Board will notify applicants of their eligibility to take the
1524 EPPP. Applicants are responsible for completing any administrative requirements for

1525 taking the EPPP established by ASPPB or its agent, including paying any fees. This
1526 subsection applies to those re-taking the EPPP as well as to those taking it for the first
1527 time.

1528
1529 (e) For forms of the EPPP taken prior to September 1, 2001, the passing score is the
1530 score that was recognized by the Board at that time. For computer administered forms
1531 of the EPPP, the Board shall accept the passing score recommended by apply a scaled
1532 score as recommended by ASPPB.

1533
1534 (f) Qualified applicants desiring to take the CPLEE shall submit to the Board the fee
1535 set forth in section 1392 of this chapter. Applicants shall comply with all instructions
1536 established by the DCA examination vendor for taking the CPLEE.

1537
1538 (g) The passing score on the CPLEE shall be determined for each form of the
1539 examination by a criterion referenced procedure performed by OPES.

1540
1541 (h) An applicant for whom English is ~~his or her~~ the applicant's second language may be
1542 eligible for additional time when taking the EPPP and/or the CPLEE. The applicant must
1543 complete and submit a request for additional time that states under penalty of perjury
1544 that English is ~~his or her~~ the applicant's second language. The Test of English as a
1545 Foreign Language (TOEFL) certification score of 85 or below must be sent by
1546 Educational Testing Service directly to the Board. The TOEFL must have been taken
1547 within the previous two years prior to application. The Board will only consider the
1548 highest score of any TOEFL taken within the previous two years. If approved, the
1549 applicant will be allotted time-and-a-half (1.5x) when taking the examination.

1550
1551 Note: Authority cited: Sections 2930 and 2942, Business and Professions Code.
1552 Reference: Sections 123, 496, 2941, 2942, 2943 and 2960, Business and Professions
1553 Code.

1554
1555 **§ 1388.6. License Requirements and Waiver of Examination Satisfaction of**
1556 **Licensure Requirements.**

1557
1558 (a) ~~When a California licensed psychologist has been licensed for at least five years~~
1559 ~~and has allowed his/her license to cancel by not renewing the license for at least three~~
1560 ~~years, the psychologist shall not be required to take the EPPP.~~

1561 If an applicant for licensure as a psychologist has taken and passed the EPPP for
1562 licensure at the doctoral level in another state, Canadian province, or US territory, the
1563 applicant is not required to retake the EPPP, but shall submit documentation of a
1564 passing score on the EPPP.

1565
1566 ~~(ab) If an applicant for licensure as a psychologist has been is currently licensed at the~~
1567 ~~doctoral level and has been so for at least two (2) years in another state, Canadian~~

1568 province, or U.S. territory, for at least two years the applicant shall not be required to
1569 take the EPPPsubmit documentation of a passing score on the EPPP.
1570

1571 (be) An applicant for licensure as a psychologist who holds a Certificate of Professional
1572 Qualification (CPQ) issued by the Association of State and Provincial Psychology
1573 Boards (ASPPB), shall ~~not be required to take the EPPPsubmit documentation of a~~
1574 passing score on the EPPP. Such an applicant shall be deemed to have met the
1575 educational and experience requirements of subdivisions (b), (c) and (ed) of Code
1576 section 2914.
1577

1578 (cd) An applicant for licensure as a psychologist who is credentialed as a Health Service
1579 Provider in Psychology by the National Register of Health Service Providers in
1580 Psychology (NRHSPP) and ~~has been~~who is currently licensed ~~based on a doctoral~~
1581 degreeat the doctoral level in another state, Canadian province, or U.S. territory for a
1582 minimum of two years shall ~~not be required to take the EPPPsubmit documentation of a~~
1583 passing score on the EPPP. Such an applicant shall be deemed to have met the
1584 educational and experience requirements of subdivisions (b), (c) and (ed) of Code
1585 section 2914.
1586

1587 (de) An applicant for licensure as a psychologist who is certified by the American Board
1588 of Professional Psychology (ABPP) and ~~has been~~who is currently licensed ~~based on a~~
1589 doctoral degreeat the doctoral level in another state, Canadian province, or U.S.
1590 territory for a minimum of two years shall ~~not be required to take the EPPPsubmit~~
1591 documentation of a passing score on the EPPP. Such an applicant shall be deemed to
1592 have met the educational and experience requirements of subdivisions (b), (c) and (ed)
1593 of Code section 2914.
1594

1595 (ef) Although the EPPP ~~issome requirements are deemed to have been met~~waived
1596 under this section, an applicant must file a complete application and meet all current
1597 ~~licensing~~licensure requirements not addressed above, including payment of any fees,
1598 take and pass the California Psychology Law and Ethics Examination (CPLEE), and not
1599 been subject to discipline.
1600

1601 Note: Authority cited: Sections 2930 and 2946, Business and Professions Code.

1602 Reference: Section 2946, Business and Professions Code.
1603

1604 **§ 1389. Reconsideration of Examinations.** 1605

1606 (a) ~~There shall be no reconsideration of the grade~~score received on the EPPP or on the
1607 CPLEE.
1608

1609 (b) ~~Nothing in this section shall be construed to deprive an applicant of his or her rights of~~
1610 appeal as afforded by other provisions of law.
1611

1612 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
1613 Sections 2942 and 2944, Business and Professions Code.

1614 **~~§ 1389.1. Inspection of Examinations.~~**

1615
1616 ~~(a) All examination materials, except those owned by an examination service, shall be~~
1617 ~~retained by the board at the board's office in Sacramento for a period of two (2) years after~~
1618 ~~the date of the examination.~~

1619
1620 ~~(b) No inspection is allowed of the written examination administered by the board~~

1621
1622 ~~Note: Authority cited: Section 2930, Business and Professions Code. Reference:~~
1623 ~~Sections 2942 and 2944, Business and Professions Code; and Section 12944,~~
1624 ~~Government Code.~~

1625
1626 **§ 1391. Citation.**

1627
1628 This article may be cited and referred to as the "Registered Psychological Associate
1629 Regulations."

1630
1631 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
1632 Section 2913, Business and Professions Code.

1633
1634 **§ 1391.1. Registration; Limitation of Registration Period.**

1635
1636 ~~(a) Any person who meets the requirements of section 2913 of the Code desiring to~~
1637 ~~supervisemay apply for registration as a registered psychological associate by~~
1638 ~~submittingshall submit an application, on a form PSB 100, entitled "Application For~~
1639 ~~Registration As A Psychological Associate" (New 2021), which is hereby incorporated~~
1640 ~~by reference provided by the Board. If applying for a registration with more than one~~
1641 ~~supervisor, the applicant shall also submit form PSB 101, entitled "Notification To Add~~
1642 ~~Or Change Supervisor Or Service Location For A Psychological Associate" (New 2021),~~
1643 ~~which is hereby incorporated by reference, for each additional supervisor.~~

1644
1645 (b) Registration as a registered psychological associate shall be limited to a cumulative
1646 total of ~~six~~five years (~~60~~72 months). ~~Each~~A registration shall be subject to annual
1647 renewal pursuant to section 1391.12.

1648
1649 ~~(c) For any registered psychological associate registered prior to the effective date of~~
1650 ~~this subdivision~~October 23, 2011, subsequent renewals or registrations shall be limited
1651 to a cumulative total of ~~six~~five years (~~60~~72 months) from the date of the registered
1652 psychological associate's next registration or renewal, whichever occurs first.

1653
1654 (d) Upon showing of good cause as determined by the Board, these specified time
1655 limitations may be reasonably ~~modified~~extended.

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Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.

Reference: Sections 27, 30, 114.5, 115.4, 144, 651, 2913, and 17500, Business and Professions Code.

§ 1391.3. Required Training.

~~Any person who possesses a doctorate degree which will qualify for licensure as a psychologist pursuant to Section 2914 of the code, shall be deemed to have completed "one fully matriculated year of graduate training in psychology" and will be eligible for registration as a registered psychological associate upon compliance with other provisions of Section 2913 of the code.~~

~~Note: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.~~

§ 1391.4. Limited Psychological Functions.

~~As used in Section 2913 of the code, the phrase "limited psychological functions" means those functions which are performed under the direction and supervision of the qualified supervisor pursuant to the American Psychological Association's (APA) January 1, 1997 version of the Guidelines and Principles for Accreditation of Programs in Professional Psychology and the APA Code of Conduct and Ethical Principles.~~

~~Note: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.~~

§ 1391.5. Statement of Purpose; Supervision Required.

(a) ~~A registered psychological associate shall be under the direction and supervision of an individual licensed psychologist who is employed licensed to practice psychology pursuant to Division 2 of the Code. The supervisor must be employed by or contracted within the same setting in which the registered psychological associate is employed performs psychological functions. A licensed psychologist Primary supervisors who areis supervising registered psychological associates must comply with the supervision course requirements set forth in section 1387.1.~~

(b) ~~A psychological associate may receive delegated supervision pursuant to sections 1387.1(b) or (d) and must comply with the requirements set forth in section 1387.2.~~

(c) ~~The supervisor shall provide~~ **registered** ~~psychological associate shall receive a minimum of one (1) hour per week of real-time, direct individual face-to-face supervision from the primary supervisor to the registered psychological associate, unless additional more such~~ supervision is required **pursuant to** Section 1387 **and 1387.10** ~~or by the~~

1699 nature of the psychological functions performed by the psychological
1700 assistant/associate.

1701
1702 (d) Requirements for interim supervision are defined in 1387.1(d).

1703
1704 ~~(c) A registered psychological associate employed by one of the organizations specified~~
1705 ~~in section 2913 of the code may receive delegated supervision pursuant to section~~
1706 ~~1387(c) a qualified psychologist other than the supervisor to whom they are registered if~~
1707 ~~the delegated supervisor is also employed within the same organization. Otherwise,~~
1708 ~~supervision may not be delegated under a registered psychological associate~~
1709 ~~registration.~~

1710
1711 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
1712 Reference: Section 2913, Business and Professions Code.

1713
1714 **§ 1391.6. Supervisor's Responsibility.**

1715
1716 (a) Every supervisor of a registered psychological associate shall ~~have~~ be responsible
1717 ~~for supervising the psychological functions performed by the registered psychological~~
1718 ~~associate and ensuring that the~~ education, training and experience in the areas of
1719 psychological practice for which they will supervise, and shall be responsible for
1720 supervising the psychological functions performed by the psychological associate extent,
1721 ~~kind and quality of the psychological functions performed by the associate are~~
1722 ~~consistent with the supervisor's training and experience, and ensure that the~~
1723 ~~psychological~~ associate complies with the provisions of the code, the ~~B~~board's
1724 regulations, and the Ethical Principles of Psychologists and Code of Conduct published
1725 ethical standards established by the American Psychological Association pursuant to
1726 BPC section 2936.

1727
1728 (b) The supervisor shall ~~inform~~ ensure that each client or patient is informed, prior to the
1729 rendering of services ~~by the registered psychological associate,~~ that the registered
1730 psychological associate is unlicensed and is under the direction and supervision of the
1731 supervisor, ~~as an employee~~ Each client shall also be informed and that the supervisor
1732 shall have access to the client's/patient's chart in fulfilling their supervisory ~~or~~ duties.

1733
1734 (c) The supervisor shall be available to the registered psychological associate 100% of
1735 the time the psychological associate is performing psychological functions. The
1736 availability can be in-person, by telephone, ~~by pager~~ or by other appropriate technology.

1737
1738 (d) The supervisor shall ensure that a plan is in place to protect the ~~patient~~ or client in
1739 the event a ~~patient/client~~ crisis or emergency occurs during any time the supervisor is
1740 not physically present at the established site at which the supervisee/trainee is working.
1741 The supervisor shall ensure that the supervisee/trainee thoroughly understands the plan
1742 in the event a client/patient crisis or emergency occurs.

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(e) The supervisor shall supervise no more than three (3) psychological associates at any given time.

Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
Reference: Section 2913, Business and Professions Code.

§ 1391.8. ~~Employer-Supervisor-Employee~~ Psychological Associate Business Relationship.

(a) No supervisor or employer shall have any familial, intimate, business or other relationship with the psychological associate which would compromise the employer's or supervisor's effectiveness, and/or which would violate the Ethical Principles and Code of Conduct of the American Psychological Association.

~~(b)~~(a) No supervisor or employer of a registered psychological associate may charge a psychological associate a fee or otherwise require monetary payment in consideration for the employment or supervision provided of a registered psychological associate.

(c) The supervisor or employer shall supply all provisions necessary to function as a registered psychological associate.

~~(d)~~(b) The registered psychological associate shall have no proprietary interest in the business of the supervisor or the employer.

~~(e)~~(e) The registered psychological associate shall not rent, lease, sublease, or lease-purchase office space from any entity for purposes of functioning as a registered psychological associate.

Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
Reference: Section 2913, Business and Professions Code.

§ 1391.11. ~~Notification of Termination.~~ Change of Primary Supervisor or Location

(a) A psychological associate shall notify the Board in writing, a request for any change or addition of a primary supervisor, on form PSB 101 (New 2021), entitled "Notification To Add Or Change Supervisor Or Service Location For A Psychological Associate", incorporated by reference in 1391.1. Board approval of the request is required prior to rendering psychological services under the supervision of the new primary supervisor.

(b) Within thirty (30) days after the termination of the supervision between a primary supervisor and the employment of a psychological associate, or any change or addition of the location where services are being rendered by a psychological associate with the same primary supervisor, the employer/psychological associate shall notify the Board

1787 ~~in writing~~ of such termination or change, on form PSB 101 (New 2021) setting forth the
1788 ~~date thereof.~~

1789

1790 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.

1791 Reference: Sections 27, 30, 114.5, 115.4, 135.4, 144, 651, 2913, and 17500, Business
1792 and Professions Code.

1793

1794 **§ 1391.12. Registered Psychological Associate Renewals.**

1795

1796 (a) A ~~new~~ registration shall expire annually, beginning one year after issuance. The
1797 registration of a registered psychological associate shall be renewed ~~by the employer~~
1798 annually, on or before its expiration, and the following information shall be provided:

1799

1800 (1) Name and registration number of the psychological associate, registration
1801 expiration date, and renewal amount;

1802

1803 (2) Disclosure of whether the psychological associate has been convicted or has
1804 had a license or registration disciplined since the associate's last renewal;

1805

1806 (3) Disclosure of whether the psychological associate has complied with the
1807 fingerprint requirements and submitted a full set of electronic fingerprints to the
1808 Department of Justice;

1809

1810 (4) Telephone number and electronic mail address (if any) of the psychological
1811 associate; and

1812

1813 (5) A signed declaration under penalty of perjury that the information provided is
1814 true and correct.

1815

1816 (b) The annual renewal fee required in section 1392.1 must be submitted to renew the
1817 registration. A registration renewed 30 days after its expiration must be accompanied by
1818 the delinquency fee required in section 1392.1 in order to be renewed.

1819

1820 (c) A registered psychological associate who has been registered with the Board but
1821 whose registration has expired and has not been renewed ~~by the employer~~ shall not
1822 function as a registered psychological associate.

1823

1824 ~~(d) A registered psychological associate employed and registered by more than one~~
1825 ~~employer shall have their registration renewed by each employer.~~

1826

1827 (de) A registration not renewed by the psychological associate within 60 days after its
1828 expiration shall become void be cancelled and shall not be reinstated and a new
1829 application for registration shall be submitted by the employer. A new registration must
1830 be obtained to perform psychological functions as a registered psychological associate.

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Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
Reference: Section 2913, Business and Professions Code.

Agenda Item 20: Consideration of Public Hearing Testimony and Written Comments and Responses and Possible Adoption of 16 CCR §§ 1381.9, 1381.10, 1392 Related to Retired License, Renewal of Expired License, and Psychologist Fees

Mr. Glasspiegel provided an update to this item. He clarified that although SB 1193 gave the Board statutory authority to issue a retired license it did not specify all the provisions needed. This package was noticed for the initial 45-day comment period on October 15, 2021, and the comment period for this rulemaking file ended on November 30, 2021.

He stated that one comment was received through the DCA complaint line and was included in the meeting materials. The regulatory hearing for the package took place on December 1, 2021. There were no attendees, and no comments were submitted.

Mr. Glasspiegel stated the next steps that would be taken; staff would compile the comments in the final Statement of Reasons and suggest that a single acknowledgement of the comment above will suffice. He provided the action requested by staff was that the Board consider the comments received, provide any feedback as deemed necessary, and adopt the language for CCR Section 1381.9, 1381.10 and 1392 as it was noticed and delegate to the Executive Officer the authority to make any technical, non-substantive changes required by the control agencies as this regulation is finalized.

Mr. Glasspiegel provided context regarding the \$75 fee and stated that it was reflective of the cost to the Board and had been justified as a part of the regulatory package. He referenced 1381.10 which stated the specificities involved with reactivating a retired license as well as additional requirements listed. He stated that the related documents began on page 120 in the meeting materials.

M(Harb Sheets) /S(Foo)/C to adopt the regulatory package as presented, including the forms and fees and delegate to staff the task of making any non-substantive changes determined necessary.

Public comment

Discussion ensued on a general example of how a retired license would work including how one could reactivate a license from retired status and the fee involved.

1874 Votes: 9 Ayes, (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1875 Rodgers, Tate), 0 Noes

1876

1877 **Agenda Item 21: Consideration of Public Hearing Testimony and Written**
1878 **Comments and Responses and Possible Adoption of 16 CCR § 1392 Concerning**
1879 **Psychologist Fees – California Psychology Law and Ethics Examination (CPLEE)**
1880 **and Initial License and Biennial Renewal Fee**

1881

1882 Mr. Glasspiegel introduced the item, the lack of any fee increases since 1992, and the
1883 subsequent structural imbalance which led to the proposed increase of fees up to the
1884 statutory cap. He stated that the Board is looking at an internal fee study to determine
1885 the appropriate application and renewal fees for licensees.

1886

1887 Mr. Glasspiegel clarified that the package was noticed for the initial 45-day comment
1888 period on December 17, 2021, and that the comment period for the rulemaking ended
1889 January 31, 2022. He stated that three comments were received opposing a fee
1890 increase, which were attached in the meeting materials. The hearing for this item took
1891 place on February 17, 2022, and there were no comments received.

1892

1893 He provided the staff recommendation that the Board consider the written comments
1894 received prior to the hearing, within the 45-day comment period, provide feedback for
1895 responses as to whether the text should be modified in response to those comments
1896 and direct any requested modifications to the text to staff to complete. If no changes to
1897 the text are necessary, staff requests that the Board adopt 16 CCR Section 1392, which
1898 is the regulatory text as it was noticed, delegate to the Executive Office for the authority
1899 to make any technical or non-substantive changes required by the control agencies as
1900 this regulation is finalized.

1901

1902 Discussion ensued related to cost recovery of enforcement and how those amounts
1903 could influence the Board budget. Dr. Harb Sheets noted the financial self-sufficiency of
1904 the Board and asked how cost recovery of enforcement could help.

1905

1906 Mr. Glasspiegel stated cost recovery is not a steady and reliable number and those
1907 numbers could not be relied upon. He provided further context on the process of
1908 collecting cost recovery and how it compares to more reliable incoming funds.

1909

1910 It was M(Foo)/ S(Casuga)/C to not make any changes to the text in response to the
1911 comments received, to accept the proposed responses from staff, and to adopt Sections
1912 1392 and 1392.1 as well as delegating to the Executive Officer the authority to make
1913 any technical and non-substantive changes required by control agencies as this
1914 regulatory package is being finalized.

1915

1916 Public Comment

1917

1918 No further Board and no public comments were offered.

1919

1920 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1921 Rodgers, Tate), 0 Noes.

1922

1923 **Agenda Item 22: Legislative and Regulatory Committee Update**

1924

1925 a) Status of two-year bill Matrices

1926

1927 Dr. Cervantes introduced this item and referenced the materials which began on page
1928 147 of the combined packet.

1929

1930 Ms. Costa provided an information-only update to this item which included a list of two-
1931 year bills that the Board monitored in the 2021 legislative year.

1932

1933 She stated that the Board sponsored bill SB 401 was in the Assembly Business,
1934 Professions, and Economic Development Committee and was anticipated to be heard in
1935 April. Ms. Costa provided an update that Ms. Sorrick had sent technical amendments for
1936 SB 401 which reflected existing language from SB 801, namely, the removal of
1937 gendered language, and references to Registered Psychological Associate instead of
1938 the previous category of Psychological Assistant.

1939

1940 No Board or public comment was offered.

1941

1942 b) Legislative Items for Future Meeting. The Board May Discuss Other Items of
1943 Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future
1944 Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to
1945 Discuss Such Items Pursuant to Government Code Section 11125.4

1946

1947 Dr. Cervantes introduced this item.

1948

1949 Ms. Sorrick stated that Board and staff had been providing technical assistance with the
1950 language in California Psychological Association's testing technicians bill as well. The
1951 Board was also monitoring AB-1733 which would extend the Bagley-Keene open
1952 meetings waiver provisions to allow for remote meetings and that the bill would be
1953 placed on the Legislative and Regulatory Affairs Committee agenda.

1954

1955 Discussion ensued regarding the regulatory process and how changes would be
1956 implemented.

1957

1958 There was no further Board or public comment offered.

1959

1960 c) Regulatory Update (M. Cervantes)

- 1961 1. 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
1962 1391.12, 1392.1 – Registered Psychological Associates
1963 2. 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
1964 Professional Development
1965 3. 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant
1966 Registration and Reactivating a Psychological Assistant Registration
1967 4. 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to
1968 Substance-Abusing Licensees

1969
1970 Dr. Cervantes introduced this item and noted that the listed items had all been
1971 previously discussed and approved by the Board and that this was information only with
1972 no action required.

1973
1974 Mr. Glasspiegel provided this update and noted item 22(c)(3) regarding Continuing
1975 Professional Development. He stated that staff was working with the Office of
1976 Administrative Law to change the effective date of the package to be in 2023 and that
1977 there would be a 15-day notice prior to the April 29, 2022, Board Meeting.

1978
1979 Discussion ensued regarding how implementation could work with various theoretical
1980 scenarios presented. This discussion included general comment regarding the lengthy
1981 process of drafting and implementing regulatory changes from Dr. Elizabeth Winkelman
1982 and Dr. Jo Linder Crow (both representatives of CPA), Dr. Marilyn Immoos, CDCR, Mr.
1983 Glasspiegel, Ms. Sorrick, Ms. Hoganson, and Dr. Cervantes.

1984
1985 There was no further Board or public comment offered.

1986
1987 **Agenda Item 23: Enforcement Unit Report**

1988
1989 This update was provided by Mr. Jonathan Burke which he noted was included on page
1990 155 of the combined materials.

1991
1992 Dr. Cervantes complimented the way the materials had been organized for ease of
1993 viewing.

1994
1995 There was no further Board or public comment offered.

1996
1997 **Agenda Item 24: Enforcement Committee Report and Consideration of and**
1998 **Possible Action on Committee Recommendations**

1999
2000 Dr. Phillips, Chair of the Enforcement Committee, introduced this item and provided a
2001 summary of the efforts over the prior few years of the committee to overhaul the
2002 enforcement statutes and regulations to make them more uniform and consistent.

2003

2004 Dr. Phillips stated that the focus of the update would be on statutory language and
2005 began with section 2902, item 24(6), listed below.

2006
2007 Statutory and Regulatory Update, Review, and Consideration of Additional Changes
2008 1. 16 CCR Section 1380.6 – Display of License Number
2009 2. 16 CCR Sections 1393 – Requirements for Psychologists on Probation
2010 3. 16 CCR Sections 1396 – Competence; 1396.1 – Interpersonal Relations; 1396.2
2011 – Misrepresentation; 1396.3 – Test Security; 1396.4 – Professional Identification;
2012 1396.5 – Consumer Information; 1397 – Advertising; 1397.1 – Child Abuse Reporting
2013 requirements; 1397.2 – Other Actions Constituting Unprofessional Conduct
2014 4. 16 CCR Sections 1397.30 – Citation; 1397.36 – Requirements for Professional
2015 Corporations; 1397.37 – Shares: Ownership and Transfer; 1397.39 – Corporate
2016 Activities; 1397.40 – Trusts
2017 5. 16 CCR Sections 1397.50 – Citations and Fines; 1397.51 – Amount of Fines;
2018 1397.52 – Compliance with Orders of Abatement; 1397.53 – Citations for Unlicensed
2019 Practice; 1397.54 – Contest of Citations; 1397.55 – Disconnection of Telephone Service
2020 6. BPC Sections 2902 – Definitions; 2903 – Licensure requirement; Practice of
2021 psychology; Psychotherapy; 2903.1 – Biofeedback instruments; 2908 – Exemption of
2022 other professions; 2912 – Temporary practice by licensees of other state or foreign
2023 country

2024
2025 Dr. Harb Sheets commented to the effect that language should be consistent with
2026 section 2902 (c) with the updated language from the Boards Pathways to Licensure
2027 discussions. This was agreed to by staff.

2028
2029 Dr. Phillips continued to section 2912, and Mr. Burke read the language. Dr. Phillips
2030 noted that the Board had previously sought to have this section included in Sunset but
2031 that it was considered a substantive change and was being revisited.

2032
2033 There was no Board comment offered.

2034
2035 7. BPC Section 2934.1 – Posting of license status on Web site

2036
2037 Dr. Phillips introduced this item.

2038
2039 Discussion ensued regarding the posting of licenses and how that would work related to
2040 telehealth practice. It was determined that this would typically be provided within the
2041 informed consent period and could be given in writing to any client being treated via
2042 telepsychology.

2043
2044 There was no further Board comment offered.

2045
2046 8. BPC 2936 – Consumer and professional education in matters relevant to ethical
2047 practice; Standards of ethical conduct; Notice

2048
2049 Dr. Phillips introduced this item and asked that Mr. Burke read the language listed in the
2050 meeting materials, which was done.

2051
2052 There was no Board comment offered.

2053
2054 9. BPC Sections 2960 – Grounds for action; 2960 (a)-(r) (o); 2960.05 – Limitations
2055 period for filing accusation against licensee; 2960.1 – Sexual contact with patient;
2056 Revocation; 2960.2 – Licensee’s physical, emotional and mental condition evaluated;
2057 2960.5 – Mental illness or chemical dependency; 2960.6 – Actions by other states;
2058 2961 – Scope of action; 2962 – Petition for reinstatement or modification of penalty;

2059
2060 Dr. Phillips introduced 2962 and asked Mr. Burke to read the language listed in the
2061 meeting materials, which was done.

2062
2063 There was no Board comment offered.

2064
2065 2963 – Matters deemed conviction;
2066 2964 – Report of license revocation or restoration;

2067
2068 Dr. Phillips introduced 2964 and asked Mr. Burke to read the language listed in the
2069 meeting materials, which was done.

2070
2071 There was no Board comment offered.

2072
2073 2964.3 – Persons required to register as sex offender;

2074
2075 Dr. Phillips introduced this item.

2076
2077 Discussion ensued between Dr. Phillips and Dr. Harb Sheets that the strikeout of “or
2078 registration” should be removed.

2079
2080 Dr. Phillips stated his belief that it was the consensus of the Board, based on previous
2081 discussion regarding regulatory sections related to CPD, that the Board would prefer a
2082 distinction to be made between a Licensed Psychologist and a Registrant in a way that
2083 was evident to the consumer when reading either statutes or the regulations.

2084
2085 It was determined that staff would revisit the document and make sure corrections were
2086 made and cleared through management and legal counsel.

2087
2088 2964.5 – Conditions of probation or suspension; 2964.6 – Payment of probationary
2089 costs; 2965 – Conduct of proceedings; 2966 – Suspension during incarceration for
2090 felony conviction; Determination of substantial relationship of felony to functions of
2091 psychologist; Discipline or denial of license;

2092
2093 2969 – Penalties for failure to provide medical records; Failure to comply with court
2094 order; Multiple acts
2095
2096 Dr. Phillips introduced 2969 and asked Mr. Burke to read the language listed in the
2097 meeting materials, which was done.
2098
2099 Ms. Sorrick provided background on this section at the request of Dr. Phillips. She
2100 stated that the intent of this revisions had been to reorganize the section and that no
2101 changes were substantive.
2102
2103 Discussion ensued and small errors were caught and corrected.
2104
2105 No further Board comment was offered.
2106
2107 10. BPC Sections 2970 – Violation of chapter as misdemeanor; 2971 – Injunctions
2108 11. BPC 2985 – Renewal of suspended licenses; Reinstatement of revoked licenses,
2109
2110 2986 – Effect of failure to renew within prescribed time
2111
2112 Dr. Phillips introduced 2986 and asked Mr. Burke to read the language listed in the
2113 meeting materials, which was done.
2114
2115 Dr. Phillips asked if any member of the Board disagreed with the idea of making a
2116 distinction between “Licensee” and “Registered Psychological Associate” with a stated
2117 difference between a license and registration.
2118
2119 There was no Board comment offered which was taken as confirmation of a consensus.
2120
2121 Ms. Bon stated that this clarified that the change would be global and to specify the
2122 distinction between licensee and registrant in every instance to express the intent.
2123
2124 It was M/(Foo)S/(Tate)/C that the Board approve the Enforcement Committee’s
2125 recommended changes to the Business and Professions Code Sections related to
2126 enforcement, delegate to staff to make any technical and non-substantive changes
2127 based on the meeting discussion and to direct staff to seek an author for the proposed
2128 language.
2129
2130 Public comment
2131
2132 Discussion ensued regarding proposed changes to section 2912 and the 30-day non-
2133 consecutive, versus consecutive practice rules for out of state licensees.
2134

2135 Dr. Elizabeth Winkelman, CPA, stated that while CPA did not have an official position
2136 related to 2912, she felt that it deserved more discussion related to the balance of
2137 consumer protection versus access to care.
2138

2139 Dr. Casuga commented that psychological services not only included therapy but also
2140 included assessments which would be important to consider in the discussion.
2141

2142 Dr. Harb Sheets stated that the changes in 2912 were intended to clarify language that
2143 already existed and not change current practice. This was confirmed by Dr. Phillips and
2144 Mr. Glasspiegel.
2145

2146 Discussion continued regarding possible implications of 30-Day consecutive versus
2147 non-consecutive practice and both the Licensing and Enforcement units were not aware
2148 of any issue having arisen due to the language.
2149

2150 There was no further Board or public comment offered.
2151

2152 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
2153 Rodgers, Tate), 0 Noes
2154

2155 Dr. Phillips continued with the second part of item 24 and a second motion was made to
2156 address the consideration and possible action on the Committee's recommendation.
2157

2158 It was M/(Tate)S/(Harb Sheets)/C to approve the Committee's recommended changes
2159 to the California Code of Regulations related to enforcement, to begin the rulemaking
2160 process and to designate to staff and the Executive Officer to make any technical, non-
2161 substantive changes; If no adverse comments are received during the 45-day comment
2162 period on any requested hearing, authorize the Executive Officer to take all necessary
2163 steps and to direct staff to make the conforming changes with "Licensee" and
2164 "Registrant" as discussed in this meeting today.
2165

2166 Public comment
2167

2168 Discussion ensued which included comment regarding allowed advertising for
2169 Registered Psychological Associates. Different points of view were presented regarding
2170 advertising and the pros and cons of allowed advertising.
2171

2172 Ms. Cheung clarified that this subject had come up in discussion within a Licensure
2173 Committee meeting regarding the specific restrictions on advertisement of services.
2174

2175 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
2176 Rodgers, Tate), 0 Noes
2177

2178 12. BPC Section 2995 – Psychological corporation, 2996 – Violation of
2179 unprofessional conduct, 2996.1 – Conduct of practice, 2996.2 – Accrual of income to
2180 shareholder while disqualified prohibited, 2997 – Shareholders, directors and officers to
2181 be licensees, 2998 – Name, 2999 – Regulation by committee

2182
2183 Item 24(12) was not taken up in the meeting and will be discussed at a future Board
2184 meeting.

2185
2186 The BPC language adjustments for Item 24 are as follows:

2187
2188 **BUSINESS AND PROFESSIONS CODE - BPC**
2189 **DIVISION 2. HEALING ARTS [500 - 4999.129]**
2190 *(Division 2 enacted by Stats. 1937, Ch. 399.)*

2191
2192 **CHAPTER 6.6. Psychologists [2900 - 2999]**
2193 *(Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.)*

2194
2195
2196 **ARTICLE 1. General Provisions [2900 - 2919]**
2197 *(Article 1 added by Stats. 1967, Ch. 1677.)*

2198
2199
2200 **2902.**

2201 ~~As used in this chapter~~For the purposes of this chapter, unless the context clearly
2202 requires otherwise and except as in this chapter expressly otherwise provided, the
2203 following definitions apply:

2204 (a) "Licensed psychologist" means an individual to whom a license has been issued
2205 pursuant to the provisions of this chapter, which license is in force and has not been
2206 suspended or revoked.

2207 (b) "License" means a psychologist license or a registration issued by the board.

2208 (c) "Licensee" means a licensed psychologist or a registered psychological associate
2209 regulated by the board.

2210 (d) "Client" means a patient or recipient of psychological services.

2211 (e)(b) "Board" means the Board of Psychology.

2212 (f)(c) A person represents himself or herself themselves to be a psychologist when the
2213 person holds himself or herself themselves out to the public by any title or description of
2214 services incorporating the words "psychology," "psychological," "psychologist,"
2215 "psychology consultation," "psychology consultant," "psychometry," "psychometrics," or
2216 "psychometrist," "psychotherapy," "psychotherapist," "psychoanalysis," or
2217 "psychoanalyst," or when the person holds himself or herself themselves out to be trained,
2218 experienced, or an expert in the field of psychology.

2219 (d) "Accredited," as used with reference to academic institutions, means the University
2220 of California, the California State University, or an institution that is accredited by a

2221 national or an applicable regional accrediting agency recognized by the United States
2222 Department of Education.
2223 ~~(e) "Approved," as used with reference to academic institutions, means an institution~~
2224 ~~having "approval to operate," as defined in Section 94718 of the Education Code.~~
2225 ~~(Amended by Stats. 2004, Ch. 695, Sec. 19. Effective January 1, 2005.)~~
2226

2227 [February 25, 2020] [Reviewed 4-30-2021]

2228
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§ 2903. Licensure requirement; Practice of psychology; Psychotherapy

2230 (a) No person may engage in the practice of psychology, or represent himself
2231 or herself themselves to be a psychologist, without a license granted under this chapter,
2232 except as otherwise provided in this chapter. The practice of psychology is
2233 defined as rendering or offering to render to individuals, groups, organizations,
2234 or the public any psychological service involving the application of psychological
2235 principles, methods, and procedures of understanding, predicting, and
2236 influencing behavior, such as the principles pertaining to learning, perception,
2237 motivation, emotions, and interpersonal relationships; and the methods and
2238 procedures of interviewing, counseling, psychotherapy, behavior modification,
2239 and hypnosis; and of constructing, administering, and interpreting tests of
2240 mental abilities, aptitudes, interests, attitudes, personality characteristics,
2241 emotions, and motivations.

2242
2243 (b) The application of these principles and methods includes, but is not
2244 restricted to: assessment, diagnosis, prevention, treatment, and intervention
2245 to increase effective functioning of individuals, groups, and organizations.

2246 (c) Psychotherapy within the meaning of this chapter means the use of
2247 psychological methods in a professional relationship to assist a person or
2248 persons to acquire greater human effectiveness or to modify feelings, conditions,
2249 attitudes, and behaviors that are emotionally, intellectually, or socially
2250 ineffectual or maladaptive.

2251 Added Stats 1967 ch 1677 § 2. Amended Stats 1973 ch 658 § 1; Stats 1978 ch 1208 §
2252 2; Stats 2001
2253 ch 728 § 24.2 (SB 724); Stats 2015 ch 529 § 1 (AB 1374), effective January 1, 2016.

2254

2255 [12/18/2019] [Reviewed 4-30-2021]

2256
2257

2908.

2259 Nothing in this chapter shall be construed to prevent qualified members of other
2260 recognized professional groups licensed to practice in the State of California, such as,
2261 but not limited to, physicians, clinical social workers, educational psychologists,
2262 marriage and family therapists, optometrists, psychiatric technicians, or registered
2263 nurses, or attorneys admitted to the California State Bar, or persons utilizing hypnotic
2264 techniques by referral from persons licensed to practice medicine, dentistry or

2265 psychology, or persons utilizing hypnotic techniques which offer avocational or
2266 vocational self-improvement and do not offer therapy for emotional or mental disorders,
2267 or duly ordained members of the recognized clergy as defined in Welfare and
2268 Institutions Code Section 15610.19, or duly ordained religious practitioners from doing
2269 work of a psychological nature consistent with the laws governing their respective
2270 professions, provided they do not hold themselves out to the public by any title or
2271 description of services incorporating the words “psychological,” “psychologist,”
2272 “psychology,” “psychometrist,” “psychometrics,” or “psychometry,” or that they do not
2273 state or imply that they are licensed to practice psychology; except that persons
2274 licensed under Article 5 (commencing with Section 4986) of Chapter 13 of Division 2
2275 may hold themselves out to the public as licensed educational psychologists.
2276 *(Amended by Stats. 2002, Ch. 1013, Sec. 10. Effective January 1, 2003.)*
2277

2278 [12/18/2019] [Reviewed 4-30-2021]

2279

2280

2281 **2912.**

2282 Nothing in this chapter shall be construed to restrict or prevent a person with a current
2283 and active license ~~who is licensed~~ as a psychologist at the doctoral level in another state
2284 or territory of the United States or in Canada from offering psychological services in this
2285 Sstate for a period not to exceed no more than 30 days, consecutive or nonconsecutive,
2286 in any calendar year. Practice for any part of a day is considered a full day for the
2287 purposes of this section.

2288 This section does not apply to either a licensee with an inactive or suspended license or
2289 an individual whose license has been revoked or denied by, or surrendered to, the
2290 board.

2291 *(Amended by Stats. 2005, Ch. 658, Sec. 4. Effective January 1, 2006.)*

2292

2293 [12/18/2019] [Reviewed 4-30-2021]

2294

2295

2296 **2934.1.**

2297 ~~(a) The board may post on its Internet Web site~~ website ~~the following~~ information on the
2298 ~~current status of the license for all current and former licensees, including the following:~~

2299 ~~(1a) Whether or not the licensee has a~~ Any record of a disciplinary action.

2300 ~~(2b) Any of the following enforcement actions or proceedings against the licensee:~~

2301 ~~(A1) Temporary restraining orders.~~

2302 ~~(B2) Interim suspension orders.~~

2303 ~~(C3) Penal Code Section 23 orders restricting licensed activity.~~

2304 ~~(D4) Revocations, suspensions, probations, public letters of reproof, or limitations on~~
2305 ~~practice ordered by the board or by a court with jurisdiction in the state, including those~~
2306 ~~made part of a probationary order, cease practice order, or stipulated agreement~~
2307 ~~settlement.~~

2308 (~~D~~5) Accusations or petitions to revoke filed by the board, including those accusations
2309 that are on appeal, excluding ones that have been dismissed or withdrawn where the
2310 action is no longer pending.
2311 (6) Decisions by the board on petitions for early termination or modification of probation
2312 and petitions for reinstatement.
2313 (~~E~~7) Citations issued by the board, Unless withdrawn, ~~citations shall be posted for five~~
2314 years from the date of issuance.
2315 (~~b~~c) The board may also post on its ~~Internet Web site~~ website all of the following
2316 historical information in its possession, custody, or control regarding all current and
2317 former licensees:
2318 (1) Institutions that awarded the qualifying educational degree and type of degree
2319 awarded.
2320 (2) A link to the licensee's professional ~~Internet Web site~~ website. Any link that provides
2321 access to a licensee's professional ~~Internet Web site~~ website, once clicked, shall be
2322 accompanied by a notification that informs the ~~Internet Web site~~ website viewer that
2323 they are no longer on the board's ~~Internet Web site~~ website.
2324 (~~e~~d) The board may also post other information designated by the board in regulation.
2325 (*Added by Stats. 2016, Ch. 484, Sec. 9. (SB 1193) Effective January 1, 2017.*)
2326

2327 [1/15/2020] [Reviewed 4-30-2021] [EC Reviewed 11/12/21]

2328

2329

2330 **2936.**

2331 The board shall adopt a program of consumer and professional education in matters
2332 relevant to the ethical practice of psychology. The board shall establish as its standards
2333 of ethical conduct relating to the practice of psychology, the "Ethical Principles of
2334 Psychologists and Code of Conduct" published by the American Psychological
2335 Association (APA). ~~The board shall apply those standards shall be applied by the board~~
2336 as the accepted standard of care in all licensing examination development and in all
2337 board enforcement policies and disciplinary case evaluations.

2338 To ~~facilitate help~~ help consumers in ~~receiving~~ appropriate psychological services, all
2339 licensees ~~and registrants shall be required to post~~, in a conspicuous location in their
2340 principal psychological business office if any, and in their informed consent agreement,
2341 a notice which reads as follows:

2342

2343 "NOTICE TO CONSUMERS: The Department of Consumer Affairs' Board of
2344 Psychology receives and responds to questions and complaints regarding the practice
2345 of psychology. If you have questions or complaints, you may contact the board by email
2346 at bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov, by calling 1-866-
2347 503-3221, or by writing to the following address:

2348 Board of Psychology
2349 1625 North Market Boulevard, Suite N-215
2350 Sacramento, California 95834”

2351
2352 *(Amended by Stats. 2014, Ch. 316, Sec. 10. (SB 1466) Effective January 1, 2015.)*

2353 [November 4, 2019] [EC reviewed 11/12/21]
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2355

2356 **2960.05.**

2357 (a) Except as provided in subdivisions (b), ~~(c), and (e)~~, any accusation filed against a
2358 licensee pursuant to Section 11503 of the Government Code shall be filed within ~~three~~
2359 five years from the date the board discovers initiates an investigation of the alleged act
2360 or omission that is the basis for disciplinary action, or within seven years from the date
2361 the alleged act or omission that is the basis for disciplinary action occurred, whichever
2362 occurs first.

2363 (b) Exceptions to the limitations in subdivision (a) are as follows:

2364 (1) An accusation filed against a licensee pursuant to Section 11503 of the Government
2365 Code alleging the procurement of a license by fraud or misrepresentation is not subject
2366 to the limitations set forth in subdivision (a).

2367 ~~(e2)~~ An accusation filed against a licensee pursuant to Section 11503 of the
2368 Government Code alleging sexual misconduct shall be filed within 10 years after the
2369 alleged act or omission occurred.

2370 ~~The limitation provided for by subdivision (a) shall be tolled for the length of time~~
2371 ~~required to obtain compliance when a report required to be filed by the licensee or~~
2372 ~~registrant with the board pursuant to Article 11 (commencing with Section 800) of~~
2373 ~~Chapter 1 is not filed in a timely fashion.~~

2374 (c) Instances in which any limitation period referenced in this section is tolled:

2375 (1) If an alleged act or omission that is the basis for disciplinary action involves a minor,
2376 any limitation period referenced in this section the seven-year limitations period
2377 provided for by subdivision (a) and the 10-year limitations period provided for by
2378 subdivision (e) shall be tolled is tolled until the minor reaches the age of majority
2379 pursuant to Section 6502 of the Family Code.

2380 (2) If a licensee fails to file a report with the board pursuant to Article 11 (commencing
2381 with Section 800) of Chapter 1, any limitation period referenced in this section is tolled
2382 until the licensee complies with reporting requirements.

2383 ~~(d)~~

2384 ~~(e) An accusation filed against a licensee pursuant to Section 11503 of the Government~~
2385 ~~Code alleging sexual misconduct shall be filed within three years after the board~~
2386 ~~discovers the act or omission alleged as the ground for disciplinary action, or within 10~~
2387 ~~years after the act or omission alleged as the ground for disciplinary action occurs,~~
2388 ~~whichever occurs first. This subdivision shall apply to a complaint alleging sexual~~
2389 ~~misconduct received by the board on and after January 1, 2002.~~

2390 (f) ~~(3)~~ ~~The limitations period provided by subdivision (a) shall be tolled during any period~~
2391 ~~if material evidence necessary for prosecuting or determining whether a disciplinary~~
2392 ~~action would be appropriate is unavailable to the board due to an ongoing criminal~~
2393 ~~investigation, then any limitation period referenced in this section is tolled until such~~
2394 ~~evidence is available to the board.~~

2395 *(Amended by Stats. 2001, Ch. 617, Sec. 2. Effective January 1, 2002.)*

2396
2397 [1/15/2020] [EC Reviewed 11/12/21] [12/13/21][Reviewed 1/6/22]

2398
2399 **2960.2.**

2400 (a) A licensee shall meet the requirements set forth in subdivision (f)(2)(B) of Section
2401 1031 of the Government Code prior to performing either of the following:

2402 (1) An evaluation of a an individual's emotional and mental condition ~~peace officer~~
2403 pursuant to Section 1031 of the Government Code ~~applicant's emotional and mental~~
2404 ~~condition.~~

2405 (2) An evaluation of a public officer or peace officer's fitness for duty.

2406 ~~(b) This section shall become operative on January 1, 2005.~~

2407 *(Added by Stats. 2003, Ch. 777, Sec. 2. Effective January 1, 2004. Section operative*
2408 *January 1, 2005, by its own provisions.)*

2409
2410 [January 29, 2020] [12/13/21]

2411
2412
2413 **2960.5.**

2414 The board may ~~refuse to issue~~ deny any application for any registration or a license
2415 whenever it appears that an applicant may be unable to practice his or her their
2416 profession safely due to mental illness, physical illness affecting competency, or
2417 chemical dependency. The procedures set forth in Article 12.5 (commencing with
2418 Section 820) of Chapter 1 shall apply to any denial of a license or registration pursuant
2419 to this section.

2420 *(Added by Stats. 1992, Ch. 384, Sec. 1. Effective January 1, 1993.)*

2421
2422 [January 29, 2020] [12/13/21][Reviewed 1/6/22]

2423
2424
2425 **2960.6.**

2426 The board may deny any application for, or may suspend or revoke a license or
2427 ~~registration~~ issued under this chapter for, any either of the following:

2428 (a) The revocation, suspension, or other disciplinary action, or including the equivalent
2429 action of another jurisdiction's licensing agency ~~other disciplinary action imposed by~~
2430 ~~another state or country~~ on a license, certificate, or registration issued by that ~~state or~~
2431 ~~country~~ jurisdiction to practice psychology shall constitute grounds for disciplinary action
2432 for unprofessional conduct against that licensee or registrant in this sState. A certified

2433 copy of the decision or judgment of the other ~~state or country~~ jurisdiction shall be
2434 conclusive evidence of that action.

2435 (b) The revocation, suspension, or other disciplinary action by any board established in
2436 this division, or the equivalent action of another ~~state's or country's~~ jurisdiction's
2437 licensing agency, of the license of a healing arts practitioner shall constitute grounds for
2438 disciplinary action against that licensee ~~or registrant~~ under this chapter. The grounds for
2439 the action shall be substantially related to the qualifications, functions, or duties of a
2440 licensee psychologist or psychological assistant. A certified copy of the decision or
2441 judgment shall be conclusive evidence of that action.

2442 *(Amended by Stats. 1994, Ch. 1275, Sec. 22. Effective January 1, 1995.)*

2443

2444 [January 29, 2020] [12/13/21]

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2446

2447 **2961.**

2448 ~~The board may, a~~After a hearing pursuant to Section 2965, the board may deny an
2449 application for a license, or issue a license subject to terms and conditions, or suspend,
2450 or revoke, or impose probationary conditions upon, a license or registration after a
2451 hearing as provided in Section 2965.

2452 *(Amended by Stats. 1989, Ch. 888, Sec. 31.)*

2453

2454 [January 29, 2020] [12/13/21]

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2457 **2962.**

2458 (a) A person whose license ~~or registration~~ has been revoked, suspended, or
2459 surrendered, or who has been placed on probation, may petition the board for
2460 reinstatement or modification of the penalty, including modification or termination of
2461 probation. The petition shall be on a form provided by the board and shall state any
2462 facts and information as may be required by the board, including, but not limited to,
2463 proof of compliance with the terms and conditions of the underlying disciplinary order. ;
2464 ~~after a period of not less than the following minimum periods has elapsed from the~~
2465 ~~effective date of the decision ordering that disciplinary action:~~

2466 ~~(1) At least three years for reinstatement of a license revoked or surrendered.~~

2467 ~~(2) At least two years for early termination of probation of three years or more.~~

2468 ~~(3) At least two years for modification of a condition of probation.~~

2469 ~~(4) At least one year for early termination of probation of less than three years.~~

2470 (b) The petitioner may file the petition on or after the expiration of the following
2471 timeframes, each of which commences on the effective date of the decision ordering the
2472 disciplinary action, or from the date the disciplinary action is actually implemented in its

2473 entirety if the order, or any portion of it, is stayed by the board itself or by the superior
2474 court:

2475 (1) Three years for reinstatement of a license revoked or surrendered.

2476 (2) Two years for early termination of probation of three years or more.

2477 (3) Two years for modification of a condition of probation.

2478 (4) One year for early termination of probation of less than three years. The board may
2479 require an examination for that reinstatement.

2480 (c) The petitioner shall at all times have the burden of production of proof to establish by
2481 clear and convincing evidence that they are entitled to the relief sought in the petition.
2482 Notwithstanding Section 489, a person whose application for a license or registration
2483 has been denied by the board, for violations of Division 1.5 (commencing with Section
2484 475) of this chapter, may reapply to the board for a license or registration only after a
2485 period of three years has elapsed from the date of the denial.

2486 (d) When the board itself decides upon a petition, it may consider all factors presented,
2487 including the following:

2488 (1) The offense for which the petitioner was disciplined.

2489 (2) The petitioner's rehabilitative efforts.

2490 (3) The petitioner's activities since the disciplinary action was taken.

2491 (e) The board may, without affording the petitioner an opportunity to present argument,
2492 deny a petition for early termination of probation or modification of penalty for any of the
2493 following reasons:

2494 (1) The petitioner has failed to comply with the terms and conditions of the disciplinary
2495 order.

2496 (2) The board is conducting an investigation of the petitioner while they are on
2497 probation.

2498 (3) The petitioner has a subsequent arrest that is substantially related to the
2499 qualifications, functions, or duties of the licensee and this arrest occurred while on
2500 probation.

2501 (4) The petitioner's probation with the board is currently tolled.

2502 (f) For reinstatements, the board may require that the petitioner execute a form
2503 authorizing release to the board or its designee, of all information concerning the
2504 petitioner's current physical and mental condition. Information provided to the board
2505 pursuant to the release shall be confidential and shall not be subject to discovery or
2506 subpoena in any other proceeding, and shall not be admissible in any action, other than
2507 before the board, to determine the petitioner's fitness to practice as required by Section
2508 822.

2509 (g) If the board issues an order to reinstate a license, the petitioner shall comply with:

2510 (1) fingerprint submission requirements established by the board.

2511 (2) provisions set forth in Section 2985.
2512 (3) all terms and conditions as specified by the Order.

2513
2514 [February 12, 2020] [12/13/21] [Reviewed 1/6/22]
2515

2516 **2964.**
2517 Whenever the board revokes or reinstates orders a license ~~revoked for cause, with the~~
2518 ~~exception of nonpayment of fees, or restores a license, these facts~~ it shall be reported
2519 the action to all other state psychology licensing boards the National Practitioner Data
2520 Bank.
2521 *(Amended by Stats. 1989, Ch. 888, Sec. 34.)*

2522
2523 [February 12, 2020] [12/13/21]

2524
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2526 **2964.3.**
2527 Any person required to register as a sex offender pursuant to Section 290 of the Penal
2528 Code, is not eligible for licensure ~~or registration~~ by the board.
2529 *(Added by Stats. 1998, Ch. 589, Sec. 8. Effective January 1, 1999.)*

2530
2531 [February 12, 2020] [12/13/21]

2532
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2534 **2964.5.**
2535 The board ~~at its discretion~~ may require any licensee it places on probation or whose
2536 license ~~its suspended~~, to obtain additional continuing professional
2537 training/development, to pass an examination as specified in Section 2941, or both.
2538 ~~upon the completion of that training, and to pay the necessary examination fee. The~~
2539 ~~examination may be written or oral or both, and may include a practical or clinical~~
2540 ~~examination.~~
2541 *(Amended by Stats. 1991, Ch. 1091, Sec. 5.)*

2542
2543 [February 12, 2020] [12/13/21]

2544
2545
2546 **2964.6.**
2547 The board may require any licensee it places on probation to pay the monetary costs
2548 associated with probation. An administrative disciplinary decision that imposes terms of
2549 ~~probation may include, among other things, a requirement that the licensee who is~~
2550 ~~being placed on probation pay the monetary costs associated with monitoring the~~
2551 ~~probation.~~
2552 *(Added by Stats. 1995, Ch. 708, first Sec. 12. Effective January 1, 1996.)*

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

2966.

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

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

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

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

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

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

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

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

(1) the time for appeal has elapsed,

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

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

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

(f) If the conviction is overturned on appeal, any discipline ordered pursuant to this section shall automatically cease. Nothing in this subdivision shall prohibit the board

2592 from pursuing disciplinary action based on any cause other than the overturned
2593 conviction.

2594 (g) Upon its own motion or for good cause shown, the board may set aside the
2595 suspension when it appears to be in the interest of justice to do so, with due regard to
2596 maintaining the integrity of and confidence in the psychology profession.

2597 ~~(a) A psychologist's license shall be suspended automatically during any time that the~~
2598 ~~holder of the license is incarcerated after conviction of a felony, regardless of whether~~
2599 ~~the conviction has been appealed. The board shall, immediately upon receipt of the~~
2600 ~~certified copy of the record of conviction, determine whether the license of the~~
2601 ~~psychologist has been automatically suspended by virtue of the psychologist's~~
2602 ~~incarceration, and if so, the duration of that suspension. The board shall notify the~~
2603 ~~psychologist of the license suspension and of the right to elect to have the issue of~~
2604 ~~penalty heard as provided in this section.~~

2605 ~~(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is~~
2606 ~~determined therefrom that the felony of which the licensee was convicted was~~
2607 ~~substantially related to the qualifications, functions, or duties of a psychologist, the~~
2608 ~~board shall suspend the license until the time for appeal has elapsed, if an appeal has~~
2609 ~~not been taken, or until the judgment of conviction has been affirmed on appeal or has~~
2610 ~~otherwise become final, and until further order of the board. The issue of substantial~~
2611 ~~relationship shall be heard by an administrative law judge sitting alone or with a panel of~~
2612 ~~the board, in the discretion of the board.~~

2613 ~~(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 187,~~
2614 ~~261, 288 or former Section 262 of the Penal Code shall be conclusively presumed to be~~
2615 ~~substantially related to the qualifications, functions, or duties of a psychologist and a~~
2616 ~~hearing shall not be held on this issue. Upon its own motion or for good cause shown,~~
2617 ~~the board may decline to impose or may set aside the suspension when it appears to be~~
2618 ~~in the interest of justice to do so, with due regard to maintaining the integrity of and~~
2619 ~~confidence in the psychology profession.~~

2620 ~~(d) (1) Discipline or the denial of the license may be ordered in accordance with Section~~
2621 ~~2961, or the board may order the denial of the license when the time for appeal has~~
2622 ~~elapsed, the judgment of conviction has been affirmed on appeal, or an order granting~~
2623 ~~probation is made suspending the imposition of sentence, irrespective of a subsequent~~
2624 ~~order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of~~
2625 ~~guilty and to enter a plea of not guilty, setting aside the verdict of guilty, or dismissing~~
2626 ~~the accusation, complaint, information, or indictment.~~

2627 ~~(2) The issue of penalty shall be heard by an administrative law judge sitting alone or~~
2628 ~~with a panel of the board, in the discretion of the board. The hearing shall not be~~
2629 ~~commenced until the judgment of conviction has become final or, irrespective of a~~
2630 ~~subsequent order under Section 1203.4 of the Penal Code, an order granting probation~~
2631 ~~has been made suspending the imposition of sentence; except that a licensee may, at~~
2632 ~~the licensee's option, elect to have the issue of penalty decided before those time~~
2633 ~~periods have elapsed. Where the licensee so elects, the issue of penalty shall be heard~~
2634 ~~in the manner described in this section at the hearing to determine whether the~~

2635 conviction was substantially related to the qualifications, functions, or duties of a
2636 psychologist. If the conviction of a licensee who has made this election is overturned on
2637 appeal, any discipline ordered pursuant to this section shall automatically cease. This
2638 subdivision does not prohibit the board from pursuing disciplinary action based on any
2639 cause other than the overturned conviction.

2640 (e) The record of the proceedings resulting in the conviction, including a transcript of the
2641 testimony therein, may be received in evidence.

2642 (Amended by Stats. 2021, Ch. 626, Sec. 2. (AB 1171) Effective January 1, 2022.)

2643

2644 [February 25, 2020] [12/13/21]

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2648 **2969.**

2649 a) A licensee shall:

2650 1) Attend and participate in an interview requested by the Board when that
2651 licensee is under investigation, no later than 60 days after receipt of notice
2652 from the Board.

2653 In the absence of good cause, failure of the licensee to comply with this shall
2654 be considered unprofessional conduct and constitutes grounds for discipline
2655 of their license.

2656 2) Produce client records, pursuant to either:

2657 i. A request from the board, when accompanied by that client's written
2658 authorization for release of records to the board, within 15 days of receipt
2659 of the request, or

2660 ii. A court order, issued in the enforcement of a subpoena, mandating the
2661 release of records to the board, unless it is determined that the order is
2662 unlawful or invalid.

2663
2664 In the absence of good cause, failure to produce such records to the board
2665 subjects the licensee to a civil penalty of one thousand dollars (\$1,000) per
2666 day for each day that the records have not been produced (after the 15th day
2667 of receiving the request and authorization, or after the date by which the court
2668 order requires the records to be produced), and not to exceed five thousand
2669 dollars (\$5,000). The amount of the penalty shall be added to the licensee's
2670 renewal fee if it is not paid by the next succeeding renewal date.

2671 b) A healthcare facility shall produce client records pursuant to either:

2672 1) A request from the board, when accompanied by that client's written
2673 authorization for release of records to the board together with a notice citing
2674 this section and describing the penalties for failure to comply with this section,
2675 within 30 days of receiving the request, authorization, and notice. The board

2676 shall pay the reasonable costs of copying the medical records. This
2677 paragraph shall not require health care facilities to assist the board in
2678 obtaining the client's authorization, or
2679 2) A court order, issued in the enforcement of a subpoena, mandating the
2680 release of records to the board, unless it is determined that the order is
2681 unlawful or invalid.

2682
2683 In the absence of good cause, failure to produce such records to the board shall
2684 subject the health care facility to a civil penalty, payable to the board, of up to
2685 one thousand dollars (\$1,000) per day for each day that the records have not
2686 been produced (after the 30th day of receiving the request, authorization, and
2687 notice, or after the date by which the court order requires the records to be
2688 produced), up to ten thousand dollars (\$10,000).

2689 c) Multiple acts or omissions in violation of this section shall be considered grounds
2690 for disciplinary action with respect to licensure, including suspension or
2691 revocation of the license or certificate and shall be a misdemeanor punishable as
2692 follows:

2693 1) for a licensee:

- 2694 i. by a fine not to exceed five thousand dollars (\$5,000), or
- 2695 ii. by imprisonment in a county jail not exceeding six months, or
- 2696 iii. by both that fine and imprisonment.

2697 2) for a healthcare facility:

- 2698 i. by a fine not to exceed five thousand dollars (\$5,000), and
- 2699 ii. that healthcare facility shall be reported to the State Department of Public
2700 Health.

2701 d) Any statute of limitations applicable to the filing of an accusation by the board is
2702 tolled until the licensee or health care facility complies with this section and until
2703 resolution of any related appeals.

2704 e) Any civil penalties authorized by this section shall be imposed in accordance with
2705 the Administrative Procedure Act (Chapter 5 (commencing with Section 11500)
2706 of Division 3 of Title 2 of the Government Code).

2707 f) For purposes of this section, "health care facility" means a clinic or health facility
2708 licensed or exempt from licensure pursuant to Division 2 (commencing with
2709 Section 1200) of the Health and Safety Code.

2710
2711 ~~A licensee who fails or refuses to comply with a request for the medical records of a~~
2712 ~~patient that is accompanied by that patient's written authorization for release of records~~
2713 ~~to the board, within 15 days of receiving the request and authorization, shall pay to the~~
2714 ~~board a civil penalty of one thousand dollars (\$1,000) per day for each day that the~~
2715 ~~documents have not been produced after the 15th day, unless the licensee is unable to~~
2716 ~~provide the documents within this time period for good cause.~~

2717 (2) A health care facility shall comply with a request for the medical records of a patient
2718 that is accompanied by that patient's written authorization for release of records to the
2719 board together with a notice citing this section and describing the penalties for failure to
2720 comply with this section. Failure to provide the authorizing patient's medical records to
2721 the board within 30 days of receiving the request, authorization, and notice shall subject
2722 the health care facility to a civil penalty, payable to the board, of up to one thousand
2723 dollars (\$1,000) per day for each day that the documents have not been produced after
2724 the 30th day, up to ten thousand dollars (\$10,000), unless the health care facility is
2725 unable to provide the documents within this time period for good cause. This paragraph
2726 shall not require health care facilities to assist the board in obtaining the patient's
2727 authorization. The board shall pay the reasonable costs of copying the medical records.
2728 (b) (1) A licensee who fails or refuses to comply with a court order, issued in the
2729 enforcement of a subpoena, mandating the release of records to the board shall pay to
2730 the board a civil penalty of one thousand dollars (\$1,000) per day for each day that the
2731 documents have not been produced after the date by which the court order requires the
2732 documents to be produced, unless it is determined that the order is unlawful or invalid.
2733 Any statute of limitations applicable to the filing of an accusation by the board shall be
2734 tolled during the period the licensee is out of compliance with the court order and during
2735 any related appeals.
2736 (2) Any licensee who fails or refuses to comply with a court order, issued in the
2737 enforcement of a subpoena, mandating the release of records to the board, shall be
2738 subject to a civil penalty, payable to the board, of not to exceed five thousand dollars
2739 (\$5,000). The amount of the penalty shall be added to the licensee's renewal fee if it is
2740 not paid by the next succeeding renewal date. Any statute of limitations applicable to
2741 the filing of an accusation by the board shall be tolled during the period the licensee is
2742 out of compliance with the court order and during any related appeals.
2743 (3) A health care facility that fails or refuses to comply with a court order, issued in the
2744 enforcement of a subpoena, mandating the release of patient records to the board, that
2745 is accompanied by a notice citing this section and describing the penalties for failure to
2746 comply with this section, shall pay to the board a civil penalty of up to one thousand
2747 dollars (\$1,000) per day for each day that the documents have not been produced, up to
2748 ten thousand dollars (\$10,000), after the date by which the court order requires the
2749 documents to be produced, unless it is determined that the order is unlawful or invalid.
2750 Any statute of limitations applicable to the filing of an accusation by the board against a
2751 licensee shall be tolled during the period the health care facility is out of compliance with
2752 the court order and during any related appeals.
2753 (4) Any health care facility that fails or refuses to comply with a court order, issued in the
2754 enforcement of a subpoena, mandating the release of records to the board, shall be
2755 subject to a civil penalty, payable to the board, of not to exceed five thousand dollars
2756 (\$5,000). Any statute of limitations applicable to the filing of an accusation by the board
2757 against a licensee shall be tolled during the period the health care facility is out of
2758 compliance with the court order and during any related appeals.
2759 (c) Multiple acts by a licensee in violation of subdivision (b) shall be a misdemeanor
2760 punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in

2761 a county jail not exceeding six months, or by both that fine and imprisonment. Multiple
2762 acts by a health care facility in violation of subdivision (b) shall be a misdemeanor
2763 punishable by a fine not to exceed five thousand dollars (\$5,000) and shall be reported
2764 to the State Department of Health Services and shall be considered as grounds for
2765 disciplinary action with respect to licensure, including suspension or revocation of the
2766 license or certificate.

2767 (d) A failure or refusal of a licensee to comply with a court order, issued in the
2768 enforcement of a subpoena, mandating the release of records to the board constitutes
2769 unprofessional conduct and is grounds for suspension or revocation of his or her
2770 license.

2771 (e) The imposition of the civil penalties authorized by this section shall be in accordance
2772 with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of
2773 Division 3 of Title 2 of the Government Code).

2774 (f) For purposes of this section, "health care facility" means a clinic or health facility
2775 licensed or exempt from licensure pursuant to Division 2 (commencing with Section
2776 1200) of the Health and Safety Code.

2777 (Added by Stats. 2000, Ch. 836, Sec. 22. Effective January 1, 2001.)

2778

2779 [February 25, 2020] [12/13/21]

2780

2781 **2971.**

2782 Whenever any person other than a licensed psychologist has engaged in any act or
2783 practice that constitutes an offense against this chapter, the superior court of any
2784 county, on application of the board, may issue an injunction or other appropriate order
2785 restraining that conduct. Proceedings under this section shall be governed by Chapter 3
2786 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure, except
2787 that it shall be presumed that there is no adequate remedy at law, and that irreparable
2788 damage will occur if the continued violation continues is not restrained or enjoined. On
2789 the written request of the board, or on its own motion, the board may commence action
2790 in the superior court under this section.

2791 (Amended by Stats. 1997, Ch. 758, Sec. 41. Effective January 1, 1998.)

2792

2793 [February 25, 2020] [12/13/21]

2794

2795

2796 **2985.**

2797 (a) A suspended license is subject to expiration and shall be renewed as provided in
2798 this article. While the license remains suspended, but such renewal does not entitle the
2799 licensee, while the license remains suspended, and until it is reinstated, to engage in
2800 the practice of psychology as defined in Section 2903 of the Code licensed activity, or in
2801 any other activity or conduct in violation of the order or judgment by which the license
2802 was suspended.

2803 ~~(b) A revoked or surrendered license is not subject to expiration and revoked on~~
2804 ~~disciplinary grounds is subject to expiration as provided in this article, but it may not be~~
2805 ~~renewed. If it is reinstated after its expiration, the licensee, as a condition to~~
2806 ~~reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in~~
2807 ~~effect on the last preceding regular renewal date before the date on which it is~~
2808 ~~reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.~~
2809 ~~(Added by Stats. 1967, Ch. 1677.)~~

2810 [Reviewed 12/2/2019] [12/13/21]

2811

2812

2813 **2986.**

2814 ~~A person who fails to renew his or her license within the three years after its expiration~~
2815 ~~may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that~~
2816 ~~person~~

2817

2818 A psychology license is void if not renewed within three years from the expiration date.
2819 Once void, the board cannot restore or reissue that license. The person who held that
2820 license may apply for and obtain a new license if ~~he or she~~ they meets the requirements
2821 of this chapter, provided that ~~they~~ he or she:

2822 (a) ~~Has~~ Have not committed any acts or crimes constituting grounds for denial of
2823 licensure ~~a license~~.

2824 (b) Establishes to the satisfaction of the board that ~~with due regard for the public~~
2825 interest, ~~he or she is~~ that they are qualified to practice psychology.

2826 (c) Pays all of the required fees that would be required if application for licensure was
2827 being made for the first time.

2828 ~~The board may provide for the waiver or refund of all or any part of an examination fee~~
2829 ~~in those cases in which a license is issued without examination pursuant to this section.~~
2830 ~~(Amended by Stats. 1994, Ch. 26, Sec. 81. Effective March 30, 1994.)~~

2831 [February 25, 2020] [12/13/21]

2832 The CCR language adjustments for Item 24 are as follows:

2833 **§ 1380.6. Professional Identification and Display of License Number.**

2834 (a) Pursuant to Section 137 of the Code, every ~~licensed psychologist~~ licensee shall
2835 include ~~his or her~~ their license number, in any advertising, marketing materials, or other
2836 professional communications directly controlled or administered by the licensee, ~~their~~
2837 representative, or office personnel, ~~public directory, or solicitation, including, but not~~
2838 limited to: regardless of whether such a presentment is made under the licensee's own
2839 name, a fictitious business or group name or a corporate name. business cards,
2840 letterhead, email signature blocks, informed consent forms, websites, professional

2841 reports, professional social media pages and listings, flyers, mailers, brochures,
2842 resumes, or curricula vitae.
2843 ~~This requirement shall not apply to psychologists practicing in governmental~~
2844 ~~organizations, nonprofit organizations which are engaged in research, education or~~
2845 ~~services which services are defined by a board composed of community representatives~~
2846 ~~and professionals.~~

2847 (b) In addition to (a), a psychological associate shall also include the name and license
2848 number of their primary supervisor(s).

2849 (c) When engaged in any professional psychological activity, at all times and under all
2850 circumstances:

2851 (1) A psychologist shall identify themselves to others as a psychologist and provide their
2852 license number upon request.

2853 (2) A registered psychological associate shall identify themselves to others as a registered
2854 psychological associate under the supervision of a Board-approved supervisor, and
2855 provide their license number and the name and license number of their primary
2856 supervisor(s) upon request.

2857
2858 **Note:** Authority cited: Sections 137, 2903, and 2930, and 2936, Business and
2859 Professions Code. Reference: Sections 137, 2913, and 2936, Business and Professions
2860 Code.

2861

2862

HISTORY

2863 1. New section filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).

2864 This database is current through 11/16/18 Register 2018, No. 46

2865 16 CCR § 1380.6, 16 CA ADC § 1380.6

2866

2867 [Reviewed 7/25/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] EC

2868 Reviewed 1-22-21 EC updated 11/12/21 [Reviewed 1/6/22]

2869

2870

2871

§ 1393. Requirements for Psychologists on Probation.

2872 Each ~~psychologist~~ licensee who has been placed on probation by the Board shall be
2873 subject to the Board's probation program and shall ~~be required to~~ fully cooperate with
2874 the assigned probation monitor.

2875

2876 **Note:** Authority cited: Section 2930, Business and Professions Code. Reference:
2877 Sections 2960 and 2961, Business and Professions Code.

2878

2879

HISTORY

2880 1. Repealer of former section 1393, and renumbering and amendment of former section
2881 1395 to section 1393 filed 6-15-83; effective thirtieth day thereafter (Register 83, No.

2882 25). For prior history, see Register 79, No. 17.

2883 2. Change without regulatory effect pursuant to section 100, Title 1, California Code of
2884 Regulations filed 3-5-90 (Register 90, No. 20).

2885 3. Amendment filed 3-6-2003; operative 4-5-2003 (Register 2003, No. 10).
2886 4. Amendment of article heading filed 7-23-2012; operative 8-22-2012 (Register 2012,
2887 No. 30).
2888 This database is current through 11/16/18 Register 2018, No. 46
2889 16 CCR § 1393, 16 CA ADC § 1393
2890

2891 [Reviewed 12/18/2019] [EC updated May 29, 2020] [EC reviewed 9/18/2020] [EC
2892 Reviewed 1-22-21]
2893

2894
2895

2896 **§ 1396. Competence. Ethical Principles of Psychologists and Code of Conduct**

2897 ~~A psychologist shall not function outside his or her particular field or fields of~~
2898 ~~competence as established by his or her education, training and experience. Any~~
2899 ~~violation of the "Ethical Principles of Psychologists and Code of Conduct" published by~~
2900 ~~the American Psychological Association (APA) (Adopted August 21, 2002, Amended~~
2901 ~~Effective January 1, 2017), which section 2936 of the Code establishes as the~~
2902 ~~standards of ethical care and conduct, subjects a licensee to disciplinary action under~~
2903 ~~sections 2936 and 2960.~~

2904

2905 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.
2906 Reference: Section 2936, Business and Professions Code.

2907

2908

HISTORY

2909 1. Repealer of Article 8 heading, renumbering of Article 9 to Article 8 (Sections 1396-
2910 1397.40, not consecutive), renumbering and amendment of former Section 1396 to
2911 Section 1394, and renumbering and amendment of former Section 1397.3 to Section
2912 1396 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior
2913 history, see Register 76, No. 52.

2914 This database is current through 11/16/18 Register 2018, No. 46
2915 16 CCR § 1396, 16 CA ADC § 1396
2916

2917

2917 [Reviewed 12/18/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC
2918 Updated 1-22-21] [Reviewed 1/6/22]
2919

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2922

2922 **§ 1396.1. Interpersonal Relations.**

2923 ~~It is recognized that a psychologist's effectiveness depends upon his or her ability to~~
2924 ~~maintain sound interpersonal relations, and that temporary or more enduring problems~~
2925 ~~in a psychologist's own personality may interfere with this ability and distort his or her~~
2926 ~~appraisals of others. A psychologist shall not knowingly undertake any activity in which~~
2927 ~~temporary or more enduring personal problems in the psychologist's personality~~

2928 integration may result in inferior professional services or harm to a patient or client. If a
2929 psychologist is already engaged in such activity when becoming aware of such personal
2930 problems, he or she shall seek competent professional assistance to determine whether
2931 services to the patient or client should be continued or terminated.

2932
2933 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.
2934 Reference: Section 2936, Business and Professions Code.

2935 **HISTORY**

2936 1. Renumbering and amendment of former Section 1396.1 to Section 1395, and
2937 renumbering of former Section 1397.4 to Section 1396.1 filed 6-15-83; effective thirtieth
2938 day thereafter (Register 83, No. 25). For prior history, see Register 76, No. 52.
2939 This database is current through 11/16/18 Register 2018, No. 46
2940 16 CCR § 1396.1, 16 CA ADC § 1396.1

2941
2942 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC Reviewed 1-22-21] [Reviewed
2943 1/6/22]

2944
2945

2946 **§ 1396.2. Misrepresentation.**

2947 A psychologist shall not misrepresent nor permit the misrepresentation of his or her
2948 professional qualifications, affiliations, or purposes, or those of the institutions,
2949 organizations, products and/or services with which he or she is associated.

2950
2951 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.
2952 Reference: Section 2936, Business and Professions Code.

2953 **HISTORY**

2954 1. Renumbering and amendment of former Section 1396.2 to Section 1395.1, and
2955 renumbering of former Section 1397.5 to Section 1396.2 filed 6-15-83; effective thirtieth
2956 day thereafter (Register 83, No. 25). For prior history, see Registers 76, No. 52; and 68,
2957 No. 9.
2958 This database is current through 11/16/18 Register 2018, No. 46
2959 16 CCR § 1396.2, 16 CA ADC § 1396.2

2960
2961 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC Reviewed
2962 1-22-21] [Reviewed 1/6/22]

2963
2964

2965 **§ 1396.3. Test Security.**

2966 A psychologist shall not reproduce or describe in public or in publications subject to
2967 general public distribution any psychological tests or other assessment devices, the
2968 value of which depends in whole or in part on the naivete of the subject, in ways that

2969 might invalidate the techniques; and shall limit access to such tests or devices to
2970 persons with professional interests who will safeguard their use.

2971
2972 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.
2973 Reference: Section 2936, Business and Professions Code.

2974 HISTORY

2975 1. Renumbering and amendment of former Section 1397.7 to Section 1396.3 filed 6-15-
2976 83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Register
2977 68, No. 42.

2978 This database is current through 11/16/18 Register 2018, No. 46
2979 16 CCR § 1396.3, 16 CA ADC § 1396.3

2980
2981 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC Reviewed 1-22-21] [Reviewed
2982 1/6/22]

2983

2984

2985 **§ 1396.4. Professional Identification.**

2986 ~~(a) When engaged in any professional psychological activity, whether for a fee or~~
2987 ~~otherwise, a psychologist shall at all times and under all circumstances identify himself~~
2988 ~~or herself as a psychologist.~~

2989 ~~(b) A psychological assistant shall at all times and under all circumstances identify~~
2990 ~~himself or herself to patients or clients as a psychological assistant to his or her~~
2991 ~~employer or responsible supervisor when engaged in any psychological activity in~~
2992 ~~connection with that employment.~~

2993
2994 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.
2995 Reference: Sections 2913 and 2936, Business and Professions Code.

2996

2997 HISTORY

2998 1. Renumbering of former Section 1397.8 to Section 1396.3 filed 6-15-83; effective
2999 thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 76, No. 52;
3000 and 73, No. 4.

3001 This database is current through 11/16/18 Register 2018, No. 46
3002 16 CCR § 1396.4, 16 CA ADC § 1396.4

3003
3004 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC Reviewed
3005 1-22-21] EC updated 11/12/21

3006

3007

3008 **§ 1396.5. Consumer Information.**

3009 ~~Licensees~~ psychologists who provide services to a client in a language other than
3010 English shall:
3011 (a) provide to the client as appropriate the translations of required or approved notices
3012 or publications made available by the Board in that language;
3013 (b) discuss with the client as appropriate the content of any required or approved notice
3014 or publication for those notices or publications not available in the language in which
3015 services are provided;
3016 (3c) post the Notice to Consumers in the language(s) of service pursuant to section
3017 2936 of the Code, if made available by the Board in that language(s).
3018 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
3019 Sections 728, 2930 and 2936, Business and Professions Code.

3020 HISTORY

3021 1. New section filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).
3022 2. Change without regulatory effect amending subsections (a) and (3) filed 12-5-2018
3023 pursuant to section 100, title 1, California Code of Regulations (Register 2018, No. 49).
3024 This database is current through 10/18/19 Register 2019, No. 42
3025 16 CCR § 1396.5, 16 CA ADC § 1396.5

3026
3027 [Reviewed 11/4/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC
3028 Reviewed 1-22-21]

3032 § 1397. Advertising.

3033 ~~(a) A licensed psychologist may advertise the provision of any services authorized to be~~
3034 ~~provided by such license within the psychologist's field of competence in a manner~~
3035 ~~authorized under Section 651 of the Code, so long as such advertising includes the~~
3036 ~~psychologist's license number does not promote the excessive or unnecessary use of~~
3037 ~~such services.~~

3038 (b) A psychologist acting as a primary supervisor to a registered psychological
3039 associate may advertise services performed by that registered psychological associate,
3040 so long as such advertising includes, at a minimum, the following information:

3041 (1) The services are provided by a registered psychological associate.

3042 (2) The registered psychological associate is supervised by a psychologist(s).

3043 (3) The name and license number of the primary supervisor(s) who is supervising the
3044 registered psychological associate.

3045 (4) The location(s) where in-person services are provided.

3046
3047 Note: Authority cited: Sections 651, 2930 and 2936, Business and Professions Code.
3048 Reference: Sections 651, 2936 and 2960, Business and Professions Code.

3049 HISTORY

3050 1. Renumbering and amendment of former Section 1397.11 to Section 1397 filed 7-31-
3051 84; effective thirtieth day thereafter (Register 84, No. 31). For history of former Section
3052 1397, see Register 83, No. 25.
3053 2. Change without regulatory effect amending section filed 12-5-2018 pursuant to
3054 section 100, title 1, California Code of Regulations (Register 2018, No. 49).
3055 This database is current through 10/18/19 Register 2019, No. 42
3056 16 CCR § 1397, 16 CA ADC § 1397

3057
3058 [Reviewed 11/18/19] [partially reviewed 9/18/2020] [EC Reviewed 1-22-21] EC
3059 Reviewed 11/12/21

3060

3061 **§ 1397.1. Child Abuse and Neglect Reporting Requirements.**

3062 Failure to comply with the abuse and neglect reporting requirements contained in Penal
3063 Code Section 11166 shall constitute unprofessional conduct. These reporting
3064 requirements include the following:

3065 (a) Child abuse or neglect (Penal Code Section 11166),

3066 (b) Elder and dependent adult abuse or neglect (Penal Code Section 368.6 or Welfare
3067 and Institutions Code Section 15630).

3068 Note: Authority cited: Sections 2930 and 2936, Business and Professions Code.
3069 Reference: Sections 2936 and 2960 (i), Business and Professions Code.

3070

HISTORY

3071 1. New section filed 4-6-88; operative 5-6-88 (Register 88, No. 17).

3072 This database is current through 10/18/19 Register 2019, No. 42

3073 16 CCR § 1397.1, 16 CA ADC § 1397.1

3074

3075 [Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] EC Reviewed
3076 11/12/21 [Reviewed 1/6/22]

3077

3078 **§ 1397.2. Other Actions Constituting Unprofessional Conduct.**

3079 In addition to the conduct described in Section 2960 of the Code, “unprofessional
3080 conduct” also includes but is not limited to the following:

3081 (a) In the matter of a civil dispute arising from the licensee’s practice where the licensee
3082 is or expects to be named as a party, the following provisions are prohibited from being
3083 included in an agreement to settle the dispute whether the agreement is made before or
3084 after the filing of an action:

3085 ~~Including or permitting to be included any of the following provisions in an agreement to~~
3086 ~~settle a civil dispute arising from the licensee's or registrant's practice to which the~~
3087 ~~licensee or registrant is or expects to be named as a party, whether the agreement is~~
3088 ~~made before or after the filing of an action:~~

3089 (1) Any provision that prohibits another party to the dispute from contacting, cooperating
3090 with, or filing a complaint with the Board.

3091 (2) Any provision that requires ~~another party to the dispute to attempt to withdraw the~~
3092 ~~withdrawal of a complaint the party has~~ filed with the Board.

3093 (b) Failure to provide to the Board, as directed, lawfully requested ~~certified~~ copies of
3094 documents within 15 days of receipt of the request or within the time specified in the
3095 request, whichever is later, unless the licensee or registrant can show good cause
3096 which may include, physical inability to access the records in the time allowed due to
3097 illness or travel. This subsection shall not apply to a licensee or registrant who does not
3098 have access to, and control over, medical records.

3099 (c) Failure to cooperate and participate in any Board investigation pending against the
3100 licensee or registrant. This subsection shall not be construed to deprive a licensee or
3101 registrant of any privilege guaranteed by the Fifth Amendment to the Constitution of the
3102 United States, or any other constitutional or statutory privilege. This subsection shall not
3103 be construed to require a licensee or registrant to cooperate with a request that would
3104 require the licensee or registrant to waive any constitutional or statutory privilege or to
3105 comply with a request for information or other matters within an unreasonable period of
3106 time in light of the time constraints of the licensee's or registrant's practice. Any exercise
3107 by a licensee or registrant of any constitutional or statutory privilege shall not be used
3108 against the licensee or registrant in a regulatory or disciplinary proceeding against the
3109 licensee or registrant.

3110 (d) Failure to report to the Board within 30 days any of the following:

3111 (1) The conviction of the licensee or registrant, including any verdict of guilty, or pleas of
3112 guilty or no contest, of any felony or misdemeanor.

3113 (2) Any disciplinary action taken by another licensing entity or authority of this state or of
3114 another state, ~~or~~ an agency of the federal government, another country, or the United
3115 States military.

3116 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
3117 Sections 141, 2960, 2963 and 2969, Business and Professions Code.

3118 **HISTORY**

3119 1. New section filed 7-23-2012; operative 8-22-2012 (Register 2012, No. 30). For prior
3120 history, see Register 83, No. 25.

3121 This database is current through 10/18/19 Register 2019, No. 42
3122 16 CCR § 1397.2, 16 CA ADC § 1397.2

3123
3124 **[Reviewed 11/4/19]** **[EC Reviewed 1-22-21]** **[EC Reviewed 4-30-21]** **[Reviewed 1/6/22]**

3125

3126 **§ 1397.35. Requirements for Professional Corporations.**

3127 A professional psychological corporation shall comply with the following provisions:

3128 (a) The corporation is organized and exists pursuant to the general corporation law and
3129 is a professional corporation within the meaning of the Moscone-Knox Professional
3130 Corporation Act (Part 4, Division 3, Title 1 of the Corporations Code).

3131 ~~(b) Each shareholder, director and officer (except as provided in Section 13403 of the~~
3132 ~~Corporations Code and Section 2997 of the Code) holds a valid psychology license;~~
3133 ~~provided that, a licensed physician, podiatrist, marriage, family, and child counselor,~~
3134 ~~licensed clinical social worker, chiropractor, optometrist or registered nurse may be a~~
3135 ~~shareholder, director or officer of a psychology corporation.~~ Each shareholder, officer,
3136 director, and professional employee (except as provided in Section 13403 of the
3137 Corporations Code and Section 2997 of the Code) is either:

3138 (1) a licensed psychologist, who may be a shareholder in more than one psychological
3139 corporation, or

3140 (2) one of the licensees listed in Corporations Code section 13401.5(c) (i.e., licensed
3141 physicians and surgeons, licensed doctors of podiatric medicine, registered nurses,
3142 licensed optometrists, licensed marriage and family therapists, licensed clinical social
3143 workers, licensed chiropractors, licensed acupuncturists, licensed naturopathic doctors,
3144 licensed professional clinical counselors, and licensed midwives), as long as:

3145 (i) These licensees together so long as such licensees own no more than 49% of the
3146 total shares issued by the psychology corporation, and

3147 (ii) the number of those licensees licensed physicians, podiatrists, family, and child
3148 counselors licensed clinical social workers, chiropractors, optometrists or registered
3149 nurses owning shares in the psychology corporation does not exceed the number of
3150 psychologists owning shares in such a corporation.

3151 ~~A psychologist may be a shareholder in more than one psychology corporation.~~

3152 (c) Each professional employee of the corporation ~~who will practice psychology,~~
3153 ~~pediatry, medicine, marriage, family and child counseling, clinical social work,~~
3154 ~~chiropractic, optometry or professional nursing, whether or not a shareholder, director,~~
3155 ~~or officer, holds a valid license~~ in their respective profession.

3156 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.

3157 Reference: Section 2995, Business and Professions Code; and Sections 13401,
3158 13401.5, 13403, 13406 and 13407, Corporations Code.

3159 **HISTORY**

3160 1. Amendment of subsections (b) and (d) filed 2-28-80; effective thirtieth day thereafter
3161 (Register 80, No. 9).

3162 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

3163 3. Amendment of subsections (b) and (c) filed 3-13-97; operative 4-12-97 (Register 97,
3164 No. 11).

3165 4. Change without regulatory effect amending subsection (b) filed 12-5-2018 pursuant to
3166 section 100, title 1, California Code of Regulations (Register 2018, No. 49).

3167 This database is current through 10/18/19 Register 2019, No. 42

3168 16 CCR § 1397.35, 16 CA ADC § 1397.35

3169

3170 **[Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] [Reviewed 1/6/22]**

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3172

3173 **§ 1397.37. Shares: Ownership and Transfer.**

3174 (a) Where there are two or more shareholders in a psychology corporation and one of
3175 the shareholders:

3176 (1) Dies; or

3177 (2) Becomes disqualified ~~person~~ as defined in Section 13401(~~de~~) of the Corporations
3178 Code, ~~his or her~~ their shares of that shareholder shall be sold and transferred to the
3179 corporation, its shareholders, or other eligible licensed persons ~~on such terms as are~~
3180 ~~agreed upon~~. Such sale or transfer shall not be later than six (6) months after any such
3181 death and ninety (90) days after ~~the shareholder becomes any such disqualified~~
3182 disqualification person. The requirements of this subsection shall be set forth in the
3183 psychology corporation's articles of incorporation or bylaws.

3184 (b) A corporation and its shareholders may, ~~but need not~~, agree that after purchasing
3185 ~~shares sold to it by from a person shareholder~~ who becomes a disqualified, person it
3186 ~~may be resold~~ resell the shares such to that person prior shareholder if and when ~~he or~~
3187 ~~she~~ they again become an eligible shareholder again.

3188 (c) The share certificates of a psychology corporation shall contain an appropriate
3189 legend setting forth the restrictions of subsection (a).

3190 (d) Nothing in these regulations shall be construed to prohibit a psychology corporation
3191 from owning shares in a nonprofessional corporation.

3192 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.

3193 Reference: Section 2999, Business and Professions Code; and Sections 13401, 13403,
3194 13406 and 13407, Corporations Code.

3195

HISTORY

3196 1. Amendment of subsections (e) and (f) filed 2-28-80; effective thirtieth day thereafter
3197 (Register 80, No. 9).

3198 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

3199 This database is current through 11/16/18 Register 2018, No. 46

3200 16 CCR § 1397.37, 16 CA ADC § 1397.37

3201

3202 [Reviewed 11/18/19] [EC Reviewed 1-22-21] [Reviewed 1/6/22]

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3205 **§ 1397.39. Corporate Activities.**

3206 (a) A psychology corporation may perform any act authorized in its articles of
3207 incorporation or bylaws so long as that act is not in conflict with or prohibited by these
3208 rules, the Psychology Licensing Law, ~~the Medical Practice Act, the Optometry Law or~~
3209 ~~the Nursing Practice Act~~ or the practice acts to which any shareholder, officer, director,
3210 or professional employee is subject, or the regulations adopted pursuant thereto.

3211 (b) A psychology corporation may enter into partnership agreements with other
3212 psychologists practicing individually or in a group or with other psychology corporations.
3213 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.
3214 Reference: Section 2996.6, Business and Professions Code; and Sections 13403,
3215 13408 and 13410, Corporations Code.

3216 HISTORY

3217 1. Amendment of subsection (a) filed 2-28-80; effective thirtieth day thereafter (Register
3218 80, No. 9).
3219 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3220 This database is current through 11/16/18 Register 2018, No. 46
3221 16 CCR § 1397.39, 16 CA ADC § 1397.39
3222

3223 [Reviewed 11/18/2019] [EC Reviewed 1-22-21]

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3226 § 1397.50. Citations and Fines.

3227 ~~(a) For purposes of this article,~~
3228 ~~“board official” shall mean the executive officer of the board or his or her representative.~~

3229 ~~(b) The executive officer or their designee A board official is authorized to determine~~
3230 ~~when and against whom to issue a citation, will be issued and to issue citations~~
3231 ~~containing and whether that citation will include an orders of abatement and/or an order~~
3232 ~~to pay an administrative fines for violations by a licensed psychologist of the statutes~~
3233 ~~referred to as described in section 1397.51.~~

3234 ~~(c)(b) A citation shall be issued whenever any fine is levied or any order of abatement is~~
3235 ~~issued. Each citation shall be in writing and shall describe with particularity the nature~~
3236 ~~and facts of the violation, including a reference to the statute(s) or regulation(s) alleged~~
3237 ~~to have been violated.~~

3238 ~~(c) The Board citation shall be served each citation upon the individual personally or by~~
3239 ~~certified mail, return receipt requested.~~

3240

3241 **Note:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
3242 Reference: Sections 125.9 and 148, Business and Professions Code.

3243

3243 HISTORY

3244 1. New article 9 (sections 1397.50-1397.55) and section filed 4-26-96; operative 5-
3245 26-96 (Register 96, No. 17).

3246

3247 [Reviewed 11/18/2019] [EC Reviewed 4-30-21] EC Reviewed 11/12/21 [Reviewed
3248 1/6/22]

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3251 **§ 1397.51 violations and fines: criteria to be considered in assessing a fine or**
3252 **order of abatement**

- 3253
3254 (a) In any citation, the executive officer or their designee may assess a fine for
3255 violations of the Psychology Licensing Law, any regulation adopted pursuant thereto, or
3256 any applicable statutes governing the practice of psychology.
3257 (b) The range of fines shall be from \$500 - \$5,000.
3258 (c) In any citation that includes a fine, the following factors shall be considered in
3259 determining the amount of the fine to be assessed:
3260 (1) Gravity of the violation.
3261 (2) History of previous violations of the same or similar nature.
3262 (3) Persistence of the violation.
3263 (4) Consequences of the violation, including potential or actual client harm.
3264 (5) Evidence that the violation was willful.
3265 (6) Violation(s) involve(s) the health and safety of another person;
3266 (7) Violation(s) were perpetrated against a minor, elder, or dependent adult.
3267 (8) The extent to which the individual cooperated with the Board's investigation.
3268 (9) The extent to which the individual has remediated any knowledge, skills, or process
3269 deficiencies that could have injured a client.
3270 (10) Any other mitigating or aggravating factors.

3271
3272 **Note:** Authority cited: Sections 125.9 and 148 and 2715, Business and Professions
3273 Code. Reference: Sections 125.9 and 148, Business and Professions Code and Section
3274 15610.23, Welfare and Institutions Code.

3275
3276 **[Reviewed 1/6/22]**

- 3277
3278 **§ 1397.51. Amount of Fines.**
3279 ~~The amount of any fine to be levied by a board official shall take into consideration the~~
3280 ~~factors listed in subdivision (b)(3) of section 125.9 of the code and shall be within the~~
3281 ~~range set forth below.~~
3282 ~~(a) A board official may issue a citation under section 1397.50 for a violation of the~~
3283 ~~provisions listed in this section. The fine for a violation of the following code sections~~
3284 ~~shall be from \$100 to \$2500:~~
3285 ~~(1) Business and Professions Code section 125~~
3286 ~~(2) Business and Professions Code section 125.6~~
3287 ~~(3): Business and Professions Code section 136~~
3288 ~~(4) Business and Professions Code section 475(a)(1)~~
3289 ~~(5) Business and Professions Code section 490~~
3290 ~~(6) Business and Professions Code section 496~~
3291 ~~(7) Business and Professions Code section 580~~
3292 ~~(8) Business and Professions Code section 581~~
3293 ~~(9) Business and Professions Code section 582~~
3294 ~~(10) Business and Professions Code section 583~~
3295 ~~(11) Business and Professions Code section 584~~
3296 ~~(12) Business and Professions Code section 650~~

- 3297 ~~(13) Business and Professions Code section 651~~
3298 ~~(14) Business and Professions Code section 654.2~~
3299 ~~(15) Business and Professions Code section 702~~
3300 ~~(16) Business and Professions Code section 810~~
3301 ~~(17) Business and Professions Code section 2903~~
3302 ~~(18) Business and Professions Code section 2960(a)~~
3303 ~~(19) Business and Professions Code section 2960(c)~~
3304 ~~(19) Business and Professions Code section 2960(d)~~
3305 ~~(20) Business and Professions Code section 2960(f)~~
3306 ~~(21) Business and Professions Code section 2960(g)~~
3307 ~~(22) Business and Professions Code section 2960(h)~~
3308 ~~(23) Business and Professions Code section 2960(i)~~
3309 ~~(24) Business and Professions Code section 2960(k)~~
3310 ~~(25) Business and Professions Code section 2960(l)~~
3311 ~~(26) Business and Professions Code section 2960(m)~~
3312 ~~(27) Business and Professions Code section 2960(n)~~
3313 ~~(28) Business and Professions Code section 2960(p)~~
3314 ~~(29) Business and Professions Code section 2960(q)~~
3315 ~~(30) Business and Professions Code section 2960(r)~~
3316 ~~(31) Business and Professions Code section 2960.6~~
3317 ~~(32) Business and Professions Code section 17500~~
3318 ~~(33) Penal Code section 11166.5~~
3319 ~~(34) Business and Professions Code section 2913(c)~~
3320 ~~(35) Business and Professions Code section 2914(c)~~
3321 ~~(36) Business and Professions Code section 2915~~
3322 ~~(b) At his or her discretion, a board official may issue a citation with an order of~~
3323 ~~abatement without levying a fine for the first violation of any provision set forth above.~~
3324 ~~(c) Notwithstanding the administrative fine amounts specified in this section, a citation~~
3325 ~~may include a fine between \$2,501 and \$5,000 if one or more of the following~~
3326 ~~circumstances apply:~~
3327 ~~(1) The citation involves a violation that has an immediate relationship to the health and~~
3328 ~~safety of another person;~~
3329 ~~(2) The cited person has a history of two or more prior citations for the same or similar~~
3330 ~~violations;~~
3331 ~~(3) The citation involves multiple violations, which demonstrate a willful disregard of the~~
3332 ~~law;~~
3333 ~~(4) The citation involves a violation or violations perpetrated against a child, elderly~~
3334 ~~person or person with a disability, or a dependent adult defined under Welfare and~~
3335 ~~Institutions Code Section 15610.23. Note: Authority cited: Sections 125.9, 148 and~~
3336 ~~2930, Business and Professions Code. Reference: Sections 125.9 and 148, Business~~
3337 ~~and Professions Code.~~
3338 HISTORY
3339 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).
3340 2. New subsections (a)(34)-(36) filed 7-2-99; operative 8-1-99 (Register 99, No. 27).

3341 3. New subsections (c)-(c)(4) filed 7-11-2005; operative 8-10-2005 (Register 2005, No.
3342 28).

3343

3344 [Reviewed 11/18/2019] [EC Reviewed 4-30-21] EC Reviewed 11/12/21

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3347 **§ 1397.52. Compliance with Orders of Abatement.**

3348 (a) The time allowed for the abatement of a violation shall begin when the order of
3349 abatement has been served. ~~If a cited person who has been issued an order of~~
3350 ~~abatement is unable to complete the correction with the time set forth in the citation~~
3351 ~~because of conditions beyond his or her control after the exercise of reasonable~~
3352 ~~diligence, the person cited may request an extension of time in which to complete the~~
3353 ~~correction from the board official who issued the citation. Such a request shall be in~~
3354 ~~writing and shall be made within the time set forth for abatement.~~

3355 (b) A cited individual may request an extension of time to complete the order of
3356 abatement, after the exercise of reasonable diligence and with verifiable evidence that
3357 the conditions causing delay were beyond their control. The request shall be made in
3358 writing within the time frame set forth for abatement.

3359 (bc) An order of abatement shall either be personally served or mailed by certified mail,
3360 return receipt requested. ~~An order of abatement shall either be personally served or~~
3361 ~~mailed by certified mail, return receipt requested. The time allowed for the abatement of~~
3362 ~~a violation shall begin when the order of abatement is final and has been served. Such~~
3363 ~~failure to meet comply with the order of abatement may result in the Board taking~~
3364 ~~disciplinary action being taken against the cited individual by the Board of Psychology or~~
3365 ~~other requesting appropriate judicial relief being taken against the person cited.~~

3366

3367 **Note:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.

3368 Reference: Sections 125.9 and 148, Business and Professions Code.

3369

HISTORY

3370 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

3371

3372 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

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3375 **§ 1397.53. Citations for Unlicensed Practice.**

3376 ~~A~~The executive officer or their designee board official is authorized to determine
3377 ~~and against whom to issue a citation, will be issued and to issue citations containing~~
3378 which shall include an orders of abatement, and whether to include an order to pay an
3379 administrative fine against persons, partnerships, corporations, or associations who are
3380 performing or who have performed services for which licensure as a psychologist is
3381 required under the laws and regulations relating to the practice
3382 of psychology. Each citation issued shall contain an order of abatement. Where
3383 appropriate, a board official shall levy a Any order to pay an administrative fine for such
3384 unlicensed activity shall be issued in accordance with subdivision (b)(3) of sSection

3385 125.9 of the eCode. The provisions of section 1397.50 and 1397.52 shall apply to the
3386 issuance of citations for unlicensed activity under this subsection. The ~~sanction-citation~~
3387 authorized under this section shall be separate from and in addition to any other civil or
3388 criminal remedies.

3389
3390 **NOTE:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
3391 Reference: Sections 125.9 and 148, Business and Professions Code.

3392 **History**

3393 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

3394
3395 **[Reviewed 12/2/2019]** **[EC Reviewed 4-30-21]** **[Reviewed 1/6/22]**

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3398 **§ 1397.54. Contest of Citations.**

3399 ~~(a) The cited individual may request a hearing to contest the~~
3400 ~~citation.~~

3401 ~~(1) The cited individual must submit any request for hearing:~~

3402 ~~(A) in writing, as provided for in subdivision (b)(4) of Section 125.9 of the eCode and,~~

3403 ~~(B) within 30 calendar days of service of the citation.~~

3404 ~~(2) The Board will schedule a hearing, which will remain scheduled until and unless the~~
3405 ~~executive officer or their designee dismisses or withdraws the citation.~~

3406 ~~(b) The person cited individual may also request an informal conference to contest the~~
3407 ~~citation.~~

3408 ~~(1) The cited individual must submit any request for informal conference:~~

3409 ~~(A) In writing, and,~~

3410 ~~(B) within ten (10) calendar days after of service or receipt of the citation, notify the~~

3411 ~~board official who issued the citation in writing of his or her request for an informal~~

3412 ~~conference with the Board official regarding the acts charged in the citation. The time~~

3413 ~~allowed for the request shall begin the first day after the citation has been served or~~

3414 ~~received. (b2) The Board official executive officer or their designee who issued the~~

3415 ~~citation shall, within 30 days from the receipt of the request, hold an informal~~

3416 ~~conference.:~~

3417 ~~(A) within 30 calendar days from the receipt of the request, and~~

3418 ~~(B) with the person cited individual and, or his or her any applicable legal counsel or~~

3419 ~~authorized representative.~~

3420 ~~(3) After the informal conference, the executive officer or their designee shall:~~

3421 ~~(A) Decide to At the conclusion of the informal conference the board official may affirm,~~

3422 ~~modify, or dismiss the citation, including any fine levied or order of abatement or any~~

3423 ~~order to pay an administrative fine the citation may include.~~

3424 ~~(B) Issue that decision issued.~~

3425 ~~(i) In writing, with reasons for the decision, The board official shall state in writing the~~

3426 ~~reasons for his or her action and serve or mail~~

3427 ~~(ii) a copy of his or her the findings and decision T to the person cited individual within~~
3428 ~~ten (10) calendar days from the date of the informal conference.~~
3429 ~~(4) After the executive officer or their designee issues the informal conference decision:~~
3430 ~~(A) No new informal conference may be requested or held.~~
3431 ~~(B) If the citation is affirmed, and if the cited individual:~~
3432 ~~(i) did not request a hearing within 30 days of service of the citation, then the affirmed~~
3433 ~~citation is a final order.~~
3434 ~~(ii) requested a hearing within 30 days of service of the citation, then the affirmed~~
3435 ~~citation will continue to that hearing.~~
3436 ~~(C) If the citation is modified:~~
3437 ~~(i) The original citation shall be considered withdrawn, with a new citation issued.~~
3438 ~~(ii) The cited individual may request a hearing for the new citation,~~
3439 ~~1. in writing, and~~
3440 ~~2. within 30 calendar days.~~
3441 ~~(D) If the citation is dismissed, any scheduled hearing will be canceled.~~
3442 ~~This decision shall be deemed to be a final order with regard to the citation issued,~~
3443 ~~including the fine levied and the order of abatement.~~
3444 ~~(c) The person cited does not waive his or her request for a hearing to contest a citation~~
3445 ~~by requesting an informal conference after which the citation is affirmed by a board~~
3446 ~~official. If the citation is dismissed after the informal conference, the request for a~~
3447 ~~hearing on the matter of the citation shall be deemed to be withdrawn. If the citation,~~
3448 ~~including any fine levied or order of abatement, is modified, the citation originally issued~~
3449 ~~shall be considered withdrawn and new citation issued. If a hearing is requested for the~~
3450 ~~subsequent citation it shall be requested within 30 days in accordance with subdivision~~
3451 ~~(b)(4) of Section 125.9 of the code.~~

3452 **NOTE:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
3453 Reference: Sections 125.9 and 148, Business and Professions Code.

History

3454 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

3455
3456 **[Reviewed 12/2/2019]** **[EC Reviewed 4-30-21]** EC Reviewed 11/12/21 **[Reviewed**
3457 **1/6/22]**

§ 1397.55. Disconnection of Telephone Service.

3461 ~~(a) If, upon investigation, the board official has probable cause to believe that an~~
3462 ~~unlicensed person, who is not otherwise exempt from licensure, has advertised to~~
3463 ~~provide psychological services in an alphabetical or classified directory in violation of~~
3464 ~~section 2903 of the Code, the board official may issue a citation containing an order of~~
3465 ~~abatement pursuant to section 1397.50 of these regulations. The order of abatement~~
3466 ~~shall require the unlicensed person to cease the unlawful advertising and to notify the~~
3467 ~~telephone company furnishing services to the cited person to (1) disconnect the~~
3468 ~~telephone services furnished to any telephone number contained in the unlawful~~
3469 ~~advertising, and (2) that subsequent calls to that number shall not be referred by the~~

3470 ~~telephone company to any new number obtained by that person. The cited person shall~~
3471 ~~provide written evidence of compliance to the board official.~~
3472 ~~(b) If the person to whom a citation is issued under subdivision (a) submits a written~~
3473 ~~request to the board official to appeal the citation, the board official shall afford an~~
3474 ~~opportunity for a hearing, as provided in section 1397.54 of these regulations.~~
3475 ~~(c) If the person to whom the citation and order of abatement is issued fails to comply~~
3476 ~~with the order of abatement after the order is final as provided in section 13987.54(b) of~~
3477 ~~these regulations, the board official shall inform the Public Utilities Commission of the~~
3478 ~~violation in accordance with Business and Professions Code section 149.~~
3479 ~~Note: Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.~~
3480 ~~Reference: Sections 125.9, 148 and 149, Business and Professions Code.~~

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HISTORY

3483 ~~1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).~~
3484 ~~2. Change without regulatory effect amending subsection (a) filed 12-5-2018 pursuant to~~
3485 ~~section 100, title 1, California Code of Regulations (Register 2018, No. 49).~~
3486 ~~This database is current through 10/18/19 Register 2019, No. 42~~

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[EC Reviewed 4-30-21]

3491 **Agenda Item 25: Update Regarding Mathews v. Becerra - California Child Abuse**
3492 **and Neglect Reporting Act (CANRA) and Mandated Reporting - Penal Code**
3493 **Sections 261.5, 288, and 11165.1**

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Dr. Tate introduced this item and Ms. Sorrick provided this update. Ms. Sorrick stated that as of December 6, 2021, staff was notified by the Department of Justice that Assemblymember Garcia had withdrawn her request for a legal opinion and that the requested opinion had been cancelled. This was due to pending litigation concerning CANRA.

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Ms. Sorrick stated that the case had been remanded to the Los Angeles Superior Court and was scheduled to be heard on August 8, 2022. The Board planned to seek a new legislator to request a new opinion as Assemblymember Garcia was running for another office.

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Dr. Phillips provided a background summary of this case.

3508

There was no further Board or public comment offered.

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3510

Agenda Item 26: Budget Committee Update

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3512

a) Staff Budget Analysis

3513 b) Stakeholder Meeting

3514

3515 Dr. Shacunda Rodgers, Committee Chair, provided this update.

3516

3517 There was no Board or public comment offered.

3518

3519 **Agenda Item 27: Recommendations for Agenda Items for Future Board Meetings.**

3520

3521 Dr. Casuga requested that the Board receive an update from ASPPB regarding the
3522 proposed EPPP Part 2-Skills examination.

3523

3524 There was no further Board or public comment offered.

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3526 ADJOURNMENT

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3528 The meeting adjourned at 4:15 p.m.

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DRAFT

MEMORANDUM

DATE	April 18, 2022
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Manager
SUBJECT	Agenda Item #8 - Budget Report

Background:

In the Governor's 2021-22 Budget after the January 10, 2022, current year changes, the Board has an appropriation of \$7,171,000. At the end of this fiscal year, the Board is estimated to revert 1.49% of its budget, or \$106,612.

Action Requested:

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

Attachment A: Budget Report: FY 2021-2022 through Fiscal Month 8

Attachment B: Fund Condition

Attachment C: Projected versus actual expenditures and revenue

Department of Consumer Affairs

Expenditure Projection Report

Board of Psychology

Reporting Structure(s): 11112100 Support

Fiscal Month: 8

Fiscal Year: 2021 - 2022

Run Date: 03/23/2022

PERSONAL SERVICES

Fiscal Code	Line Item	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$1,541,974	\$1,695,000	\$1,264,524	\$1,902,756	-\$207,756
5100	TEMPORARY POSITIONS	\$10,749	\$47,000	\$9,239	\$19,239	\$27,761
5105-5108	PER DIEM, OVERTIME, & LUMP SU	\$48,024	\$22,000	\$18,824	\$38,231	-\$16,231
5150	STAFF BENEFITS	\$937,765	\$1,119,000	\$739,968	\$1,116,546	\$2,454
	PERSONAL SERVICES	\$2,538,512	\$2,883,000	\$2,032,555	\$3,076,771	-\$193,771

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$57,536	\$107,000	\$30,284	\$40,568	\$66,432
5302	PRINTING	\$47,120	\$55,000	\$12,453	\$12,677	\$42,323
5304	COMMUNICATIONS	\$3,920	\$31,000	\$2,156	\$5,062	\$25,938
5306	POSTAGE	\$2,058	\$19,000	\$2,759	\$2,759	\$16,241
5308	INSURANCE	\$355	\$0	\$0	\$355	-\$355
53202-204	IN STATE TRAVEL	\$3,302	\$25,000	\$1,077	\$1,846	\$23,154
5322	TRAINING	\$1,000	\$18,000	\$0	\$1,000	\$17,000
5324	FACILITIES	\$228,129	\$153,000	\$226,178	\$234,860	-\$81,860
53402-53403	C/P SERVICES (INTERNAL)	\$1,326,676	\$1,353,000	\$661,330	\$1,266,105	\$86,895
5340310000	Legal - Attorney General	\$1,216,944	\$974,000	\$678,549	\$1,017,823	-\$43,823
5340320000	Office of Adminis Hearings	\$109,580	\$116,000	\$144,715	\$248,082	-\$132,082
53404-53405	C/P SERVICES (EXTERNAL)	\$361,206	\$588,000	\$290,383	\$481,781	\$106,219
5342	DEPARTMENT PRORATA	\$1,306,863	\$1,835,000	\$1,356,000	\$1,835,000	\$0
5342	DEPARTMENTAL SERVICES	\$72,614	\$54,000	\$29,088	\$47,286	\$6,714
5344	CONSOLIDATED DATA CENTERS	\$19,772	\$15,000	\$0	\$20,000	-\$5,000
5346	INFORMATION TECHNOLOGY	\$2,050	\$27,000	\$25,818	\$25,992	\$1,008
5362-5368	EQUIPMENT	\$10,226	\$8,000	\$6,778	\$7,047	\$953
5390	OTHER ITEMS OF EXPENSE	\$3,620	\$0	\$0	\$3,500	-\$3,500
54	SPECIAL ITEMS OF EXPENSE	\$3,463	\$0	\$1,186	\$1,779	-\$1,779
	OPERATING EXPENSES & EQUIPMENT	\$3,449,909	\$4,288,000	\$2,645,489	\$3,987,617	\$300,383

OVERALL TOTALS		\$5,988,421	\$7,171,000	\$4,678,045	\$7,064,388	\$106,612
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1.49%

0310 - Psychology

Fund Condition Analysis

Prepared 3.30.2022

(Dollars in Thousands)

2022-23 Governor's Budget with FM 8 Projections

	Actual 2020-21	CY 2021-22	Governor's Budget BY 2022-23	BY +1 2023-24
BEGINNING BALANCE	\$ 11,396	\$ 8,666	\$ 6,014	\$ 4,299
Prior Year Adjustment	\$ -352	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 11,044	\$ 8,666	\$ 6,014	\$ 4,299
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 79	\$ 60	\$ 57	\$ 57
4127400 Renewal fees	\$ 3,798	\$ 3,657	\$ 3,585	\$ 3,585
Renewal fee increase (effective 7/1/22)		\$ -	\$ 922	\$ 922
4129200 Other regulatory fees	\$ 178	\$ 183	\$ 95	\$ 95
4129400 Other regulatory licenses and permits	\$ 574	\$ 549	\$ 590	\$ 590
Other regulatroy licenses and permits increase (effective 7/1/22)			\$ 252	\$ 252
4163000 Income from surplus money investments	\$ 55	\$ 122	\$ 35	\$ 18
4171400 Escheat of unclaimed checks and warrants	\$ 2	\$ 3	\$ 1	\$ 1
4172500 Miscellaneous revenues	\$ -	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgements - Other	\$ 4	\$ -	\$ -	\$ -
Totals, Revenues	\$ 4,690	\$ 4,575	\$ 5,538	\$ 5,521
Transfers to Other Funds				
GF Loan Per Item 1111-011-0310 BA of 2020	\$ -900	\$ -	\$ -	\$ -
GF Loan Repayment Per Item 1111-011-0310 BA of 2020	\$ -	\$ -	\$ 900	\$ -
Totals, Revenues and Transfers	\$ 3,790	\$ 4,575	\$ 6,438	\$ 5,521
Totals, Resources	\$ 14,834	\$ 13,241	\$ 12,452	\$ 9,820
EXPENDITURES				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 5,783	\$ 6,784	\$ 7,603	\$ 7,831
9892 Supplemental Pension Payments (State Operations)	\$ 94	\$ 94	\$ 94	\$ 94
9900 Statewide General Administrative Expenditures (Pro Rata)(State Total Disbursements	\$ 291	\$ 349	\$ 456	\$ 456
	\$ 6,168	\$ 7,227	\$ 8,153	\$ 8,382
FUND BALANCE				
Reserve for economic uncertainties	\$ 8,666	\$ 6,014	\$ 4,299	\$ 1,438
Months in Reserve	14.4	8.9	6.2	2.0

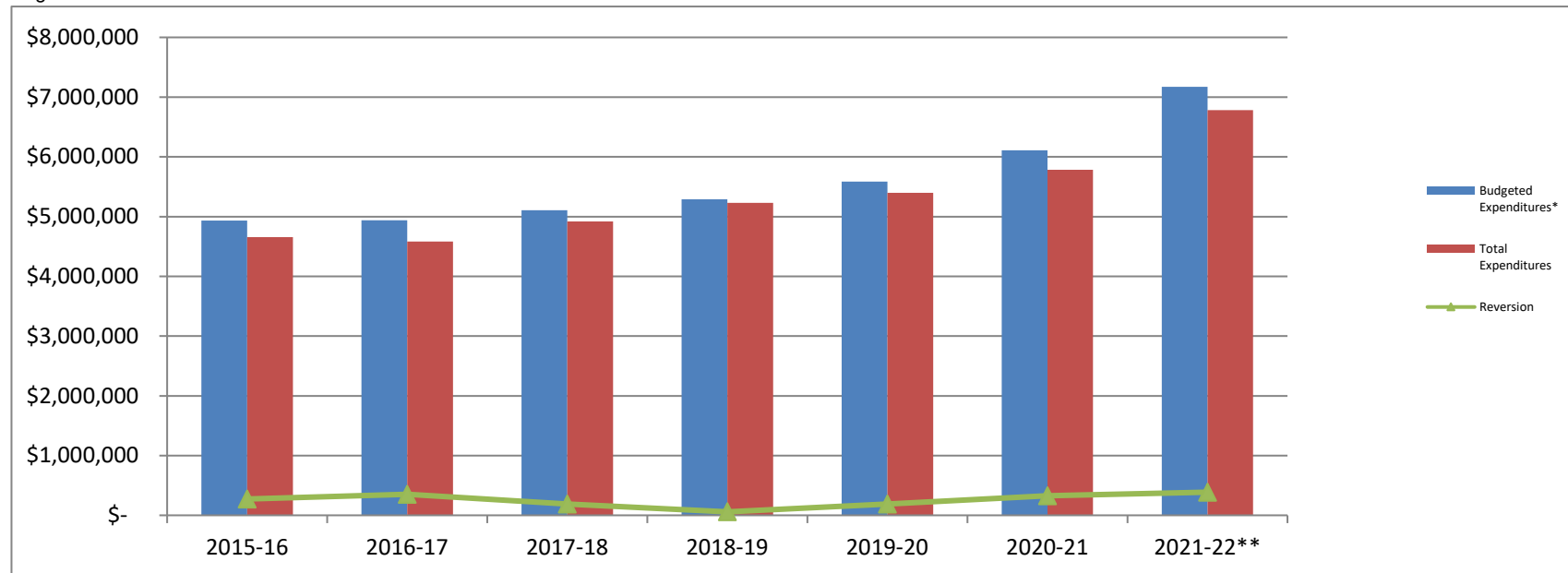
NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR BY+1 AND ON-GOING.
- ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR IN BY+1 AND ON-GOING..
- ASSUMES INTEREST RATE OF 1.5%
- CY REVENUES AND EXPENDITURES ARE PROJECTIONS

Psychology Expenditure Comparison (Budgeted vs. Actual)

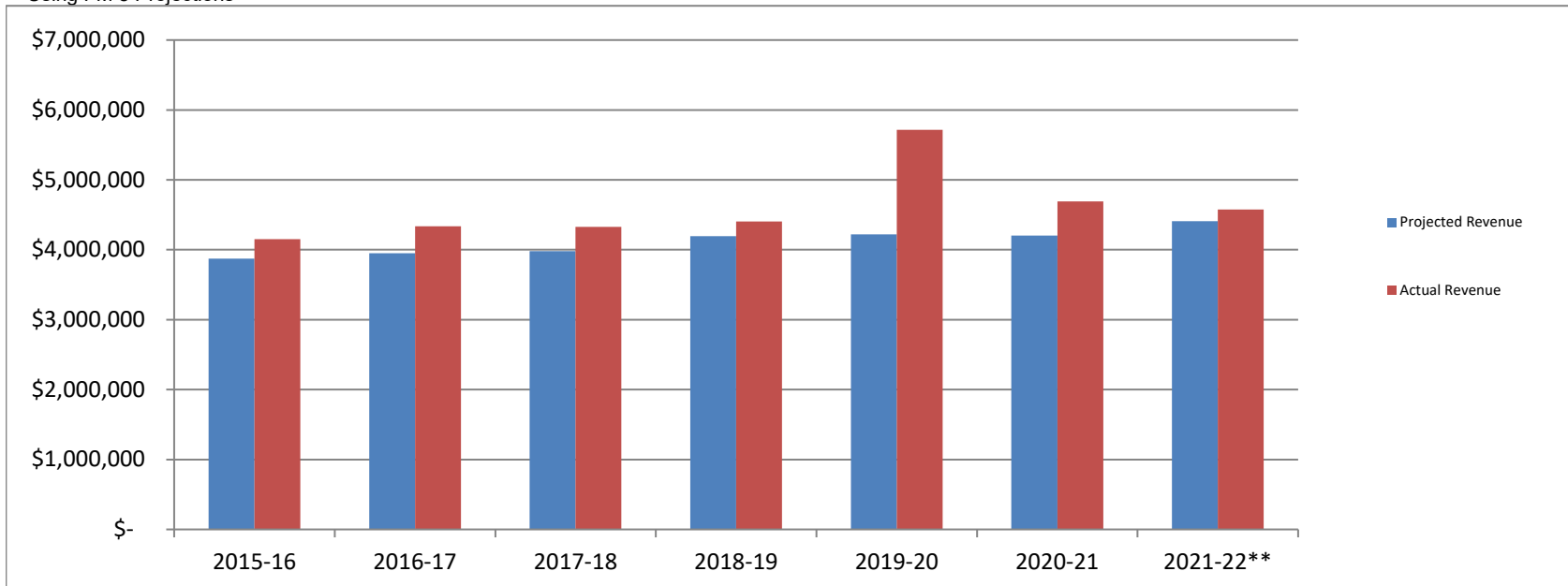
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22**
Budgeted Expenditures*	\$4,933,000	\$4,938,000	\$5,107,000	\$ 5,290,000	\$ 5,586,000	\$6,111,000	\$7,171,000
Total Expenditures	\$4,658,000	\$4,585,000	\$4,919,000	\$ 5,232,000	\$ 5,396,000	\$5,783,000	\$6,783,891
Reversion	\$ 275,000	\$ 353,000	\$ 188,000	\$ 58,000	\$ 190,000	\$ 328,000	\$ 387,109

*Figures include reimbursements



Psychology Revenue Comparison (Projected vs. Actual)							
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22**
Projected Revenue	\$3,872,000	\$3,951,000	\$3,981,000	\$ 4,195,000	\$ 4,219,000	\$4,201,689	\$4,411,000
Actual Revenue	\$4,150,000	\$4,337,000	\$4,328,000	\$ 4,404,000	\$ 5,716,000	\$4,690,000	\$4,575,541
Difference	\$ 278,000	\$ 386,000	\$ 347,000	\$ 209,000	\$ 1,497,000	\$ 488,311	\$ 164,541

**Using FM 8 Projections



MEMORANDUM

DATE	April 28, 2022
TO	Board of Psychology
FROM	Jonathan Burke – Assistant Executive Officer
SUBJECT	Agenda Item 9 – Budget Ad Hoc Committee Report and Consideration of Committee Recommendations (Rodgers – Chairperson, Nystrom) Memo/Attachments a) Fiscal Analysis (J. Burke/J. Glasspiegel/S. Costa) b) Fee Recommendation

Planning for Growth:

Staff have created a growth scenario for the Board. The initial fee increase allows the Board to address its structural imbalance and have revenue match expenditures. This growth scenario adds 3 full time employees (FTE) to the internal licensing function and 1 FTE to the enforcement function. The primary function of these additional licensing staff will be reviewing and approving licensing applications. The extra enforcement FTE will help process complaints and investigations. These additional staff will help address lengthy processing times in licensing and help address high caseloads in the Enforcement Unit. All these additional costs will be added to the renewal fees. To implement this growth scenario the Board will need to initiate a regulatory change. This will not involve the Legislature but still allows for comment from stakeholders and review by the following control agencies: Department of Consumer Affairs, the Business, Consumer Services, and Housing Agency, and the Department of Finance.

The difference in the cost to the renewal fees is illustrated in the following manner:

Transaction Type	Current Fee	New Minimum	New Maximum
Psychologist (PSY) Biennial Renewal	\$ 430.00	\$ 795.00	\$ 1,100.00
Psychologist (PSY) Inactive Biennial Renewal	\$ 60.00	\$ 221.00	\$ 400.00
Registered Psychological Associate Renewal	\$ 40.00	\$ 224.00	\$ 400.00

Action Requested:

Staff request that in addition to the increase proposed by the Budget Committee, the Board also approve the proposed statutory fee caps. Staff will prepare answers to the Assembly Committee on Business & Professions Fee Background Information Questionnaire and seek an author to make the necessary statutory changes.

0310 - Psychology
Fund Condition Analysis

Prepared 4.28.22

(Dollars in Thousands)

**2022-23 Governor's Budget with FM 8 CY Projections & BY Regulatory Adj
 Plus Statutory Fee Adjustment (effective 1/1/24)**

	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25	BY +4 2025-26	BY +5 2026-27	BY +6 2027-28	BY +7 2028-29	BY +8 2029-30
BEGINNING BALANCE	\$ 8,666	\$ 6,013	\$ 4,282	\$ 2,996	\$ 2,982	\$ 2,817	\$ 2,395	\$ 1,707	\$ 740
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 8,666	\$ 6,013	\$ 4,282	\$ 2,996	\$ 2,982	\$ 2,817	\$ 2,395	\$ 1,707	\$ 740
REVENUES AND TRANSFERS									
Revenues:									
4121200 Delinquent fees	\$ 60	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57
4127400 Renewal fees (includes regulatory fee increase effective 7/1/22)	\$ 3,657	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517
Renewal fees increase (statutory increase effective 1/1/24)	\$ -	\$ -	\$ 1,465	\$ 2,929	\$ 2,929	\$ 2,929	\$ 2,929	\$ 2,929	\$ 2,929
4129200 Other regulatory fees	\$ 183	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95
4129400 Other regulatory licenses and permits (includes regulatory fee increase effective 7/1/22)	\$ 549	\$ 816	\$ 816	\$ 816	\$ 816	\$ 816	\$ 816	\$ 816	\$ 816
Other regulatory fees increase (statutory increase effective 1/1/24)	\$ -	\$ -	\$ 145	\$ 290	\$ 290	\$ 290	\$ 290	\$ 290	\$ 290
4163000 Income from surplus money investments	\$ 122	\$ 35	\$ 44	\$ 44	\$ 42	\$ 35	\$ 25	\$ 11	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 3	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 4,575	\$ 5,522	\$ 7,140	\$ 8,750	\$ 8,748	\$ 8,741	\$ 8,731	\$ 8,717	\$ 8,706
Transfers from Other Funds									
GF Loan Repayment Per Item 1110-011-0310 BA of 2020	\$ -	\$ 900	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 4,575	\$ 6,422	\$ 7,140	\$ 8,750	\$ 8,748	\$ 8,741	\$ 8,731	\$ 8,717	\$ 8,706
Totals, Resources	\$ 13,241	\$ 12,435	\$ 11,422	\$ 11,745	\$ 11,730	\$ 11,557	\$ 11,126	\$ 10,423	\$ 9,445
EXPENDITURES									
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Ops)	\$ 6,785	\$ 7,603	\$ 7,831	\$ 8,066	\$ 8,308	\$ 8,557	\$ 8,814	\$ 9,078	\$ 9,351
9892 Supplemental Pension Payments (State Ops)	\$ 94	\$ 94	\$ 94	\$ 94	\$ -	\$ -	\$ -	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata)	\$ 349	\$ 456	\$ 500	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600
Total Disbursements	\$ 7,228	\$ 8,153	\$ 8,426	\$ 8,763	\$ 8,913	\$ 9,162	\$ 9,419	\$ 9,683	\$ 9,956
FUND BALANCE									
Reserve for economic uncertainties	\$ 6,013	\$ 4,282	\$ 2,996	\$ 2,982	\$ 2,817	\$ 2,395	\$ 1,707	\$ 740	\$ -510
Months in Reserve	8.9	6.1	4.1	4.0	3.8	3.1	2.2	0.9	-0.6

0310 - Psychology Fund Condition Analysis

Prepared 4.28.22

(Dollars in Thousands)

2022-23 Governor's Budget with FM 8 CY Projections & BY Regulatory Adj Plus Statutory Fee Adjustment (effective 1/1/24)

	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25	BY +4 2025-26	BY +5 2026-27	BY +6 2027-28	BY +7 2028-29
BEGINNING BALANCE	\$ 8,666	\$ 6,013	\$ 4,282	\$ 2,895	\$ 1,802	\$ 510	\$ 1,873	\$ 2,963
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 8,666	\$ 6,013	\$ 4,282	\$ 2,895	\$ 1,802	\$ 510	\$ 1,873	\$ 2,963
REVENUES AND TRANSFERS								
Revenues:								
4121200 Delinquent fees	\$ 60	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57	\$ 57
4127400 Renewal fees (include regulatory fee increase effective 7/1/22)	\$ 3,657	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517	\$ 4,517
Renewal fees increase (statutory increase effective 1/1/24)	\$ -	\$ -	\$ 1,465	\$ 2,929	\$ 2,929	\$ 5,994	\$ 5,994	\$ 5,994
4129200 Other regulatory fees (include regulatory fee increase effective 7/1/22)	\$ 183	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95	\$ 95
Other regulatory fees increase (statutory increase effective 1/1/24)	\$ -	\$ -	\$ 145	\$ 290	\$ 290	\$ 290	\$ 290	\$ 290
4129400 Other regulatory licenses and permits	\$ 549	\$ 816	\$ 816	\$ 816	\$ 816	\$ 816	\$ 816	\$ 816
4163000 Income from surplus money investments	\$ 122	\$ 35	\$ 43	\$ 27	\$ 8	\$ 28	\$ 44	\$ 56
4171400 Escheat of unclaimed checks and warrants	\$ 3	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 4,575	\$ 5,522	\$ 7,139	\$ 8,733	\$ 8,714	\$ 11,798	\$ 11,814	\$ 11,826
Transfers from Other Funds								
GF Loan Repayment Per Item 1110-011-0310 BA of 2020	\$ -	\$ 900	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 4,575	\$ 6,422	\$ 7,139	\$ 8,733	\$ 8,714	\$ 11,798	\$ 11,814	\$ 11,826
Totals, Resources	\$ 13,241	\$ 12,435	\$ 11,421	\$ 11,627	\$ 10,516	\$ 12,309	\$ 13,687	\$ 14,789
EXPENDITURES								
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State)	\$ 6,785	\$ 7,603	\$ 7,831	\$ 8,066	\$ 8,308	\$ 8,557	\$ 8,814	\$ 9,078
2024-25 Staff Growth	\$ -	\$ -	\$ -	\$ 1,012	\$ 1,042	\$ 1,074	\$ 1,106	\$ 1,139
9892 Supplemental Pension Payments (State Ops)	\$ 94	\$ 94	\$ 94	\$ 94	\$ -	\$ -	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata)	\$ 349	\$ 456	\$ 600	\$ 650	\$ 650	\$ 800	\$ 800	\$ 800
Total Disbursements	\$ 7,228	\$ 8,153	\$ 8,526	\$ 9,825	\$ 10,005	\$ 10,436	\$ 10,725	\$ 11,022
FUND BALANCE								
Reserve for economic uncertainties	\$ 6,013	\$ 4,282	\$ 2,895	\$ 1,802	\$ 510	\$ 1,873	\$ 2,963	\$ 3,767
Months in Reserve	8.9	6.0	3.5	2.2	0.6	2.2	3.3	4.1

Agenda item 9 – Attachment L

Fiscal Year	PSY	PSB	Total
2016	927	56	983
2017	1086	64	1150
2018	1051	57	1108
2019	1100	51	1151
2020	1030	80	1110
2021	1047	41	1088
2022*	791	36	827
<i>*FY 2022 as of April 15, 2022</i>			

MEMORANDUM

DATE	April 13, 2022
TO	Psychology Board Members
FROM	Sandra Monterrubio, Enforcement Program Manager Board of Psychology
SUBJECT	Enforcement Report, Item 12

Please find attached the Overview of Enforcement Activity conveying complaint, investigation, and discipline statistics to date for the current fiscal year. Performance Measures will be included at our next Board Meeting as that data is currently being collected.

Complaint Program

Since July 1, 2021, the Board has received 742 complaints. All complaints received are opened and assigned to an enforcement analyst.

Citation Program

Since July 1, 2021, the Board has issued 28 enforcement citations. Citation and fines are issued for minor violations.

Discipline Program

Since July 1, 2021, the Board has referred 39 cases to the Office of the Attorney General for formal discipline.

Probation Program

Enforcement staff is currently monitoring 45 active probationers and there are 18 tolled probationers. Of the 45 active probationers, one (1) is out of compliance. Being out of compliance can result in a citation and fine or additional discipline.

Attachments:

Overview of Enforcement Activity

Action Requested

This item is for informational purposes only.

BOARD OF PSYCHOLOGY

Overview of Enforcement Activity

LICENSES	17/18	18/19	19/20	20/21	21/22
Psychologist	20,977	21,329	18,763	22,058	22,289
Psychological Associates	1,446	1,361	1,344	1,348	1,450
COMPLAINTS					
Complaints Received ¹	1,097	1,093	1,092	1,130	742
Arrest Reports Received	53	40	43	32	34
Investigations Opened ²	805	862	829	788	603
ENFORCEMENT OUTCOMES					
Total Citations Issued	46	47	35	37	28
Total Cases Referred to AG	70	56	75	60	39
Accusations	15	31	47	32	20
Statement of Issues	6	4	10	1	1
Petition to Revoke Probation	6	3	2	2	0
Petitions for Penalty Relief	6	5	4	8	4
Petition for Reinstatement	1	5	3	3	3
Total Filings	34	48	66	46	28
Accusations Withdrawn/Dismissed	0	7	1	3	3
Statement of Issues Withdrawn	3	0	3	2	0
Total Filings Withdrawn/Dismissed	3	7	4	5	3
Revocations	9	1	9	1	4
Probation	7	11	16	14	12
Surrender	11	9	12	12	7
Reprovals	4	1	2	6	7
Interim Orders	2	1	2	0	1
Statement of Issues-License Denied	0	0	0	1	1
Total Disciplinary Decisions	33	23	41	34	32
Petitions for Penalty Relief Denied	4	7	3	2	3
Petitions for Penalty Relief Granted	2	3	2	0	1
Petition for Reinstatement Granted	0	1	0	0	0
Petition for Reinstatement Denied	1	1	1	0	3
Total Other Decisions	7	12	6	2	7
VIOLATION TYPES					
Gross Negligence/Incompetence	20	20	28	29	24
Repeated Negligent Acts	21	13	15	25	17
Self-Abuse of Drugs or Alcohol	7	3	1	12	6
Dishonest/Corrupt/Fraudulent Act	9	6	10	6	5
Mental Illness	2	2	1	0	2
Aiding Unlicensed Practice	0	0	0	1	3
General Unprofessional Conduct	13	8	25	26	25
Probation Violation	29	12	6	7	5
Sexual Misconduct	2	3	4	7	6
Conviction of a Crime	1	8	7	10	7
Discipline by Another State Board	2	0	0	2	2
Misrepresentation of License Status	1	0	3	1	3

**Enforcement data pulled on April 13, 2022

¹ Complaints Received-refers to all complaints submitted to the Board even if the complaint does not fall within the Board's jurisdiction or if multiple complaints are filed regarding a single incident.

² Investigations Opened-refers to complaints where a desk investigation is initiated.

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 10-21-2021

DEADLINES

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

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

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

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

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

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 14** Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- Jan. 17** Martin Luther King, Jr. Day.
- Jan. 21** Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- Jan. 21** Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

- Feb. 18** Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- Feb. 21** Presidents' Day.

- Apr. 1** Cesar Chavez Day observed
- Apr. 7** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Apr. 18** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 29** Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6** Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23-27** **Floor Session only**. No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- May 27** Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- May 30** Memorial Day.
- May 31** Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by the Rules Committee

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 10-21-2021

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

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

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

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

June 30 Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day's session if Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).

Aug. 15 - 31 Floor Session only. No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).

Aug. 25 Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

Aug. 31 Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).

Final Recess begins at end of this day's session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 8 General Election.

Nov. 30 Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).

Dec. 5 12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).

2023

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

MEMORANDUM

DATE	April 22, 2022
TO	Board of Psychology
FROM	Suzy Costa Legislative and Regulatory Analyst
SUBJECT	Agenda Item 15 Discussion and Possible Adoption of Continuing Professional Development Regulatory Package 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67, including consideration of comments received

Background:

The California Board of Psychology (Board) is seeking to change the continuing education guidelines and requirements that must be completed by licensed psychologists when renewing, reactivating, or reinstating their license. The Board would like to move from the existing Continuing Education (CE) model to a broader Continuing Professional Development (CPD) model.

SB 1193 (Hill Chapter 484, Statutes of 2016) modified existing law specifying that the Board shall issue a renewal license only to an applicant who has completed 36 hours of approved continuing professional development in the preceding two years.

This bill also defined continuing professional development (CPD) as certain continuing education learning activities approved in four different categories:

- (1) Professional.
- (2) Academic.
- (3) Sponsored continuing education coursework.
- (4) Board certification from the American Board of Professional Psychology.

This rulemaking file brings the Board in compliance with the changes enacted by SB 1193 (Hill Chapter 484, Statutes of 2016).

This package was noticed for the initial 45-day comment period on October 2, 2020. The comment period for this rulemaking file ended on November 17, 2020. The regulatory hearing took place on November 19, 2020.

The Board considered the comments at the December 2020, Board meeting, and issued a Notice of modified text on December 15, 2020. The comment period for that modified text ended on January 6, 2021. At the February 2021 meeting, the Board voted

to reject the comments received during the 15-day comment period as the comments were not germane and outside the scope of the revised text.

This package was submitted to the Office of Administrative Law (OAL) for their final review on October 1, 2021. This package was submitted to the Office of Administrative Law (OAL) for their final review on October 1, 2021. Given the Governor's Extensions of rulemaking review timelines, the Department of Finance had not completed their review by January 1, 2022, the proposed implementation date. Therefore, the package was withdrawn on January 26, 2022, and resubmitted to OAL by the required deadline of January 27, 2022, to enable the Board to notice a modified text that updates the implementation dates.

During their initial review, OAL suggested some other changes, which were also incorporated into the (second) modified text, which was noticed April 4, 2022. The comment period on this modified text ran through April 19, 2022. Comments were received for the Board's consideration.

At the direction of OAL, Staff individually summarized all comments from the 45-day and 15-day comment periods, both written and verbal, and responded to each one separately to ensure the Board meets legal requirements for regulatory packages.

Action Requested:

Staff recommends that, after consideration of the comments received as reflected in Attachments C and D, the Board adopt the second modified regulation text with no further changes and approve all of the comment responses with the following motion:

Adopt the second modified text as noticed; Approve the responses to all comments received during all comment periods; Delegate to the Executive Officer the ability to make any technical or non-substantive edits to the text in order to secure final approval from the Office of Administrative Law.

Attachment A: CPD Written Comment and Response Table (45-Day and First 15-Day)

Attachment B: CPD Verbal Comment and Response Table

Attachment C: Second 15-Day Written Comments

Attachment D: Second 15-Day Written Comment and Response Table

Attachment E: CPD Second Modified Regulation Text

Item 15, Attachment A

Written CPD Comments with Responses (45-day and first 15-day comment periods)

#	Comment	Response
45-Day Comment Period		
1	Extend the implementation date to January 1, 2022 or later.	Accept. The proposed implementation date of the transition to CPD is January 1, 2023 within the second modified regulation text.
2	Maintain a transitional year subsequent to the implementation date, as per section 1397.61(m).	Accept. The Board is not proposing any additional changes to the transitional year, per section 1397.61(m).
3	Modify §1397.60(a)(4) to specifically allow Conference/Convention attendance to include attendance via electronic means.	Accept. The Board accepted this change in the second modified regulation text.
4	Modify §1397.60(a)(7) to specifically allow attendance at Board of Psychology meetings to include attendance via electronic means.	Accept. The Board accepted this change in the second modified regulation text.
5	Clarify §1397.60(a)(1) regarding the type of consultation that would count as “peer consultation.” For example, if a junior colleague requests consultation and advice from a senior colleague or expert consultant, can both psychologists count these hours as “peer consultation”? Does peer consultation include consultation with licensed psychologists only? Or can consultation be with any licensed mental health professional?	Reject. The Board is not proposing any additional changes to the definition of “peer consultation,” which is stated in the regulation as with “professional colleagues” and does not include supervision. Per page 11 of the Initial Statement of Reasons (ISR), “Psychologists can accrue up to half of their CPD hours using ‘Peer Consultation’ because research shows that peer consultation is one of the best ways to ensure implementation of new techniques or previously learned subject matter into practice. Additionally, “Peer Consultation” allows follow-up on individual cases, legal or ethical questions, and reduces professional isolation.” The Board relied upon the Association of State and Provincial Psychology Boards’ Guidelines and White Paper (see Underlying Data) for developing this proposal, both of which discuss peer consultation, and is statutorily bound by the APA Ethical Principles of

#	Comment	Response
		Psychologists and Code of Conduct, which uses the term “colleagues.” Therefore, “peer” is used in this sense, which is common in the mental health field.
6	Clarify or correct §1397.61(a) regarding the reference to Business and Professions Code §2915(e), which does not appear to be relevant. Perhaps the reference was meant to be to Business and Professions Code §2915(g), which allows the Board to grant an exemption or an extension for compliance with CPD requirements.	Originally, subsection (e) (from January 1, 2004 to December 31, 2016), read: “(e) The board may establish a policy for exceptions from the continuing education requirement of this section.” SB 1193 and SB 801 have both subsequently amended BPC 2915. Under SB 1193, the section was moved to (g), as the commenter had pointed out when the letter was written in October 2020. Effective January 1, 2022, SB 801 amended BPC section 2915 to remove (g), which allowed the Board to grant an exemption or an extension of the time for compliance with, from the continuing professional development requirement of this section. Additionally, the Board is amending 1397.61.1, which would replace 1391.61 effective January 1, 2023, to remove the BPC reference.
7	Modify §1397.61(f)(2) to make it clear that “client identifier” should not include any confidential information. This could be accomplished by making the following change to that paragraph: “... ‘client identifier’ <u>such as client initials or a number...</u> ”	Reject. The Board is not proposing any additional changes to CCR 16 §1397.61(f)(2), and the Board thinks “client identifier” is appropriately phrased to direct the psychologist to not identify a client’s name. Licensees are statutorily bound by the APA Ethical Principles of Psychologists and Code of Conduct which contain specific instruction regarding confidentiality and consultation, so it is not necessary to add to the regulatory text.
8	Please clarify what would be an acceptable “trainee identifier” in §1397.61(g)(3).	Reject. The Board is not proposing any additional changes to CCR 16 §1397.61(f)(2). Per page 15 of the ISR, “Documentation of this activity must include: dates of supervision and a trainee identifier (e.g., name or registration number, if any). A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.” The Board is not imposing any naming conventions for organizations with trainees, as long as the Board can

#	Comment	Response
		understand the reference for audit purposes.
9	Modify §1397.61(f)(3) to make it clear that a minimum of 4.5 hours of “Professional Service” is not mandatory. This can be accomplished by making the following change to that paragraph: “A minimum of 4.5 hours and maximum of 12 hours shall <u>may</u> be credited in ‘Professional Service’.”	Reject. The Board is not proposing any additional changes to CCR 16 §1397.61(f)(3)(A). Per page 11 of the ISR, “licensees can apply a minimum of 4.5 hours and a maximum of 12 hours toward the CPD required for license renewal or reactivation. Participation in services related to the field of psychology or other related disciplines for one (1) year equals nine (9) hours credited, and six (6) months equals 4.5 hours credited. This is a service to the profession and will help the licensee to stay current on issues impacting the field.” The Board feels that this language is sufficiently clear as an example of an acceptable CPD activity. Because the regulation already states that there are different categories of CPD and that not all categories must be used, the use of “may” is not necessary. The language in all of the examples is consistently used.
10	Use alternatives to the language “he or she.” This can be accomplished using words such as they, them, psychologists, or licensees.	Accept. The Board modified the proposed regulations to reflect gender-neutral pronouns.
11	Modify §1397.61 to allow licensees greater flexibility in implementing their own professional development plans.	Reject. CPD language was updated after the first draft of language was withdrawn from OAL to include more flexibility. The Board sees the second modified regulation text as having an appropriate amount of flexibility for licensees to obtain CPD.
12	Consider the option of allowing all CPD hours to be accrued with a combination of sponsored CE plus self-directed learning.	Reject. The Board is not proposing additional changes to change the definition of “Academic” CPD, as both “sponsored CE” and “self-directed learning” fall under the “Academic” definition. Per pages 10 and 11 of the ISR, “Licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories.”

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13	We request that you expand the number of hours that can be accrued via sponsored CE to 30 (from the proposed 27). This, plus the six (6) allowable hours through self-directed learning would equal the 36 total CPD hours required for license renewal. This option would maintain the requirement of participation in at least two categories.	Reject. The Board is not proposing additional changes to the hours required of CPD. Per pages 10 and 11 of the ISR, "Licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories." Additionally, BPC section 2915 requires a psychologist to complete 36 hours of CPD for biennial licensure renewal. Current law states that CPD means certain learning activities approved in four different categories, as specified in the regulatory text.
14	Remove the requirement in section 1397.61(e) that psychologists must obtain CPD from at least two categories of CPD.	Reject. Please see the Board's response to comment 12 for the rationale.
15	Remove the cap of 27 hours of CPD in section 1397.61 (h) and continue to allow all 36 CPD hours to be obtained through traditional education programs, as has been the case for many years.	Reject. Please see the Board's response to comment 13 for the rationale.
16	Update language to reflect non-binary identity sensitivity, using "they," "them," or "their" instead of derivatives of "he" and "she."	Accept. The Board modified the proposed regulations to reflect gender-neutral pronouns.
17	The Proposal is least flexible for two groups: 1. those who have found that their best "learning style" is taking large amounts of multi-modal CE programs to develop and hone specialties, and 2. for psychologists whose lives are stressful due to health, family, or other personal situations.	Reject. For further rationale, please see the Board's response to comment 11. As protection of the public is paramount, the Board has determined that all licensees must be current in their training/relevancy.
18	Request that the California Psychological Association develop a brief (1-2 hours) online CE video, updated as California laws and regulations change, focused on essential ethical issues such as multiple relationships, not having sex with patients, duty to warn, child abuse reporting, handling subpoenas, and other legal, ethical, and professional issues directly related to what patients complain about and what scares us psychologists most.	Reject. While this request relates to the regulatory package, the Board cannot put this request in regulations. Additionally, the California Psychological Association already offers proprietary CE and can create this course without the Board's request.
19	Encourage but not mandate the new Categories, and institute a minimum number of CE unless one achieves ABPP during a licensing period. Provides the following suggestions:	Reject. As noted on page 10 of the ISR, the Board has determined that a licensee shall accrue hours during each renewal period from at least two (2) of the four (4)

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	<p>a.36 CPD may be made up solely of Sponsored CE (CE), or</p> <p>b.36 CPD may be made up of Sponsored CE + Self-Directed Learning (SDL) by:</p> <p>i. Raising the maximum of allowed CE to 30, with 6 allowed credits of SDL, or</p> <p>ii. Keeping the maximum of CE at 27 and allow up to 9 credits of SDL, or</p> <p>iii. To encourage planned focus on practice areas important to a psychologist's work, allow CPD to be made up of all CE or CE + SDL if the psychologist reaches a minimum of 40, 45 or 50 CE credits (BOP's choice) in a licensing renewal period, with at least 20 or 25 (BOP's choice) units focused in a particular modality of treatment or area of practice, research, or theory.</p>	<p>CPD categories: (1) Professional (Peer Consultation, Practice Outcome Monitoring (POM), Professional Services, Conferences/Convention Attendance, Examination Functions, Expert Review/Consultation and Attendance at a California Board of Psychology Meeting); (2) Academic (Academic Coursework, Academic/Sponsor-Approved CE Instruction, Supervision, Publications and Self-Directed Learning); (3) Sponsored Continuing Education; and (4) Board Certification, except that Board Certification may be used to fulfill 100% of the CPD requirement in a biennial renewal cycle. Additionally, per page 10 of the ISR, "Licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories." Additionally, BPC section 2915 requires a psychologist to complete 36 hours of CPD for biennial licensure renewal. CPD means certain learning activities approved in four different categories, as specified in the regulatory text.</p>
20	<p>If none of the above are chosen for all, institute one of these once a person reaches the age of 65, 70, or 75 (your choice).</p>	<p>Reject. The Board is not proposing additional changes for CPD requirements based on age. (See response to #17, above.) The ISR does not have any language pertaining to age. Additionally, the Board is not differentiating (or discriminating against) licensees of various ages.</p>
21	<p>Mandate a minimum of 16 or 20 CE hours so that "CE minimalists" who might pose a risk to the public can't get away with taking the 8 required CE hours plus one other 4-hour CE course, claim they read for 6 hours, and claim the maximum 18 hours of peer consultation that amounted to meeting a friend for lunch with little clinical discussion.</p>	<p>Reject. For further explanation, please see the Board's response to comment 13.</p>

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22	Clarify and expand the definition of “Peer Consultation.” Add that acceptable themes for consultation groups can include but are not limited to social justice, history, biography, psychological profiles, politics, cultural issues as they pertain to the understanding of human psychology, policy/politics, emotion, behavior, research, assessment, or treatment.	Reject. The Board is not proposing any additional changes to the definition of “peer consultation.” Per page 4 of the ISR, “This definition serves the goal of broadening the ways CPD hours may be earned, and will allow the accrual of the required hours for activities that some licensees may be engaged in already. In addition, it reduces professional isolation by encouraging discussion in pairs or in groups about one’s practice, and seeking the feedback or suggestions of other licensees engaged in a similar or relatable practice of psychology.” The Board incorporates its response to comment 5 as well.
23	Please specify if the following would qualify as an activity: book clubs, special interest groups, viewing of relevant videos or other recorded media, and client consultations about a particular client.	The Board is not proposing additional changes to the definition of “Academic.” Some of the activities mentioned in this comment are captured in the second modified regulation text.
24	If true, state clearly that “Peer Consultation” does not involve paying or receiving a fee for the activities. If you support providing Clinical Consultation to or obtaining it from a licensed mental health in a 1-to-1 or a group format, for a fee, list it here. Otherwise, please list it under the “Academic” Category, as below, where I discuss its importance.	Reject. The Board is not proposing any additional changes to the definition of “Peer Consultation,” or “Academic.” Per page 4 of the ISR, “Defines “Peer Consultation” as an allowable Professional activity, and describes it as structured and organized interaction, in person or electronically mediated, with colleagues in research groups, reading groups, and/or individual or group case consultations, which is designed to broaden professional knowledge..” The Board incorporates its response to comment 5 and 22 as well.
25	If you agree the above activities should be included in “Peer Consultation,” then please change the name of this activity to “Peer Consultation, Education, or Discussion.”	Reject. The Board is not proposing any additional changes to the names of activities. The Board has determined that the name is sufficient.
26	Clarify that under the definition of “Professional Services” that one does not have to be on a board or committee to get CPD credit for the stated activities.	The plain language defining professional services in 1397.60.1 includes other (non-paid) options such as editorial boards of peer reviewed journals related to psychology or other related disciplines, or scientific grant review teams. The Board is making substantive additional changes to the definition of “Professional Services.” According to page 5 of the ISR, “[Professional services] helps ensure that the public service work of the profession is

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		supported, and reduces professional isolation by encouraging interactive communications with other licensees and professionals related to the field. In order to specify that these activities are to be outside of or in addition to the licensee's regular provision of psychological services, this provision excludes fee-for-service activities." This is supported by the Association of State and Provincial Psychology Boards' Guidelines (see Underlying Data) on which the board relied in developing this proposal. Minor clarification changes were made in the second modified regulation text.
27	Under "Conference/Convention Attendance:" Please allow and state clearly that attendance can be in person or virtual.	Accept. The Board accepted this change in the second modified regulation text.
28	Under "Conference/Convention Attendance:" Also, add that a half-day attendance will provide 3.0 CPD hours, as some conferences have one or more full days plus a half-day.	Reject. The Board is not proposing to change the requirements of conference attendance. Additionally, the second modified text addresses other conference/convention attendance as a part of "self-directed learning," within the definition of the Academic category.
29	Under "Attendance at a California BOP Meeting" please allow and clarify that attendance can be in person or virtual.	Accept. The Board accepted this change in the second modified regulation text.
30	Under the "Professional Activities" Category, extremely important for the protection of the public would be obtaining consults for legal and ethical issues that arise in the course of our work.	Reject. The Board is not proposing any additional changes to the "Professional Activities" requirements. The laws and ethics training is a separate component of CPD requirements. While certain consultations may arise while providing services and may enhance general levels of competence or be ethically required to prevent unprofessional conduct, it is not considered as CPD.
31	Request for "Legal/Ethical Consultation" and that credit be given 0.5 credits allowed for 20 – 40 minutes of consultation and 1.0 CPD credit for 41 - 60 minutes of consultation.	Reject. The Board is not proposing any additional changes to the requirements regarding laws and ethics training, including the name and number of credits given. Per page 9 of the ISR, "The expectation that psychologists complete training in laws and ethics is beneficial to both California consumers and the psychologist as it keeps psychologists up to date on how to practice in a legal and

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		ethical manner. Fewer hours would not allow for adequate learning, and requiring more hours would potentially take away time from other opportunities for CPD.”
32	If you determine that “Professional Activities” should not involve a fee, then please list this under the “Academic” Category or create a fifth Category for this and for providing or obtaining “Clinical Consultation” for a fee.	In the second modified regulation text, the Board clarified that “professional services” do not include fee-for-service. The Board is not making additional changes to the categories, including making a new one or moving activities to a different category.
33	Include the more popular and more intensive taking a quarter, a semester, or a year-long class at any formal post-graduate or post-doctoral program or institute.	It is not necessary to further expand the acceptable Academic options, therefore, the Board is not making additional changes to the requirements for Academic coursework. Per pages 13 and 14 of the ISR, “For “Academic Coursework,” licensees can apply a maximum of 18 hours toward the CPD required for license renewal or reactivation. A single course can only be taken once for each renewal period, each semester unit earned equals six (6) hours of CPD credit and each quarter unit earned equals 4.5 hours of CPD credit (e.g. a three (3) unit semester course counts for 18 hours, and a four (4) unit quarter course counts for 18 hours). Up to half of the CPD credits are allowed for this activity because course content is based on new and emerging research, and course completion will directly impact a licensee’s practice.”
34	Grant CPD for teaching a quarter, a semester, or a year-long class in a formal post-doctoral or post-graduate program or institute, and for teaching an undergraduate class related to the field of psychology.	Reject. The text allows “Academic Instruction” and “Sponsored CE Instruction” as an acceptable academic activity for CPD. The Board is not proposing any additional changes to acceptable academic activities for CPD.
35	Under “Supervision,” change the definition to “Providing Supervision to a trainee seeking licensure requirements, Providing Clinical Consultation to a Licensed Mental Health Practitioner with or without a fee involved (minimum 45-minute sessions), or Receiving Clinical Consultation (minimum 45-minute sessions) from a Licensed Mental Health Practitioner with or without a fee involved. Clinical Consultation can be provided or obtained in a 1-to-1 or a group setting.”	The Board is not proposing additional changes to the definition of “Supervision.” The existing definition in the second modified regulation text captures the request.
36	Wording “CPD shall be met in the following four categories:” could be interpreted to mean that all four categories must be used. I SUGGEST that this be	Reject. The Board is not proposing additional changes because the first modified regulation text is clear that CPD

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	changed to "CPD may be met from choices among the following four categories as detailed below."	must be met using two of the four categories.
37	Consider allowing CPD credits for providing treatment, assessment, administration, or for doing research, just as you do for teaching.	Reject. Changing the four categories falls within the scope of legislative changes, since BPC section 2915 identifies the four categories. Additionally, "Practice Outcome Monitoring," which utilizes assessment practices is allowed in CPD. Per page 10 of the ISR, "While POM allows for assessment and subsequent evolution of one's practice based on feedback from clients, this activity is not widely practiced, and the Board is including this in order to encourage licensees to incorporate POM into their practices."
38	Section (c) 3rd paragraph, Page 8, where "cultural diversity" is defined, add "neurodiversity" in order to include such things as autism. In this same paragraph, add "ethical, legal, moral, political factors and perspectives" on these topics of Cultural Diversity and Social Justice for clarification.	Reject. However, the Board clarified the definitions of "Cultural Diversity" and "Social Justice" in the second modified text to expand on the topics included in those activities.
39	Have BOP announcements of Board and Committee meetings include: Expected Start and Stop times of meetings, Expected Start and Stop times of any period of time at which a psychologist might be excluded from attendance due to a needed closed-door portion of the meeting.	Reject. The Board does not see that this level of detail is necessary to include in regulations.
40	Substitute the word "course" for the word "unit" if I am correct that a one-semester course worth 3 or 4 academic credits would equal 6 CPD credits.	Reject. Because the word "course" is used in so many ways, the Board does not want to introduce any confusion. The Board has determined "hours" is less vague.
41	In addition to changing this to: "Providing Supervision or Providing Clinical Consultation to a Licensed Mental Health Practitioner or Obtaining Clinical Consultation from a Licensed Mental Health Practitioner," add, "This record shall include: dates of supervision and a trainee identifier, or dates of Clinical Consultation and an identifier of the Clinical Consultant or the Consultee if providing Consultation."	Reject. The Board does not find that this level of detail is necessary to include in regulations. Further, it would be inconsistent with the other categories to include the additional information.
42	(k)(2): Each person who applies... complied with all the requirements of this section within the 24-month period prior to the request to reactive [you mean "reactivate"]	Accept. A non-substantive grammatical change is made in the final text.
43	Add: "...except for claiming credit for convention or conference attendance for a CE activity in addition to claiming this activity in the "Sponsored CE Activity" category."	Reject as unnecessary. The Board is not proposing any additional changes to the "Sponsored CE" category. Per page 4 of the ISR, "The newly included CPD activities are designed to make use of what research indicates contributes to

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		<p>increased learning and maintenance of competence.”</p> <p>The regulatory text states at 1397.60.1(a)(4):</p> <p style="padding-left: 40px;">CPD credit may be accrued for “Conference/Convention Attendance” separate from credit earned for completing sponsored CE coursework or sessions at the same conference/convention.</p> <p>The Board believes this is sufficient clarification and thus no changes to the text are necessary.</p>
44	<p>In circumstances where a licensee is reactivating or reinstating but has been unable to complete all CPD credits due to health issues, a “Provisional License” or “Conditional License” be granted so a person can begin working legally and accrue CPD concurrently. Regulations should not cause stress.</p>	<p>Reject. This request is not relevant to the scope of this rulemaking package because the Board does not issue “provisional” or “conditional” licenses. The paramount duty of the Board is to protect the public by ensuring that licensees are competent; allowing a delayed CPD compliance for a reactivated/reinstated license would run against this competency requirement. Compliance with regulations that are created to ensure <i>a culture of competence</i> may require vigilance on the part of a licensee but benefit the public at large as well as the profession as a whole.</p>
45	<p>One of the most pronounced effects of CE mandates is to functionally eradicate CE minimalism by adding a legal mandate to the ethical mandates that are otherwise insufficient to ensure a commitment to ongoing professional development among a significant subset (approximately one-quarter) of psychologists. (Supporting mandated CE)</p>	<p>The Board appreciates this comment. California state law, BPC section 2915, requires psychologists to complete 36 hours of approved CPD to renew their licenses. No text changes are required in response to this comment.</p>
46	<p>Didactic methods are relatively ineffective ways to build or maintain professional competencies, and approximately 90% of CE historically consists of didactic “talking heads.”. Different instructional modalities (interaction, behavioral rehearsal, feedback) are strongly linked to increased levels of learning and translation into practice.</p>	<p>The Board appreciates this comment. The CPD text includes numerous activities and methods that are not didactic to obtain credit hours. No text changes are required in response to this comment.</p>
47	<p>There is strong convergence in the field regarding the value of performance review and feedback. This includes peer review and feedback that provides opportunities for the learner to reflect on their performance, measure it against some tangible benchmarks, and adjust or correct subsequent performance accordingly.</p>	<p>The Board appreciates this comment. The CPD text contains numerous activities, including peer consultation, as means to obtain credit hours. No text changes are required in response to this comment.</p>
48	<p>Among the strongest findings in the field is that multiple instructional methods facilitate learning. Seeing, hearing, modeling, discussing, rehearsing, evaluating, and</p>	<p>The Board appreciates this comment. The CPD text contains numerous activities and methods, including those found in self-</p>

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	applying material have additive and synergetic value. This is a sensible finding that articulates with the longstanding realization that people have different learning styles.	directed learning, that allow for more personalized and individual learning to obtain credit hours. No text changes are required in response to this comment.
49	Research has repeatedly demonstrated that the opportunity to reflect upon, and evaluate, learning pays significant dividends in a number of ways.	The Board appreciates this comment. The CPD text contains numerous activities, including academic/sponsor-approved CE as well as sponsored CE, as means to obtain credit hours. No text changes are required in response to this comment.
50	The use of “gapping” (e.g. providing leading questions or problems that remain top-of-mind as the learner then proceeds to fill in the puzzle pieces to solve the problem), dashboards, checklists, assessment tools, procedural guidelines, decision trees, and a wide range of other tools have demonstrated significant impacts on levels of learning, retention and subsequent application into practice.	The Board appreciates this comment. The CPD text contains numerous activities as means to obtain credit hours. No text changes are required in response to this comment.
51	Not all CPD activities contribute equally to the objectives of maintaining competence, improving outcomes, or protecting the public. In fact, research has shown that professional psychologists and the public they serve share a strong consensus regarding the differential value of different CPD activities. Formal CE programs, becoming Board Certified, or completing a graduate-level course are all viewed as contributing significantly to all three of the objectives associated with CE. In contrast, sitting on professional boards, teaching an undergraduate course, or assessing client satisfaction are viewed as contributing relatively little to any of the objectives associated with CE.	The Board appreciates this comment. The CPD text contains numerous activities as means to obtain credit hours, including 100% Certification by the American Board of Professional Psychology (ABPP). No text changes are required in response to this comment.
52	“Trust, but Verify” is a well-regarded guideline within CE, and for good reason. An activity that cannot be independently verified by an accountable source cannot be responsive to an audit because an audit of an unverifiable activity amounts to nothing more than a second attestation of completion.	The Board appreciates this comment. The Board regularly conducts audits of psychologists to ensure they have completed the appropriate amount and type of CPD. No text changes are required in response to this comment.
53	I agree with the CPA letter in which they recommend that the implementation date be postponed to January 1, 2022, or later.	Accept. The proposed implementation date of the transition to CPD is January 1, 2023.
54	I agree with the CPA letter in which they recommend allowing participation by electronic means.	Accept. The Board accepted this change in the second modified regulation text.
55	Peer Consultation: I agree with the CPA letter on peer consultation and further suggest clarifying that peer consultation is often provided for a fee. Following the recommendations from CPA, §1376.60(a)(1) could be revised further as follows: A) CPD pursuant to this section may only be obtained through individual or group case	Reject. For further rationale, please see the Board’s response to comment 5.

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	<p>consultation, reading groups, or research groups offered in both for-fee and non-fee settings. (This comment was split into two pages accidentally and can be found on pages 31 and 61).</p>	
56	<p>I'm worried that the new regulations would limit the number of classes that I could be credited for. Continuing education classes are the foundation for medical professionals of all kinds (Medical Doctors, Physical Therapists, Mental Health Therapists, etc.) and I am not clear why we would need to disrupt what has been the standard for decades.</p>	<p>The Board appreciates this comment. CPD language was updated after the first draft of language was withdrawn from OAL to include more flexibility. The Board sees the second modified regulation text as having an appropriate amount of flexibility for licensees to obtain CPD.</p>
57	<p>I imagine that maybe you are trying to even the playing field with these new guidelines, but I think in the current form, it may limit my colleagues and myself going forward.</p>	<p>The Board appreciates this comment. For further rationale, please see the Board's responses to comments 5 and 123. No additional text changes are required in response to this comment.</p>
58	<p>None of the definitions or examples provided appear to include management activities related to clinical service delivery which clinical psychologists may engage in as part of their professional role and which are arguably analogous, relevant and worthy of credit. Broaden the definitions of the professional service, expert review/consultation, and supervision categories or include a separate category for clinical management activities.</p>	<p>The Board appreciates this comment. The Board is not proposing any additional changes to the four categories, including adding one related to management activities. Supervision is considered an activity under the "Academic" category and licensees claim up to 18 hours related to supervision for CPD.</p> <p>Additionally, the Association of State and Provincial Psychology Boards, as reported in their "ASPPB Guidelines for Continuing Professional Development" (ASPPB Guidelines), listed in the Underlying Data as provided in the ISR, does not have management activities or credit listed as a suggested category. These guidelines do include the American Board of Professional Psychology (ABPP) Board Certification as an activity in which a licensee can be assessed on management-related skills.</p>
59	<p>The acceptable content and adequate documentation of self-directed learning remains somewhat unclear. Six hour limit on conference attendance should be raised.</p>	<p>The Board appreciates this comment. The second modified text expands on the definition of "self-directed learning" to include, "attending a webinar that is not sponsor-approved for CE credit, taking academic coursework provided by institutions that do not meet the requirements in section 1397.61.1(b)(1), and conference/convention attendance that does not meet the requirements of section 1397.60.1(a)(4)." Additionally,</p>

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		<p>page 12 of the ISR states that “one full conference/convention day attendance equals one (1) hour credited. Conference and convention attendance is an allowable CPD activity since attendance encourages interaction with peers and with experts in the field and reduces professional isolation. This activity is indirect and non-structured learning by nature, and therefore is limited to six (6) hours of credit.”</p>
60	<p>The CPD Model Regulations focus so narrowly on the delivery of direct clinical services and academic activity that they exclude other viable professional roles that licensed psychologists may fulfill.</p>	<p>The Board appreciates this comment. In its public protection role, direct clinical service is a primary focus for competence. Other roles, however, are also covered by the variety of options provided under CPD. No text changes are required in response to this comment.</p>
61	<p>I would have liked an even more lengthy process for this proposed transition to allow for a more widespread publicity campaign to elicit feedback from stakeholders.</p>	<p>The Board appreciates this comment. The law requiring CPD became effective in 2017. The Board has worked with stakeholders from 2017 to present, including modified text comment periods in response to issues raised. No text changes are required in response to this comment.</p>
62	<p>I would suggest with respect, that these changes be actualized as an option rather than a requirement.</p>	<p>No text changes are required in response to this comment. BPC section 2915 requires a psychologist to complete 36 hours of CPD for biennial licensure renewal. Current law states that CPD means certain learning activities approved in four different categories, as specified in the regulatory text. Therefore, the Board cannot make CPD requirements optional due to existing statute.</p>
63	<p>I hope that the etiology, foundation, and impetus for this proposed change does not come from an assumption that Psychologists in this State are poorly trained. If that were true, neither CE or CPD is a strategy that could address that concern. Training programs, graduate schools, licensing requirements, and eligibility issues for the exam, would be better targets for remedying this possible issue.</p>	<p>The Board appreciates this comment. California law requires a psychologist to complete 36 hours of CPD for biennial licensure renewal. No text changes are required in response to this comment.</p>
64	<p>I ask you to consider that CPD is something that best takes place, quite naturally and organically, early and mid-career, while in the later years of one’s career, professional Psychologists have found their niche, and best serve the public in a focused manner, with a specialty.</p>	<p>The Board appreciates this comment. The variety of CPD options, including professional service, should accommodate different learning styles, as discussed in the ISR. No text changes are required in response to this comment.</p>

#	Comment	Response
65	These proposed CPD changes would impose a hardship on senior psychologists because of age-related issues. I would suggest, with respect, that there would be an exemption for either senior licensees, or licensees who have held that distinction for 30 years plus, in view of this hardship issue, and be granted permission to continue in the current CE model.	The Board appreciates this comment. BPC section 2915 requires a psychologist to complete 36 hours of CPD for biennial licensure renewal, regardless of age. Current law states that CPD means certain learning activities approved in four different categories, as specified in the regulatory text. Therefore, the Board cannot make CPD requirement exemptions for certain psychologists.
66	I am against any changes at this time. As stated in the proposal those psychologist who are not engaged in peer review, board meeting attendance, teaching and conference attending may incur additional cost beyond what they have been paying.	The Board appreciates this comment; however, the text will not be changed in response. CPD is required per BPC section 2915 and is deemed instrumental to the competency of licensees, which is a public protection issue. In terms of timing, however, modified text has delayed the implementation date.
67	I wish to communicate my enthusiastic support to proposed move to a CPD model. While CEUs are helpful and informative, I believe this model allows greater flexibility in obtaining ongoing credit for professional development through an array of methods.	The Board appreciates this comment. No changes are necessary in response.
68	(Mirroring 69): While well-intended, it doesn't seem that this model works for all psychologists. I feel there should be options for people to get their CPD with at least 30 hours though traditional CE classes and require 2 categories. That will allow for flexibility rather than have the new CPD become an onerous requirement for many psychologists."	The Board appreciates this comment. No changes are necessary in response. For further rationale, please see the Board's response to comment 11.
69	While well-intended, it doesn't seem that this model works for all psychologists. I feel there should be options for people to get their CPD with at least 30 hours though traditional CE classes and require 2 categories. That will allow for flexibility rather than have the new CPD become an onerous requirement for many psychologists.	The Board appreciates this comment. No changes are necessary in response. For further rationale, please see the Board's response to comment 11.
70	<p>The proposed requirements would significantly reduce the CE goals to enable psychologists to keep pace with the most current scientific evidence regarding assessment, intervention and education as well as important legal, statutory or regulatory issues, and allow psychologists to maintain, develop and increase competencies in order to improve services to the public and enhance contributions to the profession.</p> <p>How will peer consultation be regulated? Peer consultations will defeat the CPD intention without proper documentation.</p>	The Board appreciates this comment. No changes are necessary in response. Per page 2 of the ISR, CPD is a change "that has been recommended by the Association of State and Provincial Psychology Boards (ASPPB) as reported in their "ASPPB Guidelines for Continuing Professional Development" (ASPPB Guidelines)." Additionally, state law requires a psychologist to complete 36 hours of CPD for biennial licensure renewal (BPC section 2915).

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		Peer consultation requires defined recordkeeping and may be audited just as other CPD activities.
71	While I think the model is well-intended, it doesn't seem that this model works for all psychologists. The proposal is financially burdensome and time-consuming. I feel there should be options for people to get their CPD with at least 30 hours through traditional CE classes and then require 2 categories for the remaining 6-hours. This will allow for flexibility rather than have the new CPD become an onerous requirement for many psychologists, as well as change the spirit of what the CE requirements were meant to provide.	The Board appreciates this comment. No changes are necessary in response. For further rationale, please see the Board's responses to comments 11, 12, and 13.
72	I feel there should be options for people to get their CPD with at least 30 hours through traditional CE classes and require 2 categories. That will allow for flexibility rather than have the new CPD become an onerous requirement for many psychologists.	Reject. For further rationale, please see the Board's responses to comments 11 and 12.
73	Permit all 36 CPD hours to be accrued from the Sponsored Continuing Education category.	Reject. For further rationale, please see the Board's responses above, especially to comments 12 and 13.
74	<p>Allow all 36 CPD hours to be accrued using a combination from the two categories of Sponsored Continuing Education and Self-Directed Learning and therefore increase the limit to 18 hours of Self-Directed Learning (from the proposed 6) and 30 hours of Sponsored Continuing Education (from the proposed 27).</p> <p>Also would appreciate clarification on a specific question. I currently read the California Psychologist magazine published by the California Psychological Association and I earn 3 CE credits per issue when I pass the test. This is a useful way for me to keep current on issues related to the practice of psychology in California. I am assuming that this activity would continue to fall under the CPD category of Sponsored Continuing Education and not under the Academic Self-Directed Learning category. Is this a correct assumption?</p>	<p>Reject. For further rationale, please see the Board's responses above, especially to comments 12 and 13.</p> <p>The Board appreciates this question. This activity would fall under "Sponsored Continuing Education," per CCR 16 § 1397.60.1(c) within the second modified regulation text.</p>
75	I would respectfully request that it not be a *requirement* that there be types of hours from different categories. I would like there to continue to be an option to just do 36 CE credit hours. Some of the categories are not as accessible to all members as others are; whereas CEs are accessible to all.	Reject. For further rationale, please see the Board's response to comment 13.
76	(Agreeing with prior comment) Please respect and value the motivation, goals, and mature decisions that many psychologists already make, honoring the varying ways psychologists learn best; respect the health, family, and	Reject. For further explanation, please see the Board's response to comment 11.

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	other personal pressures on a psychologist during difficult times; respect the needs of and decades of Professional Activities already given by many older psychologists; and encourage the development of specialties through large amounts of well-chosen CE by encouraging but <i>not mandating</i> , the use of more than one category of CPD	
77	My request is simple: pandemic or not, I want to be able to obtain ALL of my continuing education hours remotely.	Accept. The Board accepted this change in the second modified regulation text.
78	Attending BOP meetings or professional service on a board should not count as CPD. Writing academic articles don't improve clinical skills. Also, the definitions of the Academic activities are highly restrictive. My requests would make the Academic Category more inclusive and accessible.	For the reasons discussed in the ISR with Underlying Data, and in the response to comment 11, the additional categories were deemed necessary by the Board and no change to the text is needed regarding these comments. The Board accepted the requested change in the first modified regulation text by expanding the definition of "Academic" to include "Self-Directed Learning" and other CPD activities. See also response to comment 12.
79	[Self-Directed Learning] SDL is easily doable but the maximum number of CPD credits for SDL is 6. With Sponsored CE limited to 27 credits (Sponsored CE being accessible by virtually all psychologists), almost all psychologists will still be 3 units short of the 36 required CPD hours, effectively mandating that almost all psychologists must use something from the Professional Activities Category." REQUEST - Attach more credits for this SDL requirement	Reject. For further explanation, please see the Board's response to comment 12.
80	I REQUEST: more video-in-person learning via workshops, group learning, and conference set ups.	Accept. The Board accepted this change in the second modified regulation text.
81	I recommend the Board modify the allowable hours per category to ensure that a combination of any two categories equals the required hours for renewal.	Reject. For further explanation, please see the Board's response to comment 12.
82	I would suggest clarifying that participation on a Program Planning Committee for an APA-approved Continuing Education (CE) Sponsor should be included in this section. §1376.60(a)(3) could be revised further as follows: "Professional Services" means ongoing participation in services related to the field of psychology, or other related disciplines, including but not limited to serving on psychological association boards or committees, participation on a program Planning Committee for an APA-approved Continuing Education (CE) Sponsor, ..."	Reject. The Board is not proposing any additional changes to the definition of "Professional Services." Per the ISR on page 5, professional services are described as, "ongoing participation in the field of psychology by serving on the boards or committees of professional associations, peer reviewed journals, scientific grant review teams, regulatory bodies, etc. This helps ensure that the public service work of the profession is supported, and reduces professional isolation by encouraging interactive communications with other licensees and professionals related to the field. In order to specify that these activities are to be

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		outside of or in addition to the licensee’s regular provision of psychological services, this provision excludes fee-for-service activities.” See also the responses to comments 26 and 30.
83	I think this section (Self-Directed Learning) is unnecessarily vague and unclear. Does this literally mean that a psychologist keeps track of the time that he or she spends reading journal articles, or a book, a video, or other professional materials, and then reporting this time to the Board, without verifying this through a Continuing Education sponsor?	The Board appreciates this comment. Licensees can utilize the Self-Directed Learning to learn in a setting that does not have an evaluation or specified standards. According to page 15 of the ISR, “Licensees can accrue up to six (6) hours, as this activity enhances their knowledge and skills in particular areas of interest that may not be available through other means of CPD. This activity is also more easily accessible for licensees with geographic or financial challenges, or disabilities. This activity is either self-directed or unapproved through other CPD activities (meaning it lacks the evaluation and standards that sponsor-approved CE webinars, online academic coursework, or conference/convention attendance that relates or applies to psychological practice must meet), and therefore is limited to six (6) hours of credit. Documentation of this activity must include: date(s), medium (e.g., book or webinar), topic or title, and total number of hours. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.”
84	Cultural Diversity should not be required every cycle. If it is, suggest at least expanding it so that it includes discrimination against mentally ill people and so on. (re: cultural diversity/social justice) Suggest requirement regarding psychopharmacology, holds, conservatorships.	Reject. However, the Board clarified the definitions of “Cultural Diversity” and “Social Justice” in the second modified text to expand on the topics included in those activities. If licensees want to learn more about a particular topic, such as Riese hearing procedures or requirements/effects of holds, then CPD affords them the flexibility to learn about matters in a variety of ways. See the response to comments 11 and 12.
85	Re: ethics requirement: It would be helpful if the text of this section would clarify this. §1376.61 (b) could be revised further as follows:	The Board is not proposing additional changes to the laws and ethics coursework requirement. When an update occurs in the American Psychological

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	<p>“The training shall include <u>any one or more of the following topics: (a) recent changes/updates on the laws and regulations related to the practice of psychology; recent changes/updates in the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association; accepted standards of practice; or other applications of laws and ethics as they affect the licensee’s ability to practice psychology with safety to the public.”</u></p> <p>Requests delay for implementation.</p>	<p>Association’s Ethical Principles of Psychologists and Code of Conduct, or other standards or laws, it would be expected that a training would cover that. Therefore, the suggested additional language is unnecessary.</p> <p>The Board is delaying implementation, see response to comment 1.</p>
86	<p>The proposed changes to the requirements for CE etc. are not equitable for part-time practitioners.</p>	<p>The Board appreciates this comment. and appreciates all licensees and the value they provide. However, for the same reasons as mentioned in responses to comments 20 and 44, the Board’s mandate of public protection as well as the current law requiring CPD, all licensees are held to the same standards. The Board has added greater flexibility with the second modified text as well, and incorporates the responses to comments 11 and 12.</p>
87	<p>I strongly encourage the goal to increase the WAYS in which psychologists obtain CPDs, but vehemently request keeping the minimal requirements to only one or two that are "deal breakers" ...or...alternatively, (my favorite options) keep the wider range of topics in a "minimum set" but make it that ONLY two are required PER RENEWAL.</p>	<p>No changes are made to the text in response to this comment. For further explanation, please see the Board’s response to comment 12.</p>
88	<p>I don't think that the current proposal, where there are limits set of how many hours of which type of professional development, is helpful. For example, I would love to be in a peer consultation group, but despite trying, I have not found one available. Perhaps that would change, but even so, there is potential to be some fraud associated with that.</p>	<p>The Board appreciates this comment. Per page 10 of the ISR, “Licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories.</p>
89	<p>I supervise a group of MFT trainees at CSUN. It’s 2 hours of supervision/week. Would this be counted as 2 hours of CPD under the supervision category?</p>	<p>The Board appreciates this question. As described in the ISR, beginning at page 3, there are various ways to complete CPD. One category of CPD is Academic, which includes supervision in 1397.60. As described in 1397.61(e), however, licensees must accrue hours in more than</p>

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		<p>one category (unless that category is Board Certification) to ensure sufficient breadth in learning. Under 1397.61(g)(3), a maximum of 18 hours of documented supervision can count toward the CPD required for license renewal, with one hour of supervision equaling one hour of credit (see ISR, page 14-15).</p>
90	<p>In addition, while I welcome the requirement for Cultural Diversity and Social Justice, it should not be noted that this is also an ethical obligation. [sic]</p> <p>2.01 (b) Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, Providing Services in Emergencies.</p> <p>Am I meeting my ethics requirement by attending a training on issues related to the above AND can that training also count towards the Cultural Diversity and Social Justice requirement?</p>	<p>The Board appreciates this question. Licensees can obtain laws and ethics and cultural diversity/social justice hours through specified means pursuant to the modified regulation text. If a course covers all hours of laws and ethics plus additional hours of CPD, a licensee can note that on the CPD verification form. A licensee would <u>not</u> have the same hours counted twice, once as part of the four categories and once as part of the laws and ethics, but the training could be used for general CPD hours after the Cultural Diversity and Social Justice requirement was met.</p>
91	<p>Academic seems limited; Professional Services is unclear or vague; Conference attendance needs clarification; Peer Consultation needs clarification.</p> <p>As these regulations require participation in activities that are not clearly defined, the board should also specify their enforcement process prior to implementation, specifically around determining eligibility of hours in those areas not clearly delineated.</p> <p>This proposal may cause barriers to part-time practitioners.</p>	<p>The Board appreciates this comment. Please see responses to comments 33, 34 (academic), 5, 22 (peer consult), 26, 30 (professional services), 20, 44, and 86 (part time). Conference attendance and Board meeting attendance was clarified in modified text. Additionally, self-directed learning was expanded in modified text.</p> <p>The Board has and will continue to provide audits to enforce the statutory and regulatory requirements as part of its public protection mandate to ensure competency of licensees. Information about enforcement may be found on the Board's website or in the Disciplinary Guidelines (also available on the website).</p>
92	<p>I want you to know that I very strongly agree with everything Dr. Shore wrote to you in this Attachment. Please do reconsider moving forward in this way. I urgently urge you to not proceed with it.</p>	<p>The Board appreciates this comment. Please see the responses to Dr. Shore's comments, which can be found in responses 16 through 43.</p>

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93	(Mirroring 69): I feel there should be options for people to get their CPD with at least 30 hours though traditional CE classes and require 2 categories. That will allow for flexibility rather than have the new CPD become an onerous requirement for many psychologists.	Reject. For further rationale, please see the Board's response to comment 11.
94	In my opinion, I feel there should be options for people to get their CPD with at least 30 hours though traditional CE classes and require 2 categories. That will allow for flexibility rather than have the new CPD become an onerous requirement for many psychologists.	Reject. For further rationale, please see the Board's response to comment 11.
95	I respectfully object to the change in the current continuing education requirements because they force psychologists to use methods that do not suit many of us in terms of how we learn best. I am happy with the current regulations and learn best from the continuing education courses now required.	The Board appreciates this comment. The second modified text has addressed some of the concerns proposed, in that it grants more flexibility and clarifies some definitions.
96	Update language to reflect non-binary identity sensitivity, using "they," "them," or "their" instead of derivatives of "he" and "she."	Accept. For further explanation, please see the Board's response to comment 16.
97	Encourage but not mandate the new Categories, and institute a minimum number of CE unless one achieves ABPP during a licensing period. Provides the following suggestions. a. 36 CPD may be made up solely of Sponsored CE (CE), or b. 36 CPD may be made up of Sponsored CE + Self-Directed Learning (SDL) by: i. Raising the maximum of allowed CE to 30, with 6 allowed credits of SDL, or ii. Keeping the maximum of CE at 27 and allow up to 9 credits of SDL, or iii. To encourage planned focus on practice areas important to a psychologist's work, allow CPD to be made up of all CE or CE + SDL if the psychologist reaches a minimum of 40, 45 or 50 CE credits (BOP's choice) in a licensing renewal period, with at least 20 or 25 (BOP's choice) units focused in a particular modality of treatment or area of practice, research, or theory.	Reject. For further explanation, please see the Board's response to comment 19.
98	Mandate a minimum of 16 or 20 CE hours. Otherwise, the unmotivated and not very honest psychologist who might pose a risk to the public could get away with taking the 8 required CE hours plus one other 4-hour CE course, claim they read for 6 hours, and claim the maximum 18 hours of peer consultation that amounted to (despite what they document) meeting a friend for lunch. Without this mandate and the other changes requested, there is an imbalance of laxity for those with lower motivation and micromanagement of those with higher motivation.	Reject. For further explanation, please see the Board's response to comment 13.

#	Comment	Response
99	Clarify and expand the definition of “Peer Consultation.” Add that acceptable themes for consultation groups can include but are not limited to social justice, history, biography, psychological profiles, politics, cultural issues as they pertain to the understanding of human psychology, policy/politics, emotion, behavior, research, assessment, or treatment.	Reject. For further explanation, please see the Board’s response to comment 22.
100	Please specify if the following would qualify as an activity: book clubs, special interest groups, and viewing of relevant videos or other recorded media.	Reject. For further explanation, please see the Board’s response to comment 23.
101	If true, state clearly that “Peer Consultation” does not involve paying or receiving a fee for the activities. If you support providing Clinical Consultation to or obtaining it from a licensed mental health in a 1-to-1 or a group format, for a fee, list it here. Otherwise, please list it under the “Academic” Category, as below, where I discuss its importance.	Reject. For further explanation, please see the Board’s response to comment 24.
102	Clarify that under the definition of “Professional Services” that one does not have to be on a board or committee to get CPD credit for the stated activities.	Reject. For further explanation, please see the Board’s response to comment 26.
103	Under “Conference/Convention Attendance.” Please allow and state clearly that attendance can be in person or virtual.	Accept. The Board accepted this change in the second modified regulation text.
104	Under “Conference/Convention Attendance.” Also, add that a half-day attendance will provide 3.0 CPD hours, as some conferences have one or more full days plus a half-day.	Reject. For further explanation, please see the Board’s response to comment 28.
105	Under “Attendance at a California BOP Meeting” please allow and clarify that attendance can be in person or virtual.	Accept. The Board accepted this change in the second modified regulation text.
106	Under the “Professional Activities” Category, extremely important for the protection of the public would be obtaining consults for legal and ethical issues that arise in the course of our work.	Reject. For further explanation, please see the Board’s response to comment 30.
107	Request that credit be given 0.5 credits allowed for 20 – 40 minutes of consultation and 1.0 CPD credit for 41 - 60 minutes of consultation.	Reject. For further explanation, please see the Board’s response to comment 31.
108	Include the more popular and more intensive taking a quarter, a semester, or a year-long class at any formal post-graduate or post-doctoral program related to the field of psychology that meets weekly (or hourly equivalent if a weekend program) for at least a full academic year, and offers a Degree, Diploma, or Certificate.	Reject. For further explanation, please see the Board’s response to comment 33.
109	I request that you also grant CPD for teaching a quarter, a semester, or a year-long class in a formal post-doctoral or post-graduate program or institute, and for teaching an undergraduate class related to the field of psychology.	Reject. For further explanation, please see the Board’s response to comment 34.

#	Comment	Response
110	Under "Supervision," change the definition to "Providing Supervision to a trainee seeking licensure requirements, Providing Clinical Consultation to a Licensed Mental Health Practitioner with or without a fee involved (minimum 45-minute sessions), or Receiving Clinical Consultation (minimum 45-minute sessions) from a Licensed Mental Health Practitioner with or without a fee involved. Clinical Consultation can be provided or obtained in a 1-to-1 or a group setting."	Reject. For further explanation, please see the Board's response to comment 35.
111	CPD shall be met in the following four categories:" could be interpreted to mean that all four categories must be used. I SUGGEST that this be changed to "CPD may be met from choices among the following four categories as detailed below."	Reject. For further explanation, please see the Board's response to comment 36.
112	Consider allowing CPD credits for providing treatment, assessment, administration, or for doing research, just as you do for teaching.	Reject. For further explanation, please see the Board's response to comment 37.
113	Section (c) 3rd paragraph, Page 8, where "cultural diversity" is defined, add "neurodiversity" in order to include such things as autism. In this same paragraph I also suggest adding "ethical, legal, moral, political factors and perspectives" on these topics of Cultural Diversity and Social Justice for clarification.	Reject. For further explanation, please see the Board's response to comment 38.
114	Please have BOP announcements of Board and Committee meetings include: Expected Start and Stop times of meetings, Expected Start and Stop times of any period of time at which a psychologist might be excluded from attendance due to a needed closed-door portion of the meeting.	Reject. For further explanation, please see the Board's response to comment 39.
115	I would suggest just substitute the word "course" for the word "unit" if I am correct that a one-semester course worth 3 or 4 academic credits would equal 6 CPD credits.	Reject. For further explanation, please see the Board's response to comment 40.
116	REQUEST: In addition to changing this to: "Providing Supervision or Providing Clinical Consultation to a Licensed Mental Health Practitioner or Obtaining Clinical Consultation from a Licensed Mental Health Practitioner," add, "This record shall include: dates of supervision and a trainee identifier, or dates of Clinical Consultation and an identifier of the Clinical Consultant or the Consultee if providing Consultation."	Reject. For further explanation, please see the Board's response to comment 41.
117	Each person who applies.... complied with all the requirements of this section within the 24-month period prior to the request to reactive [you mean "reactivate"]	Accept. A non-substantive grammatical change is made in the final text.
118	Add: "...except for claiming credit for convention or conference attendance for a CE activity in addition to claiming this activity in the "Sponsored CE Activity" category."	Reject. For further explanation, please see the Board's response to comment 43.
119	Request a "Provisional License" be granted so that the person can be licensed, begin working legally, and	Reject. For further explanation, please see the Board's response to comment 44.

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	concurrently begin to accrue CPD [in the event of unforeseen circumstances]. Assuming the person does accrue the required CPD over these next two years, the next license renewal provides the full license again and the person no longer will need a “Provisional License.”	
120	I strongly suggest to allow more than 27-36 CE to be obtained in the traditional manner that we were able to obtain so far while in addition allowing psychologists who wish to use the other categories proposed in these regulations to do so. Please provide choices rather than determine for us how to be engaged in our learning.	Reject. For further explanation, please see the Board’s responses to comments 11 and 13.
121	I am writing in support of the Board of Psychology for the new Continuing Professional Development (CPD) model, which will promote a more flexible, meaningful and engaged process for license renewal.	The Board appreciates this comment. No changes are necessary in response.
122	These regulations increase the number of minimum requirements (which were already quite time consuming and cost prohibitive for many) and creates an almost incomprehensibly complex set of rules and regulations which of course significantly increases the chance of error for those fulfilling these requirements.	The Board appreciates this comment; however, refers in general to the ISR, Underlying Data, and responses to comments 11, 86, and 123. No changes to the text are necessary in response to this comment.
123	Proposal is too burdensome and Peer consultation is ambiguous. I believe there should be only two categories with at least 30 hours of CPD through the traditional CE classes.	The Board appreciates this comment. BPC section 2915 requires a psychologist to complete 36 hours of CPD for biennial licensure renewal. Current law states that CPD means certain learning activities approved in four different categories, as specified in the regulatory text. Therefore, the Board cannot make CPD requirements optional due to existing statute. See also responses to comments 5, 22, and 86. No changes to the text are necessary in response to this comment.
124	I object strongly to the new BOP rules for obtaining 36 hours of continuing education for psychologists that would take effect in January 2021.	The Board appreciates this comment. The number of required hours of CPD will not change with the second modified text because it is a statutory requirement pursuant to BPC section 2915. However, the Board has accepted a change to push back the implementation date to January 1, 2023. The Board incorporates the response to comment 123.
125	Continuing Professional Development,” the word “consumer” appears only once. This fleeting and singular reference to the consumer is one basis for my concern. While the document states, “the benefit for California consumers is that licensed psychologists will be required to participate in more varied professional development activities . . . “ this alleged benefit is not explained.	The Board appreciates this comment. As stated in the ISR on page 24, “This regulatory proposal benefits the health and welfare of California residents because it will continue to protect the consumers by assuring those providing psychological services are receiving a broad range of

#	Comment	Response
		education to maintain and retain competency.”
126	CPD is too extravagant. Numerous conversations about licensees moving towards early retirement are being shared on a regular basis, and those expecting to close their practices cite the anticipation of CPD. Because most of their hours are allocated for clinical work, smaller part-time practices will be eclipsed. Even for full-time practices, auxiliary functions will take the place of some direct services, and professional development will be achieved by cannibalizing our consumers. For those of us struggling to accommodate all these consumer needs, we are afraid of losing any practitioners during this time when people need us the most.	The Board appreciates this comment. Per page 1 of the ISR, CPD was designed to ensure “the safe and ethical practice of psychology requires that psychologists continue to update their knowledge and skills throughout their professional career. It is expected that psychologists maintain their competence based on advances in theory, practice, and empirical research. Participation in CE is one way that psychologists maintain and enhance their knowledge and skills...” The Board incorporates responses to comments 86 and 123 here.
127	Opposition to Trends in Education and Safety. In the face of global changes, the Board is now out of sync with other trends. This creates ethical, professional, and personal conflicts that cannot easily be reconciled.	The Board appreciates this comment. Changes to California’s CE process has been recommended by the Association of State and Provincial Psychology Boards, as reported in their “ASPPB Guidelines for Continuing Professional Development” (ASPPB Guidelines), listed in the Underlying Data as provided in the ISR. In addition, trends towards remote attendance have been incorporated into modified text.
128	New standard is ambiguous. Yet, if the Board errs on trusting our judgment by creating an “honor system,” will some psychologists take advantage, thus lowering the standard of competency?	The Board appreciates this comment but has determined that the regulations, as modified, are sufficiently clear. The Board will audit for compliance, as required. The Board incorporates its response to comment 123 and determines that no changes to the text are necessary based upon this comment.
129	Factors outside of control may prevent publication or conferences. Even Board of Psychology meetings are relatively few in number, and cannot accommodate all who may wish to attend.	The Board appreciates this comment and acknowledges that life is sometimes uncertain, which has always been the case. The Board has accepted changes to the modified text that allows for virtual participation in Board of Psychology meetings.
130	We ask, respectfully, that you not move us towards an abstract ideal – one that existed in another historical timeline.	The Board appreciates this comment. The Board incorporates its response to comment 123 and determines that no changes to the text are necessary based upon this comment.

#	Comment	Response
131	I suggest that time spent accruing hours in the categories be more flexible allowing psychologists the individual pursuit of their interests in gaining greater competency. CE seminars versus conference attendance is unclear.	Reject. For further explanation, please see the Board's responses to comments 11 and 13.
132	The required 4 hours of ethics/legal every 2 years makes perfect sense and is likely the best way to insure consumer protection.	The Board appreciates this comment. No changes to the text are necessary in response.
133	The 4 hours per period of coursework in diversity and social justice issues seems like overkill and politically motivated.	The Board appreciates this comment. The Association of State and Provincial Psychology Boards, as reported in their "ASPPB Guidelines for Continuing Professional Development" (ASPPB Guidelines), listed in the Underlying Data as provided in the ISR, refers to multicultural competence as areas of competency identified by a national sample of psychologists. As described in the ISR beginning on page 9, "This requirement has been added because California is a large and diverse state with many minority populations who have been historically underserved by the psychological profession. Increasing access to psychological services for all Californians is a priority for the Board and requiring that all psychologists complete four (4) hours of CPD in these areas will expose more professionals to these important topics as well as increase the knowledge base of licensees when providing services to California's diverse population. Fewer hours would not allow for adequate learning, and requiring more hours would potentially take away time from other opportunities for CPD." No changes to the text are necessary in response.
134	At most, I would suggest a one-time requirement [for diversity and social justice], as is required for geriatric issues, child abuse, and most recently suicide prevention.	For the reasons listed in the response above (133), a one-time requirement was deemed not enough. No changes to the text are necessary in response.
135	I believe that the BOP is over-regulating with the distribution of hours per category. I would hope that psychologists be able to fulfill their continuing education requirements solely with continuing education. How would peer consultation be measured? Not practical. Board service does not increase competency.	The Board appreciates this comment and incorporates its response to comments 5, 11, 12, 22, 26, and 123. The Association of State and Provincial Psychology Boards' Guidelines (see Underlying Data) on which the board relied in developing this proposal supports professional association work. At page 15, they state:

#	Comment	Response
		<p>“Professional Activities’ refers to ongoing participation in professional associations and other professional organizations. This helps to ensure that the public service work of the profession is supported and helps to reduce professional isolation. No changes to the text are necessary in response.</p>
136	Expanding this requirement to include peer consultation, teaching, supervising, etc. is a plus.	The Board appreciates this comment. No changes are necessary in response.
137	I implore that the BOP not make this a minus by micromanaging the allocation of time.	The Board appreciates this comment and incorporates its response to comment 13. No changes to the text are necessary in response.
138	This proposal is limiting. Please consider a more inclusive list that holds more options, not fewer.	<p>The Board appreciates this comment and incorporates its response to comment 123. The second modified regulatory text expands options for obtaining CPD by attending a Board of Psychology meeting virtually and by including attending a webinar that is not sponsor-approved for CE credit, taking academic coursework provided by institutions that do not meet the requirements in section 1397.61.1(b)(1), and conference/convention attendance that does not meet the requirements of section 1397.60.1(a)(4). No changes to the text are necessary in response.</p>
139	I would like to respectfully suggest that the proposed regulations allow for psychologists to have the option of gaining all 36 units through traditional continuing education courses.	Reject. For further explanation, please see the Board’s responses to comments 13 and 123. No changes to the text are necessary in response.
140	I read Karen Shore’s brilliant response, and I am in complete agreement with her on all her points.	The Board appreciates this comment. Please see the responses to Dr. Shore’s comments, which can be found in responses 16 through 43. No changes to the text are necessary in response.
141	<p>Encourage but not mandate the new Categories, and institute a minimum number of CE unless one achieves ABPP during a licensing period. Provides the following suggestions.</p> <p>a.36 CPD may be made up solely of Sponsored CE (CE), or</p> <p>b.36 CPD may be made up of Sponsored CE + Self-Directed Learning (SDL) by:</p> <p>i. Raising the maximum of allowed CE to 30, with 6 allowed credits of SDL, or</p>	Reject. For further explanation, please see the Board’s response to comment 19. No changes to the text are necessary in response.

#	Comment	Response
	<p>ii. Keeping the maximum of CE at 27 and allow up to 9 credits of SDL, or</p> <p>iii. To encourage planned focus on practice areas important to a psychologist's work, allow CPD to be made up of all CE or CE + SDL if the psychologist reaches a minimum of 40, 45 or 50 CE credits (BOP's choice) in a licensing renewal period, with at least 20 or 25 (BOP's choice) units focused in a particular modality of treatment or area of practice, research, or theory.</p>	
142	<p>If none of the above are chosen for all, institute one of these once a person reaches the age of 65, 70, or 75 (your choice).</p>	<p>Reject. For further explanation, please see the Board's responses to comments 20 and 44. No changes to the text are necessary in response.</p>
143	<p>Mandate a minimum of 16 or 20 CE hours so that "CE minimalists" who might pose a risk to the public can't get away with taking the 8 required CE hours plus one other 4-hour CE course, claim they read for 6 hours, and claim the maximum 18 hours of peer consultation that amounted to meeting a friend for lunch with little clinical discussion.</p>	<p>Reject. For further explanation, please see the Board's response to comment 13. No changes to the text are necessary in response.</p>
144	<p>I believe that one should be able to count either undergraduate or graduate level psychology courses.</p>	<p>Reject. For further explanation, please see the Board's response to comment 34. No changes to the text are necessary in response.</p>
145	<p>Overall, I support the ideas Dr. Shore put forth in her document to the board.</p>	<p>The Board appreciates this comment. Please see the responses to Dr. Shore's comments, which can be found in responses 16 through 43.</p>
146	<p>Perhaps a greater number of units than 18 plus one of your recently required categories may be more beneficial in achieving the goal of enhancing our knowledge and skills which should be the ultimate intent behind professional development.</p>	<p>Reject. For further explanation, please see the Board's response to comment 13. No changes to the text are necessary in response.</p>
147	<p>We are already in October 2020 and this proposed change has yet to be approved. If it does get approved, it will likely be in December, which doesn't give those who have to renew in January or February enough time to fulfill the new requirements.</p>	<p>The Board appreciates this comment. The proposed implementation date of the transition to CPD is January 1, 2023 within the second modified regulation text, giving ample time for licensees to adapt.</p>
148	<p>The proposed changes seem more applicable for psychologists who see clients, are in mentoring or supervisory positions, or teach courses; it doesn't seem to consider psychologists who work in administrative positions.</p>	<p>The Board appreciates this comment and incorporates its response to comment 60. No changes to the text are necessary in response.</p>
149	<p>This proposal doesn't consider the current pandemic and the challenges of obtaining continuing professional development when many psychologists are teleworking.</p>	<p>The Board appreciates this comment. The second modified regulatory text expands options for obtaining CPD by attending a Board of Psychology meeting virtually and by including attending a webinar that is not sponsor-approved for CE credit, taking</p>

#	Comment	Response
		academic coursework provided by institutions that do not meet the requirements in section 1397.61.1(b)(1), and conference/convention attendance that does not meet the requirements of section 1397.60.1(a)(4).
150	Another concern is the tracking of one's activities, which seems to be based on the honor system. There should be a standard form to track one's activity and further guidance should be given on a better way to confirm that it occurred.	The Board appreciates this comment. The Board does not see that it is necessary to create a form for licensees to track their CPD. No changes to the text are necessary in response.
151	Concern that regarding the proposed expansions is that many are activities that psychologists are ALREADY doing, not expanding knowledge. i do not automatically assume giving credit for work we are already doing (e.g., teaching at the graduate level, providing supervision, doing research, engaging in consultation with colleagues, attending conferences) increases new knowledge.	The Board appreciates this comment. Per page 3 of the ISR, "The current definitions provided only cover a limited number of CE activities, and current research has indicated that such types of learning activities, while effective at maintaining knowledge, have not been demonstrated to be very effective in maintaining the other aspects of competence. Accordingly, they are being replaced with a broader variety and number of CPD activities as the Board transitions to the CPD model. The new definitions outline specific activities in each of the four acceptable categories of learning activities that count towards CPD, and reflect those activities outlined in the ASPPB guidelines." No changes to the text are necessary in response.
152	<p>another of my concerns regarding the proposed expansions is WHO will be defining WHAT is an acceptable experience or not that will earn the units.</p> <p>i attend conferences outside of psychology such as those related to gender or the NCAA inclusion forum addressing diversity in the area of athletics. will these be included in the proposed conference area? another example is i read a lot of books that have nothing to do with practice of psychology that deeply inform how i practice as a psychologist (e.g., radical feminist theory, race theory, LGBTQ history, poetry by lesbians of color). will these books be deemed acceptable for units or not? i have many other examples of the bias that can happen in decision-making, but these two make my point.</p>	<p>The Board appreciates this comment and these questions. The second modified regulation text identifies and defines 15 activities grouped under four categories and defines how a licensee can obtain CPD for cultural diversity/social justice and laws and ethics subjects.</p> <p>The regulation text also defines self-directed learning, which "means independent educational activities focused on maintaining, developing, or increasing conceptual and applied competencies that are relevant to psychological practice, education, or science, reading books or peer-reviewed journal articles, watching videos or webcasts, or listening to podcasts, attending a webinar that is not</p>

#	Comment	Response
		<p>sponsor-approved for CE credit, taking academic coursework provided by institutions that do not meet the requirements in section 1397.61.1(b)(1), and conference/convention attendance that does not meet the requirements of section 1397.60.1(a)(4).” The activities mentioned in the comments of reading books and attending non-sponsored conferences fall under self-directed learning.</p> <p>As “psychological practice” is different for every licensee, it is the responsibility of the licensee to explain how the specific items claimed under self-directed learning are relevant to that practice.</p> <p>No changes to the text are necessary in response because the text provides clear definitions of approved activities.</p>
153	<p>finally, i am concerned that this expansion will lead to more psychologists scamming this continuing education system. because i can just count what i am already doing, i do not have to actually make an effort in the continuing education process, one of the scams is simply not doing any real new learning.</p>	<p>The Board appreciates this comment. The Board has decided to allow licensees to utilize self-certification as a means of providing proof for completing certain activities, specifically peer consultation. The Board finds peer consultation to be especially important to ensuring implementation of new techniques or previously learned subject matter into practice and reduces professional isolation.</p> <p>While the Board expects professional behavior from all of its licensees, it also requires documentation for all activities, even the self-certifiable CPD activities for purposes of audits.</p> <p>The Board conducts random audits as a means of oversight and as a deterrent against dishonest behavior by licensees in reporting CPD. No changes to the text are necessary in response.</p>
154	<p>Have the regulations take effect January 1, 2022.</p>	<p>Accept. The proposed implementation date of the transition to CPD is January 1, 2023.</p>
155	<p>Clarification of 1397.60 (a) (3) Professional services “.....separate and apart from <u>a fee for service</u>”</p>	<p>The Board appreciates this comment. Under CCR 16 §1397.60.1(a)(3) in the</p>

#	Comment	Response
	<p><u>arrangement</u>". Clarify whether program development and evaluation activities that are a part of one's employment count to fulfill this activity.</p>	<p>second modified regulation text, the "fee-for-service" component refers to "peer consultation" services, which is identified in CCR 16 §1397.60.1(a)(1). Additionally, under CCR 16 §1397.60.1(a)(3) clarifies the following meets the definition of professional services: "serving on psychological association boards or committees, editorial boards of peer reviewed journals related to psychology or other related disciplines, scientific grant review teams, and boards of regulatory bodies; program development; and evaluation activities."</p> <p>This sentence has been modified for clarity. Professional services are not separately funded activities but are ancillary to one's primary work and for the greater good of the profession.</p>
156	<p>Despite the Proposal mandating two of the four categories for CPD, in reality because neither (2) Academic Activities (except for SDL) nor (4) ABPP Diplomate status is realistically attainable for most of us, only the remaining two, (1) Professional Activities and (3) Sponsored CE are actually within reasonable grasp. Limiting CE to 27 hours with an additional six hours of SDL means that three more hours must come from the (1) Professional Activities Category.</p>	<p>The Board appreciates this comment. Per pages 10 and 11 of the ISR, "licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories." No changes to the text are necessary in response.</p>
157	<p>Burdensome. I am requesting that the 36-hour CE units suffice as one option from a menu of options for CPD.</p>	<p>Reject. For further explanation, please see the Board's response to comment 13. No changes to the text are necessary in response.</p>
158	<p>I am writing in support of the proposed changes to CPD put forth by Karen Shore, Ph.D. Burdensome, expensive, should be easier for seniors.</p>	<p>The Board appreciates this comment. Please see the responses to Dr. Shore's comments, which can be found in responses 16 through 43, and also the responses to comments 20 and 60. The modified text expands opportunities by providing for virtual attendance, which should ease travel and monetary considerations.</p>
159	<p>If you are offering these new categories as options - fine. When you are making it mandatory to meet requirements</p>	<p>The Board appreciates this comment. BPC section 2915 requires a psychologist to</p>

#	Comment	Response
	in each category, I have a deep, deep resentment of your perceived impression of us as professionals.	complete 36 hours of CPD for biennial licensure renewal. Law states that CPD means certain learning activities approved in four different categories, as specified in the regulatory text. No changes to the text are necessary in response.
160	Please stop with the micromanaging. Please consider those of us who work in non-traditional milieus. Please consider that we are adults and able to manage our own education and practices. Please allow us freedom of education.	The Board appreciates this comment and hereby incorporates its responses to comments 60 and 123. No changes to the text are necessary in response.
161	First, there needs to be clarification about activities that fall into multiple categories. For instance, the annual CPA or APA conventions may be properly classified as both Conference/Convention Attendance and Sponsor-Approved CE Instruction.	The Board appreciates this comment and incorporates its response to comment 43, above. No text changes necessary.
162	Specifically, professional development activities, similar to the APA or CPA conventions discussed above that have traditionally fallen into the Conference/Convention Attendance category have had the multiple sessions that are included in the description. However, in the reality of corona, conventions are going virtual and there are not multiple, concurrent sessions offered. Rather, sessions are virtual, either pre-recorded or live, and are presented in sequence, often over the course of several days or weeks.	The Board appreciates this comment. The second modified regulation text now allows licensees to obtain CPD through virtual or in-person conferences and conventions.
163	Third, it may be useful to include language to the effect of the following for both the Ethics and Diversity/Social Justice requirements. “	Accept. The second modified regulation text contains definitions of “social justice” and “cultural diversity.”
164	Fourth, under which category would reading BOP Public Notice of Proposed Regulatory Action and participating in public comment be properly categorized? It appears as though it could be placed under either Professional Services or Self-Directed Learning.	The Board appreciates this question. For reviewing regulations that could affect the field of psychology as impacting a licensee individually, self-directed learning may be the option for most licensees. However, if reviewing regulatory text is done in the role of a board or professional organization member, then it could fall under professional services because the impacts being assessed while reviewing would be that of the board or organization. No text changes are deemed necessary in response to this comment.
165	Burdensome, especially to older licensees. Encourage but not mandate the new Categories, and institute a minimum number of CE unless one achieves ABPP during a licensing period. Provides the following suggestions. a.36 CPD may be made up solely of Sponsored CE (CE), or	The Board appreciates the comment but will not be making text changes in response. For further explanation, please read the Board’s responses to comments 19 and 20.

#	Comment	Response
	<p>b.36 CPD may be made up of Sponsored CE + Self-Directed Learning (SDL) by:</p> <ul style="list-style-type: none"> i. Raising the maximum of allowed CE to 30, with 6 allowed credits of SDL, or ii. Keeping the maximum of CE at 27 and allow up to 9 credits of SDL, or iii. To encourage planned focus on practice areas important to a psychologist's work, allow CPD to be made up of all CE or CE + SDL if the psychologist reaches a minimum of 40, 45 or 50 CE credits (BOP's choice) in a licensing renewal period, with at least 20 or 25 (BOP's choice) units focused in a particular modality of treatment or area of practice, research, or theory. 	
166	Please mandate a minimum of 16 or 20 CE hours.	The Board appreciates the comment but will not be making text changes in response. For further explanation, please see the Board's response to comment 13.
167	Add in the definition that acceptable themes for consultation groups can include but are not limited to social justice, history, biography, psychological profiles, politics, cultural issues as they pertain to the understanding of human psychology, policy/politics, emotion, behavior, research, assessment, or treatment.	The Board appreciates the comment but will not be making text changes in response. For further explanation, please see the Board's response to comment 22.
168	Under "Conference/Convention Attendance:" Please allow and state clearly that attendance can be in person or virtual.	Accept. The Board accepted this change in the second modified regulation text.
169	Also, add that a half-day attendance will provide 3.0 CPD hours, as some conferences have one or more full days and a half-day.	The Board appreciates the comment but will not be making text changes in response. For further explanation, please see the Board's response to comment 28.
170	Under "Attendance at a California BOP Meeting" please allow and clarify that attendance can be in person or virtual.	Accept. The Board accepted this change in the second modified regulation text.
171	Include the more popular and more intensive taking a quarter, a semester, or a year-long class at any formal post-graduate or post-doctoral program related to the field of psychology that meets weekly (or hourly equivalent if a weekend program) for at least a full academic year, and offers a Degree, Diploma, or Certificate.	The Board appreciates the comment but will not be making text changes in response. For further explanation, please see the Board's response to comment 33.
172	Postpone the implementation date to January 1, 2022, or later. The date of January 1, 2021 is impractical due to the current state of emergency due to the COVID-19 pandemic. In addition, maintain a transitional year subsequent to the implementation date, as per Section 1397.61 (m).	Accept. The proposed implementation date of the transition to CPD is January 1, 2023 within the second modified regulation text.
173	Modify Section 1397.60(a)(4) to allow Conference/Convention attendance to include virtual attendance. In-person attendance should not be required at this time given the COVID-19 pandemic and the need	Accept. The Board accepted this change in the second modified regulation text.

#	Comment	Response
	to quarantine and social distance. This also should extend beyond the current state of emergency and potentially not be required in the future for public safety issues.	
174	Modify Section 1397.61 to allow licensees increased flexibility in implementing our own professional development plans. This would respect individual differences in learning styles and type of practice. I prefer to take sponsored CE courses and consistently exceed the current mandate of 36 hours for license renewal. In future, I would like to see this preference translate into an option where one can obtain all required CE hours in the form of sponsored CE courses.	The Board appreciates the comment but will not be making text changes in response. For further explanation, please see the Board's response to comment 11.
175	<p>Further to the above, I request the option of allowing all CE hours be accrued with a combination of sponsored CE courses plus self-directed learning. I request that the number of hours that can be accrued via sponsored CE be expanded to 30 (from the proposed 27). This, in addition to the six (6) allowable hours through self-directed learning would equal the 36 total CPD hours required for licensure renewal. This option would maintain the requirement of participation in at least two categories.</p> <p>Suggest that research for publications have nine credits offered, even if the final product is not published.</p>	<p>The Board appreciates the comment but will not be making text changes in response. For further explanation, please see the Board's response to comment 12.</p> <p>Within the CPD regulation text, there are only two acceptable methods for utilizing peer-reviewed publications for CPD: a licensee can publish a peer-reviewed product, providing a publication date that must be within the renewal period; or a licensee can provide the Board with a "letter of acceptance," meaning the publication will be in print in the future, or is at least planned to be printed, even if external factors intervene to prevent actual publication. The letter of acceptance must also be dated within the renewal period. The Board will accept either one for the same peer-reviewed publication, and a publication may only be counted once. The acceptance letter or actual publication ensures that the product is a valid and valued addition to the field of psychology.</p> <p>Additionally, the Underlying Data section of the ISR lists the Association of State and Provincial Psychology Boards, as reported in their "ASPPB Guidelines for Continuing Professional Development" (ASPPB Guidelines). Within these guidelines, ASPPB used 40 as the recommended required number of CPD for renewal. Out of the 40, they allocate 10 to Publications (25%). Our model has a max of 36, which makes 9 hours the equivalent</p>

#	Comment	Response
		percentage. Also, the Board allows 27 hours of traditional CE; publication allows the licensee to use 9 hours to complete the CPD for that renewal cycle.
176	Provide clarification on Section 1397.60(a)(1) regarding the type of consultation where licensees could receive credit for “peer consultation.” I routinely consult with other psychologists on diagnosing and treatment planning.	The Board appreciates the comment but will not be making text changes in response. The Board is not proposing any additional changes to the definition of “peer consultation.” Per page 4 of the ISR, peer consultation is described as, “structured and organized interaction, in person or electronically mediated, with colleagues in research groups, reading groups, and/or individual or group case consultations, which is designed to broaden professional knowledge.” The Board hereby incorporates its responses to comments 5 and 23.
177	Further to the above, only a patient’s initials or number should be used as a “client identifier” in peer consultation. No confidential information should be required to obtain credit for CDP.	The Board appreciates the comment but will not be making text changes in response. For further explanation, please see the Board’s response to comment 7.
178	I request that documentation be reduced and simplified as much as possible in the proposed CDP. As it stands, the lengthy, detailed documentation that is required for CDP is not feasible.	The Board appreciates the comment but will not be making text changes in response. While other commenters have asked for forms to log CPD, or further details to be recorded, the Board has sought of middle ground of requiring the least intrusive documentation that will still allow the Board to exercise its public protection mandate by auditing for compliance. The Board has not received a more effective and less intrusive method as a suggestion.
179	I support the letter submitted by CPA and letters submitted by my CPA colleagues, notably Dr. Karen Shore.	The Board appreciates this comment. Please see the responses to CPA’s letter, which can be found in responses 1 through 13. Additionally, please see the responses to Dr. Shore’s comments, which can be found in responses 16 through 43.
180	A writer resubmitted Dr. Karen Shore’s letter.	The Board appreciates this comment. Please see the responses to Dr. Shore’s comments, which can be found in responses 16 through 43.
181	I suggest you allow renewal based on 36 hours of CEUs and then add some other optional categories for credits.	Reject. For further explanation, please see the Board’s response to comment 12.

#	Comment	Response
182	Ask for feedback on options chosen when renewal time comes around. We are, in the majority, mature people and should not be over-supervised.	The Board appreciates this comment. Licensees may always contact the Board with suggestions to better improve the Board's regulations. Further, polling or surveying licensees is not something that is required to be set in regulation, therefore this response requires no changes to the text.
183	I request that due to COVID-19, the Board postpone the implementation of the CPD until at least 2022.	Accept. The proposed implementation date of the transition to CPD is January 1, 2023 within the second modified regulation text.
184	I have no objection to the grounds for the CPD change.	The Board appreciates this comment. No changes are necessary in response.
185	<p>You present the CPD as making more activities "available", when in fact it is not available but REQUIRED. This is not an expansion; it is a restriction.</p> <p>You do not cite research. Peer Consultation seems like an excellent addition, but reporting seems lax. POM is probably not a viable option for clinicians who have not maintained statistical prowess. Professional Service seems good to add but where is the research that it adds to competency? There are other ways to engage without the few associations. Conferences versus CE is confusing. Consultation makes sense.</p> <p>Virtual attendance is more viable and should be allowed.</p>	<p>The Board appreciates this comment but will not be making text changes in response. BPC section 2915 requires a psychologist to complete 36 hours of CPD for biennial licensure renewal. Law states that CPD means certain learning activities approved in four different categories, as specified in the regulatory text. The Board cited research in the Initial Statement of Reasons, and listed documents relied upon in the Underlying Data section. The Board incorporates its response to comments 26, 37, 43, 178, 192.</p> <p>The Board provided for virtual attendance at Board meetings in the second modified regulation text.</p>
186	<p>To limit the teaching options to only graduate teaching does not seem well thought out. The absence of time spent teaching undergraduate studies seems amiss. Self-Directed Learning is a nice addition but may be inequitable relative to teaching.</p> <p>Supervision is an obvious skill builder but has a liability – need changes to the limits of liability to the supervisor.</p> <p>How does one judge publications?</p>	<p>The Board appreciates this comment. The text allows “Academic Instruction” and “Sponsored CE Instruction” as an acceptable academic activity for CPD. The Board is not proposing any additional changes to acceptable academic activities for CPD.</p> <p>Supervisor liability is not within the scope of this rulemaking.</p> <p>The Board incorporates its responses to comments 59, 83, and 175.</p>
187	The requirement for law and ethics each renewal period seems like a minimum; it seems this could be moved to 8 hrs. in light of the infringements regularly reported to the board.	The Board appreciates this comment. No changes are necessary in response.

#	Comment	Response
188	The addition of Cultural Diversity and/or Social Justice requirement seems important to add, just as the board has added training on suicidality or domestic violence. However, every four years seems over the top. Board practice seems nonapplicable. Licensees should be able to choose and not have CPD mandated.	The Board appreciates this comment and incorporates its responses to comments 26, 123, and 133. No changes are necessary in response.
15-Day Comment Period (12/15/2020 through 1/6/2021)		
189	The first is in regards to understanding the difference between a full day conference (6 hours) and sponsor approved CE courses (18 hours). Most conferences I attend include more than 6 hours of CE's. Will this mean that a conference that may not offer as many, if any APA approved CE's could be counted up to the 6 hours if they are still relevant to the field?	The Board appreciates this question; however, it does not fall within the scope of the changes made to the first modified regulations text. (See also responses to comments 13, 28, and 43.)
190	For the category of peer consultation, does this include consultation with other licensed professionals (e.g. LMFT, MD, LCSW)?	The Board appreciates this question; however, it does not fall within the scope of the changes made to the first modified regulations text. (See also responses to comments 5 and 22.)
191	Modify §1397.61(f)(3) to make it clear that a minimum of 4.5 hours of "Professional Service" is not mandatory. This can be accomplished by making the following change to that paragraph: "A minimum of 4.5 hours and maximum of 12 hours shall may be credited in 'Professional Service'."	No changes to text are necessary. For further explanation, please see the Board's response to comment 9.
192	Most psychologists will be unfamiliar with the concept of POM and have little or no experience with how to implement POM in their practice. It would be helpful if the Board could provide some source materials or reference in how to implement this activity if the Board is going to list it as an acceptable learning activity.	The Board appreciates this comment. Per pages 4 and 5 of the ISR, "as the application of various research tools and models to assess the efficacy of one's own practice and approach to psychological services. POM can help assess whether a licensee's own theories and modes of practice are effective in providing psychological services and whether that effectiveness can be enhanced. POM aids the psychologist in updating his or her practice and assessing the impact of those updates, and therefore advances the goals of maintaining and enhancing ongoing competence." The Board also incorporates its responses to comments 37 and 192.
193	If a psychologist serves as a member of a Continuing Education Provider Committee, for example an approved freestanding APA Continuing Education Provider (not associated with any university), will the hours that the psychologist participates in this activity qualify as Professional Services hours?	The Board appreciates this question. As modified, "Professional Services" means ongoing participation in services related to the field of psychology, or other related disciplines, <u>separate and apart from a fee-for-service arrangement</u> , including but not limited to, <u>the following:</u> serving

#	Comment	Response
		<p>on psychological association boards or committees, editorial boards of peer reviewed journals related to psychology or other related disciplines, scientific grant review teams, <u>and</u> boards of regulatory bodies; <u>program development; and/or evaluation activities, separate and apart from a fee for service arrangement.</u></p> <p>Satisfaction of the above (non-paid committee service) can yield CPD credit as below:</p> <p>“Professional Service”</p> <p>(A) <u>A minimum of 4.5= hours and a maximum of 12= hours shall be credited in “Professional Service”.</u></p> <p>(B) <u>One (1) year of “Professional Service” for a particular activity equals nine (9) hours credited and six (6) months equals 4.5= hours credited.</u></p> <p>(C) <u>The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: board or program name, role of licensee, dates of service, and term of service (six months or one year).</u></p> <p>The Board also incorporates its response to comment 26.</p>
194	<p>I would suggest changing the language to “graduate-level or postgraduate-level” to include programs such as (a) the master of science program in clinical psychopharmacology, which otherwise meets the requirements but is postgraduate rather than graduate as, to enroll in this program, the student must have a license to practice psychology and must had a doctorate in clinical psychology, and (b) postgraduate training in psychoanalysis, which for psychologists, requires a doctoral degree in psychology and licensure as a psychologist.</p>	<p>The Board appreciates this question; however, this comment does not address changes made to the first modified regulation text. For further explanation, please see the Board’s response to comment 34.</p>
195	<p>As written, this would exclude editing or co-editing a chapter in a book or an issue of a journal. Those types of editing tasks are onerous, and it seems to me that the text should be updated to include these types of editing. I feel</p>	<p>The Board appreciates this comment; however, this comment does not address changes made to the first modified regulation text.</p>

#	Comment	Response
	that that they should also qualify, in addition to editing or co-editing a book.	
196	I brought this up in my last letter to the Board. Why is ABPP the only board that is recognized here? There are other boards besides ABPP. Why is ABPP given such a privileged position here?	The Board appreciates this question; however, this comment does not address changes made to the first modified regulation text.
197	I will again ask the Board to consider making Cultural Diversity/Social Justice a one-time requirement rather than a requirement in perpetuity every time a psychologist gets relicensed.	The Board appreciates this question; however, this comment does not address changes made to the first modified regulation text. Additionally, BPC section 2915 requires a psychologist to complete 36 hours of CPD for biennial licensure renewal. Law states that CPD means certain learning activities approved in four different categories, as specified in the regulatory text. (See also response to comment 133.)
198	When reading through this section, I assumed that the term “organization” referred to CE Credentialing organizations such as the American Psychological Association, and not to individual providers who are approved to give APA CE courses by APA. However, this was not entirely clear to me when reading this section through. It might be helpful to give an example or two to make this clearer, for example, give an example of an organization (e.g., The American Psychological Association Continuing Education Sponsor Approval Program).	The Board appreciates this comment; however, this comment does not address changes made to the first modified regulation text.
199	Would the book clubs where we discuss a chosen fiction or non-fiction book in terms of its psychological implications and insights be allowed?	The Board appreciates this question; however, this comment does not address changes made to the first modified regulation text.
200	Can the BOP confirm that such things as LACPA’s Special Interest Groups (SIGS) would be allowed? In what category would they fall if a guest speaker was involved? Would one have to be an ongoing member of that SIG?	The Board appreciates this question; however, this comment does not address changes made to the first modified regulation text.
201	Would Peer Consultation include providing or receiving or bi-directional case consultation, for a fee or not, with LMFTs, LCSWs, MDs, psychiatric nurse RNs, or other licensed non-psychologist mental health professionals?	The Board appreciates this question; however, this comment does not address changes made to the first modified regulation text.
202	Request for FAQ document: Please clarify whether or not contacting a lawyer for an ethics/legal consult, for a fee or not, would count.	The Board will take into consideration this request for addition to the FAQ and the information in it. However, this request is not within the scope of the rulemaking itself and no text changes are necessary in response to the comment.
203	Request for FAQ document: Please clarify whether engaging in a consult about law/ethics in professional practice with CPA’s or APA’s or our County Psychological	The Board will take into consideration this request for addition to the FAQ and the information in it. However, this request is

#	Comment	Response
	Association's or our professional insurance company's ethics or "professional affairs" advisors would count, whether or not the person consulted is licensed in a mental health field (psychology or non-psychology license).	not within the scope of the rulemaking itself and no text changes are necessary in response to the comment.
204	Request for FAQ document: When engaging in peer consultation with a colleague, with or without a fee, does it count if the other person(s) is/are licensed in a non-psychology mental health field (MD, LMFT, LMSW, etc.?)	The Board will take into consideration this request for addition to the FAQ and the information in it. However, this request is not within the scope of the rulemaking itself and no text changes are necessary in response to the comment.
205	Request for FAQ document: For structured and organized consults with a colleague, with or without a fee, can we count partial hours and add them up?	The Board will take into consideration this request for addition to the FAQ and the information in it. However, this request is not within the scope of the rulemaking itself and no text changes are necessary in response to the comment.
206	Request for FAQ document: Would book clubs that involve issues of mental health, ethics, or social justice but are not peer-reviewed books or articles; books that are biographies or novels (fiction and non-fiction) or historical books, count under Peer Consultation?	The Board will take into consideration this request for addition to the FAQ and the information in it. However, this request is not within the scope of the rulemaking itself and no text changes are necessary in response to the comment.
207	Request for FAQ document: Would Special Interest Group (SIG) meetings count as Peer Consultation?	The Board will take into consideration this request for addition to the FAQ and the information in it. However, this request is not within the scope of the rulemaking itself and no text changes are necessary in response to the comment.
208	Psychologists will have to engage in activities beyond traditional CE activities simply for license renewal. Suggests that local therapist group should count but won't.	The Board appreciates this comment. No text changes are necessary in response to the comment. (see also responses to comments 5 and 22.)
209	I believe that these regulations will actually require additional time and expense than the current CE model for practicing psychologists outside of academia, and, at the extreme, may contribute to increased burnout for those already working full-time--quite the opposite of the intended effect.	The Board appreciates this comment. This is not an identifiable comment on which the Board can respond. (See also response to comment 123.)
210	Thus, these proposed changes make it seem as though the ASPPB and the CA BOP are simply seeking to micromanage psychologists' activities, and based on current complaint data, is not justified.	The Board appreciates this comment. This is not an identifiable comment on which the Board can respond. (See, generally, the ISR and Underlying Data.)
211	I'm wondering if an academic paper, particularly a sole or first author paper, be awarded a greater number of CEU hours?	This Board appreciates this question. This question does not address changes made to the first modified regulation text.
212	In regards to a peer-review paper, would an "in press" or "accepted provisionally" status qualify? Or would the paper need to appear in print?	This Board appreciates this question. This question does not address changes made

#	Comment	Response
		to the first modified regulation text. (See also response to comment 175.)
213	Likewise, I believe it would also be helpful to provide CE credit for presentations given at a peer reviewed conference, not just for offering CEU type training, as well as peer review for conferences and grants. State-specific social justice topics are too narrow.	The Board appreciates this comment. This comment does not address changes made to the first modified regulation text. The definition of Cultural Diversity/Social Justice was modified in a second modified regulation text.
214	I wonder about the viability of having CE credits for activities that can only be a one-time achievement, such as ABPP diplomate status.	The Board appreciates this comment. This comment does not address changes made to the first modified regulation text.
215	Add other expert review / consultation activities. What activities that would be acceptable under the peer consultation category needs more specification.	The Board appreciates this comment. This comment does not address changes made to the first modified regulation text. (See also responses to comments 5, 22, and 30.)
216	Finally, while many psychologists might enjoy attending Board meetings, only those local to Sac can do that. Is there a means of obtaining CE credit for attending virtually.	The Board appreciates this question. The Board accepted this change in the second modified regulation text to include attendance of Board meetings via electronic means.

Attachment B

Verbal CPD Comments with Responses (45-day)

The regulatory hearing was held virtually during the November 19, 2020 Board meeting. This table summarizes and responds to those oral comments presented during that meeting.

#	Comment	Response
1	Requested the implementation deadline be delayed to January 2022 or later.	Accept. The proposed implementation date of the transition to CPD is January 1, 2023.
2	Requested an increase in flexibility in how people obtain CPD hours, specifically requesting to allow all CPD be accrued either through all sponsored continuing education or a mixture of sponsored continuing education and self-directed learning.	Reject. The Board is not proposing additional changes to change the definition of “Academic” CPD, as both “sponsored CE” and “self-directed learning” fall under the “Academic” definition. Per pages 10 and 11 of the Initial Statement of Reasons (ISR), “Licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories.”
3	Concern about the requirement which mandates a minimum of two hours in each CPD category. Asked that psychologists be able to choose how many hours in a CPD category they may accrue.	The Board appreciates this comment. However, CPD does not mandate psychologists do CPD activities in each of the four categories. Per page 10 and 11 of the ISR, “Licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories.”
4	Asked that in section 1397.61.1(e), to strike the sentence that begins with “With the exception of....	Reject. For further explanation, please see the Board’s response to verbal comment 2.
5	Asked the number of CPD hours in 1397.61(h)(1) be changed from 27 to 36.	Reject. The Board is not proposing additional changes to allow all CPD hours to be done through Sponsored Continuing Education. Per pages 10 and 11 of the ISR, “Licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures

		adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories.”
6	Regarding the definition of “Peer Consultation” category: asking for clarification of the definition that states that the licensee must be part of an ongoing set of meetings. Most psychologists but do speak with each other but on an ongoing basis. The assumptions that psychologists are only doing one offs and that they are all talking heads is not true.	According to page 4 of the Initial Statement of Reasons (ISR), activities related to peer consultation “promote peer interaction and feedback, which allows professionals to incorporate new knowledge and skills into their practices.”
7	Asked to expand the categories and to clarify if psychologists can add book clubs, special interest groups, consults with lawyers, and consults with CPA’s laws and ethics committee.	Some of the activities mentioned in this comment are captured in the second modified regulation text.
8	Expressed confusion over the “Conference/Convention Attendance” CPD category. Asked which category attendance of an American Psychological Association (APA) conference or CPA convention would fall under.	The Board appreciates this comment. CCR 16 section 1397.60.1(a)(1)(4) provides clarification. The second modified text addresses other conference/convention attendance as a part of “self-directed learning,” within the definition of the Academic category.
9	Asked for the term “virtual attendance” be added in the language.	Accept. The Board accepted this change in the second modified regulation text.
10	Asked which professional organizations counts as attendance of a conference/convention.	The Board appreciates this question. CCR 16 section 1397.61(j) specifies how CE approvers and CE providers can be authorized by the Board. Per pages 16 and 17 of the ISR, “These organizations are the American Psychological Association, the California Psychological Association, the Association of Black Psychologists, the California Medical Association, and the Accreditation Council for Continuing Medical Education. These organizations, and the organizations approved pursuant to 1397.61(j)(1), are also authorized to provide continuing education themselves.”
11	Regarding the ethics, diversity, and social justice issues as well as legal issues, asking if some sort of dual credit could be captured.	The Board appreciates this question. The second modified regulatory text states, with regard to cultural diversity and/or social justice issues in 1397.61.1(c): “The four (4) hours shall be considered part of the 36-hour CPD requirement.” Therefore, no “dual credit” is needed and no additional text changes are necessary.
12	Reiterated that the implementation date should be set forward one year.	Accept. The proposed implementation date of the transition to CPD is January 1, 2023.
13	Asked if the definition of Peer Consultation could be clarified to an as needed basis for a fee or for no fee.	Reject. While the definition of “Peer Consultation” in 1397.60.1 is modified in the second modified text document (see response to Verbal Comment 6), the Board does not see a necessity to address a financial component nor frequency. Per page 11 of the ISR, “Psychologists can accrue up to half of their CPD hours

		using 'Peer Consultation' because research shows that peer consultation is one of the best ways to ensure implementation of new techniques or previously learned subject matter into practice. Additionally, "Peer Consultation" allows follow-up on individual cases, legal or ethical questions, and reduces professional isolation."
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From: bopmail@DCA
To: [Costa, Suzy@DCA](mailto:Costa_Suzy@DCA)
Cc: [DCA, BOPCE@DCA](mailto:DCA_BOPCE@DCA)
Subject: FW: Comments regarding Upcoming Changes to Continuing Education Requirements
Date: Monday, April 11, 2022 3:26:58 PM

From: greg nelson [REDACTED]
Sent: Monday, April 11, 2022 2:56 PM
To: bopmail@DCA <bopmail@dca.ca.gov>
Subject: Comments regarding Upcoming Changes to Continuing Education Requirements

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Hello,

I would like to request consideration be given to an effective date starting in 2024 or 2025 to give psychologists time to satisfy the new requirements. As an example, in may case I will report on CEU's in February 2023. As of now there are no new requirements in place. It is likely I would have very little time to meet the new guidelines.

Thank you,

Gregory A. Nelson Ph.D.

Sent from [Mail](#) for Windows

}] (2) C1

From: [Adam Vogel](#)
To: Glasspiegel, Jason@DCA
Subject: Public comment on Modified Text for Proposed Continuing Professional Development Regulations
Date: Saturday, April 16, 2022 11:16:46 AM

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To Whom It Concerns:

Please find below my comments on the Modified Text for Proposed Continuing Professional Development Regulations.

The overall changes are quite complex and need to be condensed in an easy to read format for licensees to consult, should the regulations pass.

It is concerning that the Board is holding licensees to a standard seemingly above other professions, such as medical boards. Rather than *expand* the options for CPD and learning, the regulations *require* it. There is also concern I have on the fiscal impact of meeting requirements on licensees.] (2) C2

There needs to be improved justification for the hours requirements for law and ethics and diversity. The number of hours (4) appears arbitrarily set.] (2) C3

Why are credits limited to a minimum of 1 hour in length. What is the evidence that less than 1 hour is inferior in providing knowledge? Some consultations with peers may not last 1 hour, and the goal should be to encourage such.] (2) C4

Sincerely,

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From: [Dr. Andrea Davis](#)
To: [Glasspiegel, Jason@DCA](#); [Ryan Thomas](#)
Subject: Fwd: 15-Day Notice of Modified Text for Proposed Continuing Professional Development Regulations
Date: Tuesday, April 5, 2022 6:21:48 PM

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Public Comment:

Dear Jason,

I am writing in favor of the new regulations text providing opportunities for continuing professional development to include

- grand rounds
- supervising
- in-service training programs
- peer consultation

(2) C5

This will greatly enhance the value for our licensing staff of attending these sorts of events and enrich their professional development. We greatly hope the Board of Psychology adopts the new regulations and that the BBS follows suit swiftly!

*Andrea Davis, Ph.D., Director
Greenhouse Therapy Center...for growing people*

[REDACTED]

[REDACTED]

[REDACTED]

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----- Forwarded message -----

From: [Christal Daehnert](#)
To: Glasspiegel, Jason@DCA
Subject: Continuing Professional Development
Date: Tuesday, April 5, 2022 5:41:22 PM

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Hello Jason,

I have read through the proposed changes for continuing professional development. I am wondering if it would be possible to include within the Supervision section, a category for providing individual or group consultation for licensed psychologists. Mentoring younger professionals within the field, and providing ongoing, highly individualized training for psychologists interested in developing their clinical skill sets is valuable to the profession as well. The proposed text only includes the supervision of unlicensed practitioners.

(2) C6

Thank you very much,

Christal Daehnert, Ph.D., Psy.D.

[REDACTED]

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From: [Elizabeth Winkelman](#)
To: [Glasspiegel, Jason@DCA](mailto:Glasspiegel.Jason@DCA)
Cc: [Jo Linder-Crow](#)
Subject: RE: Comment needed -15-Day Notice of Modified Text for Proposed Continuing Professional Development Regulations
Date: Thursday, April 7, 2022 1:22:25 PM
Attachments: [image007.png](#)
[image008.png](#)

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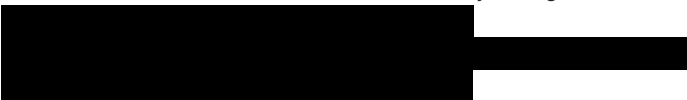
Dear Mr. Glasspiegel,

Thank you for the opportunity to comment on the Modified Text of the Proposed Continuing Professional Development Regulations. Please consider the following two suggestions:

1. Page 14 includes the following: "For a license that renews or is reactivated between January 1, 2021~~23~~, and December 31, 2021~~23~~, the hours accrued will qualify for renewal if they meet either the requirements of this section 1367.61..." This code section appears to be cited in error and should instead refer to 1397.61. (2) C7
2. CPA appreciates the clarification on page 4 that attendance at a Board of Psychology meeting may be "either in person or via electronic means." We also noted that on page 10, required documentation of such attendance includes that the psychologist "shall have signed in and out on an attendance sheet providing their first and last name, license number, time of arrival and time of departure from the meeting." Please ensure that there are electronic sign in sheets to enable such documentation when psychologists attend virtually. (2) C8

Thank you,

Elizabeth Winkelman, JD, PhD
Director of Professional Affairs | California Psychological Association



Note: CPA does not and cannot provide legal advice to our membership. Those seeking legal advice are advised to consult a private attorney.

CPA - The Voice of Psychology in California



From: Glasspiegel, Jason@DCA <Jason.Glasspiegel@dca.ca.gov>

From: [Heather Stone](#)
To: Glasspiegel, Jason@DCA
Subject: Please read attached letter; thank you
Date: Thursday, April 7, 2022 12:11:55 PM
Attachments: [Board of Psychology Response to Regulatory Changes.pdf](#)

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Heather Stone, Ph.D.
[REDACTED]

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Heather Stone, Ph.D.
Clinical Psychologist, PSY 21112

April 7, 2022

Dear Board of Psychology,

I am writing to respectfully **object to the regulatory change** that moves traditional CE Learning towards the Professional Development Model (CPD).

Forgotten Consumers. While reinventing psychologists' roles in the proposed language of the Continuing Professional Development model, benefits to "consumers" is neither explained nor emphasized. As psychologists consider taking on the extraneous activities proposed in the new regulation, we plan to retire or reduce our caseloads in order to accommodate these changes. (2) C9 (2) C10

Since Covid-19 and the California wildfires, psychologists are already unable to accommodate the tremendous influx of new and returning patients. And, as we try to find outside resources for them, we find other providers to be also at full capacity. As psychologists consider the array of options presented in the professional development model, we find them to be gratuitous when weighed against patients' needs. Instead, we wish to stay on the front lines.

In its efforts to develop a new professional model, the Board has not noticed how the profession has been developing. A new historic precedent now recognizes psychologists as first responders during a mental health pandemic, but the Board appears more interested in the "profession" as it appears in the abstract. While reimagining the profession, the Board has not seen how its licensees have already developed "multi-faceted competencies needed for quality professional performance." We are constantly pivoting and accommodating – working diligently to serve our patients – and we ask that you not make us turn away from them with our limited time and accessibility.

Losing More Psychologists. Numerous conversations between licensees reflect psychologists' decision to retire early. Not only are we experiencing burnout, but many consider the Board's additional requirements to be a sign that it is finally time to end our careers. For others, part-time practices will be eclipsed by the Board's additional requirements. Even in *the best-case scenario*, full-time practices must necessarily trade direct services for auxiliary functions, and again this can only be achieved by cannibalizing consumers. (2) C10

Opposition to Trends in Education and Safety. As the Board asserts that "these regulations are neither inconsistent nor incompatible with existing regulations," we ask it to consider other

mandates that have periodically required psychologists to shelter-in-place, work without power, evacuate homes or offices during fire season, and teach children at home. These mandates need to be held up against the Board's regulations, and they appear incompatible. Options for CPD no longer look the same, for example, conferences are cancelled due to safety issues. **In the face of global changes, the Board is now out of sync with other trends. This creates ethical, professional, and personal conflicts for psychologists that cannot easily be reconciled.** Again, to remedy this, psychologists may leave the profession.

Psychologists' Critical Functions. Specific urgencies need to be prioritized over ideal learning models. We believe we are *less* instrumental in the classroom, board room, or conference. **We choose the service of consumers over a glorified profession. We ask the Board to recognize that psychologists have neither been idle, nor passively learning. In closing, we ask that the Board consider its consumers, putting their needs before all of us. We also ask that you support psychologists through a critical time in history, helping us stay focused on delivering services. We ask, respectfully, that you *not* move us towards an abstract ideal – one that exists in another historical timeline.**

(2) C11

Thank you for listening.

Sincerely,



Heather Stone, Ph.D., PSY 21112

From: [Keith Valone](#)
To: Glasspiegel, Jason@DCA
Subject: RE: Comments on proposed changes to the
Date: Wednesday, April 6, 2022 7:35:24 AM
Attachments: [image003.png](#)
[image004.png](#)
[image006.png](#)

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To: The Board of Psychology
From: Keith Valone, Ph.D., Psy.D., M.S.C.P., California Licensed Psychologist @PSY7843, Hawaii Licensed Psychologist #PSY-1976
Re: Comments on Proposed Regulatory Language – Continuing Professional Development
Date: April 6, 2022

Thank you for the opportunity to comment on the latest draft of the Proposed Regulatory Language on Continuing Professional Development. I am offering my comments from the following perspectives:

1. A licensed clinical psychologist in private practice in California and a newly licensed psychologist in Hawaii
2. The Chair-Elect of Division V (Clinical Psychopharmacology) of CPA
3. The Chair of the Legislative Committee, a subcommittee of Division V
4. A member of the Hawaii Psychological Association Legislative Action Committee

I mention my licensure in Hawaii because, in my brief committee experience in the Hawaii Psychological Association, I am struck by the impact of legislation by the California Board of Psychology as new legislation is being considered by the Hawaii Psychological Association for recommendation to the Hawaii Board of Psychology.

I have four comments and accompanying suggestions as follows:

1. §1397.60.1(a)(3) “Professional Service” (p.3/18)

I suggest that participation on hospital Medical Staff Committees be included in the definition of approved professional services. Throughout my career, I have been a member of, and have chaired, over a dozen Medical Staff Committees, including serving as a member of the Medical Executive Committee at two hospitals on three occasions. Psychologists are one of only four professions that qualify for medical staff membership by California law §71503(b)(2)(A). It is vital that psychologists actively participate in Medical Staff Committees to ensure that the legal and ethical standards of the practice of psychology in hospital settings are being established, reviewed, and maintained by psychologists. (2) C12

I propose that the language in this section be revised to read:

“Professional Services” means ongoing participation in services related to the field of psychology, or other related disciplines, separate and apart from a fee-for-service arrangement, including the following: serving on psychological association boards or committees, hospital medical staff committees, editorial boards of peer-reviewed journals related to psychology or other related (2) C12

disciplines, scientific grant review teams, and boards of regulatory bodies, program development, and evaluation activities.

Also (2) C12

2. §1997.60.1.1(b)(1) “Academic Coursework” (p.4/18)

I suggest that this section be revised to clarify that the definition of “Academic Coursework” includes post-graduate level courses. A critical example is the post-licensure training to obtain a Master of Science in Clinical Psychopharmacology (M.S.C.P.), which is the primary method for obtaining prescriptive authority as a psychologist in the five states that all psychologists prescribe. The post-licensure M.S.C.P. program is a grueling, demanding training program that should qualify for “Academic Coursework,” and almost certainly the Board will have to address inquiries from candidates from this and other post-licensure programs to clarify if hours in these programs “count” as “Academic Coursework.” Clarifying in this legislation that post-graduate coursework is included in the definition of “Academic Coursework” will avoid needless confusion and wasting the time of psychologists and the Board of Psychology staff.

(2) C13

I propose that the language in this section be revised to read:

“Academic Coursework” means completing and earning academic credit for a graduate-level course related to psychology from an institution whose degree meets the requirements of section 2914 of the Code, or a post-graduate course that is part of a degree program related to psychology from an APA-accredited university.

Also (2) C13

3. §1997.60.1.1(b)(2) “Academic Instruction” (p.4/18)

I suggest that this section be revised to be consistent with the changes that I propose in section 2 above.

Also (2) C13

I propose that the language in this section be revised to read:

A. “Academic Instruction” means teaching a graduate-level that is part of a degree program which degree meets the requirement of section 2914(b) of the Code, or a post-graduate course that is part of a degree program related to psychology from an APA-accredited university. (B) “Sponsor-Approved CE Instruction” means teaching a sponsored CE course that relates to the practice of psychology as defined in section 1397.60.1(c).

4. §1997.1(f)(3) “Professional Service” (p.9/18)

I suggest that this section be revised to allow psychologists to “count” “Professional Service” monthly rather than on a six-month or one-year periods. The current language will discourage novice psychologists from joining a committee for a single year during the year that they renew their license. For example, my license renews in August. If I were new to committee service and unsure about making this commitment, and obtaining CPD learning hours was an attractive incentive, knowing that I could count seven hours of CPD (rather than six hours), during y current renewal cycle, and that I could pick up the remaining two hours (rather than zero hours) in my next CDP renewal cycle by my committee attendance from September through December, might be the deciding factor in whether to commit to joining the committee.

(2) C14

I propose the language in section (3)(B) be revised to read:

(B) One (1) hour of "Professional Service" equals one (1) hour credited.

-
Thank you for your consideration of these suggestions for revision of the Proposed Regulatory Language for Continuing Professional Development.

Sincerely,



Keith Valone, Ph.D., Psy.D., M.S.C.P.
California Licensed Psychologist #PSY7843
Hawaii Licensed Psychologist #PSY-1976
Chair-Elect, California Psychological Association Division V (Clinical Psychopharmacology)
Member, Hawaii Psychological Association Legislative Action Committee
CEO and Chief Clinical Officer, The Arroyos Treatment Centers
CEO and Clinical Director, The Arroyos Psychological Associates

The Arroyos Treatment Centers



From: Glasspiegel, Jason@DCA <Jason.Glasspiegel@dca.ca.gov>
Sent: Monday, April 4, 2022 3:31 PM
To: Keith Valone <[REDACTED]>
Subject: RE: Comments on proposed changes to the

Good afternoon,

The Board of Psychology has issued a 15-Day Notice of Modified Text to its proposed regulatory action regarding Continuing Professional Development. The 15-day comment period is from April 4, 2022, to April 19, 2022. To view the regulatory documents including the modified text, please visit:

https://www.psychology.ca.gov/laws_regs/regulations.shtml

Sincerely,



Jason Glasspiegel
Central Services Manager

(916) 574-8145 Direct
(916) 574-8672 Fax
jason.glasspiegel@dca.ca.gov



From: Keith Valone <[REDACTED]>
Sent: Monday, October 19, 2020 6:31 PM
To: Glasspiegel, Jason@DCA <Jason.Glasspiegel@dca.ca.gov>; Sorrick, Antonette@DCA <Antonette.Sorrick@dca.ca.gov>
Cc: [REDACTED]
Subject: Comments on proposed changes to the

[EXTERNAL]: [REDACTED]

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DO NOT: click links or open attachments unless you know the content is safe.
NEVER: provide credentials on websites via a clicked link in an Email.

Dear Jason and Antonette,

I am a California licensed clinical psychologist. I have attached a letter outlining my comments regarding the proposed changes for Continuing Professional Development for psychologists that will be discussed in the public hearing of the Board of Psychology on November 19, 2020. Please present this letter to the Board for its consideration.

Sincerely,

Keith Valone, Ph.D., Psy.D., M.S.C.P.
California Licensed Psychologist #PSY7843
CEO and Chief Clinical Officer, The Arroyos Treatment Centers
CEO and Clinical Director, The Arroyos Psychological Associates

[REDACTED]

[REDACTED]

[REDACTED]



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Item 15, Attachment D

Written CPD Comments with Responses

Second 15-Day Comment Period – April 4, 2022, through April 19, 2022

#	Comment	Response
1	I would like to request consideration be given to an effective date starting in 2024 or 2025 to give psychologists time to satisfy the new requirements. As an example, in my case I will report on CEU's in February 2023. As of now there are no new requirements in place. It is likely I would have very little time to meet the new guidelines.	The Board appreciates this comment. The Board has had CPD in the spotlight since 2017, which means the regulated public has had lots of opportunity to think about it. The transition months should be sufficient and the Board plans outreach that does not need regulatory text to achieve.
2	It is concerning that the Board is holding licensees to a standard seemingly above other professions, such as medical boards. Rather than expand the options for CPD and learning, the regulations require it. There is also concern I have on the fiscal impact of meeting requirements on licensees.	The Board appreciates this comment. This comment does not address changes made to the second modified regulation text. No text changes are required in response to this comment.
3	There needs to be improved justification for the hours requirements for law and ethics and diversity. The number of hours (4) appears arbitrarily set.	The Board appreciates this comment. This comment does not address changes made to the second modified regulation text. No text changes are required in response to this comment.
4	Why are credits limited to a minimum of 1 hour in length. What is the evidence that less than 1 hour is inferior in providing knowledge? Some consultations with peers may not last 1 hour, and the goal should be to encourage such.	The Board appreciates these questions. This comment does not address changes made to the second modified regulation text. Please see the Board's response to comment 40 in the document titled "CPD Written Comment and Response Table (45-Day and First 15-Day)." Therefore, no text changes are required in response to this comment.
5	I am writing in favor of the new regulations text providing opportunities for continuing professional development to include - grand rounds - supervising - in-service training programs - peer consultation This will greatly enhance the value for our licensing staff of attending these sorts of events and enrich their professional development.	The Board appreciates this comment. No text changes are required in response to this comment.
6	I am wondering if it would be possible to include within the Supervision section, a category for providing individual or group consultation for licensed psychologists. Mentoring younger	The Board appreciates this comment. To clarify, the Board utilizes the term "supervision" to mean supervising registered psychological associates and

	professionals within the field, and providing ongoing, highly individualized training for psychologists interested in developing their clinical skill sets is valuable to the profession as well. The proposed text only includes the supervision of unlicensed practitioners.	other trainees. This comment does not address changes made to the second modified regulation text.
7	Page 14 includes the following: "For a license that renews or is reactivated between January 1, 202123, and December 31, 202123, the hours accrued will qualify for renewal if they meet either the requirements of this section 1367.61..." This code section appears to be cited in error and should instead refer to 1397.61.	The Board appreciates this comment. This change will be made in the final regulation text.
8	Please ensure that there are electronic sign in sheets to enable such documentation when psychologists attend virtually.	The Board appreciates this comment. The Board plans on addressing attendance verification within the technology used to allow virtual participation, but does not expect that any obligation of the part of a licensee will be altered in response (such as the current requirement to provide a license number at time of joining). Therefore, the regulation text itself does not need to be altered in response to this comment.
9	While reinventing psychologists' roles in the proposed language of the Continuing Professional Development model, benefits to "consumers" is neither explained nor emphasized.	The Board appreciates this comment. Please see the Board's response to comment 125 in the document titled "CPD Written Comment and Response Table (45-Day and First 15-Day)." No text changes are required in response to this comment.
10	As psychologists consider taking on the extraneous activities proposed in the new regulation, we plan to retire or reduce our caseloads in order to accommodate these changes. Part-time practices will be eclipsed by the Board's additional requirements.	The Board appreciates this comment. This comment does not address changes made to the second modified regulation text. Please see the Board's responses to comments 86 and 123 in the document titled "CPD Written Comment and Response Table (45-Day and First 15-Day)." No text changes are required in response to this comment.
11	We ask the Board to recognize that psychologists have neither been idle, nor passively learning. In closing, we ask that the Board consider its consumers, putting their needs before all of us. We also ask that you support psychologists through a critical time in history, helping us stay focused on delivering services. We ask, respectfully, that you not move us towards an abstract ideal- one that exists in another historical timeline.	The Board appreciates this comment. This comment does not address changes made to the second modified regulation text. No text changes are required in response to this comment.
12	Suggest that participation on hospital Medical Staff Committees be included in the definition of approved professional services.	The Board appreciates this comment. While the comment is not directly related to the reorganization of text in the second modified

		regulation text, the text does not prohibit a licensee from serving on a committee like the one mentioned in this comment, so long the licensee is on the committee as a psychologist, representing the practice of psychology. The list included in the second modified regulation text is not exhaustive. No text changes are required in response to this comment.
13	Suggest that this section be revised to clarify that the definition of “Academic Coursework” includes post-graduate level courses, to read “‘Academic Coursework’ means completing and earning academic credit for a graduate-level course related to psychology from an institution whose degree meets the requirements of section 2914 of the Code, <u>or a post-graduate course that is part of a degree program related to psychology from an APA-accredited university.</u> ” (Suggesting change in both §1397.60.1.1(b)(1) and §1397.60.1.1(b)(2))	The Board appreciates this comment. This comment does not address changes made to the second modified regulation text. No text changes are required in response to this comment. (See also the Board’s responses to comments 33 and 34 in the document titled “CPD Written Comment and Response Table (45-Day and First 15-Day).”
14	Suggest that this section be revised to allow psychologists to “count” “Professional Service” monthly rather than on a six-month or one-year periods.	The Board appreciates this comment. This comment does not address changes made to the second modified regulation text. Please see the Board’s response to comment 40 in the document titled “CPD Written Comment and Response Table (45-Day and First 15-Day).” Therefore, no text changes are required in response to this comment.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF PSYCHOLOGY

PROPOSED REGULATORY LANGUAGE
Continuing Professional Development

Legend:

Added text is indicated with an underline.
Deleted text is indicated with a ~~strikeout~~.

The first set of changes to the originally proposed text are shown with double underline for new text and ~~double strikeout~~ for the deleted text.

The second set of changes to the originally proposed text are shown in italics double underline for new text and ~~italics double strikeout~~ for the deleted text.

§ 1381.9. Renewal of Expired License; Reapplication After Cancelled License.

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

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

- (1) submits a complete licensing application pursuant to ~~section 1381 Article 2;~~
- (2) meets all current licensing requirements;
- (3) successfully passes the examination pursuant to section 1388.6;
- (4) provides evidence of continuing professional development taken pursuant to section 1397.67(b) or section 1397.67.1(b), as applicable per date of application; and has no fact, circumstance, or condition ~~exists~~ that would be grounds for denial of licensure under sections ~~480 of the Code or Division 2, Chapter 6.6, Article 4 of the Code.~~

NOTE: Authority cited: Sections 2930 and 2982, Business and Professions Code. Reference: Sections 118, 480, 2984 and 2986, Business and Professions Code; and Section 11105(b)(10), Penal Code.

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

This section is inoperative January 1, 2021~~23~~, and repealed on December 31, 20~~23~~.

As used in this article:

(a) “Conference” means a course consisting of multiple concurrent or sequential free-standing presentations. Acceptable presentations must meet the requirements of section 1397.61(c).

(b) “Continuing education” (CE) means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, seminars, workshops, grand rounds, in-service training programs, video conferencing, and independent learning technologies.

(c) “Course” or “presentation” means an approved systematic learning experience of at least one hour in length. One hour shall consist of 60 minutes of actual instruction. Courses or presentations less than one hour in duration shall not be acceptable.

(d) “Grand rounds” or “in-service training program” means a course consisting of sequential, free-standing presentations designed to meet the internal educational needs of the staff or members of an organization and is not marketed, advertised or promoted to professionals outside of the organization. Acceptable presentations must meet the requirements of section 1397.61(c).

(e) “Independent learning” means the variety of forms of organized and directed learning experiences that occur when the instructor and the student are not in direct visual or auditory contact. These include, but are not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondence and home study. Self-initiated, independent study programs that do not meet the requirements of section 1397.61(c) are not acceptable for continuing education. Except for qualified individuals with a disability who apply to and are approved by the Board pursuant to section 1397.62(c), independent learning can be used to meet no more than 75% (27~~2~~ hours) of the continuing education required in each renewal cycle. Independent learning courses must meet the requirements of section 1397.61(c).

(f) “Provider” means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered, whose courses are accepted for credit pursuant to section 1397.61(c)(1).

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

§ 1397.60.1. Definitions. [Effective January 1, 2021~~23~~.]

This section shall be applicable to *both* a license that expires on or after *January*

1, 2023, and an application for license renewal, reactivation, or reinstatement received on or after January 1, 2023, or is renewed, reactivated, or reinstated on or after January 1, 2021.

Continuing Professional Development (CPD) means required learning activities approved for the purpose of license renewal. ~~CPD shall be met in the following~~ The four categories of CPD are Professional Activities (section 2915(c)(1) of the Code); Academic (section 2915(c)(2) of the Code); Sponsored Continuing Education (section 2915(c)(3) of the Code); and Board Certification (section 2915(c)(4) of the Code).

(a) Acceptable CPD learning activities under “Professional Activities” include:

(1) “Peer Consultation”

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

(B) “Peer Consultation” does not include “Supervision” as defined in ~~section-subsection~~ (b)(3).

(2) “Practice Outcome Monitoring” (POM)

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

(3) “Professional Services”

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

(4) “Conference/Convention Attendance”

“Conference/Convention Attendance” means attending a professional gathering, either in person or via electronic means.

that consists of multiple concurrent or sequential free-standing presentations related to the practice of psychology, or that may be applied to psychological practice, where the licensee interacts with professional colleagues and participates in the social, interpersonal, professional, and scientific activities that are part of the environment of those gatherings. CPD credit may be accrued for “Conference/Convention Attendance” separate from credit earned for completing sponsored CE coursework or sessions at the same conference/convention.

(5) “Examination Functions”

“Examination Functions” means serving in any function related to examination development for the Board or for the development of the EPPP.

(6) “Expert Review/Consultation”

“Expert Review/Consultation” means serving in any expert capacity for the Board.

(7) “Attendance at a California Board of Psychology Meeting”

“Attendance at a California Board of Psychology Meeting” means ~~physical~~ attendance, either in person or via electronic means, at a full-day Board meeting or ~~physical attendance at~~ a separately noticed ~~C~~committee meeting of the Board.

(b) Acceptable CPD learning activities under “Academic” include:

(1) “Academic Coursework”

“Academic Coursework” means completing and earning academic credit for a graduate-level course related to psychology from an institution whose degree meets the requirements of section 2914 of the Code.

(2) “Academic/Sponsor-Approved Continuing Education (CE) Instruction”

(A) “Academic Instruction” means teaching a graduate-level course that is part of a degree program which degree meets the requirements of section 2914(~~eb~~) of the Code.

(B) “Sponsor-Approved CE Instruction” means teaching a sponsored CE course that relates to the practice of psychology as defined in section 1397.60.1(c).

(3) “Supervision”

“Supervision” means overseeing the professional experience of a trainee who is accruing hours toward licensure as a ~~P~~psychologist, ~~M~~marriage and ~~F~~family ~~T~~therapist, ~~L~~icensed ~~C~~linical ~~S~~social ~~W~~orker, ~~L~~icensed ~~P~~rofessional ~~C~~linical ~~C~~ounselor, ~~L~~icensed ~~E~~ducational ~~P~~psychologist, or ~~P~~hysician

and ~~§~~surgeon.

(4) “Publications”

“Publications” means authoring or co-authoring peer-reviewed journal articles, book chapters, or books, or editing or co-editing a book, related to psychology or a related discipline.

(5) “Self-Directed Learning”

“Self-Directed Learning” means independent educational activities focused on maintaining, developing, or increasing conceptual and applied competencies that are relevant to psychological practice, education, or science, such as reading books or peer-reviewed journal articles, watching videos or webcasts, ~~or~~ listening to podcasts, attending a webinar that is not sponsor-approved for CE credit, taking academic coursework provided by institutions that do not meet the requirements in section 1397.61.1(b)(1), and conference/convention attendance that does not meet the requirements of section 1397.60.1(a)(4).

(c) Acceptable CPD learning activities under “Sponsored Continuing Education” means Sponsor-Approved Continuing Education, which includes any approved structured, sequenced learning activity, whether conducted in-person or online. “Course” ~~or~~ and “presentation” means a sponsor-approved systematic learning experience. “Provider” means an organization, institution, association, university, or other person or entity assuming full responsibility for the CE program offered, and whose courses are accepted for credit pursuant to section 1397.61.1(~~k~~)(1) and (2).

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

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

§ 1397.61. Continuing Education Requirements. [Effective until December 31, 2024].

This section is inoperative January 1, 2024, and repealed on December 31, 2024.

(a) Except as provided in section 2915(e) of the Business and Professions Code and section 1397.62 of these regulations, each licensed psychologist shall certify on the application for license renewal that ~~he or she~~ the licensee has completed the continuing education requirements set forth in section 2915 of the Code. A licensee who renews ~~his or her~~ their license for the first time after the initial issuance of the license is only required to accrue continuing education for the

number of months that the license was in effect, including the month the license was issued, at the rate of 1.5~~5~~ hours of approved continuing education per month. Continuing education earned via independent learning pursuant to section 1397.60(e) shall be accrued at no more than 75% of the continuing education required for the first time renewal. The required hours of continuing education may not be accrued prior to the effective date of the initial issuance of the license. A licensee who falsifies or makes a material misrepresentation of fact on a renewal application or who cannot verify completion of continuing education by producing verification of attendance certificates, whenever requested to do so by the Board, is subject to disciplinary action under section 2960 of the Code.

(b) Any person renewing or reactivating ~~his or her~~their license shall certify under penalty of perjury to the Board of Psychology as requested on the application for license renewal, that ~~he or she~~the licensee has obtained training in the subject of laws and ethics as they apply to the practice of psychology in California. The training shall include recent changes/updates on the laws and regulations related to the practice of psychology; recent changes/updates in the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association; accepted standards of practice; and other applications of laws and ethics as they affect the licensee's ability to practice psychology with safety to the public. Training pursuant to this section may be obtained in one or more of the following ways:

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

If the licensee chooses to apply a specific continuing education course on the topic of laws and ethics to meet the foregoing requirement, such a course must meet the content requirements named above, must comply with section 1397.60(c), and may be applied to the 36~~5~~ hours of approved continuing education required in Business and Professions Code section 2915(a).

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

- (1) Continuing education courses shall be:
 - (A) provided by American Psychological Association (APA), or its approved sponsors;
 - (B) Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association (CMA) or the Accreditation Council for Continuing Medical Education (ACCME);

or

(C) provided by the California Psychological Association, or its approved sponsors.

(D) approved by an accrediting agency for continuing education courses taken prior to January 1, 2013, pursuant to this section as it existed prior to January 1, 2013.

(2) Topics and subject matter for all continuing education shall be pertinent to the practice of psychology. Course or learning material must have a relevance or direct application to a consumer of psychological services.

(3) No course may be taken and claimed more than once during a renewal period, nor during any twelve (12) month period, for continuing education credit.

(4) An instructor may claim the course for ~~his/her~~ their own credit only one time that ~~he/she~~ the licensee teaches the acceptable course during a renewal cycle, or during any twelve (12) month period, receiving the same credit hours as the participant.

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

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

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

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

§ 1397.61.1. Continuing Professional Development Requirements.
[Effective January 1, 2021-23.]

This section shall be applicable to both a license that expires on or after

January 1, 2023, and an application for license renewal, reactivation, or reinstatement received on or after January 1, 2023, or is renewed, reactivated, or reinstated on or after, January 1, 2021.

(a) Except as provided in section ~~2915(e)~~ of the ~~Business and Professions Code and section~~ 1397.62.1 of these regulations, a psychologist shall certify under penalty of perjury to the Board on the application for license renewal that ~~he or she~~ the licensee has completed the CPD requirements set forth in this Article and section 2915 of the Code. Failing to do so, or falsifying or making a material misrepresentation of fact on a renewal application, or failing to provide documentation verifying compliance whenever requested to do so by the Board, shall be considered unprofessional conduct and subject the licensee to disciplinary action and render ~~his or her~~ their license ineligible for renewal.

(b) A psychologist renewing ~~his or her~~ their license shall certify under penalty of perjury on the application for license renewal that ~~he or she~~ the licensee has engaged in a minimum of four (4) hours of training in the subject of laws and ethics, as they apply to the practice of psychology in California for each renewal period. This includes recent changes or updates on the laws and regulations related to the practice of psychology; recent changes or updates in the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association; accepted standards of practice; and other applications of laws and ethics as they affect the licensee's ability to practice psychology safely. This requirement shall be met using any combination of the four (4) CPD categories, and the licensee shall indicate on ~~his or her~~ their documentation which of the CPD activities are being used to fulfill this requirement. The four (4) hours shall be considered part of the 36-hour CPD requirement.

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

(d) Topics and subject matter for all CPD activities shall be pertinent to the

practice of psychology.

(e) The Board recognizes and accepts CPD hours that meet the description of the activities set forth in section 1397.60_1. With the exception of 100% ABPP Board Certification, a licensee shall accrue hours during each renewal period from at least two (2) of the four (4) CPD activity categories: Professional Activities; Academic; Sponsored Continuing Education; and Board Certification. Unless otherwise specified, for any activity for which the licensee wishes to claim credit, no less than one (1) hour credit may be claimed and no more than the maximum number of allowable hours, as set forth in subsection (f), may be claimed for each renewal period.

(f) Acceptable CPD learning activities under “Professional Activities” ~~include~~ are as follows:

(1) “Peer Consultation”

(A) A maximum of 18_ hours shall be credited in “Peer Consultation”.

(B) One (1) hour of activity in “Peer Consultation” equals one (1) hour of credit.

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

(2) “Practice Outcome Monitoring” (POM)

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

(B) “POM” for one (1) patient/client equals one (1) hour credited.

(C) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: date(s) of monitoring, client identifier, and how outcomes were measured.

(3) “Professional Service”

(A) A minimum of 4.5_ hours and a maximum of 12_ hours shall be credited in “Professional Service”.

(B) One (1) year of “Professional Service” for a particular activity equals nine (9) hours credited and six (6) months equals 4.5_ hours credited.

(C) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: board or program name, role of licensee, dates of service, and term of service (six months or one year).

(4) “Conference/Convention Attendance”

(A) A maximum of six (6) hours shall be credited in “Conference/Convention Attendance”.

(B) One (1) full conference/convention day attendance equals one

(1) hour credited.

(C) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: name of conference/convention attended, proof of registration, and date(s) of conference/convention attended.

(5) "Examination Functions"

(A) A maximum of 12- hours shall be credited in "Examination Functions".

(B) One (1) hour of service equals one (1) hour of credit.

(C) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: name of exam, dates of service, and number of hours.

(6) "Expert Review/Consultation"

(A) A maximum of 12- hours shall be credited in "Expert Review/Consultation".

(B) One (1) hour of service in an expert capacity equals one (1) hour of credit.

(C) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: dates of service and number of hours.

(7) "Attendance at a California Board of Psychology Meeting"

(A) A maximum of eight (8) hours shall be credited in "Attendance at a California Board of Psychology Meeting".

(B) Attendance for one (1) day Board or ~~C~~committee meeting equals six (6) hours of credit. For Board or ~~C~~committee meetings that are three (3) hours or less, one (1) hour of attendance equals one (1) hour of credit.

(C) The licensee shall maintain a record of hours as documentation of compliance. This record shall include: date of meeting, name of meeting, and number of hours attended. A psychologist requesting CPD credit pursuant to this subdivision shall have signed in and out on an attendance sheet providing ~~his or her~~their first and last name, license number, time of arrival and time of departure from the meeting.

(g) Acceptable CPD learning activities under "Academic" ~~include~~ are as follows:

(1) "Academic Coursework"

(A) A maximum of 18- hours shall be credited in "Academic Coursework".

(B) Each course taken counts only once for each renewal period and may only be submitted for credit once the course is completed.

(C) Each one (1) semester unit earned equals six (6) hours of credit and each one (1) quarter unit earned equals 4.5= hours of credit.
(D) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include a transcript with evidence of a passing grade (C or higher, or “pass”).

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

(A) “Academic Instruction”

(i) A maximum of 18= hours shall be credited in “Academic Instruction”.

(ii) Each course taught counts only once for each renewal period and may only be submitted for credit once the course is completed.

(iii) A term-long (quarter or semester) academic course equals 18= hours of credit.

(iv) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: course syllabus, title of course, name of institution, and dates of instruction.

(B) “Sponsor-Approved CE Instruction”

(i) A maximum of 18= hours shall be used in “Sponsor-Approved CE Instruction”.

(ii) Each course taught counts only once for each renewal period and may only be submitted for credit once the course is completed.

(iii) One (1) hour of instruction equals 1.5= hours of credit.

(iv) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: course syllabus, title of course, dates of instruction, name of sponsoring entity, and number of hours taught.

(3) “Supervision”

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

(B) One (1) hour of supervision equals one (1) hour of credit.

(C) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: dates of supervision and a trainee identifier.

(4) “Publications”

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

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

(C) A publication may only be counted once.

(D) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: either a letter of acceptance for publication, or proof of publication with publication date in the renewal period for which it is being submitted.

(5) “Self-Directed Learning”

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

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

(C) The licensee shall maintain a record of this activity as documentation of compliance. This record shall include: date(s), medium (e.g. webinar), topic or title, and total number of hours.

(h) Acceptable “Sponsored Continuing Education” ~~include~~ are as follows:

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

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

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

(4) The licensee shall maintain proof of attendance provided by the sponsor of the continuing education as documentation of compliance.

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

(A) ABPP Board Certification ~~may~~ counts for 100% (36~~=~~ hours) of required CPD in the renewal cycle in which the certification is awarded.

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

(2) “Senior Option” ABPP Board Certification

(A) “Senior Option” ABPP Board Certification ~~may~~ counts for 50% (18~~=~~ hours) of required CPD in the renewal cycle in which the certification is awarded.

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

(j) To satisfy the requirements of section 2915 of the Code, an organization seeking the authority to approve a provider of continuing education shall meet the following requirements. An organization authorized pursuant to this section may also provide continuing education. An organization previously approved by the Board to approve providers of CE are deemed authorized under this section.

(1) The approving organization must:

(A) have a 10-year history of providing educational programming for psychologists;

(B) have documented procedures for maintaining a continuing education approval program, including, ~~but not limited to:~~

(i) maintaining and managing records and data related to approved CE programs, and

(ii) monitoring and approving CE providers and courses:
(C) have policies in place to avoid a conflict of interest between its provider and approval functions;
(D) evaluate each CE provider seeking approval, including itself, according to current evidence as to what constitutes an appropriate program in terms of content and level of presentation, as set out in subsection (j)(2);
(E) conduct periodic reviews of courses offered by providers approved by the organization, as well as its own courses, to determine compliance with the organization's requirements and the requirements of the Board;
(F) establish a procedure for determining if an approved provider meets regulatory criteria as established in this subsection; and
(G) have a process to respond to complaints from the Board, providers, or from licensees concerning activities of any of its approved providers or the provider's courses.

- (2) The approving organization shall ensure that approved providers:
- (A) offer content at post-licensure level in psychology that is designed to maintain, develop, broaden, and/or increase professional competencies;
 - (B) demonstrate that the information and programs presented are intended to maintain, develop, and increase conceptual and applied competencies that are relevant to psychological practice, education, or science, and have a direct consumer application in at least one of the following ways:
 - (i) programs include content related to well-established psychological principles,
 - (ii) programs are based on content that extends current theory, methods or research, or informs current practice,
 - (iii) programs provide information related to ethical, legal, statutory, or regulatory guidelines and standards that impact the practice of psychology, and/or
 - (iv) programs' content focuses on non-traditional or emerging practice or theory and can demonstrate relevance to practice;
 - (C) use a formal (written) evaluation tool to assess program effectiveness (what was learned) and assess how well each of the educational goals was achieved (this is separate from assessing attendee satisfaction with the CE program);
 - (D) use results of the evaluation process to improve and plan future programs;
 - (E) provide CE credit on the basis of one hour of credit will be earned for each hour of approved instruction;
 - (F) provide attendance verification to CE attendees that includes the name of the licensee, the name of the course, the date of the course,

the number of credit hours earned, and the approving agency;
(G) provide services to all licensees without discrimination; and
(H) ensure that advertisements for CE courses include language that accurately reflects the approval status of the provider.

(3) Failure of the approving organization to meet the provisions of ~~this section subsection (j)(1) or (2)~~ shall constitute cause for revocation of authorization by the Board. Authorization shall be revoked only by a formal Board action, after notice and hearing, and for good cause.

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

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

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

(m) For a license that renews or is reactivated between January 1, 2021~~23~~, and December 31, 2021~~23~~, the hours accrued will qualify for renewal if they meet either the requirements of ~~this section 1367.61 as it existed prior to January 1, 2021~~2~~ on December 31, 2022, or as it exists after January 1, 2021~~2~~ this section.~~

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

§ 1397.62. Continuing Education Exemptions and Exceptions. [Effective until December 31, 2020~~12~~.]

This section is inoperative January 1, 2021~~23~~, and repealed on December 31, 2021~~23~~.

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

(a) The Board shall grant an exemption only if the psychologist verifies in writing

that, during the two=year period immediately prior to the expiration date of the license, ~~he or she~~ the licensee:

- (1) Has been engaged in active military service reasonably preventing completion of the continuing education requirements, except that a licensee granted an exemption pursuant to this section shall still be required to fulfill the laws and ethics requirement set forth in section 1397.61(b); or
- (2) Has been prevented from completing the continuing education requirements for reasons of health or other good cause which includes:
 - (A) Total physical and/or mental disability of the psychologist for at least one year; or
 - (B) Total physical and/or mental disability of an immediate family member for at least one year where the psychologist has total responsibility for the care of that family member.

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

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

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

(2) Licensees seeking this exception shall provide all necessary information to enable the Board to determine the lack of available approved continuing education and the relevance of each course to the continuing competence of the licensee. Such a request shall be submitted in writing and must include a clear statement as to the relevance of the course to the practice of psychology and the following information:

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

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

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

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

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

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

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

§ 1397.62.1. Continuing Education Exemptions. [Effective January 1, 2024-23]

This section shall be applicable to *both* a license that expires on or after *January 1, 2023, and an application for license renewal, reactivation, or reinstatement received on or after January 1, 2023, or is renewed, reactivated, reinstated on or after January 1, 20212.*

(a) To be granted an exemption from all or part of the CPD requirements, a licensee must certify in writing that ~~he or she~~ *the licensee* has met the requirement of section 114.3 of the Code that during the two=year period immediately preceding the expiration of the license, ~~he or she~~ *the licensee* was on active military duty. The request for exemption must be submitted no less than thirty (30) days prior to the submission of an application for the renewal of the license. For the first renewal after discharge from active military service, ~~he or she~~ *the licensee* shall be exempt from the CPD renewal requirements, except that ~~he or she~~ *the licensee* must accrue, as a condition of renewal, 1.5= hours of CPD per month (or portion of a month) remaining in the renewal cycle post-discharge, calculated 60 days after discharge date. The licensee shall then, at a minimum, fulfill the Laws and Ethics requirement set out in section 1397.61.1(b), and the Cultural Diversity and/or Social Justice requirement set out in section 1397.61.1(c).

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

NOTE: Authority cited: Sections 114.3, 2915~~(e)~~ and 2930, Business and Professions Code. Reference: Sections 114.3 and 2915, Business and Professions Code.

§ 1397.67. Renewal After Inactive or Delinquent ~~Expired~~ Status. [Effective until December 31, 2020~~12~~.]

This section is inoperative January 1, 2024~~23~~, and repealed on December 31, 2024~~23~~.

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

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

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

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

§ 1397.67.1. Continued Professional Development Requirements for Reactivation. [Effective January 1, 2024~~23~~.]

This section shall be applicable to *both* a license that expires on or after *January 1, 2023, and an application for license renewal, reactivation, or reinstatement received on or after January 1, 2023, or is renewed, reactivated, or reinstated on or after, January 1, 2021~~2~~.*

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

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

NOTE: Authority cited: Sections 2915~~(e)~~ and 2930, Business and Professions Code. Reference: Section 2915, 2984~~r~~, and 2988, Business and Professions Code.