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Draft Teleconference Board Meeting Minutes February 17-18, 2022

Board Members Present

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

Board Members Absent

None

Board Staff

- Antonette Sorrick, Executive Officer
- Jon Burke, Assistant Executive Officer
- Stephanie Cheung, Licensing Manager
- Jason Glasspiegel, Central Services Manager
- Sandra Monterrubio, Enforcement Program Manager
- Liezel McCockran, CE/Renewals Coordinator
- Suzy Costa, Legislative and Regulatory Analyst
- Sarah Proteau, Central Services Office Technician
- Rebecca Bon, Board Counsel
- Heather Hoganson, Regulatory Counsel

Thursday, February 17, 2022

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

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

Agenda Item 2: President’s Welcome

(a) Mindfulness Exercise

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

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

46
47 There was no Board or public comment offered.

48
49 The above agenda items had been completed earlier than had been expected so the
50 Board opted to take some items out of order prior to the scheduled petition in Item 4.

51
52 **Agenda Item 16: Discussion and Possible Approval of the Board Meeting**
53 **Minutes: November 18-19, 2021**

54
55 It was M/(Harb Sheets) S/(Casuga)/C to approve the meeting minutes.

56
57 There was no Board or public comment offered.

58
59 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
60 Rodgers, Tate) 0 Noes

61
62 **Agenda Item 14: Executive Officer's Report**

- 63
64 a) Personnel Update
65 b) COVID-19 Update

66
67 Ms. Sorrick provided these updates.

68
69 Public Comment

70
71 Dr. Elizabeth Winkelman, California Psychological Association (CPA), asked about the
72 status of the remote supervision waiver in regard to the date of expiration.

73
74 Ms. Sorrick explained the declared emergency allows waivers to be in effect and stated
75 the various potential scenarios regarding the extension.

76
77 **Agenda Item 15: President's Report**

- 78
79 a) Committee Appointments
80 b) Meeting Calendar

81
82 Dr. Tate provided the update. She also made note of the 2022 meeting calendar in the
83 meeting materials and stated that April and August 2022 Board meetings would be
84 remote with the possibility of having the November Board meeting be in person.

85
86 There was no Board or public comment offered.

87
88 **Agenda Item 4: Petition for Early Termination of Probation – Celena Horton, PsyD**

89

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

93

94 **Agenda Item 6: Regulations Hearing**

95

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

99

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

101

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

105

106 Public Comment:

107

108 There was no public comment offered.

109

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

112

113 **Agenda Item 18: Budget Report**

114

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

116

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

119

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

121

122 **Agenda Item 5: CLOSED SESSION**

123

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

127

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

129

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

133

134 **Agenda Item 8: CLOSED SESSION**

135

136 The Board Met in Closed Session Pursuant to Government Code Section
137 11126(c)(3) to Discuss Disciplinary Matters Including the above petition, Proposed
138 Decisions, Stipulations, Petitions for Reconsideration, and Remands.
139

140 **Agenda Item 9: Petition for Reinstatement of Surrendered License – Anthony**
141 **Sabatasso, PhD**
142

143 Administrative Judge Jonathan Lew presided. Deputy Attorney General Aaron Lent was
144 present and represented the People of the State of California. Dr. Anthony Sabatasso,
145 PhD, was present and represented himself.
146

147 **Agenda Item 10: CLOSED SESSION**
148

149 The Board Met in Closed Session Pursuant to Government Code Section
150 11126(c)(3) to Discuss Disciplinary Matters Including the above petition, Proposed
151 Decisions, Stipulations, Petitions for Reconsideration, and Remands.
152

153 The meeting adjourned after closed session at 5:00 p.m.
154

155 **Friday, February 18, 202**
156

157 **Agenda Item 11: Call to Order/Roll Call/Establishment of a Quorum**
158

159 President Tate called the meeting to order at 9:00 a.m., roll was taken, and a quorum
160 established. The Board then went in to closed session.
161

162 **Agenda Item 12: CLOSED SESSION**
163

164 The Board Met in Closed Session Pursuant to Government Code Section 11126(c)(3) to
165 Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for
166 Reinstatement or Modification of Penalty, Petitions for Reconsideration, and Remands.
167

168 The Board returned to Open Session at 9:55 a.m., roll was taken and a quorum
169 established.
170

171 **Agenda Item 13: Public Comment for Items Not on the Agenda**
172

173 No public comment was offered.
174

175 **Agenda Item 17: Department of Consumer Affairs (DCA) Update**
176

177 Ms. Brianna Miller provided an update to this item including updates to mask mandates,
178 vaccination guidance, and required training for DCA.
179

180 There was no Board or public comment offered.
181

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

184
185 a) Licensing Report

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

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

192
193 b) Continuing Education and Renewals Report

194
195 Ms. McCockran provided this update.

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

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

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

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

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

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

219
220 Dr. Harb Sheets introduced this item and Ms. Cheung provided background information
221 and a summary of what amendments had been proposed. The proposed changes were
222 highlighted and included in the meeting materials.

223
224 Dr. Harb Sheets provided the purpose of the edits from the Committee's perspective.
225 She clarified that the attempt was to provide consistency in defining different licensing
226 categories and terms as defined within CCR 1381.3.

227

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

231
232 Ms. Cheung went through each Section and provided the substantive and non-
233 substantiative edits that had been made, which were highlighted and including in the
234 meeting materials.

235
236 Dr. Harb Sheets asked to look to at CCR 1386.6 and provide clarity into what was
237 edited.

238
239 Ms. Cheung provided context that the Section had to do with exam score transfers and
240 stated that the language had been reworded to clarify that the score transfer was
241 necessary for applicants if they had previously taken and passed the EPPP in another
242 jurisdiction.

243
244 Dr. Rodgers asked about the possibility to make changes to the forms so they were
245 more gender inclusive. Ms. Cheung stated this was possible.

246
247 Dr. Cervantes made some suggestions of small adjustments to various forms for
248 licensure which would be researched by staff.

249
250 Discussion ensued related to whether a listing of total fees for applicants would be a
251 possibility. It was determined that since 3rd-party fees are not under the Board's control,
252 this could be difficult to provide but options would be investigated as to an FAQ or other
253 alternative.

254
255 It was M/(Foo)S/(Casuga)/C to approve the additional proposed amendments, and
256 delegate to staff to make any technical and non-substantive edits.

257
258 Public comment

259
260 Discussion ensued regarding the definitions of "trainee" and "licensee" within the
261 revised 1380.3 Section of the CCR and what those represented in relation to the
262 Business and Professions Code section 23.7, as well as in CCR 1387. Concern was
263 expressed by Dr. Elizabeth Winkelman, CPA, regarding how the Registered
264 Psychological Associate would fall under the definitions as both a trainee and licensee.

265
266 Ms. Hoganson, Board Regulatory Counsel, was called upon by Dr. Harb Sheets to
267 provide legal perspective, in which she preferred using the BPC section 23.7 definition.

268
269 Dr. Phillips stated agreement with Ms. Hoganson on the trend of allowing "licensee" to
270 encapsulate both licensed psychologists and registered psychological associates.

271
272 Ms. Sorrick referred to another BPC section where the term "licensee" means both a
273 licensed psychologist and registered psychological associate.

274
275 Dr. Harb Sheets asked Dr. Winkelman for further clarification on her concern. Dr. Harb
276 Sheets then provided a solution of defining a “licensee” as a psychologist and defining a
277 “trainee” as a registered psychological associate registered with the Board, pursuant to
278 BPC section 23.7 which Dr. Winkelman was amenable to.

279
280 Dr. Marilyn Immoos, California Department of Corrections and Rehabilitation (CDCR),
281 echoed support for Dr. Winkelman’s comments in the discussion.

282
283 Dr. Melodie Schaefer provided comment which included an offer to assist in the drafting
284 of any FAQ that would be created to help with questions from applicants and licensees.

285
286 Mr. Foo made a comment to amend the motion on the table to reflect the discussion
287 and to clarify for staff and Board Members that the verbal agreements made regarding
288 edits to be included in the motion.

289
290 There was no further Board or public comment offered.

291
292 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
293 Rodgers, Tate), 0 Noes

294
295 The language adjustments for Pathways are as follows:

296
297 **§ 1380.3. Definitions.**

298
299 The following general definitions shall apply whenever the terms are used throughout
300 Division 13.1, except where specifically noted otherwise. ~~For the purpose of the~~
301 ~~regulations contained in this chapter, the term~~

302
303 (a) “~~b~~Board” means the Board of Psychology, ~~and the term~~

304
305 (b) “~~e~~Code” means the Business and Professions Code.

306
307 (c) “Client” means a client or patient of the licensee.

308
309 (d) “Licensed” or “licensed psychologist” means a psychologist licensed by the Board.

310
311 (ed) “Licensee” means a psychologist or registered psychological associate registrant
312 licensed by the Board pursuant to BPC Section 23.7.

313
314 (fe) “Trainee” means a psychology trainee working under supervision as specified in
315 section 1387.

316
317 (g) “General Applied Psychologist” means a licensed psychologist whose training is in
318 forensic, consulting, industrial/organizational, or applied developmental psychology, or
319 applied psychological research.

320
321 (h) "Health Service Psychologist" means a licensed psychologist whose training is in
322 clinical, counseling, or school psychology.

323
324 Note: Authority and reference cited: Section 2930, Business and Professions Code.

325
326 **§ 1381. Applications.**

327
328 All applications shall be accompanied by such evidence, statements or documents as
329 ~~therein~~ required to establish that the applicant meets all of the requirements for
330 ~~licensing~~ licensure or registration as set forth in the eCode.

331
332 (1) An application to take the Examination for Professional Practice in Psychology
333 (EPPP) shall include the following:

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

337
338 (2) An application to take the California Psychology Law and Ethics Exam (CPLEE)
339 shall include the following:

- 340 (a) Application to take the CPLEE (Rev. XX/XX), hereby incorporated by reference
- 341 (b) Additional Verification of Experience (Rev. XX/XX), hereby incorporated by
342 reference, if applicable
- 343 (c) Any application or examination fees pursuant to section 1392

344
345 (3) An application for licensure shall include the following:

- 346 (a) Application for licensure (Rev. XX/XX), hereby incorporated by reference
- 347 (b) Any application fees as listed in section 1392
- 348 (c) Evidence of prelicensure coursework pursuant to BPC section 2915.5 or sections
349 1382, 1382.3, 1382.4, 1382.5
- 350 (d) Evidence of fingerprint submission and related fees as prescribed by XXXX

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

358
359 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
360 Sections 2940 and 2941, Business and Professions Code.

361
362 **§ 1381.1. Abandonment~~Withdrawal~~ of Applications.**

363
364 An application shall be deemed withdrawn after thirty six (36) months denied without
365 prejudice when, in the discretion of the board, an applicant does not exercise due

366 diligence in the completion of his or her application, in furnishing additional information
367 or documents ~~documentation or fees as required by the Psychology Act and regulations,~~
368 requested or in the payment of any required fees. ~~An applicant who subsequently~~
369 ~~decides to reapply shall be required to file a new application and pay the current~~
370 ~~application fee.~~

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

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

380

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

382

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

386

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

389

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

391

392 ~~The application shall be deemed withdrawn, for a~~ Any applicant approved to take or
393 ~~retake a b~~ Board licensing examination who fails to appear for such examination in any
394 ~~twelve-month period shall be deemed have his or her application withdrawn.~~ An
395 applicant who subsequently decides to take the examination shall be required to file a
396 new application and pay the current application and examination fees.

397

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

400

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

402

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

411

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

414

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

416

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

423

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

425

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

432

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

440

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

446

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

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

451 ~~(b) Be obtained~~

452

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

455

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

- 458
459 (3) ~~From a continuing education provider approved by a professional association, or~~
460
461 (4) ~~In a course sponsored or offered by a professional association, or~~
462
463 (5) ~~In a course sponsored, offered or approved by a local, county or state~~
464 ~~department of health or mental health or by health agencies of the Federal~~
465 ~~Government.~~

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

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

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

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

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

482
483 (a) An applicant for licensure as a psychologist shall complete as a condition of
484 licensure a minimum of six (6) hours of coursework or applied experience in
485 alcoholism/chemical dependency detection and treatment. Such coursework or training
486 shall include assessment and intervention of chemical dependency and alcoholism, the
487 study of physiological, psychological and sociocultural variables associated with
488 chemical dependency and alcoholism, prevailing treatment models, and the specific
489 ethical and legal issues related to practice in this area.

490
491 (b) This requirement shall be met in one of the following ways:

492
493 (1) Obtained as part of the applicant's qualifying graduate degree program. To
494 satisfy this requirement, the applicant shall submit to the Board a written certification
495 from the registrar or training director of the educational institution or program from
496 which the applicant graduated stating that the coursework required by this section is
497 included within the institution's curriculum required for graduation at the time the
498 applicant graduated, or within the coursework that was completed by the applicant.

499
500 (2) Obtained as part of the applicant's applied experience. Applied experience can
501 be met in any of the following settings: practicum, internship, or formal postdoctoral
502 placement that meets the requirement of section 2911, or other qualifying
503 supervised professional experience. To satisfy this requirement, the applicant shall

504 submit to the board a written certification from the director of training for the program
505 or primary supervisor where the qualifying experience has occurred stating that the
506 training required by this section is included within the applied experience.

507
508 (3) By taking a continuing education course that meets the requirements of
509 subdivision (de) or (ef) of section 2915 and that qualifies as a continuing education
510 learning activity category specified in paragraph (2) or (3) of subdivision (c) of
511 Section 2915. To satisfy this requirement, the applicant shall submit to the board a
512 certification of completion.

513
514 ~~The requirements set forth in Section 2914 (e) of the code shall be satisfied by~~
515 ~~completion of a graduate level course which meets the following criteria:~~

516
517 ~~(a) The course shall be devoted solely to the topic of alcoholism and chemical~~
518 ~~dependency detection and treatment and shall not be less than a semester or a quarter~~
519 ~~term in length.~~

520
521 ~~(b) The course must be obtained at an educational institution, or in an extension course~~
522 ~~offered by an institution, which is either credited under Education Code Section~~
523 ~~94310.1, or approved under Education Code Section 94310.2, by the State Department~~
524 ~~of Education.~~

525
526 ~~(c) An original transcript indicating successful completion of the course shall be deemed~~
527 ~~sufficient evidence for purposes of satisfying this requirement.~~

528
529 ~~(d) The course shall include training in each of the following subjects as they relate to~~
530 ~~alcoholism and chemical dependency:~~

531
532 ~~(1) The definition of alcoholism and other chemical dependency, and the evaluation~~
533 ~~of the user.~~

534
535 ~~(2) Current theories of, and research on, the etiology of substance abuse.~~

536
537 ~~(3) Physiological and medical aspects and effects of alcoholism and other chemical~~
538 ~~dependency.~~

539
540 ~~(4) Psychopharmacology and the interaction of various classes of drugs, including~~
541 ~~alcohol.~~

542
543 ~~(5) Diagnosing and differentiating alcoholism and substance abuse in patients~~
544 ~~referred for other clinical symptoms, such as depression, anxiety, psychosis, and~~
545 ~~impotence.~~

546
547 ~~(6) Populations at risk with regard to substance abuse.~~

548
549 ~~(7) Cultural and ethnic considerations.~~

- 550
551 ~~(8) Prenatal effects.~~
552
553 ~~(9) Adolescent substance abuse.~~
554
555 ~~(10) Implications for the geriatric population.~~
556
557 ~~(11) Iatrogenic dependency.~~
558
559 ~~(12) Major treatment approaches to alcoholism and chemical dependency, including~~
560 ~~research and application.~~
561
562 ~~(13) The role of persons and systems which support or compound abuse.~~
563
564 ~~(14) Family issues which include treatment approaches with families of alcoholics~~
565 ~~and/or substance abusers.~~
566
567 ~~(15) The process of referring affected persons.~~
568
569 ~~(16) Community resources offering assessment, treatment and follow up for the~~
570 ~~abuser and family.~~
571
572 ~~(17) Ethical and Legal issues for clinical practice.~~
573
574 ~~(18) Prevention of substance abuse.~~
575

576 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
577 Section 2914(e), Business and Professions Code.
578

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

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

590
591 (b) This requirement shall be met in one of the following ways:
592

593 (1) Obtained as part of the applicant's qualifying graduate degree program. To
594 satisfy this requirement, the applicant shall submit to the Board a written certification
595 from the registrar or training director of the educational institution or program from

596 which the applicant graduated stating that the coursework required by this section is
597 included within the institution's curriculum required for graduation at the time the
598 applicant graduated, or within the coursework that was completed by the applicant.
599

600 (2) Obtained as part of the applicant's applied experience. Applied experience can
601 be met in any of the following settings: practicum, internship, or formal postdoctoral
602 placement that meets the requirement of section 2911, or other qualifying
603 supervised professional experience. To satisfy this requirement, the applicant shall
604 submit to the board a written certification from the director of training for the program
605 or primary supervisor where the qualifying experience has occurred stating that the
606 training required by this section is included within the applied experience.
607

608 (3) By taking a continuing education course that meets the requirements of
609 subdivision (de) or (ef) of section 2915 and that qualifies as a continuing education
610 learning activity category specified in paragraph (2) or (3) of subdivision (c) of
611 Section 2915. To satisfy this requirement, the applicant shall submit to the board a
612 certification of completion.
613

614 ~~All persons applying for a license or renewal of a license as a psychologist shall in~~
615 ~~addition to all other requirements for licensure, have completed coursework or training~~
616 ~~in child abuse assessment and reporting and shall submit documentation thereof to the~~
617 ~~board. The coursework or training in child abuse assessment and reporting shall consist~~
618 ~~of not less than 7 instructional hours and shall include training in each of the subject~~
619 ~~areas described in section 28 of the Code. The coursework or training shall be:~~
620

621 ~~(a) Obtained at an educational institution, or in an extension course offered by an~~
622 ~~institution which is accredited by the Western Association of Schools and Colleges, the~~
623 ~~Northwest Association of Secondary and Higher Schools, or an essentially equivalent~~
624 ~~accrediting agency as determined by the board or approved by the State Department of~~
625 ~~Education pursuant to section 94310.2 of the Education Code; or~~
626

627
628 ~~(b) Obtained from a statewide professional association representing the professions of~~
629 ~~psychology, social work, or marriage, family and child counseling; or~~
630

631 ~~(c) Obtained from or sponsored by a local county, state or federal governmental entity.~~
632

633 ~~(d) Completed after January 1, 1983.~~
634

635 Note: Authority cited: Sections 28 and 2930, Business and Professions Code.

636 Reference: Section 28, Business and Professions Code.

637
638 **§ 1382.5. Spousal or Partner Abuse Assessment, Detection, and Intervention**
639 **Strategies Training Requirements.**
640

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

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

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

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

665
666 (3) By taking a continuing education course that meets the requirements of
667 subdivision (de) or (ef) of section 2915 and that qualifies as a continuing education
668 learning activity category specified in paragraph (2) or (3) of subdivision (c) of
669 section 2915. To satisfy this requirement, the applicant shall submit to the board a
670 certification of completion.

671
672 ~~All persons applying for a license as a psychologist who began their graduate training~~
673 ~~on or after January 1, 1995 shall, in addition to all other requirements for licensure, have~~
674 ~~completed coursework in spousal or partner abuse assessment, detection, and~~
675 ~~intervention strategies and shall submit documentation thereof to the board. The~~
676 ~~coursework in spousal or partner abuse assessment, detection, and intervention~~
677 ~~strategies shall consist of not less than a combined total of two (2) hours focused on this~~
678 ~~topic. All persons applying for a license as a psychologist who began their graduate~~
679 ~~training on or after January 1, 2004 shall also meet the above requirement, however,~~
680 ~~such course shall consist of at least fifteen (15) contact hours.~~

681
682 ~~The coursework shall be:~~

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

686

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

689
690 ~~(c) taken in a separate course provided by a sponsor approved by the American~~
691 ~~Psychological Association.~~

692
693 ~~(d) completed after January 1, 1995.~~

694
695 ~~An applicant may request an exemption from this requirement if he or she intends to~~
696 ~~practice in an area that does not include the direct provision of mental health services.~~

697
698 Note: Authority cited: Sections 2914(f) and 2930, Business and Professions Code.
699 Reference: Section 2914(f), Business and Professions Code.

700
701 **§ 1386. Revised Criteria for Evaluation of Education.**

702
703 (a) Only those doctorate degrees ~~which that~~ are designated as being earned in a
704 department or school of psychology, ~~educational psychology or education with the~~
705 psychology with the field of specialization in clinical, counseling, school, consulting,
706 forensic or industrial/organizational psychology, or in education with the field of
707 specialization in counseling psychology, ~~or educational psychology, or school~~
708 psychology ~~field of specialization in counseling psychology or educational psychology~~
709 shall be accepted as an earned doctorate degree as specified in section 2914,
710 subdivisions (b) ~~and (c)(1) through (3)~~, of the Code. If compliance with section 2914 of
711 the Code it is not evident on the official transcript, the Board may require that any
712 doctorate degree earned in ~~education with the field of specialization in counseling~~
713 ~~psychology or educational psychology~~ be certified by the registrar ~~as such a degree.~~

714
715 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
716 Section 2914, Business and Professions Code.

717
718 **§ 1387. Supervised Professional Experience (SPE).**

719
720 This section applies to all trainees, ~~pre- or post-doctoral, who intend~~ accruing for hours
721 of supervised professional experience (SPE) to count toward meeting the
722 licensing/licensure requirements ~~stated in section 2914(ed) of the Business and~~
723 Professions Code. This section also applies to all ~~These~~ trainees accruing hours of
724 SPE supervised experience in areas of general applied psychology that do not include
725 direct mental health services should refer to section 1387.3 for information on
726 establishing an alternate plan for SPE.

727
728 (a) SPE is defined as an organized program that consists of a planned, structured and
729 administered sequence of professionally supervised, comprehensive, clinical training
730 experiences. SPE shall have a logical training sequence that builds upon the skills and
731 competencies of trainees to prepare them for ~~the independent practice of psychology~~
732 once they become licensed. SPE shall include:

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

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

~~SPE shall include (3) only the time spent by the trainee engaged in psychological activities that directly serve to prepare the trainee for the independent practice of psychology once licensed. SPE shall not include custodial tasks such as filing, transcribing or other clerical duties.~~

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

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

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

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

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

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

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

783
784 (2) Post-doctoral SPE: At least 1500 hours of SPE shall be accrued post-
785 doctorally. "Post-doctorally" means after the date certified as "meeting all the
786 requirements for the doctoral degree" by the Registrar or Dean of the educational
787 institution, ~~or by the Director of Training of the doctoral program.~~ Post-doctoral
788 SPE ~~shall~~ may be accrued ~~only~~ as follows:

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

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

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

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

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

812
813 (b) Supervision Requirements:

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

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

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

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

828
829 ~~Primary supervisors shall meet the requirements set forth in section 1387.1.~~
830 ~~(2) Delegated supervisors shall meet the requirements set forth in section 1387.2.~~

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

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

844

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

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

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

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

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

863 payment, monetary or otherwise, from the trainee as a condition for the accrual of
864 SPE.

865
866 ~~(59) SPE Experience gained while the trainee is functioning under another mental~~
867 ~~health license shall not be credited toward meeting the SPE requirements for~~
868 ~~licensure. the psychologist's license.~~

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

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

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

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

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

907

908 The supervisor must indicate, in ~~his or her~~ the supervisor's best professional
909 judgment, whether the ~~traineesupervisee~~ supervisee demonstrated an overall performance at
910 or above the level of competence expected for the ~~trainee's~~ supervisee's level of
911 education, training and experience. When SPE is accrued in a formal pre-doctoral
912 internship or post-doctoral training program, the program's training director shall be
913 authorized to perform the verification and rating duties of the primary supervisor
914 provided that the internship training director is a licensed psychologist who
915 possesses a valid, active license free of any disciplinary action.

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

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

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

928
929 (c) Delegated Supervision Requirements:

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

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

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

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

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

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

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

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§ 1387.1. Qualifications and Responsibilities of Primary Supervisors.

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

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

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

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

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

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

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

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

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

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

(4e) Primary supervisors shall be responsible for ensuring that all SPE including record keeping is conducted in compliance with the Ethical Principles of

1000 Psychologists and Code of Conduct of published by the American Psychological
1001 Association.

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

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

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

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

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

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

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

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

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

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

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

1042
1043 ~~(10n) Primary supervisors shall m~~Monitor the supervision performance of
1044 all~~provided by~~ delegated supervisors.

1045

1046 (11) Be employed or contracted by the same organization as the trainee and be
1047 available 100% of the time SPE is being accrued. This availability may be in-
1048 person, by telephone, or by other appropriate technology.

1050 (12) Ensure that a crisis plan is in place to protect the client in the event a crisis or
1051 emergency occurs during any time the supervisor is not physically present at the
1052 location the trainee is working. The primary supervisor shall ensure that the trainee
1053 thoroughly understands the crisis plan.

1055 (13) Have the education, training and experience in the areas of psychological
1056 practice for which they will supervise, and shall be responsible for supervising the
1057 psychological functions performed by the trainee and ensure compliance with the
1058 provisions of the Code, the Board's regulations, and the Ethical Principles of
1059 Psychologists and Code of Conduct published by ethical standards established by
1060 the American Psychological Association pursuant to BPC section 2936.

1062 ~~Note: Authority cited: Section 2930, Business and Professions Code. Reference:~~
1063 ~~Section 2914, Business and Professions Code.~~

1064
1065 **§ 1387.2. Qualifications and Responsibilities of Delegated Supervisors.**

1066 (b) A primary supervisor who is a licensed psychologist may delegate supervision to
1067 another psychologist, licensed marriage and family therapist, licensed educational
1068 psychologist, licensed clinical social worker, licensed professional clinical counselor or
1069 board certified psychiatrist. Upon such delegation, the primary supervisor shall maintain
1070 responsibility for providing the minimum one (1) hour per week of real-time, direct,
1071 individual supervision to the trainee, and ensuring compliance with this section.
1072 Supervision may be provided by HIPAA compliant technology. For purposes of this
1073 Division 13.1, "real-time" requires the ability to see and hear synchronously, either in
1074 physical proximity or remotely in compliance with federal and state laws relating to
1075 confidentiality of patient health information.

1076
1077 ~~A D~~ Delegated supervisors shall be qualified psychologists or those other qualified
1078 mental health professionals listed in section 1387(e). comply with all of the following
1079 requirements:

1081 ~~(1) The delegated supervisor(s) shall~~ Be employed or contracted by ~~in~~ the same
1082 entity ~~work setting~~ as the trainee.

1084 ~~(2a) Delegated supervisors shall have~~ Possess ~~and shall~~ maintain a valid, active
1085 license free of any current ~~formal~~ disciplinary action that disqualifies the supervisor
1086 from providing supervision, and shall immediately notify the trainee and the primary
1087 supervisor of any disciplinary action initiated by the Board from which they receive
1088 their license, including revocation, surrender, suspension, probation terms, or
1089 changes in licensure status including inactive license, or any other license status
1090 change that affects the supervisor's ability or qualifications to supervise.
1091

1092 ~~(3b) Delegated supervisors shall be~~ in compliance at all times with the provisions
1093 of the Psychology Licensing Law, and other applicable State licensing laws and the
1094 regulations adopted pursuant to these laws.
1095

1096 (4) Ensure that they have education, training, and experience in the areas of
1097 psychological practice for which they will supervise.
1098

1099 ~~(5e) Delegated supervisors shall be~~ responsible for ensuring compliance by the
1100 trainee with the provisions of the Psychology Licensing Law and ~~the~~ regulations
1101 ~~adopted pursuant to these laws.~~
1102

1103 ~~(6d) Delegated supervisors shall be responsible for e~~Ensuring that all SPE and
1104 record-keeping performed under their supervision ~~delegated to them is~~ conducted
1105 in compliance with the Ethical Principles of Psychologists and Code of Conduct of
1106 published by the American Psychological Association.
1107

1108 ~~(7e) Delegated supervisors shall be responsible for m~~Monitoring the welfare of the
1109 trainees-clients who receive psychological services rendered by the traineewhile
1110 under their delegated supervision.
1111

1112 ~~(8f) Delegated supervisors shall be responsible for m~~Monitoring and report to the
1113 primary supervisor the performance and professional development of the
1114 traineeand for reporting this performance and development to the primary
1115 supervisor.
1116

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

1119 ~~(9h) Delegated supervisors shall h~~Have no current or former financial, personal, or
1120 familial, intimate, business relationship with the trainee, or other relationship with
1121 the trainee which wouldthat could compromise the supervisor's effectiveness,
1122 and/or which wouldthat violates the Ethical Principles of Psychologists and Code of
1123 Conduct ofpublished by the American Psychological Association.
1124

1125 ~~(i) Delegated supervisors shall not supervise a trainee who is now or has ever been a~~
1126 ~~psychotherapy client of the supervisor.~~
1127

1128 ~~(j) Delegated supervisors shall not exploit trainees or engage in sexual relationships, or~~
1129 ~~any other sexual contact with trainees~~
1130

1131 (c) If SPE is obtained in areas of general applied psychology, a licensed co-supervisor
1132 is required if a primary supervisor is not licensed. The co-supervisor shall comply with
1133 all of the following requirements:
1134

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

- 1138
1139 (2) Notify the trainee of any current disciplinary action that disqualifies the co-
1140 supervisor from providing supervision;
1141
1142 (3) Prior to functioning as a co-supervisor and every two (2) years thereafter, the
1143 co-supervisor shall complete six (6) hours of approved continuing education in
1144 supervision that meets the requirements in section 1397.61(c)(1);
1145
1146 (A) Co-supervisors shall certify under penalty of perjury to completion of the six (6)
1147 hour course, as required by this section, each time the co-supervisor completes a
1148 verification of the experience as referenced in section 1387(c)(7); and
1149
1150 (B) Documentation of the course shall be maintained for six (6) years from the date
1151 of completion. Evidence of completion of the course shall be submitted to the
1152 Board upon request.
1153
1154 (4) Monitor the performance and professional development of the trainee and
1155 report this to the primary supervisor;
1156
1157 (5) Have no current or former financial, personal, or familial relationship with the
1158 trainee, or other relationship that could compromise the co-supervisor's
1159 effectiveness, or that violates the Ethical Principles of Psychologists and Code of
1160 Conduct published by the American Psychological Association;
1161
1162 (6) Supervise no more than five (5) trainees at any given time; and
1163
1164 (7) Ensure that all supervisors and trainees comply with the provisions of the
1165 Psychology Licensing Law and regulations.
1166
1167 (d) Interim supervision by a person other than the primary supervisor may be provided
1168 by a person who meets the requirements of section 1387.1(a) for a period not to exceed
1169 thirty (30) consecutive calendar days in the event the primary supervisor is unavailable
1170 for reasons including, but not limited to, illness, injury or vacation. For psychological
1171 associates, interim supervision that is expected to continue for more than thirty (30)
1172 consecutive calendar days requires the psychological associate to add or change the
1173 primary supervisor at that location.

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

1177
1178 **~~§ 1387.3. Alternate Plan for Supervised Professional Experience in Non-Mental~~**
1179 **~~Health Services.~~**

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

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

1193
1194 (a) Supervision Plan Required

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

1204
1205 (b) Hours and Setting Requirements

1206
1207 (1) Pursuant to section 2914(c) of the code, two years of qualifying SPE shall be
1208 completed and documented prior to licensure. One year of SPE shall be defined as
1209 4500 hours. At least one year of SPE shall be completed postdoctorally. Each year
1210 of SPE shall be completed within a thirty (30) consecutive month period. If both
1211 years of SPE (3000 hours) are completed postdoctorally, they shall be completed
1212 within a sixty (60) month period. Upon showing of good cause as determined by
1213 the board, these specified time limitations may be reasonably modified.

1214
1215 (2) Predoctoral SPE under this section may be accrued only as follows:

1216
1217 (A) In a formal internship placement pursuant to section 2911 of the code and
1218 registration with the board is not required; or

1219
1220 (B) As an employee of an exempt setting pursuant to section 2910 of the code and
1221 registration with the board is not required; or

1222
1223 (C) As a registered psychological associate pursuant to section 2913 of the code
1224 and registration with the board prior to commencing work is required.

1225
1226 (3) Postdoctoral SPE may be accrued only as follows:

1227
1228 (A) As a registered psychological associate pursuant to section 2913 of the code
1229 and registration with the board prior to commencing work is required; or

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~~(B) Repealed.~~

~~(C) As an employee of an exempt setting pursuant to section 2910 of the code and registration with the board is not required.~~

~~(c) Supervision Requirements~~

~~(1) The trainee shall be provided with supervision for 10% of the total time worked each month. At least four hours per month shall be face-to-face, direct, individual supervision with the primary supervisor. The plan shall address how the supervision will be provided. The remainder of the 10% may be provided by the delegated supervisor or co-supervisor and may include supervision via electronic means.~~

~~(2) A maximum of forty-four (44) hours per week, including the required 10% supervision, may be credited toward meeting the supervised professional experience requirement.~~

~~(3) The trainee shall have no proprietary interest in the business of the primary, delegated or co-supervisor and shall not serve in any capacity that would hold influence over the primary, delegated or co-supervisor's judgment in providing supervision.~~

~~(4) Neither the primary supervisor nor any delegated or co-supervisor shall receive payment, monetary or otherwise, from the trainee for the purpose of providing supervision.~~

~~(5) The trainee will not function under any other license with the same client or in the same setting during the supervised experience accrued pursuant to the plan.~~

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

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

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

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

~~The primary supervisor shall:~~

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

- 1276 ~~(2) meet the requirements of section 2913 of the code if supervising a registered~~
1277 ~~psychological associate;~~
1278
- 1279 ~~(3) if licensed, possess and maintain a valid, active license issued by the board~~
1280 ~~free of any formal disciplinary action during the period of supervision covered by~~
1281 ~~the plan. The primary supervisor shall notify the trainee of any disciplinary action~~
1282 ~~that disqualifies him or her from providing supervision. If not licensed, the primary~~
1283 ~~supervisor shall never have been denied, or possessed a professional license for~~
1284 ~~providing psychological or other mental health services issued by any jurisdiction~~
1285 ~~that was subject to discipline, or surrendered with charges pending;~~
1286
- 1287 ~~(4) be employed or contracted by the same organization as the trainee;~~
1288
- 1289 ~~(5) be available to the trainee 100% of the time the trainee is accruing SPE~~
1290 ~~pursuant to the plan. This availability may be in person, through telephone, pager~~
1291 ~~or other appropriate technology(ies);~~
1292
- 1293 ~~(6) if licensed, complete a minimum of six hours of supervision coursework every~~
1294 ~~two years as described in section 1387.1(b);~~
1295
- 1296 ~~(7) ensure that all parties work together throughout the training experience to~~
1297 ~~ensure that the trainee will be engaged in duties that are considered doctoral level;~~
1298
- 1299 ~~(8) maintain ongoing communication between all parties regarding supervisory~~
1300 ~~needs and experiences;~~
1301
- 1302 ~~(9) ensure that all parties to the plan comply at all times with the provisions of the~~
1303 ~~Psychology Licensing Law or the Medical Practice Act, whichever might apply, and~~
1304 ~~the regulations adopted pursuant to these laws;~~
1305
- 1306 ~~(10) ensure that all SPE accrued under the plan complies with the Ethical~~
1307 ~~Principles and Code of Conduct of the American Psychological Association;~~
1308
- 1309 ~~(11) monitor the welfare of the trainee's clients;~~
1310
- 1311 ~~(12) ensure that each client of the trainee is informed prior to rendering of services~~
1312 ~~by the trainee that the trainee is unlicensed and is functioning under the direction~~
1313 ~~and supervision of the primary supervisor;~~
1314
- 1315 ~~(13) monitor the performance and professional development of the trainee which~~
1316 ~~shall include socialization into the practice of psychology;~~
1317
- 1318 ~~(14) have the education, training, and experience in the area(s) of psychological~~
1319 ~~practice for which they are providing supervision;~~
1320

1321 ~~(15) have or have had no familial, intimate, sexual, social, or professional~~
1322 ~~relationship with the trainee which could compromise the supervisor's~~
1323 ~~effectiveness, or would violate the Ethical Principles and Code of Conduct of the~~
1324 ~~American Psychological Association;~~

1325
1326 ~~(16) not supervise a trainee who is a current or former client of psychological~~
1327 ~~services provided by the supervisor; and~~

1328
1329 ~~(17) monitor the supervision performance of all delegated supervisors and co-~~
1330 ~~supervisors.~~

1331
1332 ~~(e) Qualifications and Responsibilities of Delegated Supervisors~~

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

1338
1339 ~~The delegated supervisor shall:~~

1340
1341 ~~(1) possess and maintain a valid, active license free of any formal disciplinary~~
1342 ~~action during the period covered by the plan. The supervisor shall notify the trainee~~
1343 ~~of any disciplinary action that disqualifies him or her from providing supervision;~~

1344
1345 ~~(2) be employed or contracted by the same organization as the trainee;~~

1346
1347 ~~(3) be responsible for ensuring compliance by the trainee with the provisions of the~~
1348 ~~Psychology Licensing Law, the licensing laws of the Board of Behavioral Sciences,~~
1349 ~~or the Medical Practice Act, whichever might apply, and the regulations adopted~~
1350 ~~pursuant to these laws.~~

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

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

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

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

1365

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

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

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

1376 ~~The co-supervisor shall:~~

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

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

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

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

1392
1393 ~~(5) have or have had no familial, intimate, social, sexual or professional~~
1394 ~~relationship with the trainee which could compromise the supervisor's~~
1395 ~~effectiveness, or would violate the Ethical Principles and Code of Conduct of the~~
1396 ~~American Psychological Association;~~

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

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

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

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

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

1411

- 1412 (a) Except as described in subsection (b), ~~a~~All out-of-state SPE must be:
1413
1414 (1) supervised by a primary supervisor who is a psychologist licensed at the
1415 doctoral level in the state, U.S. United States territory, or Canadian province in
1416 which the SPE ~~is taking place~~ was accrued;
1417
1418 (2) in compliance with all laws and regulations related to the practice of psychology
1419 inef the jurisdiction wherein ~~which~~ the experience was accrued, and
1420
1421 (3) in ~~substantial~~ compliance with all the supervision requirements of section 1387.
1422

1423 Upon an applicant's showing of good cause as determined by the Board, these
1424 specified requirements may be modified.
1425

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

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

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

1440
1441 **§ 1387.5. SPE Log.**
1442

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

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

1458
1459 (6) ~~An indication of whether the SPE performed that week was satisfactory. A~~
1460 ~~description of the psychological duties performed during the period of SPE.~~

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

1463 (1) ~~The trainee's legibly printed name, signature, and date signed.~~

1464
1465 (2) ~~The primary supervisor's legibly printed name, signature, license type and~~
1466 ~~number, and date signed.~~

1467
1468 (3) ~~Any delegated supervisor's legibly printed name, license type and number.~~

1469 (4) ~~A description of the psychological duties performed during the period of~~
1470 ~~supervised professional experience.~~

1471
1472 (5) ~~A statement signed by the primary supervisor attesting to the accuracy of the~~
1473 ~~information.~~

1474
1475 (9) ~~The primary supervisor's printed name, signature, license type and number,~~
1476 ~~and date signed.~~

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

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

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

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

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

1502
1503 **§ 1388. Examinations.**

- 1504
1505 (a) The Board recognizes the expertise of the Department of Consumer Affairs' (DCA)
1506 Office of Professional Examination Services (OPES). The Board shall utilize the
1507 services of the OPES in licensing examination development and validation through an
1508 interagency agreement.
1509
- 1510 (b) An applicant shall successfully take and pass the licensing examinations prior to
1511 being licensed. The licensing examinations shall consist of the Association of State and
1512 Provincial Psychology Boards' (ASPPB) Examination for Professional Practice in
1513 Psychology (EPPP), and the California Psychology Laws and Ethics Examination
1514 (CPLÉE), ~~except that the EPPP shall be waived~~ for those applicants who meet the
1515 criteria in section 1388.6 of this chapter. Such applicants shall be required to take and
1516 pass the CPLÉE.
1517
- 1518 (c) An applicant is eligible to take the EPPP upon completion of a qualifying doctorate
1519 degree and 1500 hours of qualifying professional experience. An applicant shall pass
1520 the EPPP and complete all 3000 hours of supervised professional experience prior to
1521 being eligible for the CPLÉE, whichever is applicable, pursuant to section 1388.6.
1522
- 1523 (d) Upon application, the Board will notify applicants of their eligibility to take the
1524 EPPP. Applicants are responsible for completing any administrative requirements for
1525 taking the EPPP established by ASPPB or its agent, including paying any fees. This
1526 subsection applies to those re-taking the EPPP as well as to those taking it for the first
1527 time.
1528
- 1529 (e) For forms of the EPPP taken prior to September 1, 2001, the passing score is the
1530 score that was recognized by the Board at that time. For computer administered forms
1531 of the EPPP, the Board shall accept the passing score recommended by ~~apply a sealed~~
1532 ~~score as recommended by~~ ASPPB.
1533
- 1534 (f) Qualified applicants desiring to take the CPLÉE shall submit to the Board the fee
1535 set forth in section 1392 of this chapter. Applicants shall comply with all instructions
1536 established by the DCA examination vendor for taking the CPLÉE.
1537
- 1538 (g) The passing score on the CPLÉE shall be determined for each form of the
1539 examination by a criterion referenced procedure performed by OPES.
1540
- 1541 (h) An applicant for whom English is ~~his or her~~ the applicant's second language may be
1542 eligible for additional time when taking the EPPP and/or the CPLÉE. The applicant must
1543 complete and submit a request for additional time that states under penalty of perjury
1544 that English is ~~his or her~~ the applicant's second language. The Test of English as a
1545 Foreign Language (TOEFL) certification score of 85 or below must be sent by
1546 Educational Testing Service directly to the Board. The TOEFL must have been taken
1547 within the previous two years prior to application. The Board will only consider the
1548 highest score of any TOEFL taken within the previous two years. If approved, the
1549 applicant will be allotted time-and-a-half (1.5x) when taking the examination.

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

§ 1388.6. License Requirements and Waiver of Examination Satisfaction of Licensure Requirements.

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

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

~~(ab) If an applicant for licensure as a psychologist has been is currently licensed at the doctoral level and has been so for at least two (2) years in another state, Canadian province, or U.S. territory, for at least two years the applicant shall not be required to take the EPPP submit documentation of a passing score on the EPPP.~~

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

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

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

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

1600
1601 Note: Authority cited: Sections 2930 and 2946, Business and Professions Code.
1602 Reference: Section 2946, Business and Professions Code.

1603
1604 **§ 1389. Reconsideration of Examinations.**

1605
1606 ~~(a) There shall be no reconsideration of the gradescore received on the EPPP or on the~~
1607 ~~CPLEE.~~

1608
1609 ~~(b) Nothing in this section shall be construed to deprive an applicant of his or her rights of~~
1610 ~~appeal as afforded by other provisions of law.~~

1611
1612 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
1613 Sections 2942 and 2944, Business and Professions Code.

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

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

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

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

1625
1626 **§ 1391. Citation.**

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

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

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

1635
1636 ~~(a) Any person who meets the requirements of section 2913 of the Code desiring to~~
1637 ~~supervise may apply for registration as a registered psychological associate by~~
1638 ~~submitting shall submit an application, on a form PSB 100, entitled "Application For~~
1639 ~~Registration As A Psychological Associate" (New 2021), which is hereby incorporated~~
1640 ~~by reference provided by the Board. If applying for a registration with more than one~~

1641 supervisor, the applicant shall also submit form PSB 101, entitled “Notification To Add
1642 Or Change Supervisor Or Service Location For A Psychological Associate” (New 2021),
1643 which is hereby incorporated by reference, for each additional supervisor.
1644

1645 (b) Registration as a registered psychological associate shall be limited to a cumulative
1646 total of ~~six~~five years (~~60~~72 months). ~~Each~~A registration shall be subject to annual
1647 renewal pursuant to section 1391.12.
1648

1649 (c) For any registered psychological associate registered prior to ~~the effective date of~~
1650 ~~this subdivision~~October 23, 2011, subsequent renewals or registrations shall be limited
1651 to a cumulative total of ~~six~~five years (~~60~~72 months) from the date of the registered
1652 psychological associate’s next registration or renewal, whichever occurs first.
1653

1654 (d) Upon showing of good cause as determined by the Board, these specified time
1655 limitations may be reasonably ~~modified~~extended.
1656

1657 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.

1658 **Reference:** Sections 27, 30, 114.5, 115.4, 144, 651, 2913, and 17500, Business and
1659 Professions Code.

1660 **§ 1391.3. Required Training.**
1661

1662 ~~Any person who possesses a doctorate degree which will qualify for licensure as a~~
1663 ~~psychologist pursuant to Section 2914 of the code, shall be deemed to have completed~~
1664 ~~“one fully matriculated year of graduate training in psychology” and will be eligible for~~
1665 ~~registration as a registered psychological associate upon compliance with other~~
1666 ~~provisions of Section 2913 of the code.~~
1667

1668 ~~Note: Authority cited: Section 2930, Business and Professions Code. Reference:~~
1669 ~~Section 2913, Business and Professions Code.~~
1670

1671 **§ 1391.4. Limited Psychological Functions.**
1672

1673 ~~As used in Section 2913 of the code, the phrase “limited psychological functions”~~
1674 ~~means those functions which are performed under the direction and supervision of the~~
1675 ~~qualified supervisor pursuant to the American Psychological Association’s (APA)~~
1676 ~~January 1, 1997 version of the Guidelines and Principles for Accreditation of Programs~~
1677 ~~in Professional Psychology and the APA Code of Conduct and Ethical Principles.~~
1678

1679 ~~Note: Authority cited: Section 2930, Business and Professions Code. Reference:~~
1680 ~~Section 2913, Business and Professions Code.~~
1681

1682 **§ 1391.5. Statement of Purpose; Supervision Required.**
1683

1684 (a) A registered psychological associate shall be under the direction and supervision of
1685 an individual licensed psychologist who is employed licensed to practice psychology
1686 pursuant to Division 2 of the Code. The supervisor must be employed by or contracted

1687 ~~within the same setting in which the registered psychological associate is employed~~
1688 ~~performs psychological functions. A licensed psychologist Primary supervisors who~~
1689 ~~are~~ supervising registered psychological associates must comply with the supervision
1690 ~~course~~ requirements set forth in section 1387.1.

1691
1692 (b) A psychological associate may receive delegated supervision pursuant to sections
1693 1387.1(b) or (d) and must comply with the requirements set forth in section 1387.2.

1694
1695 ~~(c) The supervisor shall provide~~ registered ~~psychological associate shall receive a~~
1696 ~~minimum of one (1) hour per week of real-time, direct individual face-to-face supervision~~
1697 ~~from the primary supervisor to the registered psychological associate, unless additional~~
1698 ~~more such supervision is required pursuant to under Section 1387 and 1387.10. or by the~~
1699 ~~nature of the psychological functions performed by the psychological~~
1700 ~~assistant associate.~~

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

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

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

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

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

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

1733
1734 (c) The supervisor shall be available to the registered psychological associate 100% of
1735 the time the psychological associate is performing psychological functions. The
1736 availability can be in-person, by telephone, ~~by pager~~ or by other appropriate technology.
1737

1738 (d) The supervisor shall ensure that a plan is in place to protect the ~~patient or client~~ in
1739 the event a ~~patient/client~~ crisis or emergency occurs during any time the supervisor is
1740 not physically present at the established site at which the supervisee/trainee is working.
1741 The supervisor shall ensure that the supervisee/trainee thoroughly understands the plan
1742 in the event a client/patient crisis or emergency occurs.
1743

1744 (e) The supervisor shall supervise no more than three (3) psychological associates at
1745 any given time.
1746

1747 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
1748 Reference: Section 2913, Business and Professions Code.
1749

1750 **§ 1391.8. Employer-Supervisor-Employee Psychological Associate Business**
1751 **Relationship.**
1752

1753 (a) No supervisor or employer shall have any familial, intimate, business or other
1754 relationship with the psychological associate which would compromise the employer's
1755 or supervisor's effectiveness, and/or which would violate the Ethical Principles and
1756 Code of Conduct of the American Psychological Association.
1757

1758 ~~(b)~~(a) No supervisor or employer of a registered psychological associate may charge a
1759 psychological associate a fee or otherwise require monetary payment in consideration
1760 for the employment or supervision provided of a registered psychological associate.
1761

1762 (c) The supervisor or employer shall supply all provisions necessary to function as a
1763 registered psychological associate.
1764

1765 ~~(d)~~(b) The registered psychological associate shall have no proprietary interest in the
1766 business of the supervisor or the employer.
1767

1768 ~~(e)~~(c) The registered psychological associate shall not rent, lease, sublease, or lease-
1769 purchase office space from any entity for purposes of functioning as a registered
1770 psychological associate.
1771

1772 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
1773 Reference: Section 2913, Business and Professions Code.
1774

1775 **§ 1391.11. Notification of Termination. Change of Primary Supervisor or Location**
1776

1777 (a) A psychological associate shall notify the Board in writing, a request for any change
1778 or addition of a primary supervisor, on form PSB 101 (New 2021), entitled "Notification

1779 To Add Or Change Supervisor Or Service Location For A Psychological Associate”,
1780 incorporated by reference in 1391.1. Board approval of the request is required prior to
1781 rendering psychological services under the supervision of the new primary supervisor.
1782

1783 (b) Within thirty (30) days after the termination of the supervision between a primary
1784 supervisor and the employment of a psychological associate, or any change or addition
1785 of the location where services are being rendered by a psychological associate with the
1786 same primary supervisor, the employer psychological associate shall notify the Board
1787 in writing of such termination or change, on form PSB 101 (New 2021) setting forth the
1788 date thereof.
1789

1790 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
1791 Reference: Sections 27, 30, 114.5, 115.4, 135.4, 144, 651, 2913, and 17500, Business
1792 and Professions Code.
1793

1794 **§ 1391.12. Registered Psychological Associate Renewals.**
1795

1796 (a) A ~~new~~ registration shall expire annually, beginning one year after issuance. The
1797 registration of a registered psychological associate shall be renewed ~~by the employer~~
1798 annually, on or before its expiration, and the following information shall be provided:
1799

1800 (1) Name and registration number of the psychological associate, registration
1801 expiration date, and renewal amount;
1802

1803 (2) Disclosure of whether the psychological associate has been convicted or has
1804 had a license or registration disciplined since the associate’s last renewal;
1805

1806 (3) Disclosure of whether the psychological associate has complied with the
1807 fingerprint requirements and submitted a full set of electronic fingerprints to the
1808 Department of Justice;
1809

1810 (4) Telephone number and electronic mail address (if any) of the psychological
1811 associate; and
1812

1813 (5) A signed declaration under penalty of perjury that the information provided is
1814 true and correct.
1815

1816 (b) The annual renewal fee required in section 1392.1 must be submitted to renew the
1817 registration. A registration renewed 30 days after its expiration must be accompanied by
1818 the delinquency fee required in section 1392.1 in order to be renewed.
1819

1820 (c) A registered psychological associate who has been registered with the Board but
1821 whose registration has expired and has not been renewed ~~by the employer~~ shall not
1822 function as a registered psychological associate.
1823

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

1826
1827 ~~(de) A registration not renewed by the psychological associate within 60 days after its~~
1828 ~~expiration shall become voidbe cancelled and shall not be reinstated-and a new~~
1829 ~~application for registration shall be submitted by the employer. A new registration must~~
1830 ~~be obtained to perform psychological functions as a registered psychological associate.~~

1831
1832 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
1833 Reference: Section 2913, Business and Professions Code.

1834
1835 **Agenda Item 20: Consideration of Public Hearing Testimony and Written**
1836 **Comments and Responses and Possible Adoption of 16 CCR §§ 1381.9, 1381.10,**
1837 **1392 Related to Retired License, Renewal of Expired License, and Psychologist**
1838 **Fees**

1839
1840 Mr. Glasspiegel provided an update to this item. He clarified that although SB 1193
1841 gave the Board statutory authority to issue a retired license it did not specify all the
1842 provisions needed. This package was noticed for the initial 45-day comment period on
1843 October 15, 2021, and the comment period for this rulemaking file ended on November
1844 30, 2021.

1845
1846 He stated that one comment was received through the DCA complaint line and was
1847 included in the meeting materials. The regulatory hearing for the package took place
1848 on December 1, 2021. There were no attendees, and no comments were submitted.

1849
1850 Mr. Glasspiegel stated the next steps that would be taken; staff would compile the
1851 comments in the final Statement of Reasons and suggest that a single
1852 acknowledgement of the comment above will suffice. He provided the action requested
1853 by staff was that the Board consider the comments received, provide any feedback as
1854 deemed necessary, and adopt the language for CCR Section 1381.9, 1381.10 and 1392
1855 as it was noticed and delegate to the Executive Officer the authority to make any
1856 technical, non-substantive changes required by the control agencies as this regulation is
1857 finalized.

1858
1859 Mr. Glasspiegel provided context regarding the \$75 fee and stated that it was reflective
1860 of the cost to the Board and had been justified as a part of the regulatory package. He
1861 referenced 1381.10 which stated the specificities involved with reactivating a retired
1862 license as well as additional requirements listed. He stated that the related documents
1863 began on page 120 in the meeting materials.

1864
1865 M(Harb Sheets) /S(Foo)/C to adopt the regulatory package as presented, including the
1866 forms and fees and delegate to staff the task of making any non-substantive changes
1867 determined necessary.

1868
1869 Public comment

1870
1871 Discussion ensued on a general example of how a retired license would work including
1872 how one could reactivate a license from retired status and the fee involved.
1873

1874 Votes: 9 Ayes, (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1875 Rodgers, Tate), 0 Noes
1876

1877 **Agenda Item 21: Consideration of Public Hearing Testimony and Written**
1878 **Comments and Responses and Possible Adoption of 16 CCR § 1392 Concerning**
1879 **Psychologist Fees – California Psychology Law and Ethics Examination (CPLÉE)**
1880 **and Initial License and Biennial Renewal Fee**
1881

1882 Mr. Glasspiegel introduced the item, the lack of any fee increases since 1992, and the
1883 subsequent structural imbalance which led to the proposed increase of fees up to the
1884 statutory cap. He stated that the Board is looking at an internal fee study to determine
1885 the appropriate application and renewal fees for licensees.
1886

1887 Mr. Glasspiegel clarified that the package was noticed for the initial 45-day comment
1888 period on December 17, 2021, and that the comment period for the rulemaking ended
1889 January 31, 2022. He stated that three comments were received opposing a fee
1890 increase, which were attached in the meeting materials. The hearing for this item took
1891 place on February 17, 2022, and there were no comments received.
1892

1893 He provided the staff recommendation that the Board consider the written comments
1894 received prior to the hearing, within the 45-day comment period, provide feedback for
1895 responses as to whether the text should be modified in response to those comments
1896 and direct any requested modifications to the text to staff to complete. If no changes to
1897 the text are necessary, staff requests that the Board adopt 16 CCR Section 1392, which
1898 is the regulatory text as it was noticed, delegate to the Executive Office for the authority
1899 to make any technical or non-substantive changes required by the control agencies as
1900 this regulation is finalized.
1901

1902 Discussion ensued related to cost recovery of enforcement and how those amounts
1903 could influence the Board budget. Dr. Harb Sheets noted the financial self-sufficiency of
1904 the Board and asked how cost recovery of enforcement could help.
1905

1906 Mr. Glasspiegel stated cost recovery is not a steady and reliable number and those
1907 numbers could not be relied upon. He provided further context on the process of
1908 collecting cost recovery and how it compares to more reliable incoming funds.
1909

1910 It was M(Foo)/ S(Casuga)/C to not make any changes to the text in response to the
1911 comments received, to accept the proposed responses from staff, and to adopt Sections
1912 1392 and 1392.1 as well as delegating to the Executive Officer the authority to make
1913 any technical and non-substantive changes required by control agencies as this
1914 regulatory package is being finalized.
1915

1916 Public Comment

1917

1918 No further Board and no public comments were offered.

1919

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

1922

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

1924

1925 a) Status of two-year bill Matrices

1926

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

1929

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

1932

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

1939

1940 No Board or public comment was offered.

1941

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

1946

1947 Dr. Cervantes introduced this item.

1948

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

1954

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

1957

1958 There was no further Board or public comment offered.

1959

1960 c) Regulatory Update (M. Cervantes)

- 1961 1. 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
1962 1391.12, 1392.1 – Registered Psychological Associates
1963 2. 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
1964 Professional Development
1965 3. 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant
1966 Registration and Reactivating a Psychological Assistant Registration
1967 4. 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to
1968 Substance-Abusing Licensees
1969

1970 Dr. Cervantes introduced this item and noted that the listed items had all been
1971 previously discussed and approved by the Board and that this was information only with
1972 no action required.
1973

1974 Mr. Glasspiegel provided this update and noted item 22(c)(3) regarding Continuing
1975 Professional Development. He stated that staff was working with the Office of
1976 Administrative Law to change the effective date of the package to be in 2023 and that
1977 there would be a 15-day notice prior to the April 29, 2022, Board Meeting.
1978

1979 Discussion ensued regarding how implementation could work with various theoretical
1980 scenarios presented. This discussion included general comment regarding the lengthy
1981 process of drafting and implementing regulatory changes from Dr. Elizabeth Winkelman
1982 and Dr. Jo Linder Crow (both representatives of CPA), Dr. Marilyn Immoos, CDCR, Mr.
1983 Glasspiegel, Ms. Sorrick, Ms. Hoganson, and Dr. Cervantes.
1984

1985 There was no further Board or public comment offered.
1986

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

1988

1989 This update was provided by Mr. Jonathan Burke which he noted was included on page
1990 155 of the combined materials.
1991

1992 Dr. Cervantes complimented the way the materials had been organized for ease of
1993 viewing.
1994

1995 There was no further Board or public comment offered.
1996

1997 **Agenda Item 24: Enforcement Committee Report and Consideration of and** 1998 **Possible Action on Committee Recommendations** 1999

2000 Dr. Phillips, Chair of the Enforcement Committee, introduced this item and provided a
2001 summary of the efforts over the prior few years of the committee to overhaul the
2002 enforcement statutes and regulations to make them more uniform and consistent.
2003

2004 Dr. Phillips stated that the focus of the update would be on statutory language and
2005 began with section 2902, item 24(6), listed below.
2006

2007 Statutory and Regulatory Update, Review, and Consideration of Additional Changes
2008 1. 16 CCR Section 1380.6 – Display of License Number
2009 2. 16 CCR Sections 1393 – Requirements for Psychologists on Probation
2010 3. 16 CCR Sections 1396 – Competence; 1396.1 – Interpersonal Relations; 1396.2
2011 – Misrepresentation; 1396.3 – Test Security; 1396.4 – Professional Identification;
2012 1396.5 – Consumer Information; 1397 – Advertising; 1397.1 – Child Abuse Reporting
2013 requirements; 1397.2 – Other Actions Constituting Unprofessional Conduct
2014 4. 16 CCR Sections 1397.30 – Citation; 1397.36 – Requirements for Professional
2015 Corporations; 1397.37 – Shares: Ownership and Transfer; 1397.39 – Corporate
2016 Activities; 1397.40 – Trusts
2017 5. 16 CCR Sections 1397.50 – Citations and Fines; 1397.51 – Amount of Fines;
2018 1397.52 – Compliance with Orders of Abatement; 1397.53 – Citations for Unlicensed
2019 Practice; 1397.54 – Contest of Citations; 1397.55 – Disconnection of Telephone Service
2020 6. BPC Sections 2902 – Definitions; 2903 – Licensure requirement; Practice of
2021 psychology; Psychotherapy; 2903.1 – Biofeedback instruments; 2908 – Exemption of
2022 other professions; 2912 – Temporary practice by licensees of other state or foreign
2023 country
2024
2025 Dr. Harb Sheets commented to the effect that language should be consistent with
2026 section 2902 (c) with the updated language from the Boards Pathways to Licensure
2027 discussions. This was agreed to by staff.
2028
2029 Dr. Phillips continued to section 2912, and Mr. Burke read the language. Dr. Phillips
2030 noted that the Board had previously sought to have this section included in Sunset but
2031 that it was considered a substantive change and was being revisited.
2032
2033 There was no Board comment offered.
2034
2035 7. BPC Section 2934.1 – Posting of license status on Web site
2036
2037 Dr. Phillips introduced this item.
2038
2039 Discussion ensued regarding the posting of licenses and how that would work related to
2040 telehealth practice. It was determined that this would typically be provided within the
2041 informed consent period and could be given in writing to any client being treated via
2042 telepsychology.
2043
2044 There was no further Board comment offered.
2045
2046 8. BPC 2936 – Consumer and professional education in matters relevant to ethical
2047 practice; Standards of ethical conduct; Notice
2048
2049 Dr. Phillips introduced this item and asked that Mr. Burke read the language listed in the
2050 meeting materials, which was done.
2051
2052 There was no Board comment offered.

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

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

2062
2063 There was no Board comment offered.

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

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

2070
2071 There was no Board comment offered.

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

2074
2075 Dr. Phillips introduced this item.

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

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

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

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

2092
2093 2969 – Penalties for failure to provide medical records; Failure to comply with court
2094 order; Multiple acts

2095
2096 Dr. Phillips introduced 2969 and asked Mr. Burke to read the language listed in the
2097 meeting materials, which was done.

2098

2099 Ms. Sorrick provided background on this section at the request of Dr. Phillips. She
2100 stated that the intent of this revisions had been to reorganize the section and that no
2101 changes were substantive.

2102
2103 Discussion ensued and small errors were caught and corrected.

2104
2105 No further Board comment was offered.

2106
2107 10. BPC Sections 2970 – Violation of chapter as misdemeanor; 2971 – Injunctions
2108 11. BPC 2985 – Renewal of suspended licenses; Reinstatement of revoked licenses,

2109
2110 2986 – Effect of failure to renew within prescribed time

2111
2112 Dr. Phillips introduced 2986 and asked Mr. Burke to read the language listed in the
2113 meeting materials, which was done.

2114
2115 Dr. Phillips asked if any member of the Board disagreed with the idea of making a
2116 distinction between “Licensee” and “Registered Psychological Associate” with a stated
2117 difference between a license and registration.

2118
2119 There was no Board comment offered which was taken as confirmation of a consensus.

2120
2121 Ms. Bon stated that this clarified that the change would be global and to specify the
2122 distinction between licensee and registrant in every instance to express the intent.

2123
2124 It was M/(Foo)S/(Tate)/C that the Board approve the Enforcement Committee’s
2125 recommended changes to the Business and Professions Code Sections related to
2126 enforcement, delegate to staff to make any technical and non-substantive changes
2127 based on the meeting discussion and to direct staff to seek an author for the proposed
2128 language.

2129
2130 Public comment

2131
2132 Discussion ensued regarding proposed changes to section 2912 and the 30-day non-
2133 consecutive, versus consecutive practice rules for out of state licensees.

2134
2135 Dr. Elizabeth Winkelman, CPA, stated that while CPA did not have an official position
2136 related to 2912, she felt that it deserved more discussion related to the balance of
2137 consumer protection versus access to care.

2138
2139 Dr. Casuga commented that psychological services not only included therapy but also
2140 included assessments which would be important to consider in the discussion.

2141
2142 Dr. Harb Sheets stated that the changes in 2912 were intended to clarify language that
2143 already existed and not change current practice. This was confirmed by Dr. Phillips and
2144 Mr. Glasspiegel.

2145
2146 Discussion continued regarding possible implications of 30-Day consecutive versus
2147 non-consecutive practice and both the Licensing and Enforcement units were not aware
2148 of any issue having arisen due to the language.

2149
2150 There was no further Board or public comment offered.

2151
2152 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
2153 Rodgers, Tate), 0 Noes

2154
2155 Dr. Phillips continued with the second part of item 24 and a second motion was made to
2156 address the consideration and possible action on the Committee's recommendation.

2157
2158 It was M/(Tate)S/(Harb Sheets)/C to approve the Committee's recommended changes
2159 to the California Code of Regulations related to enforcement, to begin the rulemaking
2160 process and to designate to staff and the Executive Officer to make any technical, non-
2161 substantive changes; If no adverse comments are received during the 45-day comment
2162 period on any requested hearing, authorize the Executive Officer to take all necessary
2163 steps and to direct staff to make the conforming changes with "Licensee" and
2164 "Registrant" as discussed in this meeting today.

2165
2166 Public comment

2167
2168 Discussion ensued which included comment regarding allowed advertising for
2169 Registered Psychological Associates. Different points of view were presented regarding
2170 advertising and the pros and cons of allowed advertising.

2171
2172 Ms. Cheung clarified that this subject had come up in discussion within a Licensure
2173 Committee meeting regarding the specific restrictions on advertisement of services.

2174
2175 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
2176 Rodgers, Tate), 0 Noes

2177
2178 12. BPC Section 2995 – Psychological corporation, 2996 – Violation of
2179 unprofessional conduct, 2996.1 – Conduct of practice, 2996.2 – Accrual of income to
2180 shareholder while disqualified prohibited, 2997 – Shareholders, directors and officers to
2181 be licensees, 2998 – Name, 2999 – Regulation by committee

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

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

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

2191
2192 **CHAPTER 6.6. Psychologists [2900 - 2999]**

2193 *(Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.)*
2194
2195

2196 **ARTICLE 1. General Provisions [2900 - 2919]**

2197 *(Article 1 added by Stats. 1967, Ch. 1677.)*
2198
2199

2200 **2902.**

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

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

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

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

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

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

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

2219 ~~(d) "Accredited," as used with reference to academic institutions, means the University~~
2220 ~~of California, the California State University, or an institution that is accredited by a~~
2221 ~~national or an applicable regional accrediting agency recognized by the United States~~
2222 ~~Department of Education.~~

2223 ~~(e) "Approved," as used with reference to academic institutions, means an institution~~
2224 ~~having "approval to operate," as defined in Section 94718 of the Education Code.~~

2225 *(Amended by Stats. 2004, Ch. 695, Sec. 19. Effective January 1, 2005.)*
2226

2227 **[February 25, 2020] [Reviewed 4-30-2021]**
2228
2229

2230 **§ 2903. Licensure requirement; Practice of psychology; Psychotherapy**

2231 (a) No person may engage in the practice of psychology, or represent himself
2232 or herself themselves to be a psychologist, without a license granted under this chapter,
2233 except as otherwise provided in this chapter. The practice of psychology is
2234 defined as rendering or offering to render to individuals, groups, organizations,
2235 or the public any psychological service involving the application of psychological
2236 principles, methods, and procedures of understanding, predicting, and

2237 influencing behavior, such as the principles pertaining to learning, perception,
2238 motivation, emotions, and interpersonal relationships; and the methods and
2239 procedures of interviewing, counseling, psychotherapy, behavior modification,
2240 and hypnosis; and of constructing, administering, and interpreting tests of
2241 mental abilities, aptitudes, interests, attitudes, personality characteristics,
2242 emotions, and motivations.
2243 (b) The application of these principles and methods includes, but is not
2244 restricted to: assessment, diagnosis, prevention, treatment, and intervention
2245 to increase effective functioning of individuals, groups, and organizations.
2246 (c) Psychotherapy within the meaning of this chapter means the use of
2247 psychological methods in a professional relationship to assist a person or
2248 persons to acquire greater human effectiveness or to modify feelings, conditions,
2249 attitudes, and behaviors that are emotionally, intellectually, or socially
2250 ineffectual or maladaptive.
2251 Added Stats 1967 ch 1677 § 2. Amended Stats 1973 ch 658 § 1; Stats 1978 ch 1208 §
2252 2; Stats 2001
2253 ch 728 § 24.2 (SB 724); Stats 2015 ch 529 § 1 (AB 1374), effective January 1, 2016.

2254
2255 [12/18/2019] [Reviewed 4-30-2021]

2256
2257
2258 **2908.**

2259 Nothing in this chapter shall be construed to prevent qualified members of other
2260 recognized professional groups licensed to practice in the State of California, such as,
2261 but not limited to, physicians, clinical social workers, educational psychologists,
2262 marriage and family therapists, optometrists, psychiatric technicians, or registered
2263 nurses, or attorneys admitted to the California State Bar, or persons utilizing hypnotic
2264 techniques by referral from persons licensed to practice medicine, dentistry or
2265 psychology, or persons utilizing hypnotic techniques which offer avocational or
2266 vocational self-improvement and do not offer therapy for emotional or mental disorders,
2267 or duly ordained members of the recognized clergy as defined in Welfare and
2268 Institutions Code Section 15610.19, or duly ordained religious practitioners from doing
2269 work of a psychological nature consistent with the laws governing their respective
2270 professions, provided they do not hold themselves out to the public by any title or
2271 description of services incorporating the words “psychological,” “psychologist,”
2272 “psychology,” “psychometrist,” “psychometrics,” or “psychometry,” or that they do not
2273 state or imply that they are licensed to practice psychology; except that persons
2274 licensed under Article 5 (commencing with Section 4986) of Chapter 13 of Division 2
2275 may hold themselves out to the public as licensed educational psychologists.
2276 *(Amended by Stats. 2002, Ch. 1013, Sec. 10. Effective January 1, 2003.)*

2277
2278 [12/18/2019] [Reviewed 4-30-2021]

2279
2280
2281 **2912.**

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

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

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

2292

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

2294

2295

2296 **2934.1.**

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

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

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

2301 (A1) Temporary restraining orders.

2302 (B2) Interim suspension orders.

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

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

2308 (D5) Accusations or petitions to revoke filed by the board, including those accusations
2309 that are on appeal, excluding ones that have been dismissed or withdrawn where the
2310 action is no longer pending.

2311 (6) Decisions by the board on petitions for early termination or modification of probation
2312 and petitions for reinstatement.

2313 (E7) Citations issued by the board, ~~unless withdrawn, citations shall be posted for five~~
2314 years from the date of issuance.

2315 (bc) The board may also post on its ~~Internet Web site~~ website all of the following
2316 historical information in its possession, custody, or control regarding all current and
2317 former licensees:

2318 (1) Institutions that awarded the qualifying educational degree and type of degree
2319 awarded.

2320 (2) A link to the licensee's professional ~~Internet Web site~~ website. Any link that provides
2321 access to a licensee's professional ~~Internet Web site~~ website, once clicked, shall be
2322 accompanied by a notification that informs the ~~Internet Web site~~ website viewer that
2323 they are no longer on the board's ~~Internet Web site~~ website.

2324 (ed) The board may also post other information designated by the board in regulation.

2325 *(Added by Stats. 2016, Ch. 484, Sec. 9. (SB 1193) Effective January 1, 2017.)*

2326

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

2328

2329

2330 **2936.**

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

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

2342

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

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

2351

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

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

2354

2355

2356 **2960.05.**

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

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

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

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

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

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

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

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

2383 ~~(d)~~

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

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

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

2396

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

2398

2399 **2960.2.**

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

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

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

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

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

2409

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

2411

2412

2413 **2960.5.**
2414 The board may ~~refuse to issue~~ deny any application for any registration or a license
2415 whenever it appears that an applicant may be unable to practice his or her their
2416 profession safely due to mental illness, physical illness affecting competency, or
2417 chemical dependency. The procedures set forth in Article 12.5 (commencing with
2418 Section 820) of Chapter 1 shall apply to any denial of a license ~~or registration~~ pursuant
2419 to this section.
2420 *(Added by Stats. 1992, Ch. 384, Sec. 1. Effective January 1, 1993.)*

2421
2422 [January 29, 2020] [12/13/21][Reviewed 1/6/22]
2423

2424
2425 **2960.6.**
2426 The board may deny any application for, or may suspend or revoke a license ~~or~~
2427 ~~registration~~ issued under this chapter for, any either of the following:
2428 (a) The revocation, suspension, or other disciplinary action, ~~or including the equivalent~~
2429 action of another jurisdiction's licensing agency ~~other disciplinary action imposed by~~
2430 ~~another state or country~~ on a license, certificate, or registration issued by that ~~state or~~
2431 ~~country~~ jurisdiction to practice psychology shall constitute grounds for disciplinary action
2432 for unprofessional conduct against that licensee ~~or registrant~~ in this sState. A certified
2433 copy of the decision or judgment of the other ~~state or country~~ jurisdiction shall be
2434 conclusive evidence of that action.
2435 (b) The revocation, suspension, or other disciplinary action by any board established in
2436 this division, or the equivalent action of another ~~state's or country's~~ jurisdiction's
2437 licensing agency, of the license of a healing arts practitioner shall constitute grounds for
2438 disciplinary action against that licensee ~~or registrant~~ under this chapter. The grounds for
2439 the action shall be substantially related to the qualifications, functions, or duties of a
2440 licensee psychologist or psychological assistant. A certified copy of the decision or
2441 judgment shall be conclusive evidence of that action.
2442 *(Amended by Stats. 1994, Ch. 1275, Sec. 22. Effective January 1, 1995.)*

2443
2444 [January 29, 2020] [12/13/21]
2445

2446
2447 **2961.**
2448 ~~The board may, a~~ After a hearing pursuant to Section 2965, the board may deny an
2449 application for a license, or issue a license subject to terms and conditions, or suspend,
2450 ~~or revoke, or impose probationary conditions upon,~~ a license ~~or registration~~ after a
2451 hearing as provided in Section 2965.
2452 *(Amended by Stats. 1989, Ch. 888, Sec. 31.)*

2453
2454 [January 29, 2020] [12/13/21]
2455

2456
2457 **2962.**

2458 (a) A person whose license or registration has been revoked, suspended, or
2459 surrendered, or who has been placed on probation, may petition the board for
2460 reinstatement or modification of the penalty, including modification or termination of
2461 probation. The petition shall be on a form provided by the board and shall state any
2462 facts and information as may be required by the board, including, but not limited to,
2463 proof of compliance with the terms and conditions of the underlying disciplinary order. ;
2464 after a period of not less than the following minimum periods has elapsed from the
2465 effective date of the decision ordering that disciplinary action:
2466 (1) At least three years for reinstatement of a license revoked or surrendered.
2467 (2) At least two years for early termination of probation of three years or more.
2468 (3) At least two years for modification of a condition of probation.
2469 (4) At least one year for early termination of probation of less than three years.
2470 (b) The petitioner may file the petition on or after the expiration of the following
2471 timeframes, each of which commences on the effective date of the decision ordering the
2472 disciplinary action, or from the date the disciplinary action is actually implemented in its
2473 entirety if the order, or any portion of it, is stayed by the board itself or by the superior
2474 court:
2475 (1) Three years for reinstatement of a license revoked or surrendered.
2476 (2) Two years for early termination of probation of three years or more.
2477 (3) Two years for modification of a condition of probation.
2478 (4) One year for early termination of probation of less than three years. The board may
2479 require an examination for that reinstatement.
2480 (c) The petitioner shall at all times have the burden of production of proof to establish by
2481 clear and convincing evidence that they are entitled to the relief sought in the petition.
2482 Notwithstanding Section 489, a person whose application for a license or registration
2483 has been denied by the board, for violations of Division 1.5 (commencing with Section
2484 475) of this chapter, may reapply to the board for a license or registration only after a
2485 period of three years has elapsed from the date of the denial.
2486 (d) When the board itself decides upon a petition, it may consider all factors presented,
2487 including the following:
2488 (1) The offense for which the petitioner was disciplined.
2489 (2) The petitioner's rehabilitative efforts.
2490 (3) The petitioner's activities since the disciplinary action was taken.
2491 (e) The board may, without affording the petitioner an opportunity to present argument,
2492 deny a petition for early termination of probation or modification of penalty for any of the
2493 following reasons:
2494 (1) The petitioner has failed to comply with the terms and conditions of the disciplinary
2495 order.
2496 (2) The board is conducting an investigation of the petitioner while they are on
2497 probation.

2498 (3) The petitioner has a subsequent arrest that is substantially related to the
2499 qualifications, functions, or duties of the licensee and this arrest occurred while on
2500 probation.
2501 (4) The petitioner's probation with the board is currently tolled.
2502 (f) For reinstatements, the board may require that the petitioner execute a form
2503 authorizing release to the board or its designee, of all information concerning the
2504 petitioner's current physical and mental condition. Information provided to the board
2505 pursuant to the release shall be confidential and shall not be subject to discovery or
2506 subpoena in any other proceeding, and shall not be admissible in any action, other than
2507 before the board, to determine the petitioner's fitness to practice as required by Section
2508 822.
2509 (g) If the board issues an order to reinstate a license, the petitioner shall comply with:
2510 (1) fingerprint submission requirements established by the board.
2511 (2) provisions set forth in Section 2985.
2512 (3) all terms and conditions as specified by the Order.

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

2516 **2964.**

2517 ~~Whenever the board revokes or reinstates orders a license revoked for cause, with the~~
2518 ~~exception of nonpayment of fees, or restores a license, these facts it shall be reported~~
2519 ~~the action to all other state psychology licensing boards the National Practitioner Data~~
2520 ~~Bank.~~
2521 *(Amended by Stats. 1989, Ch. 888, Sec. 34.)*
2522

2523 [February 12, 2020] [12/13/21]
2524
2525

2526 **2964.3.**

2527 Any person required to register as a sex offender pursuant to Section 290 of the Penal
2528 Code, is not eligible for licensure ~~or registration~~ by the board.
2529 *(Added by Stats. 1998, Ch. 589, Sec. 8. Effective January 1, 1999.)*
2530

2531 [February 12, 2020] [12/13/21]
2532
2533

2534 **2964.5.**

2535 ~~The board at its discretion may require any licensee it placed on probation or whose~~
2536 ~~license its suspended, to obtain additional continuing professional~~
2537 ~~training development, to pass an examination as specified in Section 2941, or both.~~
2538 ~~upon the completion of that training, and to pay the necessary examination fee. The~~
2539 ~~examination may be written or oral or both, and may include a practical or clinical~~
2540 ~~examination.~~

2541 (Amended by Stats. 1991, Ch. 1091, Sec. 5.)

2542

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

2544

2545

2546 **2964.6.**

2547 The board may require any licensee it places on probation to pay the monetary costs
2548 associated with probation. ~~An administrative disciplinary decision that imposes terms of~~
2549 ~~probation may include, among other things, a requirement that the licensee who is~~
2550 ~~being placed on probation pay the monetary costs associated with monitoring the~~
2551 ~~probation.~~

2552 (Added by Stats. 1995, Ch. 708, first Sec. 12. Effective January 1, 1996.)

2553

2554 [February 12, 2020] [12/13/21]

2555

2556 **2966.**

2557

2558 (a) Notwithstanding any other law, if a licensee is incarcerated due to conviction of a
2559 felony, regardless of whether the conviction has been appealed, the license is
2560 automatically suspended during that period of incarceration.

2561 (b) The board shall, immediately upon receipt of the certified copy of the conviction,
2562 determine whether the license has been automatically suspended due to incarceration
2563 and notify the licensee of the suspension and of the licensee's right to a hearing on any
2564 board order of discipline or denial, as described in subdivision (e).

2565 (c) The board shall hold a hearing to determine if the felony conviction is substantially
2566 related to the qualifications, functions, or duties of a licensee, as follows:

2567 (1) Either by an administrative law judge sitting alone or with a panel of the board, in the
2568 discretion of the board, and

2569 (2) The record of the proceedings resulting in the conviction, including a transcript of the
2570 testimony therein, may be received in evidence, except that:

2571 (3) A conviction of any crime referenced in Section 187, 261, 262, or 288 of the Penal
2572 Code shall be conclusively presumed to be substantially related to the qualifications,
2573 functions, or duties of a licensee, and no hearing shall be held on this issue.

2574 (d) If the hearing in subdivision (c) determines that the conviction is substantially related
2575 to the qualifications, functions, or duties of a licensee, then the automatic suspension of
2576 the license shall continue until either the time for appeal has elapsed, if no appeal has
2577 been taken, or the judgment of conviction has been affirmed on appeal or has otherwise
2578 become final, and until further order of the board.

2579 (e) The board may order discipline or denial of the license in accordance with Section
2580 2961, when either:

2581 (1) the time for appeal has elapsed,

2582 (2) the judgment of conviction has been affirmed on appeal,

2583 (3) a court order granting probation suspends the sentence, irrespective of a
2584 subsequent order under Section 1203.4 of the Penal Code allowing the person to
2585 withdraw a plea of guilty and to enter a plea of not guilty, setting aside the verdict of
2586 guilty, or dismissing the accusation, complaint, information, or indictment, or
2587 (4) the licensee elects to have this issue heard before the time periods listed in
2588 subdivision (e)(1-3). Where the licensee so elects, the issue of penalty shall be heard
2589 at the hearing in subdivision (c).

2590 (f) If the conviction is overturned on appeal, any discipline ordered pursuant to this
2591 section shall automatically cease. Nothing in this subdivision shall prohibit the board
2592 from pursuing disciplinary action based on any cause other than the overturned
2593 conviction.

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

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

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

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

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

2627 ~~(2) The issue of penalty shall be heard by an administrative law judge sitting alone or~~
2628 ~~with a panel of the board, in the discretion of the board. The hearing shall not be~~
2629 ~~commenced until the judgment of conviction has become final or, irrespective of a~~
2630 ~~subsequent order under Section 1203.4 of the Penal Code, an order granting probation~~
2631 ~~has been made suspending the imposition of sentence; except that a licensee may, at~~
2632 ~~the licensee's option, elect to have the issue of penalty decided before those time~~
2633 ~~periods have elapsed. Where the licensee so elects, the issue of penalty shall be heard~~
2634 ~~in the manner described in this section at the hearing to determine whether the~~
2635 ~~conviction was substantially related to the qualifications, functions, or duties of a~~
2636 ~~psychologist. If the conviction of a licensee who has made this election is overturned on~~
2637 ~~appeal, any discipline ordered pursuant to this section shall automatically cease. This~~
2638 ~~subdivision does not prohibit the board from pursuing disciplinary action based on any~~
2639 ~~cause other than the overturned conviction.~~

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

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

2643
2644 [February 25, 2020] [12/13/21]

2645
2646
2647
2648 **2969.**

2649 a) A licensee shall:

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

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

2656 2) Produce client records, pursuant to either:

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

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

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

- 2671 b) A healthcare facility shall produce client records pursuant to either:
2672 1) A request from the board, when accompanied by that client's written
2673 authorization for release of records to the board together with a notice citing
2674 this section and describing the penalties for failure to comply with this section,
2675 within 30 days of receiving the request, authorization, and notice. The board
2676 shall pay the reasonable costs of copying the medical records. This
2677 paragraph shall not require health care facilities to assist the board in
2678 obtaining the client's authorization, or
2679 2) A court order, issued in the enforcement of a subpoena, mandating the
2680 release of records to the board, unless it is determined that the order is
2681 unlawful or invalid.
2682

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

- 2689 c) Multiple acts or omissions in violation of this section shall be considered grounds
2690 for disciplinary action with respect to licensure, including suspension or
2691 revocation of the license or certificate and shall be a misdemeanor punishable as
2692 follows:
2693 1) for a licensee:
2694 i. by a fine not to exceed five thousand dollars (\$5,000), or
2695 ii. by imprisonment in a county jail not exceeding six months, or
2696 iii. by both that fine and imprisonment.
2697 2) for a healthcare facility:
2698 i. by a fine not to exceed five thousand dollars (\$5,000), and
2699 ii. that healthcare facility shall be reported to the State Department of Public
2700 Health.
2701 d) Any statute of limitations applicable to the filing of an accusation by the board is
2702 tolled until the licensee or health care facility complies with this section and until
2703 resolution of any related appeals.
2704 e) Any civil penalties authorized by this section shall be imposed in accordance with
2705 the Administrative Procedure Act (Chapter 5 (commencing with Section 11500)
2706 of Division 3 of Title 2 of the Government Code).
2707 f) For purposes of this section, "health care facility" means a clinic or health facility
2708 licensed or exempt from licensure pursuant to Division 2 (commencing with
2709 Section 1200) of the Health and Safety Code.
2710

2711 A licensee who fails or refuses to comply with a request for the medical records of a
2712 patient that is accompanied by that patient's written authorization for release of records
2713 to the board, within 15 days of receiving the request and authorization, shall pay to the

2714 board a civil penalty of one thousand dollars (\$1,000) per day for each day that the
2715 documents have not been produced after the 15th day, unless the licensee is unable to
2716 provide the documents within this time period for good cause.

2717 (2) A health care facility shall comply with a request for the medical records of a patient
2718 that is accompanied by that patient's written authorization for release of records to the
2719 board together with a notice citing this section and describing the penalties for failure to
2720 comply with this section. Failure to provide the authorizing patient's medical records to
2721 the board within 30 days of receiving the request, authorization, and notice shall subject
2722 the health care facility to a civil penalty, payable to the board, of up to one thousand
2723 dollars (\$1,000) per day for each day that the documents have not been produced after
2724 the 30th day, up to ten thousand dollars (\$10,000), unless the health care facility is
2725 unable to provide the documents within this time period for good cause. This paragraph
2726 shall not require health care facilities to assist the board in obtaining the patient's
2727 authorization. The board shall pay the reasonable costs of copying the medical records.

2728 (b) (1) A licensee who fails or refuses to comply with a court order, issued in the
2729 enforcement of a subpoena, mandating the release of records to the board shall pay to
2730 the board a civil penalty of one thousand dollars (\$1,000) per day for each day that the
2731 documents have not been produced after the date by which the court order requires the
2732 documents to be produced, unless it is determined that the order is unlawful or invalid.
2733 Any statute of limitations applicable to the filing of an accusation by the board shall be
2734 tolled during the period the licensee is out of compliance with the court order and during
2735 any related appeals.

2736 (2) Any licensee who fails or refuses to comply with a court order, issued in the
2737 enforcement of a subpoena, mandating the release of records to the board, shall be
2738 subject to a civil penalty, payable to the board, of not to exceed five thousand dollars
2739 (\$5,000). The amount of the penalty shall be added to the licensee's renewal fee if it is
2740 not paid by the next succeeding renewal date. Any statute of limitations applicable to
2741 the filing of an accusation by the board shall be tolled during the period the licensee is
2742 out of compliance with the court order and during any related appeals.

2743 (3) A health care facility that fails or refuses to comply with a court order, issued in the
2744 enforcement of a subpoena, mandating the release of patient records to the board, that
2745 is accompanied by a notice citing this section and describing the penalties for failure to
2746 comply with this section, shall pay to the board a civil penalty of up to one thousand
2747 dollars (\$1,000) per day for each day that the documents have not been produced, up to
2748 ten thousand dollars (\$10,000), after the date by which the court order requires the
2749 documents to be produced, unless it is determined that the order is unlawful or invalid.
2750 Any statute of limitations applicable to the filing of an accusation by the board against a
2751 licensee shall be tolled during the period the health care facility is out of compliance with
2752 the court order and during any related appeals.

2753 (4) Any health care facility that fails or refuses to comply with a court order, issued in the
2754 enforcement of a subpoena, mandating the release of records to the board, shall be
2755 subject to a civil penalty, payable to the board, of not to exceed five thousand dollars
2756 (\$5,000). Any statute of limitations applicable to the filing of an accusation by the board
2757 against a licensee shall be tolled during the period the health care facility is out of
2758 compliance with the court order and during any related appeals.

2759 ~~(c) Multiple acts by a licensee in violation of subdivision (b) shall be a misdemeanor~~
2760 ~~punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in~~
2761 ~~a county jail not exceeding six months, or by both that fine and imprisonment. Multiple~~
2762 ~~acts by a health care facility in violation of subdivision (b) shall be a misdemeanor~~
2763 ~~punishable by a fine not to exceed five thousand dollars (\$5,000) and shall be reported~~
2764 ~~to the State Department of Health Services and shall be considered as grounds for~~
2765 ~~disciplinary action with respect to licensure, including suspension or revocation of the~~
2766 ~~license or certificate.~~
2767 ~~(d) A failure or refusal of a licensee to comply with a court order, issued in the~~
2768 ~~enforcement of a subpoena, mandating the release of records to the board constitutes~~
2769 ~~unprofessional conduct and is grounds for suspension or revocation of his or her~~
2770 ~~license.~~
2771 ~~(e) The imposition of the civil penalties authorized by this section shall be in accordance~~
2772 ~~with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of~~
2773 ~~Division 3 of Title 2 of the Government Code).~~
2774 ~~(f) For purposes of this section, "health care facility" means a clinic or health facility~~
2775 ~~licensed or exempt from licensure pursuant to Division 2 (commencing with Section~~
2776 ~~1200) of the Health and Safety Code.~~
2777 *(Added by Stats. 2000, Ch. 836, Sec. 22. Effective January 1, 2001.)*

2778
2779 [February 25, 2020] [12/13/21]

2780
2781 **2971.**
2782 Whenever any person other than a licensed psychologist has engaged in any act or
2783 practice that constitutes an offense against this chapter, the superior court of any
2784 county, on application of the board, may issue an injunction or other appropriate order
2785 restraining that conduct. Proceedings under this section shall be governed by Chapter 3
2786 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure, except
2787 that it shall be presumed that there is no adequate remedy at law, and that irreparable
2788 damage will occur if the ~~continued~~ violation continues ~~is not restrained or enjoined~~. On
2789 the written request of the board, or on its own motion, the board may commence action
2790 in the superior court under this section.
2791 *(Amended by Stats. 1997, Ch. 758, Sec. 41. Effective January 1, 1998.)*

2792
2793 [February 25, 2020] [12/13/21]

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2795
2796 **2985.**
2797 (a) A suspended license is subject to expiration and shall be renewed as provided in
2798 this article. ~~While the license remains suspended, but such renewal does not entitle the~~
2799 ~~licensee, while the license remains suspended, and until it is reinstated, to engage in~~
2800 ~~the practice of psychology as defined in Section 2903 of the Code licensed activity, or in~~
2801 ~~any other activity or conduct in violation of the order or judgment by which the license~~
2802 ~~was suspended.~~

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

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

2811

2812

2813 **2986.**

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

2817

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

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

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

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

2828 ~~The board may provide for the waiver or refund of all or any part of an examination fee~~
2829 ~~in those cases in which a license is issued without examination pursuant to this section.~~

2830 ~~(Amended by Stats. 1994, Ch. 26, Sec. 81. Effective March 30, 1994.)~~

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

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

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

2834 (a) Pursuant to Section 137 of the Code, every licensed psychologist licensee shall
2835 include his or her their license number, in any advertising, marketing materials, or other
2836 professional communications directly controlled or administered by the licensee, their
2837 representative, or office personnel, public directory, or solicitation, including, but not
2838 limited to: regardless of whether such a presentment is made under the licensee's own
2839 name, a fictitious business or group name or a corporate name: business cards,
2840 letterhead, email signature blocks, informed consent forms, websites, professional
2841 reports, professional social media pages and listings, flyers, mailers, brochures,
2842 resumes, or curricula vitae.

2843 ~~This requirement shall not apply to psychologists practicing in governmental~~
2844 ~~organizations, nonprofit organizations which are engaged in research, education or~~
2845 ~~services which services are defined by a board composed of community representatives~~
2846 ~~and professionals.~~

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

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

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

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

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

2861

2862

HISTORY

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

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

2865 16 CCR § 1380.6, 16 CA ADC § 1380.6

2866

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

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§ 1393. Requirements for Psychologists on Probation.

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

2875

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

2878

2879

HISTORY

2880 1. Repealer of former section 1393, and renumbering and amendment of former section
2881 1395 to section 1393 filed 6-15-83; effective thirtieth day thereafter (Register 83, No.
2882 25). For prior history, see Register 79, No. 17.

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

2885 3. Amendment filed 3-6-2003; operative 4-5-2003 (Register 2003, No. 10).

2886 4. Amendment of article heading filed 7-23-2012; operative 8-22-2012 (Register 2012,
2887 No. 30).

2888 This database is current through 11/16/18 Register 2018, No. 46

2889 16 CCR § 1393, 16 CA ADC § 1393

2890

2891 [Reviewed 12/18/2019] [EC updated May 29, 2020] [EC reviewed 9/18/2020] EC

2892 Reviewed 1-22-21

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

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

2904

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

2906 Reference: Section 2936, Business and Professions Code.

2907

2908

HISTORY

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

2914 This database is current through 11/16/18 Register 2018, No. 46

2915 16 CCR § 1396, 16 CA ADC § 1396

2916

2917 [Reviewed 12/18/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] EC

2918 Updated 1-22-21] [Reviewed 1/6/22]

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2922 **~~§ 1396.1. Interpersonal Relations.~~**

2923 ~~It is recognized that a psychologist's effectiveness depends upon his or her ability to~~
2924 ~~maintain sound interpersonal relations, and that temporary or more enduring problems~~
2925 ~~in a psychologist's own personality may interfere with this ability and distort his or her~~
2926 ~~appraisals of others. A psychologist shall not knowingly undertake any activity in which~~
2927 ~~temporary or more enduring personal problems in the psychologist's personality~~
2928 ~~integration may result in inferior professional services or harm to a patient or client. If a~~
2929 ~~psychologist is already engaged in such activity when becoming aware of such personal~~
2930 ~~problems, he or she shall seek competent professional assistance to determine whether~~
2931 ~~services to the patient or client should be continued or terminated.~~

2932

2933 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.

2934 Reference: Section 2936, Business and Professions Code.

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HISTORY

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

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

§ 1396.2. Misrepresentation.

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

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

HISTORY

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

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

§ 1396.3. Test Security.

A psychologist shall not reproduce or describe in public or in publications subject to general public distribution any psychological tests or other assessment devices, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the techniques; and shall limit access to such tests or devices to persons with professional interests who will safeguard their use.

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

HISTORY

1. Renumbering and amendment of former Section 1397.7 to Section 1396.3 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Register 68, No. 42. This database is current through 11/16/18 Register 2018, No. 46

2979 16 CCR § 1396.3, 16 CA ADC § 1396.3

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

2982 1/6/22]

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2985 **§ 1396.4. Professional Identification.**

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

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

2993

2994 **Note:** Authority cited: Sections 2930 and 2936, Business and Professions Code.

2995 Reference: Sections 2913 and 2936, Business and Professions Code.

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HISTORY

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

3001 This database is current through 11/16/18 Register 2018, No. 46

3002 16 CCR § 1396.4, 16 CA ADC § 1396.4

3003

3004 [Reviewed 8/22/19] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC Reviewed

3005 1-22-21] EC updated 11/12/21

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3008 **§ 1396.5. Consumer Information.**

3009 Licensees ~~and~~ psychologists who provide services to a client in a language other than
3010 English shall:

3011 (a) provide to the client as appropriate the translations of required or approved notices
3012 or publications made available by the Board in that language;

3013 (b) discuss with the client as appropriate the content of any required or approved notice
3014 or publication for those notices or publications not available in the language in which
3015 services are provided;

3016 (3c) post the Notice to Consumers in the language(s) of service pursuant to section
3017 2936 of the Code, if made available by the Board in that language(s).

3018 Note: Authority cited: Section 2930, Business and Professions Code. Reference:

3019 Sections 728, 2930 and 2936, Business and Professions Code.

3020

HISTORY

3021 1. New section filed 2-28-2007; operative 3-30-2007 (Register 2007, No. 9).
3022 2. Change without regulatory effect amending subsections (a) and (3) filed 12-5-2018
3023 pursuant to section 100, title 1, California Code of Regulations (Register 2018, No. 49).
3024 This database is current through 10/18/19 Register 2019, No. 42
3025 16 CCR § 1396.5, 16 CA ADC § 1396.5
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3027 [Reviewed 11/4/2019] [EC updated May 29, 2020] [EC updated 9/18/2020] [EC
3028 Reviewed 1-22-21]

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3032 **§ 1397. Advertising.**

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

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

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

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

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

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

3046

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

3049

HISTORY

3050 1. Renumbering and amendment of former Section 1397.11 to Section 1397 filed 7-31-
3051 84; effective thirtieth day thereafter (Register 84, No. 31). For history of former Section
3052 1397, see Register 83, No. 25.

3053 2. Change without regulatory effect amending section filed 12-5-2018 pursuant to
3054 section 100, title 1, California Code of Regulations (Register 2018, No. 49).

3055 This database is current through 10/18/19 Register 2019, No. 42

3056 16 CCR § 1397, 16 CA ADC § 1397

3057

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

3060

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

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

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

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

3068 Note: Authority cited: Sections 2930 and 2936, Business and Professions Code.

3069 Reference: Sections 2936 and 2960 (i), Business and Professions Code.

3070 **HISTORY**

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

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

3073 16 CCR § 1397.1, 16 CA ADC § 1397.1

3074

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

3076 11/12/21 [Reviewed 1/6/22]

3077

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

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

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

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

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

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

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

3099 (c) Failure to cooperate and participate in any Board investigation pending against the
3100 licensee or registrant. This subsection shall not be construed to deprive a licensee or
3101 registrant of any privilege guaranteed by the Fifth Amendment to the Constitution of the
3102 United States, or any other constitutional or statutory privilege. This subsection shall not
3103 be construed to require a licensee or registrant to cooperate with a request that would
3104 require the licensee or registrant to waive any constitutional or statutory privilege or to
3105 comply with a request for information or other matters within an unreasonable period of

3106 time in light of the time constraints of the licensee's or registrant's practice. Any exercise
3107 by a licensee or registrant of any constitutional or statutory privilege shall not be used
3108 against the licensee or registrant in a regulatory or disciplinary proceeding against the
3109 licensee or registrant.

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

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

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

3116 Note: Authority cited: Section 2930, Business and Professions Code. Reference:

3117 Sections 141, 2960, 2963 and 2969, Business and Professions Code.

3118

HISTORY

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

3121 This database is current through 10/18/19 Register 2019, No. 42

3122 16 CCR § 1397.2, 16 CA ADC § 1397.2

3123

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

3125

3126 § 1397.35. Requirements for Professional Corporations.

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

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

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

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

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

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

3147 (ii) the number of those licensees licensed physicians, podiatrists, family, and child
3148 counselors licensed clinical social workers, chiropractors, optometrists or registered

3149 nurses owning shares in the psychology corporation does not exceed the number of
3150 psychologists owning shares in such a corporation.
3151 A psychologist may be a shareholder in more than one psychology corporation.
3152 (c) Each professional employee of the corporation who will practice psychology,
3153 podiatry, medicine, marriage, family and child counseling, clinical social work,
3154 chiropractic, optometry or professional nursing, whether or not a shareholder, director,
3155 or officer, holds a valid license in their respective profession.
3156 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.
3157 Reference: Section 2995, Business and Professions Code; and Sections 13401,
3158 13401.5, 13403, 13406 and 13407, Corporations Code.

3159 HISTORY

- 3160 1. Amendment of subsections (b) and (d) filed 2-28-80; effective thirtieth day thereafter
3161 (Register 80, No. 9).
3162 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3163 3. Amendment of subsections (b) and (c) filed 3-13-97; operative 4-12-97 (Register 97,
3164 No. 11).
3165 4. Change without regulatory effect amending subsection (b) filed 12-5-2018 pursuant to
3166 section 100, title 1, California Code of Regulations (Register 2018, No. 49).
3167 This database is current through 10/18/19 Register 2019, No. 42
3168 16 CCR § 1397.35, 16 CA ADC § 1397.35

3169
3170 [Reviewed 11/4/19] [EC Reviewed 1-22-21] [EC Reviewed 4-30-21] [Reviewed 1/6/22]
3171
3172

3173 § 1397.37. Shares: Ownership and Transfer.

- 3174 (a) Where there are two or more shareholders in a psychology corporation and one of
3175 the shareholders:
3176 (1) Dies; or
3177 (2) Becomes disqualified person as defined in Section 13401(d) of the Corporations
3178 Code, ~~his or her~~ their shares of that shareholder shall be sold and transferred to the
3179 corporation, its shareholders, or other eligible licensed persons ~~on such terms as are~~
3180 ~~agreed upon~~. Such sale or transfer shall not be later than six (6) months after any such
3181 death and ninety (90) days after ~~the shareholder becomes any such~~ disqualified
3182 ~~disqualification person~~. The requirements of this subsection shall be set forth in the
3183 psychology corporation's articles of incorporation or bylaws.
3184 (b) A corporation and its shareholders may, ~~but need not~~, agree that after purchasing
3185 ~~shares sold to it by from~~ a person shareholder who becomes a disqualified person it
3186 ~~may be resold~~ resell the shares such to that person prior shareholder if and when ~~he or~~
3187 ~~she~~ they again become an eligible shareholder again.
3188 (c) The share certificates of a psychology corporation shall contain an appropriate
3189 legend setting forth the restrictions of subsection (a).
3190 (d) Nothing in these regulations shall be construed to prohibit a psychology corporation
3191 from owning shares in a nonprofessional corporation.

3192 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.
3193 Reference: Section 2999, Business and Professions Code; and Sections 13401, 13403,
3194 13406 and 13407, Corporations Code.

HISTORY

3196 1. Amendment of subsections (e) and (f) filed 2-28-80; effective thirtieth day thereafter
3197 (Register 80, No. 9).
3198 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3199 This database is current through 11/16/18 Register 2018, No. 46
3200 16 CCR § 1397.37, 16 CA ADC § 1397.37
3201

3202 [Reviewed 11/18/19] [EC Reviewed 1-22-21] [Reviewed 1/6/22]
3203

3204

§ 1397.39. Corporate Activities.

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

3211 (b) A psychology corporation may enter into partnership agreements with other
3212 psychologists practicing individually or in a group or with other psychology corporations.

3213 Note: Authority cited: Sections 2930 and 2999, Business and Professions Code.
3214 Reference: Section 2996.6, Business and Professions Code; and Sections 13403,
3215 13408 and 13410, Corporations Code.

HISTORY

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

3223 [Reviewed 11/18/2019] [EC Reviewed 1-22-21]
3224

3225

3226

§ 1397.50. Citations and Fines.

3227 (a) ~~For purposes of this article,~~

3228 ~~“board official” shall mean the executive officer of the board or his or her representative.~~

3229 (b) ~~The executive officer or their designee~~ A board official is authorized to determine

3230 when and against whom to issue a citation, will be issued and to issue citations

3231 containing and whether that citation will include an orders of abatement and/or an order

3232 to pay an administrative fines for violations by a licensed psychologist of the statutes
3233 referred to as described in section 1397.51.

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

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

3240
3241 **Note:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
3242 Reference: Sections 125.9 and 148, Business and Professions Code.

3243 **HISTORY**

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

3246
3247 [Reviewed 11/18/2019] [EC Reviewed 4-30-21] EC Reviewed 11/12/21 [Reviewed
3248 1/6/22]

3249
3250
3251 **§ 1397.51 violations and fines: criteria to be considered in assessing a fine or**
3252 **order of abatement**

3253
3254 (a) In any citation, the executive officer or their designee may assess a fine for
3255 violations of the Psychology Licensing Law, any regulation adopted pursuant thereto, or
3256 any applicable statutes governing the practice of psychology.

3257 (b) The range of fines shall be from \$500 - \$5,000.

3258 (c) In any citation that includes a fine, the following factors shall be considered in
3259 determining the amount of the fine to be assessed:

3260 (1) Gravity of the violation.

3261 (2) History of previous violations of the same or similar nature.

3262 (3) Persistence of the violation.

3263 (4) Consequences of the violation, including potential or actual client harm.

3264 (5) Evidence that the violation was willful.

3265 (6) Violation(s) involve(s) the health and safety of another person;

3266 (7) Violation(s) were perpetrated against a minor, elder, or dependent adult.

3267 (8) The extent to which the individual cooperated with the Board's investigation.

3268 (9) The extent to which the individual has remediated any knowledge, skills, or process
3269 deficiencies that could have injured a client.

3270 (10) Any other mitigating or aggravating factors.

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

3275
3276 [Reviewed 1/6/22]

3277

3278 **§ 1397.51. Amount of Fines.**

3279 The amount of any fine to be levied by a board official shall take into consideration the
3280 factors listed in subdivision (b)(3) of section 125.9 of the code and shall be within the
3281 range set forth below.

3282 (a) A board official may issue a citation under section 1397.50 for a violation of the
3283 provisions listed in this section. The fine for a violation of the following code sections
3284 shall be from \$100 to \$2500:

- 3285 (1) Business and Professions Code section 125
- 3286 (2) Business and Professions Code section 125.6
- 3287 (3) Business and Professions Code section 136
- 3288 (4) Business and Professions Code section 475(a)(1)
- 3289 (5) Business and Professions Code section 490
- 3290 (6) Business and Professions Code section 496
- 3291 (7) Business and Professions Code section 580
- 3292 (8) Business and Professions Code section 581
- 3293 (9) Business and Professions Code section 582
- 3294 (10) Business and Professions Code section 583
- 3295 (11) Business and Professions Code section 584
- 3296 (12) Business and Professions Code section 650
- 3297 (13) Business and Professions Code section 651
- 3298 (14) Business and Professions Code section 654.2
- 3299 (15) Business and Professions Code section 702
- 3300 (16) Business and Professions Code section 810
- 3301 (17) Business and Professions Code section 2903
- 3302 (18) Business and Professions Code section 2960(a)
- 3303 (19) Business and Professions Code section 2960(c)
- 3304 (19) Business and Professions Code section 2960(d)
- 3305 (20) Business and Professions Code section 2960(f)
- 3306 (21) Business and Professions Code section 2960(g)
- 3307 (22) Business and Professions Code section 2960(h)
- 3308 (23) Business and Professions Code section 2960(i)
- 3309 (24) Business and Professions Code section 2960(k)
- 3310 (25) Business and Professions Code section 2960(l)
- 3311 (26) Business and Professions Code section 2960(m)
- 3312 (27) Business and Professions Code section 2960(n)
- 3313 (28) Business and Professions Code section 2960(p)
- 3314 (29) Business and Professions Code section 2960(q)
- 3315 (30) Business and Professions Code section 2960(r)
- 3316 (31) Business and Professions Code section 2960.6
- 3317 (32) Business and Professions Code section 17500
- 3318 (33) Penal Code section 11166.5
- 3319 (34) Business and Professions Code section 2913(c)
- 3320 (35) Business and Professions Code section 2914(c)
- 3321 (36) Business and Professions Code section 2915

3322 (b) At his or her discretion, a board official may issue a citation with an order of
3323 abatement without levying a fine for the first violation of any provision set forth above.

3324 ~~(c) Notwithstanding the administrative fine amounts specified in this section, a citation~~
3325 ~~may include a fine between \$2,501 and \$5,000 if one or more of the following~~
3326 ~~circumstances apply:~~
3327 ~~(1) The citation involves a violation that has an immediate relationship to the health and~~
3328 ~~safety of another person;~~
3329 ~~(2) The cited person has a history of two or more prior citations for the same or similar~~
3330 ~~violations;~~
3331 ~~(3) The citation involves multiple violations, which demonstrate a willful disregard of the~~
3332 ~~law;~~
3333 ~~(4) The citation involves a violation or violations perpetrated against a child, elderly~~
3334 ~~person or person with a disability, or a dependent adult defined under Welfare and~~
3335 ~~Institutions Code Section 15610.23. Note: Authority cited: Sections 125.9, 148 and~~
3336 ~~2930, Business and Professions Code. Reference: Sections 125.9 and 148, Business~~
3337 ~~and Professions Code.~~

3338 HISTORY

- 3339 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).
3340 2. New subsections (a)(34)-(36) filed 7-2-99; operative 8-1-99 (Register 99, No. 27).
3341 3. New subsections (c)-(c)(4) filed 7-11-2005; operative 8-10-2005 (Register 2005, No.
3342 28).

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

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

3348 (a) The time allowed for the abatement of a violation shall begin when the order of
3349 abatement has been served. ~~If a cited person who has been issued an order of~~
3350 ~~abatement is unable to complete the correction with the time set forth in the citation~~
3351 ~~because of conditions beyond his or her control after the exercise of reasonable~~
3352 ~~diligence, the person cited may request an extension of time in which to complete the~~
3353 ~~correction from the board official who issued the citation. Such a request shall be in~~
3354 ~~writing and shall be made within the time set forth for abatement.~~
3355 (b) A cited individual may request an extension of time to complete the order of
3356 abatement, after the exercise of reasonable diligence and with verifiable evidence that
3357 the conditions causing delay were beyond their control. The request shall be made in
3358 writing within the time frame set forth for abatement.
3359 ~~(bc) An order of abatement shall either be personally served or mailed by certified mail,~~
3360 ~~return receipt requested. An order of abatement shall either be personally served or~~
3361 ~~mailed by certified mail, return receipt requested. The time allowed for the abatement of~~
3362 ~~a violation shall begin when the order of abatement is final and has been served. Such~~
3363 ~~fFailure to meet comply with the order of abatement may result in the Board taking~~
3364 ~~disciplinary action-being taken against the cited individual by the Board of Psychology or~~
3365 ~~other-requesting appropriate judicial relief-being taken against the person cited.~~

3367 **Note:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
3368 Reference: Sections 125.9 and 148, Business and Professions Code.

3369 HISTORY

3370 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

3371
3372 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

3373
3374
3375 **§ 1397.53. Citations for Unlicensed Practice.**

3376 ~~The executive officer or their designee board official is authorized to determine~~ when
3377 ~~and against whom to issue~~ a citation, ~~will be issued and to issue citations containing~~
3378 ~~which shall include an orders of abatement, and whether to include an order to pay an~~
3379 ~~administrative fine~~ against persons, partnerships, corporations, or associations who are
3380 performing or who have performed services for which licensure as a psychologist is
3381 required under the laws and regulations relating to the practice
3382 of psychology. ~~Each citation issued shall contain an order of abatement. Where~~
3383 ~~appropriate, a board official shall levy a~~ Any order to pay an administrative fine for such
3384 unlicensed activity ~~shall be issued~~ in accordance with subdivision (b)(3) of sSection
3385 125.9 of the eCode. The provisions of section 1397.50 and 1397.52 shall apply to the
3386 issuance of citations for unlicensed activity under this subsection. The ~~sanction citation~~
3387 authorized under this section shall be separate from and in addition to any other civil or
3388 criminal remedies.

3389
3390 **NOTE:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
3391 Reference: Sections 125.9 and 148, Business and Professions Code.

3392 **History**

3393 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

3394
3395 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] [Reviewed 1/6/22]

3396
3397
3398 **§ 1397.54. Contest of Citations.**

3399 (a) ~~The cited individual may request a~~ In addition to requesting a hearing ~~to contest the~~
3400 ~~citation.~~

3401 (1) The cited individual must submit any request for hearing:

3402 (A) in writing, as provided for in subdivision (b)(4) of Ssection 125.9 of the eCode and,
3403 (B) within 30 calendar days of service of the citation.

3404 (2) The Board will schedule a hearing, which will remain scheduled until and unless the
3405 executive officer or their designee dismisses or withdraws the citation.;

3406 (b) Tthe person cited individual may also request an informal conference to contest the
3407 citation.

3408 (1) The cited individual must submit any request for informal conference:

3409 (A) In writing, and,

3410 (B) within ten (10) calendar days after of service or receipt of the citation, notify the
3411 board official who issued the citation in writing of his or her request for an informal
3412 conference with the Board official regarding the acts charged in the citation. The time
3413 allowed for the request shall begin the first day after the citation has been served or
3414 received.(b2) The Board official executive officer or their designee who issued the

3415 citation shall, ~~within 30 days from the receipt of the request,~~ hold an informal
3416 conference.;

3417 (A) within 30 calendar days from the receipt of the request, and
3418 (B) with the person cited individual and, or his or her any applicable legal counsel or
3419 authorized representative.

3420 (3) After the informal conference, the executive officer or their designee shall:

3421 (A) Decide to ~~At the conclusion of the informal conference the board official may affirm,~~
3422 ~~modify, or dismiss the citation, including any fine levied or order of abatement or any~~
3423 ~~order to pay an administrative fine the citation may include.~~

3424 (B) Issue that decision issued.

3425 (i) In writing, with reasons for the decision, ~~The board official shall state in writing the~~
3426 ~~reasons for his or her action and serve or mail~~

3427 (ii) a copy of his or her the findings and decision T to the person cited individual within
3428 ten (10) calendar days from the date of the informal conference.

3429 (4) After the executive officer or their designee issues the informal conference decision:

3430 (A) No new informal conference may be requested or held.

3431 (B) If the citation is affirmed, and if the cited individual:

3432 (i) did not request a hearing within 30 days of service of the citation, then the affirmed
3433 citation is a final order.

3434 (ii) requested a hearing within 30 days of service of the citation, then the affirmed
3435 citation will continue to that hearing.

3436 (C) If the citation is modified:

3437 (i) The original citation shall be considered withdrawn, with a new citation issued.

3438 (ii) The cited individual may request a hearing for the new citation,

3439 1. in writing, and

3440 2. within 30 calendar days.

3441 (D) If the citation is dismissed, any scheduled hearing will be canceled.

3442 ~~This decision shall be deemed to be a final order with regard to the citation issued,~~
3443 ~~including the fine levied and the order of abatement.~~

3444 ~~(c) The person cited does not waive his or her request for a hearing to contest a citation~~
3445 ~~by requesting an informal conference after which the citation is affirmed by a board~~
3446 ~~official. If the citation is dismissed after the informal conference, the request for a~~
3447 ~~hearing on the matter of the citation shall be deemed to be withdrawn. If the citation,~~
3448 ~~including any fine levied or order of abatement, is modified, the citation originally issued~~
3449 ~~shall be considered withdrawn and new citation issued. If a hearing is requested for the~~
3450 ~~subsequent citation it shall be requested within 30 days in accordance with subdivision~~
3451 ~~(b)(4) of Section 125.9 of the code.~~

3452 **NOTE:** Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.
3453 Reference: Sections 125.9 and 148, Business and Professions Code.

3454 **History**

3455 1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).

3457 [Reviewed 12/2/2019] [EC Reviewed 4-30-21] EC Reviewed 11/12/21 [Reviewed
3458 1/6/22]

3459

3460 **~~§ 1397.55. Disconnection of Telephone Service.~~**

3461 ~~(a) If, upon investigation, the board official has probable cause to believe that an~~
3462 ~~unlicensed person, who is not otherwise exempt from licensure, has advertised to~~
3463 ~~provide psychological services in an alphabetical or classified directory in violation of~~
3464 ~~section 2903 of the Code, the board official may issue a citation containing an order of~~
3465 ~~abatement pursuant to section 1397.50 of these regulations. The order of abatement~~
3466 ~~shall require the unlicensed person to cease the unlawful advertising and to notify the~~
3467 ~~telephone company furnishing services to the cited person to (1) disconnect the~~
3468 ~~telephone services furnished to any telephone number contained in the unlawful~~
3469 ~~advertising, and (2) that subsequent calls to that number shall not be referred by the~~
3470 ~~telephone company to any new number obtained by that person. The cited person shall~~
3471 ~~provide written evidence of compliance to the board official.~~

3472 ~~(b) If the person to whom a citation is issued under subdivision (a) submits a written~~
3473 ~~request to the board official to appeal the citation, the board official shall afford an~~
3474 ~~opportunity for a hearing, as provided in section 1397.54 of these regulations.~~

3475 ~~(c) If the person to whom the citation and order of abatement is issued fails to comply~~
3476 ~~with the order of abatement after the order is final as provided in section 13987.54(b) of~~
3477 ~~these regulations, the board official shall inform the Public Utilities Commission of the~~
3478 ~~violation in accordance with Business and Professions Code section 149.~~

3479 ~~Note: Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code.~~
3480 ~~Reference: Sections 125.9, 148 and 149, Business and Professions Code.~~

3481

3482

HISTORY

3483 ~~1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).~~

3484 ~~2. Change without regulatory effect amending subsection (a) filed 12-5-2018 pursuant to~~
3485 ~~section 100, title 1, California Code of Regulations (Register 2018, No. 49).~~

3486 ~~This database is current through 10/18/19 Register 2019, No. 42~~

3487

3488 **[EC Reviewed 4-30-21]**

3489

3490

3491 **Agenda Item 25: Update Regarding Mathews v. Becerra - California Child Abuse**
3492 **and Neglect Reporting Act (CANRA) and Mandated Reporting - Penal Code**
3493 **Sections 261.5, 288, and 11165.1**

3494

3495 Dr. Tate introduced this item and Ms. Sorrick provided this update. Ms. Sorrick stated
3496 that as of December 6, 2021, staff was notified by the Department of Justice that
3497 Assemblymember Garcia had withdrawn her request for a legal opinion and that the
3498 requested opinion had been cancelled. This was due to pending litigation concerning
3499 CANRA.

3500

3501 Ms. Sorrick stated that the case had been remanded to the Los Angeles Superior Court
3502 and was scheduled to be heard on August 8, 2022. The Board planned to seek a new
3503 legislator to request a new opinion as Assemblymember Garcia was running for another
3504 office.

3505
3506 Dr. Phillips provided a background summary of this case.

3507
3508 There was no further Board or public comment offered.

3509
3510 **Agenda Item 26: Budget Committee Update**

- 3511
3512 a) Staff Budget Analysis
3513 b) Stakeholder Meeting

3514
3515 Dr. Shacunda Rodgers, Committee Chair, provided this update.

3516
3517 There was no Board or public comment offered.

3518
3519 **Agenda Item 27: Recommendations for Agenda Items for Future Board Meetings.**

3520
3521 Dr. Casuga requested that the Board receive an update from ASPPB regarding the
3522 proposed EPPP Part 2-Skills examination.

3523
3524 There was no further Board or public comment offered.

3525
3526 ADJOURNMENT

3527
3528 The meeting adjourned at 4:15 p.m.

3529
3530