

1 **BOARD MEETING MINUTES**

2
3 The DoubleTree by Hilton Hotel
4 San Diego - Mission Valley
5 7450 Hazard Center Drive,
6 San Diego, CA 92108
7 (619) 297-5466
8

9 **Thursday, November 16, 2017**

10
11 Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order
12 at 9:06 a.m. A quorum was present and due notice had been sent to all interested
13 parties.
14

15 **Members Present**

16 Stephen Phillips, JD, PsyD, President
17 Nicole J. Jones, Vice-President
18 Lucille Acquaye-Baddoo
19 Alita Bernal
20 Sheryll Casuga, PsyD
21 Michael Erickson, PhD
22 Jacqueline Horn, PhD
23

24 **Others Present**

25 Antonette Sorrnick, Executive Officer
26 Stephanie Cheung, Licensing Unit Manager
27 Curtis Gardner, Probation Coordinator
28 Norine Marks, DCA Legal Counsel
29 Jason Glasspiegel, Central Services Coordinator
30 Liezel McCockran, Continuing Education and Renewals Coordinator
31

32 **Agenda Item #2: President's Welcome**

33
34 Dr. Phillips welcomed the attendees to the Board's quarterly meeting and read the
35 Board's mission statement. He explained that there are four petition hearings scheduled
36 for that day and that the following day would begin in closed session following the call to
37 order. Dr. Phillips stated that because of the Board's movement towards a paper light
38 system, the Board members will be viewing the meeting packets using their laptops
39 instead of paper copies.
40

41 **Agenda Item #3: Public Comment for Items not on the Agenda. Note: The Board**
42 **May Not Discuss or Take Action on Any Matter Raised During this Public**
43 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**
44 **of a Future Meeting**

45 **[Government Code sections 11125 and 11125.7(a)]**
46

47 Dr. Phillips explained that public comment is the opportunity for members of the public
48 to make comments on items not on the agenda. He reminded the Board that they could
49 not discuss or take action on any of the comments received.
50

51 Ms. Jones inquired about Agenda Item #25 Election of Officers. She confirmed with Dr.
52 Phillips that the Election of Officers will be postponed until the February Board meeting.
53 She also asked that Dr. Phillips provide the legislative report in her absence.
54

55 **Agenda Item #4: Approval of Board Meeting Minutes: September 14-15, 2017**

56 Dr. Horn and Ms. Jones provided changes to staff.
57

58 It was M(Horn)/S(Erickson)/C to approve the minutes as modified.
59

60 Vote: 7 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Jones, Phillips), 0 no
61
62

63 **Agenda Item #5: Budget Report**

64 Mr. Glasspiegel provided an overview of the Board of Psychology's budget for
65 2017/2018. He explained that due to the recent changes of California's financial
66 operating systems, budgetary or spending reports were not available. Mr. Glasspiegel
67 stated he will provide the Board with the reports when he receives them.
68
69

70 **Agenda Item #6: Executive Officer's Report**

71 Dr. Phillips stated that the Director of the Department of Consumer Affairs (DCA) Dean
72 Grafilo will be providing the report on agenda item #6 c) DCA Executive Update which
73 may be moved to the next day.
74
75

76 **a) Organizational Update**

77 Ms. Sorrick stated the board has four staff vacancies: a limited term Office Technician in
78 Licensing, a Staff Services Analyst in Licensing, a Special Investigator in Enforcement,
79 and a limited term Associate Governmental Program Analyst in Enforcement. Ms.
80 Sorrick stated the positions for the Licensing Unit have already been posted.
81
82

83 **b) DCA Annual Report**

84 Ms. Sorrick referred to the annual report that was provided in the meeting packets. She
85 stated the report data is for fiscal year 2016/2017 and includes licensing and
86 enforcement activity as well as cost recovery information.
87
88

89 **Agenda Item #7: Petition for Early Reinstatement – Edward Murray, PhD**

90 Administrative Law Judge Abraham Levy presided. Deputy Attorney General Martin
91 Hagan was present and represented the People of the State of California. Edward
92 Murray, PhD was present and represented himself.
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Agenda Item #8: Petition for Early Termination of Probation – Amy Reyes, PsyD

Administrative Law Judge Abraham Levy presided. Deputy Attorney General LeAnna Shields was present and represented the People of the State of California. Amy Reyes, PsyD, was present and was represented by Lindsey Johnson, JD.

Agenda Item #9: Petition for Early Termination of Probation – Steven Tess, PhD

Administrative Law Judge Abraham Levy presided. Deputy Attorney General Martin Hagan was present and represented the People of the State of California. Steven Tess, PhD was present and was represented by David Leatherberry, JD.

Agenda Item #10: Petition for Early Termination of Probation – Barbra McDowell, PhD

Administrative Law Judge Abraham Levy presided. Deputy Attorney General Rosemary Luzon was present and represented the People of the State of California. Barbra McDowell, PhD was present and represented herself.

Agenda Item #11: Closed Session

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including the above petition, petitions for reconsideration, stipulations, and proposed decisions.

Friday, November 17, 2017

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

Members Present

- Stephen Phillips, JD, PsyD, President
- Lucille Acquaye-Baddoo
- Alita Bernal
- Sheryll Casuga, PsyD
- Michael Erickson, PhD
- Jacqueline Horn, PhD

Others Present

- Antonette Sorrick, Executive Officer
- Stephanie Cheung, Licensing Unit Manager
- Curtis Gardner, Probation Coordinator
- Norine Marks, DCA Legal Counsel
- Jason Glasspiegel, Central Services Coordinator
- Liezel McCockran, Continuing Education and Renewals Coordinator

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Agenda Item #6: Executive Officer's Report

c) DCA Executive Update

Director Grafilo provided the Board with a summary of his work experience in the legislature. He stated that during his eight months as the Director of DCA, he has been learning about the 39 entities that comprise DCA. Director Grafilo introduced the three new deputy directors and provided a brief background of each new deputy director. Director Grafilo also spoke about the quarterly meeting with all board Executive Officers and stated that he is in the process of establishing an annual meeting with board Presidents.

Christopher Castillo, Deputy Director for Board and Bureau Relations, provided the Board with a summary of his work experience. He spoke about the new positions within the Board and Bureau Relations team, the future leadership program and the pro-rata work group meetings. He explained that pro-rata is the process by which the Department distributes costs amongst the Boards and Bureaus. Deputy Director Castillo also spoke about required Board meeting trainings.

Dr. Horn asked Director Grafilo what he sees as the most pressing issues facing him as Deputy Director. Director Grafilo answered that being able to recognize the best practices for all 39 different entities, since they are all so unique. He also stated that he hopes to strengthen the relationship between DCA and the legislature.

Agenda Item #13: Enforcement Report

Mr. Gardner provided the Board with the Enforcement report. He spoke about Performance Measure 4 (PM4) which reports timelines for cases that result in disciplinary action against a licensee. PM4 was broken down into four distinct phases: PM4a: Intake Only, PM4b: Investigation Only, PM4c: Pre-AG Transmittal and PM4d: Post-AG Transmittal. Mr. Gardner stated that the Enforcement Unit is looking to hire a 24-month limited term Associate Governmental Program Analyst and to backfill the Special Investigator position previously filled by Barbara Tanner. The Enforcement Program Manager will be working with DCA's Office of Human Resources to try to get these positions filled within the next four to six weeks. Mr. Gardner stated that the expert training held on November 3, 2017 in Los Angeles had approximately 25 attendees and received positive feedback. Ms. Sorrick pointed out that the expert reviewer criterion of having at least 40 hours of direct patient care is going to be discussed in the Enforcement Committee meeting for possible amendments. Mr. Gardner also provided statistics on complaints, citations, discipline and probation.

Board discussion ensued regarding the lengthy processing times reported for PM4. Josh Templet, Deputy Attorney General (DAG), stated the main reason for delay is enforcing subpoenas. He stated that it takes time to get into superior court if a licensee refuses to provide records. Board staff agreed to provide more information regarding delays of PM4.

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Ms. Bernal asked if there have been more complaints filed compared to last year. Dr. Erickson confirmed that the volume of complaints has been increasing.

Dr. Erickson asked of the 50 probationers, approximately how many go off probation each year. Mr. Gardner stated that in 2017 three individuals completed probation.

Agenda Item #14: Enforcement Committee Report and Consideration of Committee Recommendations

a) Amendments to 16 CCR Section 1395.2 – Disciplinary Guidelines

Mr. Gardner provided the Board with an update on the Enforcement Committee meeting held this past October. He stated the Committee was unable to complete its review of the Disciplinary Guidelines but plan to complete it during the December 2017 Enforcement Committee meeting.

Agenda Item #15: Licensing Report

Ms. Cheung provided the Board with an overview of the licensing report provided in the meeting packets. She provided statistics on processing timeframes, licensing population, applications received and the monthly EPPP examination report.

Dr. Erickson inquired about the low pass rate of the EPPP for October. Ms. Cheung stated that it may be due to the 72-month registration limitation for psychological assistants, and that some of the registrants wanted to get licensed and attempted to take the EPPP for the first time.

Agenda Item #16: Continuing Education and Renewals Report

Ms. McCockran provided the Board with statistics on the following: psychologist and psychological assistant renewal applications processed, citations issued, online vs. mailed-in renewals processed, audit pass and fail rates for 2014-2016, pass and fail rate for second audits, continuing education (CE) audit for January 2016 – April 2016 and reasons for not passing the CE audit. Ms. McCockran stated that a plan is currently in place to resolve the CE citation and audit backlog and resume monthly CE audits by January 2018. She stated that the capability for licensees to load documents into Breeze is anticipated to launch in March 2018. Ms. McCockran also stated that she will be providing the Board with historical information regarding the MCEP Accrediting Agency CE audits at the February Board meeting. Ms. McCockran stated that when a licensee fails an audit, he or she will be audited again in the next renewal. She also stated that the main reason a licensee fails the second audit is that the hours submitted were previously used to remedy the deficiency in the prior audit.

Dr. Elizabeth Winkelman, Director of Professional Affairs at the California Psychological Association, asked if it is clearly conveyed to licensees who are remedying the deficiency in a prior audit that they cannot use those same hours for the subsequent

235 renewal. Ms. McCockran confirmed that the licensee is informed of what hours were
236 used to remedy the deficiency and is informed that those hours cannot be used for the
237 next renewal.
238

239 **Agenda Item #17: Licensing Committee Report and Consideration of Committee**
240 **Recommendations**

241
242 **a) Pathways to Licensure**

243 **1) Proposed Amendments to Business and Professions Code:**

- 244 • § 2909, 2909.5, & 2911, (Exemptions);
- 245 • § 2913 (Psychological Assistant);
- 246 • § 2914 (Applicant's Requirement);
- 247 • § 2915 (Continuing Education);
- 248 • § 2915.5 (Coursework in Aging and Long-term Care)
- 249 • §§ 2940 & 2941 (Application and Examination Fees);
- 250 • §§ 2942, 2943, & 2944 (Examination Time and Subjects);
- 251 • § 2946 (Reciprocity and Temporary Practice);
- 252 • § 2947 (Appointment of Commissioners); and
- 253 • § 2948 (Issuance of License)

254 **2) Proposed Amendments to Title 16 of the California Code of Regulations:**

- 255 • § 1380.3 (Definitions);
- 256 • §§ 1381, 1381.1, & 1381.2 (Applications);
- 257 • § 1381.4 (Failure to Appear for an Examination);
- 258 • § 1381.5 (Failure to Pay Initial License Fee);
- 259 • §§ 1382, 1382.3, 1382.4, 1382.5, & 1382.6 (Pre-licensing Courses);
- 260 • § 1386 (Evaluation of Education);
- 261 • § 1387 (Supervised Professional Experience);
- 262 • §§ 1387.1 & 1387.2 (Qualifications of Primary and Delegated
263 Supervisors);
- 264 • § 1387.3 (Non-Mental Health Services);
- 265 • § 1387.4 (Out-of-State Experience);
- 266 • § 1387.5 (SPE Log);
- 267 • §§ 1388, 1388.6, 1389, & 1389.1 (Examinations-
268 Waiver/Reconsideration);
- 269 • §§ 1387.7, 1390, 1390.1, 1390.2, & 1390.3 (Registered Psychologists);
- 270 • § 1392.1 (Psychological Assistant Fees)

271
272 Dr. Horn stated that the Licensing Committee is continuing to work through the
273 Pathways to Licensure. She stated that two stakeholder meetings have been conducted
274 and that the plan is to gather all feedback from the stakeholder meetings and review the
275 amendments again at the next Licensing Committee meeting.
276

277 **b) Consideration of Licensing Committee Recommendations Regarding an Extension to**
278 **the 72-Month Registration Period Limitation for Registered Psychological Assistant**
279 **Pursuant to Section 1391.1(b) of Title 16 of the California Code of Regulations**

280

281 Dr. Horn stated PSB #1 is requesting a two-year extension due to a permanent disability
282 and involved with civil litigation regarding a wrongful foreclosure on their home. Dr. Horn
283 stated that the Committee's recommendation is to grant the request. Dr. Casuga stated
284 that she understands the situation and believes this is a reasonable request.

285
286 It was M(Acquaye-Baddoo)/S(Bernal)/C to grant PSB #1's request for a two-year
287 extension of the 72-month limitation for the psychological assistant registration.

288
289 Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no
290

291 Dr. Horn stated PSB #2 is requesting a three-year extension to keep working as a
292 psychological assistant until PSB #2 retires. Dr. Horn noted that PSB #2 has not taken
293 the licensing examination. Dr. Horn stated the Committee's recommendation is to deny
294 the request.

295
296 Discussion ensued regarding the person's work history.

297
298 It was M(Horn)/S(Erickson)/C to deny PSB #2's request for a three-year extension of
299 the 72-month limitation for the psychological assistant registration.

300
301 Vote: 4 aye (Casuga, Erickson, Horn, Phillips), 2 no (Acquaye-Baddoo, Bernal)
302

303 c) Consideration of Licensing Committee Recommendations Regarding an Extension to
304 the 30-consecutive Month Limitation to Accrue 1500 Hours of Post-Doctoral Supervised
305 Professional Experience Pursuant to Section 1387(a) of Title 16 of the California Code
306 of Regulations

307
308 Dr. Horn stated that PSB #3 is requesting an extension until April 2018 to accrue post-
309 doctoral SPE. She stated PSB #3 was enrolled in an internship that did not provide all of
310 the hours that were promised and that PSB #3 had difficulty finding subsequent
311 experience.

312
313 It was M(Bernal)/S(Erickson)/C to grant the extension request to the 30-consecutive
314 month limitation to accrue post-doctoral SPE.

315
316 Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no
317

318 d) Retired Psychologist License: Draft proposal to add language or amend 16 CCR
319 Sections 1381.9, 1381.10, and 1392 related to the issuance of a License in Retired
320 Status

321
322 Ms. Cheung provided the Board with the revised draft language and forms regarding
323 retired status.

324
325 Discussion ensued regarding the requirements and limitations of the retired status. A
326 licensee who decides to go into retired status has three years to be able to go back to
327 active status. A licensee can go into active status two times while on retired status. If

328 the licensee wants to become active a third time, he or she will need to reapply for
329 licensure.

330
331 It was M(Erickson)/S(Acquaye-Baddoo)/C to approve sections 1381.9, 1381.10 and
332 1392 language as written for noticing for a hearing.

333
334 Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no

335
336 Dr. Elizabeth Winkelman, Director of Professional Affairs at the California Psychological
337 Association, asked what the difference is between the retired license and a cancelled or
338 expired license.

339
340 Ms. Cheung stated retired status is for licensees who have no current disciplinary
341 actions and the licensee can call him or herself a "retired psychologist". Cancelled
342 status occurs after a license has been on expired status for three years. Ms. Sorrick
343 stated that no practice is allowed with either status.

344
345 It was M(Erickson)/S(Acquaye-Baddoo)/C to delegate authority to the Executive Officer
346 to proceed with the rulemaking process and to make any non-substantive changes.

347
348 Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no

349
350 The proposed language reads as follows:

51
352 § 1381.10. Retired License

353
354 (a) A licensed psychologist who qualifies pursuant to Section 2988.5 of the Code, may
355 apply for a license in retired status by submitting the Form PSY 900 (Rev. 10/20XX),
356 which is incorporated by reference.

357
358 (b) A psychologist holding a license in retired status is not subject to renewal and shall
359 not engage in the practice of psychology in this State.

360
361 (c) If the license in retired status was issued less than three (3) years prior to applying to
362 restore the license to active status, the licensee shall:

363
364 (1) Submit Form PSY 905 (Rev. 10/20XX), which is incorporated by reference and
365 pay the biennial renewal fee, as prescribed in Section 2987 of the Code, at the time
366 the request for activation is received;

367
368 (2) Furnish to the Department of Justice, as directed by the board, a full set of
369 fingerprints for the purpose of conducting a criminal history record check and to
370 undergo a state and federal level criminal offender record information search
371 conducted through the Department of Justice; and

372

373 (3) Satisfy continuing professional development requirements within two (2) years
374 immediately prior to the date of application for restoring the license to an active
375 status.

376
377 (d) If the license in retired status was issued three (3) or more years prior to applying to
378 restore the license to active status, the licensee shall meet the requirements as set forth
379 in Section 2988.5(d)(2) of the Code.

380
381 (e) A licensee may not be permitted to change the license to a retired status more than
382 twice.

383
384 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
385 Section 2988.5, Business and Professions Code.

386
387
388 **§ 1392. Psychologist Fees**

389
390 (a) The application fee for a psychologist is \$40.00.

391
392 (b) The fee for the California Psychology Laws and Ethics Examination (CPLEE) is
393 \$129.00.

394
395 (c) An applicant taking or repeating the licensing examination shall pay the full fee for
396 that examination.

397
398 (d) The initial license fee and the biennial renewal fee for a psychologist are \$400.00,
399 except that if an initial license will expire less than one year after its issuance, then the
400 initial license fee is an amount equal to 50 percent of the renewal fee in effect on the
401 last regular renewal date before the date on which the license is issued.

402
403 (e) The biennial renewal fee for an inactive license is \$40.00.

404
405 (f) The application fee for a retired license is \$75.00.

406
407 Note: Authority cited: Sections 2930, 2987 and 2989, Business and Professions Code.
408 Reference: Sections 2987, 2988 and 2989, Business and Professions Code.

409
410 **Agenda Item #19: Legislative Update**

411
412 **a) Board Sponsored Legislation**

413 **1) AB 89 (Levine) – Suicide Assessment and Intervention Coursework/Training**
414 **Requirements – Addition of Section to the Bus. & Prof. Code (Coursework/Training in**
415 **Suicide Assessment and Intervention)**

416
417 Mr. Glasspiegel provided an overview of AB 89, stating this bill, effective January 1,
418 2020, requires all applicants for licensure as a psychologist with the Board and all Board

419 licensees to have completed a minimum of six hours of coursework and/or applied
420 experience in suicide risk assessment and intervention. Mr. Glasspiegel stated the
421 advisory has been posted on the website.

422
423 Ms. McCockran explained that for licensees, this requirement can be met prior to
424 January 1, 2020. She stated that if a licensee takes a qualifying course now, it can be
425 applied towards the CE required for their current renewal cycle.

426
427 b) Review and Consideration of Board Recommendations on Legislation:

428 1) Bills on Which the Board Has Taken an Active Position

429 A) AB 244 (Cervantes) – Maternal Mental Health

430
431 Mr. Glasspiegel stated that the Board previously took a “Support if Amended” position
432 on the bill. He stated Board staff has sent the author an email with the requested
433 changes on October 1, 2017. He stated the author will begin to modify the bill next year.

434
435 B) AB 1456 (Low) – Professional Licensure

436
437 Mr. Glasspiegel stated this bill would extend exemption waivers to five years at
438 California Department of Public Health, Department of Health Care Services,
439 Department of State Hospitals and California Department of Corrections and
440 Rehabilitation. He stated the bill was signed July 31, 2017 and an advisory has been
441 posted.

442
443 C) AB 1188 (Nazarian) – Health Professionals Development: Loan Repayment

444
445 Mr. Glasspiegel stated this bill will increase the biennial fee collected at the time of
446 license renewal from \$10.00 to \$20.00. The bill will become effective July 1, 2018 and
447 an advisory has been posted.

448
449 D) SB 547 (Hill) – Professions and Vocations: Weights and Measures

450
451 Mr. Glasspiegel stated this bill will remove the specification in statute for who can pay
452 the psychological assistant registration fee to the Board and would specify that the
453 delinquency fee for licensees is 50 percent of the renewal fee for each license type, not
454 to exceed \$150. This bill will become effective January 1, 2018 and an advisory has
455 been posted.

456
457 E) SB 572 (Stone) – Healing Arts Licensees: Violations: Grace Period

458
459 Mr. Glasspiegel stated that this bill would prohibit healing arts boards under the
460 Department of Consumer Affairs from issuing a disciplinary action or otherwise
461 penalizing a licensee who commits a violation that does not cause “irreparable harm” to
462 a consumer and is remedied within 15 days. Staff was notified that the author is no
463 longer pursuing this bill for the remainder of this year’s legislative session.

464
465 2) Watch Bills

466
467 No Board or public comment.

468
469 c) Review Draft Omnibus Legislative Proposal to Amend Sections 337 and 728 of the
470 Bus. & Prof. Code Regarding the Brochure Addressing Sexual Contact between a
471 Psychotherapist and a Patient

472
473 Ms. Sorrick presented the draft Omnibus Proposal to the Board. She stated that the
474 proposal is to amend sections 337 and 728 of the Business and Professions Code
475 regarding the brochure addressing sexual contact between a psychotherapist and a
476 patient. Ms. Sorrick stated the Outreach and Education Committee discussed a plan to
477 work with the Board of Behavioral Sciences and Medical Board of California to update
478 the brochure.

479
480 Discussion ensued regarding the term sexual behavior and the examples that were
481 included in the draft. It was determined that the examples would be removed and the
482 term sexual behavior would be changed to sexual misconduct.

483
484 It was M(Acquaye-Baddoo)/S(Erickson)C to move to adopt the language and work with
485 the Senate Business, Professions, and Economic Development Committee to include
486 the section changes in an Omnibus Bill.

487
488 Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no

89
490 Dr. Elizabeth Winkelman, Director of Professional Affairs at the California Psychological
491 Association, asked the Board to consider the potential impacts of changing the
492 language. She also provided the board with the definition of sexual harassment as
493 defined in the Ethics Code. Discussion ensued regarding the brochure language. The
494 Board wanted the term sexual misconduct to be specified in its definition.

495
496 Dr. Melodie Shaeffer, California Psychological Association Division II and CAPIC, asked
497 if this was prompted by cases received by the Board that gave light to the need to
498 expand on current practices. Dr. Horn stated that the Board wanted to update the
499 brochure and cases have been presented to the Board where there was clearly sexual
500 misconduct but that was not found because of the way the current definition is written.

501
502 Ms. Sorrick stated that anytime a complaint is received, an expert will determine if it is
503 inappropriate. She also stated that there will be a meeting with experts from the Board
504 of Psychology, Board of Behavioral Sciences and Medical Board of California where
505 they will discuss the brochure. Ms. Sorrick stated that this is not the final language, but
506 needed to start the process of changing the brochure.

507
508 The proposed language, as amended, reads as follows:

509
510 **BUSINESS AND PROFESSIONS CODE - BPC**
511 **DIVISION 1. DEPARTMENT OF CONSUMER AFFAIRS [100 - 472.5]**
512 *(Heading of Division 1 amended by Stats. 1973, Ch. 77.)*

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CHAPTER 4. Consumer Affairs [300 - 337]
(Chapter 4 added by Stats. 1970, Ch. 1394.)

ARTICLE 6. Information [337- 337.]
(Article 6 added by Stats. 1970, Ch. 1394.)

337.

(a) The department shall prepare and disseminate an informational brochure for victims of psychotherapist-patient sexual behavior and sexual contact and their advocates for ~~these victims~~. This brochure shall be developed by the department ~~in consultation with members of the Sexual Assault Program of the Office of Criminal Justice Planning and the office of the Attorney General.~~

(b) The brochure shall include, but is not limited to, the following:

(1) A legal and an informal definition of psychotherapist-patient sexual behavior and sexual contact.

(2) A brief description of common personal reactions ~~and histories of victims and victim's families.~~

(3) A patient's bill of rights.

(4) ~~Options~~ Instructions for reporting psychotherapist-patient sexual behavior and sexual contact ~~relations and instructions for each reporting option.~~

(5) A full description of administrative, ~~civil, and professional associations~~ complaint procedures.

(6) A description of services available for support of victims.

(c) The brochure shall be provided to each individual contacting the Medical Board of California, the Board of Psychology, ~~and affiliated health boards,~~ or the Board of Behavioral Sciences regarding a complaint involving psychotherapist-patient sexual behavior and sexual contact ~~relations.~~

728.

(a) Any psychotherapist or employer of a psychotherapist who becomes aware through a patient that the patient had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the patient a brochure developed ~~promulgated~~ by the department that delineates the rights of, and remedies for, patients who have been involved sexually with their psychotherapists. Further, the psychotherapist or employer shall discuss with the patient the brochure prepared by the department.

(b) Failure to comply with this section (b) constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

554 (1) "Psychotherapist" means a physician and surgeon specializing in the practice of
555 psychiatry or practicing psychotherapy, a psychologist, a psychological assistant, a
556 registered psychologist, a trainee under the supervision of a licensed psychologist, a
557 clinical social worker, a marriage and family therapist, a licensed professional clinical
558 counselor, a psychological assistant, an associate marriage and family therapist
559 registered intern or marriage and family therapist trainee, an intern-associate
560 professional clinical counselor or clinical counselor trainee, as specified in Chapter 16
561 (commencing with Section 4999.10), or an associate clinical social worker.

562 (2) "Sexual contact" means the touching of an intimate part of another person.

563 (3) "Sexual behavior" means inappropriate contact or communication of a sexual nature.

564 (34) "Intimate part" and "touching" have the same meaning as defined in subdivisions
565 (g) and (e), respectively, of Section 243.4 of the Penal Code.

566 (45) "The course of a prior treatment" means the period of time during which a patient
567 first commences treatment for services that a psychotherapist is authorized to provide
568 under his or her scope of practice, or that the psychotherapist represents to the patient
569 as being within his or her scope of practice, until the psychotherapist-patient relationship
570 is terminated.

571

572 **Agenda Item #20: Legislative Items for Future Meeting. The Board May Discuss**
573 **Other Items of Legislation in Sufficient Detail to Determine Whether Such Items**
574 **Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special**
575 **Meeting of the Board to Discuss Such Items Pursuant to Government Code**
576 **Section 11125.4**

577

578 Dr. Elizabeth Winkelman, Director of Professional Affairs at the California Psychological
579 Association, stated that CPA plans to introduce a bill called Telemental Health
580 Expansion Bill. She gave a brief description of the bill stating it is regarding how
581 telehealth can be reimbursed. Dr. Winkelman asked the Board to add it on the next
582 agenda.

583

584 **Agenda Item #21: Overview Presentation of the Regulatory Process**

585

586 Mr. Glasspiegel provided an overview of the regulatory process for the Department of
587 Consumer Affairs and the State of California.

588

589 **Agenda Item #22: Regulatory Update, Review, and Consideration of Additional**
590 **Changes**

591 **a) 16 CCR Section 1396.8 – Standards of Practice for Telehealth**

592

593 Mr. Glasspiegel stated that the language for the Standards of Practice for Telehealth
594 has been submitted to the Department of Consumer Affairs' Legal Affairs for review.

595

596 **b) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing**
597 **Professional Development**

598

599 Ms. McCockran stated that staff attended a training on regulations where the CPD
600 package was reviewed. During the review, staff modified the language.

601
602 It was M(Horn)/S(Erickson)/C to accept the language as written with authority delegated
603 to the Executive Officer to proceed with the rulemaking file and set for hearing.

604
605 Vote: 5 aye (Bernal, Casuga, Erickson, Horn, Phillips), 0 no

606
607 The proposed language, as amended, reads as follows:

608
609 **§ 1397.60. Definitions. [~~Effective January 1, 2013~~ until December 31, 2020.]**

610
611 This section shall ~~be applicable~~ apply to a license that expires on or after, or is reinstated
612 or issued on or after, January 1, 2013, and becomes repealed on January 1, 2021.

613
614 As used in this article:

615
616 (a) "Conference" means a course consisting of multiple concurrent or sequential free-
617 standing presentations. Acceptable presentations must meet the requirements of
618 section 1397.61(c).

619
620 (b) "Continuing education" (CE) means the variety of forms of learning experiences,
621 including, but not limited to, lectures, conferences, seminars, workshops, grand rounds,
622 in-service training programs, video conferencing, and independent learning
623 technologies.

624
625 (c) "Course" or "presentation" means an approved systematic learning experience of at
626 least one hour in length. One hour shall consist of 60 minutes of actual instruction.
627 Courses or presentations less than one hour in duration shall not be acceptable.

628
629 (d) "Grand rounds" or "in-service training program" means a course consisting of
630 sequential, free-standing presentations designed to meet the internal educational needs
631 of the staff or members of an organization and is not marketed, advertised or promoted
632 to professionals outside of the organization. Acceptable presentations must meet the
633 requirements of section 1397.61(c).

634
635 (e) "Independent learning" means the variety of forms of organized and directed
636 learning experiences that occur when the instructor and the student are not in direct
637 visual or auditory contact. These include, but are not limited to, courses delivered via
638 the Internet, CD-ROM, satellite downlink, correspondence and home study. Self-
639 initiated, independent study programs that do not meet the requirements of section
640 1397.61(c) are not acceptable for continuing education. Except for qualified individuals
641 with a disability who apply to and are approved by the Board pursuant to section
642 1397.62(c), independent learning can be used to meet no more than 75% (27 hours) of
643 the continuing education required in each renewal cycle. Independent learning courses
644 must meet the requirements of section 1397.61(c).

645

646 (f) "Provider" means an organization, institution, association, university, or other person
647 or entity assuming full responsibility for the course offered, whose courses are accepted
648 for credit pursuant to section 1397.61(c)(1).
649

650 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
651 Reference: Sections 29 and 2915, Business and Professions Code.
652

653 **§ 1397.60. Definitions. [Effective January 1, 2021.]**
654

655 This section shall be applicable to a license that expires on or after, or is renewed,
656 reactivated, reinstated, or issued on or after, January 1, 2021.
657

658 Continuing Professional Development (CPD) means required learning activities
659 approved for the purpose of license renewal. CPD shall be met in the following four
660 categories: Professional Activities; Academic; Sponsored Continuing Education; and
661 Board Certification.
662

663 (a) Acceptable CPD learning activities under "Professional Activities" include:

664 (1) "Peer Consultation"

665 (A) "Peer Consultation" means structured and organized interaction, in
666 person or electronically mediated, with professional colleagues designed
667 to broaden professional knowledge and expertise, reduce professional
668 isolation and directly inform the work of the psychologist. CPD pursuant to
669 this section may only be obtained through individual or group case
670 consultation, reading groups, or research groups. These activities must be
671 focused on maintaining, developing, or increasing conceptual and applied
672 competencies that are relevant to psychological practice, education, or
673 science.

674 (B) "Peer Consultation" does not include "Supervision" as defined in
675 section (b)(3).
676

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

678 "Practice Outcome Monitoring" (POM) means the application of outcome
679 assessment protocols with clients/patients, in order to monitor one's own
680 practice process and outcomes, with the goal of assessing effectiveness.
681 All outcome measures must be sensitive to cultural and diversity issues.
682

683 (3) "Professional Services"

684 "Professional Services" means ongoing participation in services related to
685 the field of psychology, or other related disciplines, including but not
686 limited to, serving on psychological association boards or committees,
687 editorial boards of peer reviewed journals related to psychology or other
688 related disciplines, scientific grant review teams, boards of regulatory
689 bodies, program development and/or evaluation activities separate and
690 apart from a fee for service arrangement. This role supports the public
691 service work of the profession, and reduces professional isolation.
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(4) "Conference/Convention Attendance"

"Conference/Convention Attendance" means attending a professional gathering that consists of multiple concurrent or sequential free-standing presentations related to the practice of psychology, or that may be applied to psychological practice, where the licensee interacts with professional colleagues and participates in the social, interpersonal, professional, and scientific activities that are part of the environment of those gatherings. CPD credit may be accrued for "Conference/Convention Attendance" in addition to separate from credit earned for completing sponsored CE coursework or sessions at the same conference/convention.

(5) "Examination Functions"

"Examination Functions" means serving in any examination development-related function for the Board or for the development of the EPPP.

(6) "Expert Review/Consultation"

"Expert Review/Consultation" means serving in any expert capacity for the Board.

(7) "Attendance at a California Board of Psychology Meeting"

"Attendance at a California Board of Psychology Meeting" means physical attendance at a full day Board meeting or physical attendance at a separately noticed Committee meeting of the Board. ~~This activity is designed to promote knowledge of current issues before the Board and encourages public participation in the regulatory process.~~

(b) Acceptable CPD learning activities under "Academic" include:

(1) "Academic Coursework"

"Academic Coursework" means completing and earning academic credit for a graduate-level course related to psychology from an institution whose degree meets the requirements of section 2914 of the Code.

(2) "Academic/Sponsor-Approved Continuing Education (CE) Instruction"

(A) "Academic Instruction" means teaching a graduate-level course that is part of a degree program that meets the requirements of section 2914(c) of the Code.

(B) "Sponsor-Approved CE Instruction" means teaching a sponsored CE course that relates to the practice of psychology as defined in 1397.60(c).

(3) "Supervision"

"Supervision" means overseeing the professional experience of a trainee who is accruing hours toward licensure as a Psychologist, Marriage and Family Therapist, Licensed Clinical Social Worker, Licensed Professional Clinical Counselor, Licensed Educational Psychologist, or Physician and Surgeon.

740 (4) "Publications"

741 "Publications" means authoring or co-authoring peer-reviewed journal
742 articles, book chapters, book(s), or editing or co-editing a book, related to
743 psychology or related discipline.

744
745 (5) "Self-Directed Learning"

746 "Self-Directed Learning" means independent educational activities focused
747 on maintaining, developing, or increasing conceptual and applied
748 competencies that are relevant to psychological practice, education, or
749 science, such as reading peer-review journal articles or books, watching
750 videos or webcasts, or listening to podcasts.

751
752
753 (c) Acceptable CPD learning activities under "Sponsored Continuing Education" means
754 Sponsor-Approved Continuing Education, which includes any approved structured,
755 sequenced learning activity, whether conducted in-person or online. "Course" or
756 "presentation" means a sponsor-approved systematic learning experience. "Provider"
757 means an organization, institution, association, university, or other person or entity
758 assuming full responsibility for the CE program offered, and whose courses are
759 accepted for credit pursuant to section 1397.61(k).

760
761 (d) Acceptable CPD learning activities under "Board Certification" are defined as
762 earning a specialty certification from the American Board of Professional Psychology
763 (ABPP) in one of the following categories:

764 (1) ABPP Board Certification

765 (2) "Senior Option" ABPP Board Certification

766
767 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
768 Reference: Sections 29 and 2915, Business and Professions Code.

769
770 **§ 1397.61. Continuing Education Requirements. [Effective January 1, 2013 until**
771 **December 31, 2020.]**

772
773 This section shall ~~be applicable~~ apply to a license that expires on or after, or is reinstated
774 or issued on or after, January 1, 2013, and becomes repealed on January 1, 2021.

775
776 (a) Except as provided in section 2915(e) of the Business and Professions Code and
777 section 1397.62 of these regulations, each licensed psychologist shall certify on the
778 application for license renewal that he or she has completed the continuing education
779 requirements set forth in section 2915 of the Code. A licensee who renews his or her
780 license for the first time after the initial issuance of the license is only required to accrue
781 continuing education for the number of months that the license was in effect, including
782 the month the license was issued, at the rate of 1.5 hours of approved continuing
783 education per month. Continuing education earned via independent learning pursuant to
784 section 1397.60(e) shall be accrued at no more than 75% of the continuing education
785 required for the first time renewal. The required hours of continuing education may not
786 be accrued prior to the effective date of the initial issuance of the license. A licensee

787 who falsifies or makes a material misrepresentation of fact on a renewal application or
788 who cannot verify completion of continuing education by producing verification of
789 attendance certificates, whenever requested to do so by the Board, is subject to
790 disciplinary action under section 2960 of the Code.

791
792 (b) Any person renewing or reactivating his or her license shall certify under penalty of
793 perjury to the Board of Psychology as requested on the application for license renewal,
794 that he or she has obtained training in the subject of laws and ethics as they apply to
795 the practice of psychology in California. The training shall include recent
796 changes/updates on the laws and regulations related to the practice of psychology;
797 recent changes/updates in the Ethical Principles of Psychologists and Code of Conduct
798 published by the American Psychological Association; accepted standards of practice;
799 and other applications of laws and ethics as they affect the licensee's ability to practice
800 psychology with safety to the public. Training pursuant to this section may be obtained
801 in one or more of the following ways:

- 802 (1) Formal coursework in laws and ethics taken from an accredited educational
803 institution;
- 804 (2) Approved continuing education course in laws and ethics;
- 805 (3) Workshops in laws and ethics;
- 806 (4) Other experience which provide direction and education in laws and ethics
807 including, but not limited to, grand rounds or professional association
808 presentation.

809
810 If the licensee chooses to apply a specific continuing education course on the topic of
811 laws and ethics to meet the foregoing requirement, such a course must meet the
812 content requirements named above, must comply with section 1397.60(c), and may be
813 applied to the 36 hours of approved continuing education required in Business and
814 Professions Code section 2915(a).

815
816 (c) The Board recognizes and accepts for continuing education credit courses pursuant
817 to this section. A licensee will earn one hour continuing education credit for each hour of
818 approved instruction.

- 819 (1) Continuing education courses shall be:
 - 820 (A) provided by American Psychological Association (APA), or its
821 approved sponsors;
 - 822 (B) Continuing Medical Education (CME) courses specifically applicable
823 and pertinent to the practice of psychology and that are accredited by the
824 California Medical Association (CMA) or the Accreditation Council for
825 Continuing Medical Education (ACCME); or
 - 826 (C) provided by the California Psychological Association, or its approved
827 sponsors.
 - 828 (D) approved by an accrediting agency for continuing education courses
829 taken prior to January 1, 2013, pursuant to this section as it existed prior
830 to January 1, 2013.

831

832 (2) Topics and subject matter for all continuing education shall be pertinent to the
833 practice of psychology. Course or learning material must have a relevance or
834 direct application to a consumer of psychological services.
835 (3) No course may be taken and claimed more than once during a renewal
836 period, nor during any twelve (12) month period, for continuing education credit.
837 (4) An instructor may claim the course for his/her own credit only one time that
838 he/she teaches the acceptable course during a renewal cycle, or during any
839 twelve (12) month period, receiving the same credit hours as the participant.
840

841 (d) Examination Functions. A licensee who serves the Board as a selected participant in
842 any examination development related function will receive one hour of continuing
843 education credit for each hour served. Selected Board experts will receive one hour of
844 continuing education credit for each hour attending Board sponsored Expert Training
845 Seminars. A licensee who receives approved continuing education credit as set forth in
846 this paragraph shall maintain a record of hours served for submission to the Board
847 pursuant to section 1397.61(e).
848

849 (e) A licensee shall maintain documentation of completion of continuing education
850 requirements for four (4) years following the renewal period, and shall submit
851 verification of completion to the Board upon request. Documentation shall contain the
852 minimum information for review by the Board: name of provider and evidence that
853 provider meets the requirements of section 1397.61(c)(1); topic and subject matter;
854 number of hours or units; and a syllabus or course description. The Board shall make
855 the final determination as to whether the continuing education submitted for credit
856 meets the requirements of this article.
857

858 (f) Failure to provide all of the information required by this section renders any
859 application for renewal incomplete and not eligible for renewal.
860

861 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
862 Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.
863

864 **§ 1397.61. Continuing Professional Development Requirements. [Effective**
865 **January 1, 2021.]**
866

867 This section shall be applicable to a license that expires on or after, or is renewed,
868 reactivated, reinstated, or issued on or after, January 1, 2021.
869

870 (a) Except as provided in section 2915(e) of the Business and Professions Code and
871 section 1397.62 of these regulations, a psychologist shall certify under penalty of
872 perjury to the Board on the application for license renewal that he or she has completed
873 the CPD requirements set forth in this Article and section 2915 of the Code. Falsifying
874 or making a material misrepresentation of fact on a renewal application, or failing to
875 provide documentation verifying the hours compliance whenever requested to do so by
876 the Board, shall be considered unprofessional conduct and subject the licensee to
877 disciplinary action and render his or her license ineligible for renewal.
878

879 (b) A psychologist renewing or reactivating his or her license shall certify under penalty
880 of perjury on the application for license renewal or reactivation that he or she has
881 engaged in a minimum of four (4) hours of training in the subject of laws and ethics, for
882 each renewal period, as they apply to the practice of psychology in California for each
883 renewal period. This includes recent changes or updates on the laws and regulations
884 related to the practice of psychology; recent changes or updates in the Ethical
885 Principles of Psychologists and Code of Conduct published by the American
886 Psychological Association; accepted standards of practice; and other applications of
887 laws and ethics as they affect the licensee's ability to practice psychology safely. This
888 requirement shall be met using any combination of the four (4) CPD categories and
889 the licensee shall indicate on his or her documentation which of the CPD activities are
890 being used to fulfill this requirement. The four (4) hours shall be considered part of the
891 36 hour CPD requirement.

892
893 (c) A psychologist renewing or reactivating his or her license shall certify under penalty
894 of perjury on the application for license renewal or reactivation that he or she has
895 engaged in a minimum of four (4) hours of training for each renewal period, pertinent to
896 Cultural Diversity and/or Social Justice Issues as they apply to the practice of
897 psychology in California for each renewal period. Cultural Diversity pertains to
898 differences in age, race, culture, ethnicity, nationality, immigration status, gender,
899 gender identity, sexual orientation, socioeconomic status, religion/spirituality, and
900 physical ability. Social Justice pertains to the historical, social and political inequities in
901 the treatment of people from non-dominant groups, while addressing the various
902 injustices and different types of oppression that contribute to individual, family and
903 community psychological concerns. This requirement shall be met using any
904 combination of the four (4) CPD categories and the licensee shall indicate on his or her
905 documentation which of the CPD activities are being used to fulfill this requirement. The
906 four (4) hours shall be considered part of the 36 hour CPD requirement.

907
908 (d) Topics and subject matter for all CPD activities shall be pertinent to the practice of
909 psychology.

910
911 (e) The Board recognizes and accepts CPD hours that meet the description of the
912 activities set forth in section 1397.60. With the exception of 100% ABPP Board
913 Certification, a licensee shall accrue hours during each renewal period from at least two
914 (2) of the four (4) CPD activity categories: Professional Activities; Academic; Sponsored
915 Continuing Education; and Board Certification. Unless otherwise specified, for any
916 activity for which the licensee wishes to claim credit, no less than one (1) hour credit
917 may be claimed and no more than the maximum number of allowable hours, as set
918 forth in subsection (f), may be claimed for each renewal period.

919
920 (f) Acceptable CPD learning activities under "Professional Activities" include:

921 (1) "Peer Consultation"

922 (A) A maximum of 18 hours shall be credited in "Peer Consultation".

923 (B) One (1) hour of activity in "Peer Consultation" equals one (1) hour of
924 credit.

925 (C) The licensee shall maintain a record of this activity. This record shall
926 include: date(s), type of activity, and total number of hours.

927
928 (2) "Practice Outcome Monitoring" (POM)

929 (A) A maximum of nine (9) hours shall be credited in "POM".

930 (B) "POM" for one (1) patient/client equals one (1) hour credited.

931 (C) The licensee shall maintain a record of this activity. This record shall
932 include: date(s) of monitoring, client identifier, and how outcomes were
933 measured.

934
935 (3) "Professional Service"

936 (A) A minimum of 4.5 hours and a maximum of 12 hours shall be
937 credited in "Professional Service".

938 (B) One (1) year of "Professional Service" for a particular activity equals
939 nine (9) hours credited and six (6) months equals 4.5 hours credited.

940 (C) The licensee shall maintain a record of this activity. This record shall
941 include: board or program name, role of licensee, dates of service, and
942 term of service (six months or one year).

943
944 (4) "Conference/Convention Attendance"

945 (A) A maximum of six (6) hours shall be credited in
946 "Conference/Convention Attendance".

947 (B) One (1) full conference/convention day attendance equals one (1) hour
948 credited.

949 (C) The licensee shall maintain a record of this activity. This record shall
950 include: name of conference/convention attended, proof of registration,
951 and date(s) of conference/convention attended.

952
953 (5) "Examination Functions"

954 (A) A maximum of 12 hours shall be credited in "Examination
955 Functions".

956 (B) One (1) hour of service equals one (1) hour of credit.

957 (C) The licensee shall maintain a record of this activity. This record shall
958 include: name of exam, dates of service, and number of hours.

959
960 (6) "Expert Review/Consultation"

961 (A) A maximum of 12 hours shall be credited in "Expert
962 Review/Consultation".

963 (B) One (1) hour of service in an expert capacity equals one (1) hour of
964 credit.

965 (C) The licensee shall maintain a record of this activity. This record shall
966 include: dates of service and number of hours.

967
968 (7) "Attendance at a California Board of Psychology Meeting"

969 (A) A maximum of eight (8) hours shall be credited in "Attendance at a
970 California Board of Psychology Meeting".

971 (B) Attendance for one (1) day Board or Committee meeting equals six (6)
972 hours of credit. For Board or Committee meetings that are three (3) hours
973 or less, one (1) hour of attendance equals one (1) hour of credit.
974 (C) The licensee shall maintain a record of hours. This record shall
975 include: date of meeting, name of meeting, and number of hours
976 attended. A psychologist requesting CPD credit pursuant to this
977 subdivision ~~must sign~~ shall have signed in and out on an attendance sheet
978 ~~at the Board or Committee meeting that requires the individual to~~
979 ~~provide~~ providing his or her first and last name, license number, time of
980 arrival and time of departure from the meeting.

982 (g) Acceptable CPD learning activities under "Academic" include:

983 (1) "Academic Coursework"

- 984 (A) A maximum of 18 hours ~~can~~ shall be credited in "Academic
- 985 Coursework".
- 986 (B) Each course taken counts only once for each renewal period and may
- 987 only be submitted for credit once the course is completed.
- 988 (C) Each one (1) semester unit earned equals six (6) hours of credit and
- 989 each one (1) quarter unit earned equals 4.5 hours of credit.
- 990 (D) The licensee shall maintain a record of this activity. This record shall
- 991 include a transcript with evidence of a passing grade (C or higher or
- 992 "pass").

994 (2) "Academic/Sponsor-Approved CE Instruction"

995 (A) "Academic Instruction"

- 996 (i) A maximum of 18 hours ~~can~~ shall be credited in "Academic Instruction".
- 997 (ii) Each course taught counts only once for each renewal period and may
- 998 only be submitted for credit once the course is completed.
- 999 (iii) A term-long (quarter or semester) academic course equals 18 hours of
- 1000 credit.
- 1001 (iv) The licensee shall maintain a record of this activity. This record shall
- 1002 include: course syllabus, title of course, name of institution, and dates of
- 1003 instruction.

1005 (B) "Sponsored CE Instruction"

- 1006 (i) A maximum of 18 hours ~~can~~ shall be used in "Sponsored CE
- 1007 Instruction".
- 1008 (ii) Each course taught counts only once for each renewal period and may
- 1009 only be submitted for credit once the course is completed.
- 1010 (iii) One (1) hour of instruction equals 1.5 hours of credit.
- 1011 (iv) The licensee shall maintain a record of this activity. This record shall
- 1012 include: course syllabus, title of course, dates of instruction, name of
- 1013 sponsoring entity, and number of hours taught.

1015 (3) "Supervision"

- 1016 (A) A maximum of 18 hours ~~can~~ shall be credited in "Supervision".
- 1017 (B) One (1) hour of supervision equals one (1) hour of credit.

1018 (C) The licensee shall maintain a record of this activity. This record shall
1019 include: dates of supervision and a trainee identifier.

1020
1021 (4) "Publications"

1022 (A) A maximum of nine (9) hours shall be credited in "Publications".

1023 (B) One (1) publication equals nine (9) hours of credit.

1024 (C) A publication may only be counted once.

1025 (D) The licensee shall maintain a record of this activity. This record shall
1026 include: either a letter of acceptance for publication, or proof of publication
1027 with publication date in the renewal period for which it is being submitted.

1028
1029 (5) "Self-Directed Learning"

1030 (A) A maximum of six (6) hours shall be credited in "Self-Directed
1031 Learning".

1032 (B) One (1) hour of activity in "Self-Directed Learning" equals one (1) hour
1033 of credit.

1034 (C) The licensee shall maintain a record of this activity. This record shall
1035 include: date(s), medium (e.g. webinar), topic or title, and total number of
1036 hours.

1037
1038
1039 (h) Acceptable "Sponsored Continuing Education" includes:

1040 (1) A maximum of 27 hours shall be credited in "Sponsored Continuing
1041 Education".

1042 (2) Credit may be granted only once during a renewal cycle for each course
1043 taken.

1044 (3) One (1) hour of sponsored continuing education equals one (1) hour of credit.

1045 (4) The licensee shall maintain proof of attendance provided by the sponsor of
1046 the continuing education.

1047
1048
1049 (i) Acceptable CPD learning activities under "Board Certification" include:

1050 (1) ABPP Board Certification

1051 (A) ABPP Board Certification may count for 100% (36 hours) of
1052 required CPD in the renewal cycle in which the certification is awarded.

1053 (B) The licensee shall maintain proof of specialty certification.

1054
1055 (2) "Senior Option" ABPP Board Certification

1056 (A) "Senior Option" ABPP Board Certification may count for 50% (18
1057 hours) of required CPD in the renewal cycle in which the certification is
1058 awarded.

1059 (B) The licensee shall maintain proof of specialty certification.

1060
1061 (j) To satisfy the requirements of section 2915 of the Code, an organizations seeking
1062 the authority to approve a providers of continuing education shall meet the following
1063 requirements. An oOrganizations authorized pursuant to this section may also provide

1064 continuing education. An organizations previously approved by the Board to approve
1065 providers of CE are deemed authorized under this section.

1066 (1) The approving organization must:

1067 (A) have a 10-year history of providing educational programming for
1068 psychologists,

1069 (B) have documented procedures for maintaining a continuing education
1070 approval program, including, but not limited to:

1071 (i) maintaining and managing records and data related to approved CE
1072 programs, and

1073 (ii) monitoring and approving CE providers and courses

1074 (C) have policies in place to avoid a conflict of interest between anyits
1075 provider and approval functions,

1076 (D) evaluate each CE provider seeking approval, including itself, according to
1077 current evidence as to what constitutes an appropriate program in terms of
1078 content and level of presentation, as set out in subsection (k)(2),

1079 (E) conduct periodic reviews of courses offered by providers approved by the
1080 organization, as well as its own courses, to determine compliance with the
1081 organization's requirements and the requirements of the Board,

1082 (F) establish a procedure for determining if an approved provider meets
1083 regulatory criteria as established in subsection (k), and

1084 (G) have a process to respond to complaints from the Board, providers, or
1085 from licensees concerning activities of any of its approved providers or their
1086 courses.

1087
1088 (2) The approving organization shall ensure that approved providers:

1089 (A) offer content at post-licensure level in psychology that is designed to
1090 maintain, develop, broaden and/or increase professional competencies,

1091 (B) demonstrate that the information and programs presented are intended to
1092 maintain, develop, and increase conceptual and applied competencies that
1093 are relevant to psychological practice, education, or science, and have a
1094 direct consumer application in at least one of the following ways:

1095 (i) programs include content related to well-established psychological
1096 principles,

1097 (ii) programs are based on content that extends current theory,
1098 methods or research, or informs current practice,

1099 (iii) programs provide information related to ethical, legal, statutory, or
1100 regulatory guidelines and standards that impact the practice of
1101 psychology, and/or

1102 (iv) program's whose content focuses on non-traditional or emerging
1103 practice or theory and can demonstrate relevance to practice.

1104 (C) Use a formal (written) evaluation tool to assess program effectiveness
1105 (what was learned) and assess how well each of the educational goals was
1106 achieved (this is separate from assessing attendee satisfaction with the CE
1107 program),

1108 (D) Use results of the evaluation process to improve and plan future
1109 programs.

- 1110 (E) Provide CE credit on the basis of one hour of credit will be earned for
- 1111 each hour of approved instruction,
- 1112 (F) Provide attendance verification to CE attendees that includes the name of
- 1113 the licensee, the name of the course, the date of the course, the number of
- 1114 credit hours earned, and the approving agency,
- 1115 (G) Provide services to all licensees without discrimination, and
- 1116 (H) Ensure that advertisements for CE courses include language that
- 1117 accurately reflects the approval status of the provider.

1118

1119 (3) Failure of the approving organization to meet the provisions of this section

1120 shall constitute cause for revocation of authorization by the Board. Authorization

1121 can shall be revoked only by a formal Board action, after notice and hearing, and

1122 for good cause.

1123

1124 (k) Each person who applies to renew or reinstate his or her license issued pursuant to

1125 this chapter shall certify under penalty of perjury that he or she is in compliance with this

1126 section and shall maintain proof of this compliance for four (4) years from the date of the

1127 renewal for which it has been submitted, and shall submit such proof to the Board upon

1128 request.

1129

1130 (l) No CPD activity may be claimed for credit more than once during a renewal period.

1131

1132 (m) No activity may be claimed for credit in more than one CPD category.

1133

1134 (n) For a license that renews or is reactivated between January 1, 2021, and December

1135 31, 2021, the hours accrued will qualify for renewal if they meet either the requirements

1136 of this section as it existed prior to January 1, 2021 or as it exists after January 1, 2021.

1137

1138 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.

1139 Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.

1140

1141 **§ 1397.62. Continuing Education Exemptions and Exceptions. [Effective January**

1142 **4, 2013 until December 31, 2020.]**

1143

1144 This section shall be applicable to a license that expires on or after, or is reinstated or

1145 issued on or after, January 1, 2013, and becomes inoperative repealed on December

1146 31, 2017 January 1, 2021.

1147

1148 At the time of making application for renewal of a license, a psychologist may as

1149 provided in this section request an exemption or an exception from all or part of the

1150 continuing education requirements.

1151

1152 (a) The Board shall grant an exemption only if the psychologist verifies in writing that,

1153 during the two year period immediately prior to the expiration date of the license, he or

1154 she:

- 1155 (1) Has been engaged in active military service reasonably preventing
- 1156 completion of the continuing education requirements, except that a licensee

1157 granted an exemption pursuant to this section shall still be required to fulfill the
1158 laws and ethics requirement set forth in section 1397.61(b); or

1159
1160 (2) Has been prevented from completing the continuing education requirements
1161 for reasons of health or other good cause which includes:

1162 (A) Total physical and/or mental disability of the psychologist for at least
1163 one year; or

1164 (B) Total physical and/or mental disability of an immediate family member
1165 for at least one year where the psychologist has total responsibility for the
1166 care of that family member.

1167
1168 Verification of a physical disability under subsection (a)(2) shall be by a licensed
1169 physician and surgeon or, in the case of a mental disability, by a licensed psychologist
1170 or a board certified or board eligible psychiatrist.

1171
1172 (b) An exception to the requirements of Business and Professions Code section 2915(d)
1173 may be granted to licensed psychologists who are not engaged in the direct delivery of
1174 mental health services for whom there is an absence of available continuing education
1175 courses relevant to their specific area of practice.

1176 (1) An exception granted pursuant to this subsection means that the Board will
1177 accept continuing education courses that are not acceptable pursuant to section
1178 1397.61(c) provided that they are directly related to the licensee's specific area of
1179 practice and offered by recognized professional organizations. The Board will
1180 review the licensee's area of practice, the subject matter of the course, and the
1181 provider on a case-by-case basis. This exception does not mean the licensee is
1182 exempt from completing the continuing education required by Business and
1183 Professions Code section 2915 and this article. (2) Licensees seeking this
1184 exception shall provide all necessary information to enable the Board to
1185 determine the lack of available approved continuing education and the relevance
1186 of each course to the continuing competence of the licensee.

1187
1188 Such a request shall be submitted in writing and must include a clear statement as to
1189 the relevance of the course to the practice of psychology and the following information:

1190 (A) Information describing, in detail, the depth and breadth of the content
1191 covered (e.g., a course syllabus and the goals and objectives of the
1192 course), particularly as it relates to the practice of psychology.

1193 (B) Information that shows the course instructor's qualifications to teach
1194 the content being taught (e.g., his or her education, training, experience,
1195 scope of practice, licenses held and length of experience and expertise in
1196 the relevant subject matter), particularly as it relates to the practice of
1197 psychology.

1198 (C) Information that shows the course provider's qualifications to offer the
1199 type of course being offered (e.g., the provider's background, history,
1200 experience and similar courses previously offered by the provider),
1201 particularly as it relates to the practice of psychology.

1202

1203 (3) This subsection does not apply to licensees engaged in the direct delivery of
1204 mental health services.
1205

1206 (c) Psychologists requiring reasonable accommodation according to the Americans with
1207 Disabilities Act may be granted an exemption from the on-site participation requirement
1208 and may substitute all or part of their continuing education requirement with an
1209 American Psychological Association or accreditation agency approved independent
1210 learning continuing education program. A qualified individual with a disability must apply
1211 to the Board to receive this exemption.
1212

1213 (d) Any licensee who submits a request for an exemption or exception that is denied by
1214 the Board shall complete any continuing education requirements within 120 days of the
1215 notification that the request was denied.
1216

1217 NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
1218 Reference: Section 2915, Business and Professions Code.
1219

1220 **§ 1397.62. Continuing Education Exemptions. [Effective January 1, 2021]**
1221

1222 This section shall be applicable to a license that expires on or after, or is renewed,
1223 reactivated, reinstated, or issued on or after, January 1, 2021.
1224

1225 (a) To be granted an exemption from all or part of the CPD requirements a licensee
1226 must verify certify in writing that he or she has met the requirement of section 114.3 of
1227 the Code that during the two year period immediately preceding the expiration of the
1228 license, he or she was on active military duty. The request for exemption must be
1229 submitted no less than thirty (30) days prior to the submission of an application for the
1230 renewal of the license. For the first renewal after discharge from active military service,
1231 he or she shall be exempt from the CPD renewal requirements, except that he or she
1232 must accrue, as a condition of renewal, 1.5 hours per month (or portion of month)
1233 remaining in the renewal cycle post-discharge, calculated 60 days after discharge date.
1234 The licensee shall, at a minimum, fulfill the Laws and Ethics requirement set out in
1235 section 1397.61(b), and the Cultural Diversity/Social Justice requirement set out in
1236 section 1397.61(c).
1237

1238 (b) Any licensee who submits a request for an exemption that is denied, in whole or in
1239 part, by the Board shall complete any CPD requirements within 120 days of the
1240 notification that the request was denied.
1241

1242 NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
1243 Reference: Section 2915, Business and Professions Code.
1244

1245 **§ 1397.67. Renewal After Inactive or Delinquent Expired Status. [Effective January**
1246 **4, 2013 until December 31, 2020.]**
1247

1248 This section shall be applicable apply to a license that expires on or after, or is reinstated
1249 or issued on or after, January 1, 2013, and ~~becomes~~ repealed on January 1, 2021.

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

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

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

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

§ 1397.67. Continued Professional Development Requirements for Reactivation. [Effective January 1, 2021.]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

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

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

After a license has been expired for three years, the license is automatically cancelled and the applicant must submit a complete licensing application, meet all current licensing requirements, and successfully pass the licensing examination(s) just as for the initial licensing application unless the Board grants a waiver of the examination pursuant to section 2946 of the Code.

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

§ 1381.9. Renewal of Expired License; Reissuance of Cancelled License.

1297 (a) In the event a licensee does not renew his or her license as provided in section 2982
1298 of the Code, the license expires. In addition to any other requirements, a licensee
1299 renewing pursuant to section 2984 of the Code shall furnish a full set of fingerprints as
1300 required by and set out in section 1381.7(b) as a condition of renewal.
1301

1302 ~~(b) After a license has been expired for three years, if it has not been revoked, the~~
1303 ~~license is automatically cancelled and may not be renewed. The license may be~~
1304 ~~obtained if the applicant~~ A person whose license has been cancelled pursuant to
1305 section 2984 of the Code for failure to renew for three years may obtain a new license if
1306 the person:

- 1307 (1) submits a complete licensing application;
- 1308 (2) meets all current licensing requirements;
- 1309 (3) successfully passes the examination pursuant to section 1388.6;
- 1310 (4) provides evidence of continuing education taken pursuant to section 1397.67(b),
- 1311 and no fact, circumstance, or condition exists that would justify grounds for denial of
- 1312 licensure under Section 480.

1313
1314 NOTE: Authority cited: Sections 2930 and 2982, Business and Professions Code.
1315 Reference: Sections 118, 480, 2984 and 2986, Business and Professions Code; and
1316 Section 11105(b)(10), Penal Code.

1317
1318 c) 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
1319 1391.12, 1392.1 – Psychological Assistants

1320
1321 Mr. Glasspiegel stated the regulation package has been submitted to the Department of
1322 Consumer Affairs' Legal Affairs for review.

1323
1324 **Agenda Item #23: Outreach Update**

1325
1326 a) Strategic Plan

1327
1328 Ms. Bernal stated no additional items have been added since the last Board Meeting.

1329
1330 Ms. Sorrick stated that Board staff will be working with the SOLID unit to work on the
1331 Strategic Plan meeting in 2018. The place is yet to be determined.

1332
1333 b) Communications Plan

1334
1335 Ms. Bernal stated no additional items have been added since the last Board meeting.

1336
1337 c) Website

1338
1339 Mr. Glasspiegel provided the website update.

1340
1341 d) Social Media

1343 Mr. Glasspiegel stated that the most popular post was the AB 89 requirement and the
1344 supervision experience regulation package came in second.

1345
1346 Dr. Erickson asked if there was an explanation as to why there was an increase in views
1347 of the February 9, 2017 Board meeting webcast.

1348
1349 Mr. Glasspiegel stated that the February 2017 meeting was the meeting where there
1350 were many public comments regarding child custody evaluations.

1351
1352 e) Newsletter

1353
1354 Ms. Sorrick stated the Fall journal is currently under legal review. Once approval is
1355 received from Legal, it will be submitted to Publications. She stated the Fall Journal is
1356 anticipated to be published in December.

1357
1358 f) Outreach Activities

1359
1360 Ms. Bernal stated that Jeffrey Thomas, the Board's Assistant Executive Officer, will be
1361 attending the California Psychology Internship Council board meeting on December 8,
1362 2017.

1363
1364 She stated that Dr. Horn attended the Future Leadership development group. Dr. Horn
1365 spoke about the experience.

1366
1367 Ms. Bernal stated that the Augustus High School will be having a Mental Health Day on
1368 December 1, 2017 and Dr. Melodie Shaeffer volunteered to speak.

1369
1370 Dr. Horn spoke about her experience at the ASPPB meeting. She stated that one topic
1371 of the meeting was health service psychology vs. general applied psychology.
1372 Discussion between the Board members ensued regarding the licensing and discipline
1373 of both types of specialties.

1374
1375 g) Efforts on Updating the DCA Brochure "Professional Therapy Never Includes Sex"

1376
1377 Ms. Sorrick stated that a meeting with experts from the Board of Psychology, Board of
1378 Behavioral Sciences and Medical Board of California will occur on December 7, 2017.
1379 The experts will discuss the brochure and provide additional input and feedback
1380 regarding the draft.

1381
1382 Agenda Item #24: President's Report

1383
1384 a) 2018 Meeting Calendar and Locations

1385
1386 Dr. Phillips stated staff is in the process of scheduling an Enforcement Committee
1387 meeting before the end of December 2017.

1388
1389 b) Committee Updates

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Dr. Phillips stated an Ad Hoc committee comprised of at least one board member and relevant stakeholders will be formed regarding the issue of the EPPP Part 2.

Agenda Item #25: Election of Officers

Dr. Phillips stated that due to Board member absences the election will be held at the February 2018 Board meeting.

It was M(Erickson)/S(Casuga)/C to extend the current term of current officers until the next election of officers.

Vote: 5 aye (Bernal, Casuga, Erickson, Horn, Phillips), 0 no

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

No Board or public comments were made.

It was M(Bernal)/S(Horn)/C to adjourn.

Vote: 5 aye (Bernal, Casuga, Erickson, Horn, Phillips), 0 no

Meeting adjourned at 2:54 p.m.



2/26/2018

President

Date