

1 **Draft February 2-3, 2023 Minutes**

2  
3 Department of Consumer Affairs  
4 1747 North Market Blvd HQ 2 Hearing Room #186  
5 Sacramento, CA 95834  
6  
7

8 **Board Members**

9 Lea Tate, PsyD, President  
10 Shacunda Rodgers, PhD, Vice President  
11 Sheryll Casuga, PsyD, CMPC  
12 Marisela Cervantes, EdD, MPA  
13 Seyron Foo  
14 Mary Harb Sheets, PhD  
15 Julie Nystrom  
16 Stephen Phillips, JD, PsyD  
17 Ana Rescate  
18

19 **Board Staff**

20 Antonette Sorrick, Executive Officer  
21 Jon Burke, Assistant Executive Officer  
22 Sandra Monterrubio, Enforcement Program Manager  
23 Liezel McCockran, CE/Renewals Coordinator  
24 Troy Polk, Legislative/Regulatory/Budgets Analyst  
25 Mai Xiong, Licensing/BreEZe Coordinator  
26 Sarah Proteau, Central Services Office Technician  
27 Brittany Ng, Board Counsel  
28 Heather Hoganson, Regulatory Counsel  
29

30 

Thursday, February 2, 2023
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31 **Agenda Item 1: Call to Order/Roll Call/Establishment of a Quorum**

32  
33 President Tate called the meeting to order at 9:07 a.m., roll was taken, and a quorum  
34 established.

35  
36 **Agenda Item 2: President's Welcome**

37  
38 Dr. Tate welcomed all attendees to the meeting and provided housekeeping information.

39  
40 There was no Board or public comment offered.

41  
42 **Agenda Item 3: Public Comment for Items Not on the Agenda. Note: The Board May**  
43 **Not Discuss or Take Action on Any Matter Raised During this Public Comment**

44 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**  
45 **Meeting [Government Code sections 11125 and 11125.7(a)].**

46  
47 There was no public comment offered.

48  
49 **Agenda Item 4: President's Report**

- 50 a) Mindfulness Exercise (Rodgers)  
51 b) 2023 Meeting Calendar

52  
53 Dr. Tate provided the 2023 Meeting Calendar and introduced Dr. Rodgers for item 4(a).

54  
55 There was no Board or public comment offered.

56  
57 **Agenda Item 5: Executive Officer's Report**

- 58  
59 c) Personnel Update  
60 d) COVID-19 Update

61  
62 Ms. Sorrick provided these updates.

63  
64 There was no Board or public comment offered.

65  
66 **Agenda Item 6: Discussion and Possible Approval of the Board Meeting Minutes:**  
67 **November 17-18, 2022**

68  
69 Dr. Tate introduced this item.

70  
71 Ms. Ng provided minor edits of a clerical nature.

72  
73 It was M/(Harb Sheets)/S(Nystrom)/C to approve the minutes as amended.

74  
75 Vote: 8 Ayes: (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate),  
76 0 Noes

77  
78 There was no further Board or public comment offered.

79  
80 **Agenda Item 7: Department of Consumer Affairs (DCA) Update**

81  
82 Ms. Yvonne Dorantes, DCA, provided this update.

83  
84 Dr. Cervantes stated that she felt there had been improved communication from DCA.

85  
86 There was no public comment offered.

87  
88 **Agenda Item 8: Budget Presentation**

89  
90 Mr. Burke provided this update.

91

92 Sarah Hinkle and Karen Munoz, Department of Consumer Affairs (DCA) Budget Office,  
93 provided contextual information as to how a budget is released and an update from DCA  
94 Budgets.

95  
96 Mr. Foo clarified an item on the documents that showed the reversion amount which was  
97 provided by Ms' Hinkle and Munoz. He also stated appreciation for continued improved  
98 communication from the Budget Office.

99  
100 Dr. Cervantes asked for clarification on fund balance versus the budget appropriation and  
101 asked for a definition of terms from the Budget Office to allow for ease of comprehension  
102 of the documents provided in the future. She also asked for the recommended number of  
103 months reserve to be held.

104  
105 Ms. Munoz stated that three to six months is average for DCA boards and bureaus.

106  
107 Discussion ensued about structural deficits and how funds are held in reserve, revenues  
108 from fees, expenditures, and general information about loans to the general fund.

109  
110 There was no public comment offered.

111  
112 **Agenda Item 9: Enforcement Report**

113  
114 Ms. Monterrubio provided this update.

115  
116 Discussion ensued on materials and data was clarified.

117  
118 There was no further Board and no public comment offered.

119  
120 **Agenda Item 10: Licensing Timeframes Update – Short-Term and Long-Term**  
121 **Solutions to the Application Backlogs**

122  
123 Mr. Burke provided this update.

124  
125 Discussion ensued on the improved processing times that have been shown from a very  
126 difficult backlog.

127  
128 Dr. Cervantes and Mr. Foo complemented staff on improved processing times and on the  
129 difficult navigation through low staff issues.

130  
131 **Agenda Item 11: Organizational Improvement Office – Internal Process**  
132 **Improvement Review of Licensing, Central Services, and Enforcement Units –**  
133 **Status and Improvements Identified**

134  
135 Mr. Burke provided this presentation.

136  
137 Discussion ensued regarding internal processing improvement and how it was initiated.  
138 Ms. Nystrom asked if there were any additional cost in the process to maximize the use  
139 of BreZE. Ms. Mai Xiong provided clarity that none of these improvements were an

140 additional cost though if larger changes are needed, it could require more costs to  
141 implement.

142  
143 Ms. Sorrick provided historical context of what it takes to improve processes and why.  
144

145 **Agenda Item 12: Licensure Committee Report and Consideration of Committee**  
146 **Recommendations**

147  
148 a) Licensing Report  
149

150 Ms. Xiong provided this update.

151  
152 Public comment  
153

154 Discussion ensued regarding the option of the Retired license status and what that  
155 entails compared to other available options.

156  
157 b) Continuing Professional Development and Renewals Report  
158

159 Ms. McCockran provided this report.

160  
161 Discussion ensued on audit pass and fail and what reasons were cited for failure,  
162 which included, concerns related to the COVID-19 pandemic such as office closures  
163 and the inability to access or reproduce certificates, or an assumption that the live  
164 requirement was waived. Ms. McCockran provided a reminder of how a licensee's  
165 Address of Record and email address could be updated through BreZE to allow for  
166 the quickest communication from the Board.

167  
168 Public comment  
169

170 1. Dr. Jackie Horn provided comment on CPD and stated that members of the  
171 California Psychological Association, of which she is a member, have been  
172 asking a lot of questions about the implementation of CPD.  
173

174 Discussion ensued regarding an FAQ that was being put together that would be  
175 published on the Board website in February 2023.  
176

177 c) Examination Report  
178

179 Ms. Lavinia Snyder provided this report.  
180

181 Discussion ensued on the exam process and the pass rates. Ms. Snyder read  
182 possible reasons behind the pass rate which had been provided by Dr. Turner from  
183 ASPPB. These included complications due to the COVID-19 pandemic as well as the  
184 different rates of candidates who had graduated from APA accredited and non-APA  
185 accredited programs.  
186

187 Ms. Snyder said that she had reached out to ASPPB to ask for updated pass rates  
188 which would be presented to the Board at an upcoming meeting.

189  
190 Discussion ensued on possible changes as to when candidates would be eligible to  
191 take the EPPP and if there were to be a successful statutory change, what likelihood  
192 of a change in passing rates could result.

193  
194 There was minimal theoretical discussion about what a testing timetable could look  
195 like in jurisdictions that had been early adopters of the EPPP Part 2 – Skills exam.

196  
197 Public comment

198  
199 Dr. Geiger asked if any trends had been reported on the pass rate with regard to  
200 subject matter areas within the exam.

201  
202 Ms. Snyder stated that she was not aware of any particular trends that had been  
203 reported.

204  
205 Discussion ensued and included comment that it may be helpful to know if non-APA  
206 accredited program graduates showed a trend in deficiency in certain areas.

207  
208 Dr. Horn, ASPPB, clarified the difference between “program accreditation” and  
209 “regional accreditation” in the information noted by Ms. Snyder. Dr. Horn also clarified  
210 that when a candidate passes the EPPP they only get a score, when they do not  
211 pass, the candidate receives a breakdown of what their scores were in each of the  
212 eight domains. She stated that this would not be compiled by ASPPB but that the  
213 candidate did receive that information.

214  
215 Dr. Horn addressed the earlier Board theoretical discussion about possible changes  
216 to when candidates would be eligible to take the EPPP based on a successful  
217 statutory change. She stated that at that time, there was no jurisdiction that allowed  
218 eligibility before graduation.

219  
220 There was no further Board or public comment offered.

221  
222 d) Board Response to Psychologist Applications – Correspondence Review

223  
224 Ms. Xiong presented this item.

225  
226 Board Members provided minor editing suggestions on the various templates which  
227 were noted.

228  
229 It was M/(Harb Sheets)/S(Cervantes)/C to accept the templates as modified as  
230 correspondence to applicants for licensure.

231  
232 There was no further Board or public comment offered

233  
234 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers,  
235 Tate), 0 Noes

236  
237 e) Examination for Professional Practice in Psychology (EPPP) 2 Status

238  
239 Dr. Harb Sheets stated there would be a meeting of the committee on April 28<sup>th</sup>.

240  
241 There was no Board or public comment offered.

242  
243 Item 16(c) was taken out of order.

244  
245 **Agenda Item 16: Legislative and Regulatory Affairs Committee Updates**

246  
247 c) Regulatory Update, Review, and Consideration of Additional Changes (M.  
248 Cervantes)

249  
250 1) 16 California Code of Regulations (CCR) sections 1391.13, and 1391.14 –  
251 Inactive Psychological Assistant Registration and Reactivating a  
252 Psychological Assistant Registration

253 2) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related  
254 to Substance-Abusing Licensees

255 3) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382,  
256 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4,  
257 1387.5, 1387.6, 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1,  
258 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways  
259 to Licensure

260 4) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4,  
261 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50,  
262 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement Provisions

263  
264 Dr. Cervantes introduced this item and Mr. Burke presented this this item, which was  
265 informational only, with no action required.

266  
267 There was no Board or public comment offered.

268  
269 **CLOSED SESSION**

270 The Board will Meet in Closed Session Pursuant to Government Code Section  
271 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for Reinstatement,  
272 Modification, or Early Termination, Proposed Decisions, Stipulations, Petitions for  
273 Reconsideration, and Remands.

274  
275 The Board met in closed session and the meeting adjourned at 12:33 p.m.

276  
277 

Friday, February 3, 2023
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278 **Agenda Item 13: Call to Order/Roll Call/Establishment of a Quorum**

279  
280 President Tate called the meeting to order at 9:47 a.m., roll was taken, and a quorum  
281 established.

282  
283 **Agenda Item 14: Behavioral Health Workforce Challenges - Sergio Aguilar-Gaxiola,**  
284 **MD, PhD, Professor of Clinical Internal Medicine, Director, Center for Reducing**

285 **Health Disparities, Director, Community Engagement Program of the CTSC, UC**  
286 **Davis School of Medicine**

287  
288 Dr. Tate introduced this item and Dr. Aguilar-Gaxiola.

289  
290 Dr. Aguilar-Gaxiola presented this item of which the slides were available in the hand  
291 carry meeting materials.

292  
293 Dr. Tate expressed appreciation for the presentation and noted the disparity in services  
294 between different areas of the State.

295  
296 Discussion ensued regarding the need for diversity within the field of providers of  
297 psychological services to allow for communities to be served appropriately.

298  
299 Discussion ensued regarding the different methods that have been put in place with the  
300 competition for a space in medical school and social science programs, the possibility of  
301 maximizing the workforce within the behavioral health providers, and the issue of  
302 addressing the need for diversity.

303  
304 Ms. Sorrick expressed appreciation for Dr. Aguilar-Gaxiola being here and the hope that  
305 one of the UC systems would be able to take the Barriers to telehealth survey the Board  
306 was conducting and potentially write a white paper on that.

307  
308 Discussion ensued regarding shortages in providers and the problem of high student  
309 loans for graduates compared to wages.

310  
311 Dr. Aguilar-Gaxiola provided an example of various incentive programs that are available  
312 for underserved populations (Latinx, Filipino, LGBTQ) with Solano County being one. He  
313 stated the importance to look at the key factors to improve these issues systemically.

314  
315 Discussion ensued regarding difficulties in the provision of follow-up care in underserved  
316 communities.

317  
318 Dr. Aguilar-Gaxiola provided an example of mobile units that came to areas in the COVID-  
319 19 pandemic and the general structure of that system which included integration of three  
320 major points:

- 321
- 322 • To go to where there is need (migrant centers, etc.)
  - 323 • To establish trust
  - 324 • To maintain a regular schedule and show up regularly (every Tuesday, for  
325 example)

326 Discussion ensued regarding establishing trust with underserved populations and the  
327 option to connect to qualified centers like Wellspace which could provide continuity of  
328 care. The importance of word of mouth in underserved communities was expressed.

329  
330 Public comment:

331

332 Dr. Sanchez commented to Dr. Aguilar-Gaxiola about the possibility to break down  
333 numbers more as to how many practitioners there are not just in private practice. He  
334 stated that overall wages were low in the field.  
335

336 There was no further Board or public comment offered.  
337

338 **Agenda Item 14: Public Comment for Items Not on the Agenda. Note: The Board**  
339 **May Not Discuss or Take Action on Any Matter Raised During this Public Comment**  
340 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**  
341 **Meeting [Government Code sections 11125 and 11125.7(a)].**  
342

343 Dr. Tate introduced this item and invited public comment.  
344

345 An attendee provided comment that she has not passed EPPP after several times taken.  
346

347 There was no further public comment offered.  
348

349 **Agenda Item 16: Legislative and Regulatory Affairs Committee Updates**  
350

351 Dr. Cervantes, Committee Chair, introduced this item.  
352

353 Ms. Nystrom recused herself on any items that would require vote.  
354

355 a) Board Legislation for 2023: Updates (M. Cervantes)

356 1) Fee Schedule: Business and Professions Code section 2987  
357

358 Dr. Cervantes introduced this item which was on page 90 of the combined packet and  
359 was informational only, with no action required.  
360

361 Mr. Burke provided this update.  
362

363 2) Suicide Risk Assessment and Intervention Coursework and Aging and  
364 Long-Term Care Coursework: Business and Professions Code sections  
365 2915.4 and 2915.5  
366

367 Dr. Cervantes introduced this item on page 94 which was informational only with no action  
368 required.  
369

370 Mr. Burke provided this update.  
371

372 There was no Board or public comment offered.  
373

374 3) Patient Privilege: Business and Professions Code section 2918  
375

376 Dr. Cervantes introduced this item on page 97.  
377

378 Mr. Burke provided this update. He stated that items 16 (a)(3) and 16 (a)(4) were intended  
379 to be informational only but there had been last minute changes due to conversations  
380 with stakeholders which made them action items.



381  
382 Ms. Sorrick stated that there were language changes included in the hand carry materials  
383 which would bring it to an action item.

384  
385 Dr. Cervantes introduced this item on page 98 and stated that there was action required.

386  
387 Mr. Burke provided this update.

388  
389 Ms. Sorrick provided the update and that there was a concern that the original language  
390 was not expansive enough on stakeholders that the Board serves.

391  
392 It was discovered that there was a missing line that was cut off and did not make it into  
393 the materials on page 99. The missing phrase was "patient to client".

### 394 395 **Proposed Revised Business and Professions Code Section 2918**

396  
397 (a) The confidential relations and communications between psychologist and  
398 client shall be privileged as provided by Article 7 (commencing with Section  
399 1010) of Chapter 4 of Division 8 of the Evidence Code, except as set forth in  
400 subdivisions (b) through (f), herein.

401  
402 (b) Exception to Psychotherapist-Client Patient Privilege for Investigatory and  
403 Disciplinary Purposes. Neither the privilege established in California Evidence  
404 Code Section 1014 nor any other law making a communication between a  
405 psychotherapist and their client patient privileged or confidential shall apply to  
406 investigations or proceedings conducted under this chapter. Such  
407 communications shall include, but are not limited to, recordings of the same, in  
408 physical or electronic format, in treatment records, progress notes,  
409 psychotherapy notes, correspondence, audio or video recordings, or any other  
410 record.

411  
412 (c) Applicability. This exception shall only be available to the Board and its  
413 agents and representatives, as related to an investigation into any alleged  
414 violation of this chapter or any other state or federal law, regulation, or rule  
415 relevant to the practice of psychology, a disciplinary hearing, or any other  
416 proceeding under this chapter, or any other chapter under which proceedings  
417 may be brought on behalf of the Board, including but not limited to a proceeding  
418 for interim license suspension under Business and Professions Code section  
419 494, and an appearance by or on behalf of the Board in a criminal proceeding  
420 against a licensee to recommend practice restriction under Penal Code section  
421 23.

422  
423 (d) Procedures for Accessing or Obtaining Records Subject to the Exception to  
424 the Psychotherapist-Patient Client Privilege. In accordance with this section,  
425 documents and records relevant to an alleged violation of the Psychology  
426 Licensing Law, or any other federal or state law, regulation, or rule relevant to the  
427 practice of psychology, may be inspected and obtained for investigatory or  
428 disciplinary purposes in accordance with the following procedures:

429 1. Any psychotherapist-patient **client** communication, or other relevant  
430 document or record, may be inspected, and copies may be obtained,  
431 where the **holder of the privilege** gives consent. If the **patient client** is  
432 deceased, consent may be obtained from the **patient-client's** beneficiary or  
433 authorized representative. If the beneficiary or authorized representative  
434 of a deceased **patient-client** cannot be located after reasonable efforts, the  
435 records may be inspected and copied without consent of the beneficiary or  
436 authorized representative, if the Board provides a written request to the  
437 recordholder that includes a declaration that the Board has been  
438 unsuccessful in locating or contacting the deceased **patient's-client's**  
439 beneficiary or authorized representative after reasonable efforts.

440  
441 2. Regardless of **patient client** consent, the Board and its agents may  
442 issue an investigatory subpoena duces tecum for psychotherapist-patient  
443 **client** communications, pursuant to Article 2 (commencing with Section  
444 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government  
445 Code.

446  
447 i. Prior to the date called for in the subpoena duces tecum for the  
448 production of records, the Board must make a reasonable effort to  
449 give notice of the subpoena to the **patient-client** who is the subject  
450 of the records, or if the **patient-client** is a minor, to the **patient's**  
451 **client's** parent(s) or guardian(s), or if the **patient-client** is deceased,  
452 to the beneficiary or authorized representative of the deceased  
453 **patient-client**. ii. Where a party fails to produce subpoenaed  
454 communications, the Board or its agents may seek a court order  
455 compelling compliance, pursuant to Sections 11187 and 11188 of  
456 the Government Code.

457  
458 3. Any document or record relevant to the business operations of a  
459 licensee, and not involving psychotherapy records attributable to  
460 identifiable **patients-clients**, may be inspected, and copies may be  
461 obtained, if relevant to an investigation or proceeding under this chapter.

462  
463 4. Any records related to a court-ordered or court-related evaluation will be  
464 subject to the exception as specified in this section. Examples of records  
465 include but are not limited to client notes, recordings, evaluation records –  
466 both current and previous, if appropriate, research, and test results. This  
467 section shall not be construed to create a psychotherapist-client  
468 relationship in a court-ordered or court-related evaluation where one does  
469 not otherwise exist.

470  
471 (e) Protection of Patient **Client** Privacy. The names **and identifying information** of  
472 any **patients-clients** whose communications are reviewed shall be kept in  
473 confidence, except as is necessary during the course of an investigation **and**  
474 proceeding. If proceedings are instituted, reasonable efforts shall be made to  
475 keep patient names in confidence.

476  
477 (f) Rights of Recordholders

478  
479 1. When requested documents or records are inspected or copies made or  
480 received under this section, their acquisition and review shall not  
481 unnecessarily disrupt the operations or recordkeeping of the licensee or  
482 facility where the records are kept.

483  
484 2. Psychotherapists otherwise obligated to assert the psychotherapist-  
485 patient-client privilege for psychotherapist-patient-client communications  
486 under Evidence Code Section 1015 have no such obligation with respect  
487 to communications subject to the exception to that privilege created by this  
488 section.

489  
490 3. The Legislature finds and declares that the authority created in the  
491 Board pursuant to this section, and a psychotherapist's compliance with  
492 this section, are consistent with Sections 56 to 59 of the Civil Code and  
493 the federal Health Insurance Portability and Accountability Act (HIPAA).  
494 Recordholders shall be immune from claims of violating the  
495 psychotherapist-patient-client privilege arising from their compliance with  
496 investigatory requests, subpoenas duces tecum, and court orders issued  
497 pursuant to this section.

498  
499  
500 It was M/(Foo)/S(Phillips) to adopt the statutory changes as highlighted in yellow for  
501 Agenda Item 16 (a)(3).

502  
503 Public comment

504  
505 Dr. Winkelman, California Psychological Association (CPA), stated concerns about the  
506 proposed changes and asked the Board to continue to discuss this bill. She stated that  
507 CPA did not have an official position but provided the potential drawbacks if this goes  
508 through which included:

- 509
- 510 • Potential loss of patient confidence in the confidentiality of psychotherapy
  - 511 • Potential detrimental impact on psychotherapist note-taking out of concerns that  
512 the notes may be accessed by the Board of Psychology
  - 513 • Potential effect on a patient complainant who may want to make a complaint but  
514 may not want to reveal their full notes.
  - 515 • Potential impact on child abuse cases

516 Dr. Winkelman asked for further discussion on this item.

517  
518 Dr. Phillips stated that the CEO of CPA had not been interested in attending the  
519 stakeholder meetings and concerns about potential abuse had previously been  
520 addressed.

521  
522 Mr. Foo asked Ms. Monterrubio for clarification on enforcement cases and if the Deputy  
523 Attorney General would file redaction regarding name and any medical information. He  
524 also asked if any instance where any private medical information had been released to  
525 the public during enforcement proceedings.

526

527 Ms. Monterrubio confirmed that files were redacted in such cases and no instance exists  
528 in her knowledge.

529  
530 Dr. Casuga asked for context as to the discussion.

531  
532 Ms. Monterrubio provided examples of situations of how enforcement cases can be  
533 limited in ability to research enforcement cases. She also provided examples of how  
534 records can be redacted.

535  
536 Dr. Casuga asked who would have access to records.

537  
538 Ms. Monterrubio stated that Board staff would have access to the records.

539  
540 Vote: 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers,  
541 Tate), 0 Noes, 1 Recusal (Nystrom)

542  
543 4) California Psychological Association Legislative Proposal 2023: Business  
544 and Professions Code section 2914

545  
546 Dr. Cervantes introduced this item.

547  
548 Mr. Burke stated that this item was initially informational only but since materials were  
549 disseminated, a bill had been introduced which makes some of the changes in the CPA  
550 proposal. He stated that ABA 282 (Aguiar-Curry) was included in the hand carry materials  
551 and could be considered by the Board.

552  
553 Dr. Cervantes suggested to take this to the Legislative and Regulatory Affairs Committee  
554 to analyze and discuss.

555  
556 Discussion ensued that deeper analysis was important due to operational concerns,  
557 impact it may have on processing times, as well as how the bill could affect the potential  
558 adoption of the EPPP Part 2 – Skills exam.

559  
560 Discussion ensued regarding the decision to call a special Board meeting in the spring to  
561 discuss legislation that affects the Board.

562  
563 President Tate called a special Board meeting in the spring to discuss legislation  
564 pertaining to the Board.

565  
566 Public Comment

567  
568 Jennifer Alley, CPA, stated her appreciation to look over this item and welcomed future  
569 discussion at the special Board meeting.

570  
571 Discussion ensued regarding the purpose behind the bill and the intent to streamline  
572 processes in the effort to improved processing times.

573  
574 There was no further Board or public comment offered.

575

576 b) Legislative Items for Future Meeting. The Board May Discuss Other Items of  
577 Legislation in Sufficient Detail to Determine Whether Such Items Should be on  
578 a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of  
579 the Board to Discuss Such Items Pursuant to Government Code section  
580 11125.4.

581  
582 Dr. Cervantes introduced this item.

583  
584 There was no Board of public comment offered.

585  
586 c) Regulatory Update, Review, and Consideration of Additional Changes (M.  
587 Cervantes)

588 1) 16 California Code of Regulations (CCR) sections 1391.13, and  
589 1391.14 – Inactive Psychological Assistant Registration and  
590 Reactivating a Psychological Assistant Registration

591 2) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards  
592 Related to Substance-Abusing Licensees

593 3) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382,  
594 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4,  
595 1387.5, 1387.6, 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1,  
596 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 –  
597 Pathways to Licensure

598 4) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4,  
599 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50,  
600 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement  
601 Provisions

602  
603 Dr. Cervantes introduced this item and Mr. Burke presented this this item, which was  
604 informational only, with no action required.

605  
606 There was no Board or public comment offered.

607  
608 (d) Possible Action on Rulemaking regarding 16 CCR sections 1391.1, 1391.2,  
609 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Associates

610  
611 Dr. Cervantes, Legislative and Regulatory Affairs Committee Chair, introduced this item  
612 and stated that the information was included in the combined packet on page 107 and  
613 additional materials had been added in the hand carry folder.

614  
615 Mr. Burke presented this item and provided the requested action: Notice modified text,  
616 including incorporated forms PSB 100, Application for Registration as a Psychological  
617 Associate, and PSB 101, Notification to Add or Change a Supervisor or Service Location  
618 for a Psychological Associate, for a 15-day public comment period. If, after the 15-day  
619 public comment period, no relevant timely adverse comments are received, adopt the  
620 amendments to Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,  
621 1391.12, and 1392.1, including the incorporated forms, as modified, and authorize the  
622 Executive Officer to take all steps necessary to resubmit the rulemaking package to the  
623 Office of Administrative Law to complete the rulemaking process, including making any  
624 technical or non-substantive changes to the proposed regulations as necessary.

625  
626 Ms. Hoganson presented an update on the Psychological Associate Registration  
627 regulatory package and explained that the original text, based upon Senate Bill 1193 (SB  
628 1193) (Hill, Chapter 484, Statutes of 2016) and Senate Bill 547 (SB 547) (Hill, Chapter  
629 429, Statutes of 2017), was originally approved by the Board November 16, 2018, and  
630 updated pursuant to Senate Bill 801 (SB 801) (Archuleta, Chapter 647, Statues of 2021).  
631 The package went to official Notice and Comment in 2022 and was submitted to the Office  
632 of Administrative Law (OAL). In the interim, however, the Board had other regulatory  
633 packages (including a fee update) that amended some of the same regulatory sections.  
634 When submitted to OAL, OAL had some questions based on the reconciliation. Based  
635 on discussions with OAL, minor text changes and the two forms in this regulatory package  
636 were proposed to be modified. Ms. Hoganson explained the amendments, as shown in  
637 the agenda materials, and suggested that the Board hold a modified comment period and,  
638 if no adverse comments were received requiring response, adopt the regulations, and  
639 resubmit them to OAL.

## 640 **TITLE 16. BOARD OF PSYCHOLOGY**

### 641 **EXPLANATION OF CHANGES**

642  
643  
644  
645 The Board provides this explanation for the modified text.

#### 646 Changes to the regulatory text

- 647  
648 • A change without regulatory effect to subdivision (c) of section 1391.5 (deleting a  
649 reference to organizations specified in section 2913 of the Code) was submitted to  
650 the Office of Administrative Law (OAL) on July 20, 2022, and approved and effective  
651 August 30, 2022. This obviated the need to delete “employed by one of the  
652 organizations specified in section 2913 of the Code” in this rulemaking and that text  
653 has been deleted from the modified text as a technical update.
- 654 • A minor technical edit was made to section 1391.11(a) and (b), to correct a comma  
655 placement after the quoted incorporated form name and to add the word “section”  
656 before referenced 1391.1, to conform with the otherwise referenced regulatory  
657 sections.
- 658 • A separate regulatory package which updated the fee amounts and the authority and  
659 reference citations in 1392.1. was noticed to the public for comment on December 7,  
660 2021, submitted to OAL March 28, 2022, approved May 5, 2022, and effective July 1,  
661 2022. The current regulatory text has been updated to the current law.

662 As part of the modified text, the Board is proposing to change Forms PSB 100 (New 2021)  
663 and PSB 101 (New 2021). Because of formatting issues, the two documents are being  
664 replaced and added, rather than amended, as described below.

#### 665 Changes to Form PSB 100, Application for Registration as a Psychological Associate

- 666  
667 • Instructions: The fee has been updated to \$75 in conformity with revised regulation  
668 1392.1. As noted above, this change went into effect July 1, 2022, after this package  
669 was prepared for Notice.
- 670 • Section 1, Personal Information: The email address, phone number, date of birth,  
671 and social security number requirements have been moved up before “Aliases”

672 instead of after “Address of Record” to visually ensure that there is no confusion that  
673 those items are not public. This is a non-substantive change in formatting only.

- 674 • Section V, Psychological Associate Questionnaire: For those questions on the bottom  
675 of page three that inquire into mental condition, chemical dependency, or use of  
676 illegal or controlled substances, the prior “If yes, please explain on a separate sheet  
677 of paper” has been replaced with “If yes, please describe the situation and the  
678 impact on your abilities to function.” This change is made for clarity and to assist the  
679 applicant understand what information the Board needs  
680 to review the application appropriately. The Board requires such information  
681 because the Board needs to ensure that the public is adequately protected and  
682 patient harm is avoided.
- 683 • Section V and VI, Psychological Associate Questionnaire: For those questions where  
684 it said “If yes, please explain” it will be changed to say “If yes, see page 6” and the  
685 web link for the courtesy License Disciplinary Action Form will be moved to page 6.  
686 On page 6, a new section is added to clarify what information is requested:

#### 687 **Conviction and License Discipline Disclosure**

688 If you answered “YES” to any of the Conviction and License Disclosure  
689 questions under Section V or VI, please provide the following information:

690 **For Convictions or registration as a sex offender:** Date, letter  
691 explaining underlying circumstances, outcome, jurisdiction, and court case  
692 number.

693 **For License review, discipline, or surrender:** Date, letter explaining  
694 underlying circumstances, disposition, and licensing agency.

695 **For License denial:** Date, letter explaining underlying circumstances,  
696 supporting documents, and licensing agency.

697 *For your convenience, you may use the License Disciplinary Action Form*  
698 ([www.psychology.ca.gov/forms\\_pubs/disciplinary.pdf](http://www.psychology.ca.gov/forms_pubs/disciplinary.pdf)).

- 699 • Section VII, Acknowledgements: In the first acknowledgement, an incorrect  
700 reference to 1387(c)(1) was corrected to 1387(c)(2). The last acknowledgement,  
701 which was noticed as  
702 “I understand that annual reporting is required for purposes of  
703 renewal for this registration.16 CCR 1391.10.”  
704 is deleted to conform with the regulatory proposal to delete regulation 1391.10.

#### 706 Changes to Form PSB 101, Notification to Add or Change a Supervisor or Service 707 Location for a Psychological Associate

- 708 • Instructions: The qualifications of a primary supervisor are clarified by a reference  
709 to Business and Professions Code 2913 and regulation 1387.1.
- 710 • Section IV, Supervisor Questionnaire: For those questions where it said “If yes,  
711 please explain” it will be changed to say “If yes, see page 4” and the web link for the  
712 courtesy License Disciplinary Action Form will be moved to page 4. On page 4, a new  
713 section is added to clarify what information is requested:

#### 714 **Conviction and License Discipline Disclosure**

715 If you answered “YES” to any of the Conviction and License Disclosure  
716 questions under Section V or VI, please provide the following information:

717 **For Convictions or registration as a sex offender:** Date, letter  
718 explaining underlying circumstances, outcome, jurisdiction, and court case  
719 number.

720 **For License review, discipline, or surrender:** Date, letter explaining  
721 underlying circumstances, disposition, and licensing agency.

722 **For License denial:** Date, letter explaining underlying circumstances,  
723 supporting documents, and licensing agency.

724 *For your convenience, you may use the License Disciplinary Action Form*  
725 ([www.psychology.ca.gov/forms\\_pubs/disciplinary.pdf](http://www.psychology.ca.gov/forms_pubs/disciplinary.pdf)).

726 • Section V, Acknowledgements: In the first acknowledgement, an incorrect  
727 reference to 1387(c)(1) was corrected to 1387(c)(2). The last acknowledgement,  
728 which was noticed as

729 “I understand that annual reporting is required for purposes of  
730 renewal for this registration.16 CCR 1391.10.”

731 is deleted to conform with the regulatory proposal to delete regulation 1391.10.

732  
733 On both forms (100 and 101), the Acknowledgements regarding non-delegable supervision  
734 were non-substantively clarified to specify “face-to-face,” pursuant to 1387(c)(2). Incorrect  
735 references to 1387(c)(1) were corrected to 1387(c)(2).

736

737

738

## **Title 16. California Board of Psychology Department of Consumer Affairs**

739

### **Modified Text**

740

741 **Original proposed language is shown as underlined.**

742 **Modified proposed additions are shown as double underlined.**

743 **Original proposed deletions are shown as ~~stricken~~.**

744 **Modified proposed deletions are shown as ~~double-stricken~~.**

745 **Changes from the originally proposed language due to other**  
746 **regulatory changes are highlighted and changes noted by**  
747 **footnote.**

748

749 **1. Amend Section 1391.1, Article 5.1, Division 13.1, Title 16, of the California**  
750 **Code of Regulations to read:**

751

752 **§1391.1. Registration; Limitation of Registration Period.**

753

754 (a) Any person who meets the requirements of section 2913 of the Code ~~desiring to~~  
755 ~~supervise~~ may apply for registration as a registered psychological associate by  
756 submitting to the Board ~~shall submit~~ an application, on a form PSB 100, entitled



757 “Application For Registration As A Psychological Associate” (New 2021), which  
758 is hereby incorporated by reference provided by the Board. If applying for a  
759 registration with more than one supervisor, the applicant shall also submit form  
760 PSB 101, entitled “Notification To Add Or Change Supervisor Or Service  
761 Location For A Psychological Associate” (New 2021), which is hereby  
762 incorporated by reference, for each additional supervisor.

763 (b) Registration as a registered psychological associate shall be limited to a  
764 cumulative total of six years (72 months). ~~Each~~ A registration shall be subject to  
765 annual renewal pursuant to section 1391.12.

766 (c) For any registered psychological associate registered prior to ~~the effective date~~  
767 ~~of this subdivision~~ October 23, 2011, subsequent renewals or registrations shall  
768 be limited to a cumulative total of six years (72 months) from the date of the  
769 registered psychological associate’s next registration or renewal, whichever  
770 occurs first.

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

773  
774 ***NOTE: Authority cited: Sections 2913 and 2930, Business and Professions***  
775 ***Code. Reference: Sections 27, 30, 114.5, 115.4, 144, 651, 2913, and 17500,***  
776 ***Business and Professions Code.***

777 **2. Amend Section 1391.2, of Article 5.1, Division 13.1, Title 16 of the California**  
778 **Code of Regulations to read:**

779 **§ 1391.2. Withdrawal of Applications.**

780  
781 An aApplications for registration which that hasve-not been completed within ninety  
782 (90) days after additional information has been requested by the Board shall be  
783 deemed to be withdrawn.  
784

785 ***NOTE: Authority cited: Sections 2913 and 2930, Business and Professions Code.***  
786 ***Reference: Section 2913, Business and Professions Code.***

787  
788  
789 **3. Amend Section 1391.5, Article 5.1, Division 13.1, of Title 16 of the California**  
790 **Code of Regulations to read:**

791 **§ 1391.5. ~~Statement of Purpose;~~ Supervision Required.**

792  
793  
794 (a) A registered psychological associate shall be under the direction and  
795 supervision of a licensed psychologist pursuant to section 1387.1, who is  
796 employed licensed to practice pursuant to Division 2 of the Code, and who  
797 works in the same setting in which the registered psychological associate is  
798 employed performs psychological functions. A licensed psychologist who is  
799 supervising registered psychological associates must comply with the  
800 supervision course requirements set forth in section 1387.1.

801 (b) The supervisor shall provide a minimum of one (1) hour per week of individual  
802 face- to-face supervision to the registered psychological associate, unless more  
803 such supervision is required under Section 1387 or by the nature of the  
804 psychological functions performed by the registered psychological associate.

805 (c) **1A registered psychological associate may receive** delegated supervision  
806 pursuant to section 1387(c) from a qualified psychologist other than a the  
807 primary supervisor to whom they are registered only if the delegated supervisor  
808 is also employed works within the same organization setting as the primary  
809 supervisor and registered psychological associate. ~~Otherwise, supervision may~~  
810 ~~not be delegated under a registered psychological associate registration.~~

811  
812 **Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.**  
813 **Reference: Section 2913, Business and Professions Code.**

814  
815 **4. Amend Section 1391.6, Article 5.1, Division 13.1, of Title 16 of the California**  
816 **Code of Regulations to read:**

817 **§1391.6. Supervisor’s Responsibility.**

818  
819 (a) Every supervisor of a registered psychological associate shall have be  
820 responsible for supervising the psychological functions performed by the  
821 registered psychological associate and ensuring that the education, training,  
822 and experience in the areas of psychological practice for which they will  
823 supervise, and shall be responsible for supervising the psychological functions  
824 performed by the psychological associate extent, kind and quality of the  
825 psychological functions performed by the associate are consistent with the  
826 supervisor’s training and experience, and ensure that the associate complies  
827 with the provisions of the Code, the Board’s regulations, and the ethical  
828 standards established by the American Psychological Association.

829 (b) The supervisor shall ~~inform~~ ensure that each client or patient is informed, prior  
830 to the rendering of services ~~by the registered psychological associate,~~ that the  
831 associate is unlicensed and is under the direction and supervision of the  
832 supervisor. Each client or patient shall also be informed and  
833 that the supervisor shall have access to the client’s or patient’s chart in fulfilling  
834 their supervisory~~ien~~ duties.

835 (c) The supervisor shall be available to the registered psychological associate  
836 100% of the time the associate is performing psychological functions. The  
837 availability can be in-person, by telephone, by pager or by other appropriate  
838 technology.

---

<sup>1</sup> Deletion of prior language which included “employed by one of the organizations specified in section 2913 of the Code” to match current law, effective August 30, 2022.

- 839 (d) The supervisor shall ensure that a plan is in place to protect the client or patient  
840 ~~or client~~ in the event a client or patient/client crisis or emergency occurs during  
841 any time the supervisor is not physically present at the established site at which  
842 the supervisee is working. The supervisor shall ensure that the supervisee  
843 thoroughly understands the plan in the event a client or patient crisis or  
844 emergency occurs.  
845

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

847 **Reference: Section 2913, Business and Professions Code.**

848 **5. Amend Section 1391.8, Article 5.1, Division 13.1, Title 16 of the California**  
849 **Code of Regulations to read:**

850 **§ 1391.8. ~~Employer Supervisor-Employee~~ Registered Psychological Associate**  
851 **Business Relationship.**  
852  
853

- 854 (a) No supervisor ~~or employer of a~~ registered psychological associate may  
855 ~~charge pay~~ a fee, monetary or otherwise, ~~require monetary payment in~~  
856 consideration for the ~~employment or supervision~~ provided of a registered  
857 ~~psychological associate.~~ The supervisor or employer shall supply all provisions  
858 necessary to function as a registered psychological associate.

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

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

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

865 **Reference: Section 2913, Business and Professions Code.**  
866

867 **6. Repeal Section 1391.10, Article 5.1, Division 13.1, Title 16 of the California**  
868 **Code of Regulations to read:**

869 **~~§ 1391.10. Annual Reports.~~**  
870  
871

872 ~~On or before the expiration of a registration, every supervisor of a registered~~  
873 ~~psychological associate shall submit to the Board on a form provided by the~~  
874 ~~Board a report for the registration period showing:~~

- 875 ~~(a) The nature of the psychological functions performed by the registered~~  
876 ~~psychological associate being supervised.~~

- 877 ~~(b) Certification of employment.~~

- 878 ~~(c) The locations at which the registered psychological associate provided the~~  
879 ~~psychological functions and the type, extent and amount of supervision.~~

- 880 ~~(d) A certification that the psychological functions performed by the registered~~  
881 ~~psychological associate were performed at a level satisfactory to ensure safety to~~  
882 ~~the public.~~  
883

884 **Note: Authority cited: Section 2930, Business and Professions Code. Reference:**  
885 **Section 2913, Business and Professions Code.**

886 **7. Amend Section 1391.11, Article 5.1, Division 13.1, Title 16 of the California**  
887 **Code of Regulations to read:**

888  
889 **§ 1391.11. Notification of Termination. Change of Primary Supervisor or**  
890 **Location**

891  
892 (a) A registered psychological associate shall submit to the Board, in writing, a  
893 request for any change of or addition of a primary supervisor, on form PSB 101  
894 (New 2021), entitled "Notification To Add Or Change Supervisor Or Service  
895 Location For A Psychological Associate," incorporated by reference in **section**  
896 1391.1. Board approval of the request is required prior to rendering  
897 psychological services under the supervision of the new primary supervisor. A  
898 new supervision agreement is required, pursuant to section 1387, if there has  
899 been a change of supervisor and the registered psychological associate is  
900 accruing supervised professional experience.

901  
902 (b) Within thirty (30) days after the termination of the supervision between a primary  
903 supervisor and the employment of a registered psychological associate, or any  
904 change or addition of the location where services are being rendered by a  
905 registered psychological associate with the same primary supervisor, the  
906 employer-registered psychological associate shall notify the Board in writing of  
907 such termination or change, on form PSB 101, as described in subsection (a)  
908 and incorporated by reference in **section** 1391.1 setting forth the date thereof.

909  
910 **NOTE: Authority cited: Sections 2913 and 2930, Business and Professions Code.**  
911 **Reference: Sections 27, 30, 144, 651, 2913, and 17500, Business and Professions**  
912 **Code.**

913  
914 **8. Amend Section 1391.12, Article 5.1, Division 13.1, Title 16 of the California**  
915 **Code of Regulations to read:**

916  
917 **§ 1391.12. Registered Psychological Associate Renewals.**

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

922 (1) Name and registration number of the registered psychological associate,  
923 registration expiration date;

924 (2) Disclosure of whether the registered psychological associate has been  
925 convicted or has had a license or registration disciplined since the last  
926 renewal;

927 (3) Telephone number and email (if any) of the registered psychological  
928 associate; and

- 929           (4) A signed declaration under penalty of perjury that the information provided is  
930           true and correct;
- 931           (b) The annual renewal fee required in section 1392.1 must be submitted to renew  
932           the registration. A registration renewed 30 days after its expiration must be  
933           accompanied by the delinquency fee required in section 1392.1 in order to be  
934           renewed;
- 935           (c) A registered psychological associate who has been registered with the Board but  
936           whose registration has expired and has not been renewed ~~by the employer~~ shall  
937           not function as a registered psychological associate;
- 938           (d) ~~A registered psychological associate employed and registered by more than one~~  
939           ~~employer shall have their registration renewed by each employer.~~
- 940           ~~(de) A registration not renewed by the registered psychological associate within 60~~  
941           ~~days after its expiration shall become void be cancelled and shall not be~~  
942           ~~reinstated and a new application for registration shall be submitted by the~~  
943           ~~employer. A new registration must be obtained to perform psychological~~  
944           ~~functions as a registered psychological associate.~~

945  
946           **NOTE: Authority cited: Sections 2913 and 2930, Business and Professions Code.**  
947           **Reference: Section 2913, Business and Professions Code.**

948  
949           **9. Amend Section 1392.1, Article 6, Division 13.1, Title 16 of the California**  
950           **Code of Regulations to read:**

951  
952           **§ 1392.1. Registered Psychological Associate Fees.<sup>2</sup>**

- 953  
954           (a) The application fee for registration ~~as of~~ a registered psychological associate  
955           which is payable by the supervisor is **\$75.00.**
- 956           (b) The annual renewal fee for registration of a registered psychological associate  
957           is **\$75.00.**
- 958           (c) The delinquency fee for a registered psychological associate is **\$37.50.**

959  
960           **Note: Authority cited: Sections 2913, 2930, 2940, 2987, and 2989, Business and**  
961           **Professions Code.**

962           **Reference: Sections 2948 and 2987, Business and Professions Code.**

---

<sup>2</sup> Fee amounts and authority and reference citations updated to match current law, effective July 1, 2022.

**APPLICATION FOR REGISTRATION AS  
A PSYCHOLOGICAL ASSOCIATE**

965 **INSTRUCTIONS FOR COMPLETING THE APPLICATION:**

- 966
- Answer each question fully and truthfully.
  - 967 • Attach sheets of paper to this application when instructed or when space provided is not
  - 968 sufficient.
  - 969 • Submit a check with this application for \$75 payable to the Board of Psychology.
  - 970 • Mail completed ORIGINAL application and payment to: 1625 N. Market Blvd., Suite N-215,
  - 971 Sacramento, CA 95834.
  - 972 • Submit fingerprints via Live Scan at time of application.
  - 973 Please visit [www.psychology.ca.gov/applicants/fingerprint.shtml](http://www.psychology.ca.gov/applicants/fingerprint.shtml) for detailed
  - 974 instructions.
  - 975 • Complete and submit Notification to Add or Change Supervisor or Service Location for a
  - 976 Psychological Associate form from Board of Psychology website ([www.psychology.ca.gov](http://www.psychology.ca.gov))
  - 977 along with this application if registering with more than one primary supervisor.

978 **SECTION I: PERSONAL INFORMATION**

- 979
- Is it your intention to count this experience toward licensure? Yes  No
  - 980 • If you answered “yes,” refer to Title 16 California Code of Regulations (CCR) section 1387.
  - 981 You may download the Supervision Agreement for Supervised Professional Experience
  - 982 form from our website ([www.psychology.ca.gov/forms\\_pubs/sup\\_agreement.pdf](http://www.psychology.ca.gov/forms_pubs/sup_agreement.pdf)), and
  - 983 complete, sign, and date the form, and attach it to the application.
  - 984 • Are you currently serving in, or have you previously served in, the military? Yes  No

985 **LEGAL NAME AND INFORMATION OF PSYCHOLOGICAL ASSOCIATE:**

\_\_\_\_\_  
Last First M.I. Jr., Sr., I, II

\_\_\_\_\_  
Email Address

986

987 Contact Phone Number

\_\_\_\_\_

988 Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN)<sup>1</sup>

Date of Birth

989 **ALIASES** List all other names by which the psychological associate has been known. (If more than two, use  
990 additional paper.):

\_\_\_\_\_  
Last First M.I. Jr., Sr., I, II

Last First M.I. Jr., Sr., I, II

ADDRESS OF RECORD (AOR) (This is public information and will be used for all correspondence.):

Number and Street

City State Zip Code

PSB 100 (NEW 2023) [Internal Control Number PDE 23-043 (Revised 02/23)]

991

www.psychology.ca.gov
P (916) 574-7720 / F (916) 574-8672
1625 North Market Blvd. N-215, Sacramento, CA

996
997
998

GAVIN NEWSOM, GOVERNOR BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY



999 CONFIDENTIAL ADDRESS (If AOR is a post office box or mail drop location, you must also provide a confidential address. The confidential address can be your business or residential address.):
1000
1001

1002
1003 Number and Street

1004 City State Zip Code

1005 1 Disclosure of your SSN or ITIN is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 [42 USCA 405(c)(2)(C)]
1006 authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with
1007 any judgment or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure
1008 or examination status by a licensing or examination entity that utilizes a national examination and where licensure is reciprocal with the
1009 requesting state. If you fail to disclose your SSN or ITIN, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against
1010 you, and the registration will not be issued.

1011 SECTION II: EDUCATION QUALIFICATION

1012 This Psychological Associate application is based upon (Check education qualification at time of
1013 application.):

1014 [ ] Master's Degree School:

1015 [ ] Admission to Candidacy for Doctoral Degree

1016 Description of Degree:
1017 (Registrar's letter required with the transcript.)

1018 [ ] Doctoral Degree Date Awarded/Admitted:

1019

1020 **An official qualifying transcript must be mailed from the graduate institution directly to the**  
1021 **Board of Psychology (Board). If using your master's/doctoral degree to qualify for**  
1022 **registration, the transcript must show the degree awarded date.**

**SECTION III: SUPERVISOR**

**LEGAL NAME OF PRIMARY SUPERVISOR:**

\_\_\_\_\_  
Last First M.I. Jr., Sr., I, II

\_\_\_\_\_  
License Number Email Phone Number

**SECTION IV: LOCATION OF SERVICES**

**Location where the psychological associate will be providing psychological services:**

\_\_\_\_\_  
Name of Services Location

1023 \_\_\_\_\_  
Number and Street

1024 \_\_\_\_\_  
City State Zip Code

1025 **Additional location of services, if applicable, where the psychological associate will be**  
1026 **providing psychological services (If more than two locations, please use an additional sheet of**  
1027 **paper.):**

\_\_\_\_\_  
Name of Primary Supervisor License Number

\_\_\_\_\_  
Primary Supervisor's Phone Number Primary Supervisor's Email Address

\_\_\_\_\_  
Name of Services Location

1028 \_\_\_\_\_

1029 \_\_\_\_\_  
Number and Street



1030 City State Zip Code

1031 **Note: You must notify the Board of any change or addition of a primary supervisor or location**

1032 **where services are being rendered on form Notification to Add or Change Supervisor or**

1033 **Service Location for a Psychological Associate. Form can be found on Board’s website at**

1034 **www.psychology.ca.gov.**

**SECTION V: PSYCHOLOGICAL ASSOCIATE QUESTIONNAIRE**

1035 **Section V to be completed by the prospective psychological associate.**

1036 **Clearly mark the appropriate column (“yes” or “no”) for each item below.**

YES	NO	
		Are you presently registered, or have you ever been registered or filed an application to be registered, as a psychological assistant or psychological associate? <i>If yes, list name(s) of supervisor(s):</i>
		Are you currently registered, were you previously registered, or have you ever filed an application to register to engage in psychological services under section 2909(d) of the Business and Professions Code (registered psychologist)? <i>If yes, when?</i>
		Have you ever filed an application for a license as a psychologist with the Board? <i>If yes, when?</i>
		Do you have any proprietary interest in the business of the employer and/or supervisor?
		Do you rent, lease, sublease, or lease-purchase office space from the employer, supervisor, or any entity for purposes of functioning as a psychological associate?
		Do you have a familial and/or interpersonal relationship with the employer and/or supervisor?
		Have you ever had any license disciplined by a government agency, the United States or its territories, military court, a foreign government, or other disciplinary body? <i>If yes, see page 6.</i>
		Have you ever been denied a license, registration, certificate, or credential to practice psychology or any other profession in any state or country? <i>If yes, see page 6.</i>
		Have you ever voluntarily surrendered a license, registration, or credential to practice psychology or any other profession or occupation in any state or country? <i>If yes, see page 6.</i>
		Have you ever been subject to review and/or action by the ethics committee of any professional organization in any state or country? <i>If yes, see page 6.</i>
		Are you required to register as a sex offender pursuant to Section 290 of the Penal Code? <i>If yes, see page 6.</i>
		Do you currently have any mental condition or chemical dependency that in any way impairs or limits your ability to practice psychology with safety to the public? <i>If yes, please describe the situation and the impact on your abilities to function.</i>
		Are you currently engaged in the illegal use of controlled dangerous substances, or were you so engaged recently enough so that the use of drugs may have an ongoing impact on your ability to function as a psychological associate (use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to yourself, any other person, or the public, or to an extent that this use impairs your ability to perform the work of a psychologist with safety to the public)? <i>If yes, please describe the situation and the impact on your abilities to function.</i>

**SECTION VI: SUPERVISOR QUESTIONNAIRE**

1038 **Section VI to be completed by the prospective supervisor.**

1039 **Clearly mark the appropriate column (“yes” or “no”) for each item below.**

YES	NO
-----	----

		Have you ever been denied a license, registration, certificate, or credential to practice psychology or any other profession in any state or country? <b>If yes, see page 6.</b>
		Have you had a license, registration, certificate, or credential to practice psychology or any other profession or occupation subjected to discipline by any state or country? <b>If yes, see page 6.</b>
		Have you voluntarily surrendered a license, registration, certificate, or credential to practice psychology or any other profession or occupation in any state or country? <b>If yes, see page 6.</b>
		Have you ever been subject to review and/or action by the ethics committee of any professional organization in any state or country? <b>If yes, see page 6.</b>
		Have you completed the required six-hour course in supervision within the last two years as required by 16 CCR 1387.1(b)?
		Do you rent, lease, sublease, or lease-purchase office space to the psychological associate?
		Do you have a familial and/or interpersonal relationship with the psychological associate?
		Will you provide a minimum of one hour per week of individual face-to-face supervision to the psychological associate?
		Will you inform clients that the psychological associate is unlicensed, and is under the direction and supervision of the supervisor as an employee, in person or in writing, prior to the rendering of services pursuant to sections 16 CCR 1387.1(g) and 1391.6?
		Will you be employed by the same work setting as the psychological associate and be available to the psychological associate 100 percent of the time the psychological associate is providing psychological services?

1041

**SECTION VII: ACKNOWLEDGEMENTS**

1042

**Section VII to be completed by both the prospective psychological associate and supervisor.**

<b>Supervisor's Initials</b>	<b>Psychological Associate's Initials</b>	<b>PLEASE READ EACH STATEMENT BELOW AND INDICATE THAT YOU UNDERSTAND BY PLACING YOUR INITIALS IN THE CORRESPONDING BOX. Both supervisor and psychological associate must initial each statement.</b>
		I understand that supervisors of psychological associates may not delegate any portion of individual face-to-face supervision to anyone else. <i>16 CCR 1387(c)(2).</i>
		I understand that no psychological associate may bill clients directly for any services rendered, or receive payments, monetary or otherwise, directly from clients. <i>Business and Professions Code section 2913 and 16 CCR 1387.1(g).</i>
		I understand that the psychological associate shall at all times and under all circumstances identify themselves to clients as a psychological associate of his or her employer or responsible supervisor when engaged in any psychological activity in connection with that employment. <i>16 CCR 1396.4(b).</i>
		I understand that every supervisor of a psychological associate shall 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 psychological associate and ensuring the psychological associate complies with the provisions of the Business and Professions Code, the Board's regulations, and the ethical standards established by the American Psychological Association. <i>16 CCR 1391.6(a).</i>
		I understand that a psychological associate shall be under the direction and supervision of a licensed psychologist who is employed in the same setting in which the psychological associate is employed. <i>16 CCR 1391.5(a).</i>
		I understand that no psychological associate may pay a fee, monetary or otherwise, in consideration for supervision provided. <i>16 CCR 1391.8(a).</i>
		I understand that within 30 days after the termination of the employment of a psychological associate, the psychological associate shall notify the Board in writing of such termination. <i>16 CCR 1391.11.</i>
		I understand that within 30 days after any change or addition of a primary supervisor or in the location where services are being rendered by a psychological associate, the psychological associate shall notify the Board in writing, indicating the effective date of the change or addition. Failure to comply could result in an enforcement action. <i>16 CCR 1391.11.</i>

		I understand that upon a change or addition of primary supervisor, a new supervision agreement is required to be completed with the primary supervisor if I intend to accrue the hours for supervised professional experience toward licensure. <i>16 CCR 1391.11.</i>
		I understand that a psychological associate shall not advertise for their services, including on any websites. Any business card of a psychological associate must include their name, the fact that they are a psychological associate, and include the name and license number of the supervisor and the location where services are provided. <i>16 CCR 1396.4(b) and 1397.</i>
		I understand that no psychological services may be provided by the psychological associate prior to the approval of this application by the Board. <i>Business and Professions Code section 2913.</i>
		I understand that registration as a psychological associate shall be limited to a cumulative total of six years as either a psychological assistant or associate. <i>16 CCR 1391.1(b).</i>
		I understand that the registration of a psychological associate expires one year after date of issuance and that the registration shall be renewed by that date. A psychological associate whose registration has not been renewed shall not function as a psychological associate. Registrations not renewed within 60 days of the expiration date become canceled and a new application must be submitted. I also understand that psychological associates may not practice or accrue hours of supervised professional experience during any period of registration delinquency or supervisor's license delinquency. <i>16 CCR 1391.12.</i>
		I understand that annual reporting is required for purposes of renewal for this registration. <i>16 CCR 1391.10.</i>

1043

### NOTICE TO APPLICANT

1044

Effective July 1, 2012, the State Board of Equalization and the Franchise Tax Board may share your taxpayer information with the Board. You are obligated to pay your State tax obligation, and your license may be suspended if the state tax obligation is not paid.

1045

1046

1047

### SECTION VIII: SIGNATURES

1048

*I/We declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.*

1049

1050

Signature of Psychological Associate

Date

1051

Signature of Primary Supervisor

Date

1052

#### Conviction and License Discipline Disclosure

1053

If you answered "YES" to any of the Conviction and License Disclosure questions under Section V or VI, please provide the following information:

1054

1055

**For convictions or registration as a sex offender:** Date, letter explaining underlying circumstances, outcome, jurisdiction, and court case number.

1056

1057

**For license review, discipline, or surrender:** Date, letter explaining underlying circumstances, disposition, and licensing agency.

1058

1059 **For license denial:** Date, letter explaining underlying circumstances, supporting documents, and  
1060 licensing agency.

1061 For your convenience, you may use the License Disciplinary Action form:

1062 [https://www.psychology.ca.gov/forms\\_pubs/disciplinary.pdf](https://www.psychology.ca.gov/forms_pubs/disciplinary.pdf).

1063 **Collection and Use of Personal Information**

1064 The Department of Consumer Affairs and the California Board of Psychology collect the  
1065 information requested on this form as authorized by Business and Professions Code Sections  
1066 325 and 326 and the Information Practices Act.

1067 **Mandatory Submission**

1068 Submission of the requested information is mandatory. The Board cannot consider your  
1069 application for licensure or renewal unless you provide all of the requested information.

1070 **Access to Your Information**

1071 You may review the records maintained by the California Board of Psychology that contain your  
1072 personal information, as permitted by the Information Practices Act. See contact information  
1073 below.

1074 **Possible Disclosure of Personal Information**

1075 We make every effort to protect the personal information you provide us. However, we may  
1076 need to share the information you give us with other government agencies. This may include  
1077 sharing any personal information you gave us.

1078 The information you provide may also be disclosed in the following circumstances:

- 1079 • In response to a Public Records Act request, as allowed by the Information Practices Act;
- 1080 • To another government agency as required by state or federal law; or
- 1081 • In response to a court or administrative order, a subpoena, or a search warrant.

1082 **Contact Information**

1083 For questions about this notice or access to your records, you may contact the Executive  
1084 Officer of the Board of Psychology at 1625 North Market Boulevard, Suite N-215, Sacramento,  
1085 CA 95834; by phone at (866) 503-3221; or by email at [boplicensing@dca.ca.gov](mailto:boplicensing@dca.ca.gov). For  
1086 questions about the Department of Consumer Affairs' (Department's) Privacy Policy, you may  
1087 contact the Department at 1625 North Market Boulevard, Sacramento, CA 95834; by phone  
1088 at (800) 952-5210; or by email at [dca@dca.ca.gov](mailto:dca@dca.ca.gov).

1089  
1090 *References to psychological associates refer to registered psychological associates, formerly called psychological assistants.*

1091 **INSTRUCTIONS FOR COMPLETING THE APPLICATION:**

- 1092 • Complete this form with your primary supervisor. The primary supervisor must  
1093 be qualified (pursuant to Business and Professions Code 2913 and and Title 16  
1094 California Code of Regulations (16 CCR) section 1387.1) and the application must  
1095 be fully complete before the Board can review and approve this application.



1123  
 1124

**SECTION III: NEW PRIMARY SUPERVISOR OR SERVICE LOCATION INFORMATION**

Name of Primary Supervisor		License Number	
Primary Supervisor's Phone Number		Email	
Name of Service Location			
Street Address		City	State
			Zip Code

**SECTION IV: SUPERVISOR QUESTIONNAIRE**

1125

1126 **Section IV to be completed by the prospective supervisor.**

1127 Clearly mark the appropriate column ("yes" or "no") for each item below.

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Have you ever been denied a license, registration, certificate, or credential to practice psychology or any other profession in any state or country? <i>If yes, see page 4.</i>
<input type="checkbox"/>	<input type="checkbox"/>	Have you had a license, registration, certificate, or credential to practice psychology or any other profession or occupation subjected to discipline by any state or country? <i>If yes, see page 4.</i>
<input type="checkbox"/>	<input type="checkbox"/>	Have you voluntarily surrendered a license, registration, certificate, or credential to practice psychology or any other profession or occupation in any state or country? <i>If yes, see page 4.</i>
<input type="checkbox"/>	<input type="checkbox"/>	Have you ever been subject to review and/or action by the ethics committee of any professional organization in any state or country? <i>If yes, see page 4.</i>
<input type="checkbox"/>	<input type="checkbox"/>	Have you completed the required six-hour course in supervision within the last two years as required by 16 CCR 1387.1(b)?
<input type="checkbox"/>	<input type="checkbox"/>	Do you rent, lease, sublease, or lease-purchase office space to the psychological associate?

		Do you have a familial and/or interpersonal relationship with the psychological associate?
		Will you provide a minimum of one hour per week of individual face-to-face supervision to the psychological associate?
		Will you inform clients that the psychological associate is unlicensed, and is under the direction and supervision of the supervisor as an employee, in person or in writing, prior to the rendering of services pursuant to 16 CCR 1387.1(g) and 1391.6?
		Will you be employed by the same work setting as the psychological associate and be available to the psychological associate 100 percent of the time the psychological associate is providing psychological services?

1128

**SECTION V: ACKNOWLEDGEMENTS**

1129

**Section V to be completed by both the prospective psychological associate and supervisor.**

<b>Supervisor's Initials</b>	<b>Psychological Associate's Initials</b>	<b>Please read each statement below and indicate that you understand by placing your initials in the corresponding box. Both supervisor and psychological associate must initial each statement.</b>
		I understand that supervisors of psychological associates may not delegate any portion of individual face-to-face supervision to anyone else. <i>16 CCR 1387(c)(2).</i>
		I understand that no psychological associate may bill clients directly for any services rendered, or receive payments, monetary or otherwise, directly from clients. <i>Business and Professions Code section 2913 and 16 CCR 1387.1(g).</i>
		I understand that the psychological associate shall at all times and under all circumstances identify themselves to clients as a psychological associate of his or her employer or responsible supervisor when engaged in any psychological activity in connection with that employment. <i>16 CCR 1396.4(b).</i>
		I understand that every supervisor of a psychological associate shall 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 psychological associate and ensuring the psychological associate complies with the provisions of the Business and Professions Code, the Board's regulations, and the ethical standards established by the American Psychological Association. <i>16 CCR 1391.6(a).</i>
		I understand that a psychological associate shall be under the direction and supervision of a licensed psychologist or licensed psychologist who is employed in the same setting in which the psychological associate is employed. <i>16 CCR 1391.5(a).</i>
		I understand that no psychological associate may pay a fee, monetary or otherwise, in consideration for supervision provided. <i>16 CCR 1391.8(a).</i>
		I understand that within 30 days after the termination of the employment of a psychological associate, the psychological associate shall notify the Board in writing of such termination. <i>16 CCR 1391.11.</i>
		I understand that within 30 days after any change or addition of a primary supervisor or in the location where services are being rendered by a psychological associate, the psychological associate shall notify the Board in writing, indicating the effective date of the change or addition. Failure to comply could result in an enforcement action. <i>16 CCR 1391.11.</i>
		I understand that upon a change or addition of primary supervisor, a new supervision agreement is required to be completed with the primary supervisor if I intend to accrue the hours for supervised professional experience toward licensure. <i>16 CCR 1391.11.</i>
		I understand that a psychological associate shall not advertise for their services, including on any websites. Any business card of a psychological associate must include their name, the fact that they are a psychological associate, and include the name and license number of the supervisor and the location where services are provided. <i>16 CCR 1396.4(b) and 1397.</i>

		I understand that no psychological services may be provided by the psychological associate prior to the approval of this application by the Board. <i>Business and Professions Code section 2913.</i>
		I understand that registration as a psychological associate shall be limited to a cumulative total of six years. <i>16 CCR 1391.1(b).</i>
		I understand that the registration of a psychological associate expires one year after date of issuance and that the registration shall be renewed by that date. A psychological associate whose registration has not been renewed shall not function as a psychological associate. Registrations not renewed within 60 days of the expiration date become canceled and a new application must be submitted. I also understand that psychological associates may not practice or accrue hours of supervised professional experience during any period of registration delinquency or supervisor's license delinquency. <i>16 CCR 1391.12.</i>

1130

**SECTION VI: SIGNATURES**

1131 *We hereby certify that this relationship is that of supervisor/psychological associate as required*  
 1132 *by the Laws and Regulations Relating to the Practice of Psychology. We declare under penalty*  
 1133 *of perjury under the laws of the state of California that the information provided on this form is*  
 1134 *true and correct. We further declare that the supervisor of the psychological associate whose*  
 1135 *signature appears below is employed by the same work setting as the psychological associate*  
 1136 *and available to the psychological associate 100 percent of the time the psychological associate*  
 1137 *is providing psychological services. We further declare that the limited psychological functions*  
 1138 *performed by the psychological associate were performed at a level satisfactory to ensure*  
 1139 *safety to the public.*

1140 Signature of Primary Supervisor

Date

1141 Signature of Psychological Associate

Date

1143 If you answered "YES" to any of the Conviction and License Disclosure questions under  
 1144 Section IV, please provide the following information:

1145 **For convictions or registration as a sex offender:** Date, letter explaining underlying  
 1146 circumstances, outcome, jurisdiction, and court case number.

1147 **For license review, discipline, or surrender:** Date, letter explaining underlying circumstances,  
 1148 disposition, and licensing agency.

1149 **For license denial:** Date, letter explaining underlying circumstances, supporting documents, and  
 1150 licensing agency.

1151 For your convenience, you may use the License Disciplinary Action form:

1152 [https://www.psychology.ca.gov/forms\\_pubs/disciplinary.pdf](https://www.psychology.ca.gov/forms_pubs/disciplinary.pdf).



1153 **Collection and Use of Personal Information**

1154 The Department of Consumer Affairs and the California Board of Psychology collect the  
1155 information requested on this form as authorized by Business and Professions Code  
1156 Sections 325 and 326 and the Information Practices Act.

1157 **Mandatory Submission**

1158 Submission of the requested information is mandatory. The Board cannot consider your  
1159 application for licensure or renewal unless you provide all of the requested information.

1160 **Access to Your Information**

1161 You may review the records maintained by the California Board of Psychology that  
1162 contain your personal information, as permitted by the Information Practices Act. See  
1163 contact information below.

1164 **Possible Disclosure of Personal Information**

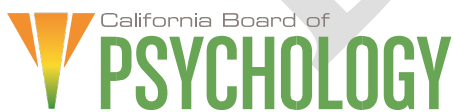
1165 We make every effort to protect the personal information you provide us. However, we  
1166 may need to share the information you give us with other government agencies. This may  
1167 include sharing any personal information you gave us.

1168 The information you provide may also be disclosed in the following circumstances:

- 1169 • In response to a Public Records Act request, as allowed by the Information Practices  
1170 Act;
- 1171 • To another government agency as required by state or federal law; or
- 1172 • In response to a court or administrative order, a subpoena, or a search warrant.

1173 **Contact Information**

1174 For questions about this notice or access to your records, you may contact the Executive  
1175 Officer of the Board of Psychology at 1625 North Market Boulevard, Suite N-215,  
1176 Sacramento, CA 95834; by phone at (866) 503-3221; or by email at  
1177 **bplicensing@dca.ca.gov**. For questions about the Department of Consumer Affairs'  
1178 (Department's) Privacy Policy, you may contact the Department at 1625 North Market  
1179 Boulevard, Sacramento, CA 95834; by phone at (800) 952-5210; or by email at  
1180 **dca@dca.ca.gov**.



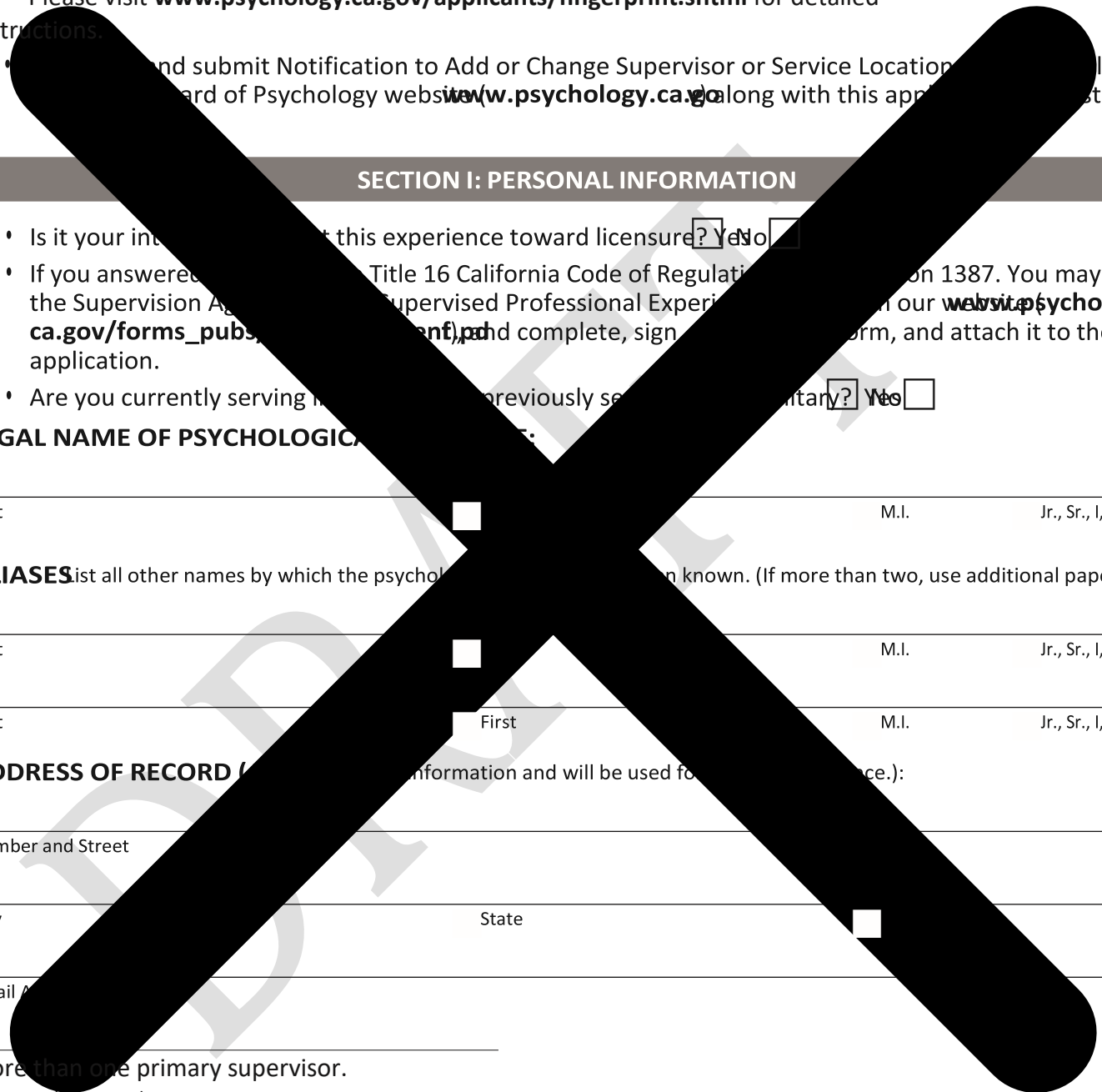
1182  
1183 *References to psychological associate refers to registered psychological associates, formerly called psychological*  
1184 *assistants*

1185 **INSTRUCTIONS FOR COMPLETING THE APPLICATION:**

- 1186 • Answer each question fully and truthfully.
- 1187 • Attach sheets of paper to this application when instructed or when space provided is not  
1188 sufficient.
- 1189 • Submit a check with this application for \$50 payable to the Board of Psychology.

APPLICATION FOR REGISTRATION AS  
A PSYCHOLOGICAL ASSOCIATE

- 1190 • Mail completed
- 1191 ORIGINAL application and payment to: 1625 N. Market Blvd., Suite N-215, Sacramento, CA
- 1192 95834.
- 1193 • Submit fingerprints via Live Scan at time of application.
- 1194 Please visit [www.psychology.ca.gov/applicants/fingerprint.shtml](http://www.psychology.ca.gov/applicants/fingerprint.shtml) for detailed
- 1195 instructions.



- and submit Notification to Add or Change Supervisor or Service Location to the Psychological Board of Psychology website at [www.psychology.ca.gov](http://www.psychology.ca.gov) along with this application.

SECTION I: PERSONAL INFORMATION

- Is it your intent to use this experience toward licensure? Yes  No
- If you answered "No" to the question above, please refer to Title 16 California Code of Regulations, Section 1387. You may download the Supervision Agreement for Supervised Professional Experience from our [www.psychology.ca.gov/forms\\_publications](http://www.psychology.ca.gov/forms_publications) and complete, sign, and return the form, and attach it to the application.
- Are you currently serving in a supervisory position or previously served in a supervisory position? Yes  No

LEGAL NAME OF PSYCHOLOGICAL ASSOCIATE:

Last  M.I.  Jr., Sr., I, II

ALIASES List all other names by which the psychologist is known. (If more than two, use additional paper.):

Last  M.I.  Jr., Sr., I, II

Last  First  M.I.  Jr., Sr., I, II

ADDRESS OF RECORD (This information and will be used for correspondence.):

Number and Street

City  State

Email Address

- 1196 more than one primary supervisor.
- 1197 Contact Phone Number
- 1198

1199 Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN):  Date of Birth

1200 PSB 100 (NEW 2021)  
1201 [Internal Control Number PDE\_21-223 (Revised 10/21)]



1202  
1203  
1204

**CONFIDENTIAL ADDRESS** (If AOR is a post office box or mail drop location, you must also provide a confidential address. The confidential address can be your business or residential address.):

1205  
1206

Number and Street

1207

City

State

Zip Code

1208  
1209  
1210  
1211  
1212  
1213

1 Disclosure of your SSN or ITIN is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 [42 USCA 405(c)(2)(C)] authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure or examination status by a licensing or examination entity that utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN or ITIN, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you, and the registration will not be issued.

1214

**SECTION II: EDUCATION QUALIFICATION**

1215  
1216

**This Psychological Associate application is based upon** (Check education qualification at time of application.):

1217

Master's Degree

School:

1218

Admission to Candidacy for Doctoral Degree

Description of

1219

Degree: (Registrar's letter required with the transcript.)

1220

Doctoral Degree

Date Awarded/Admitted:

1221

**An official qualifying transcript must be mailed from the graduate institution directly to the**

1222

**Board of Psychology (Board). If using your master's/doctoral degree to qualify for**

1223

**registration, the transcript must show the degree awarded date.**

1224

**SECTION III**

1225

**LEGAL NAME OF PRIMARY SUPERVISOR:**

1226

Last

First

M.I.

Jr., Sr., I, II

1227

License Number

Email

Phone Number

1228

**SECTION IV: LOCATION OF SERVICES**

1229

**Location where the psychological associate will be providing psychological services:**

1230

Name of Services Location

1231  
1232 Number and Street

1233 City State Zip Code

1234 **Additional location of services, if applicable, where the psychological associate will be**  
1235 **providing psychological services** (If more than two locations, please use an additional sheet of  
1236 paper.):

1237 Name of Primary Supervisor License Number

1238 Primary Supervisor's Phone Number Primary Supervisor's Email Address

1239 Name of Services Location

1240 Number and Street

1241 City State Zip Code

1242 **Note: You must notify the Board of any change or addition of a primary supervisor or location**  
1243 **where services are being rendered on form Notification to Add or Change Supervisor or Service**  
1244 **Location for a Psychological Associate. Form can be found on Board's website at**  
1245 **[www.psychology.ca.gov](http://www.psychology.ca.gov).**

1246 **SECTION V: PSYCHOLOGICAL ASSOCIATE QUESTIONNAIRE**

1247 **Section V to be completed by the prospective psychological**  
1248 **associate.** Clearly mark the appropriate column ("yes" or "no")  
1249 for each item below.

1250 **YES NO** Are you presently registered, or have you ever been registered or fled an application to be registered, as a  
1251 psychological assistant or psychological associate? **If yes, list name(s) of supervisor(s):**

1252 Are you currently registered, were you previously registered, or have you ever fled an application to register  
1253 to engage in psychological services under section 2909(d) of the Business and Professions Code (registered  
1254 psychologist)?  
1255 **If yes, when?**

1256 Have you ever fled an application for a license as a psychologist with the Board?  
1257 **If yes, when?**

1258 Do you have any proprietary interest in the business of the employer and/or supervisor?

1259 Do you rent, lease, sublease, or lease-purchase ofce space from the employer, supervisor, or any entity for  
1260 purposes of functioning as a psychological associate?

1261		Do you have a familial and/or interpersonal relationship with the employer and/or supervisor?
1262		Have you ever had any license disciplined by a government agency, the United States or its territories,
1263		military court, a foreign government, or other disciplinary body? <i>If yes, please explain. For your</i>
1264		<i>convenience, you may use the License Disciplinary Action Form</i>
1265		<i>(www.psychology.ca.gov/forms_pubs/disciplinary.pdf).</i>
1266		Have you ever been denied a license, registration, certificate, or credential to practice psychology or any
1267		other profession in any state or country? <i>If yes, please explain. For your convenience, you may use the</i>
1268		<i>License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).</i>
1269		Have you ever voluntarily surrendered a license, registration, or credential to practice psychology or any other
1270		profession or occupation in any state or country? <i>If yes, please explain. For your convenience, you may use</i>
1271		<i>the License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).</i>
1272		Have you ever been subject to review and/or action by the ethics committee of any professional
1273		organization in any state or country? <i>If yes, please explain. For your convenience, you may use the</i>
1274		<i>License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).</i>
1275		Are you required to register as a sex offender pursuant to Section 290 of the Penal Code? <i>If yes, please</i>
1276		<i>explain. For your convenience, you may use the License Disciplinary Action Form</i>
1277		<i>(www.psychology.ca.gov/forms_pubs/disciplinary.pdf). Do you currently have any mental condition or</i>
1278		<i>chemical dependency that in any way impairs or limits your ability to practice psychology with safety to the</i>
1279		<i>public? If yes, please explain on a separate sheet of paper.</i>
1280		Are you currently engaged in the illegal use of controlled dangerous substances, or were you so engaged
1281		recently enough so that the use of drugs may have an ongoing impact on your ability to function as a
1282		psychological associate (use of any controlled substance as defined in Division 10 (commencing with
1283		Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent
1284		dangerous to yourself, any other person, or the public, or to an extent that this may prevent you from
1285		performing the work of a psychologist with safety to the public)? <i>If yes, please explain on a separate</i>
1286		<i>sheet of paper.</i>

**Section VI: SUPERVISOR QUESTIONNAIRE**

1287  
 1288 **Section VI to be completed by the respective supervisor.**

1289 Clearly mark the appropriate response (yes, no, or "no") for each question.

YES	NO	
		Have you ever been denied a license, registration, certificate, or credential to practice psychology or any other profession in any state or country? <i>If yes, please explain. For your convenience, you may use the License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).</i>
		Have you had a license, registration, certificate, or credential to practice psychology or any other profession or occupation subjected to discipline by any government agency, the United States or its territories, military court, a foreign government, or other disciplinary body? <i>If yes, please explain. For your convenience, you may use the License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).</i>
		Have you voluntarily surrendered a license, registration, or credential to practice psychology or any other profession or occupation in any state or country? <i>If yes, please explain. For your convenience, you may use the License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).</i>
		Have you ever been subject to review and/or action by the ethics committee of any professional organization in any state or country? <i>If yes, please explain. For your convenience, you may use the License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).</i>
		Have you completed a required six-hour course in supervision within the time frame required by 16 CCR 13800.003?
		Do you own, lease, or lease-purchase office space to the psychological associate?
		Do you have a familial and/or interpersonal relationship with the psychological associate?
		Do you provide a minimum of one hour per week of individual face-to-face supervision to the psychological associate? Will you inform clients that the psychological associate is unlicensed, unregistered, or uncredentialed?

1310 the direction and supervision of the supervisor as an employee, in person or in writing, prior to the  
 1311 rendering of services pursuant to sections 16 CCR 1387.1(g) and 1391.6?  
 1312 Will you be employed by the same work setting as the psychological associate and be available to the  
 1313 psychological associate 100 percent of the time the psychological associate is providing psychological  
 1314 services?

1315 **SECTION VII: ACKNOWLEDGEMENTS**

1316 Section VII to be completed by both the prospective psychological associate and supervisor.

Supervisor's BY PLACING psychological	Psychological Initials Associate's Initials associate	PLEASE READ EACH STATEMENT BELOW AND INDICATE THAT YOU UNDERSTAND YOUR INITIALS IN THE CORRESPONDING BOX. Both supervisor and associate must initial each statement.
1320		I understand that supervisors of psychological associates may not delegate any portion of individual supervision to anyone else. <i>16 CCR 1387(c)(1).</i>
1322		I understand that no psychological associate may bill clients directly for any services rendered or receive payments, monetary or otherwise, directly from clients. <i>Business and Professions Code section 2913 and 16 CCR 1387.1(g).</i>
1325		I understand that the psychological associate shall at all times and under all circumstances identify themselves to clients as a psychological associate of his or her employer or responsible supervisor when engaged in any psychological activity in connection with that employment. <i>16 CCR 1396.4(b).</i>
1329		I understand that every supervisor of a psychological associate shall 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 psychological associate and ensuring the psychological associate complies with the provisions of the Business and Professions Code, the Board's regulations, and the ethical standards established by the American Psychological Association. <i>16 CCR 1391.6(a).</i>
1336		I understand that a psychological associate shall be under the direction and supervision of a licensed psychologist who is employed in the same setting in which the psychological associate is employed. <i>16 CCR 1391.5(a).</i>
1339		I understand that no psychological associate may pay a fee, monetary or otherwise, in consideration for supervision provided. <i>16 CCR 1391.8(a).</i>
1341		I understand that within 30 days after the termination of the employment of a psychological associate, the psychological associate shall notify the Board in writing of such termination. <i>16 CCR 1391.11.</i>
1344		I understand that within 30 days after any change or addition of a primary supervisor or in the location where services are being rendered by a psychological associate, the psychological associate shall notify the Board in writing, indicating the effective date of the change or addition. Failure to comply could result in an enforcement action. <i>16 CCR 1391.11.</i>
1349		I understand that upon a change or addition of primary supervisor, a new supervision agreement is required to be completed with the primary supervisor if I intend to accrue the hours for supervised professional experience toward licensure. <i>16 CCR 1391.11.</i>
1353		I understand that a psychological associate shall not advertise for their services, including on any websites. Any business card of a psychological associate must include their name, the fact that they are a psychological associate, and include the name and license number of the supervisor and the location where services are provided. <i>16 CCR 1396.4(b) and 1397.</i>
1358		I understand that no psychological services may be provided by the psychological associate prior to the approval of this application by the Board. <i>Business and Professions Code section 2913.</i>

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		I understand that registration as a psychological associate shall be limited to a cumulative total of six years as either a psychological assistant or associate. 16 CCR 1391.1(b).
		I understand that the registration of a psychological associate expires one year after date of issuance and that the registration shall be renewed by that date. A psychological associate whose registration has not been renewed shall not function as a psychological associate. Registrations not renewed within 60 days of the expiration date become canceled and a new application must be submitted. I also understand that psychological associates may not practice or accrue hours of supervised professional experience during any period of registration delinquency or supervisor's license delinquency. 16 CCR 1391.12.
		I understand that annual reporting is required for purposes of renewal for this registration. 16 CCR 1391.10.

### NOTICE TO APPLICANT

Effective July 1, 2012, the State Board of Equalization and the Franchise Tax Board may share your taxpayer information with the Board. You are obligated to pay your State tax obligation, and your license may be suspended if the state tax obligation is not paid.

### SECTION VIII: SIGNATURES

*I/We declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.*

Signature of Psychological Associate

Date

Signature of Primary Supervisor

Date

1374  
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#### Collection and Use of Personal Information

The Department of Consumer Affairs and the California Board of Psychology collect the information requested on this form as authorized by Business and Professions Code Sections 325 and 326 and the Information Practices Act.

1379  
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#### Mandatory Submission

Submission of the requested information is mandatory. The Board cannot consider your application for licensure or renewal unless you provide all of the requested information.

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#### Access to Your Information

You may review the records maintained by the California Board of Psychology that contain your personal information, as permitted by the Information Practices Act. See contact information below.

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#### Possible Disclosure of Personal Information

We make every effort to protect the personal information you provide us. However, we may need to share the information you give us with other government agencies. This may include sharing any personal information you gave us.

## NOTIFICATION TO ADD OR CHANGE SUPERVISOR OR SERVICE LOCATION FOR A PSYCHOLOGICAL ASSOCIATE

1390 The information you  
1391 provide may also be disclosed in the following circumstances:

- 1392 • In response to a Public Records Act request, as allowed by the Information Practices Act;
- 1393 • To another government agency as required by state or federal law; or
- 1394 • In response to a court or administrative order, a subpoena, or a search warrant.

### 1395 **Contact Information**

1396 For questions about this notice or access to your records, you may contact the Executive Officer  
1397 of the California

1398 Board of Psychology at 1625 North Market Boulevard, Suite N-215, Sacramento, CA 95834; by  
1399 phone at (866)

1400 503-3221; or by email at [boplicensing@dca.ca.gov](mailto:boplicensing@dca.ca.gov). For questions about the

1401 Department of Consumer Affairs' (Department's) Privacy Policy, you may contact the

1402 Department at 1625 North Market Boulevard, Sacramento, CA 95834; by phone at

1403 (800) 952-5210; or by email at [dca@dca.ca.gov](mailto:dca@dca.ca.gov).



1404

1405 *References to psychological associate refers to registered psychological associates, formerly called psychological*  
1406 *assistants*

### 1407 **INSTRUCTIONS FOR COMPLETING THE APPLICATION:**

- 1408 • Complete this form with your primary supervisor. The primary supervisor must be  
1409 qualified and the application must be fully complete before the Board can review and  
1410 approve this application.
- 1411 • Submit separate notification to add or change for EACH supervisor and location where  
1412 psychological services are being provided.
- 1413 • To add a supervisor, complete Sections I, III, IV, V, and VI.



- To change a supervisor, complete all Sections.
- To remove a supervisor, complete Sections I, II, and VI.
- To add a service location with the same primary supervisor, complete Sections I, II, and VI.
- To change a service location with the same primary supervisor, complete Sections I, II, and VI.
- To add a service location with the same primary supervisor, complete Sections I, II, and VI.
- Mail the completed form with signatures to: California Board of Psychology, 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834.
- Note: If you intend to use the hours for supervised professional experience toward licensure, you must comply with Title 16 California Code of Regulations (CCR) Section 1387 regarding the part of the experience. You must also sign the Supervision Agreement for Supervised Professional Experience available from the Board of Psychology website ([www.psychology.ca.gov/forms\\_pubs/sup\\_agre](http://www.psychology.ca.gov/forms_pubs/sup_agre)).

**SECTION I: SUPERVISOR INFORMATION**

Name of Psychological Associate \_\_\_\_\_ Supervisor \_\_\_\_\_ Phone Number \_\_\_\_\_

**SECTION II: FORMER PRIMARY SUPERVISOR AND SERVICE LOCATION INFORMATION**

Check one, if applicable:  Change Supervisor  Remove Service Location

Name of Primary Supervisor \_\_\_\_\_ License Number \_\_\_\_\_

Primary Supervisor's Email \_\_\_\_\_ Email \_\_\_\_\_

Name of Service Location \_\_\_\_\_

1414 Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

1415 Supervision Period: From \_\_\_\_\_ To \_\_\_\_\_

1416 \_\_\_\_\_

1417 \_\_\_\_\_ T \_\_\_\_\_

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PSB 101 (NEW 2021)  
[Internal Control Number PDE\_21-223 (Revised 10/21)]

[www.psychology.ca.gov](http://www.psychology.ca.gov)  
P (916) 574-7720 / F (916) 574-8672  
1625 North Market Blvd. N-215, Sacramento, CA 95834



1422 \_\_\_\_\_

1423

**SECTION III: NEW PRIMARY SUPERVISOR OR SERVICE LOCATION INFORMATION**

1424

Name of Primary Supervisor \_\_\_\_\_ License Number \_\_\_\_\_

1425

Primary Supervisor's Phone Number \_\_\_\_\_ Email \_\_\_\_\_

1426

Name of Service Location \_\_\_\_\_

1427

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

1428

**SECTION IV: SUPERVISOR QUESTIONNAIRE**

1429

**Section IV to be completed by the prospective supervisor.**

1430

Clearly mark the appropriate column ("yes" or "no") for each item below.

1431

**YES NO** Have you ever been denied a license, registration, certificate, or credential to practice psychology or any other profession in any state or country? *If yes, please explain. You may use the License Disciplinary Action Form ([www.psychology.ca.gov/forms\\_pubs/disciplinary.pdf](http://www.psychology.ca.gov/forms_pubs/disciplinary.pdf)).*

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		Have you had a license, registration, certificate, or credential to practice psychology or any other profession or occupation subjected to discipline by any state or country? <i>If yes, please explain. You may use the License Disciplinary Action Form (<a href="http://www.psychology.ca.gov/forms_pubs/disciplinary.pdf">www.psychology.ca.gov/forms_pubs/disciplinary.pdf</a>).</i>
		Have you voluntarily surrendered a license, registration, certificate, or credential to practice psychology or any other profession or occupation in any state or country? <i>If yes, please explain. You may use the License Disciplinary Action Form (<a href="http://www.psychology.ca.gov/forms_pubs/disciplinary.pdf">www.psychology.ca.gov/forms_pubs/disciplinary.pdf</a>).</i>
		Have you ever been subject to review and/or action by the ethics committee of any professional organization in any state or country? <i>If yes, please explain. You may use the License Disciplinary Action Form (<a href="http://www.psychology.ca.gov/forms_pubs/disciplinary.pdf">www.psychology.ca.gov/forms_pubs/disciplinary.pdf</a>).</i>
		Have you completed the required six-hour course in supervision within the last two years as required by 16 CCR 1387.1(b)?
		Do you rent, lease, sublease, or lease-purchase office space to the psychological associate?
		Do you have a familial and/or interpersonal relationship with the psychological associate?
		Will you provide a minimum of one hour per week of individual face-to-face supervision to the psychological associate? Will you inform clients that the psychological associate is unlicensed, and is under the direction and supervision of the supervisor as an employee, in person or in writing, prior to the rendering of services pursuant to 16 CCR 1387.1(g) and 1391.6?
		Will you be employed by the same work setting as the psychological associate and be available to the psychological associate 100 percent of the time the psychological associate is providing psychological services?

1454

**SECTION V: ACKNOWLEDGEMENTS**

1455

**Section V to be completed by both the prospective psychological associate and supervisor.**

1456

**Supervisor's Psychological Please read each statement below and indicate that you understand by**

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Initials

Associate's **placing your initials in the corresponding box. Both supervisor and Initials psychological associate must initial each statement.**

I understand that supervisors of psychological associates may not delegate any portion of individual supervision to anyone else. *16 CCR 1387(c)(1).*

		I understand that no psychological associate may bill clients directly for any services rendered, or receive payments, monetary or otherwise, directly from clients. <i>Business and Professions Code section 2913 and 16 CCR 1387.1(g).</i>
		I understand that the psychological associate shall at all times and under all circumstances identify themselves to clients as a psychological associate of his or her employer or responsible supervisor when engaged in any psychological activity in connection with that employment. <i>16 CCR 1396.4(b).</i>
		I understand that every supervisor of a psychological associate shall 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 psychological associate and ensuring the psychological associate complies with the provisions of the Business and Professions Code, the Board's regulations, and the ethical standards established by the American Psychological Association. <i>16 CCR 1391.6(a).</i>
		I understand that a psychological associate shall be under the direction and supervision of a licensed psychologist or licensed psychologist who is employed in the same setting in which the psychological associate is employed. <i>16 CCR 1391.5(a).</i>
		I understand that no psychological associate may pay a fee, monetary or otherwise, in consideration for supervision provided. <i>16 CCR 1391.8(a).</i>
		I understand that within 30 days after the termination of the employment of a psychological associate, the psychological associate shall notify the Board in writing of such termination. <i>16 CCR 1391.11.</i>
		I understand that within 30 days after any change or addition of a primary supervisor or in the location where services are being rendered by a psychological associate, the psychological associate shall notify the Board in writing, indicating the effective date of the change or addition. Failure to comply could result in an enforcement action. <i>16 CCR 1391.11.</i>
		I understand that upon a change or addition of primary supervisor, a new supervision agreement is required to be completed with the primary supervisor if I intend to accrue the hours for supervised professional experience toward licensure. <i>16 CCR 1391.11.</i>
		I understand that a psychological associate shall not advertise for their services, including on any websites. Any business card of a psychological associate must include their name, the fact that they are a psychological associate, and include the name and license number of the supervisor and the location where services are provided. <i>16 CCR 1396.4(b) and 1397.</i>
		I understand that no psychological services may be provided by the psychological associate prior to the approval of this application by the Board. <i>Business and Professions Code section 2913.</i>
		I understand that registration as a psychological associate shall be limited to a cumulative total of six years. <i>16 CCR 1391.1(b).</i>
		I understand that the registration of a psychological associate expires one year after date of issuance and that the registration shall be renewed by that date. A psychological associate whose registration has not been renewed shall not function as a psychological associate. Registrations not renewed within 60 days of the expiration date become canceled and a new application must be submitted. I also understand that psychological associates may not practice or accrue hours of supervised professional experience during any period of registration delinquency or supervisor's license delinquency. <i>16 CCR 1391.12.</i>
		I understand that annual reporting is required for purposes of renewal for this registration. <i>16 CCR 1391.10.</i>

SECTION VI: SIGNATURES

1515 We hereby certify that this relationship is that of supervisor/psychological associate as required  
1516 by the Laws and  
1517 Regulations Relating to the Practice of Psychology. We declare under penalty of perjury under  
1518 the laws of the state of California that the information provided on this form is true and correct.  
1519 We further declare that the supervisor of the psychological associate whose signature appears  
1520 below is employed by the same work setting as the psychological associate and available to the  
1521 psychological associate 100 percent of the time the psychological associate is providing  
1522 psychological services. We further declare that the limited psychological functions performed by  
1523 the psychological associate were performed at a level satisfactory to ensure safety to the public.  
1524

1525 Signature of Primary Supervisor Date

1526 Signature of Psychological Associate Date

1527 **Collection and Use of Personal Information**

1528 The Department of Consumer Affairs and the California Board of Psychology collect the  
1529 information requested on this form as authorized by Business and Professions Code Sections  
1530 325 and 326 and the Information Practices Act.

1531 **Mandatory Submission**

1532 Submission of the requested information is mandatory. The Board cannot consider your  
1533 application for licensure or renewal unless you provide all of the requested information.

1534 **Access to Your Information**

1535 You may review the records maintained by the California Board of Psychology that contain your  
1536 personal information, as permitted by the Information Practices Act. See contact information  
1537 below.

1538 **Possible Disclosure of Personal Information**

1539 We make every effort to protect the personal information you provide us. However, we may  
1540 need to share the information you give us with other government agencies. This may include  
1541 sharing any personal information you gave us.

1542 The information you provide may also be disclosed in the following circumstances:

- 1543 • In response to a Public Records Act request, as allowed by the Information Practices Act;  
1544 • To another government agency as required by state or federal law; or  
1545 • In response to a court or administrative order, a subpoena, or a search warrant.

1546 **Contact Information**

1547 For questions about this notice or access to your records, you may contact the Executive Officer  
1548 of the California

1549 Board of Psychology at 1625 North Market Boulevard, Suite N-215, Sacramento, CA 95834; by  
1550 phone at (866)

1551 503-3221; or by email at **boplicensing@dca.ca.gov**. For questions about the  
1552 Department of Consumer Affairs' (Department's) Privacy Policy, you may contact the  
1553 Department at 1625 North Market Boulevard, Sacramento, CA 95834; by phone at  
1554 (800) 952-5210; or by email at **dca@dca.ca.gov**.

1555  
1556  
1557 It was M/(Foo) S/(Tate)/ C to notice the modified text, including incorporated forms PSB  
1558 100, Application for Registration as a Psychological Associate, and PSB 101, Notification  
1559 to Add or Change a Supervisor or Service Location for a Psychological Associate, for a  
1560 15-day public comment period. If, after the 15-day public comment period, no relevant  
1561 timely adverse comments are received, adopt the amendments to Sections 1391.1,  
1562 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, and 1392.1, including the  
1563 incorporated forms, as modified, and authorize the Executive Officer to take all steps  
1564 necessary to resubmit the rulemaking package to the Office of Administrative Law to  
1565 complete the rulemaking process, including making any technical or non-substantive  
1566 changes to the proposed regulations as necessary.

1567  
1568 There was no Board or public comment offered.

1569  
1570 Votes: 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate),  
1571 1 Recusal (Nystrom), 0 Noes

1572  
1573 **Agenda Item 17: Enforcement Committee Report and Consideration of Possible**  
1574 **Action on Committee Recommendations**

- 1575  
1576 a) Business and Professions Code (BPC) sections 2995-2999  
1577 1) BPC section 2995 – Psychological corporation  
1578 2) BPC section 2996 – Violation of unprofessional conduct  
1579 3) BPC section 2996.1 – Conduct of practice  
1580 4) BPC section 2996.2 – Accrual of income to shareholder while disqualified  
1581 prohibited  
1582 5) BPC section 2997 – Shareholders, directors and officers to be licensees  
1583 6) BPC section 2998 – Name  
1584 7) BPC section 2999 – Regulation by committee  
1585

1586 Ms. Monterrubio provided this update which was included in the combined packet on page  
1587 109.  
1588

1589 There was no Board comment

1590

1591 **BUSINESS AND PROFESSIONS CODE - BPC**

1592 **DIVISION 2. HEALING ARTS [500 - 4999.129]**

1593 *(Division 2 enacted by Stats. 1937, Ch. 399.)*

1594

1595 **CHAPTER 6.6. Psychologists [2900 - 2999]**

1596 *(Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.)*

1597

1598

1599 **ARTICLE 9. PSYCHOLOGICAL CORPORATIONS [2995 - 2999]**

1600 *(Article 1 added by Stats. 1980, Ch. 1314.)*

1601

1602

1603 **2995.**

1604 A psychological corporation is a corporation that is authorized to render professional  
1605 services, as defined in Section 13401 of the Corporations Code, so long as that  
1606 corporation and its shareholders, officers, directors, and employees rendering  
1607 professional services who are licensed as psychologists, podiatrists, registered nurses,  
1608 optometrists, marriage and family therapists, licensed professional clinical counselors,  
1609 licensed clinical social workers, chiropractors, acupuncturists, or physicians and  
1610 surgeons, naturopathic doctors, or midwives are in compliance with the Moscone-Knox  
1611 Professional Corporation Act, this article, and all other statutes and regulations now or  
1612 hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs.

1613 *(Amended by Stats. 2018, Ch. 389, Sec. 2. (AB 2296) Effective January 1, 2019.)*

1614 *[February 25, 2020] [12/13/21][11/28/2022]*

1615

1616 **2996.**

1617 It shall constitute unprofessional conduct and a violation of this chapter for any person  
1618 licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in  
1619 or abet the violation of, or conspire to violate, any provision or term of this article, the  
1620 Moscone-Knox Professional Corporation Act, or any regulations duly adopted under  
1621 those laws.

1622 *(Repealed and added by Stats. 1980, Ch. 1314, Sec. 15.)*

1623

1624 **2996.1.**

1625 A psychological corporation shall not do or fail to do any act the doing of which or the  
1626 failure to do which would constitute unprofessional conduct under any statute or  
1627 regulation now or hereafter in effect. In the conduct of its practice, it shall observe and  
1628 be bound by such statutes and regulations to the same extent as a person licensed  
1629 under this chapter.

1630 *(Added by Stats. 1980, Ch. 1314, Sec. 15.)*

1631

1632 **2996.2.**

1633 The income of a psychological corporation attributable to professional services rendered  
1634 while a shareholder is a disqualified person, as defined in Section 13401 of the  
1635 Corporations Code, shall not in any manner accrue to the benefit of such shareholder or  
1636 his or her shares in the psychological corporation.

1637 *(Repealed and added by Stats. 1980, Ch. 1314, Sec. 15.)*

1638

1639 **2997.**

1640 Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each  
1641 shareholder, director and officer of a psychological corporation, except an assistant  
1642 secretary and an assistant treasurer, shall be a licensed person as defined in Section  
1643 13401 of the Corporations Code.

1644 *(Added by Stats. 1980, Ch. 1314, Sec. 15.)*

1645

1646 **2998.**

1647 The name of a psychological corporation and any name or names under which it may  
1648 render professional services shall contain one of the words specified in subdivision (c)  
1649 of Section 2902, and wording or abbreviations denoting corporate existence.

1650 *(Added by Stats. 1980, Ch. 1314, Sec. 15.)*

1651

1652 **2999.**

1653 The board may adopt and enforce regulations to carry out the purposes and objectives  
1654 of this article, including regulations requiring (a) that the bylaws of a psychological  
1655 corporation shall include a provision whereby the capital stock of that corporation owned  
1656 by a disqualified person, as defined in Section 13401 of the Corporations Code, or a  
1657 deceased person, shall be sold to the corporation or to the remaining shareholders of  
1658 that corporation within any time as those regulations may provide, and (b) that a  
1659 psychological corporation shall provide adequate security by insurance or otherwise for  
1660 claims against it by its patients or clients arising out of the rendering of professional  
1661 services.

1662 *(Amended by Stats. 1989, Ch. 888, Sec. 46.)*

1663

1664 It was M/(Harb Sheets)/S(Casuga)/C to accept the proposed changes in and direct to  
1665 staff to seek an author.

1666

1667 There was no public comment offered.

1668

1669 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
1670 Rodgers, Tate), 0 Noes

1671

1672 b) Corporations Code sections 13401-13410

1673

1) Corporations Code section 13401 – Definitions

1674

2) Corporations Code section 13401.3 – “Professional services”

1675

3) Corporations Code section 13401.5 – Licensees as shareholders, officers,  
1676 directors, or employees.

1676

1677

4) Corporations Code section 13402 – Corporation rendering services other  
1678 than pursuant to this part; Conduct of business by corporation not  
1679 professional corporation

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5) Corporations Code section 13403 – General Corporation Law; Applicability

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6) Corporations Code section 13404 – Formation; Certificate of registration

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7) Corporations Code section 13404.5 – Certificate of registration to transact  
1683 intrastate business; Liability of shareholders

1683

- 1684 8) Corporations Code section 13405 – License requirement for persons  
1685 rendering professional services; Employment of nonlicensed personnel  
1686 9) Corporations Code section 13406 – Professional corporations; Stock;  
1687 Financial statements; Voting; Nonprofit law corporations  
1688 10) Corporations Code section 13407 – Transfer of shares; Restriction;  
1689 Purchase by corporation; Suspension or revocation of certificate  
1690 11) Corporations Code section 13408 – Specification of grounds for suspension  
1691 or revocation of certificate  
1692 12) Corporations Code section 13408.5 – Fee splitting, kickbacks, or similar  
1693 practices  
1694 13) Corporations Code section 13409 – Name of corporations; Provisions  
1695 governing  
1696 14) Corporations Code section 13410 – Disciplinary rules and regulations  
1697

1698 Ms. Monterrubio provided this update which was included in the hand carry on page 80.  
1699

1700 There was no Board comment  
1701

1702 **CORPORATIONS CODE - CORP**

1703 *TITLE 1. CORPORATIONS [100 - 14631]*

1704 *( Title 1 enacted by Stats. 1947, Ch. 1038. )*

1705 *DIVISION 3. CORPORATIONS FOR SPECIFIC PURPOSES [12000 - 14631]*

1706 *( Division 3 enacted by Stats. 1947, Ch. 1038. )*  
1707

1708 **PART 4. PROFESSIONAL CORPORATIONS [13400 - 13410]**

1709 *( Part 4 added by Stats. 1968, Ch. 1375. )*  
1710

1711 **13401.**

1712  
1713 As used in this part:

1714 (a) "Professional services" means any type of professional services that may be lawfully  
1715 rendered only pursuant to a license, certification, or registration authorized by the  
1716 Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.

1717 (b) "Professional corporation" means a corporation organized under the General  
1718 Corporation Law or pursuant to subdivision (b) of Section 13406 that is engaged in  
1719 rendering professional services in a single profession, except as otherwise authorized in  
1720 Section 13401.5, pursuant to a certificate of registration issued by the governmental  
1721 agency regulating the profession as herein provided and that in its practice or business  
1722 designates itself as a professional or other corporation as may be required by statute.

1723 However, any professional corporation or foreign professional corporation rendering  
1724 professional services by persons duly licensed by the Medical Board of California or any  
1725 examining committee under the jurisdiction of the board, the California Board of  
1726 Podiatric Medicine, the Osteopathic Medical Board of California, the Dental Board of  
1727 California, the Dental Hygiene Board of California, the California State Board of  
1728 Pharmacy, the California Board of Psychology, the Veterinary Medical Board, the  
1729 California Architects Board, the Court Reporters Board of California, the Board of  
1730 Behavioral Sciences, the Speech-Language Pathology and Audiology Board, the Board  
1731 of Registered Nursing, or the State Board of Optometry shall not be required to obtain a  
1732 certificate of registration in order to render those professional services.



1733 (c) "Foreign professional corporation" means a corporation organized under the laws of  
1734 a state of the United States other than this state that is engaged in a profession of a  
1735 type for which there is authorization in the Business and Professions Code for the  
1736 performance of professional services by a foreign professional corporation.

1737 (d) "Licensed person" means any natural person who is duly licensed under the  
1738 provisions of the Business and Professions Code, the Chiropractic Act, or the  
1739 Osteopathic Act to render the same professional services as are or will be rendered by  
1740 the professional corporation or foreign professional corporation of which he or she is, or  
1741 intends to become, an officer, director, shareholder, or employee.

1742 (e) "Disqualified person" means a licensed person who for any reason becomes legally  
1743 disqualified (temporarily or permanently) to render the professional services that the  
1744 particular professional corporation or foreign professional corporation of which he or she  
1745 is an officer, director, shareholder, or employee is or was rendering.

1746 **13401.3.**

1747 As used in this part, "professional services" also means any type of professional  
1748 services that may be lawfully rendered only pursuant to a license, certification, or  
1749 registration authorized by the Yacht and Ship Brokers Act (Article 2 (commencing with  
1750 Section 700) of Chapter 5 of Division 3 of the Harbors and Navigation Code).

1751

1752 **13401.5.**

1753 Notwithstanding subdivision (d) of Section 13401 and any other provision of law, the  
1754 following licensed persons may be shareholders, officers, directors, or professional  
1755 employees of the professional corporations designated in this section so long as the  
1756 sum of all shares owned by those licensed persons does not exceed 49 percent of the  
1757 total number of shares of the professional corporation so designated herein, and so long  
1758 as the number of those licensed persons owning shares in the professional corporation  
1759 so designated herein does not exceed the number of persons licensed by the  
1760 governmental agency regulating the designated professional corporation. This section  
1761 does not limit employment by a professional corporation designated in this section to  
1762 only those licensed professionals listed under each subdivision. Any person duly  
1763 licensed under Division 2 (commencing with Section 500) of the Business and  
1764 Professions Code, the Chiropractic Act, or the Osteopathic Act may be employed to  
1765 render professional services by a professional corporation designated in this section.

1766 (a) Medical corporation.

1767 (1) Licensed doctors of podiatric medicine.

1768 (2) Licensed psychologists.

1769 (3) Registered nurses.

1770 (4) Licensed optometrists.

1771 (5) Licensed marriage and family therapists.

1772 (6) Licensed clinical social workers.

1773 (7) Licensed physician assistants.

1774 (8) Licensed chiropractors.

1775 (9) Licensed acupuncturists.

1776 (10) Naturopathic doctors.

1777 (11) Licensed professional clinical counselors.

1778 (12) Licensed physical therapists.

1779 (13) Licensed pharmacists.

1780 (14) Licensed midwives.

1781 (b) Podiatric medical corporation.

- 1782 (1) Licensed physicians and surgeons.
- 1783 (2) Licensed psychologists.
- 1784 (3) Registered nurses.
- 1785 (4) Licensed optometrists.
- 1786 (5) Licensed chiropractors.
- 1787 (6) Licensed acupuncturists.
- 1788 (7) Naturopathic doctors.
- 1789 (8) Licensed physical therapists.
- 1790 (c) Psychological corporation.
- 1791 (1) Licensed physicians and surgeons.
- 1792 (2) Licensed doctors of podiatric medicine.
- 1793 (3) Registered nurses.
- 1794 (4) Licensed optometrists.
- 1795 (5) Licensed marriage and family therapists.
- 1796 (6) Licensed clinical social workers.
- 1797 (7) Licensed chiropractors.
- 1798 (8) Licensed acupuncturists.
- 1799 (9) Licensed naturopathic doctors.
- 1800 (10) Licensed professional clinical counselors.
- 1801 (11) Licensed midwives.
- 1802 (d) Speech-language pathology corporation.
- 1803 (1) Licensed audiologists.
- 1804 (e) Audiology corporation.
- 1805 (1) Licensed speech-language pathologists.
- 1806 (f) Nursing corporation.
- 1807 (1) Licensed physicians and surgeons.
- 1808 (2) Licensed doctors of podiatric medicine.
- 1809 (3) Licensed psychologists.
- 1810 (4) Licensed optometrists.
- 1811 (5) Licensed marriage and family therapists.
- 1812 (6) Licensed clinical social workers.
- 1813 (7) Licensed physician assistants.
- 1814 (8) Licensed chiropractors.
- 1815 (9) Licensed acupuncturists.
- 1816 (10) Naturopathic doctors.
- 1817 (11) Licensed professional clinical counselors.
- 1818 (12) Licensed midwives.
- 1819 (g) Marriage and family therapist corporation.
- 1820 (1) Licensed physicians and surgeons.
- 1821 (2) Licensed psychologists.
- 1822 (3) Licensed clinical social workers.
- 1823 (4) Registered nurses.
- 1824 (5) Licensed chiropractors.
- 1825 (6) Licensed acupuncturists.
- 1826 (7) Naturopathic doctors.
- 1827 (8) Licensed professional clinical counselors.
- 1828 (9) Licensed midwives.
- 1829 (h) Licensed clinical social worker corporation.
- 1830 (1) Licensed physicians and surgeons.

- 1831 (2) Licensed psychologists.
- 1832 (3) Licensed marriage and family therapists.
- 1833 (4) Registered nurses.
- 1834 (5) Licensed chiropractors.
- 1835 (6) Licensed acupuncturists.
- 1836 (7) Naturopathic doctors.
- 1837 (8) Licensed professional clinical counselors.
- 1838 (i) Physician assistants corporation.
  - 1839 (1) Licensed physicians and surgeons.
  - 1840 (2) Registered nurses.
  - 1841 (3) Licensed acupuncturists.
  - 1842 (4) Naturopathic doctors.
  - 1843 (5) Licensed midwives.
- 1844 (j) Optometric corporation.
  - 1845 (1) Licensed physicians and surgeons.
  - 1846 (2) Licensed doctors of podiatric medicine.
  - 1847 (3) Licensed psychologists.
  - 1848 (4) Registered nurses.
  - 1849 (5) Licensed chiropractors.
  - 1850 (6) Licensed acupuncturists.
  - 1851 (7) Naturopathic doctors.
- 1852 (k) Chiropractic corporation.
  - 1853 (1) Licensed physicians and surgeons.
  - 1854 (2) Licensed doctors of podiatric medicine.
  - 1855 (3) Licensed psychologists.
  - 1856 (4) Registered nurses.
  - 1857 (5) Licensed optometrists.
  - 1858 (6) Licensed marriage and family therapists.
  - 1859 (7) Licensed clinical social workers.
  - 1860 (8) Licensed acupuncturists.
  - 1861 (9) Naturopathic doctors.
  - 1862 (10) Licensed professional clinical counselors.
  - 1863 (11) Licensed midwives.
- 1864 (l) Acupuncture corporation.
  - 1865 (1) Licensed physicians and surgeons.
  - 1866 (2) Licensed doctors of podiatric medicine.
  - 1867 (3) Licensed psychologists.
  - 1868 (4) Registered nurses.
  - 1869 (5) Licensed optometrists.
  - 1870 (6) Licensed marriage and family therapists.
  - 1871 (7) Licensed clinical social workers.
  - 1872 (8) Licensed physician assistants.
  - 1873 (9) Licensed chiropractors.
  - 1874 (10) Naturopathic doctors.
  - 1875 (11) Licensed professional clinical counselors.
  - 1876 (12) Licensed midwives.
- 1877 (m) Naturopathic doctor corporation.
  - 1878 (1) Licensed physicians and surgeons.
  - 1879 (2) Licensed psychologists.

- 1880 (3) Registered nurses.
- 1881 (4) Licensed physician assistants.
- 1882 (5) Licensed chiropractors.
- 1883 (6) Licensed acupuncturists.
- 1884 (7) Licensed physical therapists.
- 1885 (8) Licensed doctors of podiatric medicine.
- 1886 (9) Licensed marriage and family therapists.
- 1887 (10) Licensed clinical social workers.
- 1888 (11) Licensed optometrists.
- 1889 (12) Licensed professional clinical counselors.
- 1890 (13) Licensed midwives.
- 1891 (n) Dental corporation.
  - 1892 (1) Licensed physicians and surgeons.
  - 1893 (2) Dental assistants.
  - 1894 (3) Registered dental assistants.
  - 1895 (4) Registered dental assistants in extended functions.
  - 1896 (5) Registered dental hygienists.
  - 1897 (6) Registered dental hygienists in extended functions.
  - 1898 (7) Registered dental hygienists in alternative practice.
- 1899 (o) Professional clinical counselor corporation.
  - 1900 (1) Licensed physicians and surgeons.
  - 1901 (2) Licensed psychologists.
  - 1902 (3) Licensed clinical social workers.
  - 1903 (4) Licensed marriage and family therapists.
  - 1904 (5) Registered nurses.
  - 1905 (6) Licensed chiropractors.
  - 1906 (7) Licensed acupuncturists.
  - 1907 (8) Naturopathic doctors.
  - 1908 (9) Licensed midwives.
- 1909 (p) Physical therapy corporation.
  - 1910 (1) Licensed physicians and surgeons.
  - 1911 (2) Licensed doctors of podiatric medicine.
  - 1912 (3) Licensed acupuncturists.
  - 1913 (4) Naturopathic doctors.
  - 1914 (5) Licensed occupational therapists.
  - 1915 (6) Licensed speech-language therapists.
  - 1916 (7) Licensed audiologists.
  - 1917 (8) Registered nurses.
  - 1918 (9) Licensed psychologists.
  - 1919 (10) Licensed physician assistants.
  - 1920 (11) Licensed midwives.
- 1921 (q) Registered dental hygienist in alternative practice corporation.
  - 1922 (1) Registered dental assistants.
  - 1923 (2) Licensed dentists.
  - 1924 (3) Registered dental hygienists.
  - 1925 (4) Registered dental hygienists in extended functions.
- 1926 (r) Licensed midwifery corporation.
  - 1927 (1) Licensed physicians and surgeons.
  - 1928 (2) Licensed psychologists.

- 1929 (3) Registered nurses.
- 1930 (4) Licensed marriage and family therapists.
- 1931 (5) Licensed clinical social workers.
- 1932 (6) Licensed physician assistants.
- 1933 (7) Licensed chiropractors.
- 1934 (8) Licensed acupuncturists.
- 1935 (9) Licensed naturopathic doctors.
- 1936 (10) Licensed professional clinical counselors.
- 1937 (11) Licensed physical therapists.

1938

1939 **13402.**

1940 (a) This part shall not apply to any corporation now in existence or hereafter organized  
1941 which may lawfully render professional services other than pursuant to this part, nor  
1942 shall anything herein contained alter or affect any right or privilege, whether under any  
1943 existing or future provision of the Business and Professions Code or otherwise, in terms  
1944 permitting or not prohibiting performance of professional services through the use of any  
1945 form of corporation permitted by the General Corporation Law.

1946 (b) The conduct of a business in this state by a corporation pursuant to a license or  
1947 registration issued under any state law, except laws relating to taxation, shall not be  
1948 considered to be the conduct of a business as a professional corporation if the business  
1949 is conducted by, and the license or registration is issued to, a corporation which is not a  
1950 professional corporation within the meaning of this part, whether or not a professional  
1951 corporation could conduct the same business, or portions of the same business, as a  
1952 professional corporation.

1953

1954 **13403.**

1955 The provisions of the General Corporation Law shall apply to professional corporations,  
1956 except where such provisions are in conflict with or inconsistent with the provisions of  
1957 this part. A professional corporation which has only one shareholder need have only  
1958 one director who shall be such shareholder and who shall also serve as the president  
1959 and treasurer of the corporation. The other officers of the corporation in such situation  
1960 need not be licensed persons. A professional corporation which has only two  
1961 shareholders need have only two directors who shall be such shareholders. The two  
1962 shareholders between them shall fill the offices of president, vice president, secretary  
1963 and treasurer.

1964 A professional medical corporation may establish in its articles or bylaws the manner in  
1965 which its directors are selected and removed, their powers, duties, and compensation.  
1966 Each term of office may not exceed three years. Notwithstanding the foregoing, the  
1967 articles or bylaws of a professional medical corporation with more than 200  
1968 shareholders may provide that directors who are officers of the corporation or who are  
1969 responsible for the management of all medical services at one or more medical centers  
1970 may have terms of office, as directors, of up to six years; however, no more than 50  
1971 percent of the members of the board, plus one additional member of the board, may  
1972 have six-year terms of office.

1973

1974 **13404.**

1975 A corporation may be formed under the General Corporation Law or pursuant to  
1976 subdivision (b) of Section 13406 for the purposes of qualifying as a professional  
1977 corporation in the manner provided in this part and rendering professional services. The

1978 articles of incorporation of a professional corporation shall contain a specific statement  
1979 that the corporation is a professional corporation within the meaning of this part. Except  
1980 as provided in subdivision (b) of Section 13401, no professional corporation shall render  
1981 professional services in this state without a currently effective certificate of registration  
1982 Misc. issued by the governmental agency regulating the profession in which such  
1983 corporation is or proposes to be engaged, pursuant to the applicable provisions of the  
1984 Business and Professions Code or the Chiropractic Act expressly authorizing such  
1985 professional services to be rendered by a professional corporation.  
1986

1987 **13404.5.**

1988 (a) A foreign professional corporation may qualify as a foreign corporation to transact  
1989 intrastate business in this state in accordance with Chapter 21 (commencing with  
1990 Section 2100) of Division 1. A foreign professional corporation shall be subject to the  
1991 provisions of the General Corporation Law applicable to foreign corporations, except  
1992 where those provisions are in conflict with or inconsistent with the provisions of this part.  
1993 The statement and designation filed by the foreign professional corporation pursuant to  
1994 Section 2105 shall contain a specific statement that the corporation is a foreign  
1995 professional corporation within the meaning of this part.

1996 (b) No foreign professional corporation shall render professional services in this state  
1997 without a currently effective certificate of registration issued by the governmental  
1998 agency regulating the profession in which that corporation proposes to be engaged,  
1999 pursuant to the applicable provisions of the Business and Professions Code expressly  
2000 authorizing those professional services to be rendered by a foreign professional  
2001 corporation.

2002 (c) If the California board, commission, or other agency that prescribes the rules or  
2003 regulations governing a particular profession either now or hereafter requires that the  
2004 shareholders of the professional corporation bear any degree of personal liability for the  
2005 acts of the corporation, either by personal guarantee or in some other form that the  
2006 governing agency prescribes, the shareholders of a foreign corporation that has been  
2007 qualified to do business in this state in the same profession shall, as a condition of  
2008 doing business in this state, be subject, with regard to the rendering of professional  
2009 services by the professional corporation in California, or for California residents, to the  
2010 same degree of personal liability, if any, as is prescribed by the governing agency for  
2011 shareholders of a California professional corporation rendering services in the same  
2012 profession.

2013 (d) Each application by a foreign professional corporation to qualify to do business in  
2014 this state shall contain the following statement: "The shareholders of the undersigned  
2015 foreign professional corporation shall be subject, with regard to the rendering of  
2016 professional services by the professional corporation in California, or for California  
2017 residents, to the same degree of personal liability, if any, in California as is from time to  
2018 time prescribed by the agency governing the profession in this state for shareholders in  
2019 a California professional corporation rendering services in the same profession. This  
2020 application accordingly constitutes a submission to the jurisdiction of the courts of  
2021 California to the same extent, but only to the same extent, as applies to the  
2022 shareholders of a California professional corporation in the same profession. The  
2023 foregoing submission to jurisdiction is a condition of qualification to do business in this  
2024 state."

2025 **13405.**

2027 (a) Subject to the provisions of Section 13404, a professional corporation may lawfully  
2028 render professional services in this state, but only through employees who are licensed  
2029 persons. The corporation may employ persons not so licensed, but such persons shall  
2030 not render any professional services rendered or to be rendered by that corporation in  
2031 this state. A professional corporation may render professional services outside of this  
2032 state, but only through employees who are licensed to render the same professional  
2033 services in the jurisdiction or jurisdictions in which the person practices. Nothing in this  
2034 section is intended to prohibit the rendition of occasional professional services in  
2035 another jurisdiction as an incident to the licensee's primary practice, so long as it is  
2036 permitted by the governing agency that regulates the particular profession in the  
2037 jurisdiction. Nothing in this section is intended to prohibit the rendition of occasional  
2038 professional services in this state as an incident to a professional employee's primary  
2039 practice for a foreign professional corporation qualified to render professional services  
2040 in this state, so long as it is permitted by the governing agency that regulates the  
2041 particular profession in this state.

2042 (b) Subject to Section 13404.5, a foreign professional corporation qualified to render  
2043 professional services in this state may lawfully render professional services in this state,  
2044 but only through employees who are licensed persons, and shall render professional  
2045 services outside of this state only through persons who are licensed to render the same  
2046 professional services in the jurisdiction or jurisdictions in which the person practices.  
2047 The foreign professional corporation may employ persons in this state who are not  
2048 licensed in this state, but those persons shall not render any professional services  
2049 rendered or to be rendered by the corporation in this state.

2050 (c) Nothing in this section or in this part is intended to, or shall, augment, diminish or  
2051 otherwise alter existing provisions of law, statutes or court rules relating to services by a  
2052 California attorney in another jurisdiction, or services by an out-of-state attorney in  
2053 California. These existing provisions, including, but not limited to, admission pro hac  
2054 vice and the taking of depositions in a jurisdiction other than the one in which the  
2055 deposing attorney is admitted to practice, shall remain in full force and effect.

2056

2057 **13406.**

2058 (a) Subject to the provisions of subdivision (b), shares of capital stock in a professional  
2059 corporation may be issued only to a licensed person or to a person who is licensed to  
2060 render the same professional services in the jurisdiction or jurisdictions in which the  
2061 person practices, and any shares issued in violation of this restriction shall be void.  
2062 Unless there is a public offering of securities by a professional corporation or by a  
2063 foreign professional corporation in this state, its financial statements shall be treated by  
2064 the Commissioner of Business Oversight as confidential, except to the extent that such  
2065 statements shall be subject to subpoena in connection with any judicial or administrative  
2066 proceeding, and may be admissible in evidence therein. A shareholder of a professional  
2067 corporation or of a foreign professional corporation qualified to render professional  
2068 services in this state shall not enter into a voting trust, proxy, or any other arrangement  
2069 vesting another person (other than another person who is a shareholder of the same  
2070 corporation) with the authority to exercise the voting power of any or all of the  
2071 shareholder's shares, and any purported voting trust, proxy, or other arrangement shall  
2072 be void.

2073 (b) A professional law corporation may be incorporated as a nonprofit public benefit  
2074 corporation under the Nonprofit Public Benefit Corporation Law under either of the  
2075 following circumstances:

2076 (1) The corporation is a qualified legal services project or a qualified support  
2077 center within the meaning of subdivisions (a) and (b) of Section 6213 of the  
2078 Business and Professions Code.

2079 (2) The professional law corporation otherwise meets all of the requirements and  
2080 complies with all of the provisions of the Nonprofit Public Benefit Corporation  
2081 Law, as well as all of the following requirements:

2082 (A) All of the members of the corporation, if it is a membership  
2083 organization as described in the Nonprofit Corporation Law, are persons  
2084 licensed to practice law in California.

2085 (B) All of the members of the professional law corporation's board of  
2086 directors are persons licensed to practice law in California.

2087 (C) Seventy percent of the clients to whom the corporation provides legal  
2088 services are lower income persons as defined in Section 50079.5 of the  
2089 Health and Safety Code, and to other persons who would not otherwise  
2090 have access to legal services.

2091 (D) The corporation shall not enter into contingency fee contracts with  
2092 clients.

2093 (c) A professional law corporation incorporated as a nonprofit public benefit corporation  
2094 that is a recipient in good standing as defined in subdivision (c) of Section 6213 of the  
2095 Business and Professions Code shall be deemed to have satisfied all of the filing  
2096 requirements of a professional law corporation under Sections 6161.1, 6162, and 6163  
2097 of the Business and Professions Code.

2098

2099 **13407.**

2100 Shares in a professional corporation or a foreign professional corporation qualified to  
2101 render professional services in this state may be transferred only to a licensed person,  
2102 to a shareholder of the same corporation, to a person licensed to practice the same  
2103 profession in the jurisdiction or jurisdictions in which the person practices, or to a  
2104 professional corporation, and any transfer in violation of this restriction shall be void,  
2105 except as provided herein. A professional corporation may purchase its own shares  
2106 without regard to any restrictions provided by law upon the repurchase of shares, if at  
2107 least one share remains issued and outstanding. If a professional corporation or a  
2108 foreign professional corporation qualified to render professional services in this state  
2109 shall fail to acquire all of the shares of a shareholder who is disqualified from rendering  
2110 professional services in this state or of a deceased shareholder who was, on his or her  
2111 date of death, licensed to render professional services in this state, or if such a  
2112 disqualified shareholder or the representative of such a deceased shareholder shall fail  
2113 to transfer said shares to the corporation, to another shareholder of the corporation, to a  
2114 person licensed to practice the same profession in the jurisdiction or jurisdictions in  
2115 which the person practices, or to a licensed person, within 90 days following the date of  
2116 disqualification, or within six months following the date of death of the shareholder, as  
2117 the case may be, then the certificate of registration of the corporation may be  
2118 suspended or revoked by the governmental agency regulating the profession in which  
2119 the corporation is engaged. In the event of such a suspension or revocation, the  
2120 corporation shall cease to render professional services in this state.

2121 Notwithstanding any provision in this part, upon the death or incapacity of a dentist, any  
2122 individual named in subdivision (a) of Section 1625.3 of the Business and Professions  
2123 Code may employ licensed dentists and dental assistants and charge for their  
2124 professional services for a period not to exceed 12 months from the date of death or



2125 incapacity of the dentist. The employment of licensed dentists and dental assistants  
2126 shall not be deemed the practice of dentistry within the meaning of Section 1625 of the  
2127 Business and Professions Code, provided that all of the requirements of Section 1625.4  
2128 of the Business and Professions Code are met. If an individual listed in Section 1625.3  
2129 of the Business and Professions Code is employing licensed persons and dental  
2130 assistants, then the shares of a deceased or incapacitated dentist shall be Misc.  
2131 transferred as provided in this section no later than 12 months from the date of death or  
2132 incapacity of the dentist.

2133

2134 **13408.**

2135 The following shall be grounds for the suspension or revocation of the certificate of  
2136 registration of a professional corporation or a foreign professional corporation qualified  
2137 to render professional services in this state: (a) if all shareholders who are licensed  
2138 persons of such corporation shall at any one time become disqualified persons, or (b) if  
2139 the sole shareholder shall become a disqualified person, or (c) if such corporation shall  
2140 knowingly employ or retain in its employment a disqualified person, or (d) if such  
2141 corporation shall violate any applicable rule or regulation adopted by the governmental  
2142 agency regulating the profession in which such corporation is engaged, or (e) if such  
2143 corporation shall violate any statute applicable to a professional corporation or to a  
2144 foreign professional corporation, or (f) any ground for such suspension or revocation  
2145 specified in the Business and Professions Code relating to the profession in which such  
2146 corporation is engaged. In the event of such suspension or revocation of its certificate of  
2147 registration such corporation shall cease forthwith to render professional services in this  
2148 state.

2149

2150 **13408.5**

2151 A professional corporation shall not be formed so as to cause any violation of law, or  
2152 any applicable rules and regulations, relating to fee splitting, kick-backs, or other similar  
2153 practices by physicians and surgeons or psychologists, including, but not limited to,  
2154 Section 650 or subdivision (e) of Section 2960 of the Business and Professions Code. A  
2155 violation of any such provisions shall be grounds for the suspension or revocation of the  
2156 certificate of registration of the professional corporation. The Commissioner of Business  
2157 Oversight or the Director of the Department of Managed Health Care may refer any  
2158 suspected violation of those provisions to the governmental agency regulating the  
2159 profession in which the corporation is, or proposes to be engaged.

2160

2161 **13409.**

2162 (a) Subject to Section 201, a professional corporation may adopt any name permitted by  
2163 a law expressly applicable to the profession in which the corporation is engaged or by a  
2164 rule or regulation of the governmental agency regulating that profession. The Secretary  
2165 of State may require proof by affidavit or otherwise establishing that the name of the  
2166 professional corporation complies with the requirements of this section and of the law  
2167 governing the profession in which that professional corporation is engaged. The  
2168 statements of fact in those affidavits may be accepted by the Secretary of State as  
2169 sufficient proof of the facts.

2170 (b) Subject to Section 201, a foreign professional corporation qualified to render  
2171 professional services in this state may transact intrastate business in this state by any  
2172 name permitted by a law expressly applicable to the profession in which the corporation  
2173 is engaged, or by a rule or regulation of the governmental agency regulating the

2174 rendering of professional services in this state by the corporation. The Secretary of  
2175 State may require proof by affidavit or otherwise establishing that the name of the  
2176 foreign professional corporation qualified to render professional services in this state  
2177 complies with the requirements of this section and of the law governing the profession in  
2178 which the foreign professional corporation qualified to render professional services in  
2179 this state proposes to engage in this state. The statements of fact in those affidavits  
2180 may be accepted by the Secretary of State as sufficient proof of the facts.

2181  
2182 **13410.**

2183 (a) A professional corporation or a foreign professional corporation qualified to render  
2184 professional services in this state shall be subject to the applicable rules and regulations  
2185 adopted by, and all the disciplinary provisions of the Business and Professions Code  
2186 expressly governing the practice of the profession in this state, and to the powers of, the  
2187 governmental agency regulating the profession in which such corporation is engaged.  
2188 Nothing in this part shall affect or impair the disciplinary powers of any such  
2189 governmental agency over licensed persons or any law, rule or regulation pertaining to  
2190 the standards for professional conduct of licensed persons or to the professional  
2191 relationship between any licensed person furnishing professional services and the  
2192 person receiving such services.

2193 (b) With respect to any foreign professional corporation qualified to render professional  
2194 services in this state, each such governmental agency shall adopt rules, regulations,  
2195 and orders as appropriate to restrict or prohibit any disqualified person from doing any  
2196 of the following:

- 2197 (1) Being a shareholder, director, officer, or employee of the corporation.  
2198 (2) Rendering services in any profession in which he or she is a disqualified  
2199 person.  
2200 (3) Participating in the management of the corporation.  
2201 (4) Sharing in the income of the corporation.

2202  
2203  
2204 It was M/(Foo)/S(Tate)/C to approve the Committee's recommended changes to  
2205 Corporations Code section 13401, 13401.5 C, Subsection 9 and direct to staff to seek an  
2206 author for the proposed changes for inclusion in singular or omnibus legislation.

2207  
2208 Public comment

2209  
2210 Dr. Elizabeth Winkelman, CPA, asked whether there was currently an obligation to  
2211 register a corporation with the Board.

2212  
2213 Ms. Marks stated that there was not.

2214  
2215 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
2216 Rodgers, Tate), 0 Noes

- 2217  
2218 c) 16 CCR sections 1397.35-1397.40  
2219 1) 16 CCR section 1397.35 – Requirements for Professional Corporations  
2220 2) 16 CCR section 1397.37 – Shares: Ownership and Transfer  
2221 3) 16 CCR section 1397.39 – Corporate Activities  
2222 4) 16 CCR section 1397.40 – Trusts

2223  
2224 Ms. Monterrubio provided this update which was included in the hand carry on page 97.  
2225

2226 **CALIFORNIA CODE OF REGULATIONS**

2227 *TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS*

2228 DIVISION 13.1. BOARD OF PSYCHOLOGY

2229 ARTICLE 8. RULES OF PROFESSIONAL CONDUCT [1397.35 - 1397.40]  
2230

2231 **1397.35. Requirements for Professional Corporations.**

2232 A professional corporation shall comply with the following provisions:

2233 (a) The corporation is organized and exists pursuant to the general corporation law and  
2234 is a professional corporation within the meaning of the Moscone-Knox Professional  
2235 Corporation Act (Part 4, Division 3, Title 1 of the Corporations Code).

2236 (b) Each shareholder, director and officer (except as provided in Section 13403 of the  
2237 Corporations Code and Section 2997 of the Code) holds a valid psychology license;  
2238 provided that, a licensed physician and surgeon, podiatrist, marriage, and family, ~~and~~  
2239 ~~child counselor~~ therapist, licensed clinical social worker, chiropractor, optometrist, ~~or~~  
2240 registered nurse, acupuncturist, naturopathic doctor, licensed professional clinical  
2241 counselor, or licensed midwife may be a shareholder, director or officer of a psychology  
2242 corporation so long as such licensees own no more than 49% of the total shares issued  
2243 by the psychology corporation and the number of licensed physician and surgeons,  
2244 podiatrists, marriage, and family, ~~and child counselors~~ therapists, licensed clinical social  
2245 workers, chiropractors, optometrists, ~~or~~ registered nurses, acupuncturists, naturopathic  
2246 doctors, licensed professional clinical counselors, or licensed midwives owning shares  
2247 in the psychology corporation does not exceed the number of psychologists owning  
2248 shares in such a corporation. A psychologist may be a shareholder in more than one  
2249 psychology corporation.

2250 ~~(c)~~ Each professional employee of the applicant who will practice psychology, podiatry,  
2251 medicine, marriage, and family and child counseling therapy, clinical social work,  
2252 chiropractic, optometry or professional nursing, whether or not a shareholder, director or  
2253 officer, holds a valid license.  
2254

2255 **1397.37. Shares: Ownership and Transfer.**

2256 (a) Where there are two or more shareholders in a psychology corporation and one of  
2257 the shareholders:

2258 (1) Dies; or

2259 (2) Becomes a disqualified person as defined in Section 13401(d) of the Corporations  
2260 Code, ~~his or her~~ their shares shall be sold and transferred to the corporation, its  
2261 shareholders or other eligible licensed persons on such terms as are agreed upon.  
2262 Such sale or transfer shall not be later than six (6) months after any such death and  
2263 ninety (90) days after the shareholder becomes a disqualified person. The requirements  
2264 of this subsection shall be set forth in the psychology corporation's articles of  
2265 incorporation or bylaws.

2266 (b) A corporation and its shareholders may, but need not, agree that shares sold to it by  
2267 a person who becomes a disqualified person may be resold to such person if and when  
2268 ~~he or she~~ they again becomes an eligible shareholder.

2269 (c) The share certificates of a psychology corporation shall contain an appropriate  
2270 legend setting forth the restrictions of subsection (a).

2271 (d) Nothing in these regulations shall be construed to prohibit a psychology corporation  
2272 from owning shares in a nonprofessional corporation.

2273

2274 **1397.39. Corporate Activities.**

2275 (a) A psychology corporation may perform any act authorized in its articles of  
2276 incorporation or bylaws so long as that act is not in conflict with or prohibited by these  
2277 rules, the Psychology Licensing Law, the Medical Practice Act, the Optometry Law, **or**  
2278 the Nursing Practice Act or the regulations adopted pursuant thereto.

2279 (b) A psychology corporation may enter into partnership agreements with other  
2280 psychologists practicing individually or in a group or with other psychology corporations.

2281

2282 **1397.40. Trusts.**

2283 The restrictions on the ownership of the shares of psychology corporations shall apply  
2284 to both the legal and equitable title to such shares.

2285

2286

2287 It was M/(Phillips)/S(Foo)/C the Board approve for noticing the proposed regulatory text  
2288 to amend Title 16, California Code of Regulations, Section 1397.35, regarding  
2289 Requirements for Professional Corporations once legislative updates are made to the  
2290 Corporation Code and to Business and Professions Code as directed in Agenda Item  
2291 17(a) and (b). Direct staff to submit the text and related documents to the Director of the  
2292 Department of Consumer Affairs and the Business, Consumer Services, and Housing  
2293 Agency for review and, upon approval, authorize the Executive Officer to take all steps  
2294 necessary to initiate the rulemaking process, make any non-substantive or technical  
2295 changes to the package, and set the matter for a hearing only if requested. If no  
2296 comments requiring Board response are received during the 45-day public comment  
2297 period and no hearing is requested, adopt the proposed text of Section 1397.35 as  
2298 noticed and authorize the Executive Officer to take all necessary steps to complete the  
2299 rulemaking.

2300

2301 Discussion ensued including language modifiers that had been made at different points  
2302 and the distance in the future that the rulemaking process would start. It was also  
2303 discussed that there would be opportunity to make changes with opportunities for public  
2304 comment.

2305

2306 There was no public comment offered.

2307

2308 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
2309 Rodgers, Tate), 0 Noes

2310

2311 d) Probation Overview

2312 1) 16 CCR section 1395.2 – Disciplinary Guidelines and Uniform Standards  
2313 Related to Substance-Abusing Licensees: Review and Consider Draft  
2314 Language Clarifying Interpretation of Duration of Weekly Psychotherapy  
2315 Probation Condition

2316

2317 Mr. Lavarello provided this presentation.

2318

2319 Discussion ensued on the number of probationers that completed probation successfully  
2320 and how many stop practicing.

2321  
2322 Ms. Monterrubio provided context to the process of probation and general information  
2323 about license surrender and revocation. She stated that most probationers complete  
2324 probation successfully and gave context on tolled probation, historically.

2325  
2326 Mr. Foo asked for context on types of substance tests that probationers may be subject  
2327 to.

2328  
2329 Discussion ensued on testing. Ms. Sorrick asked for a vendor for testing to come to a two-  
2330 day Board meeting to present on testing.

2331  
2332 Discussion ensued on what constituted a therapeutic hour due to a question that had  
2333 come up in an Enforcement Committee meeting in relation to the requirement that a  
2334 probationer attend one-hour therapy sessions. Board members determined 45-50  
2335 minutes meets the standard.

2336  
2337 Heather Hoganson commented that the Board had looked at the disciplinary guidelines a  
2338 number of times and made some suggested language changes to the model language  
2339 paragraph. She stated that an addition could be made to direct staff to further amend the  
2340 paragraph to specify with a parenthetical that for the purposes of the section, a therapeutic  
2341 hour equals a minimum of 45 minutes to allow for clarity in the decision language.

2342  
2343 Ms. Sorrick recommended the Board codify to add the suggested parenthetical to  
2344 regulatory package.

2345  
2346 M/(Phillips)/S(Casuga)/C to direct staff to amend Condition 6 of the Optional Terms and  
2347 Conditions in the Board's Disciplinary Guidelines as revised April 2015, and incorporated  
2348 in 16 CCR 1395.2, to specify that a therapeutic hour equals a minimum of 45 minutes.

2349  
2350 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
2351 Rodgers, Tate), 0 Noes

2352  
2353 **Agenda Item 18: Review and Propose Edits to Board Publication, "For Your Peace**  
2354 **of Mind – A Consumer's Guide to Psychological Services"**

2355  
2356 Mr. Burke presented this item.

2357  
2358 Minor edits were made and Drs. Casuga, Harb Sheets and Phillips provided their edits  
2359 which were recorded by Mr. Gage.

2360  
2361 Dr. Winkelman, CPA, offered a small edit, which was made.

2362  
2363 It was M/(Harb Sheets)/S(Rodgers)/C to accept the document as edited.

2364  
2365 There was no Board or public comment offered.

2366  
2367 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,

2368 Rodgers, Tate), 0 Noes

2369

2370

2371 **Agenda Item 19: Review and Propose Edits to Draft Survey Questions to Assess**  
2372 **Barriers to Telehealth**

2373

2374 Mr. Burke presented this item.

2375

2376 Minor edits were made which were captured by Mr. Gage.

2377

2378 It was M/(Foo)/S(Casuga) to approve the attached document with edits and delegate to  
2379 staff the ability to make technical and non-substantive changes.

2380

2381 There was no further board or public comment offered.

2382

2383 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,  
2384 Rodgers, Tate), 0 Noes

2385

2386 **Agenda Item 20: Recommendations for Agenda Items for Future Board Meetings.**

2387

2388 Dr. Tate introduced this item.

2389

2390 Discussion ensued regarding the potential for a presentation from the Department of  
2391 Health Care Access and Information which was noted for a future agenda.

2392

2393 **ADJOURNMENT**

2394

2395 The meeting adjourned at 4:35 p.m.

2396

2397

## MEMORANDUM

<b>DATE</b>	May 12, 2023
<b>TO</b>	Board of Psychology
<b>FROM</b>	Sarah Proteau Central Services Technician
<b>SUBJECT</b>	Agenda Item # 4 – Discussion and Possible Approval of the Board Meeting Minutes: February 2-3, 2023

**Background:**

Attached are the draft minutes of the February 2-3, 2023, Board Meeting.

**Action Requested:**

Review and approve the minutes of the February 2-3, 2023, Board Meeting.



# ASPPB

Association of State and  
Provincial Psychology Boards

Supporting member jurisdictions in fulfilling their responsibility of public protection

## Considerations for Creating a California Skills Examination for Psychologists

- **OPEC independent evaluation and confirmation of quality of the EPPP (Part 2-Skills)**
- **Potential negative impact on CA Psychologists if using a California Skills Examination**
  - CA won't be able to use the EPPP (Part 1-Knowledge) as of January 1, 2026
  - Mobility (i.e., unable to get license in other States)
  - Portability (e.g., unable to get temporary licensure in other States)
- **CA Active Participation in the Development and Quality Assurance of the EPPP, both Part 1 and Part 2**

Exam Activity	Total #/% of CA Members in Group
JTA Task Force	2 out of 16 (13%)
JTA Survey Participants	EPPP 1 – 708 out of 3,274 (22%) EPPP 2 – 580 out of 2,736 (21%)
Item Development Committee – EPPP1	2 out of 9 (22%)
Exam Committee – EPPP1	1 out of 9 (11%)
Item Writers – EPPP1	5 out of 36 (14%)
Item Development Committee – EPPP2	1 out of 14 (7%)
Exam Committee – EPPP2	2 out of 9 (22%)
Item Writers – EPPP2	10 out of 46 (22%)
Item Review Committee for both exams	2 out of 9 (22%)
Standard Setting	EPPP1 - 1 out of 12 (8%) EPPP2 - 5 out of 12 (42% licensed in CA)

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# ASPPB

Association of State and  
Provincial Psychology Boards

Supporting member jurisdictions in fulfilling their responsibility of public protection

- **Estimated Cost and Time Needed for New Examination Development and Administration**

Major Examination Activity	Estimated Cost	Estimated Time
Job Task Analysis for Content Specification	\$50,000	One Year
Item writing, review, revision, pretesting, exam form construction	\$150,000	Two years
Scoring and statistical analysis of exam and items including fairness and bias prevention review	\$50,000	6 months-One year for setting up and initial analysis then perform continuously with exam development and administrations
Establish a defensible performance cut score through standard setting procedure and apply the standard to multiple forms after equating difficulty across forms	\$30,000	After collecting 3-6 month administration results; 3 months for setting and validating the standard
Validation and other support, continuous quality improvement	\$100,000	Ongoing
Contract with Item Banking Vendor, Registration and Score Reporting Vendor and Examination Administration Vendor,	\$150,000 for setting up; \$50,000 for maintenance; \$100/candidate sitting fee	Ongoing

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## MEMORANDUM

<b>DATE</b>	May 19, 2023
<b>TO</b>	Board Meeting
<b>FROM</b>	Lavinia Snyder Examination Coordinator
<b>SUBJECT</b>	Agenda # 18. Examination for Professional Practice in Psychology (EPPP) Ad Hoc Committee Report and Consideration of Possible Action on Committee Recommendations (Casuga – Chairperson, Foo, Harb Sheets)

The EPPP Ad Hoc Committee met on April 28, 2023, to discuss the EPPP part 2 (skills exam). A historical overview of the EPPP part 2 was provided by Ms. Lavinia Snyder. Ms. Antonette Sorrick reported on the agenda pertaining to the discussion and possible approval of the EPPP part 2. Implementation of the EPPP part 2 would mean statutory and regulatory changes are necessary to continue to conduct business and license portability remains. If the Board decides not to implement the EPPP part 2, this will require the creation of California's own practice exam which would cost the Board an estimated \$200,940. This option would also eliminate license portability for California licensees.

**Committee Recommendation:** EPPP Ad Hoc Committee recommends to the Board the following:

- 1) To adopt the two-part EPPP exam for licensure for the State of California effective January 1, 2026
- 2) To have staff conduct an analysis of developing a California practice exam to be reported at the Board's Q3 2024 meeting.
- 3) Direct the executive officer to continue to work with ASPPB and communicate any barriers to licensure concerns from the Board.

The Committee also reviewed the proposed statutory and regulatory language that would enable Board staff to implement the two-part EPPP exam, if the Board decides to move forward with the enhance EPPP, effective January 1, 2026. Attachment C of this packet contains those proposed changes.

For informational purposes, included are some data requested at the meeting:

1) Information regarding other DCA health Boards and their exam requirements.

DCA Health Boards Exam Requirements					
Health Board	License Type	National Exam	CA Practice Exam	CA Laws and Ethics	Comments
California Board of Psychology	Psychologist	x		x	
California Board of Naturopathic Medicine	Naturopathic doctors	x			
Medical Board of California	Physician and Surgeons	x			
Osteopathic Medical Board of California	Physicians and Surgeons	x			Applicants must contact the National Board of Osteopathic Medical Examiners, Inc. (NBOME) to request that a certified copy of their COMLEX-USA exam scores (Parts I-III) be sent directly to the Board
California Board of Registered Nursing	Nurses	x			According to BRN's website, Applicants must take the National Council Licensure Examination (NCLEX-RN®) if they have never taken and passed the examination or been licensed as a registered nurse in another state or U.S. territory. All applicants must have completed an educational program meeting all California requirements. If you are lacking any educational requirements, you must successfully complete an approved course prior to taking the examination.
California State Board of Pharmacy	Pharmacist	x	x	x	State exam covers both CA practice and Laws and Ethics because pharmacist authorities in California go beyond much of the rest of the nation. It also encompasses practice standards as well.
California Acupuncture Board	Accupunturist		x		
Board of Behavioral Sciences	Marriage and therapist		x	x	Considering moving to National exam.
	Clinical Social Worker	x		x	
	Professional Clinical Counselors	x		x	
	Educational Psychologist		x		
Dental Board of California	Dentist	x		x	
Board of Chiropractic Examiners	Chiropractors			x	

2) The number of active CA licensees with out-of-state addresses that may or may not have sought licensure in another state.

Number of Active Licensees as of 5/2/2023	20,088
Number of Active Licensees with addresses from out of state	1,316

The number of license verification requests provides the number of CA licensees interested in applying to another jurisdiction in the past three fiscal years. Approval of the request however does not confirm licensure in another State.

License Verification Requests	Year 2020 to 2022
Number of requests initiated	3085
Number of Approved	2730
*Number of Unprocessed	355

\*The number of unprocessed are requests received without payment. Unpaid requests expire after 3 months.

- 3) Below is the Licensing Population report from the February 2023 Board meeting. This report contains the current number of active psychologists and the number of enforcement cases. The number of enforcement cases is at 2.67% less than 3% out of the total active licensee population. Is this percentage a high enough number to implement a secondary exam?



STATE DEPARTMENT OF CONSUMER AFFAIRS  
BREEZE SYSTEM



LICENSING POPULATION REPORT  
BOARD OF PSYCHOLOGY  
AS OF 1/11/2023

License Type	License Status						Enforcement			Total
	Current	Inactive	Delinquent	Cancelled	Retired	Deceased	Surrendered	Revoked	Revoked, Stayed, Probation	
Psychologist	20,010	2,497	1,837	7,366	11	1,067	261	162	113	33,324
Psychological Associate	1,703	0	60	23,416	0	8	13	8	18	25,226
<b>Total</b>	<b>21,713</b>	<b>2,497</b>	<b>1,897</b>	<b>30,782</b>	<b>11</b>	<b>1,075</b>	<b>274</b>	<b>170</b>	<b>131</b>	<b>58,550</b>

Attachments:

- Overview of the History of the EPPP – Part 2 (Skills) Exam
- Discussion and Possible Approval of the EPPP – Part 2 (Skills) Exam Effective January 1, 2026
- Discussion and Possible Action Regarding Proposed Statutory and Regulatory Changes Required to Implement EPPP – Part 2 (Skills) Exam Effective January 1, 2026

1 DEPARTMENT OF CONSUMER AFFAIRS

2 Title 16. BOARD OF PSYCHOLOGY

3  
4 PROPOSED REGULATORY LANGUAGE

5 Inactive Status of Psychological Associate Registration

6  
7  
8 **Legend:** Added text is indicated with an underline.  
9 Deleted text is indicated by ~~strikeout~~

10  
11  
12 **Adopt Section 1391.13 of Article 5.1 of Division 13.1 of Title 16 of the California**  
13 **Code of Regulations to read:**

14  
15 **§1391.13. Inactive Status of Psychological Associate Registration.**

16  
17 (a) A psychological associate holding a valid registration may request that the Board  
18 place their registration on inactive status. A request for inactive status shall result in all  
19 primary supervisors, as defined in section 1387.1, associated with the registration being  
20 disassociated.

21  
22 (b) A psychological associate registration shall be placed on inactive status if the  
23 psychological associate does not have a primary supervisor.

24  
25 (c) A psychological associate registration on inactive status shall retain the same annual  
26 renewal date, and to remain valid, shall be renewed annually pursuant to section  
27 1391.12.

28  
29 (d) A psychological associate shall not provide psychological services while their  
30 psychological associate registration is on inactive status.

31  
32 (e) Time periods during which a psychological associate registration is on inactive  
33 status shall not apply toward the limitation of registration period set forth in section  
34 1391.1(b). Accrual of supervised professional experience shall occur within the time  
35 limitations set forth in section 1387(a).

36  
37 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.  
38 Reference: Sections 2913 and 2914, Business and Professions Code.

42 **Adopt Section 1391.14 of Article 5.1 of Division 13.1 of Title 16 of the California**  
43 **Code of Regulations to read:**

44

45 **§1391.14. Reactivating A Psychological Associate Registration.**

46

47 A psychological associate registration that has been placed on inactive status pursuant  
48 to section 1391.13 will be returned to active status upon approval by the Board of a  
49 notification to add a primary supervisor pursuant to section 1391.11 (a).

50

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

52 Reference: Section 2913, Business and Professions Code.

1 DEPARTMENT OF CONSUMER AFFAIRS  
2 BOARD OF PSYCHOLOGY  
3

4 PROPOSED REGULATORY LANGUAGE REGARDING  
5 DISCIPLINARY GUIDELINES

6 Legend: Added text is indicated with an underline.  
7 Deleted text is indicated by ~~strikeout~~.  
8

9 Amend section 1395.2 of Article 7 of Division 13.1 of Title 16 of the California  
10 Code of Regulations to read as follows:

11 § 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing  
12 Licensees.

13 (a) In reaching a decision on a disciplinary action under the administrative adjudication  
14 provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the  
15 Board of Psychology shall consider and apply the “Disciplinary Guidelines, Model Disciplinary  
16 Orders, and Uniform Standards Related to Substance Abusing Licensees (4/15)[Amended (Insert  
17 Date Board approves language here)],” which is hereby incorporated by reference.

18 (b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee  
19 shall be presumed to be a substance-abusing licensee for purposes of section 315 of the Code. If  
20 the licensee does not rebut that presumption, in addition to any and all other relevant terms and  
21 conditions contained in the Disciplinary Guidelines, the terms and conditions that incorporate the  
22 Uniform Standards Related to Substance Abusing Licensees shall apply as written and be used in  
23 the order placing the license on probation.

24 (c) Deviation from the Disciplinary Guidelines, including the standard terms of probation, is  
25 appropriate where the Board of Psychology in its sole discretion determines that the facts of the  
26 particular case warrant such a deviation; for example: the presence of mitigating or aggravating  
27 factors; the age of the case; or evidentiary issues.

28  
29 NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 315,  
30 315.2, 315.4, 2936, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3,  
31 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions Code; and Section 11425.50(e),  
32 Government Code.

33

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**STATE OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**BOARD OF PSYCHOLOGY**



**DISCIPLINARY GUIDELINES, MODEL**  
**DISCIPLINARY ORDERS, AND**  
**UNIFORM STANDARDS RELATED TO**  
**SUBSTANCE-ABUSING LICENSEES**

**ADOPTED 11/92 - EFFECTIVE 1/1/93 –**  
**AMENDED 7/1/96, AMENDED 4/1/99, AMENDED 9/1/02,**  
**AMENDED 2/07, AMENDED 4/15, AMENDED (insert same date listed in 1395.2 here and**  
**delete parentheses)**

**1625 North Market Blvd., Suite N-215**  
**Sacramento, CA 95834**  
**Phone: (916) 574-7220 Fax: (916) 574-8671**  
**[www.psychology.ca.gov](http://www.psychology.ca.gov)**



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105

106

107

108 **DISCIPLINARY GUIDELINES, MODEL DISCIPLINARY ORDERS, AND UNIFORM**  
109 **STANDARDS RELATED TO SUBSTANCE-ABUSING LICENSEES**

110  
111

112 **Article 7. Standards Related to Denial, Discipline, and Reinstatement of Licenses**

113  
114

115 **§ 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing**  
116 **Licensees.**

117 (a) In reaching a decision on a disciplinary action under the administrative adjudication  
118 provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the  
119 Board of Psychology shall consider and apply the “Disciplinary Guidelines, Model Disciplinary  
120 Orders, and Uniform Standards Related to Substance-Abusing Licensees (4/15)[Amended (insert  
121 same date as listed in 1395.2 here)],” which is hereby incorporated by reference.

122 (b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee  
123 shall be presumed to be a substance-abusing licensee for purposes of section 315 of the Code. If  
124 the licensee does not rebut that presumption, in addition to any and all other relevant terms and  
125 conditions contained in the Disciplinary Guidelines, the terms and conditions that incorporate the  
126 Uniform Standards Related to Substance Abusing Licensees shall apply as written and be used in  
127 the order placing the license on probation.

128 (c) Deviation from the Disciplinary Guidelines, including the standard terms of probation, is  
129 appropriate where the Board of Psychology in its sole discretion determines that the facts of the  
130 particular case warrant such a deviation; for example: the presence of mitigating or aggravating  
131 factors; the age of the case; or evidentiary issues.

132

133 NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 315,  
134 315.2, 315.4, 2936, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3,  
135 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions Code; and Section 11425.50(e),  
136 Government Code.

137  
138

139 **I. INTRODUCTION**

140  
141 The Board of Psychology of the California Department of Consumer Affairs (hereinafter “the  
142 Board”) is a ~~consumer protection~~ regulatory agency with the priority of responsible for  
143 protecting consumers of psychological services from unsafe, incompetent, or negligent  
144 practitioners, in exercising its licensing, regulatory, and disciplinary functions. By statute,  
145 protection of the public is the Board’s highest priority in exercising its licensing, regulatory, and  
146 disciplinary functions. In keeping with its statutory mandate, to this particularly vulnerable  
147 population, the Board has adopted the following recommended guidelines for disciplinary orders  
148 and conditions of probation for violations of the Psychology Licensing Law (Business and  
149 Professions Code (Code) section 2900 et seq.) and the Psychology Regulations (Title 16 of the  
150 California Code of Regulations (16 CCR) section 1380 et seq.). This document, designed for use  
151 by administrative law judges, attorneys, psychologists, ~~registered psychologists,~~ registered  
152 psychological assistants associates, registered psychological testing technicians, others involved  
153 in the disciplinary process, and ultimately the Board, may be revised from time to time.

154  
155 For purposes of this document, in addition to licensure as a psychologist, the term “license”  
156 includes a registered psychological assistant associate registration and ~~registered psychologist~~  
157 psychological testing technician registration. The term “designee” refers to the Executive  
158 Officer, Assistant Executive Officer, Enforcement Program Manager, and Probation Monitor, of  
159 the Board of Psychology. The terms and conditions of probation are divided into two general  
160 categories:

- 161
- 162 (1) Standard Terms and Conditions are those conditions of probation ~~which~~ that will
  - 163 generally appear in all cases involving probation as a ~~standard term and condition;~~ and
  - 164 (2) Optional Terms and Conditions are those conditions that address the specific
  - 165 circumstances of the case and require discretion to be exercised depending on the nature
  - 166 and circumstances of a particular case.

167  
168 The Board of Psychology’s Uniform Standards Related to Substance-Abusing Licensees, which  
169 are derived from the Department of Consumer Affairs’ Substance Abuse Coordination  
170 Committee’s “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees  
171 (4/11March 2019)” pursuant to section 315 of the Code, describe those terms or conditions that  
172 shall be applied to a substance-abusing licensee, and are incorporated into the terms and  
173 conditions of probation. These standards and the rationale therefore appear in the optional terms  
174 and conditions of probation and are fully set forth in section VI of these guidelines.

175  
176 The Board recognizes that an individual case may necessitate a departure from these guidelines  
177 for disciplinary orders. However, in such a case, the mitigating or aggravating circumstances  
178 must be detailed in the “Finding of Fact,” which is in every Proposed Decision, so that the  
179 circumstances can be better understood and evaluated by the Board before final action is taken.

180  
181 If at the time of hearing, the Administrative Law Judge finds that ~~the~~ respondent, for any reason,  
182 is not capable of safe practice, the Board expects outright revocation or denial of the license.  
183 This is statutorily particularly required true in any case of patient client sexual contact abuse with

184 the client. In less egregious cases, a stayed revocation with probation pursuant to the attached  
185 Penalty Disciplinary Guidelines would be appropriate.

186 **II. DISCIPLINARY GUIDELINES**

187  
188 **A. GENERAL CONSIDERATIONS**

189  
190 ~~Factors to be considered~~– In determining whether revocation, suspension, or probation is to be  
191 imposed in a given case, ~~factors such as the following should be considered~~the Board must  
192 consider the following:

193  
194 **Substantial Relationship Criteria** set forth in 16 CCR section 1394:

- 195
- 196 1. ~~Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
- 197 2. ~~Actual or potential harm to any consumer, client, or the public.~~
- 198 3. ~~Prior record of discipline or citations.~~
- 199 4. ~~Number and/or variety of current violations.~~
- 200 5. ~~Mitigation and aggravation evidence.~~
- 201 6. ~~Rehabilitation evidence.~~
- 202 7. ~~In the case of a criminal conviction, compliance with terms of sentence and/or court~~
- 203 ~~ordered probation.~~
- 204 8. ~~Overall criminal record.~~
- 205 9. ~~Time passed since the act(s) or offense(s) occurred.~~
- 206 10. ~~Whether or not the respondent cooperated with the Board's investigation, other law~~
- 207 ~~enforcement or regulatory agencies, and/or the injured parties.~~
- 208 11. ~~Recognition by respondent of his or her wrongdoing and demonstration of corrective~~
- 209 ~~action to prevent recurrence.~~

210  
211 (a) For the purposes of denial, suspension, or revocation of a license or registration pursuant to  
212 section 141, or Division 1.5 (commencing with section 475) of the Code, or sections 2960 or  
213 2960.6 of the Code, a crime, professional misconduct, or act shall be considered to be  
214 substantially related to the qualifications, functions or duties of a person holding a license or  
215 registration under the Psychology Licensing Law (Chapter 6.6 of Division 2 of the Code), if to a  
216 substantial degree it evidences present or potential unfitness of a person holding a license or  
217 registration to perform the functions authorized by the license or registration, or in a manner  
218 consistent with the public health, safety, or welfare.

219  
220 (b) In making the substantial relationship determination required under subdivision (a) for a  
221 crime, the board shall consider the following criteria:

- 222 (1) The nature and gravity of the offense;
- 223 (2) The number of years elapsed since the date of the offense; and
- 224 (3) The nature and duties of the profession in which the applicant seeks licensure or in which the  
225 licensee is licensed.

226  
227 (c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts  
228 shall include, but are not limited to, the following:

- 229 (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
230 violation of or conspiring to violate any provision or term of the Psychology Licensing Law.  
231 (2) Conviction or act involving fiscal dishonesty.  
232 (3) Conviction or act involving child abuse.  
233 (4) A conviction requiring a person to register as a sex offender pursuant to section 290 of the  
234 Penal Code.  
235 (5) Conviction or act involving lewd conduct or sexual impropriety.  
236 (6) Conviction or act involving assault, battery, or other violence.  
237 (7) Conviction or act involving the use of drugs or alcohol to an extent or in a manner dangerous  
238 to the individual or the public.  
239 (8) Conviction or act involving harassment, trespass, or stalking.

241 **Rehabilitation Criteria for Suspensions or Revocations as set forth in 16 CCR section 1395.1:**

242  
243 When considering the suspension or revocation of a license or registration of a person holding a

244  
245  
246  
247 violation of parole or probation. In making this determination, the Board shall use the following  
248 criteria in (1) through (5), as available: (1) Nature and gravity of the crime(s).

249 (2) The reason for granting and the length(s) of the applicable parole or probation period(s).

250 (3) The extent to which the applicable parole or probation period was shortened or lengthened,  
251 and the reason(s) the period was modified.

252 (4) The terms or conditions of parole or probation and the extent to which they bear on the  
253 licensee's or registrant's rehabilitation.

254 (5) The extent to which the terms or conditions of parole or probation were modified, and the  
255 reason(s) for modification.

256  
257 (b) If the licensee or registrant has not completed the criminal sentence at issue without a  
258 violation of parole or probation, the suspension or revocation is based on a disciplinary action as  
259 described in section 141 of the Code, the suspension or revocation was based one or more of the  
260 grounds specified in sections 2960 or 2960.6 of the Code, or the Board determines that the  
261 licensee or registrant did not make a showing of rehabilitation based on the criteria in  
262 subdivision (a), the Board shall apply the following criteria in evaluating the licensee's or  
263 registrant's rehabilitation:

264 (1) Total criminal record and/or record of discipline or other enforcement action, including the  
265 nature and gravity of the acts underlying the discipline or enforcement action.

266 (2) The time that has elapsed since commission of the act(s) or crime(s).

267 (3) Whether the licensee or registrant has complied with any terms of parole, probation,  
268 restitution or any other sanctions lawfully imposed against such person.

269 (4) If applicable, evidence of dismissal proceedings pursuant to section 1203.4 of the Penal  
270 Code.

271 (5) The criteria in subdivision (a)(1)-(5), as applicable.

272 (6) Evidence, if any, of rehabilitation submitted by the licensee or registrant demonstrating that  
273 he or she has a mature, measured appreciation of the gravity of the misconduct, and remorse for  
274 the harm caused, and showing a demonstrated course of conduct by the licensee or registrant that

275 convinces and assures the Board that the public will be safe if the person is permitted to remain  
276 licensed or registered to practice psychology.

277  
278 Pursuant to section 2960.1 of the Code (~~set out below in the Penalty Guidelines~~), any ~~p~~Proposed  
279 ~~d~~Decision or ~~d~~Decision that contains any ~~f~~Finding of ~~f~~Fact that ~~the licensee/respondent/~~  
280 ~~registrant~~ engaged in any act of sexual contact, when that act is with a ~~patient/client~~, or with a  
281 former ~~patient/client~~ within two (2) years following termination of therapy, shall contain an order  
282 of revocation. The revocation shall not be stayed by the Administrative Law Judge.

283  
284 Pursuant to section 2964.3 of the Code, any person required to register as a sex offender pursuant  
285 to ~~S~~section 290 of the Penal Code is not eligible for licensure or registration by the Board.

286  
287 Except where an order is required by statute, deviation from the Disciplinary Guidelines,  
288 including the standard terms of probation, is appropriate where the Board determines that the  
289 facts of the particular case warrant such a deviation. The Board may impose more restrictive  
290 terms and conditions if necessary to protect the public.

291  
292 **B. ~~PENALTY~~GUIDELINES FOR DISCIPLINARY ACTIONS**

293  
294 The ~~general~~ statutory bases for discipline are listed below, along with the names and numbers for  
295 the applicable optional terms and conditions by statute number in the Business & Professions  
296 Code. An accusation, statement of issues, or other charging document may also allege violations  
297 of other related statutes or regulations. ~~The bases are followed by the Board determined penalty,~~  
298 ~~including the names and numbers for the optional terms and conditions.~~ The standard terms of  
299 probation as stated shall be included in all decisions and orders. Except where there is a finding  
300 that respondent is a substance-abusing licensee, the Board recognizes that the ~~penalties proposed~~  
301 disciplinary action, terms and conditions of probation listed are merely guidelines and that  
302 individual cases will necessitate variations that take into account unique circumstances.

303  
304 ~~If there are deviations or omissions from the guidelines in formulating a Proposed Decision, the~~  
305 ~~Board requires that~~ The Administrative Law Judge hearing the case must include an explanation  
306 of the any deviations or omissions from the Disciplinary Guidelines in the Proposed Decision so  
307 that the circumstances can be better understood by the Board during its review and consideration  
308 of the Proposed Decision for final action.

309  
310 **Business and Professions Code § 2960**

311  
312 **2960 GENERAL UNPROFESSIONAL CONDUCT**

313  
314 ~~MAXIMUM: Revocation; denial of license or registration.~~

315  
316 ~~MINIMUM: Revocation stayed, depending upon the circumstances, up to 5-year~~  
317 ~~probation, psychological evaluation and/or therapy if appropriate (2) and~~  
318 ~~(6), California Psychology Law and Ethics Examination (CPLEE) (7), and~~  
319 ~~standard terms and conditions (14-31)~~

320

321 MINIMUM: Revocation stayed, five (5) years probation, standard terms and conditions  
322 (14-32), and depending on the circumstances, , and California Psychology  
323 Law and Ethics Examination (CPLÉE)(6).  
324

325 **865.2 Sexual Orientation Change Efforts (Conversion Therapy)**  
326

327  
328 MAXIMUM: Revocation; denial of license  
329

330 MINIMUM: Revocation stayed, five (5) years probation, standard terms and conditions  
331 (14-32), and depending on the circumstances, practice monitor (3),  
332 practice restriction (4), psychotherapy (5),  
333 and examination(s) (6)  
334

335  
336 **2960(a) CONVICTION OF A CRIME SUBSTANTIALLY RELATED TO THE**  
337 **PRACTICE OF PSYCHOLOGY**  
338

339 MAXIMUM: Revocation; denial of license or registration.  
340

341 ~~MINIMUM: Revocation stayed, 5-year probation, billing monitor (if financial crime)~~  
342 ~~(4), therapy (6), CPLÉE (7), restitution (if appropriate) (8), and standard~~  
343 ~~terms and conditions (14-31).~~  
344

345 MINIMUM: Revocation stayed, five (5) years probation, standard terms and conditions  
346 (14-32), and depending on the circumstances, billing monitor (if financial  
347 crime)(3), restitution (7), psychotherapy (5), and California Psychology  
348 Law and Ethics Examination (CPLÉE) (6).  
349

350  
351 **2960(b) USE OF CONTROLLED SUBSTANCE OR ALCOHOL IN A**  
352 **DANGEROUS MANNER**  
353

354 MAXIMUM: Revocation; denial of license or registration.  
355

356 ~~MINIMUM: Revocation stayed, 5-year probation, physical examination (if appropriate)~~  
357 ~~(3), practice monitor (4), psychological evaluation and ongoing therapy (if~~  
358 ~~appropriate) (2) and (6), clinical diagnostic evaluation (9), participation in~~  
359 ~~an alcohol/drug abuse treatment program (10) and ongoing support group~~  
360 ~~(11), abstain from all non-prescribed, controlled drugs and alcohol,~~  
361 ~~/biological fluid and specimen testing [required for substance-abusing~~  
362 ~~licensees] (12), and standard terms and conditions (14-31).~~  
363

364 MINIMUM: Revocation stayed, five (5) years probation, standard terms and conditions  
365 (14-32), and depending on the circumstances, physical examination (2),  
366 worksite monitor (3), psychotherapy (if recommended by psychological

367 evaluator) (5), clinical diagnostic evaluation (8), participation in an  
368 alcohol/drug abuse treatment program (9), ongoing support group (10),  
369 abstain from drugs and alcohol, and submit to tests and samples (11).  
370

371  
372 **2960(c) FRAUDULENTLY OR NEGLECTFULLY MISREPRESENTING THE**  
373 **TYPE OR STATUS OF LICENSE OR REGISTRATION ACTUALLY**  
374 **HELD**

375  
376 MAXIMUM: Revocation; denial of license ~~or registration~~.

377  
378 ~~MINIMUM: Revocation stayed, 5 years probation, and standard terms and conditions~~  
379 ~~(14-31).~~

380  
381 MINIMUM: Revocation stayed, five (5) years probation, standard terms and conditions  
382 (14-32), and depending on the circumstances, California Psychology Law  
383 and Ethics Examination (CPLEE) (6).  
384

385  
386  
387 **2960(d) IMPERSONATING ANOTHER PERSON HOLDING A PSYCHOLOGY**  
388 **LICENSE OR ALLOWING ANOTHER PERSON TO USE HIS OR HER**  
389 **THEIR LICENSE OR REGISTRATION**

390  
391 MAXIMUM: Revocation; denial of license ~~or registration~~.

392  
393 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and conditions  
394 (14-32), and depending on the circumstances, ~~psychological evaluation~~  
395 (2), CPLEE (7-6), and ~~standard terms and conditions (14-31).~~  
396

397 **2960(e) PROCURING APPLYING FOR A LICENSE OR PASSING AN**  
398 **EXAMINATION BY FRAUD OR DECEPTION**

399  
400 ~~Penalty~~-DISCIPLINE: Revocation is the only suitable ~~penalty-discipline~~ inasmuch as the  
401 license would not have been issued but for the fraud or deception. If the  
402 fraud is substantiated prior to issuance of the license ~~or registration~~, then  
403 denial of the application is the only suitable ~~penalty-discipline~~.  
404

405 **2960(f) ACCEPTING REMUNERATION OR PAYING FOR REFERRALS TO**  
406 **OTHER PROFESSIONALS PAYING, OR OFFERING TO PAY, OR**  
407 **ACCEPTING PAYMENT, MONETARY OR OTHERWISE, FOR**  
408 **REFERRAL OF CLIENTS**

409  
410 MAXIMUM: Revocation; denial of license ~~or registration~~.

411



412 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and conditions  
413 (14-32), depending on the circumstances, billing monitor (43), CPLEE  
414 (76), and standard terms and conditions (14-31).

415  
416 **2960(g) VIOLATING SECTION 17500 OF THE BUSINESS AND PROFESSIONS**  
417 **CODE REGARDING ADVERTISING**

418  
419 **Penalty-DISCIPLINE:** Revocation stayed, five (5) years probation, and standard terms  
420 and conditions (14-32) standard terms and conditions (14-31).

421  
422 **2960(h) WILLFUL VIOLATION OF CONFIDENTIALITY**

423  
424 MAXIMUM: Revocation; denial of license ~~or registration.~~

425  
426 **MINIMUM:** Revocation stayed, five (5) years probation, and standard terms and  
427 conditions (14-32); and, depending on the circumstances, practice monitor  
428 (43), and CPLEE (76); and standard terms and conditions (14-31).

429  
430 **2960(i) VIOLATION OF RULES OF PROFESSIONAL CONDUCT**

431  
432 MAXIMUM: Revocation; denial of license ~~or registration.~~

433  
434 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and conditions  
435 (14-32), and depending upon the circumstances, ~~psychological evaluation~~  
436 and/or therapy if appropriate (2) and (6), CPLEE (76); and standard terms  
437 and conditions (14-31).

438  
439 **2960(j) ~~GROSS NEGLIGENCE IN THE PRACTICE OF PSYCHOLOGY~~**

440  
441 MAXIMUM: Revocation; denial of license ~~or registration.~~

442  
443 **MINIMUM:** Revocation stayed, (5) years probation, standard terms and conditions (14-  
444 32), and depending on the circumstances, ~~psychological evaluation prior~~  
445 to resumption of practice (condition precedent) (2), practice  
446 monitor/billing monitor (43), ~~patient population restriction of practice (if~~  
447 appropriate ~~recommended~~) (54), therapy/psychotherapy (65),  
448 examination(s) CPLEE (76), and standard terms and conditions (14-31).

449  
450 **2960(k) VIOLATING ANY PROVISION OF THE PSYCHOLOGY LICENSING**  
451 **LAW OR RELATED REGULATIONS THIS CHAPTER OR**  
452 **REGULATIONS DULY ADOPTED THEREUNDER**

453  
454 Refer to underlying statute or regulation.

455  
456 **2960(l) AIDING OR ABETTING UNLICENSED PRACTICE**

457

458 MAXIMUM: Revocation; denial of license ~~or registration~~.

459

460 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and conditions  
461 (14-32), and depending on the circumstances, CPLEE (76), and standard  
462 terms and conditions (14-31).

463

464 **2960(m)/2960.6 DISCIPLINARY ACTION BY ANOTHER AGENCY, STATE, OR**  
465 **COUNTRY AGAINST A LICENSE OR REGISTRATION**

466

467 DISCIPLINE: In evaluating the appropriate ~~penalty-discipline~~, identify the  
468 comparable California statute(s) or regulation(s), and corresponding ~~penalty(s)~~  
469 discipline.

470

471 **2960(n) DISHONEST, CORRUPT, OR FRAUDULENT ACT**

472

473 MAXIMUM: Revocation; denial of license ~~or registration~~.

474

475 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and conditions  
476 (14-32), and depending on the circumstances, psychological evaluation  
477 and ongoing therapy/psychotherapy if appropriate (2)(5), billing monitor  
478 (43), CPLEE (7-6), full restitution (87), and standard terms and conditions  
479 (14-31).

480

481 **2960(o); 726; 729 ~~ANY ACT OF SEXUAL ABUSE, OR SEXUAL RELATIONS WITH~~**  
482 **A PATIENT/CLIENT OR FORMER PATIENT/CLIENT WITHIN**  
483 **TWO YEARS FOLLOWING TERMINATION OF THERAPY,**  
484 **SEXUAL EXPLOITATION, OR SEXUAL MISCONDUCT THAT IS**  
485 **SUBSTANTIALLY RELATED TO THE QUALIFICATIONS,**  
486 **FUNCTIONS OR DUTIES OF A PSYCHOLOGIST OR**  
487 **PSYCHOLOGICAL ASSISTANT OR REGISTERED**  
488 **PSYCHOLOGIST.**

489

490 ~~Penalty~~DISCIPLINE: ~~When a finding of sexual misconduct occurs, r~~Revocation or  
491 surrender of license/~~registration~~ and/or denial of license ~~or registration~~ MUST must be the  
492 ~~penalty~~ discipline ordered by the Administrative Law Judge.

493

494 **NO MINIMUM PENALTY.**

495

496 NOTE: ~~Business and Professions Code~~ Section 2960.1 of the Code states: "Notwithstanding  
497 Section 2960, any proposed decision or decision issued under this chapter in accordance with the  
498 procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of  
499 the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act  
500 of sexual contact, as defined in Section 2960, shall contain an order of revocation. The revocation shall  
501 not be stayed by the administrative law judge." "~~Notwithstanding Section 2960, any proposed~~  
502 ~~decision or decision issued under this chapter in accordance with the procedures set forth in~~  
503 ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the~~  
504 ~~Government Code, that contains any finding of fact that the licensee or registrant engaged in any~~

505 acts of sexual contact, as defined in Section 728, when that act is with a patient, or with a former  
506 patient within two years following termination of therapy, shall contain an order of revocation.  
507 The revocation shall not be stayed by the Administrative Law Judge.”

508  
509 **2960(p) FUNCTIONING OUTSIDE FIELD(S) OF COMPETENCE**

510  
511 **MAXIMUM:** Revocation; denial of license ~~or registration.~~

512  
513 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and conditions  
514 (14-32), and depending on the circumstances, practice monitor (43),  
515 patient population restriction (5) restriction of practice (4), and CPLEE  
516 examination(s) (76), and standard terms and conditions (14-31).

517  
518 **2960(q) WILLFUL FAILURE TO VERIFY AN APPLICANT’S SUPERVISED**  
519 **EXPERIENCE**

520  
521 ~~Penalty~~ **DISCIPLINE:** Revocation stayed, five (5)-years probation, and standard terms  
522 and conditions (14-32) and standard terms and conditions (14-31).

523  
524 **2960(r) REPEATED NEGLIGENT ACTS**

525  
526 **MAXIMUM:** Revocation; denial of license ~~or registration.~~

527  
528 **MINIMUM:** Revocation stayed, five (5)-years probation, standard terms and conditions  
529 (14-32), and depending on the circumstances, , psychological evaluation  
530 prior to resumption of practice (condition precedent) (2), practice monitor  
531 (4-3), CPLEE examination(s) (76), and standard terms and conditions (14-  
532 31).

533  
534 **III. TERMS AND CONDITIONS OF PROBATION**

535  
536 Terms and conditions of probation are divided into two categories. The first category consists of  
537 **optional terms and conditions** that may be appropriate as demonstrated in the ~~Penalty~~  
538 Disciplinary Guidelines depending on the nature and circumstances of each particular case. The  
539 second category consists of the **standard terms and conditions**, which must appear in all  
540 Proposed Decisions and Stipulated Settlements.

541  
542 To enhance the clarity of a Proposed Decision or Stipulated Settlement, the Board requests  
543 that all optional terms and conditions of probation (1-13) that are being imposed be listed first in  
544 sequence followed immediately by all of the standard terms and conditions of probation, which  
545 includes cost recovery (~~15-31-14-32~~).

546  
547 **A. OPTIONAL TERMS AND CONDITIONS OF PROBATION**

548  
549 Listed below are optional terms and conditions of probation that the Board would expect to be  
550 included in any Proposed Decision or Stipulated Settlement as appropriate.

551  
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596

**1. Actual Suspension**

As part of probation, respondent is suspended from the practice of psychology for \_\_\_\_\_ days beginning with the effective date of this Decision. During the suspension, any probation period is tolled and will not commence again until the suspension is completed.

**RATIONALE: A suspension longer than six (6) months is not effective, and a violation or violations warranting a longer suspension should result in revocation, not stayed.**

**2. Psychological Evaluation**

~~Within ninety (90) days of the effective date of this Decision and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed California-licensed psychologist. Respondent shall sign a release that authorizes the evaluator to furnish the Board a current DSM V diagnosis and a written report regarding the respondent's judgment and/or ability to function independently as a psychologist with safety to the public, and whatever other information the Board deems relevant to the case. The completed evaluation is the sole property of the Board. The evaluation should not be disclosed to anyone not authorized by the Board or by court order.~~

~~If the Board concludes from the results of the evaluation that respondent is unable to practice independently and safely, upon written notice from the Board, respondent shall immediately cease accepting new patients and, in accordance with professional standards, shall appropriately refer/terminate existing patients within thirty (30) days and shall not resume practice until a Board-appointed evaluator determines that respondent is safe to practice. The term of probation shall be extended by this period of time that he or she was ordered to cease practice.~~

~~If not otherwise ordered herein, if ongoing psychotherapy is recommended in the psychological evaluation, the Board will notify respondent in writing to submit to such therapy and to select a psychotherapist for approval by the Board or its designee within thirty (30) days of such notification. The therapist shall (1) be a California-licensed psychologist with a clear and current license; (2) have no previous business, professional, personal or other relationship with respondent; (3) not be the same person as respondent's practice or billing monitor. Frequency of psychotherapy shall be determined upon recommendation of the treating psychotherapist with approval by the Board or its designee. Respondent shall continue psychotherapy until released by the approved psychologist and approved by the Board or its designee. The Board or its designee may order a re-evaluation upon receipt of the therapist's recommendation.~~

~~Respondent shall execute a release authorizing the therapist to provide to the Board any information the Board or its designee deems appropriate, including quarterly reports of respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the therapist. If the therapist determines that the respondent cannot continue to independently~~

597 render psychological services, with safety to the public, he/she shall notify the Board  
598 immediately.

599  
600 Respondent shall pay all costs associated with the psychological evaluation and ongoing  
601 psychotherapy. Failure to pay costs will be considered a violation of the probation order.  
602

603 **Option of Evaluation as a Condition Precedent:**

604  
605 **In some cases, the psychological evaluation may be imposed as either a condition**  
606 **precedent to the continued practice of psychology, or to the issuance or reinstatement**  
607 **of a license, so that the respondent or petitioner is not entitled to begin or continue**  
608 **practice until found to be safe to do so. In such cases, the following language shall be**  
609 **used as the first sentence of the first paragraph of this term:**

610  
611 As a condition precedent to the [continued practice of psychology][issuance of a license]  
612 [reinstatement of a license], within ninety (90) days of the effective date of this Decision,  
613 and on a periodic basis thereafter as may be required by the Board or its designee,  
614 Respondent shall undergo a psychological evaluation (and psychological testing, if deemed  
615 necessary) by a Board-appointed California licensed psychologist. The term of probation  
616 shall be extended by the period of time during which respondent is not entitled to practice.  
617

618 **In addition, the following language shall also be used as the first sentence of the second**  
619 **paragraph of this term:**

620  
621 If the Board concludes from the results of the evaluation that [respondent][petitioner] is  
622 unable to practice independently and safely, upon written notice from the Board [respondent  
623 shall, in accordance with professional standards, appropriately refer/terminate existing  
624 patients within thirty (30) days and shall not resume practice until a Board-appointed  
625 evaluator determines that respondent is safe to practice][respondent or petitioner shall not be  
626 issued or have reinstated a license until a Board-appointed evaluator determines that  
627 respondent or petitioner is safe to practice].  
628

629 **RATIONALE: Psychological evaluations shall be utilized when an offense calls into**  
630 **question the judgment and/or emotional and/or mental condition of the respondent or**  
631 **where there has been a history of abuse or dependency of alcohol or controlled**  
632 **substances. When appropriate, respondent shall be barred from rendering**  
633 **psychological services under the terms of probation until he or she has undergone an**  
634 **evaluation, the evaluator has recommended resumption of practice, and the Board has**  
635 **accepted and approved the evaluation.**

636  
637 **23. Physical Examination**

638  
639 Within ~~ninety (90)~~ forty-five (45) days of the effective date of this Decision, respondent  
640 shall undergo a physical examination by a ~~physician and surgeon (physician)~~ medical  
641 evaluator licensed in California and approved by the Board.  
642

643 For purposes of these guidelines, a “medical evaluator” means a physician and surgeon, a  
644 physician’s assistant or a nurse practitioner holding a license in good standing, as issued by  
645 the appropriate agency within the Department of Consumer Affairs. “Good standing” shall  
646 mean a current, active and unrestricted license.

647  
648 The medical evaluator shall have no current or former financial, personal, familial, or other  
649 social or business relationship with respondent that could reasonably be expected to  
650 compromise the ability of the medical evaluator to render impartial and unbiased reports to  
651 the Board.

652  
653 Respondent shall sign a release authorizing the ~~physician~~ medical evaluator to furnish the  
654 Board with a report that shall provide an assessment of respondent’s physical condition and  
655 ~~capability~~ ability to safely provide psychological services to the public. If the ~~evaluating~~  
656 ~~physician~~ medical evaluator determines that respondent’s physical condition prevents safe  
657 practice, or that ~~he or she~~ respondent can only practice with restrictions, the ~~physician~~  
658 medical evaluator shall notify the Board, in writing, within five (5) working days.

659  
660 The Board shall notify respondent in writing of the ~~physician’s~~ medical evaluator’s  
661 determination of unfitness to practice, and shall order ~~the~~ respondent to cease practice or  
662 place restrictions on respondent’s practice. Respondent shall comply with any order to cease  
663 practice or restriction of ~~his or her~~ their practice, and shall immediately cease accepting new  
664 ~~patients~~ clients and, in accordance with professional standards, shall appropriately  
665 refer/terminate existing ~~patients~~ clients within thirty (30) days. Respondent shall not resume  
666 practice until a Board-~~appointed~~ approved evaluator determines that respondent is safe to  
667 practice, and the Board is satisfied of respondent’s fitness to practice safely and has so  
668 notified respondent in writing. The term of probation shall be extended by the period of time  
669 during which respondent is ordered to cease practice. If the ~~evaluating physician~~ medical  
670 evaluator determines it to be necessary, a recommended treatment program will be instituted  
671 and followed by ~~the~~ respondent with ~~the physician~~ an appropriately licensed healthcare  
672 practitioner providing written progress reports to the Board on a quarterly basis, or as  
673 otherwise determined by the Board or its designee.

674  
675 It shall be ~~the~~ respondent’s responsibility to assure that the required quarterly progress  
676 reports are filed by ~~the treating physician~~ an appropriately licensed healthcare practitioner in  
677 a timely manner. Respondent shall pay all costs of such examination(s). Failure to pay these  
678 costs shall be considered a violation of probation.

679  
680 **RATIONALE: This condition permits the Board to require ~~the probationer~~ respondent**  
681 **to obtain appropriate treatment for physical ~~problems/disabilities~~ conditions that could**  
682 **affect the safe practice of psychology. The physical examination can also be conducted**  
683 **to ensure that there is no physical evidence of alcohol/drug abuse.**

684  
685 **34. Practice Monitor/Billing Monitor/Worksite Monitor**

686  
687 Within ~~ninety (90)~~ thirty (30) days of the effective date of this Decision, respondent shall  
688 submit to the Board or its designee for prior approval; the name and qualifications of a

689 psychologist who has agreed to serve as a [practice monitor][billing monitor][worksite  
690 monitor]. The [practice monitor][billing monitor] shall (1) be a California-licensed  
691 psychologist with an a clear active, unrestricted, and current license of at least five (5) years  
692 duration; (2) have no ~~prior business, professional, personal, or other relationship with~~  
693 respondent current or former financial, personal, familial, or other social or business  
694 relationship with respondent that could reasonably be expected to compromise the ability of  
695 the monitor to render fair and unbiased reports to the Board; and (3) ~~not be the same person~~  
696 as respondent's therapist have completed six (6) hours of supervision coursework. The  
697 monitor's education and experience shall be in the same field of practice as that of ~~the~~  
698 respondent. The [practice monitor][billing monitor] may also serve as a worksite monitor, **if**  
699 **ordered for a substance-abusing licensee**, as long as ~~he or she~~the monitor also meets the  
700 requirements for a worksite monitor.

701  
702 Once approved, the monitor(s) shall submit to the Board or its designee a plan by which  
703 respondent's [practice][billing] [worksite] shall be monitored. The Board may amend the  
704 plan to increase or decrease the frequency of monitoring sessions with thirty (30) days  
705 written notice to both the monitor and respondent. Monitoring frequency shall consist of at  
706 least one hour per week of individual in person face-to-face meetings and shall continue  
707 during the entire probationary period unless modified or terminated by the Board or its  
708 designee. The Rrespondent shall provide the [practice][billing] monitor with a copy of this  
709 Decision and access to respondent's fiscal and/or ~~patient~~client records. Respondent shall  
710 obtain any necessary ~~patient~~client releases to enable the [practice][billing] monitor to review  
711 records and to make direct contact with ~~patients~~clients. Respondent shall execute a release  
712 authorizing the monitor to divulge any information that the Board may request. It shall be  
713 respondent's responsibility to assure that the monitor submits written reports to the Board or  
714 its designee on a quarterly basis verifying that monitoring has taken place and providing an  
715 evaluation of respondent's performance.

716  
717 Respondent shall secure written authorizations for releases of personal information from the  
718 clients for review of the entirety of their client records by a [practice monitor][billing  
719 monitor][worksite monitor], consistent with the releases obtained, including billing and  
720 charge records. Records for review shall be presented in their original format and in the  
721 order in which the files are maintained so the monitor may select and review records at  
722 respondent's worksite. If respondent has more than one worksite, all worksites shall be made  
723 available for review. The Board or its designee, upon fifteen (15) day written notice to  
724 respondent, may require respondent to have more than one monitor, based on multiple  
725 worksites, monitor availability, or other similar factors.

726  
727 Respondent shall notify all current and potential ~~patients~~clients of any term or condition of  
728 probation that will affect their ~~therapy~~psychotherapy or the confidentiality of their records  
729 (such as this condition, which requires a [practice monitor][billing monitor]). Such  
730 notifications shall be signed by each ~~patient~~client prior to continuing or commencing  
731 treatment.

732  
733 **The following paragraph regarding billing monitoring must be included in the Order,**  
734 **if a billing monitor has been ordered:**

735  
736 The Board may require an annual audit of respondent's billings. Within sixty (60) days of  
737 the date of a written notice requiring an audit, respondent shall provide the Board with the  
738 names and qualifications of three (3) auditors, who must be certified public accountants  
739 authorized to practice in this State; the auditor will be selected by the Board. The auditor  
740 shall not have a current or former financial, personal, familial, or other social or business  
741 relationship with respondent that could reasonably be expected to compromise the ability of  
742 the auditor to render an impartial audit. Respondent shall obtain any necessary client  
743 releases, pursuant to the audit requirements, to enable the auditor to perform the audit. The  
744 audit shall include randomly selected client billing records. Within one hundred-eighty  
745 (180) days of the date of the Board's written notice of approval of the auditor, a final audit  
746 report shall be completed and submitted to the billing monitor and the Board. The cost of  
747 the audits shall be borne by respondent. Failure to cooperate timely complete, report, or pay  
748 for an audit shall constitute a violation of probation.

749  
750 **The following paragraphs Add the language of the next 3 paragraphs regarding**  
751 **reporting by a worksite monitor, if one is ordered, for a substance-abusing licensee**  
752 **must be included in the Order:**

753  
754 The worksite monitor shall not have a ~~current or former financial, personal, or familial~~  
755 ~~relationship with the licensee, or other relationship~~ current or former financial, personal,  
756 familial, or other social or business relationship with respondent that could reasonably be  
757 expected to compromise the ability of the monitor to render impartial and unbiased reports  
758 to the Board. All other requirements for a worksite monitor shall meet the requirements of a  
759 worksite monitor under Uniform Standards #7. Reporting by the worksite monitor to the  
760 Board shall be as follows:

761  
762 Any suspected substance abuse must be orally reported to the Board and ~~the~~  
763 ~~licensee's~~ respondent's employer within one (1) business day of occurrence. If the  
764 occurrence is not during the Board's normal business hours, the oral report must be  
765 within one (1) hour of the next business day. A written report shall be submitted to the  
766 Board within forty-eight (48) hours of occurrence.

767  
768 The worksite monitor shall complete and submit a written report every monthly or as  
769 directed by the Board. The report shall include: ~~the licensee's~~ respondent's name; license  
770 number; worksite monitor's name and signature; worksite monitor's license number;  
771 worksite location(s); dates ~~licensee~~ respondent had in-person face-to-face contact with  
772 monitor; worksite staff interviewed as applicable; attendance report; any change in  
773 behavior and/or personal habits; and any indicators that can lead to suspected substance  
774 abuse.

775  
776 ~~The licensee~~ Respondent shall complete the required consent forms and sign an  
777 agreement with the worksite monitor and the Board to allow the Board to communicate  
778 with the worksite monitor.

779



780 If the monitor(s) quit(s) or is otherwise no longer available, respondent shall notify the  
781 Board within ten (10) days and get approval from the Board for a new monitor within  
782 thirty (30) days. If no new monitor is approved within thirty (30) days, respondent shall  
783 not practice until a new monitor has been approved by the Board or its designee. The  
784 term of probation shall be extended by the period of time during which respondent is  
785 ordered to cease practice. Respondent shall pay all costs associated with this monitoring  
786 requirement. Failure to pay these costs shall be considered a violation of probation.

787  
788 **RATIONALE and APPLICATION OF UNIFORM STANDARD #7: Monitoring shall**  
789 **be utilized when respondent's ability to function independently is in doubt or when**  
790 **fiscal improprieties have occurred, as a result of a deficiency in knowledge or skills, or**  
791 **as a result of questionable judgment. A worksite monitor may be ordered where the**  
792 **Uniform Standards Related to a Substance-Abusing Licensee apply, if necessary, for**  
793 **the protection of the public.**

#### 794 **45. Restriction of Patient Population-Practice Restriction**

795 Respondent's practice shall be [~~limited to~~][restricted to exclude ~~patients~~clients who are  
796 \_\_\_\_\_] for [months/years]. Within thirty (30) days from the effective date of the  
797 ~~d~~Decision, respondent shall submit to the Board or its designee, for prior approval, a plan to  
798 implement this restriction. Respondent shall submit ~~proof~~ satisfactory proof to the Board or  
799 its designee of compliance with this term of probation. Respondent shall notify their  
800 supervisor, if they have one, of the restrictions imposed on their practice.

801  
802 **RATIONALE: In cases wherein some factor of the respondent's patient/client population at**  
803 **large (e.g. age, gender, practice setting) may put a expose a patient/client to at risk if in**  
804 **therapy with the respondent, language appropriate to the case may be developed to restrict**  
805 **such a population, or setting, or psychological service. The language would be tailored to**  
806 **each specific case. vary greatly by case.**

#### 807 **56. Psychotherapy**

808  
809  
810 Within ~~ninety (90)~~ thirty (30) days of the effective date of this Decision, a psychotherapist  
811 shall be selected by the respondent for approval by the Board. The psychotherapist shall (1)  
812 be a California-licensed psychologist with a ~~clear~~ active, unrestricted and current license; (2)  
813 have no ~~previous business, professional, personal, or other relationship with respondent~~  
814 current or former financial, personal, familial, or other social or business relationship with  
815 respondent; and (3) not be the same person as respondent's practice, billing, or worksite  
816 monitor. Respondent shall furnish a copy of this Decision to the psychotherapist.  
817 Psychotherapy shall, at a minimum, consist of one (1) hour which is equivalent to a  
818 minimum forty-five (45) per week over a period of fifty-two (52) consecutive weeks after  
819 which it may continue or terminate upon the written recommendation of the psychotherapist  
820 with written approval by the Board or its designee. The Board or its designee may order a  
821 psychological evaluation upon receipt of the psychotherapist's recommendation.  
822  
823  
824

825 Respondent shall execute a release authorizing the psychotherapist to provide to the Board  
826 or its designee any information the Board deems appropriate, including quarterly reports of  
827 respondent's therapeutic progress. It shall be respondent's responsibility to assure that the  
828 required quarterly reports are filed by the psychotherapist in a timely manner. If the  
829 psychotherapist notifies the Board that ~~the therapist believes~~ the respondent cannot continue  
830 to safely render psychological services, ~~upon notification from the Board,~~ the Board shall  
831 order respondent ~~shall to~~ immediately cease accepting new patientsclients and, in  
832 accordance with professional standards, ~~shall~~ appropriately refer/terminate existing  
833 patientsclients within thirty (30) days and shall not resume practice until a Board-  
834 ~~appointed~~approved evaluator determines that respondent is again safe to practice. The term  
835 of probation shall be extended by the period of time during which respondent is ordered to  
836 cease practice.

837  
838 If, prior to the termination of probation, respondent is found not to be mentally fit to resume  
839 the practice of psychology without restrictions, the Board shall retain continuing jurisdiction  
840 over ~~the~~ respondent's license and the term of probation shall be extended until the Board or  
841 its designee determines that ~~the~~ respondent is mentally fit to resume the practice of  
842 psychology without restrictions.

843  
844 Cost of psychotherapy is to be paid by ~~the~~ respondent.

845  
846 **RATIONALE: The need for psychotherapy may be determined pursuant to a**  
847 **psychological evaluation or as evident from the facts of the case. The frequency of**  
848 **psychotherapy shall be related to the offense involved and the extent to which the**  
849 **offense calls into question the judgment, motivation, and emotional and/or mental**  
850 **condition of ~~the~~ respondent.**

851  
852 **67. Examination(s)**

853  
854 **Examination for Professional Practice in Psychology (EPPP) or California Psychology**  
855 **Law and Ethics Examination (CPLÉE) Term ~~MUST INCLUDE~~ must include either**  
856 **Option 1 or Option 2:**

857  
858 Option 1 (Condition Subsequent)

859  
860 Within ninety (90) days of the effective date of the ~~d~~Decision, respondent shall take and  
861 pass the [EPPP][CPLÉE]. If respondent fails to take or fails such examination, the Board  
862 shall order respondent to cease practice and upon such order respondent shall immediately  
863 cease practice, refrain from accepting new patientsclients and, in accordance with  
864 professional standards, shall appropriately refer/terminate existing patientsclients within  
865 thirty (30) days and shall not resume practice until the re-examination has been successfully  
866 passed, as evidenced by written notice to respondent from the Board or its designee. The  
867 term of probation shall be extended by the period of time during which respondent's  
868 practice was ordered ceased. It is respondent's responsibility to contact the Board in writing  
869 to make arrangements for such examination. Respondent shall pay the established  
870 examination fee(s). Re-examination after a failure shall be consistent with the examination

871 requirements for an applicant set forth in Title 16 of the California Code of Regulations  
872 (CCR)C.C.R. section 1388(f), and any applicable sections of the Business & Professions  
873 Code.

874  
875 Option 2 (Condition Precedent to either continued practice, or to reinstatement of a license)

876  
877 Respondent [is ordered to cease the practice of psychology][shall not be reinstated] until  
878 respondent has taken and passed the [EPPP][CPLEE]. The term of probation shall be  
879 extended by the period of time during which respondent is ordered to cease practice. The  
880 term of probation shall be extended by the period of time during which respondent's  
881 practice was ordered ceased. It is respondent's responsibility to contact the Board in writing  
882 to make arrangements for such examination(s). Respondent shall pay the established  
883 examination fee(s). Re-examination after a failure must be consistent with the examination  
884 requirements for an applicant set forth in 16 C.C.R. section 1388(f), and any applicable  
885 sections of the Business & Professions Code.

886  
887 **RATIONALE: In cases involving evidence of serious deficiencies in the body of**  
888 **knowledge required to be minimally competent to practice independently, it may be**  
889 **appropriate to require the respondent to take and pass the EPPP, the national**  
890 **examination for psychologists, because the Board no longer administers an**  
891 **examination that tests knowledge of the field, during the course of the probation**  
892 **period. In some instances, it may be appropriate to order that practice be ceased until**  
893 **the examination has been taken and passed (condition precedent). In cases involving**  
894 **deficiencies in knowledge of laws and ethics, the CPLEE may be ordered. Either one or**  
895 **both examinations may be appropriate, depending on the nature of the violation(s). It**  
896 **may be appropriate to order that practice be ceased until the examination(s) has been**  
897 **taken and passed, such as when violations involve competency and/or knowledge**  
898 **deficiencies (condition precedent).**

899  
900 **78. Restitution**

901  
902 Within ninety (90) days of the effective date of this Decision, respondent shall provide proof  
903 to the Board or its designee of restitution in the amount of \$\_\_\_\_\_ paid to  
904 \_\_\_\_\_. Failure to pay restitution shall be considered a  
905 violation of probation. Restitution is to be paid regardless of the tolling of probation.

906  
907 **RATIONALE: In ~~offenses~~cases involving economic exploitationharm or injury,**  
908 **restitution is a necessary term of probationmay be ordered. For example, restitution**  
909 **would be a standard termordered in any case involving Medi-Cal or other insurance**  
910 **fraud. The amount of restitution shall be, at a minimum, the amount of money that**  
911 **was fraudulentlywrongfully obtained by the licenseerespondent. Evidence**  
912 **Documentation relating to the amount of restitution would ~~have to be introduced at~~**  
913 **the Administrative hearing establish the amount of restitution owed by the respondent**  
914 **and to whom the restitution should be paid.**

915  
916 **89. Clinical Diagnostic Evaluation**

917  
918 Within thirty (30) days of the effective date of the Decision and at any time upon order of  
919 the Board, respondent shall undergo a clinical diagnostic evaluation by a Board-approved  
920 evaluator. ~~Respondent shall provide the evaluator with a copy of the Board's Decision prior~~  
921 ~~to the clinical diagnostic evaluation being performed.~~

922  
923 The evaluator shall be a licensed practitioner who holds a valid, unrestricted license to  
924 conduct clinical diagnostic evaluations, and has three (3) years' of experience in providing  
925 evaluations of health-care professionals with substance abuse disorders. The evaluator shall  
926 not have a current or former financial, personal, familial, or other social or business  
927 relationship with respondent or ever had a financial, personal, business, or other relationship  
928 with the licensee that could reasonably be expected to compromise the ability of the Board-  
929 approved evaluator to render impartial and unbiased reports to the Board. Respondent shall  
930 cause the evaluator to submit to the Board a written clinical diagnostic evaluation report  
931 within ten (10) days from the date the evaluation was completed, unless an extension, not to  
932 exceed thirty (30) days, is granted to the evaluator by the Board.

933  
934 Respondent shall pay all costs associated with the clinical diagnostic evaluation. Failure to  
935 pay costs will be considered a violation of the probation order.

936  
937 **The following language is mandatory for a cease practice order where the evaluation is**  
938 **ordered under the Uniform Standards Related to Substance-Abusing Licensees is**  
939 **mandatory, and discretionary in other cases where it may be relevant:**

940  
941 Respondent is ordered to cease any practice of psychology, beginning on the effective date  
942 of the Decision, pending the results of the clinical diagnostic evaluation. During this time,  
943 ~~Respondent~~ shall submit to random drug testing at least two (2) times per week. At any  
944 other time that respondent is ordered to undergo a clinical diagnostic evaluation, ~~he or~~  
945 ~~she~~ respondent shall be ordered to cease any practice of psychology for a minimum of thirty  
946 (30) days pending the results of a clinical diagnostic evaluation and shall, during such time,  
947 submit to drug testing at least two (2) times per week.

948  
949 Upon any order to cease practice, respondent shall not practice psychology until the Board  
950 determines that ~~he or she~~ respondent is able to safely practice either full-time or part-time  
951 and has had at least thirty (30) days of negative drug test results. The term of probation shall  
952 be extended by the period of time during which respondent is ordered to cease practice.  
953 Respondent shall comply with any terms or conditions made by the Board as a result of the  
954 clinical diagnostic evaluation.

955  
956 **RATIONALE and APPLICATION OF UNIFORM STANDARD #s 1, 2, and 3: This**  
957 **condition is to be considered in cases where the grounds for discipline involve drugs**  
958 **and/or alcohol, or where the Uniform Standards Related to a Substance-Abusing**  
959 **Licensee apply. The cease practice order pending the evaluation is mandatory where**  
960 **the evaluation is ordered for a substance-abusing licensee, and discretionary in other**  
961 **cases where ordered.**

962

963 **910. Alcohol and/or Drug Abuse Treatment Program**

964  
965 Within thirty (30) days from the effective date of the Decision, respondent shall enter an  
966 inpatient or outpatient alcohol or other drug abuse recovery program or an equivalent  
967 program as approved by the Board or its designee. Components of the treatment program  
968 shall be relevant to the violation and to ~~the~~ respondent's current status in recovery or  
969 rehabilitation. Respondent shall provide the Board or its designee with proof that the  
970 approved program was successfully completed. Terminating the program without  
971 permission or being expelled for cause shall constitute a violation of probation by  
972 respondent. If respondent so terminates or is expelled from the program, respondent shall be  
973 ordered by the Board to immediately cease any practice of psychology, and may not practice  
974 unless and until notified by the Board. The term of probation shall be extended by the period  
975 of time during which respondent is ordered to cease practice.

976  
977 Respondent shall pay all costs associated with the program. Failure to pay costs will be  
978 considered a violation of the probation order.

979  
980 ~~However, if~~ respondent has already ~~attended~~ completed such an inpatient or outpatient  
981 alcohol or other drug abuse recovery program, as described above, commencing with or  
982 during the current period of sobriety, respondent shall provide the Board or its designee with  
983 proof that the program was successfully completed and this ~~shall~~ may, at the Board's  
984 discretion such as, completion of a court-ordered drug or alcohol treatment program, suffice  
985 to comply with this term of probation.

986  
987 **RATIONALE and APPLICATION OF UNIFORM STANDARD # 6: This condition is**  
988 **to be considered in cases where the grounds for discipline involve drugs and/or alcohol,**  
989 **or where the Uniform Standards Related to a Substance-Abusing Licensee apply.**

990  
991 **1011. Ongoing Support Group Program**

992  
993 Within thirty (30) days of the effective date of the Decision, respondent shall begin and  
994 continue attendance at a support/recovery group (e.g., Twelve Step meetings or the  
995 equivalent, or a facilitated group support ~~meeting with a psychologist trained in alcohol and~~  
996 ~~drug abuse treatment~~) as ordered by the Board or its designee.

997  
998 When determining the type and frequency of required support group meeting attendance, the  
999 Board shall give consideration to the following:

- 1000  
1001
- the licensee's history;
  - the documented length of sobriety/time that has elapsed since substance use;
  - the recommendation of the clinical evaluator;
  - the scope and pattern of use;
  - the licensee's treatment history; and,
  - the nature, duration, and severity of substance abuse.
- 1006  
1007

1008 Verified documentation of attendance shall be submitted by respondent with each quarterly  
1009 report. Respondent shall continue attendance in such a group for the duration of probation  
1010 unless notified by the Board that attendance is no longer required.

1011  
1012 **If a facilitated group support meeting is ordered for a substance-abusing licensee, add**  
1013 **the following language regarding the facilitator:**

1014  
1015 The group facilitator shall meet the following qualifications and requirements:

- 1016  
1017 a. The meeting facilitator must have a minimum of three (3) years of experience in the  
1018 treatment and rehabilitation of substance abuse, and shall be licensed or certified by  
1019 the state or other nationally certified organizations.  
1020 b. The meeting facilitator must not have had a financial relationship, personal  
1021 relationship, or business relationship with the licensee in the last five (5) years.  
1022 c. The meeting facilitator shall provide to the ~~b~~Board a signed document showing the  
1023 licensee's name, facilitator's qualifications, the group name, the date and location of  
1024 the meeting, the licensee's attendance, and the licensee's level of participation and  
1025 progress.  
1026 d. Respondent shall provide the facilitator with a copy of the Decision.  
1027 ~~d~~e. The facilitator shall report any unexcused absence within twenty-four (24) hours.

1028  
1029  
1030 **RATIONALE and APPLICATION OF UNIFORM STANDARD # 5: Alcohol and/or**  
1031 **other drug abuse treatment shall be required in addition to other terms of probation in**  
1032 **cases where the use of alcohol or other drugs by respondent has impaired respondent's**  
1033 **ability to safely provide psychological services. This condition must be accompanied by**  
1034 **condition #12-9. This term is to be considered in cases where the grounds for discipline**  
1035 **involve drugs and/or alcohol, or where the Uniform Standards Related to a Substance-**  
1036 **Abusing Licensee apply. ~~If the Uniform Standards do not apply, where relevant, non-~~**  
1037 **~~facilitated support group attendance, such as Twelve Step meetings, may be ordered~~**  
1038 **~~instead of a facilitated group support meeting, or in addition to it.~~**

1039  
1040 **1112. Abstain from Drugs and Alcohol and Submit to Tests and Samples**

1041  
1042 Respondent shall abstain completely from the personal use or possession of controlled  
1043 substances as defined in the California Uniform Controlled Substances Act, and dangerous  
1044 drugs as defined by ~~S~~ection 4022 of the ~~Business and Professions~~ Code, or any drugs  
1045 requiring a prescription unless respondent provides the Board or its designee with  
1046 documentation from the prescribing healthcare professional that the prescription was  
1047 legitimately issued and is a necessary part of the treatment of respondent.

1048  
1049 Respondent shall abstain completely from the intake of alcohol in any form.

1050  
1051 Respondent shall undergo random and directed biological fluid or specimen testing as  
1052 determined by the Board or its designee. ~~Respondent shall be subject to [a minimum of~~

1053 ~~fifty-two (52)] random tests [per year within the first year of probation, and a minimum of~~  
1054 ~~thirty-six (36) random tests per year thereafter,] for the duration of the probationary term.~~

1055  
1056  
1057

**Testing Frequency Schedule:**

Level	Segments of Probation	Minimum Range of Number of Random Tests
I	Year 1	52-104 per year
II	Year 2+	36-104 per year

1058  
1059  
1060  
1061  
1062

**After five (5) years, administration of biological fluid or specimen testing as determined by the Board, may be reduced to one (1) time per month if there have been no positive drug tests in the previous five (5) consecutive years of probation.**

1063  
1064

Nothing precludes the Board from increasing the number of random tests for any reason.

1065  
1066  
1067  
1068  
1069  
1070  
1071  
1072  
1073  
1074  
1075  
1076  
1077  
1078

Any confirmed positive finding will be considered a violation of probation. Respondent shall pay all costs associated with such testing. If respondent tests positive for a banned substance, respondent shall be ordered by the Board to immediately cease any practice of psychology and to suggest alternative service providers to their clients as appropriate, and may not practice unless and until notified by the Board. Respondent shall make daily contact as directed by the Board to determine if ~~he or she~~respondent must submit to alcohol and/or drug testing. Respondent shall submit to his or her alcohol and/or drug test on the same day that ~~he or she~~respondent is notified that a test is required. ~~All alternative testing sites~~ Any alternative to the licensee's drug testing requirements (including frequency, alternative testing sites, or **cessation of practice**) due to ~~vacation or~~ travel outside of California must be approved by the Board prior to ~~the vacation or~~ travel. The term of probation shall be extended by the period of time during which respondent is ordered to cease practice.

1079  
1080

**Drugs - Exception for Personal Illness**

1081  
1082  
1083  
1084  
1085  
1086  
1087  
1088  
1089  
1090

Orders forbidding respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a licensed health-care professional and used for the purposes for which they were prescribed. Respondent shall provide the Board or its designee with written documentation from the treating licensed health-care professional who prescribed medication(s) within fourteen (14) days from the date of the written request by the Board or its designee. The documentation shall identify the medication, dosage, number of refills, if any; the date the medication was prescribed, ~~the~~ respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

1091  
1092  
1093  
1094

**RATIONALE and APPLICATION OF UNIFORM STANDARD #s 4 and 8: This condition provides documentation that ~~the probationer~~respondent is ~~substance or chemical-free. not using drugs or alcohol.~~ It also provides the Board with a mechanism through which to require additional laboratory analyses for the presence of narcotics,**

1095 alcohol and/or dangerous drugs when ~~the probationer~~respondent appears to be in  
1096 violation of the terms of probation or appears to be under the influence of mood  
1097 altering substances. The Board will consider the following factors in making an  
1098 exception to the testing frequency:  
1099

- 1100 ● **PREVIOUS TESTING/SOBRIETY:** In cases where the Board has evidence  
1101 that a licensee has participated in a treatment or monitoring program  
1102 requiring random testing prior to being subject to testing by the Board, the  
1103 Board may give consideration to that testing in altering the testing  
1104 frequency schedule so that it is equivalent to this standard.  
1105
- 1106 ● **VIOLATION(S) OUTSIDE OF EMPLOYMENT:** An individual whose  
1107 license is placed on probation for a single conviction or incident, or two (2)  
1108 convictions or incidents, spanning greater than seven (7) years from each  
1109 other, where those violations did not occur at work or while on the licensee's  
1110 way to work, where alcohol or drugs were a contributing factor, may bypass  
1111 level I and participate in level II of the testing frequency schedule.  
1112
- 1113 ● **SUBSTANCE USE DISORDER NOT DIAGNOSED:** In cases where no  
1114 current substance use disorder diagnosis is made, a lesser period of  
1115 monitoring and toxicology screening may be adopted by the Board, but not  
1116 to be ~~less~~fewer than twenty-four (24) times per year.  
1117
- 1118 ● **LICENSED SUPERVISION DURING PRACTICE**

1119  
1120 **The Board may reduce testing frequency to a minimum of 24 times per year**  
1121 **for any person who is a practicing licensee if the licensee's supervisor is at**  
1122 **the same location at least 50% of the day and is licensed by the Board.**  
1123

1124 ~~The~~Term 11 is mandatory in cases where the Uniform Standards Related to a  
1125 Substance-Abusing Licensee apply. Where the Uniform Standards do not apply, where  
1126 relevant, ~~the~~ respondent should be ordered to submit to random and directed testing,  
1127 but need not be ordered to submit to the minimum frequency of random tests.  
1128  
1129

## 1130 **12. Request for Modification Pursuant to Uniform Standards**

1131  
1132 "Request" as used in this condition is a request under the Uniform Standards made to the  
1133 probation monitor, and not under the Administrative Procedure Act.  
1134

1135 Before the request is considered, respondent shall demonstrate that the following criteria  
1136 have been met:  
1137

- 1138 a. Sustained compliance with current recovery program.
- 1139 b. The ability to practice safely as evidenced by current worksite monitor reports,  
1140 evaluations, and any other information relating to respondent's substance abuse.



1141 c. Negative alcohol and drug screening reports for at least six (6) months, two (2)  
1142 positive worksite monitor reports, and complete compliance with other terms and  
1143 conditions of the program.  
1144

1145 **RATIONALE and APPLICATION OF UNIFORM STANDARD #11: This term is a**  
1146 **standard term for all substance-abusing licensees, and applies to a request for a**  
1147 **modification of terms and conditions that are within the purview of the Board’s**  
1148 **probation monitor.**  
1149

1150  
1151 **13. Educational Review**  
1152

1153 Respondent shall submit to an educational review concerning the circumstances that  
1154 resulted in this administrative action. Within ninety (90) days from the effective date of the  
1155 Decision, the educational review shall be conducted and submitted to the respondent and  
1156 to the Board by a Board-appointed approved California licensed psychologist (“reviewer”).  
1157 expert familiar with the case. Educational reviews are informational only and intended to  
1158 benefit respondent’s practice. Respondent shall pay all costs associated with this educational  
1159 review. If a reviewer makes recommendations for essential training, education, consultation,  
1160 experiential opportunities, techniques, or technologies to enhance respondent’s professional  
1161 competency in the discipline of psychology and its application in serving the public,  
1162 respondent shall develop and submit a plan to the Board for approval within thirty (30) days  
1163 after receiving the results of the educational review. The plan shall have measurable goals  
1164 by which enhancement to areas of competency will be addressed within the probationary  
1165 period. Respondent shall have met the requirements of the plan no later than six (6) months  
1166 prior to the end of probation. Respondent shall pay all costs associated with this educational  
1167 review and any costs associated with completing respondent’s Board-approved plan.  
1168

1169 **RATIONALE: In cases involving evidence of deficiencies in the body of knowledge**  
1170 **required to be minimally competent to practice independently, it may be appropriate**  
1171 **to require the respondent to submit to an educational review during the course of the**  
1172 **probation period.**  
1173

1174  
1175 **B. STANDARD TERMS AND CONDITIONS OF PROBATION**  
1176 **(To be included in ALL Proposed Decisions and Stipulations)**  
1177

1178 **14. Psychological Evaluation**  
1179

1180 Within ninety (90) days of the effective date of this Decision and on a periodic basis  
1181 thereafter as may be required by the Board, respondent shall undergo a psychological  
1182 evaluation (and psychological testing, if deemed necessary) by a Board-approved California-  
1183 licensed psychologist (“evaluator”), as provided by the Board to the respondent. Respondent  
1184 shall sign a release that authorizes the evaluator to furnish the Board with a Diagnostic and  
1185 Statistical Manual of Mental Disorders, 5<sup>th</sup> Edition, (DSM-5) diagnosis and a written  
1186 evaluation regarding respondent’s judgment and/or ability to practice independently and

1187 safely, and any additional information the Board deems relevant to the case. The completed  
1188 evaluation is the sole property of the Board.

1189  
1190 If the Board concludes from the results of the evaluation that respondent is unable to  
1191 practice independently and safely, upon written notice from the Board, respondent shall  
1192 immediately cease accepting new clients and, in accordance with professional standards,  
1193 shall appropriately refer/terminate existing clients within thirty (30) days of the date of the  
1194 Board's written notice, and shall not resume practice until a Board-approved evaluator  
1195 determines that respondent is safe to practice. The term of probation shall be extended for  
1196 this additional period of time that respondent was ordered to cease practice.  
1197 Recommendations for treatment made as a result of the evaluation will be instituted and  
1198 followed by respondent.

1199  
1200 If not otherwise ordered herein, if ongoing psychotherapy is recommended in the  
1201 psychological evaluation, the Board will notify respondent in writing to submit to such  
1202 psychotherapy and to select a psychologist for approval by the Board within thirty (30) days  
1203 of the date of such written notification. The psychotherapist shall (1) be a California-  
1204 licensed psychologist with a active, unrestricted and current license; (2) have no current or  
1205 formal financial, personal, familial, professional, or other social or business relationship  
1206 with respondent; and (3) not be the same person as respondent's practice, billing, or  
1207 worksite monitor. Frequency of psychotherapy shall be determined upon recommendation of  
1208 the treating psychologist with approval by the Board. Respondent shall continue  
1209 psychotherapy until receiving written notice of release by the Board-approved psychologist  
1210 and approval by the Board. The Board may order a re-evaluation upon receipt of the  
1211 psychologist's recommendation.

1212  
1213 If not otherwise ordered herein, if a client population or psychological service restriction is  
1214 recommended in the psychological evaluation, the Board will notify respondent in writing as  
1215 to the limitation and its duration.

1216  
1217 Respondent shall pay all costs associated with the psychological evaluation and ongoing  
1218 psychotherapy.

1219  
1220

1221 **Option of Evaluation as a Condition Precedent:**

1222  
1223 **In some cases, including but not limited to gross negligence or dishonest, corrupt, or**  
1224 **fraudulent acts, the psychological evaluation may be imposed as either a condition**  
1225 **precedent to the continued practice of psychology, or to the issuance or reinstatement**  
1226 **of a license, so that respondent or petitioner is not allowed to begin or continue**  
1227 **practice until found to be safe to do so. In such cases, the following language shall be**  
1228 **substituted as the first sentence of the first paragraph of this condition:**

1229  
1230 As a condition precedent to the [continued practice of psychology][issuance of a license]  
1231 [reinstatement of a license], within ninety (90) days of the effective date of this Decision,  
1232 and on a periodic basis thereafter as may be required by the Board or its designee,

1233 respondent shall undergo a psychological evaluation (and psychological testing, if deemed  
1234 necessary) by a Board-approved California-licensed psychologist. The term of probation  
1235 shall be extended for the additional period of time during which respondent is not allowed to  
1236 practice.

1237  
1238 **In addition, the following language shall also be used as a substitute for the first**  
1239 **sentence of the second paragraph of this condition:**

1240  
1241 If the Board concludes from the results of the evaluation that [respondent][petitioner] is  
1242 unable to practice independently and safely, upon written notice from the Board [respondent  
1243 shall, in accordance with professional standards, appropriately refer/terminate existing  
1244 clients within thirty (30) days and shall not resume practice until a Board-approved  
1245 evaluator determines that respondent is safe to practice][respondent or petitioner shall not be  
1246 issued or have a reinstated license until a Board-approved evaluator determines that  
1247 respondent or petitioner is safe to practice].

1248  
1249

#### 1250 **15 14. Notification to Employer**

1251  
1252 When currently employed, applying for employment or negotiating a contract, or contracted  
1253 to provide psychological services, respondent shall provide to each employers, supervisor,  
1254 or contractor, or prospective employer or contractor where respondent is providing or would  
1255 provide psychological services, a copy of ~~theis Decision and the Accusation or Statement of~~  
1256 ~~Issues~~ before accepting or continuing employment. Notification to ~~the~~ respondent's current  
1257 employer shall occur no later than the effective date of the Decision. Respondent shall  
1258 submit, upon request by the Board or its designee, satisfactory evidence of compliance with  
1259 this ~~term~~condition of probation.

1260  
1261 ~~The~~ Respondent shall provide to the Board the names, physical addresses, mailing  
1262 addresses, email addresses, and telephone numbers of all employers and supervisors, or  
1263 contractors, and shall inform the Board in writing of the facility or facilities at which the  
1264 person is providing psychological services, and the name(s) of the person(s) to whom the  
1265 Board's ~~d~~Decision was provided. Respondent shall not interfere with the Board's authority  
1266 to communicate with respondent's employer, supervisor, or workplace contacts with whom  
1267 they are contracted to provide psychological services.

1268  
1269 If respondent offers psychological services through court appointment, respondent must  
1270 provide a copy of the Decision to the division of the Court where services are offered prior  
1271 to the appointment.

1272  
1273 ~~Respondent shall complete the required consent forms and sign an agreement with the~~  
1274 ~~employer and supervisor, or contractor, and the Board to allow the Board to communicate~~  
1275 ~~with the employer and supervisor, or contractor.~~

#### 1276 1277 **1615. Coursework**

1278

1279 Respondent shall take and successfully complete not less than \_\_\_\_\_ hours each  
1280 year of probation in the following area(s) \_\_\_\_\_ and/or as approved by the Board or its  
1281 designee. Coursework ~~must~~shall be pre-approved by the Board or its designee and be taken  
1282 from a continuing education provider approved by the American Psychological Association  
1283 (APA), California Psychological Association (CPA), California Medical Association  
1284 (CMA), Accreditation Council for Continuing Medical Education (ACCME), or Association  
1285 of Black Psychologists (ABPsi) or its designee. Coursework shall be taken in real time, with  
1286 live interaction with the course instructor. On-demand, recorded courses, or home study  
1287 coursework will not count toward meeting this requirement. ~~All coursework shall be taken~~  
1288 ~~at the graduate level at an accredited educational institution, or by an approved continuing~~  
1289 ~~education provider. Classroom attendance correspondence or home study coursework shall~~  
1290 ~~not count toward meeting this requirement~~. The coursework must be in addition to any  
1291 continuing education courses that may be required for license renewal. Respondent shall  
1292 provide proof, pursuant to section 1397.61.1 of completion of the required coursework to  
1293 the Board.

1294  
1295 ~~Within ninety (90) days of the effective date of this Decision, respondent shall submit to the~~  
1296 ~~Board or its designee for its prior approval a plan for meeting the educational requirements.~~  
1297 ~~All costs of the coursework shall be paid by the respondent.~~

1298  
1299 **1716. Law and Ethics Course**

1300  
1301 Respondent shall take and successfully complete a course in law and ethics of not less than  
1302 six (6) hours, within the first year from the effective date of the Decision. Coursework shall  
1303 be pre-approved by the Board and be taken from a continuing education provider approved  
1304 by American Psychological Association (APA), California Psychological Association  
1305 (CPA), California Medical Association (CMA), Accreditation Council for Continuing  
1306 Medical Education (ACCME), or Association of Black Psychologists (ABPsi). Coursework  
1307 shall be taken in real time, with live interaction with the course instructor. On-demand,  
1308 recorded courses, or home study coursework will not count toward meeting this  
1309 requirement. The coursework must be in addition to any continuing education courses that  
1310 may be required for license renewal. Respondent shall provide proof of completion of the  
1311 required coursework to the Board. The cost associated with the law and ethics course shall  
1312 be paid by respondent.

1313  
1314 ~~Within ninety (90) days of the effective date of this Decision, shall submit to the Board or~~  
1315 ~~its designee for prior approval a course in laws and ethics as they relate to the practice of~~  
1316 ~~psychology. Said course must be successfully completed at an accredited educational~~  
1317 ~~institution or through a provider approved by the Board's accreditation agency for~~  
1318 ~~continuing education credit. Said course must be taken and completed within one year from~~  
1319 ~~the effective date of this Decision. This course must be in addition to any continuing~~  
1320 ~~education courses that may be required for license renewal. The cost associated with the law~~  
1321 ~~and ethics course shall be paid by the respondent.~~

1322  
1323 **1817. Investigation/Enforcement Cost Recovery**

1324

1325 Respondent shall pay to the Board its costs of investigation and enforcement in the amount  
1326 of \$ \_\_\_\_\_ within the first year of probation from the effective date of the Decision  
1327 unless an alternative payment plan is approved by the Board or its designee after written  
1328 request from respondent as provided in this section. Such costs shall be payable to the Board  
1329 of Psychology and are to be paid regardless of whether the probation is tolled. Failure to pay  
1330 such costs shall be considered a violation of probation.

1331  
1332 Any and all requests for an alternative payment plan shall be submitted in writing by  
1333 respondent to the Board. However, full payment of any and all costs required by this  
1334 condition must be received by the Board no later than six (6) months prior to the scheduled  
1335 termination of probation.

1336  
1337 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to  
1338 repay investigation and enforcement costs.

1339

1340 **1918. Probation Costs**

1341

1342 Respondent shall pay the costs associated with probation monitoring each and every year of  
1343 probation as designated by the Board or its designee, which may be adjusted on an annual  
1344 basis. Such costs shall be payable to the Board of Psychology at the end of each fiscal year  
1345 (June 30). Failure to pay such costs shall be considered a violation of probation.

1346

1347 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to  
1348 repay probation monitoring costs.

1349

1350 **2019. Obey All Laws**

1351

1352 Respondent shall obey all federal, state, and local laws and all regulations governing the  
1353 practice of psychology in California including the Ethical Principles of Psychologists and  
1354 Code of Conduct guidelines of the American Psychological Association. A full and detailed  
1355 account of any and all violations of law shall be reported by the respondent to the Board or  
1356 its designee in writing within seventy-two (72) hours of occurrence.

1357

1358 CRIMINAL COURT ORDERS: If respondent is under criminal court orders by any  
1359 governmental agency, including probation or parole, and the orders are violated, this shall  
1360 be deemed a violation of probation and may result in the filing of an Accusation or  
1361 Petition to Revoke Probation or both.

1362

1363 OTHER BOARD OR REGULATORY AGENCY ORDERS: If respondent is subject to any  
1364 other disciplinary order from any other health-care related board or any professional  
1365 licensing or certification regulatory agency in California or elsewhere, and violates any of  
1366 the orders or terms and conditions imposed by other agencies, this shall be deemed a  
1367 violation of probation and may result in the filing of an Accusation or Petition to Revoke  
1368 Probation or both.

1369

1370 **2120. Quarterly Reports**

1371  
1372 Respondent shall submit quarterly declarations under penalty of perjury ~~on forms provided~~  
1373 ~~by the Board or its designee~~, stating whether there has been compliance with all the  
1374 conditions of probation. Quarterly reports attesting to non-practice status are to be submitted  
1375 if probation is tolled.

1376  
1377 Respondent shall submit a quarterly report that covers the entire quarter no later than seven  
1378 (7) calendar days ~~from after the beginning of the assigned~~ quarter ends. The quarterly  
1379 reporting periods and due dates are as follows:

- 1380 • Quarter 1 January 1 – March 31 - Report no earlier than April 1st. Due no later than  
1381 April 7th.
- 1382 • Quarter 2 April 1 – June 30 - Report no earlier than July 1st. Due no later than July  
1383 7th.
- 1384 • Quarter 3 July 1 – September 30 - Report no earlier than October 1st. Due no later  
1385 October 7th.
- 1386 • Quarter 4 October 1 – December 31 - Report no earlier than January 1st. Due no  
1387 later than January 7<sup>th</sup>

1388  
1389 **2221. Probation Compliance**

1390  
1391 Respondent shall comply with the Board’s probation program and shall, upon reasonable  
1392 notice, report to the assigned Board of Psychology probation monitor. Respondent shall  
1393 contact the assigned probation monitor regarding any questions specific to the ~~probation~~  
1394 ~~order~~ Decision. As it relates to the Decision, Respondent shall not have any unsolicited or  
1395 unapproved contact with (1) complainants associated with the case; (2) Board members ~~or~~  
1396 ~~members of its staff~~; or (3) persons serving the Board as expert evaluators.

1397  
1398 **2322. Interview with Board or Its Designee**

1399  
1400 Respondent shall appear in person for interviews and/or meetings as directed by ~~with~~ the  
1401 Board or its designee upon request at various intervals and with reasonable notice.

1402  
1403 **2423. Changes of Employment/Address**

1404  
1405 Respondent shall, at all times, keep the Board informed of respondent’s business and  
1406 residence addresses. Respondent shall notify the Board in writing, through the assigned  
1407 probation monitor, of any and all changes of employment, location, and address within  
1408 ~~thirty (30)~~ ten (10) days of such change.

1409  
1410 **2524. Tolling for Out-of-State Practice, Residence or Extension of Probation for In-State**  
1411 **Non-Practice Tolling for Non-Practice and Out-of-State Practice**

1412  
1413 Respondent shall notify the Board in writing within ten (10) days of any periods of non-  
1414 practice lasting more than thirty (30) days and within ten (10) days of respondent’s return to  
1415 practice.

1416

1417 Non-practice is any period that respondent is not rendering those psychological services  
1418 identified in section 2903 of the Business and Professions Code for at least forty (40) hours  
1419 in a calendar month in the State of California.

1420  
1421 If respondent resides in California and is in non-practice, respondent shall comply with all  
1422 of the terms and conditions of probation.

1423  
1424 Periods of non-practice for a respondent residing outside of California will relieve  
1425 respondent of the responsibility to comply with the probationary terms and conditions, with  
1426 the exception of this condition and the following terms and conditions:

- 1427
- 1428 ● Restitution,
- 1429 ● Abstain from Drugs and Alcohol, and Submit to Tests and Samples,
- 1430 ● Cost Recovery,
- 1431 ● Probation Costs,
- 1432 ● Obey all Laws,
- 1433 ● Quarterly Reports,
- 1434 ● Probation Compliance,
- 1435 ● Interview with the Board or Its Designee
- 1436 ● Changes of Employment/Address,
- 1437 ● Violation of Probation,
- 1438 ● License Surrender
- 1439

1440 Periods of non-practice will not apply to reduction of the probationary term.

1441  
1442 A Board-ordered suspension of practice shall not be considered a period of non-practice.

1443  
1444 Respondent's cumulative, total time of non-practice while on probation shall not exceed two  
1445 (2) years. Absent a showing of good cause to the Board, including but not limiting to health  
1446 issues of respondent or immediate family member, for a cumulative period of non-practice  
1447 exceeding two (2) years constitutes a violation of probation and subjects respondent's  
1448 license to surrender or revocation.

1449  
1450 ~~In the event respondent should leave California to reside or to practice outside the State for~~  
1451 ~~any reason, respondent shall notify the Board or its designee in writing within ten (10) days~~  
1452 ~~of the dates of departure and return to California. All provisions of probation other than the~~  
1453 ~~quarterly report requirements, restitution, cost recovery, and coursework requirements, shall~~  
1454 ~~be held in abeyance until respondent resumes practice in California. All provisions of~~  
1455 ~~probation shall recommence on the effective date of resumption of practice in California,~~  
1456 ~~and the term of probation shall be extended for the period of time respondent was out of~~  
1457 ~~state.~~

1458  
1459 ~~Unless by Board order, in the event respondent is not engaging in the practice of psychology~~  
1460 ~~while residing in California, respondent shall notify the Board or its designee in writing~~  
1461 ~~within ten (10) days of the dates of cessation of practice and expected return to practice.~~  
1462 ~~Non-practice is defined as any period of time exceeding thirty (30) days in which~~

1463 respondent is not engaging in any activities defined in Sections 2902 and 2903 of the  
1464 Business and Professions Code. All provisions of probation shall remain in effect, and the  
1465 term of probation shall be extended for the period of time respondent was not engaged in the  
1466 practice of psychology as required by other employment requirements of this order.  
1467

1468 **26. Tolling for Ceased Practice**

1469  
1470 The term of probation shall be extended for any period of time during which respondent is  
1471 ordered to cease practice. Respondent’s cumulative, total time of ceased practice while on  
1472 probation shall not exceed two (2) years. A cumulative period of ceased practice exceeding  
1473 two (2) years constitutes a violation of probation.  
1474

1475 **2725. Employment and Supervision of Trainees**

1476  
1477 If respondent is licensed as a psychologist, ~~he/she~~respondent shall not employ or supervise  
1478 ~~or apply to employ or supervise psychological assistants~~ associates, interns, or trainees. Any  
1479 such supervisory relationship in existence on the effective date of this Decision ~~and Order~~  
1480 shall be terminated by respondent and/or the Board.  
1481

1482 **2826. Instruction of Coursework Qualifying for Continuing Education**

1483  
1484 Respondent shall not be an instructor of any coursework for continuing education credit  
1485 required by any license issued by the Board.  
1486

1487 **2927. Future Registration or Licensure**

1488  
1489 ~~If respondent is registered as a psychological assistant or registered psychologist and~~  
1490 ~~subsequently obtains other psychological assistant or registered psychologist registrations or~~  
1491 ~~becomes licensed as a psychologist during the course of this probationary order, This~~  
1492 ~~Decision shall remain in full force and effect through any registration or license issued by~~  
1493 ~~the Board until the probationary period is successfully terminated~~completed. Future  
1494 registrations or licensure shall not be approved, ~~however~~, unless respondent is currently in  
1495 compliance with all of the terms and conditions of probation.  
1496

1497 **28. Request for Modification**

1498  
1499 ~~“Request” as used in this condition is a request made to the Board’s designee, and not under~~  
1500 ~~the Administrative Procedure Act.~~  
1501

1502 The licensee shall ~~demonstrate that he or she has met the following criteria before being~~  
1503 ~~granted a request to modify a practice restriction ordered by the Board staff pursuant to the~~  
1504 ~~Uniform Standards:~~

- 1505  
1506 a. ~~Demonstrated sustained compliance with current recovery program.~~  
1507 b. ~~Demonstrated the ability to practice safely as evidenced by current work site reports,~~  
1508 ~~evaluations, and any other information relating to the licensee’s substance abuse.~~



1509 e. ~~Negative alcohol and drug screening reports for at least six (6) months, two (2)~~  
1510 ~~positive worksite monitor reports, and complete compliance with other terms and~~  
1511 ~~conditions of the program.~~  
1512

1513 ~~**RATIONALE and APPLICATION OF UNIFORM STANDARD #11: This term is a**~~  
1514 ~~**standard term for all substance abusing licensees. It applies to request for a**~~  
1515 ~~**notification of terms and conditions that are within the purview of the Board's**~~  
1516 ~~**Probation Monitor.**~~  
1517

1518 **3029. Violation of Probation**  
1519

1520 If respondent violates probation ~~in any respect~~, the Board may, after giving respondent  
1521 notice and the opportunity to be heard, revoke probation and carry out the disciplinary order  
1522 that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent  
1523 during probation, the Board shall ~~have continuing~~ to have jurisdiction until the matter is  
1524 final, and the term of probation shall be extended until the matter is final. No Petition for  
1525 Modification or Termination of Probation shall be considered while there is an Accusation  
1526 or Petition to Revoke Probation pending against respondent.  
1527

1528 **3130. Completion of Probation**  
1529

1530 Upon successful completion of probation, respondent's license shall be fully restored.  
1531

1532 **3231. License Surrender**  
1533

1534 Following the effective date of this Decision, if respondent ceases practicing due to retirement,  
1535 health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent  
1536 may request in writing the voluntary surrender of ~~his or her~~ their license ~~or registration~~.  
1537 Respondent's written request to surrender their license shall include the following: their name,  
1538 license number, case number, address of record, and an explanation of the reason(s) why  
1539 respondent seeks to surrender their license. The Board of Psychology or its designee reserves the  
1540 right to evaluate respondent's request and to exercise its discretion whether or not to grant the  
1541 request, or to take any other action deemed appropriate and reasonable under the circumstances.  
1542 Upon formal acceptance of the surrender, respondent shall, within fifteen (15) calendar days,  
1543 deliver respondent's pocket and/or wall certificate to the Board or its designee and respondent  
1544 shall no longer practice psychology. Respondent will no longer be subject to the terms and  
1545 conditions of probation and the surrender of respondent's license shall be deemed disciplinary  
1546 action. If respondent reapplies for a psychology license ~~or registration~~, the application shall be  
1547 treated as a petition for reinstatement of a revoked license ~~or registration~~.  
1548

1549  
1550 **C. STANDARD TERMS AND CONDITIONS FOR REVOCATIONS OR**  
1551 **STIPULATIONS FOR SURRENDER**  
1552 **(To be included in ALL all Revocations or Stipulations for Surrender or Revocation)**  
1553

1554 **3332. Reinstatement and Investigation/Enforcement Cost Recovery**

1555  
1556 Respondent may not petition for reinstatement of a revoked or surrendered  
1557 license/~~registration~~ for three (3) years from the effective date of this Decision. If the Board  
1558 grants future reinstatement, respondent agrees to reimburse the Board for its costs of  
1559 investigation and enforcement of this matter in the amount of \$ \_\_\_\_\_ payable to the  
1560 Board upon the effective date of such reinstatement Decision.

1561  
1562 **3433. Relinquish License**

1563  
1564 Respondent shall ~~deliver respondent's pocket and/or wall certificate~~ relinquish his/her wall  
1565 ~~and pocket certificate of licensure or registration~~ to the Board or its designee once this  
1566 Decision becomes effective ~~and upon request~~.

1567  
1568  
1569 **IV. PROPOSED DECISIONS**

1570  
1571 **A. ~~Contents: The Board requests that Proposed Decisions include the following:~~**  
1572 **Proposed Decisions must include the following:**

- 1573 a. Specific code section(s) violated ~~with the definition of the code(s)~~ in the Determination  
1574 of Issues.  
1575 b. Clear description of the acts or omissions which caused the violation.  
1576 c. Respondent's explanation of the violation(s) in the Findings of Fact if ~~he/she~~ respondent  
1577 was present at the hearing.  
1578 d. Description of all evidence of mitigation, rehabilitation, and aggravation presented at the  
1579 hearing.  
1580 e. Explanation of any deviation from the Board's Disciplinary Guidelines.

1581  
1582 When a probation order is ordered imposed, the Board requests that the Decision order first must  
1583 list any combination of the Optional Terms and Conditions (1-13) that are imposed, as they may  
1584 pertain to the particular case followed by all of the Standard Terms and Conditions (14-312).

1585  
1586 ~~If the respondent fails to appear for his/her scheduled hearing or does not submit a Notice of~~  
1587 ~~Defense form, **such inaction shall result in a default decision to revoke licensure or deny**~~  
1588 ~~**application.**~~

1589  
1590 **~~B. Recommended Language for Issuance and Placement of a License on Probation, and~~**  
1591 **Reinstatement of License Model Disciplinary Orders**

1592  
1593 **1. Disciplining Placement of a License on Probation/Registration:**

1594  
1595 "IT IS HEREBY ORDERED that the [~~registration~~][license] issued to respondent is  
1596 REVOKED. However, the order of revocation is STAYED and the [~~registration~~][license] is  
1597 placed on probation for [#] years subject to the following terms and conditions<sup>22</sup>:"

1598  
1599 **2. Applicant Placed on Probation Issuance and Placement of a License on Probation:**

1601 “IT IS HEREBY ORDERED that the application for {license}{registration} is GRANTED,  
1602 and upon successful completion of all {licensing}{registration} requirements a  
1603 {license}{registration} shall be issued, provided that all {licensing}{registration} requirements  
1604 are completed within two (2) years of the effective date of this ~~d~~Decision. If a  
1605 {license}{registration} is not issued within two (2) years of the effective date of this  
1606 ~~d~~Decision, the application is ordered denied, and a new application will be required. Upon  
1607 issuance, ~~however~~, said {license}{registration} shall immediately be REVOKED. However,  
1608 the order of revocation shall be STAYED, and the {license}{registration} is placed on  
1609 probation for [#] years subject to the following terms and conditions:”  
1610

1611 3. Reinstatement of a License:

1612  
1613 “The petition of [name], [Ph.D.][PsyD.][EdD], for reinstatement of licensure is hereby  
1614 GRANTED. Psychologist license number [#] shall be reinstated provided that all licensing  
1615 requirements are completed within two (2) years of the effective date of this ~~d~~Decision. If the  
1616 license is not reinstated within two (2) years of the effective date of this ~~d~~Decision, the  
1617 petition is ordered denied, and a new petition for reinstatement will be required. Upon  
1618 reinstatement, ~~however~~, the license shall be immediately ~~revoked~~ REVOKED. However, the  
1619 order of revocation shall be STAYED, and petitioner’s license shall be placed on probation  
1620 for a period of [#] years subject to the following terms and ~~following~~ conditions:”  
1621

1622 **V. REHABILITATION CRITERIA FOR REINSTATEMENT/PENALTYDISCIPLINE**  
1623 **RELIEF HEARINGS**

1624  
1625 The primary concerns of the Board at reinstatement or penaltydiscipline relief hearings are (1)  
1626 the Rehabilitation Criteria for Denials and Reinstatements in California Code of Regulations,  
1627 Title 16 CCR, section 1395; and (2) the evidence presented by the petitioner of his/her/their  
1628 rehabilitation. The Board will not retry the original ~~revocation or probation case~~ disciplinary  
1629 action.  
1630

1631 The Board will consider, pursuant to 16 CCR §section 1395, the ~~following~~ criteria of  
1632 rehabilitation for Denials and Reinstatements as follows:  
1633

- 1634 (1) ~~The nature and severity of the act(s) or crime(s) under consideration as grounds for~~  
1635 ~~denial.~~  
1636 (2) ~~Evidence of any act(s) committed subsequent to the act(s) or crime(s) under~~  
1637 ~~consideration as grounds for denial which also could be considered as grounds for denial~~  
1638 ~~under section 480 of the Code.~~  
1639 (3) ~~The time that has elapsed since commission of the act(s) of crime(s) referred to in~~  
1640 ~~subdivision (1) or (2).~~  
1641 (4) ~~The extent to which the applicant has complied with any terms of parole, probation,~~  
1642 ~~restitution, or any other sanctions lawfully imposed against the applicant.~~  
1643 (5) ~~Evidence, if any, of rehabilitation submitted by the applicant.~~  
1644

1645 When considering the denial of a license or registration under sections 141, 480, 2960, or 2960.6  
1646 of the Code, or a petition for reinstatement or modification of penalty under section 2962 of the

1647 Code, the Board will evaluate whether the applicant or petitioner has made a showing of  
1648 rehabilitation and has established present fitness for a license or registration.  
1649 (a) Where the denial is, or the surrender or revocation was, in part on the ground(s) that the  
1650 applicant or petitioner has been convicted of a crime, the Board shall consider whether the  
1651 applicant or petitioner made a showing of rehabilitation if the person completed the criminal  
1652 sentence without a violation of parole or probation. In making this determination, the Board  
1653 shall use the following criteria in (1) through (5), as available. If there is a violation of parole or  
1654 probation, or no showing of rehabilitation based on these criteria, the Board shall evaluate  
1655 rehabilitation under subdivision (b).

- 1656 (1) The nature and gravity of the crime(s).  
1657 (2) The reason for granting and the length(s) of the applicable parole or probation period(s).  
1658 (3) The extent to which the applicable parole or probation period was shortened or lengthened,  
1659 and the reason(s) the period was modified.  
1660 (4) The terms or conditions of parole or probation and the extent to which they bear on the  
1661 applicant's or petitioner's rehabilitation.  
1662 (5) The extent to which the terms or conditions of parole or probation were modified, and the  
1663 reason(s) for modification.

1664  
1665 (b) Where the denial is not or the surrender or revocation was not based on a conviction, or was  
1666 based upon professional misconduct, or unprofessional conduct under sections 2960 or 2960.6 of  
1667 the Code, or the Board determines that the applicant or petitioner did not make a showing of  
1668 rehabilitation based on subdivision (a), the Board shall apply the following criteria in evaluating  
1669 an applicant's or petitioner's rehabilitation:

- 1670 (1) Evidence of any act(s) committed subsequent to the act(s) or crime(s) that are grounds for  
1671 denial, or that were grounds for surrender or revocation, which also could be considered as  
1672 grounds for denial under sections 141, 480, 2960, or 2960.6 of the Code, and the time that has  
1673 elapsed between them.  
1674 (2) The extent to which the applicant or petitioner has complied with any terms of parole,  
1675 probation, restitution, or any other sanctions lawfully imposed against the applicant or petitioner.  
1676 (3) The criteria in subdivision (a)(1)-(5), as applicable.  
1677 (4) Evidence, if any, of rehabilitation submitted by the applicant or petitioner demonstrating that  
1678 they have a mature, measured appreciation of the gravity of the misconduct, and remorse for the  
1679 harm caused, and showing a course of conduct that convinces and assures the Board that the  
1680 public will be safe if the person is permitted to be licensed or registered to practice psychology.

1681  
1682 The Board requests that comprehensive information be elicited from the petitioner regarding  
1683 ~~his/her~~ their rehabilitation. The petitioner should provide details that include:

- 1684 A. Why the ~~penalty~~ discipline should be modified or why the license should be reinstated.  
1685 B. Specifics of rehabilitative efforts and results which should include programs,  
1686 psychotherapy, medical treatment, etc., and the duration of such efforts.  
1687 C. Continuing education pertaining to the offense and its effect on ~~his or her~~ their practice  
1688 of psychology.  
1689 D. If applicable, copies of court documents pertinent to conviction, including documents  
1690 specifying conviction and sanctions, and proof of completion of sanctions.  
1691 E. If applicable, copy of Certificate of Rehabilitation or evidence of expungement  
1692 proceedings.

1693 F. If applicable, evidence of compliance with and completion of terms of probation, parole,  
1694 restitution, or any other sanctions.

1695  
1696 Rehabilitation is evaluated according to an internal subjective measure of attitude (state of mind)  
1697 and an external objective measure of conduct (state of facts). The state of mind demonstrating  
1698 rehabilitation is one that has a mature, measured appreciation of the gravity of the misconduct  
1699 and remorse for the harm caused. Petitioner must take responsibility for the misconduct and  
1700 show an appreciation for why it is wrong. Petitioner must also show a demonstrated course of  
1701 conduct that convinces and assures the Board that the public would be safe if petitioner is  
1702 permitted to be licensed to practice psychology. Petitioner must show a track record of reliable,  
1703 responsible, and consistently appropriate conduct.

1704  
1705 In the ~~Petition~~-Decision, the Board requests a summary of the offense and the specific codes  
1706 violated that resulted in the Decision~~revocation, surrender or probation of the license.~~

1707  
1708 **If the Board should deny a request for reinstatement of licensure or penalty relief, the Board**  
1709 **requests that the Administrative Law Judge provide technical assistance in the formulation of**  
1710 **language clearly setting forth the reasons for denial. Such language would include methodologies**  
1711 **or approaches that demonstrate rehabilitation.**~~Petitioners for reinstatement must wait three (3)~~  
1712 ~~years from the effective date of their revocation decisions or one (1) year from the last petition~~  
1713 ~~for reinstatement decisions before filing for reinstatement.~~

1714  
1715 If a petitioner fails to appear for ~~his/her~~their scheduled ~~reinstatement or penalty relief~~ hearing,  
1716 such inaction shall result in a ~~Default~~ Decision to deny ~~the petition~~reinstatement of the license  
1717 ~~or registration or reduction of penalty.~~

1718  
1719 **VI. UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSING LICENSEES**  
1720

1721 The following Uniform Standards describe the conditions that apply to a substance-abusing  
1722 applicant or licensee, and have been incorporated into the terms and conditions of probation. If  
1723 the ground(s) for discipline involves drugs and/or alcohol, the applicant or licensee shall be  
1724 presumed to be a substance-abusing applicant or licensee for purposes of section 315 of the  
1725 Code. If the applicant or licensee does not rebut that presumption, there shall be a finding that ~~he~~  
1726 ~~or she~~ they are is a substance-abusing applicant or licensee, and the Uniform Standards for a  
1727 substance abusing applicant or licensee shall apply as written and be used in the order placing the  
1728 license on probation.

1729  
1730 **Clinical Diagnostic Evaluations [Uniform Standard #1]:**

1731 (Reflected in Optional Term # 98)

1732  
1733 Whenever a licensee is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be  
1734 a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic  
1735 evaluations, and has three (3) years of experience in providing evaluations of health care  
1736 professionals with substance abuse disorders. The evaluator shall be approved by the Board, and  
1737 unless permitted by the Board or its designee, shall be a California-licensed psychologist or

1738 physician and surgeon. The evaluations shall be conducted in accordance with acceptable  
1739 professional standards for conducting substance abuse clinical diagnostic evaluations.

1740

1741 **Whether the clinical diagnostic evaluation is ordered is discretionary.**

1742

1743 **Clinical Diagnostic Evaluation Report [Uniform Standard #1]:**

1744

1745

1746 **Clinical Diagnostic Evaluation/Cease Practice Order [Uniform Standard #2]:**

1747 (Reflected in Optional Term # 98)

1748

1749 Unless the presumption that the applicant or licensee is a substance-abusing applicant or licensee  
1750 is rebutted, and the public can be adequately protected, the Board shall order the applicant or  
1751 licensee to cease any practice of psychology pending the clinical diagnostic evaluation and a  
1752 Board determination upon review of the diagnostic evaluation report that the applicant is safe to  
1753 begin or the licensee is safe to return to practice.

1754

1755 **If the evaluation is ordered, a cease practice order is mandatory.**

1756

1757 **Clinical Diagnostic Evaluation Report [Uniform Standard #31,2,6]:**

1758 (Reflected in Optional Term # 98)

1759

1760 The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the  
1761 licensee has a substance abuse problem, whether the licensee is a threat to ~~himself or herself~~  
1762 themselves or others, and recommendations for substance abuse treatment, practice restrictions, or  
1763 other recommendations related to the licensee's rehabilitation and safe practice.

1764

1765 The evaluator shall not have or have ever had a financial, personal, business or other social  
1766 relationship with the licensee. The evaluator shall provide an objective, unbiased, and  
1767 independent evaluation.

1768

1769 If the evaluator determines during the evaluation process that a licensee is a threat to ~~himself or~~  
1770 ~~herself~~ themselves or others, the evaluator shall notify the Board within twenty-four (24) hours of  
1771 such a determination.

1772

1773 For all evaluations, a final written report shall be provided to the Board no later than ten (10)  
1774 days from the date the evaluator is assigned the matter unless the evaluator requests additional  
1775 information to complete the evaluation, not to exceed thirty (30) days.

1776

1777 The Board shall review the clinical diagnostic evaluation to help determine whether or not the  
1778 licensee is safe to return to either part-time or full-time practice and what restrictions or  
1779 recommendations should be imposed on the licensee based on the application of the following  
1780 criteria:

1781

1782 License type, licensee's history, documented length of sobriety, scope and pattern of  
1783 substance abuse, treatment history, medical history, current medical condition, nature,

1784 duration and severity of substance abuse problem, and whether the licensee is a threat to  
1785 ~~himself or herself~~ themselves or others.

1786  
1787 When determining if the licensee should be required to participate in inpatient, outpatient or any  
1788 other type of treatment, the Board shall take into consideration the recommendation of the  
1789 clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and  
1790 pattern of substance abuse, treatment history, medical history, current medical condition, nature,  
1791 duration and severity of substance abuse and whether the licensee is a threat to ~~himself or herself~~  
1792 themselves or others.

1793  
1794 **If the evaluation is ordered, this standard is mandatory.**

1795  
1796 **Communication with Employer [Uniform Standard #4]:**  
1797 (Reflected in Standard Term # ~~44~~15)

1798  
1799 If the licensee whose license is on probation has an employer, the licensee shall provide to the  
1800 Board the names, physical addresses, mailing addresses, email, and telephone numbers of all  
1801 employers and supervisors and shall give specific, written consent that the licensee authorizes the  
1802 Board and the employers and supervisors to communicate regarding the licensee's work status,  
1803 performance, and monitoring.

1804  
1805 **Facilitated Group Support Meetings [Uniform Standard #5]:**  
1806 (Reflected in Optional Term # 10~~4~~)

1807  
1808 If the Board requires a licensee to participate in facilitated group support meetings, the following  
1809 shall apply:

- 1810
- 1811 1. When determining the frequency of required group meeting attendance, the Board shall  
1812 give consideration to the following:  
1813
    - 1814 • the licensee's history;
    - 1815 • the documented length of sobriety/time that has elapsed since substance use;
    - 1816 • the recommendation of the clinical evaluator;
    - 1817 • the scope and pattern of use;
    - 1818 • the licensee's treatment history; and,
    - 1819 • the nature, duration, and severity of substance abuse.
  - 1820  
1821 2. Group Meeting Facilitator Qualifications and Requirements:  
1822
    - 1823 a. The meeting facilitator must have a minimum of three (3) years<sup>2</sup> of experience in the  
1824 treatment and rehabilitation of substance abuse, and shall be licensed or certified by  
1825 the State or other nationally certified organizations.
    - 1826 b. The meeting facilitator must not have had a financial relationship, personal  
1827 relationship, or business relationship with the licensee within the last five (5) years.
    - 1828 c. The meeting facilitator shall provide to the Board a signed document showing the  
1829 licensee's name, the group name, the date and location of the meeting, the licensee's

1830 attendance, and the licensee’s level of participation and progress.  
1831 d. The meeting facilitator shall report any unexcused absence within twenty-four (24)  
1832 hours.  
1833

1834 **Whether facilitated support group meetings are ordered is discretionary.** (Under the  
1835 Disciplinary Guidelines, non-facilitated support group attendance, such as Twelve Step  
1836 meetings, may also be ordered.)  
1837

1838 **Treatment Program – Inpatient, Outpatient, or Other [Uniform Standard #6]**  
1839 (Reflected in Optional Term #10)  
1840

1841 In determining whether inpatient, outpatient, or other type of treatment is necessary, the Board  
1842 shall consider the following criteria:

- 1843 • recommendation of the clinical diagnostic evaluation (if any) pursuant to Uniform  
1844 Standard #1;
  - 1845 • license type;
  - 1846 • licensee’s history;
  - 1847 • documented length of sobriety/time that has elapsed since substance abuse;
  - 1848 • scope and pattern of substance use;
  - 1849 • licensee’s treatment history;
  - 1850 • licensee’s medical history and current medical condition;
  - 1851 • nature, duration, and severity of substance abuse, and
  - 1852 • threat to themselves ~~himself/herself~~ or the public.
- 1853

1854 **Whether a treatment program is ordered is discretionary.**  
1855

1856 **Worksite Monitor Requirements [Uniform Standard # 7]:**  
1857 (Reflected in Optional Term # 43)  
1858

1859 If the Board determines that a worksite monitor is necessary for a particular licensee, the  
1860 worksite monitor must meet the following requirements to be considered for approval by the  
1861 Board:  
1862

1863 The worksite monitor shall not have a current or former financial, personal, or familial  
1864 relationship with the licensee, or other social or business relationship that could reasonably  
1865 be expected to compromise the ability of the monitor to render impartial and unbiased reports  
1866 to the Board. If it is impractical for anyone but the licensee’s employer to serve as the  
1867 worksite monitor, this requirement may be waived by the Board; however, under no  
1868 circumstances shall a licensee’s worksite monitor be an employee or supervisee of the  
1869 licensee.  
1870

1871 The ~~worksite monitor’s license~~ scope of practice of the worksite monitor shall include the  
1872 scope of practice of the licensee who is being monitored or be another health care  
1873 professional if no monitor with like scope of practice is available, or, as approved by the  
1874 Board, be a person in a position of authority who is capable of monitoring the licensee at  
1875 work.



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1921

If the worksite monitor is a licensed healthcare professional ~~they he or she~~ shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

The worksite monitor shall sign an affirmation that ~~they have he or she has~~ reviewed the terms and conditions of the licensee’s disciplinary order and agrees to monitor the licensee as set forth by the Board.

The worksite monitor must adhere to the following required methods of monitoring the licensee:

- (1) Have ~~face-to-face~~ **in person** contact with the licensee in the work environment on as frequent a basis as determined by the Board, but at least once per week.
- (2) Interview other staff in the office regarding the licensee’s behavior, if applicable.
- (3) Review the licensee’s work attendance and behavior.

Reporting by the worksite monitor to the Board shall be as follows:

Any suspected substance abuse must be orally reported to the Board and the licensee’s employer within one (1) business day of occurrence. If occurrence is not during the Board’s normal business hours the oral report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within forty-eight (48) hours of occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the Board. The report shall include: the licensee’s name; license number; worksite monitor’s name and signature; **in person** contact with monitor; worksite staff interviewed, if applicable; attendance report; any change in behavior and/or personal habits; and any indicators that can lead to suspected substance abuse.

The licensee shall complete the required consent forms and sign an agreement with the worksite monitor and the Board to allow the Board to communicate with the worksite monitor.

**Whether a worksite monitor is ordered is discretionary.**

**Major and Minor Violations [Uniform Standard # 8]:**  
(Reflected in Optional Term #s ~~108, 11, 13~~)

If a licensee commits a major violation, the Board may order the licensee to cease any practice of psychology, inform the licensee that ~~they he or she~~ have been so ordered and that ~~they he or she~~ may not practice unless notified by the Board, and refer the matter for disciplinary action or other action as determined by the Board.

Major Violations include, but are not limited to, the following:

- 1. Failure to complete a board-ordered program;
- 2. Failure to undergo a required clinical diagnostic evaluation;

- 1922 3. Committing multiple minor violations of probation conditions and terms;
- 1923 4. Treating a patient while under the influence of drugs or alcohol;
- 1924 5. Committing any drug or alcohol offense that is a violation of the Business and
- 1925 Professions Code, or other state or federal law;
- 1926 6. Failure to obtain biological testing for substance abuse when ordered;
- 1927 7. Testing positive for a banned substance;
- 1928 8. Knowingly using, making, altering or possessing any object or product in such a way as
- 1929 to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

1930

1931 If a licensee ~~or registrant~~ commits a major violation, the Board shall automatically suspend the  
1932 license or registration and refer the matter for disciplinary action or other action as determined  
1933 by the Board.

1934

1935 The consequences for a major violation include, but are not limited to, the following:

1936

- 1937 1. License ~~or registration~~ shall be suspended
- 1938 2. Licensee ~~or registrant~~ must undergo a new clinical diagnostic evaluation;
- 1939 3. Licensee ~~or registrant~~ must test negative for at least one month of continuous drug testing
- 1940 before being allowed to resume practice;
- 1941 4. Contract or agreement previously made with the Board shall be terminated; and
- 1942 5. Licensee ~~or registrant~~ shall be referred for disciplinary action, such as suspension,
- 1943 revocation, or other action determined appropriate by the Board.

1944

1945 If a licensee commits a minor violation, the Board shall determine what action is appropriate.

1946

1947 Minor Violations include, but are not limited to, the following:

1948

- 1949 1. Failure to submit required documentation in a timely manner;
- 1950 2. Unexcused absence from required meetings;
- 1951 3. Failure to contact a monitor as required;
- 1952 4. Any other violations that do not present an immediate threat to the licensee or to the
- 1953 public.

1954

1955 If a licensee ~~or registrant~~ commits a minor violation, the Board shall determine what action is  
1956 appropriate.

1957

1958 The consequences for a minor violation include, but are not limited to, the following:

1959

- 1960 1. Removal from practice;
- 1961 2. Practice limitation(s);
- 1962 3. Required supervision;
- 1963 4. Increased documentation;
- 1964 5. Issuance of citation and fine or a warning notice;
- 1965 6. Required re-evaluation and/or testing.

1966

1967 **DRUG TESTING STANDARDS [Uniform Standard # 9]:**

1968 (Reflected in Optional Term #1211)

1969

1970 If a licensee tests positive for a banned substance, the Board shall order that the licensee cease  
1971 any practice of psychology, and contact the licensee to inform ~~them~~ ~~him or her~~ that ~~they~~ ~~he or~~  
1972 ~~she~~ ~~has~~ ~~have~~ been ordered to cease practice and that ~~they~~ ~~he or she~~ may not practice until the  
1973 Board determines that ~~they~~ ~~he or she~~ are is able to safely practice. The Board shall also notify the  
1974 licensee's employer and worksite monitor, if any, that the licensee has been ordered to cease  
1975 practice, and that ~~they~~ ~~he or she~~ may not practice until the Board determines that ~~they~~ ~~are~~ ~~he or~~  
1976 ~~she~~ ~~is~~ able to safely practice. The Board shall determine whether the positive alcohol or drug test  
1977 is, in fact, evidence of prohibited use, a ~~m~~Major ~~v~~Violation. If not, the Board shall immediately  
1978 lift the cease practice order.

1979

1980 Nothing precludes the Board from increasing the number of random tests for any reason. If the  
1981 Board finds or has suspicion that a licensee has committed a violation of the Board's testing  
1982 program or who has committed any Major Violation referenced in the Disciplinary Guidelines,  
1983 the matter shall be referred for disciplinary action to revoke the probation.

1984

1985 The following minimum ~~drug~~ testing standards shall apply to each licensee subject to alcohol or  
1986 drug testing:

1987

- 1988 1. Licensees shall ~~be~~ undergo randomly alcohol or drug ~~testing~~ testing at least fifty-two (52)  
1989 times per year for the first year of probation, and at any time as directed by the Board or  
1990 its designee. After the first year, licensees who are practicing, shall be randomly tested  
1991 for alcohol or drugs ~~tested~~ at least thirty-six (36) times per year, and at any time as  
1992 directed by the Board.
- 1993 2. Alcohol or drug testing may be required on any day, including weekends and holidays.
- 1994 3. Licensees shall be required to make daily contact as directed to determine if alcohol or  
1995 drug testing is required.
- 1996 4. Licensees shall be tested for alcohol or drugs ~~tested~~ on the date of notification as directed  
1997 by the Board.
- 1998 5. Collection of specimens shall be observed.
- 1999 6. Prior to vacation or absence, any alternative to the licensee's ~~alcohol or drug testing~~  
2000 ~~location(s)~~ requirements (including frequency or drug testing location(s)) must be  
2001 approved by the Board.

2002

2003 The Board may reduce testing frequency to a minimum of 12 times per year for any licensee who  
2004 is not practicing OR working in any health care field. If a reduced testing frequency schedule is  
2005 established for this reason, and if a licensee wants to return to practice or work in a health care  
2006 field, the licensee shall notify and secure the approval of the ~~licensee's b~~Board. Prior to returning  
2007 to any health care employment, the licensee shall be subject to level I testing frequency for at  
2008 least 60 days. At such time the licensee returns to employment (in a health care field), if the  
2009 licensee has not previously met the level I frequency standard, the licensee shall be subject to  
2010 completing a full year at level I of the testing frequency schedule, otherwise level II testing shall  
2011 be in effect. The Board may reduce testing frequency to a minimum of 24 times per year for any  
2012 person who is a practicing licensee if the licensee receives a minimum of 50% supervision per  
2013 day by a supervisor licensed by the Board.

2014  
2015 **Drug testing standards are mandatory and shall apply to a substance-abusing licensee, and**  
2016 **the required testing frequency shall be ordered.**

2017  
2018 **Petitioning for Modification ~~to~~ of Terms and Conditions of Probation Return to Full-Time**  
2019 **Practice [Uniform Standard #110]:**  
2020 (Reflected in Optional Term # 28)

2021  
2022 “Petition” as used in this standard is an informal request for any term or condition that is within  
2023 the discretion of the Executive Officer or probation monitor to modify as opposed to requiring a  
2024 “Petition for Modification” under the Administrative Procedure Act.

2025  
2026 The licensee shall meet the following criteria before submitting a request (petition) to the  
2027 Executive Officer or probation monitor ~~return to full time practice~~:

- 2028
- 2029 1. Demonstrated sustained compliance with current recovery program.
  - 2030 2. Demonstrated the ability to practice safely as evidenced by current work site reports,  
2031 evaluations, and any other information relating to the licensee’s substance abuse.
  - 2032 3. Negative drug screening reports for at least six (6) months, two (2) positive worksite  
2033 monitor reports, and complete compliance with other terms and conditions of the  
2034 program.

2035  
2036 **Petitioning for Modification for Reinstatement of a Full and Unrestricted License [Uniform**  
2037 **Standard #11]:**  
2038 (Reflected in Rehabilitation Criteria for Reinstatement/~~Penalty~~ Discipline Relief)

2039  
2040 “Petition for Reinstatement of a Full and Unrestricted License” as used in this standard can only  
2041 be considered as a formal Petition for Early Termination of Probation under the Administrative  
2042 Procedure Act.

2043  
2044 In addition to the factors set out in section V, Rehabilitation Criteria for Reinstatement/ ~~Penalty~~  
2045 Discipline Relief Hearings, the licensee must meet the following criteria to request (petition) for  
2046 a full and unrestricted license:

- 2047
- 2048 1. Demonstrated sustained compliance with the terms of the disciplinary order, if  
2049 applicable.
  - 2050 2. Demonstrated successful completion of recovery program, if required.
  - 2051 3. Demonstrated a consistent and sustained participation in activities that promote and  
2052 support their recovery including, but not limited to, ongoing support meetings, therapy,  
2053 counseling, relapse prevention plan, and community activities.
  - 2054 4. Demonstrated that ~~they he or she~~ are is able to practice safely.
  - 2055 5. Continuous sobriety for three (3) to five (5) years.

2056  
2057 #####