

February 2-3, 2023 Minutes

Department of Consumer Affairs
1747 North Market Blvd HQ 2 Hearing Room #186
Sacramento, CA 95834

Board Members

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

Board Staff

Antonette Sorrick, Executive Officer
Jon Burke, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Liesel McCockran, CE/Renewals Coordinator
Troy Polk, Legislative/Regulatory/Budgets Analyst
Mai Xiong, Licensing/BreEZe Coordinator
Sarah Proteau, Central Services Office Technician
Brittany Ng, Board Counsel
Heather Hoganson, Regulatory Counsel

1

Thursday, February 2, 2023

2

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

4

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

7

Agenda Item 2: President's Welcome

9

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

11

12 There was no Board or public comment offered.

13

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

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

18
19 There was no public comment offered.

20
21 **Agenda Item 4: President's Report**

- 22 a) Mindfulness Exercise (Rodgers)
23 b) 2023 Meeting Calendar

24
25 Dr. Tate provided the 2023 Meeting Calendar and introduced Dr. Rodgers for item 4(a).

26
27 There was no Board or public comment offered.

28
29 **Agenda Item 5: Executive Officer's Report**

- 30
31 c) Personnel Update
32 d) COVID-19 Update

33
34 Ms. Sorrick provided these updates.

35
36 There was no Board or public comment offered.

37
38 **Agenda Item 6: Discussion and Possible Approval of the Board Meeting Minutes:**
39 **November 17-18, 2022**

40
41 Dr. Tate introduced this item.

42
43 Ms. Ng provided minor edits of a clerical nature.

44
45 It was M/(Harb Sheets)/S(Nystrom)/C to approve the minutes as amended.

46
47 Vote: 8 Ayes: (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate),
48 0 Noes

49
50 There was no further Board or public comment offered.

51
52 **Agenda Item 7: Department of Consumer Affairs (DCA) Update**

53
54 Ms. Yvonne Dorantes, DCA, provided this update.

55
56 Dr. Cervantes stated that she felt there had been improved communication from DCA.

57
58 There was no public comment offered.

59
60 **Agenda Item 8: Budget Presentation**

61
62 Mr. Burke provided this update.

63

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

67
68 Mr. Foo clarified an item on the documents that showed the reversion amount which was
69 provided by Ms' Hinkle and Munoz. He also stated appreciation for continued improved
70 communication from the Budget Office.

71
72 Dr. Cervantes asked for clarification on fund balance versus the budget appropriation and
73 asked for a definition of terms from the Budget Office to allow for ease of comprehension
74 of the documents provided in the future. She also asked for the recommended number of
75 months reserve to be held.

76
77 Ms. Munoz stated that three to six months is average for DCA boards and bureaus.

78
79 Discussion ensued about structural deficits and how funds are held in reserve, revenues
80 from fees, expenditures, and general information about loans to the general fund.

81
82 There was no public comment offered.

83
84 **Agenda Item 9: Enforcement Report**

85
86 Ms. Monterrubio provided this update.

87
88 Discussion ensued on materials and data was clarified.

89
90 There was no further Board and no public comment offered.

91
92 **Agenda Item 10: Licensing Timeframes Update – Short-Term and Long-Term**
93 **Solutions to the Application Backlogs**

94
95 Mr. Burke provided this update.

96
97 Discussion ensued on the improved processing times that have been shown from a very
98 difficult backlog.

99
100 Dr. Cervantes and Mr. Foo complemented staff on improved processing times and on the
101 difficult navigation through low staff issues.

102
103 **Agenda Item 11: Organizational Improvement Office – Internal Process**
104 **Improvement Review of Licensing, Central Services, and Enforcement Units –**
105 **Status and Improvements Identified**

106
107 Mr. Burke provided this presentation.

108
109 Discussion ensued regarding internal processing improvement and how it was initiated.
110 Ms. Nystrom asked if there were any additional cost in the process to maximize the use
111 of BreZE. Ms. Mai Xiong provided clarity that none of these improvements were an

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

114
115 Ms. Sorrick provided historical context of what it takes to improve processes and why.
116

117 **Agenda Item 12: Licensure Committee Report and Consideration of Committee**
118 **Recommendations**

119
120 a) Licensing Report
121

122 Ms. Xiong provided this update.
123

124 Public comment
125

126 Discussion ensued regarding the option of the Retired license status and what that
127 entails compared to other available options.
128

129 b) Continuing Professional Development and Renewals Report
130

131 Ms. McCockran provided this report.
132

133 Discussion ensued on audit pass and fail and what reasons were cited for failure,
134 which included, concerns related to the COVID-19 pandemic such as office closures
135 and the inability to access or reproduce certificates, or an assumption that the live
136 requirement was waived. Ms. McCockran provided a reminder of how a licensee's
137 Address of Record and email address could be updated through BreZE to allow for
138 the quickest communication from the Board.
139

140 Public comment
141

142 1. Dr. Jackie Horn provided comment on CPD and stated that members of the
143 California Psychological Association, of which she is a member, have been
144 asking a lot of questions about the implementation of CPD.
145

146 Discussion ensued regarding an FAQ that was being put together that would be
147 published on the Board website in February 2023.
148

149 c) Examination Report
150

151 Ms. Lavinia Snyder provided this report.
152

153 Discussion ensued on the exam process and the pass rates. Ms. Snyder read
154 possible reasons behind the pass rate which had been provided by Dr. Turner from
155 ASPPB. These included complications due to the COVID-19 pandemic as well as the
156 different rates of candidates who had graduated from APA accredited and non-APA
157 accredited programs.
158

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

161
162 Discussion ensued on possible changes as to when candidates would be eligible to
163 take the EPPP and if there were to be a successful statutory change, what likelihood
164 of a change in passing rates could result.

165
166 There was minimal theoretical discussion about what a testing timetable could look
167 like in jurisdictions that had been early adopters of the EPPP Part 2 – Skills exam.

168
169 Public comment

170
171 Dr. Geiger asked if any trends had been reported on the pass rate with regard to
172 subject matter areas within the exam.

173
174 Ms. Snyder stated that she was not aware of any particular trends that had been
175 reported.

176
177 Discussion ensued and included comment that it may be helpful to know if non-APA
178 accredited program graduates showed a trend in deficiency in certain areas.

179
180 Dr. Horn, ASPPB, clarified the difference between “program accreditation” and
181 “regional accreditation” in the information noted by Ms. Snyder. Dr. Horn also clarified
182 that when a candidate passes the EPPP they only get a score, when they do not
183 pass, the candidate receives a breakdown of what their scores were in each of the
184 eight domains. She stated that this would not be compiled by ASPPB but that the
185 candidate did receive that information.

186
187 Dr. Horn addressed the earlier Board theoretical discussion about possible changes
188 to when candidates would be eligible to take the EPPP based on a successful
189 statutory change. She stated that at that time, there was no jurisdiction that allowed
190 eligibility before graduation.

191
192 There was no further Board or public comment offered.

193
194 d) Board Response to Psychologist Applications – Correspondence Review

195
196 Ms. Xiong presented this item.

197
198 Board Members provided minor editing suggestions on the various templates which
199 were noted.

200
201 It was M/(Harb Sheets)/S(Cervantes)/C to accept the templates as modified as
202 correspondence to applicants for licensure.

203
204 There was no further Board or public comment offered

205
206 Vote: 8 Ayes (Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers,
207 Tate), 0 Noes

208
209 e) Examination for Professional Practice in Psychology (EPPP) 2 Status

210
211 Dr. Harb Sheets stated there would be a meeting of the committee on April 28th.

212
213 There was no Board or public comment offered.

214
215 Item 16(c) was taken out of order.

216
217 **Agenda Item 16: Legislative and Regulatory Affairs Committee Updates**

218
219 c) Regulatory Update, Review, and Consideration of Additional Changes (M.
220 Cervantes)

- 221
222 1) 16 California Code of Regulations (CCR) sections 1391.13, and 1391.14 –
223 Inactive Psychological Assistant Registration and Reactivating a
224 Psychological Assistant Registration
225 2) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related
226 to Substance-Abusing Licensees
227 3) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382,
228 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4,
229 1387.5, 1387.6, 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1,
230 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways
231 to Licensure
232 4) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4,
233 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50,
234 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement Provisions
235

236 Dr. Cervantes introduced this item and Mr. Burke presented this this item, which was
237 informational only, with no action required.

238
239 There was no Board or public comment offered.

240
241 **CLOSED SESSION**

242 The Board will Meet in Closed Session Pursuant to Government Code Section
243 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for Reinstatement,
244 Modification, or Early Termination, Proposed Decisions, Stipulations, Petitions for
245 Reconsideration, and Remands.

246
247 The Board met in closed session and the meeting adjourned at 12:33 p.m.

248
249

Friday, February 3, 2023

250 **Agenda Item 13: Call to Order/Roll Call/Establishment of a Quorum**

251
252 President Tate called the meeting to order at 9:47 a.m., roll was taken, and a quorum
253 established.

254
255 **Agenda Item 14: Behavioral Health Workforce Challenges - Sergio Aguilar-Gaxiola,**
256 **MD, PhD, Professor of Clinical Internal Medicine, Director, Center for Reducing**

257 **Health Disparities, Director, Community Engagement Program of the CTSC, UC**
258 **Davis School of Medicine**

259
260 Dr. Tate introduced this item and Dr. Aguilar-Gaxiola.

261
262 Dr. Aguilar-Gaxiola presented this item of which the slides were available in the hand
263 carry meeting materials.

264
265 Dr. Tate expressed appreciation for the presentation and noted the disparity in services
266 between different areas of the State.

267
268 Discussion ensued regarding the need for diversity within the field of providers of
269 psychological services to allow for communities to be served appropriately.

270
271 Discussion ensued regarding the different methods that have been put in place with the
272 competition for a space in medical school and social science programs, the possibility of
273 maximizing the workforce within the behavioral health providers, and the issue of
274 addressing the need for diversity.

275
276 Ms. Sorrick expressed appreciation for Dr. Aguilar-Gaxiola being here and the hope that
277 one of the UC systems would be able to take the Barriers to telehealth survey the Board
278 was conducting and potentially write a white paper on that.

279
280 Discussion ensued regarding shortages in providers and the problem of high student
281 loans for graduates compared to wages.

282
283 Dr. Aguilar-Gaxiola provided an example of various incentive programs that are available
284 for underserved populations (Latinx, Filipino, LGBTQ) with Solano County being one. He
285 stated the importance to look at the key factors to improve these issues systemically.

286
287 Discussion ensued regarding difficulties in the provision of follow-up care in underserved
288 communities.

289
290 Dr. Aguilar-Gaxiola provided an example of mobile units that came to areas in the COVID-
291 19 pandemic and the general structure of that system which included integration of three
292 major points:

- 293
- 294 • To go to where there is need (migrant centers, etc.)
 - 295 • To establish trust
 - 296 • To maintain a regular schedule and show up regularly (every Tuesday, for
297 example)

298 Discussion ensued regarding establishing trust with underserved populations and the
299 option to connect to qualified centers like WellSpace which could provide continuity of
300 care. The importance of word of mouth in underserved communities was expressed.

301
302 Public comment:

303

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

307
308 There was no further Board or public comment offered.

309
310 **Agenda Item 14: Public Comment for Items Not on the Agenda. Note: The Board**
311 **May Not Discuss or Take Action on Any Matter Raised During this Public Comment**
312 **Section, Except to Decide Whether to Place the Matter on the Agenda of a Future**
313 **Meeting [Government Code sections 11125 and 11125.7(a)].**

314
315 Dr. Tate introduced this item and invited public comment.

316
317 An attendee provided comment that she has not passed EPPP after several times taken.

318
319 There was no further public comment offered.

320
321 **Agenda Item 16: Legislative and Regulatory Affairs Committee Updates**

322
323 Dr. Cervantes, Committee Chair, introduced this item.

324
325 Ms. Nystrom recused herself on any items that would require vote.

326
327 a) Board Legislation for 2023: Updates (M. Cervantes)
328 1) Fee Schedule: Business and Professions Code section 2987

329
330 Dr. Cervantes introduced this item which was on page 90 of the combined packet and
331 was informational only, with no action required.

332
333 Mr. Burke provided this update.

334
335 2) Suicide Risk Assessment and Intervention Coursework and Aging and
336 Long-Term Care Coursework: Business and Professions Code sections
337 2915.4 and 2915.5

338
339 Dr. Cervantes introduced this item on page 94 which was informational only with no action
340 required.

341
342 Mr. Burke provided this update.

343
344 There was no Board or public comment offered.

345
346 3) Patient Privilege: Business and Professions Code section 2918

347
348 Dr. Cervantes introduced this item on page 97.

349
350 Mr. Burke provided this update. He stated that items 16 (a)(3) and 16 (a)(4) were intended
351 to be informational only but there had been last minute changes due to conversations
352 with stakeholders which made them action items.

353
354 Ms. Sorrick stated that there were language changes included in the hand carry materials
355 which would bring it to an action item.

356
357 Dr. Cervantes introduced this item on page 98 and stated that there was action required.

358
359 Mr. Burke provided this update.

360
361 Ms. Sorrick provided the update and that there was a concern that the original language
362 was not expansive enough on stakeholders that the Board serves.

363
364 It was discovered that there was a missing line that was cut off and did not make it into
365 the materials on page 99. The missing phrase was “patient to client”.

366
367 **Proposed Revised Business and Professions Code Section 2918**

368
369 (a) The confidential relations and communications between psychologist and
370 client shall be privileged as provided by Article 7 (commencing with Section
371 1010) of Chapter 4 of Division 8 of the Evidence Code, except as set forth in
372 subdivisions (b) through (f), herein.

373
374 (b) Exception to Psychotherapist-Client Patient Privilege for Investigatory and
375 Disciplinary Purposes. Neither the privilege established in California Evidence
376 Code Section 1014 nor any other law making a communication between a
377 psychotherapist and their client patient privileged or confidential shall apply to
378 investigations or proceedings conducted under this chapter. Such
379 communications shall include, but are not limited to, recordings of the same, in
380 physical or electronic format, in treatment records, progress notes,
381 psychotherapy notes, correspondence, audio or video recordings, or any other
382 record.

383
384 (c) Applicability. This exception shall only be available to the Board and its
385 agents and representatives, as related to an investigation into any alleged
386 violation of this chapter or any other state or federal law, regulation, or rule
387 relevant to the practice of psychology, a disciplinary hearing, or any other
388 proceeding under this chapter, or any other chapter under which proceedings
389 may be brought on behalf of the Board, including but not limited to a proceeding
390 for interim license suspension under Business and Professions Code section
391 494, and an appearance by or on behalf of the Board in a criminal proceeding
392 against a licensee to recommend practice restriction under Penal Code section
393 23.

394
395 (d) Procedures for Accessing or Obtaining Records Subject to the Exception to
396 the Psychotherapist-Patient Client Privilege. In accordance with this section,
397 documents and records relevant to an alleged violation of the Psychology
398 Licensing Law, or any other federal or state law, regulation, or rule relevant to the
399 practice of psychology, may be inspected and obtained for investigatory or
400 disciplinary purposes in accordance with the following procedures:

401 1. Any psychotherapist-patient **client** communication, or other relevant
402 document or record, may be inspected, and copies may be obtained,
403 where the **holder of the privilege** gives consent. If the **patient-client** is
404 deceased, consent may be obtained from the **patient-client's** beneficiary or
405 authorized representative. If the beneficiary or authorized representative
406 of a deceased **patient-client** cannot be located after reasonable efforts, the
407 records may be inspected and copied without consent of the beneficiary or
408 authorized representative, if the Board provides a written request to the
409 recordholder that includes a declaration that the Board has been
410 unsuccessful in locating or contacting the deceased **patient's-client's**
411 beneficiary or authorized representative after reasonable efforts.

412
413 2. Regardless of **patient-client** consent, the Board and its agents may
414 issue an investigatory subpoena duces tecum for psychotherapist-patient
415 **client** communications, pursuant to Article 2 (commencing with Section
416 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government
417 Code.

418
419 i. Prior to the date called for in the subpoena duces tecum for the
420 production of records, the Board must make a reasonable effort to
421 give notice of the subpoena to the **patient-client** who is the subject
422 of the records, or if the **patient-client** is a minor, to the **patient's**
423 **client's** parent(s) or guardian(s), or if the **patient-client** is deceased,
424 to the beneficiary or authorized representative of the deceased
425 **patient-client**. ii. Where a party fails to produce subpoenaed
426 communications, the Board or its agents may seek a court order
427 compelling compliance, pursuant to Sections 11187 and 11188 of
428 the Government Code.

429
430 3. Any document or record relevant to the business operations of a
431 licensee, and not involving psychotherapy records attributable to
432 identifiable **patients-clients**, may be inspected, and copies may be
433 obtained, if relevant to an investigation or proceeding under this chapter.

434
435 4. Any records related to a court-ordered or court-related evaluation will be
436 subject to the exception as specified in this section. Examples of records
437 include but are not limited to client notes, recordings, evaluation records –
438 both current and previous, if appropriate, research, and test results. This
439 section shall not be construed to create a psychotherapist-client
440 relationship in a court-ordered or court-related evaluation where one does
441 not otherwise exist.

442
443 (e) Protection of Patient **Client** Privacy. The names **and identifying information** of
444 any **patients-clients** whose communications are reviewed shall be kept in
445 confidence, except as is necessary during the course of an investigation **and**
446 **proceeding**. If proceedings are instituted, reasonable efforts shall be made to
447 **keep patient names in confidence.**

448
449 (f) Rights of Recordholders

450
451 1. When requested documents or records are inspected or copies made or
452 received under this section, their acquisition and review shall not
453 unnecessarily disrupt the operations or recordkeeping of the licensee or
454 facility where the records are kept.

455
456 2. Psychotherapists otherwise obligated to assert the psychotherapist-
457 patient-client privilege for psychotherapist-patient-client communications
458 under Evidence Code Section 1015 have no such obligation with respect
459 to communications subject to the exception to that privilege created by this
460 section.

461
462 3. The Legislature finds and declares that the authority created in the
463 Board pursuant to this section, and a psychotherapist's compliance with
464 this section, are consistent with Sections 56 to 59 of the Civil Code and
465 the federal Health Insurance Portability and Accountability Act (HIPAA).
466 Recordholders shall be immune from claims of violating the
467 psychotherapist-patient-client privilege arising from their compliance with
468 investigatory requests, subpoenas duces tecum, and court orders issued
469 pursuant to this section.

470
471
472 It was M/(Foo)/S(Phillips) to adopt the statutory changes as highlighted in yellow for
473 Agenda Item 16 (a)(3).

474
475 Public comment

476
477 Dr. Winkelman, California Psychological Association (CPA), stated concerns about the
478 proposed changes and asked the Board to continue to discuss this bill. She stated that
479 CPA did not have an official position but provided the potential drawbacks if this goes
480 through which included:

- 481 • Potential loss of patient confidence in the confidentiality of psychotherapy
- 482 • Potential detrimental impact on psychotherapist note-taking out of concerns that
- 483 the notes may be accessed by the Board of Psychology
- 484 • Potential effect on a patient complainant who may want to make a complaint but
- 485 may not want to reveal their full notes.
- 486 • Potential impact on child abuse cases

487
488 Dr. Winkelman asked for further discussion on this item.

489
490 Dr. Phillips stated that the CEO of CPA had not been interested in attending the
491 stakeholder meetings and concerns about potential abuse had previously been
492 addressed.

493
494 Mr. Foo asked Ms. Monterrubio for clarification on enforcement cases and if the Deputy
495 Attorney General would file redaction regarding name and any medical information. He
496 also asked if any instance where any private medical information had been released to
497 the public during enforcement proceedings.

498

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

501
502 Dr. Casuga asked for context as to the discussion.

503
504 Ms. Monterrubio provided examples of situations of how enforcement cases can be
505 limited in ability to research enforcement cases. She also provided examples of how
506 records can be redacted.

507
508 Dr. Casuga asked who would have access to records.

509
510 Ms. Monterrubio stated that Board staff would have access to the records.

511
512 Vote: 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers,
513 Tate), 0 Noes, 1 Recusal (Nystrom)

514
515 4) California Psychological Association Legislative Proposal 2023: Business
516 and Professions Code section 2914

517
518 Dr. Cervantes introduced this item.

519
520 Mr. Burke stated that this item was initially informational only but since materials were
521 disseminated, a bill had been introduced which makes some of the changes in the CPA
522 proposal. He stated that ABA 282 (Aguiar-Curry) was included in the hand carry materials
523 and could be considered by the Board.

524
525 Dr. Cervantes suggested to take this to the Legislative and Regulatory Affairs Committee
526 to analyze and discuss.

527
528 Discussion ensued that deeper analysis was important due to operational concerns,
529 impact it may have on processing times, as well as how the bill could affect the potential
530 adoption of the EPPP Part 2 – Skills exam.

531
532 Discussion ensued regarding the decision to call a special Board meeting in the spring to
533 discuss legislation that affects the Board.

534
535 President Tate called a special Board meeting in the spring to discuss legislation
536 pertaining to the Board.

537
538 Public Comment

539
540 Jennifer Alley, CPA, stated her appreciation to look over this item and welcomed future
541 discussion at the special Board meeting.

542
543 Discussion ensued regarding the purpose behind the bill and the intent to streamline
544 processes in the effort to improved processing times.

545
546 There was no further Board or public comment offered.

547

548 b) Legislative Items for Future Meeting. The Board May Discuss Other Items of
549 Legislation in Sufficient Detail to Determine Whether Such Items Should be on
550 a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of
551 the Board to Discuss Such Items Pursuant to Government Code section
552 11125.4.
553

554 Dr. Cervantes introduced this item.
555

556 There was no Board of public comment offered.
557

558 c) Regulatory Update, Review, and Consideration of Additional Changes (M.
559 Cervantes)

560 1) 16 California Code of Regulations (CCR) sections 1391.13, and
561 1391.14 – Inactive Psychological Assistant Registration and
562 Reactivating a Psychological Assistant Registration

563 2) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards
564 Related to Substance-Abusing Licensees

565 3) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382,
566 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4,
567 1387.5, 1387.6, 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1,
568 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 –
569 Pathways to Licensure

570 4) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.3, 1396.4,
571 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50,
572 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement
573 Provisions
574

575 Dr. Cervantes introduced this item and Mr. Burke presented this this item, which was
576 informational only, with no action required.
577

578 There was no Board or public comment offered.
579

580 (d) Possible Action on Rulemaking regarding 16 CCR sections 1391.1, 1391.2,
581 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Associates
582

583 Dr. Cervantes, Legislative and Regulatory Affairs Committee Chair, introduced this item
584 and stated that the information was included in the combined packet on page 107 and
585 additional materials had been added in the hand carry folder.
586

587 Mr. Burke presented this item and provided the requested action: Notice modified text,
588 including incorporated forms PSB 100, Application for Registration as a Psychological
589 Associate, and PSB 101, Notification to Add or Change a Supervisor or Service Location
590 for a Psychological Associate, for a 15-day public comment period. If, after the 15-day
591 public comment period, no relevant timely adverse comments are received, adopt the
592 amendments to Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11,
593 1391.12, and 1392.1, including the incorporated forms, as modified, and authorize the
594 Executive Officer to take all steps necessary to resubmit the rulemaking package to the
595 Office of Administrative Law to complete the rulemaking process, including making any
596 technical or non-substantive changes to the proposed regulations as necessary.

597
598 Ms. Hoganson presented an update on the Psychological Associate Registration
599 regulatory package and explained that the original text, based upon Senate Bill 1193 (SB
600 1193) (Hill, Chapter 484, Statutes of 2016) and Senate Bill 547 (SB 547) (Hill, Chapter
601 429, Statutes of 2017), was originally approved by the Board November 16, 2018, and
602 updated pursuant to Senate Bill 801 (SB 801) (Archuleta, Chapter 647, Statues of 2021).
603 The package went to official Notice and Comment in 2022 and was submitted to the Office
604 of Administrative Law (OAL). In the interim, however, the Board had other regulatory
605 packages (including a fee update) that amended some of the same regulatory sections.
606 When submitted to OAL, OAL had some questions based on the reconciliation. Based
607 on discussions with OAL, minor text changes and the two forms in this regulatory package
608 were proposed to be modified. Ms. Hoganson explained the amendments, as shown in
609 the agenda materials, and suggested that the Board hold a modified comment period and,
610 if no adverse comments were received requiring response, adopt the regulations, and
611 resubmit them to OAL.

612 613 **TITLE 16. BOARD OF PSYCHOLOGY**

614 615 **EXPLANATION OF CHANGES**

616
617 The Board provides this explanation for the modified text.

618 619 Changes to the regulatory text

- 620 • A change without regulatory effect to subdivision (c) of section 1391.5 (deleting a
621 reference to organizations specified in section 2913 of the Code) was submitted to
622 the Office of Administrative Law (OAL) on July 20, 2022, and approved and effective
623 August 30, 2022. This obviated the need to delete “employed by one of the
624 organizations specified in section 2913 of the Code” in this rulemaking and that text
625 has been deleted from the modified text as a technical update.
- 626 • A minor technical edit was made to section 1391.11(a) and (b), to correct a comma
627 placement after the quoted incorporated form name and to add the word “section”
628 before referenced 1391.1, to conform with the otherwise referenced regulatory
629 sections.
- 630 • A separate regulatory package which updated the fee amounts and the authority and
631 reference citations in 1392.1. was noticed to the public for comment on December 7,
632 2021, submitted to OAL March 28, 2022, approved May 5, 2022, and effective July 1,
633 2022. The current regulatory text has been updated to the current law.

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

637 638 Changes to Form PSB 100, *Application for Registration as a Psychological Associate*

- 639 • Instructions: The fee has been updated to \$75 in conformity with revised regulation
640 1392.1. As noted above, this change went into effect July 1, 2022, after this package
641 was prepared for Notice.
- 642 • Section 1, Personal Information: The email address, phone number, date of birth,
643 and social security number requirements have been moved up before “Aliases”

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

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

659 **Conviction and License Discipline Disclosure**

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

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

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

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

669 *For your convenience, you may use the License Disciplinary Action Form*
670 (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).

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

677
678 Changes to Form PSB 101, Notification to Add or Change a Supervisor or Service
679 Location for a Psychological Associate

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

686 **Conviction and License Discipline Disclosure**

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

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

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

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

696 *For your convenience, you may use the License Disciplinary Action Form*
697 (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).

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

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

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

704

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

708

709 **Title 16. California Board of Psychology**
710 **Department of Consumer Affairs**

711 **Modified Text**

712

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

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

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

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

717 **Changes from the originally proposed language due to other**
718 **regulatory changes are highlighted and changes noted by**
719 **footnote.**

720

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

723

724 **§1391.1. Registration; Limitation of Registration Period.**

725

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

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

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

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

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

745

746 ***NOTE: Authority cited: Sections 2913 and 2930, Business and Professions***
747 ***Code. Reference: Sections 27, 30, 114.5, 115.4, 144, 651, 2913, and 17500,***
748 ***Business and Professions Code.***

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

751 **§ 1391.2. Withdrawal of Applications.**

752
753 An aApplications for registration which that hasve-not been completed within ninety
754 (90) days after additional information has been requested by the Board shall be
755 deemed to be withdrawn.
756

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

759

760

761 **3. Amend Section 1391.5, Article 5.1, Division 13.1, of Title 16 of the California**
762 **Code of Regulations to read:**

763

764 **§ 1391.5. ~~Statement of Purpose;~~ Supervision Required.**

765

766 (a) A registered psychological associate shall be under the direction and
767 supervision of a licensed psychologist pursuant to section 1387.1, who is
768 employed licensed to practice pursuant to Division 2 of the Code, and who
769 works in the same setting in which the registered psychological associate is
770 employed performs psychological functions. A licensed psychologist who is
771 supervising registered psychological associates must comply with the
772 supervision course requirements set forth in section 1387.1.

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

777 (c) **1A registered psychological associate may receive** delegated supervision
778 pursuant to section 1387(c) from a qualified psychologist other than a the
779 primary supervisor to whom they are registered only if the delegated supervisor
780 is also employed works within the same organization setting as the primary
781 supervisor and registered psychological associate. ~~Otherwise, supervision may~~
782 ~~not be delegated under a registered psychological associate registration.~~
783

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

786
787 **4. Amend Section 1391.6, Article 5.1, Division 13.1, of Title 16 of the California**
788 **Code of Regulations to read:**

789 **§1391.6. Supervisor’s Responsibility.**

790
791 (a) Every supervisor of a registered psychological associate shall have be
792 responsible for supervising the psychological functions performed by the
793 registered psychological associate and ensuring that the education, training,
794 and experience in the areas of psychological practice for which they will
795 supervise, and shall be responsible for supervising the psychological functions
796 performed by the psychological associate extent, kind and quality of the
797 psychological functions performed by the associate are consistent with the
798 supervisor’s training and experience, and ensure that the associate complies
799 with the provisions of the Code, the Board’s regulations, and the ethical
800 standards established by the American Psychological Association.

801 (b) The supervisor shall ~~inform~~ ensure that each client or patient is informed, prior
802 to the rendering of services ~~by the registered psychological associate,~~ that the
803 associate is unlicensed and is under the direction and supervision of the
804 supervisor. as an employee Each client or patient shall also be informed and
805 that the supervisor shall have access to the client’s or patient’s chart in fulfilling
806 their supervisoryen duties.

807 (c) The supervisor shall be available to the registered psychological associate
808 100% of the time the associate is performing psychological functions. The
809 availability can be in-person, by telephone, by pager or by other appropriate
810 technology.

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

811 (d) The supervisor shall ensure that a plan is in place to protect the client or patient
812 ~~or client~~ in the event a client or patient/client crisis or emergency occurs during
813 any time the supervisor is not physically present at the established site at which
814 the supervisee is working. The supervisor shall ensure that the supervisee
815 thoroughly understands the plan in the event a client or patient crisis or
816 emergency occurs.

817
818 **Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.**

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

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

822
823 **§ 1391.8. Employer Supervisor-Employee Registered Psychological Associate**
824 **Business Relationship.**

825
826 (a) No ~~supervisor or employer of a~~ registered psychological associate may
827 ~~charge pay~~ a fee, monetary or otherwise, ~~require monetary payment in~~
828 consideration for the ~~employment or supervision~~ provided of a registered
829 ~~psychological associate~~. The supervisor or employer shall supply all provisions
830 necessary to function as a registered psychological associate.

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

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

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

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

838
839 **6. Repeal Section 1391.10, Article 5.1, Division 13.1, Title 16 of the California**
840 **Code of Regulations to read:**

841
842 **§ 1391.10. Annual Reports.**

843
844 ~~On or before the expiration of a registration, every supervisor of a registered~~
845 ~~psychological associate shall submit to the Board on a form provided by the~~
846 ~~Board a report for the registration period showing:~~
847 (a) ~~The nature of the psychological functions performed by the registered~~
848 ~~psychological associate being supervised.~~
849 (b) ~~Certification of employment.~~
850 (c) ~~The locations at which the registered psychological associate provided the~~
851 ~~psychological functions and the type, extent and amount of supervision.~~
852 (d) ~~A certification that the psychological functions performed by the registered~~
853 ~~psychological associate were performed at a level satisfactory to ensure safety to~~
854 ~~the public.~~

855

856 **Note: Authority cited: Section 2930, Business and Professions Code. Reference:**
857 **Section 2913, Business and Professions Code.**

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

860
861 **§ 1391.11. Notification of ~~Termination.~~ Change of Primary Supervisor or**
862 **Location**
863

864 (a) A registered psychological associate shall submit to the Board, in writing, a
865 request for any change of or addition of a primary supervisor, on form PSB 101
866 (New 2021), entitled "Notification To Add Or Change Supervisor Or Service
867 Location For A Psychological Associate," incorporated by reference in **section**
868 1391.1. Board approval of the request is required prior to rendering
869 psychological services under the supervision of the new primary supervisor. A
870 new supervision agreement is required, pursuant to section 1387, if there has
871 been a change of supervisor and the registered psychological associate is
872 accruing supervised professional experience.
873

874 (b) Within thirty (30) days after the termination of the supervision between a primary
875 supervisor and the employment of a registered psychological associate, or any
876 change or addition of the location where services are being rendered by a
877 registered psychological associate with the same primary supervisor, the
878 employer-registered psychological associate shall notify the Board in writing of
879 such termination or change, on form PSB 101, as described in subsection (a)
880 and incorporated by reference in **section** 1391.1 setting forth the date thereof.
881

882 **NOTE: Authority cited: Sections 2913 and 2930, Business and Professions Code.**
883 **Reference: Sections 27, 30, 144, 651, 2913, and 17500, Business and Professions**
884 **Code.**

885
886 **8. Amend Section 1391.12, Article 5.1, Division 13.1, Title 16 of the California**
887 **Code of Regulations to read:**

888
889 **§ 1391.12. Registered Psychological Associate Renewals.**

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

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

896 (2) Disclosure of whether the registered psychological associate has been
897 convicted or has had a license or registration disciplined since the last
898 renewal;

899 (3) Telephone number and email (if any) of the registered psychological
900 associate; and

- 901 (4) A signed declaration under penalty of perjury that the information provided is
902 true and correct;
- 903 (b) The annual renewal fee required in section 1392.1 must be submitted to renew
904 the registration. A registration renewed 30 days after its expiration must be
905 accompanied by the delinquency fee required in section 1392.1 in order to be
906 renewed;
- 907 (c) A registered psychological associate who has been registered with the Board but
908 whose registration has expired and has not been renewed ~~by the employer~~ shall
909 not function as a registered psychological associate;
- 910 (d) ~~A registered psychological associate employed and registered by more than one~~
911 ~~employer shall have their registration renewed by each employer.~~
- 912 (de) A registration not renewed by the registered psychological associate within 60
913 days after its expiration shall become void be cancelled and shall not be
914 reinstated and a new application for registration shall be submitted by the
915 employer. A new registration must be obtained to perform psychological
916 functions as a registered psychological associate.

917

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

920

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

923

924 **§ 1392.1. Registered Psychological Associate Fees.²**

- 925
- 926 (a) The application fee for registration ~~as of~~ a registered psychological associate
927 ~~which is payable by the supervisor~~ is **\$75.00.**
- 928 (b) The annual renewal fee for registration of a registered psychological associate
929 is **\$75.00.**
- 930 (c) The delinquency fee for a registered psychological associate is **\$37.50.**
- 931

932 **Note: Authority cited:** Sections 2913, 2930, 2940, 2987, and 2989, Business and
933 Professions Code.

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

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

**APPLICATION FOR REGISTRATION AS
A PSYCHOLOGICAL ASSOCIATE**

937 **INSTRUCTIONS FOR COMPLETING THE APPLICATION:**

- 938 • Answer each question fully and truthfully.
- 939 • Attach sheets of paper to this application when instructed or when space provided is not
- 940 sufficient.
- 941 • Submit a check with this application for \$75 payable to the Board of Psychology.
- 942 • Mail completed ORIGINAL application and payment to: 1625 N. Market Blvd., Suite N-215,
- 943 Sacramento, CA 95834.
- 944 • Submit fingerprints via Live Scan at time of application.
- 945 Please visit www.psychology.ca.gov/applicants/fingerprint.shtml for detailed
- 946 instructions.
- 947 • Complete and submit Notification to Add or Change Supervisor or Service Location for a
- 948 Psychological Associate form from Board of Psychology website (www.psychology.ca.gov)
- 949 along with this application if registering with more than one primary supervisor.

950 **SECTION I: PERSONAL INFORMATION**

- 951 • Is it your intention to count this experience toward licensure? Yes No
- 952 • If you answered “yes,” refer to Title 16 California Code of Regulations (CCR) section 1387.
- 953 You may download the Supervision Agreement for Supervised Professional Experience
- 954 form from our website (www.psychology.ca.gov/forms_pubs/sup_agreement.pdf), and
- 955 complete, sign, and date the form, and attach it to the application.
- 956 • Are you currently serving in, or have you previously served in, the military? Yes No

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

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

Email Address

958

959 Contact Phone Number

960 Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN)¹ Date of Birth

961 **ALIASES** List all other names by which the psychological associate has been known. (If more than two, use

962 additional paper.):

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

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

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

Number and Street

City State Zip Code

PSB 100 (NEW 2023)

[Internal Control Number PDE_23-043 (Revised 02/23)]

963

www.psychology.ca.gov

P (916) 574-7720 / F (916) 574-8672

1625 North Market Blvd. N-215, Sacramento, CA

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

Number and Street

City State Zip Code

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

SECTION II: EDUCATION QUALIFICATION

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

Master's Degree School:
Admission to Candidacy for Doctoral Degree

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

Doctoral Degree Date Awarded/Admitted:

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

SECTION III: SUPERVISOR

LEGAL NAME OF PRIMARY SUPERVISOR:

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

License Number Email Phone Number

SECTION IV: LOCATION OF SERVICES

Location where the psychological associate will be providing psychological services:

Name of Services Location

995 _____
Number and Street

996 _____
City State Zip Code

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

Name of Primary Supervisor License Number

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

Name of Services Location

1000

1001 _____
Number and Street

1002 City State Zip Code

1003 **Note: You must notify the Board of any change or addition of a primary supervisor or location**

1004 **where services are being rendered on form Notification to Add or Change Supervisor or**

1005 **Service Location for a Psychological Associate. Form can be found on Board’s website at**

1006 **www.psychology.ca.gov.**

SECTION V: PSYCHOLOGICAL ASSOCIATE QUESTIONNAIRE

1007 **Section V to be completed by the prospective psychological associate.**

1008 **Clearly mark the appropriate column (“yes” or “no”) for each item below.**

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

SECTION VI: SUPERVISOR QUESTIONNAIRE

1010 **Section VI to be completed by the prospective supervisor.**

1011 **Clearly mark the appropriate column (“yes” or “no”) for each item below.**

YES	NO
-----	----

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

1013

SECTION VII: ACKNOWLEDGEMENTS

1014

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

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

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

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NOTICE TO APPLICANT

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

1019

SECTION VIII: SIGNATURES

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1021

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

1022

Signature of Psychological Associate

Date

1023

Signature of Primary Supervisor

Date

1024

Conviction and License Discipline Disclosure

1025
1026

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

1027
1028

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

1029
1030

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

1031 **For license denial:** Date, letter explaining underlying circumstances, supporting documents, and
1032 licensing agency.

1033 For your convenience, you may use the License Disciplinary Action form:

1034 https://www.psychology.ca.gov/forms_pubs/disciplinary.pdf.

1035 **Collection and Use of Personal Information**

1036 The Department of Consumer Affairs and the California Board of Psychology collect the
1037 information requested on this form as authorized by Business and Professions Code Sections
1038 325 and 326 and the Information Practices Act.

1039 **Mandatory Submission**

1040 Submission of the requested information is mandatory. The Board cannot consider your
1041 application for licensure or renewal unless you provide all of the requested information.

1042 **Access to Your Information**

1043 You may review the records maintained by the California Board of Psychology that contain your
1044 personal information, as permitted by the Information Practices Act. See contact information
1045 below.

1046 **Possible Disclosure of Personal Information**

1047 We make every effort to protect the personal information you provide us. However, we may
1048 need to share the information you give us with other government agencies. This may include
1049 sharing any personal information you gave us.

1050 The information you provide may also be disclosed in the following circumstances:

- 1051 • In response to a Public Records Act request, as allowed by the Information Practices Act;
- 1052 • To another government agency as required by state or federal law; or
- 1053 • In response to a court or administrative order, a subpoena, or a search warrant.

1054 **Contact Information**

1055 For questions about this notice or access to your records, you may contact the Executive
1056 Officer of the Board of Psychology at 1625 North Market Boulevard, Suite N-215, Sacramento,
1057 CA 95834; by phone at (866) 503-3221; or by email at boplicensing@dca.ca.gov. For
1058 questions about the Department of Consumer Affairs' (Department's) Privacy Policy, you may
1059 contact the Department at 1625 North Market Boulevard, Sacramento, CA 95834; by phone
1060 at (800) 952-5210; or by email at dca@dca.ca.gov.

1061
1062 *References to psychological associates refer to registered psychological associates, formerly called psychological assistants.*

1063 **INSTRUCTIONS FOR COMPLETING THE APPLICATION:**

- 1064 • Complete this form with your primary supervisor. The primary supervisor must
1065 be qualified (pursuant to Business and Professions Code 2913 and and Title 16
1066 California Code of Regulations (16 CCR) section 1387.1) and the application must
1067 be fully complete before the Board can review and approve this application.

1095
 1096

SECTION III: NEW PRIMARY SUPERVISOR OR SERVICE LOCATION INFORMATION

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

SECTION IV: SUPERVISOR QUESTIONNAIRE

1097

1098 **Section IV to be completed by the prospective supervisor.**

1099 Clearly mark the appropriate column ("yes" or "no") for each item below.

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

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

1100

SECTION V: ACKNOWLEDGEMENTS

1101

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

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

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

1102

SECTION VI: SIGNATURES

1103 *We hereby certify that this relationship is that of supervisor/psychological associate as required*
 1104 *by the Laws and Regulations Relating to the Practice of Psychology. We declare under penalty*
 1105 *of perjury under the laws of the state of California that the information provided on this form is*
 1106 *true and correct. We further declare that the supervisor of the psychological associate whose*
 1107 *signature appears below is employed by the same work setting as the psychological associate*
 1108 *and available to the psychological associate 100 percent of the time the psychological associate*
 1109 *is providing psychological services. We further declare that the limited psychological functions*
 1110 *performed by the psychological associate were performed at a level satisfactory to ensure*
 1111 *safety to the public.*

1112 Signature of Primary Supervisor

Date

1113 Signature of Psychological Associate

Date

1114

1115 If you answered "YES" to any of the Conviction and License Disclosure questions under
 1116 Section IV, please provide the following information:

1117 **For convictions or registration as a sex offender:** Date, letter explaining underlying
 1118 circumstances, outcome, jurisdiction, and court case number.

1119 **For license review, discipline, or surrender:** Date, letter explaining underlying circumstances,
 1120 disposition, and licensing agency.

1121 **For license denial:** Date, letter explaining underlying circumstances, supporting documents, and
 1122 licensing agency.

1123 For your convenience, you may use the License Disciplinary Action form:

1124 https://www.psychology.ca.gov/forms_pubs/disciplinary.pdf.

1125 **Collection and Use of Personal Information**

1126 The Department of Consumer Affairs and the California Board of Psychology collect the
1127 information requested on this form as authorized by Business and Professions Code
1128 Sections 325 and 326 and the Information Practices Act.

1129 **Mandatory Submission**

1130 Submission of the requested information is mandatory. The Board cannot consider your
1131 application for licensure or renewal unless you provide all of the requested information.

1132 **Access to Your Information**

1133 You may review the records maintained by the California Board of Psychology that
1134 contain your personal information, as permitted by the Information Practices Act. See
1135 contact information below.

1136 **Possible Disclosure of Personal Information**

1137 We make every effort to protect the personal information you provide us. However, we
1138 may need to share the information you give us with other government agencies. This may
1139 include sharing any personal information you gave us.

1140 The information you provide may also be disclosed in the following circumstances:

- 1141 • In response to a Public Records Act request, as allowed by the Information Practices
1142 Act;
- 1143 • To another government agency as required by state or federal law; or
- 1144 • In response to a court or administrative order, a subpoena, or a search warrant.

1145 **Contact Information**

1146 For questions about this notice or access to your records, you may contact the Executive
1147 Officer of the Board of Psychology at 1625 North Market Boulevard, Suite N-215,
1148 Sacramento, CA 95834; by phone at (866) 503-3221; or by email at
1149 **bplicensing@dca.ca.gov**. For questions about the Department of Consumer Affairs'
1150 (Department's) Privacy Policy, you may contact the Department at 1625 North Market
1151 Boulevard, Sacramento, CA 95834; by phone at (800) 952-5210; or by email at
1152 **dca@dca.ca.gov**.



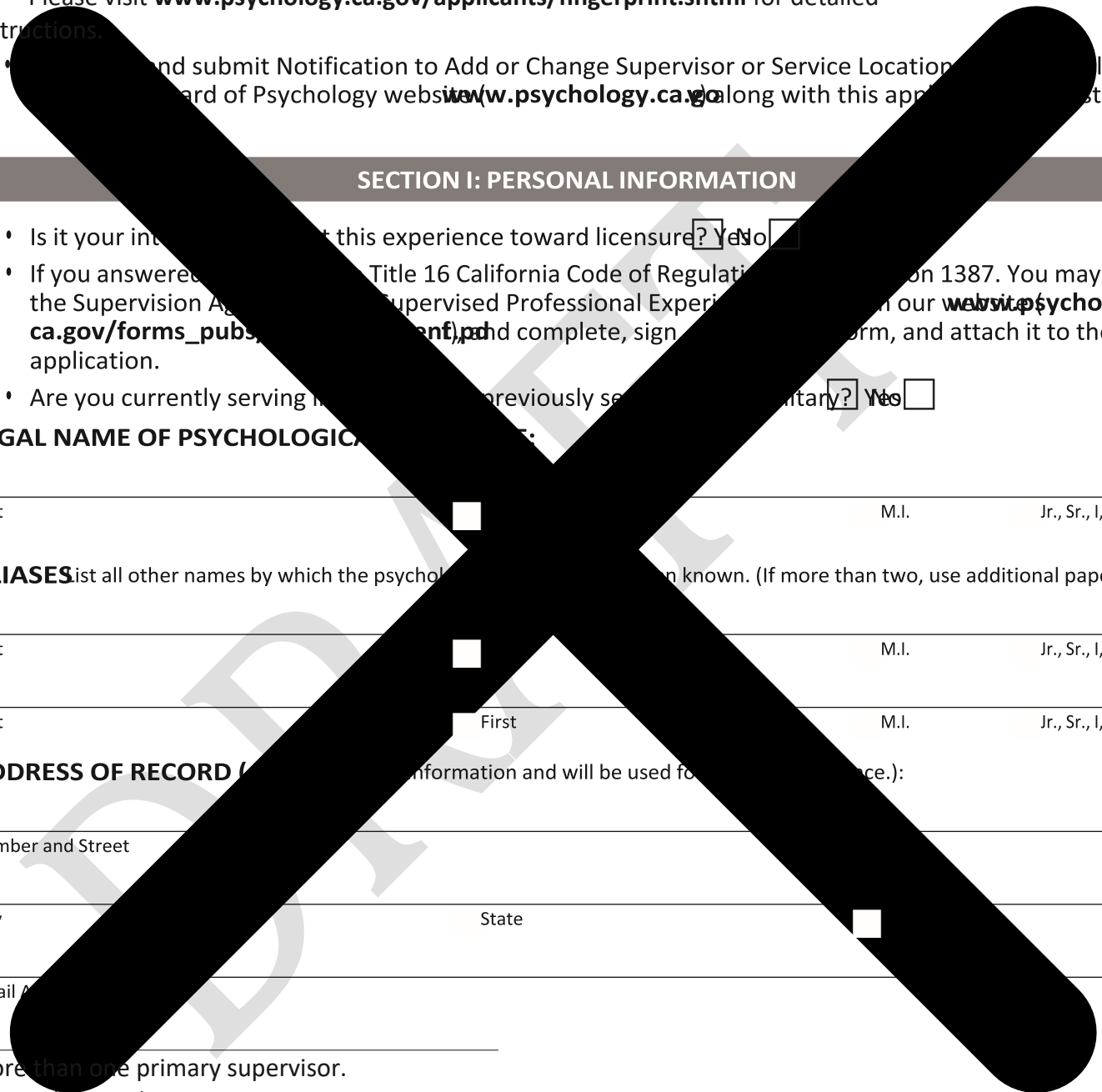
1154
1155 *References to psychological associate refers to registered psychological associates, formerly called psychological*
1156 *assistants*

1157 **INSTRUCTIONS FOR COMPLETING THE APPLICATION:**

- 1158 • Answer each question fully and truthfully.
- 1159 • Attach sheets of paper to this application when instructed or when space provided is not
1160 sufficient.
- 1161 • Submit a check with this application for \$50 payable to the Board of Psychology.

APPLICATION FOR REGISTRATION AS
A PSYCHOLOGICAL ASSOCIATE

- 1162 • Mail completed
- 1163 ORIGINAL application and payment to: 1625 N. Market Blvd., Suite N-215, Sacramento, CA
- 1164 95834.
- 1165 • Submit fingerprints via Live Scan at time of application.
- 1166 Please visit www.psychology.ca.gov/applicants/fingerprint.shtml for detailed
- 1167 instructions.



• and submit Notification to Add or Change Supervisor or Service Location to the Psychological Board of Psychology website at www.psychology.ca.gov along with this application when registering your

SECTION I: PERSONAL INFORMATION

- Is it your intent to use this experience toward licensure? Yes No
- If you answered "No" to the question above, please provide a written statement of your intent to use this experience toward licensure. You may download the Supervision Agreement for Supervised Professional Experience from our website at www.psychology.ca.gov/forms_publications and complete, sign, and attach it to the application.
- Are you currently serving in a supervisory position or previously served in a supervisory position? Yes No

LEGAL NAME OF PSYCHOLOGICAL ASSOCIATE:

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

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

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

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

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

Number and Street

City State

Email Address

- 1168 more than one primary supervisor.
- 1169 Contact Phone Number
- 1170

1171 Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN)² Date of Birth

1172 PSB 100 (NEW 2021)
1173 [Internal Control Number PDE_21-223 (Revised 10/21)]



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

1177
1178

Number and Street

1179

City

State

Zip Code

1180
1181
1182
1183
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1 Disclosure of your SSN or ITIN is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 [42 USCA 405(c)(2)(C)] authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure or examination status by a licensing or examination entity that utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN or ITIN, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you, and the registration will not be issued.

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SECTION II: EDUCATION QUALIFICATION

1187
1188

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

1189

Master's Degree

School:

1190

Admission to Candidacy for Doctoral Degree

Description of

1191

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

1192

Doctoral Degree

Date Awarded/Admitted:

1193

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

1196

SECTION III

1197

LEGAL NAME OF PRIMARY SUPERVISOR:

1198

Last

First

M.I.

Jr., Sr., I, II

1199

License Number

Email

Phone Number

1200

SECTION IV: LOCATION OF SERVICES

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Location where the psychological associate will be providing psychological services:

1202

Name of Services Location

1203
1204 Number and Street

1205 City State Zip Code

1206 **Additional location of services, if applicable, where the psychological associate will be**
1207 **providing psychological services** (If more than two locations, please use an additional sheet of
1208 paper.):

1209 Name of Primary Supervisor License Number

1210 Primary Supervisor's Phone Number Primary Supervisor's Email Address

1211 Name of Services Location

1212 Number and Street

1213 City State Zip Code

1214 **Note: You must notify the Board of any change or addition of a primary supervisor or location**
1215 **where services are being rendered on form Notification to Add or Change Supervisor or Service**
1216 **Location for a Psychological Associate. Form can be found on Board's website at**
1217 **www.psychology.ca.gov.**

1218 **SECTION V: PSYCHOLOGICAL ASSOCIATE QUESTIONNAIRE**

1219 **Section V to be completed by the prospective psychological**
1220 **associate.** Clearly mark the appropriate column ("yes" or "no")
1221 for each item below.

1222 **YES NO** Are you presently registered, or have you ever been registered or filed an application to be registered, as a
1223 psychological assistant or psychological associate? **If yes, list name(s) of supervisor(s):**

1224 Are you currently registered, were you previously registered, or have you ever filed an application to register
1225 to engage in psychological services under section 2909(d) of the Business and Professions Code (registered
1226 psychologist)?
1227 **If yes, when?**

1228 Have you ever filed an application for a license as a psychologist with the Board?
1229 **If yes, when?**

1230 Do you have any proprietary interest in the business of the employer and/or supervisor?

1231 Do you rent, lease, sublease, or lease-purchase office space from the employer, supervisor, or any entity for
1232 purposes of functioning as a psychological associate?

1282 the direction and supervision of the supervisor as an employee, in person or in writing, prior to the
 1283 rendering of services pursuant to sections 16 CCR 1387.1(g) and 1391.6?
 1284 Will you be employed by the same work setting as the psychological associate and be available to the
 1285 psychological associate 100 percent of the time the psychological associate is providing psychological
 1286 services?

SECTION VII: ACKNOWLEDGEMENTS

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

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

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

NOTICE TO APPLICANT

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

SECTION VIII: SIGNATURES

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

Signature of Psychological Associate

Date

Signature of Primary Supervisor

Date

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Collection and Use of Personal Information

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

1351
1352
1353

Mandatory Submission

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

1354
1355
1356
1357

Access to Your Information

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

1358
1359
1360
1361

Possible Disclosure of Personal Information

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

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

1362 The information you
1363 provide may also be disclosed in the following circumstances:

- 1364 • In response to a Public Records Act request, as allowed by the Information Practices Act;
- 1365 • To another government agency as required by state or federal law; or
- 1366 • In response to a court or administrative order, a subpoena, or a search warrant.

1367 **Contact Information**

1368 For questions about this notice or access to your records, you may contact the Executive Officer
1369 of the California

1370 Board of Psychology at 1625 North Market Boulevard, Suite N-215, Sacramento, CA 95834; by
1371 phone at (866)

1372 503-3221; or by email at **boplicensing@dca.ca.gov**. For questions about the

1373 Department of Consumer Affairs' (Department's) Privacy Policy, you may contact the

1374 Department at 1625 North Market Boulevard, Sacramento, CA 95834; by phone at

1375 (800) 952-5210; or by email at **dca@dca.ca.gov**.



1376

1377 *References to psychological associate refers to registered psychological associates, formerly called psychological*
1378 *assistants*

1379 **INSTRUCTIONS FOR COMPLETING THE APPLICATION:**

- 1380 • Complete this form with your primary supervisor. The primary supervisor must be
1381 qualified and the application must be fully complete before the Board can review and
1382 approve this application.
- 1383 • Submit separate notification to add or change for EACH supervisor and location where
1384 psychological services are being provided.
- 1385 • To add a supervisor, complete Sections I, III, IV, V, and VI.

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

SECTION I: PERSONAL INFORMATION

Name of Psychological Associate _____ License Number _____ Phone Number _____

SECTION II: FORMER PRIMARY SUPERVISOR AND SERVICE LOCATION INFORMATION

Check one, if applicable: Change Supervisor Remove Service Location

Name of Primary Supervisor _____ License Number _____

Primary Supervisor's Email _____ Email _____

Name of Service Location _____

1386 Street Address _____ City _____ State _____ Zip Code _____

1387 Supervision Period: From _____ To _____

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1393 PSB 101 (NEW 2021)
[Internal Control Number PDE_21-223 (Revised 10/21)]

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



1394

1395

SECTION III: NEW PRIMARY SUPERVISOR OR SERVICE LOCATION INFORMATION

1396

Name of Primary Supervisor _____ License Number _____

1397

Primary Supervisor's Phone Number _____ Email _____

1398

Name of Service Location _____

1399

Street Address _____ City _____ State Zip Code _____

1400

SECTION IV: SUPERVISOR QUESTIONNAIRE

1401

Section IV to be completed by the prospective supervisor.

1402

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

1403

YES NO Have you ever been denied a license, registration, certificate, or credential to practice psychology or any other

1404

profession in any state or country? *If yes, please explain. You may use the License Disciplinary Action Form*

1405

(www.psychology.ca.gov/forms_pubs/disciplinary.pdf).

1406

Have you had a license, registration, certificate, or credential to practice psychology or any other profession

1407

or occupation subjected to discipline by any state or country? *If yes, please explain. You may use the*

1408

License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).

1409

Have you voluntarily surrendered a license, registration, certificate, or credential to practice psychology

1410

or any other profession or occupation in any state or country? *If yes, please explain. You may use the*

1411

License Disciplinary Action Form (www.psychology.ca.gov/forms_pubs/disciplinary.pdf).

1412

Have you ever been subject to review and/or action by the ethics committee of any professional organization

1413

in any state or country? *If yes, please explain. You may use the License Disciplinary Action Form*

1414

(www.psychology.ca.gov/forms_pubs/disciplinary.pdf).

1415

Have you completed the required six-hour course in supervision within the last two years as required by 16

1416

CCR 1387.1(b)?

1417

Do you rent, lease, sublease, or lease-purchase office space to the psychological associate?

1418

Do you have a familial and/or interpersonal relationship with the psychological associate?

1419

Will you provide a minimum of one hour per week of individual face-to-face supervision to the

1420

psychological associate? Will you inform clients that the psychological associate is unlicensed, and is under

1421

the direction and supervision of the supervisor as an employee, in person or in writing, prior to the

1422

rendering of services pursuant to 16 CCR 1387.1(g) and 1391.6?

1423

Will you be employed by the same work setting as the psychological associate and be available to the

1424

psychological associate 100 percent of the time the psychological associate is providing psychological

1425

services?

1426

SECTION V: ACKNOWLEDGEMENTS

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

1428

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

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understand by

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Initials

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

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

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

SECTION VI: SIGNATURES

1487
1488 We hereby certify that this relationship is that of supervisor/psychological associate as required
1489 by the Laws and
1490 Regulations Relating to the Practice of Psychology. We declare under penalty of perjury under
1491 the laws of the state of California that the information provided on this form is true and correct.
1492 We further declare that the supervisor of the psychological associate whose signature appears
1493 below is employed by the same work setting as the psychological associate and available to the
1494 psychological associate 100 percent of the time the psychological associate is providing
1495 psychological services. We further declare that the limited psychological functions performed by
1496 the psychological associate were performed at a level satisfactory to ensure safety to the public.

1497 Signature of Primary Supervisor Date

1498 Signature of Psychological Associate Date

1499 **Collection and Use of Personal Information**

1500 The Department of Consumer Affairs and the California Board of Psychology collect the
1501 information requested on this form as authorized by Business and Professions Code Sections
1502 325 and 326 and the Information Practices Act.

1503 **Mandatory Submission**

1504 Submission of the requested information is mandatory. The Board cannot consider your
1505 application for licensure or renewal unless you provide all of the requested information.

1506 **Access to Your Information**

1507 You may review the records maintained by the California Board of Psychology that contain your
1508 personal information, as permitted by the Information Practices Act. See contact information
1509 below.

1510 **Possible Disclosure of Personal Information**

1511 We make every effort to protect the personal information you provide us. However, we may
1512 need to share the information you give us with other government agencies. This may include
1513 sharing any personal information you gave us.

1514 The information you provide may also be disclosed in the following circumstances:

- 1515 • In response to a Public Records Act request, as allowed by the Information Practices Act;
1516 • To another government agency as required by state or federal law; or
1517 • In response to a court or administrative order, a subpoena, or a search warrant.

1518 **Contact Information**

1519 For questions about this notice or access to your records, you may contact the Executive Officer
1520 of the California

1521 Board of Psychology at 1625 North Market Boulevard, Suite N-215, Sacramento, CA 95834; by
1522 phone at (866)

1523 503-3221; or by email at boplicensing@dca.ca.gov. For questions about the
1524 Department of Consumer Affairs' (Department's) Privacy Policy, you may contact the
1525 Department at 1625 North Market Boulevard, Sacramento, CA 95834; by phone at
1526 (800) 952-5210; or by email at dca@dca.ca.gov.

1527
1528
1529 It was M/(Foo) S/(Tate)/ C to notice the modified text, including incorporated forms PSB
1530 100, Application for Registration as a Psychological Associate, and PSB 101, Notification
1531 to Add or Change a Supervisor or Service Location for a Psychological Associate, for a
1532 15-day public comment period. If, after the 15-day public comment period, no relevant
1533 timely adverse comments are received, adopt the amendments to Sections 1391.1,
1534 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, and 1392.1, including the
1535 incorporated forms, as modified, and authorize the Executive Officer to take all steps
1536 necessary to resubmit the rulemaking package to the Office of Administrative Law to
1537 complete the rulemaking process, including making any technical or non-substantive
1538 changes to the proposed regulations as necessary.

1539
1540 There was no Board or public comment offered.

1541
1542 Votes: 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate),
1543 1 Recusal (Nystrom), 0 Noes

1544
1545 **Agenda Item 17: Enforcement Committee Report and Consideration of Possible**
1546 **Action on Committee Recommendations**

- 1547
1548 a) Business and Professions Code (BPC) sections 2995-2999
1549 1) BPC section 2995 – Psychological corporation
1550 2) BPC section 2996 – Violation of unprofessional conduct
1551 3) BPC section 2996.1 – Conduct of practice
1552 4) BPC section 2996.2 – Accrual of income to shareholder while disqualified
1553 prohibited
1554 5) BPC section 2997 – Shareholders, directors and officers to be licensees
1555 6) BPC section 2998 – Name
1556 7) BPC section 2999 – Regulation by committee
1557

1558 Ms. Monterrubio provided this update which was included in the combined packet on page
1559 109.

1560

1561 There was no Board comment

1562

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129]

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

1566

CHAPTER 6.6. Psychologists [2900 - 2999]

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

1569

1570

ARTICLE 9. PSYCHOLOGICAL CORPORATIONS [2995 - 2999]

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

1573

1574

1575 **2995.**

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

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

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

1587

1588 **2996.**

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

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

1595

1596 **2996.1.**

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

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

1603

1604 **2996.2.**

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

1609 *(Repealed and added by Stats. 1980, Ch. 1314, Sec. 15.)*

1610

1611 **2997.**

1612 Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each
1613 shareholder, director and officer of a psychological corporation, except an assistant
1614 secretary and an assistant treasurer, shall be a licensed person as defined in Section
1615 13401 of the Corporations Code.

1616 *(Added by Stats. 1980, Ch. 1314, Sec. 15.)*

1617

1618 **2998.**

1619 The name of a psychological corporation and any name or names under which it may
1620 render professional services shall contain one of the words specified in subdivision (c)
1621 of Section 2902, and wording or abbreviations denoting corporate existence.

1622 *(Added by Stats. 1980, Ch. 1314, Sec. 15.)*

1623

1624 **2999.**

1625 The board may adopt and enforce regulations to carry out the purposes and objectives
1626 of this article, including regulations requiring (a) that the bylaws of a psychological
1627 corporation shall include a provision whereby the capital stock of that corporation owned
1628 by a disqualified person, as defined in Section 13401 of the Corporations Code, or a
1629 deceased person, shall be sold to the corporation or to the remaining shareholders of
1630 that corporation within any time as those regulations may provide, and (b) that a
1631 psychological corporation shall provide adequate security by insurance or otherwise for
1632 claims against it by its patients or clients arising out of the rendering of professional
1633 services.

1634 *(Amended by Stats. 1989, Ch. 888, Sec. 46.)*

1635

1636 It was M/(Harb Sheets)/S(Casuga)/C to accept the proposed changes in and direct to
1637 staff to seek an author.

1638

1639 There was no public comment offered.

1640

1641 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1642 Rodgers, Tate), 0 Noes

1643

1644 b) Corporations Code sections 13401-13410

1645 1) Corporations Code section 13401 – Definitions

1646 2) Corporations Code section 13401.3 – “Professional services”

1647 3) Corporations Code section 13401.5 – Licensees as shareholders, officers,
1648 directors, or employees.

1649 4) Corporations Code section 13402 – Corporation rendering services other
1650 than pursuant to this part; Conduct of business by corporation not
1651 professional corporation

1652 5) Corporations Code section 13403 – General Corporation Law; Applicability

1653 6) Corporations Code section 13404 – Formation; Certificate of registration

1654 7) Corporations Code section 13404.5 – Certificate of registration to transact
1655 intrastate business; Liability of shareholders

- 1656 8) Corporations Code section 13405 – License requirement for persons
1657 rendering professional services; Employment of nonlicensed personnel
1658 9) Corporations Code section 13406 – Professional corporations; Stock;
1659 Financial statements; Voting; Nonprofit law corporations
1660 10) Corporations Code section 13407 – Transfer of shares; Restriction;
1661 Purchase by corporation; Suspension or revocation of certificate
1662 11) Corporations Code section 13408 – Specification of grounds for suspension
1663 or revocation of certificate
1664 12) Corporations Code section 13408.5 – Fee splitting, kickbacks, or similar
1665 practices
1666 13) Corporations Code section 13409 – Name of corporations; Provisions
1667 governing
1668 14) Corporations Code section 13410 – Disciplinary rules and regulations
1669

1670 Ms. Monterrubio provided this update which was included in the hand carry on page 80.
1671

1672 There was no Board comment
1673

1674 **CORPORATIONS CODE - CORP**

1675 *TITLE 1. CORPORATIONS [100 - 14631]*

1676 *(Title 1 enacted by Stats. 1947, Ch. 1038.)*

1677 *DIVISION 3. CORPORATIONS FOR SPECIFIC PURPOSES [12000 - 14631]*

1678 *(Division 3 enacted by Stats. 1947, Ch. 1038.)*
1679

1680 **PART 4. PROFESSIONAL CORPORATIONS [13400 - 13410]**

1681 *(Part 4 added by Stats. 1968, Ch. 1375.)*
1682

1683 **13401.**

1684
1685 As used in this part:

1686 (a) "Professional services" means any type of professional services that may be lawfully
1687 rendered only pursuant to a license, certification, or registration authorized by the
1688 Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.

1689 (b) "Professional corporation" means a corporation organized under the General
1690 Corporation Law or pursuant to subdivision (b) of Section 13406 that is engaged in
1691 rendering professional services in a single profession, except as otherwise authorized in
1692 Section 13401.5, pursuant to a certificate of registration issued by the governmental
1693 agency regulating the profession as herein provided and that in its practice or business
1694 designates itself as a professional or other corporation as may be required by statute.

1695 However, any professional corporation or foreign professional corporation rendering
1696 professional services by persons duly licensed by the Medical Board of California or any
1697 examining committee under the jurisdiction of the board, the California Board of
1698 Podiatric Medicine, the Osteopathic Medical Board of California, the Dental Board of
1699 California, the Dental Hygiene Board of California, the California State Board of
1700 Pharmacy, the California Board of Psychology, the Veterinary Medical Board, the
1701 California Architects Board, the Court Reporters Board of California, the Board of
1702 Behavioral Sciences, the Speech-Language Pathology and Audiology Board, the Board
1703 of Registered Nursing, or the State Board of Optometry shall not be required to obtain a
1704 certificate of registration in order to render those professional services.

1705 (c) "Foreign professional corporation" means a corporation organized under the laws of
1706 a state of the United States other than this state that is engaged in a profession of a
1707 type for which there is authorization in the Business and Professions Code for the
1708 performance of professional services by a foreign professional corporation.

1709 (d) "Licensed person" means any natural person who is duly licensed under the
1710 provisions of the Business and Professions Code, the Chiropractic Act, or the
1711 Osteopathic Act to render the same professional services as are or will be rendered by
1712 the professional corporation or foreign professional corporation of which he or she is, or
1713 intends to become, an officer, director, shareholder, or employee.

1714 (e) "Disqualified person" means a licensed person who for any reason becomes legally
1715 disqualified (temporarily or permanently) to render the professional services that the
1716 particular professional corporation or foreign professional corporation of which he or she
1717 is an officer, director, shareholder, or employee is or was rendering.

1718 **13401.3.**

1719 As used in this part, "professional services" also means any type of professional
1720 services that may be lawfully rendered only pursuant to a license, certification, or
1721 registration authorized by the Yacht and Ship Brokers Act (Article 2 (commencing with
1722 Section 700) of Chapter 5 of Division 3 of the Harbors and Navigation Code).

1723
1724 **13401.5.**

1725 Notwithstanding subdivision (d) of Section 13401 and any other provision of law, the
1726 following licensed persons may be shareholders, officers, directors, or professional
1727 employees of the professional corporations designated in this section so long as the
1728 sum of all shares owned by those licensed persons does not exceed 49 percent of the
1729 total number of shares of the professional corporation so designated herein, and so long
1730 as the number of those licensed persons owning shares in the professional corporation
1731 so designated herein does not exceed the number of persons licensed by the
1732 governmental agency regulating the designated professional corporation. This section
1733 does not limit employment by a professional corporation designated in this section to
1734 only those licensed professionals listed under each subdivision. Any person duly
1735 licensed under Division 2 (commencing with Section 500) of the Business and
1736 Professions Code, the Chiropractic Act, or the Osteopathic Act may be employed to
1737 render professional services by a professional corporation designated in this section.

1738 (a) Medical corporation.

- 1739 (1) Licensed doctors of podiatric medicine.
- 1740 (2) Licensed psychologists.
- 1741 (3) Registered nurses.
- 1742 (4) Licensed optometrists.
- 1743 (5) Licensed marriage and family therapists.
- 1744 (6) Licensed clinical social workers.
- 1745 (7) Licensed physician assistants.
- 1746 (8) Licensed chiropractors.
- 1747 (9) Licensed acupuncturists.
- 1748 (10) Naturopathic doctors.
- 1749 (11) Licensed professional clinical counselors.
- 1750 (12) Licensed physical therapists.
- 1751 (13) Licensed pharmacists.
- 1752 (14) Licensed midwives.

1753 (b) Podiatric medical corporation.

- 1754 (1) Licensed physicians and surgeons.
- 1755 (2) Licensed psychologists.
- 1756 (3) Registered nurses.
- 1757 (4) Licensed optometrists.
- 1758 (5) Licensed chiropractors.
- 1759 (6) Licensed acupuncturists.
- 1760 (7) Naturopathic doctors.
- 1761 (8) Licensed physical therapists.
- 1762 (c) Psychological corporation.
- 1763 (1) Licensed physicians and surgeons.
- 1764 (2) Licensed doctors of podiatric medicine.
- 1765 (3) Registered nurses.
- 1766 (4) Licensed optometrists.
- 1767 (5) Licensed marriage and family therapists.
- 1768 (6) Licensed clinical social workers.
- 1769 (7) Licensed chiropractors.
- 1770 (8) Licensed acupuncturists.
- 1771 (9) Licensed naturopathic doctors.
- 1772 (10) Licensed professional clinical counselors.
- 1773 (11) Licensed midwives.
- 1774 (d) Speech-language pathology corporation.
- 1775 (1) Licensed audiologists.
- 1776 (e) Audiology corporation.
- 1777 (1) Licensed speech-language pathologists.
- 1778 (f) Nursing corporation.
- 1779 (1) Licensed physicians and surgeons.
- 1780 (2) Licensed doctors of podiatric medicine.
- 1781 (3) Licensed psychologists.
- 1782 (4) Licensed optometrists.
- 1783 (5) Licensed marriage and family therapists.
- 1784 (6) Licensed clinical social workers.
- 1785 (7) Licensed physician assistants.
- 1786 (8) Licensed chiropractors.
- 1787 (9) Licensed acupuncturists.
- 1788 (10) Naturopathic doctors.
- 1789 (11) Licensed professional clinical counselors.
- 1790 (12) Licensed midwives.
- 1791 (g) Marriage and family therapist corporation.
- 1792 (1) Licensed physicians and surgeons.
- 1793 (2) Licensed psychologists.
- 1794 (3) Licensed clinical social workers.
- 1795 (4) Registered nurses.
- 1796 (5) Licensed chiropractors.
- 1797 (6) Licensed acupuncturists.
- 1798 (7) Naturopathic doctors.
- 1799 (8) Licensed professional clinical counselors.
- 1800 (9) Licensed midwives.
- 1801 (h) Licensed clinical social worker corporation.
- 1802 (1) Licensed physicians and surgeons.

- 1803 (2) Licensed psychologists.
- 1804 (3) Licensed marriage and family therapists.
- 1805 (4) Registered nurses.
- 1806 (5) Licensed chiropractors.
- 1807 (6) Licensed acupuncturists.
- 1808 (7) Naturopathic doctors.
- 1809 (8) Licensed professional clinical counselors.
- 1810 (i) Physician assistants corporation.
 - 1811 (1) Licensed physicians and surgeons.
 - 1812 (2) Registered nurses.
 - 1813 (3) Licensed acupuncturists.
 - 1814 (4) Naturopathic doctors.
 - 1815 (5) Licensed midwives.
- 1816 (j) Optometric corporation.
 - 1817 (1) Licensed physicians and surgeons.
 - 1818 (2) Licensed doctors of podiatric medicine.
 - 1819 (3) Licensed psychologists.
 - 1820 (4) Registered nurses.
 - 1821 (5) Licensed chiropractors.
 - 1822 (6) Licensed acupuncturists.
 - 1823 (7) Naturopathic doctors.
- 1824 (k) Chiropractic corporation.
 - 1825 (1) Licensed physicians and surgeons.
 - 1826 (2) Licensed doctors of podiatric medicine.
 - 1827 (3) Licensed psychologists.
 - 1828 (4) Registered nurses.
 - 1829 (5) Licensed optometrists.
 - 1830 (6) Licensed marriage and family therapists.
 - 1831 (7) Licensed clinical social workers.
 - 1832 (8) Licensed acupuncturists.
 - 1833 (9) Naturopathic doctors.
 - 1834 (10) Licensed professional clinical counselors.
 - 1835 (11) Licensed midwives.
- 1836 (l) Acupuncture corporation.
 - 1837 (1) Licensed physicians and surgeons.
 - 1838 (2) Licensed doctors of podiatric medicine.
 - 1839 (3) Licensed psychologists.
 - 1840 (4) Registered nurses.
 - 1841 (5) Licensed optometrists.
 - 1842 (6) Licensed marriage and family therapists.
 - 1843 (7) Licensed clinical social workers.
 - 1844 (8) Licensed physician assistants.
 - 1845 (9) Licensed chiropractors.
 - 1846 (10) Naturopathic doctors.
 - 1847 (11) Licensed professional clinical counselors.
 - 1848 (12) Licensed midwives.
- 1849 (m) Naturopathic doctor corporation.
 - 1850 (1) Licensed physicians and surgeons.
 - 1851 (2) Licensed psychologists.

- 1852 (3) Registered nurses.
- 1853 (4) Licensed physician assistants.
- 1854 (5) Licensed chiropractors.
- 1855 (6) Licensed acupuncturists.
- 1856 (7) Licensed physical therapists.
- 1857 (8) Licensed doctors of podiatric medicine.
- 1858 (9) Licensed marriage and family therapists.
- 1859 (10) Licensed clinical social workers.
- 1860 (11) Licensed optometrists.
- 1861 (12) Licensed professional clinical counselors.
- 1862 (13) Licensed midwives.
- 1863 (n) Dental corporation.
 - 1864 (1) Licensed physicians and surgeons.
 - 1865 (2) Dental assistants.
 - 1866 (3) Registered dental assistants.
 - 1867 (4) Registered dental assistants in extended functions.
 - 1868 (5) Registered dental hygienists.
 - 1869 (6) Registered dental hygienists in extended functions.
 - 1870 (7) Registered dental hygienists in alternative practice.
- 1871 (o) Professional clinical counselor corporation.
 - 1872 (1) Licensed physicians and surgeons.
 - 1873 (2) Licensed psychologists.
 - 1874 (3) Licensed clinical social workers.
 - 1875 (4) Licensed marriage and family therapists.
 - 1876 (5) Registered nurses.
 - 1877 (6) Licensed chiropractors.
 - 1878 (7) Licensed acupuncturists.
 - 1879 (8) Naturopathic doctors.
 - 1880 (9) Licensed midwives.
- 1881 (p) Physical therapy corporation.
 - 1882 (1) Licensed physicians and surgeons.
 - 1883 (2) Licensed doctors of podiatric medicine.
 - 1884 (3) Licensed acupuncturists.
 - 1885 (4) Naturopathic doctors.
 - 1886 (5) Licensed occupational therapists.
 - 1887 (6) Licensed speech-language therapists.
 - 1888 (7) Licensed audiologists.
 - 1889 (8) Registered nurses.
 - 1890 (9) Licensed psychologists.
 - 1891 (10) Licensed physician assistants.
 - 1892 (11) Licensed midwives.
- 1893 (q) Registered dental hygienist in alternative practice corporation.
 - 1894 (1) Registered dental assistants.
 - 1895 (2) Licensed dentists.
 - 1896 (3) Registered dental hygienists.
 - 1897 (4) Registered dental hygienists in extended functions.
- 1898 (r) Licensed midwifery corporation.
 - 1899 (1) Licensed physicians and surgeons.
 - 1900 (2) Licensed psychologists.

- 1901 (3) Registered nurses.
- 1902 (4) Licensed marriage and family therapists.
- 1903 (5) Licensed clinical social workers.
- 1904 (6) Licensed physician assistants.
- 1905 (7) Licensed chiropractors.
- 1906 (8) Licensed acupuncturists.
- 1907 (9) Licensed naturopathic doctors.
- 1908 (10) Licensed professional clinical counselors.
- 1909 (11) Licensed physical therapists.

1910

13402.

1912 (a) This part shall not apply to any corporation now in existence or hereafter organized
1913 which may lawfully render professional services other than pursuant to this part, nor
1914 shall anything herein contained alter or affect any right or privilege, whether under any
1915 existing or future provision of the Business and Professions Code or otherwise, in terms
1916 permitting or not prohibiting performance of professional services through the use of any
1917 form of corporation permitted by the General Corporation Law.

1918 (b) The conduct of a business in this state by a corporation pursuant to a license or
1919 registration issued under any state law, except laws relating to taxation, shall not be
1920 considered to be the conduct of a business as a professional corporation if the business
1921 is conducted by, and the license or registration is issued to, a corporation which is not a
1922 professional corporation within the meaning of this part, whether or not a professional
1923 corporation could conduct the same business, or portions of the same business, as a
1924 professional corporation.

1925

13403.

1926 The provisions of the General Corporation Law shall apply to professional corporations,
1927 except where such provisions are in conflict with or inconsistent with the provisions of
1928 this part. A professional corporation which has only one shareholder need have only
1929 one director who shall be such shareholder and who shall also serve as the president
1930 and treasurer of the corporation. The other officers of the corporation in such situation
1931 need not be licensed persons. A professional corporation which has only two
1932 shareholders need have only two directors who shall be such shareholders. The two
1933 shareholders between them shall fill the offices of president, vice president, secretary
1934 and treasurer.

1936 A professional medical corporation may establish in its articles or bylaws the manner in
1937 which its directors are selected and removed, their powers, duties, and compensation.
1938 Each term of office may not exceed three years. Notwithstanding the foregoing, the
1939 articles or bylaws of a professional medical corporation with more than 200
1940 shareholders may provide that directors who are officers of the corporation or who are
1941 responsible for the management of all medical services at one or more medical centers
1942 may have terms of office, as directors, of up to six years; however, no more than 50
1943 percent of the members of the board, plus one additional member of the board, may
1944 have six-year terms of office.

1945

13404.

1946 A corporation may be formed under the General Corporation Law or pursuant to
1947 subdivision (b) of Section 13406 for the purposes of qualifying as a professional
1948 corporation in the manner provided in this part and rendering professional services. The
1949

1950 articles of incorporation of a professional corporation shall contain a specific statement
1951 that the corporation is a professional corporation within the meaning of this part. Except
1952 as provided in subdivision (b) of Section 13401, no professional corporation shall render
1953 professional services in this state without a currently effective certificate of registration
1954 Misc. issued by the governmental agency regulating the profession in which such
1955 corporation is or proposes to be engaged, pursuant to the applicable provisions of the
1956 Business and Professions Code or the Chiropractic Act expressly authorizing such
1957 professional services to be rendered by a professional corporation.
1958

1959 **13404.5.**

1960 (a) A foreign professional corporation may qualify as a foreign corporation to transact
1961 intrastate business in this state in accordance with Chapter 21 (commencing with
1962 Section 2100) of Division 1. A foreign professional corporation shall be subject to the
1963 provisions of the General Corporation Law applicable to foreign corporations, except
1964 where those provisions are in conflict with or inconsistent with the provisions of this part.
1965 The statement and designation filed by the foreign professional corporation pursuant to
1966 Section 2105 shall contain a specific statement that the corporation is a foreign
1967 professional corporation within the meaning of this part.

1968 (b) No foreign professional corporation shall render professional services in this state
1969 without a currently effective certificate of registration issued by the governmental
1970 agency regulating the profession in which that corporation proposes to be engaged,
1971 pursuant to the applicable provisions of the Business and Professions Code expressly
1972 authorizing those professional services to be rendered by a foreign professional
1973 corporation.

1974 (c) If the California board, commission, or other agency that prescribes the rules or
1975 regulations governing a particular profession either now or hereafter requires that the
1976 shareholders of the professional corporation bear any degree of personal liability for the
1977 acts of the corporation, either by personal guarantee or in some other form that the
1978 governing agency prescribes, the shareholders of a foreign corporation that has been
1979 qualified to do business in this state in the same profession shall, as a condition of
1980 doing business in this state, be subject, with regard to the rendering of professional
1981 services by the professional corporation in California, or for California residents, to the
1982 same degree of personal liability, if any, as is prescribed by the governing agency for
1983 shareholders of a California professional corporation rendering services in the same
1984 profession.

1985 (d) Each application by a foreign professional corporation to qualify to do business in
1986 this state shall contain the following statement: "The shareholders of the undersigned
1987 foreign professional corporation shall be subject, with regard to the rendering of
1988 professional services by the professional corporation in California, or for California
1989 residents, to the same degree of personal liability, if any, in California as is from time to
1990 time prescribed by the agency governing the profession in this state for shareholders in
1991 a California professional corporation rendering services in the same profession. This
1992 application accordingly constitutes a submission to the jurisdiction of the courts of
1993 California to the same extent, but only to the same extent, as applies to the
1994 shareholders of a California professional corporation in the same profession. The
1995 foregoing submission to jurisdiction is a condition of qualification to do business in this
1996 state."

1997 **13405.**

1999 (a) Subject to the provisions of Section 13404, a professional corporation may lawfully
2000 render professional services in this state, but only through employees who are licensed
2001 persons. The corporation may employ persons not so licensed, but such persons shall
2002 not render any professional services rendered or to be rendered by that corporation in
2003 this state. A professional corporation may render professional services outside of this
2004 state, but only through employees who are licensed to render the same professional
2005 services in the jurisdiction or jurisdictions in which the person practices. Nothing in this
2006 section is intended to prohibit the rendition of occasional professional services in
2007 another jurisdiction as an incident to the licensee's primary practice, so long as it is
2008 permitted by the governing agency that regulates the particular profession in the
2009 jurisdiction. Nothing in this section is intended to prohibit the rendition of occasional
2010 professional services in this state as an incident to a professional employee's primary
2011 practice for a foreign professional corporation qualified to render professional services
2012 in this state, so long as it is permitted by the governing agency that regulates the
2013 particular profession in this state.

2014 (b) Subject to Section 13404.5, a foreign professional corporation qualified to render
2015 professional services in this state may lawfully render professional services in this state,
2016 but only through employees who are licensed persons, and shall render professional
2017 services outside of this state only through persons who are licensed to render the same
2018 professional services in the jurisdiction or jurisdictions in which the person practices.
2019 The foreign professional corporation may employ persons in this state who are not
2020 licensed in this state, but those persons shall not render any professional services
2021 rendered or to be rendered by the corporation in this state.

2022 (c) Nothing in this section or in this part is intended to, or shall, augment, diminish or
2023 otherwise alter existing provisions of law, statutes or court rules relating to services by a
2024 California attorney in another jurisdiction, or services by an out-of-state attorney in
2025 California. These existing provisions, including, but not limited to, admission pro hac
2026 vice and the taking of depositions in a jurisdiction other than the one in which the
2027 deposing attorney is admitted to practice, shall remain in full force and effect.

2028

2029 **13406.**

2030 (a) Subject to the provisions of subdivision (b), shares of capital stock in a professional
2031 corporation may be issued only to a licensed person or to a person who is licensed to
2032 render the same professional services in the jurisdiction or jurisdictions in which the
2033 person practices, and any shares issued in violation of this restriction shall be void.
2034 Unless there is a public offering of securities by a professional corporation or by a
2035 foreign professional corporation in this state, its financial statements shall be treated by
2036 the Commissioner of Business Oversight as confidential, except to the extent that such
2037 statements shall be subject to subpoena in connection with any judicial or administrative
2038 proceeding, and may be admissible in evidence therein. A shareholder of a professional
2039 corporation or of a foreign professional corporation qualified to render professional
2040 services in this state shall not enter into a voting trust, proxy, or any other arrangement
2041 vesting another person (other than another person who is a shareholder of the same
2042 corporation) with the authority to exercise the voting power of any or all of the
2043 shareholder's shares, and any purported voting trust, proxy, or other arrangement shall
2044 be void.

2045 (b) A professional law corporation may be incorporated as a nonprofit public benefit
2046 corporation under the Nonprofit Public Benefit Corporation Law under either of the
2047 following circumstances:

2048 (1) The corporation is a qualified legal services project or a qualified support
2049 center within the meaning of subdivisions (a) and (b) of Section 6213 of the
2050 Business and Professions Code.

2051 (2) The professional law corporation otherwise meets all of the requirements and
2052 complies with all of the provisions of the Nonprofit Public Benefit Corporation
2053 Law, as well as all of the following requirements:

2054 (A) All of the members of the corporation, if it is a membership
2055 organization as described in the Nonprofit Corporation Law, are persons
2056 licensed to practice law in California.

2057 (B) All of the members of the professional law corporation's board of
2058 directors are persons licensed to practice law in California.

2059 (C) Seventy percent of the clients to whom the corporation provides legal
2060 services are lower income persons as defined in Section 50079.5 of the
2061 Health and Safety Code, and to other persons who would not otherwise
2062 have access to legal services.

2063 (D) The corporation shall not enter into contingency fee contracts with
2064 clients.

2065 (c) A professional law corporation incorporated as a nonprofit public benefit corporation
2066 that is a recipient in good standing as defined in subdivision (c) of Section 6213 of the
2067 Business and Professions Code shall be deemed to have satisfied all of the filing
2068 requirements of a professional law corporation under Sections 6161.1, 6162, and 6163
2069 of the Business and Professions Code.

2070

2071 **13407.**

2072 Shares in a professional corporation or a foreign professional corporation qualified to
2073 render professional services in this state may be transferred only to a licensed person,
2074 to a shareholder of the same corporation, to a person licensed to practice the same
2075 profession in the jurisdiction or jurisdictions in which the person practices, or to a
2076 professional corporation, and any transfer in violation of this restriction shall be void,
2077 except as provided herein. A professional corporation may purchase its own shares
2078 without regard to any restrictions provided by law upon the repurchase of shares, if at
2079 least one share remains issued and outstanding. If a professional corporation or a
2080 foreign professional corporation qualified to render professional services in this state
2081 shall fail to acquire all of the shares of a shareholder who is disqualified from rendering
2082 professional services in this state or of a deceased shareholder who was, on his or her
2083 date of death, licensed to render professional services in this state, or if such a
2084 disqualified shareholder or the representative of such a deceased shareholder shall fail
2085 to transfer said shares to the corporation, to another shareholder of the corporation, to a
2086 person licensed to practice the same profession in the jurisdiction or jurisdictions in
2087 which the person practices, or to a licensed person, within 90 days following the date of
2088 disqualification, or within six months following the date of death of the shareholder, as
2089 the case may be, then the certificate of registration of the corporation may be
2090 suspended or revoked by the governmental agency regulating the profession in which
2091 the corporation is engaged. In the event of such a suspension or revocation, the
2092 corporation shall cease to render professional services in this state.

2093 Notwithstanding any provision in this part, upon the death or incapacity of a dentist, any
2094 individual named in subdivision (a) of Section 1625.3 of the Business and Professions
2095 Code may employ licensed dentists and dental assistants and charge for their
2096 professional services for a period not to exceed 12 months from the date of death or

2097 incapacity of the dentist. The employment of licensed dentists and dental assistants
2098 shall not be deemed the practice of dentistry within the meaning of Section 1625 of the
2099 Business and Professions Code, provided that all of the requirements of Section 1625.4
2100 of the Business and Professions Code are met. If an individual listed in Section 1625.3
2101 of the Business and Professions Code is employing licensed persons and dental
2102 assistants, then the shares of a deceased or incapacitated dentist shall be Misc.
2103 transferred as provided in this section no later than 12 months from the date of death or
2104 incapacity of the dentist.

2105

2106 **13408.**

2107 The following shall be grounds for the suspension or revocation of the certificate of
2108 registration of a professional corporation or a foreign professional corporation qualified
2109 to render professional services in this state: (a) if all shareholders who are licensed
2110 persons of such corporation shall at any one time become disqualified persons, or (b) if
2111 the sole shareholder shall become a disqualified person, or (c) if such corporation shall
2112 knowingly employ or retain in its employment a disqualified person, or (d) if such
2113 corporation shall violate any applicable rule or regulation adopted by the governmental
2114 agency regulating the profession in which such corporation is engaged, or (e) if such
2115 corporation shall violate any statute applicable to a professional corporation or to a
2116 foreign professional corporation, or (f) any ground for such suspension or revocation
2117 specified in the Business and Professions Code relating to the profession in which such
2118 corporation is engaged. In the event of such suspension or revocation of its certificate of
2119 registration such corporation shall cease forthwith to render professional services in this
2120 state.

2121

2122 **13408.5**

2123 A professional corporation shall not be formed so as to cause any violation of law, or
2124 any applicable rules and regulations, relating to fee splitting, kick-backs, or other similar
2125 practices by physicians and surgeons or psychologists, including, but not limited to,
2126 Section 650 or subdivision (e) of Section 2960 of the Business and Professions Code. A
2127 violation of any such provisions shall be grounds for the suspension or revocation of the
2128 certificate of registration of the professional corporation. The Commissioner of Business
2129 Oversight or the Director of the Department of Managed Health Care may refer any
2130 suspected violation of those provisions to the governmental agency regulating the
2131 profession in which the corporation is, or proposes to be engaged.

2132

2133 **13409.**

2134 (a) Subject to Section 201, a professional corporation may adopt any name permitted by
2135 a law expressly applicable to the profession in which the corporation is engaged or by a
2136 rule or regulation of the governmental agency regulating that profession. The Secretary
2137 of State may require proof by affidavit or otherwise establishing that the name of the
2138 professional corporation complies with the requirements of this section and of the law
2139 governing the profession in which that professional corporation is engaged. The
2140 statements of fact in those affidavits may be accepted by the Secretary of State as
2141 sufficient proof of the facts.

2142 (b) Subject to Section 201, a foreign professional corporation qualified to render
2143 professional services in this state may transact intrastate business in this state by any
2144 name permitted by a law expressly applicable to the profession in which the corporation
2145 is engaged, or by a rule or regulation of the governmental agency regulating the

2146 rendering of professional services in this state by the corporation. The Secretary of
2147 State may require proof by affidavit or otherwise establishing that the name of the
2148 foreign professional corporation qualified to render professional services in this state
2149 complies with the requirements of this section and of the law governing the profession in
2150 which the foreign professional corporation qualified to render professional services in
2151 this state proposes to engage in this state. The statements of fact in those affidavits
2152 may be accepted by the Secretary of State as sufficient proof of the facts.

2153
2154 **13410.**

2155 (a) A professional corporation or a foreign professional corporation qualified to render
2156 professional services in this state shall be subject to the applicable rules and regulations
2157 adopted by, and all the disciplinary provisions of the Business and Professions Code
2158 expressly governing the practice of the profession in this state, and to the powers of, the
2159 governmental agency regulating the profession in which such corporation is engaged.
2160 Nothing in this part shall affect or impair the disciplinary powers of any such
2161 governmental agency over licensed persons or any law, rule or regulation pertaining to
2162 the standards for professional conduct of licensed persons or to the professional
2163 relationship between any licensed person furnishing professional services and the
2164 person receiving such services.

2165 (b) With respect to any foreign professional corporation qualified to render professional
2166 services in this state, each such governmental agency shall adopt rules, regulations,
2167 and orders as appropriate to restrict or prohibit any disqualified person from doing any
2168 of the following:

- 2169 (1) Being a shareholder, director, officer, or employee of the corporation.
- 2170 (2) Rendering services in any profession in which he or she is a disqualified
2171 person.
- 2172 (3) Participating in the management of the corporation.
- 2173 (4) Sharing in the income of the corporation.

2174
2175
2176 It was M/(Foo)/S(Tate)/C to approve the Committee's recommended changes to
2177 Corporations Code section 13401, 13401.5 C, Subsection 9 and direct to staff to seek an
2178 author for the proposed changes for inclusion in singular or omnibus legislation.

2179
2180 Public comment

2181
2182 Dr. Elizabeth Winkelman, CPA, asked whether there was currently an obligation to
2183 register a corporation with the Board.

2184
2185 Ms. Marks stated that there was not.

2186
2187 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
2188 Rodgers, Tate), 0 Noes

- 2189
2190 c) 16 CCR sections 1397.35-1397.40
- 2191 1) 16 CCR section 1397.35 – Requirements for Professional Corporations
- 2192 2) 16 CCR section 1397.37 – Shares: Ownership and Transfer
- 2193 3) 16 CCR section 1397.39 – Corporate Activities
- 2194 4) 16 CCR section 1397.40 – Trusts

2195
2196 Ms. Monterrubio provided this update which was included in the hand carry on page 97.
2197

2198 **CALIFORNIA CODE OF REGULATIONS**

2199 *TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS*

2200 DIVISION 13.1. BOARD OF PSYCHOLOGY

2201 ARTICLE 8. RULES OF PROFESSIONAL CONDUCT [1397.35 - 1397.40]
2202

2203 **1397.35. Requirements for Professional Corporations.**

2204 A professional corporation shall comply with the following provisions:

2205 (a) The corporation is organized and exists pursuant to the general corporation law and
2206 is a professional corporation within the meaning of the Moscone-Knox Professional
2207 Corporation Act (Part 4, Division 3, Title 1 of the Corporations Code).

2208 (b) Each shareholder, director and officer (except as provided in Section 13403 of the
2209 Corporations Code and Section 2997 of the Code) holds a valid psychology license;
2210 provided that, a licensed physician and surgeon, podiatrist, marriage, and family, ~~and~~
2211 ~~child counselor therapist~~, licensed clinical social worker, chiropractor, optometrist, ~~or~~
2212 registered nurse, acupuncturist, naturopathic doctor, licensed professional clinical
2213 counselor, or licensed midwife may be a shareholder, director or officer of a psychology
2214 corporation so long as such licensees own no more than 49% of the total shares issued
2215 by the psychology corporation and the number of licensed physician and surgeons,
2216 podiatrists, marriage, and family, ~~and child counselors therapists~~, licensed clinical social
2217 workers, chiropractors, optometrists, ~~or~~ registered nurses, acupuncturists, naturopathic
2218 doctors, licensed professional clinical counselors, or licensed midwives owning shares
2219 in the psychology corporation does not exceed the number of psychologists owning
2220 shares in such a corporation. A psychologist may be a shareholder in more than one
2221 psychology corporation.

2222 ~~(c)~~ Each professional employee of the applicant who will practice psychology, podiatry,
2223 medicine, marriage, and family and child counseling therapy, clinical social work,
2224 chiropractic, optometry or professional nursing, whether or not a shareholder, director or
2225 officer, holds a valid license.
2226

2227 **1397.37. Shares: Ownership and Transfer.**

2228 (a) Where there are two or more shareholders in a psychology corporation and one of
2229 the shareholders:

2230 (1) Dies; or

2231 (2) Becomes a disqualified person as defined in Section 13401(d) of the Corporations
2232 Code, ~~his or her~~ their shares shall be sold and transferred to the corporation, its
2233 shareholders or other eligible licensed persons on such terms as are agreed upon.

2234 Such sale or transfer shall not be later than six (6) months after any such death and
2235 ninety (90) days after the shareholder becomes a disqualified person. The requirements
2236 of this subsection shall be set forth in the psychology corporation's articles of
2237 incorporation or bylaws.

2238 (b) A corporation and its shareholders may, but need not, agree that shares sold to it by
2239 a person who becomes a disqualified person may be resold to such person if and when
2240 ~~he or she~~ they again becomes an eligible shareholder.

2241 (c) The share certificates of a psychology corporation shall contain an appropriate
2242 legend setting forth the restrictions of subsection (a).

2243 (d) Nothing in these regulations shall be construed to prohibit a psychology corporation
2244 from owning shares in a nonprofessional corporation.

2245
2246 **1397.39. Corporate Activities.**

2247 (a) A psychology corporation may perform any act authorized in its articles of
2248 incorporation or bylaws so long as that act is not in conflict with or prohibited by these
2249 rules, the Psychology Licensing Law, the Medical Practice Act, the Optometry Law, **or**
2250 the Nursing Practice Act or the regulations adopted pursuant thereto.

2251 (b) A psychology corporation may enter into partnership agreements with other
2252 psychologists practicing individually or in a group or with other psychology corporations.

2253
2254 **1397.40. Trusts.**

2255 The restrictions on the ownership of the shares of psychology corporations shall apply
2256 to both the legal and equitable title to such shares.

2257
2258
2259 It was M/(Phillips)/S(Foo)/C the Board approve for noticing the proposed regulatory text
2260 to amend Title 16, California Code of Regulations, Section 1397.35, regarding
2261 Requirements for Professional Corporations once legislative updates are made to the
2262 Corporation Code and to Business and Professions Code as directed in Agenda Item
2263 17(a) and (b). Direct staff to submit the text and related documents to the Director of the
2264 Department of Consumer Affairs and the Business, Consumer Services, and Housing
2265 Agency for review and, upon approval, authorize the Executive Officer to take all steps
2266 necessary to initiate the rulemaking process, make any non-substantive or technical
2267 changes to the package, and set the matter for a hearing only if requested. If no
2268 comments requiring Board response are received during the 45-day public comment
2269 period and no hearing is requested, adopt the proposed text of Section 1397.35 as
2270 noticed and authorize the Executive Officer to take all necessary steps to complete the
2271 rulemaking.

2272
2273 Discussion ensued including language modifiers that had been made at different points
2274 and the distance in the future that the rulemaking process would start. It was also
2275 discussed that there would be opportunity to make changes with opportunities for public
2276 comment.

2277
2278 There was no public comment offered.

2279
2280 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
2281 Rodgers, Tate), 0 Noes

2282
2283 d) Probation Overview

- 2284 1) 16 CCR section 1395.2 – Disciplinary Guidelines and Uniform Standards
2285 Related to Substance-Abusing Licensees: Review and Consider Draft
2286 Language Clarifying Interpretation of Duration of Weekly Psychotherapy
2287 Probation Condition

2288
2289 Mr. Lavarello provided this presentation.

2290

2291 Discussion ensued on the number of probationers that completed probation successfully
2292 and how many stop practicing.

2293
2294 Ms. Monterrubio provided context to the process of probation and general information
2295 about license surrender and revocation. She stated that most probationers complete
2296 probation successfully and gave context on tolled probation, historically.

2297
2298 Mr. Foo asked for context on types of substance tests that probationers may be subject
2299 to.

2300
2301 Discussion ensued on testing. Ms. Sorrick asked for a vendor for testing to come to a two-
2302 day Board meeting to present on testing.

2303
2304 Discussion ensued on what constituted a therapeutic hour due to a question that had
2305 come up in an Enforcement Committee meeting in relation to the requirement that a
2306 probationer attend one-hour therapy sessions. Board members determined 45-50
2307 minutes meets the standard.

2308
2309 Heather Hoganson commented that the Board had looked at the disciplinary guidelines a
2310 number of times and made some suggested language changes to the model language
2311 paragraph. She stated that an addition could be made to direct staff to further amend the
2312 paragraph to specify with a parenthetical that for the purposes of the section, a therapeutic
2313 hour equals a minimum of 45 minutes to allow for clarity in the decision language.

2314
2315 Ms. Sorrick recommended the Board codify to add the suggested parenthetical to
2316 regulatory package.

2317
2318 M/(Phillips)/S(Casuga)/C to direct staff to amend Condition 6 of the Optional Terms and
2319 Conditions in the Board's Disciplinary Guidelines as revised April 2015, and incorporated
2320 in 16 CCR 1395.2, to specify that a therapeutic hour equals a minimum of 45 minutes.

2321
2322 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
2323 Rodgers, Tate), 0 Noes

2324
2325 **Agenda Item 18: Review and Propose Edits to Board Publication, "For Your Peace**
2326 **of Mind – A Consumer's Guide to Psychological Services"**

2327
2328 Mr. Burke presented this item.

2329
2330 Minor edits were made and Drs. Casuga, Harb Sheets and Phillips provided their edits
2331 which were recorded by Mr. Gage.

2332
2333 Dr. Winkelman, CPA, offered a small edit, which was made.

2334
2335 It was M/(Harb Sheets)/S(Rodgers)/C to accept the document as edited.

2336
2337 There was no Board or public comment offered.

2338
2339 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,

2340 Rodgers, Tate), 0 Noes

2341

2342

2343 **Agenda Item 19: Review and Propose Edits to Draft Survey Questions to Assess**

2344 **Barriers to Telehealth**

2345

2346 Mr. Burke presented this item.

2347

2348 Minor edits were made which were captured by Mr. Gage.

2349

2350 It was M/(Foo)/S(Casuga) to approve the attached document with edits and delegate to
2351 staff the ability to make technical and non-substantive changes.

2352

2353 There was no further board or public comment offered.

2354

2355 Votes: 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
2356 Rodgers, Tate), 0 Noes

2357

2358 **Agenda Item 20: Recommendations for Agenda Items for Future Board Meetings.**

2359

2360 Dr. Tate introduced this item.

2361

2362 Discussion ensued regarding the potential for a presentation from the Department of
2363 Health Care Access and Information which was noted for a future agenda.

2364

2365 **ADJOURNMENT**

2366

2367 The meeting adjourned at 4:35 p.m.

2368

2369