

August 18, 2023, Board Meeting Minutes

Primary Location (members/staff):

Department of Consumer Affairs
1625 N. Market Blvd., El Dorado Room
Sacramento, CA 95834
(916) 574-7720

Teleconference Locations / Additional Locations at Which the Public May Observe or Address the Board:

Elihu M Harris Building
1515 Clay Street, Fl. 2, Room 15
Oakland, CA 94612
(510) 622-2564

8920 Wilshire Blvd., Ste. 334
Beverly Hills, CA 90211
(310) 275-4194

TriCentre Building
333 S. Anita Drive, Room D
Orange, CA 92868
(916) 263-9725

12803 Pimpernel Way
San Diego, CA 92129
(619) 993-4186

2888 Eureka Way, Ste. 200
Redding, CA 96001
(530) 225-8710

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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
Stephanie Cheung, Licensing Manager
Cynthia Whitney, Central Services Manager
Sandra Monterrubio, Enforcement Program Manager
Liesel McCockran, CPD/Renewals Coordinator
Troy Polk, Legislative and Regulatory Analyst
Curtis Gardner, Central Services Analyst
Lavinia Snyder, Examination Coordinator

24 Mai Xiong, Licensing/BreEZe Coordinator
25 Sarah Proteau, Central Services Office Technician
26 Anthony Pane, Board Counsel
27 Karen Halbo, Regulatory Counsel

28

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

30

31 The meeting was called to order at 9:05 a.m., roll was called, and a quorum established.
32 President Tate welcomed Board Counsel Anthony Pane who stated his appreciation for
33 the welcome.

34

35 Ms. McCockran provided information regarding CPD credit for the meeting.

36

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

38

39 President Tate welcomed all participants and provided some housekeeping items as to
40 the meeting schedule and introduced Ms. Sorrick.

41

42 a) Swearing in Reappointed Board Members (A. Sorrick/L. Tate)

43

44 Ms. Sorrick swore in Dr. Tate for her reappointment.

45

46 b) Mindfulness Exercise (S. Rodgers)

47

48 Dr. Rodgers provided a mindfulness exercise.

49

50 There was no Board or public comment offered on item 2.

51

52 **Agenda Item 3: Public Comment for Items Not on the Agenda. Note: The Board**
53 **May Not Discuss or Take Action on Any Matter Raised During this Public**
54 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**
55 **of a Future Meeting [Government Code sections 11125 and 11125.7(a)].**

56

57 Timothy Legg provided comment regarding Continuing Professional Development
58 (CPD) option 4 and opined that it created a two-tiered system.

59

60 There was no further public comment offered.

61

62 **Agenda Item 4: Discussion and Possible Approval of the Board Meeting Minutes:**
63 **May 19, 2023 (C. Whitney)**

64

65 Dr. Tate presented this item.

66

67 It was M/(Harb Sheets)/S(Nystrom)/C to approve the May 19, 2023, Board Meeting
68 Minutes.

69

70 There was no Board or public comment offered.

71

72 Vote

73

74 7 Ayes (Casuga, Foo, Harb Sheets, Nystrom, Phillips, Rodgers, Tate), 0 Noes, 1
75 Abstention (Cervantes)

76

77 **Agenda Item 5: President's Report (L. Tate)**

78

79 a) Meeting Calendar

80

81 Dr. Tate referenced the meeting calendar which was included in the meeting materials
82 on page 24.

83

84 b) Overview of 2024-28 Strategic Plan Process (SOLID)

85

86 Trisha St. Clair presented this item.

87

88 Dr. Tate thanked Ms. St. Clair for her overview and stated that she was looking forward
89 to participating in the process.

90

91 Dr. Rodgers echoed the thanks to Ms. St. Clair.

92

93 Mr. Foo presented a question about the recent supreme court changes related to
94 affirmative action and college admissions and asked if any effects could be anticipated
95 in regard to the strategic plan.

96

97 Mr. Pane stated that DCA had no official statement but that he would discuss with legal
98 and come back to the Board with more information.

99

100 Item 7, DCA update was taken next in the interest of time.

101

102 **Agenda Item 7: DCA Update**

103

104 Dr. Tate introduced Judie Bucciarelli.

105

106 Ms. Bucciarelli provided this update which included an update on Bagley Keene/SB 544
107 and requirements of different trainings for Board members.

108

109 Dr. Rodgers asked if there would be a post training survey to measure the impact of the
110 trainings within DCA.

111

112 Ms. Bucciarelli replied that she would investigate the question and communicate with
113 Board staff.

114

115 Ms. Rescate made comment that she was now present at the meeting at the Oakland
116 location.

117

118 There was no public comment offered.

119

120 Dr. Tate administered the Oath to Ms. Rescate as she was present.

121

122 There was no Board or public comment offered.

123

124 **Agenda Item 6: Executive Officer's Report (A. Sorrick)**

125

126 a) Personnel Update

127 b) Barriers to Telehealth Survey Results

128

129 This item was not discussed in the interest of time but was included in the meeting
130 materials beginning on page 25.

131

132 **Agenda Item 8: Health Care Access and Information (HCAI) Presentation – Loan**
133 **Repayment Program Update, Update Related to Education Capacity Expansion**
134 **Programs, and Updates on Social Work Initiatives and Funding Sources Not**
135 **Available to Psychologists (C. Rizell)**

136

137 Ms. Crouch provided this presentation. The PowerPoint slides were included in the
138 meeting materials beginning on page 477.

139

140 Dr. Harb Sheets thanked Ms. Crouch for the presentation and asked for examples of
141 why someone would not accept the award.

142

143 Ms. Crouch stated it typically would have been related to an applicant having applied for
144 more than one program and they may have already accepted another program.

145

146 Discussion ensued on various programs that may be available to people.

147

148 Ms. Nystrom asked about technical support availability for applicants. Ms. Crouch stated
149 that technical support was available.

150

151 Dr. Cervantes asked about the funding structure for this program and whether data was
152 collected on how these programs were helping with the mental health shortages.

153

154 Ms. Crouch stated the funding structure had changed and that less awards were
155 available. She stated that a lot of data is collected and analyzed to get help where it is
156 needed.

157

158 Dr. Rodgers asked about that possibility for information related to these programs being
159 shared with our licensees.

160

161 Discussion ensued on how to provide information on these programs including mentions
162 of the Board on the posts that HCAI make on social media to allow for greater ease of
163 communication.

164

165 Public comment

166

167 Mr. Khosrovian, HCAI, provided further information about funding and historical context.

168
169 Dr. Melodie Schaefer, asked about funding and how to get in contact with HCAI to be
170 able to provide information for their members.

171
172 Mr. Khosrovian and Ms. Crouch provided ways to contact HCAI.

173
174 It was clarified that the PowerPoint slides were included in the meeting materials and
175 were available on the Board of Psychology website for the meeting.

176
177 There was no further public comment offered.

178
179 **Agenda Item 9: Presentation Regarding Mental Health Service Support for**
180 **Students in Graduate Programs in Psychology (G. Newman, Dean, The Wright**
181 **Institute)**

182
183 Dr. Newman presented this item. The slides were included in the hand carry materials.

184
185 Discussion ensued on a possible collaboration to help with mental health and provide
186 continuing professional development options for licensees.

187
188 Dr. Phillips commented about cost and supervision and provided some thoughts on
189 options about providing access to mental health services for graduate students.

190
191 Discussion ensued regarding mental health services for students in higher education
192 and the difficulties of finding providers. Different options were discussed beyond
193 individual psychotherapy like mindfulness training, meditation, and self-compassion.

194
195 Dr. Newman agreed it was good to reach out to various organizations that would include
196 different types of services.

197
198 Public comment

199
200 Heidi Rotheim stated her support for the program.

201
202 Ms. Sorrick stated that slides would be available on the Board website and a note that if
203 anyone would like to participate to volunteer time, they would have to have an active
204 license.

205
206 Dr. Melodie Schafer provided comment that Covered California may cover some cost
207 for services if graduate students qualified.

208
209 Discussion ensued regarding Covered California and Medi-Cal.

210
211 There was no further Board or public comment offered.

212
213 **Agenda Item 10: Budget Report (J. Burke)**

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215 This item was not taken up in the interest of time.

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Agenda Item 11: Organizational Improvement Office – Internal Process Improvement Review of Licensing, Central Services, and Enforcement Units – Status and Improvements Identified (J. Burke)

Mr. Burke provided a verbal update to this item with no action required.

There was no Board or public comment offered.

Agenda Item 12: Enforcement Report (S. Monterrubio)

This item was not taken up in the interest of time.

Agenda Item 13: Legislative and Regulatory Affairs Committee Report and Consideration of Committee Recommendations (Cervantes – Chairperson, Casuga, Phillips)

Dr. Cervantes provided this update.

a) Board-Sponsored Legislation

Dr. Cervantes provided this update which was included in the meeting materials beginning on page 499. This was provided as informational only with no action required.

- 1) SB 816 (Roth) Professions and Vocations - Fee Schedule
- 2) SB 887 (Senate Committee on Business, Professions and Economic Development) Suicide Risk Assessment and Intervention Coursework and Aging and Long-Term Care Coursework: Business and Professions Code sections 2915.4 and 2915.5

b) Review of Bills for Active Position Recommendations

- 1) AB 282 (Aguiar-Curry) Psychologists: licensure

Dr. Cervantes introduced this item which was included in the meeting materials beginning on page 681 with an additional document included in the hand carry.

Mr. Polk provided an update to AB 282 (Aguiar Curry) and the staff recommendation to remove the position from Oppose Unless Amended and move to a position of Support.

It was M/(Phillips)/S(Harb Sheets)/C sheets to remove current Oppose Unless Amended position and move to Support AB 282 (Aguiar Curry).

Ms. Nystrom recused herself from voting due to her position with the senate.

Public comment

Jen Alley, California Psychological Association (CPA), stated appreciation for the change to Support position.

264 Dr. Elizabeth Winkelman, CPA, echoed the above comment of appreciation.
265
266 Dr. Melodie Schaefer, CPA, echoed the above comments of appreciation.
267
268 Vote:
269
270 6 Ayes (Cervantes, Foo, Harb Sheets, Phillips, Rodgers, Tate), 0 Noes, 1 Recusal
271 (Nystrom)
272
273 Note: Audio issues at the Oakland location where Dr. Casuga and Ms. Rescate were
274 present prevented them from voting on this item.
275
276 2) AB 665 (Carrillo) Minors: consent to mental health services
277
278 Dr. Cervantes introduced this item which was included in the meeting materials
279 beginning on page 692.
280
281 Mr. Polk presented this item and the staff recommendation that the Board discuss and
282 consider a position on AB 665 (Carrillo)
283
284 It was M/(Harb Sheets)/S(Tate)/C to Support AB 665 (Carrillo).
285
286 There was no Board comment offered.
287
288 Public comment
289
290 Jennifer Alley, CPA, stated support of the Bill.
291
292 Vote:
293
294 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0
295 Noes, 1 Recusal (Nystrom)
296
297 3) AB 883 (Mathis) Business Licenses: U.S. Department of Defense SkillBridge
298 program
299
300 Dr. Cervantes introduced this item which was included in the meeting materials
301 beginning on page 717 with no action required.
302
303 4) SB 331 (Rubio) Child custody: child abuse and safety
304
305 Dr. Cervantes introduced this item which was included in the meeting materials
306 beginning on page 724.
307
308 Mr. Polk presented this item and the Committee recommendation of a Support position.
309
310 It was M/(Phillips)/S(Harb Sheets)/C to Support SB 331 (Rubio).
311

312 There was no Board comment offered.

313

314 Public comment

315

316 Jennifer Alley, CPA, provided comment that there was a letter included in the materials
317 from CPA regarding this Bill.

318

319 Elizabeth Winkelman, CPA, echoed the above comment and stated belief that the Bill
320 had been drafted in an overly broad way and that she was working with the author's
321 office to make this a 2-year bill.

322

323 Dr. Andrea Davis stated support of the concept of moving to a 2-year bill.

324

325 Dr. Melodie Schaefer echoed the above comments.

326

327 Board discussion ensued regarding language of the Bill.

328

329 Dr. Phillips provided comment that the Bill as written could make a significant positive
330 impact on the issues that he has seen for several years and force the judiciary and
331 other people associated with the courts to have training in the area of abuse.

332

333 Dr. Casuga agreed with comments of Dr. Phillips.

334

335 There was no further Board or public comment offered.

336

337 Vote:

338

339 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate) 0
340 Noes, 1 Recusal (Nystrom)

341

342 5) AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-
343 interest policy

344

345 Dr. Cervantes introduced this item which was included in the meeting materials
346 beginning on page 755 and was provided for information only, with no action required.

347

348 6) SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records:
349 name and gender changes

350

351 Dr. Cervantes introduced this item which was included in the meeting materials
352 beginning on page 764.

353

354 Mr. Polk presented this item and the Committee recommendation the Board remove its
355 opposition and continue to watch the bill.

356

357 Dr. Casuga asked the Board to consider a position of Support as the previous concerns
358 had been addressed which was agreed to by Mr. Foo.

359

360 It was M/(Foo)/S(Casuga to Support SB 372 (Menjivar).
361
362 There was no Board comment offered.
363
364 Public comment
365
366 Jennifer Alley, CPA, stated appreciation for support of this Bill.
367
368 Dr. Andrea Davis echoed appreciation noted above.
369
370 Dr. Marilyn Immoos, CDCR, echoed comments above.
371
372 There was no further public comment offered.
373
374 Vote:
375
376 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0
377 Noes, 1 Recusal (Nystrom)
378
379 7) SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
380
381 Dr. Cervantes introduced this item which was included in the meeting materials
382 beginning on page 784.
383
384 Mr. Polk provided background information and the recommendation to Support if
385 Amended position.
386
387 It was M/(Harb Sheets)/S(Tate)/C to Support SB 544 (Laird) if Amended.
388
389 There was no Board comment offered.
390
391 Public comment
392
393 Dr. Marilyn Immoos, CDCR, stated support of this Bill as modified.
394
395 There was no further public comment offered.
396
397 Vote
398
399 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate) 0
400 Noes, 1 Recusal (Nystrom)
401
402 8) SB 815 (Roth) Healing Arts
403
404 Dr. Cervantes introduced this item which was included in the meeting materials
405 beginning on page 799.
406

407 Mr. Polk provided background information and the recommendation to Support SB 815
408 (Roth).

409
410 It was M/(Harb Sheets)/S(Phillips) to change the Boards position from Support if
411 Amended to Support if the fee discrepancy in the language was corrected.

412
413 Discussion ensued about the cost involved and it was anticipated to be a cost neutral
414 situation.

415
416 Dr. Phillips and Mr. Foo volunteered to be on an Ad Hoc committee to investigate
417 various aspects of the Research Psychoanalyst registration.

418
419 There was no further Board and no public comment offered.

420
421 Vote:

422
423 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0
424 Noes, 1 Recusal (Nystrom)

425
426 c) Watch Bills

427
428 Dr. Cervantes stated that these items are primarily informational only and are included
429 in the meeting materials beginning on page 885.

430
431 It was determined that the Board would discuss item 13(c)(7) SB 805 (Portantino).

- 432
433 1) AB 248 (Mathis) Individuals with intellectual or developmental disabilities: The Dignity
434 for All Act
435 2) AB 1163 (Rivas) State forms: gender identity
436 3) AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on
437 another state's law
438 4) SB 58 (Weiner) Controlled substances: decriminalization of certain hallucinogenic
439 substances
440 5) SB 373 (Menjivar) Board of Behavioral Sciences, Board of Psychology, and Medical
441 Board of California: licensee's and registrants' addresses
442 6) SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.
443 7) SB 805 (Portantino) Health care coverage: pervasive developmental disorders or
444 autism

445
446 Mr. Polk provided this update and Mr. Burke provided some more background
447 information.

448
449 The Board would continue to monitor the Bill for additional amendments.

450
451 It was M/(Phillips)/S(Casuga) to support SB 805 (Portantino).

452
453 Discussion ensued regarding positive potential aspects of this Bill including more
454 access to care for consumers, additional modalities to be used in the treatment of

455 autism, and less antiquated language related to the terms about individuals with
456 intellectual and developmental disabilities.

457
458 Public comment

459
460 Dr. Andrea Davis stated support for this Bill.

461
462 Jennifer Alley, CPA, echoed support for this Bill.

463
464 Vote:

465
466 8 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0
467 Noes, 1 Recusal (Nystrom)

468
469 d) Legislative Items for Future Meeting. The Board May Discuss Other Items of
470 Legislation in Sufficient Detail to Determine Whether Such Items Should be on a
471 Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the
472 Board to Discuss Such Items Pursuant to Government Code section 11125.4.

473
474 Dr. Cervantes introduced this item.

475
476 There was no Board or public comment offered.

477
478 **Agenda Item 14: Regulatory Update, Review, and Consideration of Additional**
479 **Changes (M. Cervantes)**

480
481 Dr. Cervantes stated that only 14(a) and 14(b) would be addressed in the interest of
482 time. These items were included in the meeting materials beginning on page 985.

483
484 a) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Associates
485 Registration and Reactivating a Psychological Associate Registration

486
487 Mr. Gardner provided this information and the recommendation to Move to approve the
488 proposed regulatory text for 16 CCR sections 1391.13 and 1391.14 as amended, direct
489 staff to submit the text to the Director of the Department of Consumer Affairs and the
490 Business, Consumer Services, and Housing Agency for review, authorize the Executive
491 Officer to take all steps necessary to initiate the rulemaking process, make any non-
492 substantive changes to the package, and set the matter for a hearing if requested. If no
493 adverse comments are received during the 45-day comment period and no hearing is
494 requested, authorize the Executive Officer to take all steps necessary to complete the
495 rulemaking and adopt the proposed regulations at Sections 1391.13 and 1391.14 as
496 noticed.

497
498 Discussion ensued from Ms. Halbo about putting some guidelines or boundaries on the
499 amount of time that an applicant could put their registration in inactive status.

500
501 Different amounts of time were discussed and the existing time limit of supervised
502 professional experience (SPE) for an applicant was brought into the conversation.

503 After discussion it was decided to change line 37 to “a psychological associate
504 registration shall not remain on inactive status cumulatively more than 30 months.”
505

506 It was M/Harb Sheets S/Phillips/C to approve the proposed regulatory text for 16 CCR
507 sections 1391.13 and 1391.14 as amended, as just read into the record, direct staff to
508 submit the text to the Director of the Department of Consumer Affairs and the Business,
509 Consumer Services, and Housing Agency for review, authorize the Executive Officer to
510 take all steps necessary to initiate the rulemaking process, make any non-substantive
511 changes to the package, and set the matter for a hearing if requested. If no adverse
512 comments are received during the 45-day comment period and no hearing is requested,
513 authorize the Executive Officer to take all steps necessary to complete the rulemaking
514 and adopt the proposed regulations at Sections 1391.13 and 1391.14 as noticed.
515

516 Vote:

517
518 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers,
519 Tate), 0 Noes
520

521 The language to be reviewed was, as follows:
522

523 **DEPARTMENT OF CONSUMER AFFAIRS**

524 **Title 16. BOARD OF PSYCHOLOGY**

525 **PROPOSED REGULATORY LANGUAGE**

526 **Inactive Status of Psychological Associate Registration**

527
528 **Legend:** Added text is indicated with an underline.

529 Deleted text is indicated by ~~strikeout~~

530
531 **Adopt Section 1391.13 of Article 5.1 of Division 13.1 of Title 16 of the California**
532 **Code of Regulations to read:**
533

534 **§1391.13. Inactive Status of Psychological Associate Registration.**
535

536 (a) A psychological associate holding a valid registration may request that the Board
537 place their registration on inactive status. A request for inactive status shall result in all
538 primary supervisors, as defined in section 1387.1, associated with the registration being
539 disassociated.
540

541 (b) A psychological associate registration shall be placed on inactive status if the
542 psychological associate does not have a primary supervisor.
543

544 (c) A psychological associate registration on inactive status shall retain the same annual
545 renewal date, and to remain valid, shall be renewed annually pursuant to section
546 1391.12 and there shall not be a fee charged.
547

548 (d) A psychological associate shall not provide psychological services while their
549 psychological associate registration is on inactive status.

550
551 (e) Time periods during which a psychological associate registration is on inactive
552 status shall not apply toward the limitation of registration period set forth in section
553 1391.1(b). Accrual of supervised professional experience shall occur within the time
554 limitations set forth in section 1387(a).

555
556 (f) A psychological associate registration shall not remain on inactive status more than x
557 number of months/years, and cumulatively no for more than a number of thirty
558 months/years.

559
560 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
561 Reference: Sections 2913 and 2914, Business and Professions Code.

562
563 **Adopt Section 1391.14 of Article 5.1 of Division 13.1 of Title 16 of the California**
564 **Code of Regulations to read:**

565
566 **§1391.14. Reactivating A Psychological Associate Registration.**

567
568 A psychological associate registration that has been placed on inactive status pursuant
569 to section 1391.13 will be returned to active status upon approval by the Board or its
570 designee of a notification to add a primary supervisor pursuant to section 1391.11 (a).

571
572 Note: Authority cited: Sections 2913 and 2930, Business and Professions Code.
573 Reference: Section 2913, Business and Professions Code.

574
575 #####

576
577 b) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to
578 Substance-Abusing Licensees

579
580 Dr. Cervantes introduced this item which was included in the meeting materials
581 beginning on page 992.

582
583 Ms. Sorrick provided background information. The language was reviewed, and edits
584 were made.

585
586 The language to be reviewed was, as follows:

587
588 DEPARTMENT OF CONSUMER AFFAIRS
589 BOARD OF PSYCHOLOGY

590
591 PROPOSED REGULATORY LANGUAGE REGARDING
592 DISCIPLINARY GUIDELINES

593 **Legend:** Added text is indicated with an underline.
594 Deleted text is indicated by ~~strikeout~~.

595

596 **Amend section 1395.2 of Article 7 of Division 13.1 of Title 16 of the California**
597 **Code of Regulations to read as follows:**

598 **§ 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance-**
599 **Abusing Licensees.**

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

606 (b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the
607 licensee shall be presumed to be a substance-abusing licensee for purposes of section
608 315 of the Code. If the licensee does not rebut that presumption, in addition to any and
609 all other relevant terms and conditions contained in the Disciplinary Guidelines, the
610 terms and conditions that incorporate the Uniform Standards Related to Substance
611 Abusing Licensees shall apply as written and be used in the order placing the license on
612 probation.

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

617
618 NOTE: Authority cited: Section 2930, Business and Professions Code. Reference:
619 Sections 315, 315.2, 315.4, 2936, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962,
620 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions
621 Code; and Section 11425.50(e), Government Code.

622

623 **STATE OF CALIFORNIA**
624 **DEPARTMENT OF CONSUMER AFFAIRS**
625 **BOARD OF PSYCHOLOGY**

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

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

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683
684 **DISCIPLINARY GUIDELINES, MODEL DISCIPLINARY ORDERS, AND UNIFORM**
685 **STANDARDS RELATED TO SUBSTANCE-ABUSING LICENSEES**
686

687 **Article 7. Standards Related to Denial, Discipline, and Reinstatement of Licenses**
688

689 **§ 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance-**
690 **Abusing Licensees.**

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

697 (b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the
698 licensee shall be presumed to be a substance-abusing licensee for purposes of section
699 315 of the Code. If the licensee does not rebut that presumption, in addition to any and
700 all other relevant terms and conditions contained in the Disciplinary Guidelines, the
701 terms and conditions that incorporate the Uniform Standards Related to Substance
702 Abusing Licensees shall apply as written and be used in the order placing the license on
703 probation.

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

708
709 NOTE: Authority cited: Section 2930, Business and Professions Code. Reference:
710 Sections 315, 315.2, 315.4, 2936, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962,
711 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions
712 Code; and Section 11425.50(e), Government Code.
713
714

715 **I. INTRODUCTION**

716
717 The Board of Psychology of the California Department of Consumer Affairs (hereinafter
718 “the Board”) is a ~~consumer protection~~ regulatory agency with the priority of responsible
719 for protecting consumers of psychological services from unsafe, incompetent, or
720 negligent practitioners, in exercising its licensing, regulatory, and disciplinary functions.
721 By statute, protection of the public is the Board’s highest priority in exercising its
722 licensing, regulatory, and disciplinary functions. In keeping with its statutory mandate, ~~to~~
723 ~~this particularly vulnerable population,~~ the Board has adopted the following
724 recommended guidelines for disciplinary orders and conditions of probation for
725 violations of the Psychology Licensing Law (Business and Professions Code (Code)
726 section 2900 et seq.) and the Psychology Regulations (Title 16 of the California Code of
727 Regulations (16 CCR) section 1380 et seq.). This document, designed for use by
728 administrative law judges, attorneys, psychologists, ~~registered psychologists,~~ registered
729 psychological assistants associates, registered psychological testing technicians,
730 others involved in the disciplinary process, and ultimately the Board, may be revised
731 from time to time.

732
733 For purposes of this document, in addition to licensure as a psychologist, the term
734 “license” includes a registered psychological assistant associate registration and
735 registered psychologist psychological testing technician registration. The term
736 “designee” refers to the Executive Officer, Assistant Executive Officer, Enforcement
737 Program Manager, and Probation Monitor, of the Board of Psychology. The terms and
738 conditions of probation are divided into two general categories:

- 739
740 (1) Standard Terms and Conditions are those conditions of probation ~~which that~~ will
741 generally appear in all cases involving probation ~~as a standard term and~~
742 ~~condition;~~ and
743 (2) Optional Terms and Conditions are those conditions that address the specific
744 circumstances of the case and require discretion to be exercised depending on
745 the nature and circumstances of a particular case.

746
747 The Board of Psychology’s Uniform Standards Related to Substance-Abusing
748 Licensees, which are derived from the Department of Consumer Affairs’ Substance
749 Abuse Coordination Committee’s “Uniform Standards Regarding Substance-Abusing
750 Healing Arts Licensees (4/14March 2019)” pursuant to section 315 of the Code,
751 describe those terms or conditions that shall be applied to a substance-abusing
752 licensee, and are incorporated into the terms and conditions of probation. These
753 standards and the rationale therefore appear in the optional terms and conditions of
754 probation and are fully set forth in section VI of these guidelines.

755
756 The Board recognizes that an individual case may necessitate a departure from these
757 guidelines for disciplinary orders. However, in such a case, the mitigating or aggravating
758 circumstances must be detailed in the “Finding of Fact,” which is in every Proposed
759 Decision, so that the circumstances can be better understood and evaluated by the
760 Board before final action is taken.

761

762 If at the time of hearing, the Administrative Law Judge finds that the respondent, for any
763 reason, is not capable of safe practice, the Board expects outright revocation or denial
764 of the license. This is statutorily particularly required true in any case of patient client
765 sexual contact abuse with the client. In less egregious cases, a stayed revocation with
766 probation pursuant to the attached Penalty Disciplinary Guidelines would be
767 appropriate.

768 II. DISCIPLINARY GUIDELINES

769 A. GENERAL CONSIDERATIONS

770
771
772
773 ~~Factors to be considered~~— In determining whether revocation, suspension, or probation
774 is to be imposed in a given case, ~~factors such as the following should be considered~~the
775 Board must consider the following:

776 Substantial Relationship Criteria set forth in 16 CCR section 1394:

- 777 1. ~~Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
- 778 2. ~~Actual or potential harm to any consumer, client, or the public.~~
- 779 3. ~~Prior record of discipline or citations.~~
- 780 4. ~~Number and/or variety of current violations.~~
- 781 5. ~~Mitigation and aggravation evidence.~~
- 782 6. ~~Rehabilitation evidence.~~
- 783 7. ~~In the case of a criminal conviction, compliance with terms of sentence and/or~~
- 784 ~~court-ordered probation.~~
- 785 8. ~~Overall criminal record.~~
- 786 9. ~~Time passed since the act(s) or offense(s) occurred.~~
- 787 10. ~~Whether or not the respondent cooperated with the Board's investigation, other~~
- 788 ~~law enforcement or regulatory agencies, and/or the injured parties.~~
- 789 11. ~~Recognition by respondent of his or her wrongdoing and demonstration of~~
- 790 ~~corrective action to prevent recurrence.~~

791
792
793
794 (a) For the purposes of denial, suspension, or revocation of a license or registration
795 pursuant to section 141, or Division 1.5 (commencing with section 475) of the Code, or
796 sections 2960 or 2960.6 of the Code, a crime, professional misconduct, or act shall be
797 considered to be substantially related to the qualifications, functions or duties of a
798 person holding a license or registration under the Psychology Licensing Law (Chapter
799 6.6 of Division 2 of the Code), if to a substantial degree it evidences present or potential
800 unfitness of a person holding a license or registration to perform the functions
801 authorized by the license or registration, or in a manner consistent with the public
802 health, safety, or welfare.

803
804 (b) In making the substantial relationship determination required under subdivision (a)
805 for a crime, the board shall consider the following criteria:

- 806 (1) The nature and gravity of the offense;
- 807 (2) The number of years elapsed since the date of the offense; and
- 808 (3) The nature and duties of the profession in which the applicant seeks licensure or in
809 which the licensee is licensed.

- 810
811 (c) For purposes of subdivision (a), substantially related crimes, professional
812 misconduct, or acts shall include, but are not limited to, the following:
813 (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
814 violation of or conspiring to violate any provision or term of the Psychology Licensing
815 Law.
816 (2) Conviction or act involving fiscal dishonesty.
817 (3) Conviction or act involving child abuse.
818 (4) A conviction requiring a person to register as a sex offender pursuant to section 290
819 of the Penal Code.
820 (5) Conviction or act involving lewd conduct or sexual impropriety.
821 (6) Conviction or act involving assault, battery, or other violence.
822 (7) Conviction or act involving the use of drugs or alcohol to an extent or in a manner
823 dangerous to the individual or the public.
824 (8) Conviction or act involving harassment, trespass, or stalking.

825
826 **Rehabilitation Criteria for Suspensions or Revocations as set forth in 16 CCR**
827 **section 1395.1:**
828

829 When considering the suspension or revocation of a license or registration of a person
830 holding a license or registration under the Psychology Licensing Law (chapter 6.6 of
831 division 2 of the Code) has been convicted of a crime, the Board shall consider whether
832 the licensee or registrant has made a showing of rehabilitation if the person completed
833 the criminal sentence without a violation of parole or probation. In making this
834 determination, the Board shall use the following criteria in (1) through (5), as available:

- 835 (1) Nature and gravity of the crime(s).
836 (2) The reason for granting and the length(s) of the applicable parole or probation
837 period(s).
838 (3) The extent to which the applicable parole or probation period was shortened or
839 lengthened, and the reason(s) the period was modified.
840 (4) The terms or conditions of parole or probation and the extent to which they bear on
841 the licensee's or registrant's rehabilitation.
842 (5) The extent to which the terms or conditions of parole or probation were modified,
843 and the reason(s) for modification.

844
845 (b) If the licensee or registrant has not completed the criminal sentence at issue without
846 a violation of parole or probation, the suspension or revocation is based on a
847 disciplinary action as described in section 141 of the Code, the suspension or
848 revocation was based one or more of the grounds specified in sections 2960 or 2960.6
849 of the Code, or the Board determines that the licensee or registrant did not make a
850 showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply
851 the following criteria in evaluating the licensee's or registrant's rehabilitation:

- 852 (1) Total criminal record and/or record of discipline or other enforcement action,
853 including the nature and gravity of the acts underlying the discipline or enforcement
854 action.
855 (2) The time that has elapsed since commission of the act(s) or crime(s).
856 (3) Whether the licensee or registrant has complied with any terms of parole, probation,
857 restitution or any other sanctions lawfully imposed against such person.

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

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

861 (6) Evidence, if any, of rehabilitation submitted by the licensee or registrant
862 demonstrating that he or she has they have a mature, measured appreciation of the
863 gravity of the misconduct, and remorse for the harm caused, and showing a
864 demonstrated course of conduct by the licensee or registrant that convinces and
865 assures the Board that the public will be safe if the person is permitted to remain
866 licensed or registered to practice psychology.

867
868 Pursuant to section 2960.1 of the Code (~~set out below in the Penalty Guidelines~~), any
869 ~~p~~Proposed dDecision that contains any ~~f~~Finding of fFact that the
870 ~~licensee~~respondent or ~~registrant~~ engaged in any act of sexual contact, when that act is
871 with a ~~patient~~client, or with a former ~~patient~~client within two (2) years following
872 termination of therapy, shall contain an order of revocation. The revocation shall not be
873 stayed by the Administrative Law Judge.

874
875 Pursuant to section 2964.3 of the Code, any person required to register as a sex
876 offender pursuant to ~~S~~section 290 of the Penal Code is not eligible for licensure or
877 registration by the Board.

878
879 Except where an order is required by statute, deviation from the Disciplinary Guidelines,
880 including the standard terms of probation, is appropriate where the Board determines
881 that the facts of the particular case warrant such a deviation. The Board may impose
882 more restrictive terms and conditions if necessary to protect the public.

883 884 **B. ~~PENALTY~~GUIDELINES FOR DISCIPLINARY ACTIONS**

885
886 The ~~general~~ statutory bases for discipline are listed below, along with the names and
887 numbers for the applicable optional terms and conditions by statute number in the
888 Business & Professions Code. An accusation, statement of issues, or other charging
889 document may also allege violations of other related statutes or regulations. ~~The bases~~
890 ~~are followed by the Board-determined penalty, including the names and numbers for the~~
891 ~~optional terms and conditions.~~ The standard terms of probation as stated shall be
892 included in all decisions and orders. Except where there is a finding that respondent is a
893 substance-abusing licensee, the Board recognizes that the ~~penalties-proposed~~
894 disciplinary action, terms and conditions of probation listed are merely guidelines and
895 that individual cases will necessitate variations that take into account unique
896 circumstances.

897
898 ~~If there are deviations or omissions from the guidelines in formulating a Proposed~~
899 ~~Decision, the Board requires that t~~The Administrative Law Judge hearing the case must
900 include an explanation of the any deviations or omissions from the Disciplinary
901 Guidelines in the Proposed Decision so that the circumstances can be better
902 understood by the Board during its review and consideration of the Proposed Decision
903 for final action.

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2960 GENERAL UNPROFESSIONAL CONDUCT

MAXIMUM: Revocation; denial of license or registration.

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

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

865.2 Sexual Orientation Change Efforts (Conversion Therapy)

MAXIMUM: Revocation; denial of license

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

2960(a) CONVICTION OF A CRIME SUBSTANTIALLY RELATED TO THE PRACTICE OF PSYCHOLOGY

MAXIMUM: Revocation; denial of license or registration.

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

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

2960(b) USE OF CONTROLLED SUBSTANCE OR ALCOHOL IN A DANGEROUS MANNER

MAXIMUM: Revocation; denial of license or registration.

~~**MINIMUM:** Revocation stayed, 5-year probation, physical examination (if appropriate) (3), practice monitor (4), psychological evaluation and ongoing therapy (if appropriate) (2) and (6), clinical diagnostic evaluation (9), participation in an alcohol/drug abuse treatment program (10) and ongoing support group (11), abstain from all non-~~

954 ~~prescribed, controlled drugs and alcohol, /biological fluid and~~
955 ~~specimen testing [required for substance abusing licensees] (12),~~
956 ~~and standard terms and conditions (14-31).~~

957
958 MINIMUM: Revocation stayed, five (5) years probation, standard terms and
959 conditions (14-32), and depending on the circumstances, physical
960 examination (2), worksite monitor (3), psychotherapy (if
961 recommended by psychological evaluator) (5), clinical diagnostic
962 evaluation (8), participation in an alcohol/drug abuse treatment
963 program (9), ongoing support group (10), abstain from drugs and
964 alcohol, and submit to tests and samples (11).

965
966 **2960(c) FRAUDULENTLY OR NEGLECTFULLY MISREPRESENTING THE**
967 **TYPE OR STATUS OF LICENSE OR REGISTRATION ACTUALLY**
968 **HELD**

969
970 MAXIMUM: Revocation; denial of license or registration.

971
972 ~~MINIMUM:~~ ~~Revocation stayed, 5 years probation, and standard terms and~~
973 ~~conditions (14-31).~~

974
975 MINIMUM: Revocation stayed, five (5) years probation, standard terms and
976 conditions (14-32), and depending on the circumstances, California
977 Psychology Law and Ethics Examination (CPLEE) (6).

978
979 **2960(d) IMPERSONATING ANOTHER PERSON HOLDING A PSYCHOLOGY**
980 **LICENSE OR ALLOWING ANOTHER PERSON TO USE HIS OR HER**
981 **THEIR LICENSE OR REGISTRATION**

982
983 MAXIMUM: Revocation; denial of license or registration.

984
985 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and
986 conditions (14-32), and depending on the circumstances,
987 psychological evaluation (2), CPLEE (7-6), and standard terms and
988 conditions (14-31).

989
990 **2960(e) PROCURING APPLYING FOR A LICENSE OR PASSING AN**
991 **EXAMINATION BY FRAUD OR DECEPTION**

992
993 Penalty DISCIPLINE: Revocation is the only suitable penalty discipline
994 inasmuch as the license would not have been issued but for the
995 fraud or deception. If the fraud is substantiated prior to issuance of
996 the license or registration, then denial of the application is the only
997 suitable penalty discipline.

998
999 **2960(f) ACCEPTING REMUNERATION OR PAYING FOR REFERRALS TO**
1000 **OTHER PROFESSIONALS PAYING, OR OFFERING TO PAY, OR**

1001 **ACCEPTING PAYMENT, MONETARY OR OTHERWISE, FOR**
1002 **REFERRAL OF CLIENTS**

1003
1004 MAXIMUM: Revocation; denial of license or registration.

1005
1006 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and
1007 conditions (14-32), depending on the circumstances, billing monitor
1008 (43), CPLEE (76); and standard terms and conditions (14-31).

1009
1010 **2960(g) VIOLATING SECTION 17500 OF THE BUSINESS AND PROFESSIONS**
1011 **CODE REGARDING ADVERTISING**

1012
1013 **Penalty DISCIPLINE:** Revocation stayed, five (5) years probation, and
1014 standard terms and conditions (14-32) standard terms and
1015 conditions (14-31).

1016
1017 **2960(h) WILLFUL VIOLATION OF CONFIDENTIALITY**

1018
1019 MAXIMUM: Revocation; denial of license or registration.

1020
1021 **MINIMUM:** Revocation stayed, five (5) years probation, and standard terms
1022 and conditions (14-32); and, depending on the circumstances,
1023 practice monitor (43), and CPLEE (76); and standard terms and
1024 conditions (14-31).

1025
1026 **2960(i) VIOLATION OF RULES OF PROFESSIONAL CONDUCT**

1027
1028 MAXIMUM: Revocation; denial of license or registration.

1029
1030 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and
1031 conditions (14-32), and depending upon the circumstances,
1032 psychological evaluation and/or therapy if appropriate (2) and (6),
1033 CPLEE (76); and standard terms and conditions (14-31).

1034
1035 **2960(j) GROSS NEGLIGENCE IN THE PRACTICE OF PSYCHOLOGY**

1036
1037 MAXIMUM: Revocation; denial of license or registration.

1038
1039 **MINIMUM:** Revocation stayed, (5) years probation, standard terms and
1040 conditions (14-32), and depending on the circumstances,
1041 psychological evaluation prior to resumption of practice (condition
1042 precedent) (2), practice monitor/billing monitor (43), patient
1043 population restriction of practice (if appropriate recommended) (54),
1044 therapy psychotherapy (65), examination(s) CPLEE (76), and
1045 standard terms and conditions (14-31).

1046

1047 **2960(k) VIOLATING ANY PROVISION OF THE PSYCHOLOGY LICENSING**
1048 **LAW OR RELATED REGULATIONS THIS CHAPTER OR**
1049 **REGULATIONS DULY ADOPTED THEREUNDER**
1050

1051 Refer to underlying statute or regulation.
1052

1053 **2960(l) AIDING OR ABETTING UNLICENSED PRACTICE**
1054

1055 MAXIMUM: Revocation; denial of license or registration.
1056

1057 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and
1058 conditions (14-32), and depending on the circumstances, CPLEE
1059 (76), and standard terms and conditions (14-34).
1060

1061 **2960(m)/2960.6 DISCIPLINARY ACTION BY ANOTHER AGENCY, STATE, OR**
1062 **COUNTRY AGAINST A LICENSE OR REGISTRATION**
1063

1064 DISCIPLINE: In evaluating the appropriate ~~penalty~~ discipline, identify the
1065 comparable California statute(s) or regulation(s), and corresponding
1066 penalty(s) discipline.
1067

1068 **2960(n) DISHONEST, CORRUPT, OR FRAUDULENT ACT**
1069

1070 MAXIMUM: Revocation; denial of license or registration.
1071

1072 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and
1073 conditions (14-32), and depending on the circumstances,
1074 psychological evaluation and ongoing therapy/psychotherapy if
1075 appropriate (2)(5), billing monitor (43), CPLEE (76), full restitution
1076 (87), and standard terms and conditions (14-34).
1077

1078 **2960(o); 726; 729 ~~ANY ACT OF SEXUAL ABUSE, OR SEXUAL RELATIONS WITH~~**
1079 **~~A PATIENT/CLIENT OR FORMER PATIENT/CLIENT WITHIN TWO~~**
1080 **~~YEARS FOLLOWING TERMINATION OF THERAPY, SEXUAL~~**
1081 **~~EXPLOITATION, OR SEXUAL MISCONDUCT THAT IS~~**
1082 **~~SUBSTANTIALLY RELATED TO THE QUALIFICATIONS,~~**
1083 **~~FUNCTIONS OR DUTIES OF A PSYCHOLOGIST OR~~**
1084 **~~PSYCHOLOGICAL ASSISTANT OR REGISTERED~~**
1085 **~~PSYCHOLOGIST.~~**
1086

1087 Penalty/DISCIPLINE: ~~When a finding of sexual misconduct occurs, r~~Revocation
1088 ~~or surrender of license/registration and/or denial of license or registration~~
1089 ~~MUST~~ must be the penalty discipline ordered by the Administrative Law Judge.
1090

1091 **NO MINIMUM PENALTY.**
1092

1093 NOTE: ~~Business and Professions Code Section 2960.1 of the Code states:~~
1094

"Notwithstanding Section 2960, any proposed decision or decision issued under this

1095 chapter in accordance with the procedures set forth in Chapter 5 (commencing with
1096 Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains
1097 any finding of fact that the licensee or registrant engaged in any act of sexual contact,
1098 as defined in Section 2960, shall contain an order of revocation. The revocation shall
1099 not be stayed by the administrative law judge.” “Notwithstanding Section 2960, any
1100 proposed decision or decision issued under this chapter in accordance with the
1101 procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division
1102 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or
1103 registrant engaged in any acts of sexual contact, as defined in Section 728, when that
1104 act is with a patient, or with a former patient within two years following termination of
1105 therapy, shall contain an order of revocation. The revocation shall not be stayed by the
1106 Administrative Law Judge.”

1107
1108 **2960(p) FUNCTIONING OUTSIDE FIELD(S) OF COMPETENCE**

1109 MAXIMUM: Revocation; denial of license or registration.

1110
1111
1112 **MINIMUM:** Revocation stayed, five (5) years probation, standard terms and
1113 conditions (14-32), and depending on the circumstances, practice
1114 monitor (43), patient population restriction (5) restriction of practice
1115 (4), and CPLEE examination(s) (76), and standard terms and
1116 conditions (14-31).

1117
1118 **2960(q) WILLFUL FAILURE TO VERIFY AN APPLICANT’S SUPERVISED**
1119 **EXPERIENCE**

1120
1121 **Penalty** **DISCIPLINE:** Revocation stayed, five (5)-years probation, and
1122 standard terms and conditions (14-32) and standard terms and
1123 conditions (14-31).

1124
1125 **2960(r) REPEATED NEGLIGENT ACTS**

1126
1127 MAXIMUM: Revocation; denial of license or registration.

1128
1129 **MINIMUM:** Revocation stayed, five (5)-years probation, standard terms and
1130 conditions (14-32), and depending on the circumstances, ,
1131 psychological evaluation prior to resumption of practice (condition
1132 precedent) (2), practice monitor (4-3), CPLEE examination(s) (76),
1133 and standard terms and conditions (14-31).

1134
1135 **III. TERMS AND CONDITIONS OF PROBATION**

1136
1137 Terms and conditions of probation are divided into two categories. The first category
1138 consists of **optional terms and conditions** that may be appropriate as demonstrated in
1139 the Penalty-Disciplinary Guidelines depending on the nature and circumstances of each
1140 particular case. The second category consists of the **standard terms and conditions**,
1141 which must appear in all Proposed Decisions and Stipulated Settlements.

1142

1143 To enhance the clarity of a Proposed Decision or Stipulationed Settlement, the Board
1144 requests that all optional terms and conditions of probation (1-13) that are being
1145 imposed be listed first in sequence followed immediately by all of the standard terms
1146 and conditions of probation, which includes cost recovery (15-31-14-32).
1147

1148 **A. OPTIONAL TERMS AND CONDITIONS OF PROBATION**

1149

1150 Listed below are optional terms and conditions of probation that the Board would expect
1151 to be included in any Proposed Decision or Stipulationed Settlement as appropriate.
1152

1153 **1. Actual Suspension**

1154

1155 As part of probation, respondent is suspended from the practice of psychology for
1156 _____ days beginning with the effective date of this Decision. During the
1157 suspension, any probation period is tolled and will not commence again until the
1158 suspension is completed.
1159

1160 **RATIONALE: A suspension longer than six (6) months is not effective, and a**
1161 **violation or violations warranting a longer suspension should result in**
1162 **revocation, not stayed.**
1163

1164 **~~2. Psychological Evaluation~~**

1165

1166 ~~Within ninety (90) days of the effective date of this Decision and on a periodic basis~~
1167 ~~thereafter as may be required by the Board or its designee, respondent shall~~
1168 ~~undergo a psychological evaluation (and psychological testing, if deemed~~
1169 ~~necessary) by a Board-appointed California-licensed psychologist. Respondent~~
1170 ~~shall sign a release that authorizes the evaluator to furnish the Board a current DSM~~
1171 ~~V diagnosis and a written report regarding the respondent's judgment and/or ability~~
1172 ~~to function independently as a psychologist with safety to the public, and whatever~~
1173 ~~other information the Board deems relevant to the case. The completed evaluation~~
1174 ~~is the sole property of the Board. The evaluation should not be disclosed to anyone~~
1175 ~~not authorized by the Board or by court order.~~
1176

1177 ~~If the Board concludes from the results of the evaluation that respondent is unable~~
1178 ~~to practice independently and safely, upon written notice from the Board,~~
1179 ~~respondent shall immediately cease accepting new patients and, in accordance with~~
1180 ~~professional standards, shall appropriately refer/terminate existing patients within~~
1181 ~~thirty (30) days and shall not resume practice until a Board-appointed evaluator~~
1182 ~~determines that respondent is safe to practice. The term of probation shall be~~
1183 ~~extended by this period of time that he or she was ordered to cease practice.~~
1184

1185 ~~If not otherwise ordered herein, if ongoing psychotherapy is recommended in the~~
1186 ~~psychological evaluation, the Board will notify respondent in writing to submit to~~
1187 ~~such therapy and to select a psychotherapist for approval by the Board or its~~
1188 ~~designee within thirty (30) days of such notification. The therapist shall (1) be a~~
1189 ~~California-licensed psychologist with a clear and current license; (2) have no~~
1190 ~~previous business, professional, personal or other relationship with respondent; (3)~~

1191 not be the same person as respondent's practice or billing monitor. Frequency of
1192 psychotherapy shall be determined upon recommendation of the treating
1193 psychotherapist with approval by the Board or its designee. Respondent shall
1194 continue psychotherapy until released by the approved psychologist and approved
1195 by the Board or its designee. The Board or its designee may order a re-evaluation
1196 upon receipt of the therapist's recommendation.

1197
1198 Respondent shall execute a release authorizing the therapist to provide to the
1199 Board any information the Board or its designee deems appropriate, including
1200 quarterly reports of respondent's therapeutic progress. Respondent shall furnish a
1201 copy of this Decision to the therapist. If the therapist determines that the respondent
1202 cannot continue to independently render psychological services, with safety to the
1203 public, he/she shall notify the Board immediately.

1204
1205 Respondent shall pay all costs associated with the psychological evaluation and
1206 ongoing psychotherapy. Failure to pay costs will be considered a violation of the
1207 probation order.

1208
1209 **Option of Evaluation as a Condition Precedent:**

1210
1211 **In some cases, the psychological evaluation may be imposed as either a**
1212 **condition precedent to the continued practice of psychology, or to the**
1213 **issuance or reinstatement of a license, so that the respondent or petitioner is**
1214 **not entitled to begin or continue practice until found to be safe to do so. In**
1215 **such cases, the following language shall be used as the first sentence of the**
1216 **first paragraph of this term:**

1217
1218 As a condition precedent to the [continued practice of psychology][issuance of a
1219 license] [reinstatement of a license], within ninety (90) days of the effective date of
1220 this Decision, and on a periodic basis thereafter as may be required by the Board or
1221 its designee, Respondent shall undergo a psychological evaluation (and
1222 psychological testing, if deemed necessary) by a Board-appointed California-
1223 licensed psychologist. The term of probation shall be extended by the period of time
1224 during which respondent is not entitled to practice.

1225
1226 **In addition, the following language shall also be used as the first sentence of**
1227 **the second paragraph of this term:**

1228
1229 If the Board concludes from the results of the evaluation that
1230 [respondent][petitioner] is unable to practice independently and safely, upon written
1231 notice from the Board [respondent shall, in accordance with professional standards,
1232 appropriately refer/terminate existing patients within thirty (30) days and shall not
1233 resume practice until a Board-appointed evaluator determines that respondent is
1234 safe to practice][respondent or petitioner shall not be issued or have reinstated a
1235 license until a Board-appointed evaluator determines that respondent or petitioner
1236 is safe to practice].

1237

1238 ~~**RATIONALE: Psychological evaluations shall be utilized when an offense**~~
1239 ~~**calls into question the judgment and/or emotional and/or mental condition of**~~
1240 ~~**the respondent or where there has been a history of abuse or dependency of**~~
1241 ~~**alcohol or controlled substances. When appropriate, respondent shall be**~~
1242 ~~**barred from rendering psychological services under the terms of probation**~~
1243 ~~**until he or she has undergone an evaluation, the evaluator has recommended**~~
1244 ~~**resumption of practice, and the Board has accepted and approved the**~~
1245 ~~**evaluation.**~~

1247 **23. Physical Examination**

1248
1249 Within ~~ninety (90)~~ forty-five (45) days of the effective date of this Decision,
1250 respondent shall undergo a physical examination by a ~~physician and surgeon~~
1251 ~~(physician)~~ medical evaluator licensed in California and approved by the Board.

1252
1253 For purposes of these guidelines, a “medical evaluator” means a physician and
1254 surgeon, a physician’s assistant or a nurse practitioner holding a license in good
1255 standing, as issued by the appropriate agency within the Department of Consumer
1256 Affairs. “Good standing” shall mean a current, active and unrestricted license.

1257
1258 The medical evaluator shall have no current or former financial, personal, familial, or
1259 other social or business relationship with respondent that could reasonably be
1260 expected to compromise the ability of the medical evaluator to render impartial and
1261 unbiased reports to the Board.

1262
1263 Respondent shall sign a release authorizing the ~~physician~~ medical evaluator to
1264 furnish the Board with a report that shall provide an assessment of respondent’s
1265 physical condition and ~~capability~~ ability to safely provide psychological services to
1266 the public. If the ~~evaluating physician~~ medical evaluator determines that
1267 respondent’s physical condition prevents safe practice, or that ~~he or she~~ respondent
1268 can only practice with restrictions, the ~~physician~~ medical evaluator shall notify the
1269 Board, in writing, within five (5) working days.

1270
1271 The Board shall notify respondent in writing of the ~~physician’s~~ medical evaluator’s
1272 determination of unfitness to practice, and shall order ~~the~~ respondent to cease
1273 practice or place restrictions on respondent’s practice. Respondent shall comply
1274 with any order to cease practice or restriction of ~~his or her~~ their practice, and shall
1275 immediately cease accepting new ~~patients~~ clients and, in accordance with
1276 professional standards, shall appropriately refer/terminate existing ~~patients~~ clients
1277 within thirty (30) days. Respondent shall not resume practice until a Board-
1278 ~~appointed~~ approved evaluator determines that respondent is safe to practice, and
1279 the Board is satisfied of respondent’s fitness to practice safely and has so notified
1280 respondent in writing. The term of probation shall be extended by the period of time
1281 during which respondent is ordered to cease practice. If the ~~evaluating~~
1282 ~~physician~~ medical evaluator determines it to be necessary, a recommended
1283 treatment program will be instituted and followed by ~~the~~ respondent with ~~the~~
1284 ~~physician~~ an appropriately licensed healthcare practitioner providing written

1285 progress reports to the Board on a quarterly basis, or as otherwise determined by
1286 the Board or its designee.

1287
1288 It shall be ~~the~~ respondent's responsibility to assure that the required quarterly
1289 progress reports are filed by ~~the treating physician~~ an appropriately licensed
1290 healthcare practitioner in a timely manner. Respondent shall pay all costs of such
1291 examination(s). Failure to pay these costs shall be considered a violation of
1292 probation.

1293
1294 **RATIONALE: This condition permits the Board to require the**
1295 **probationer/respondent to obtain appropriate treatment for physical**
1296 **problems/disabilities/conditions that could affect the safe practice of**
1297 **psychology. The physical examination can also be conducted to ensure that**
1298 **there is no physical evidence of alcohol/drug abuse.**

1299
1300 **34. Practice Monitor/Billing Monitor/Worksite Monitor**

1301
1302 Within ~~ninety (90)~~ thirty (30) days of the effective date of this Decision, respondent
1303 shall submit to the Board or its designee for prior approval, the name and
1304 qualifications of a psychologist who has agreed to serve as a [practice
1305 monitor][billing monitor][worksite monitor]. The [practice monitor][billing monitor]
1306 shall (1) be a California-licensed psychologist with an a clear active, unrestricted,
1307 and current license of at least five (5) years duration; (2) have no ~~prior business,~~
1308 ~~professional, personal, or other relationship with respondent~~ current or former
1309 financial, personal, familial, or other social or business relationship with respondent
1310 that could reasonably be expected to compromise the ability of the monitor to
1311 render fair and unbiased reports to the Board; and (3) ~~not be the same person as~~
1312 ~~respondent's therapist~~ have completed six (6) hours of supervision coursework. The
1313 monitor's education and experience shall be in the same field of practice as that of
1314 ~~the~~ respondent. The [practice monitor][billing monitor] may also serve as a worksite
1315 monitor, **if ordered for a substance-abusing licensee**, as long as ~~he or she~~ the
1316 monitor also meets the requirements for a worksite monitor.

1317
1318 Once approved, the monitor(s) shall submit to the Board or its designee a plan by
1319 which respondent's [practice][billing] [worksite] shall be monitored. The Board may
1320 amend the plan to increase or decrease the frequency of monitoring sessions with
1321 thirty (30) days written notice to both the monitor and respondent. Monitoring
1322 frequency shall consist of at least one hour per week of individual in person face-to-
1323 face meetings and shall continue during the entire probationary period unless
1324 modified or terminated by the Board or its designee. ~~The R~~ Respondent shall provide
1325 the [practice][billing] monitor with a copy of this Decision and access to
1326 respondent's fiscal and/or ~~patient/client~~ records. Respondent shall obtain any
1327 necessary ~~patient/client~~ releases to enable the [practice][billing] monitor to review
1328 records and to make direct contact with ~~patients/clients~~. Respondent shall execute a
1329 release authorizing the monitor to divulge any information that the Board may
1330 request. It shall be respondent's responsibility to assure that the monitor submits
1331 written reports to the Board or its designee on a quarterly basis verifying that

1332 monitoring has taken place and providing an evaluation of respondent's
1333 performance.

1334
1335 Respondent shall secure written authorizations for releases of personal information
1336 from the clients for review of the entirety of their client records by a [practice
1337 monitor][billing monitor][worksite monitor], consistent with the releases obtained,
1338 including billing and charge records. Records for review shall be presented in their
1339 original format and in the order in which the files are maintained so the monitor may
1340 select and review records at respondent's worksite. If respondent has more than
1341 one worksite, all worksites shall be made available for review. The Board or its
1342 designee, upon fifteen (15) day written notice to respondent, may require
1343 respondent to have more than one monitor, based on multiple worksites, monitor
1344 availability, or other similar factors.

1345
1346 Respondent shall notify all current and potential ~~patients~~clients of any term or
1347 condition of probation that will affect their ~~therapy~~psychotherapy or the
1348 confidentiality of their records (such as this condition, which requires a [practice
1349 monitor][billing monitor]). Such notifications shall be signed by each ~~patient~~client
1350 prior to continuing or commencing treatment.

1351
1352 **The following paragraph regarding billing monitoring must be included in the**
1353 **Order, if a billing monitor has been ordered:**

1354
1355 The Board may require an annual audit of respondent's billings. Within sixty (60)
1356 days of the date of a written notice requiring an audit, respondent shall provide the
1357 Board with the names and qualifications of three (3) auditors, who must be certified
1358 public accountants authorized to practice in this State; the auditor will be selected
1359 by the Board. The auditor shall not have a current or former financial, personal,
1360 familial, or other social or business relationship with respondent that could
1361 reasonably be expected to compromise the ability of the auditor to render an
1362 impartial audit. Respondent shall obtain any necessary client releases, pursuant to
1363 the audit requirements, to enable the auditor to perform the audit. The audit shall
1364 include randomly selected client billing records. Within one hundred-eighty (180)
1365 days of the date of the Board's written notice of approval of the auditor, a final audit
1366 report shall be completed and submitted to the billing monitor and the Board. The
1367 cost of the audits shall be borne by respondent. Failure to cooperate timely
1368 complete, report, or pay for an audit shall constitute a violation of probation.

1369
1370 **The following paragraphs ~~Add the language of the next 3 paragraphs~~**
1371 **regarding reporting by a worksite monitor, if one is ordered, for a substance-**
1372 **abusing licensee must be included in the Order:**

1373
1374 The worksite monitor shall not have a ~~current or former financial, personal, or~~
1375 ~~familial relationship with the licensee, or other relationship~~ current or former
1376 financial, personal, familial, or other social or business relationship with respondent
1377 that could reasonably be expected to compromise the ability of the monitor to
1378 render impartial and unbiased reports to the Board. All other requirements for a

1379 worksite monitor shall meet the requirements of a worksite monitor under Uniform
1380 Standards #7. Reporting by the worksite monitor to the Board shall be as follows:

1381
1382 Any suspected substance abuse must be orally reported to the Board and ~~the~~
1383 licensee's/respondent's employer within one (1) business day of occurrence. If
1384 the occurrence is not during the Board's normal business hours, the oral report
1385 must be within one (1) hour of the next business day. A written report shall be
1386 submitted to the Board within forty-eight (48) hours of occurrence.

1387
1388 The worksite monitor shall complete and submit a written report every monthly
1389 or as directed by the Board. The report shall include: ~~the licensee's/respondent's~~
1390 name; license number; worksite monitor's name and signature; worksite
1391 monitor's license number; worksite location(s); dates ~~licensee/respondent~~ had in-
1392 person face-to-face contact with monitor; worksite staff interviewed as
1393 applicable; attendance report; any change in behavior and/or personal habits;
1394 and any indicators that can lead to suspected substance abuse.

1395
1396 ~~The licensee~~Respondent shall complete the required consent forms and sign an
1397 agreement with the worksite monitor and the Board to allow the Board to
1398 communicate with the worksite monitor.

1399
1400 If the monitor(s) quit(s) or is otherwise no longer available, respondent shall
1401 notify the Board within ten (10) days and get approval from the Board for a new
1402 monitor within thirty (30) days. If no new monitor is approved within thirty (30)
1403 days, respondent shall not practice until a new monitor has been approved by
1404 the Board or its designee. The term of probation shall be extended by the period
1405 of time during which respondent is ordered to cease practice. Respondent shall
1406 pay all costs associated with this monitoring requirement. Failure to pay these
1407 costs shall be considered a violation of probation.

1408
1409 **RATIONALE and APPLICATION OF UNIFORM STANDARD #7: Monitoring**
1410 **shall be utilized when respondent's ability to function independently is in**
1411 **doubt or when fiscal improprieties have occurred, as a result of a deficiency**
1412 **in knowledge or skills, or as a result of questionable judgment. A worksite**
1413 **monitor may be ordered where the Uniform Standards Related to a**
1414 **Substance-Abusing Licensee apply, if necessary, for the protection of the**
1415 **public.**

1416
1417 **45. Restriction of Patient Population-Practice Restriction**

1418
1419 Respondent's practice shall be [limited to][restricted to exclude patientsclients who
1420 are _____] for [months/years]. Within thirty (30) days from the effective date of
1421 the ~~d~~Decision, respondent shall submit to the Board or its designee, for prior
1422 approval, a plan to implement this restriction. Respondent shall submit ~~proof~~
1423 satisfactory proof to the Board or its designee of compliance with this term of
1424 probation. Respondent shall notify their supervisor, if they have one, of the
1425 restrictions imposed on their practice.

1426

1427 **RATIONALE: In cases wherein some factor of the respondent's patient/client**
1428 **population at large (e.g. age, gender, practice setting) may put a expose a**
1429 **patient/client to at risk if in therapy with the respondent, language appropriate to**
1430 **the case may be developed to restrict such a population, or setting, or**
1431 **psychological service. The language would be tailored to each specific case. vary**
1432 **greatly by case.**

1433 **56. Psychotherapy**

1436 Within ~~ninety (90)~~ thirty (30) days of the effective date of this Decision, a
1437 psychotherapist shall be selected by ~~the~~ respondent for approval by the Board. The
1438 psychotherapist shall (1) be a California-licensed psychologist with a ~~clear~~ active,
1439 unrestricted and current license; (2) have no ~~previous business, professional,~~
1440 ~~personal, or other relationship with respondent~~ current or former financial, personal,
1441 familial, or other social or business relationship with respondent; and (3) not be the
1442 same person as respondent's practice, billing, or worksite monitor. Respondent
1443 shall furnish a copy of this Decision to the psychotherapist. Psychotherapy shall, at
1444 a minimum, consist of one (1) hour per week over a period of fifty-two (52)
1445 consecutive weeks after which it may continue or terminate upon the written
1446 recommendation of the psychotherapist with written approval by the Board or its
1447 designee. The Board or its designee may order a psychological evaluation upon
1448 receipt of the psychotherapist's recommendation.

1450 Respondent shall execute a release authorizing the psychotherapist to provide to
1451 the Board or its designee any information the Board deems appropriate, including
1452 quarterly reports of respondent's therapeutic progress. It shall be respondent's
1453 responsibility to assure that the required quarterly reports are filed by the
1454 psychotherapist in a timely manner. If the psychotherapist notifies the Board that
1455 ~~the therapist believes the~~ respondent cannot continue to safely render
1456 psychological services, ~~upon notification from the Board, the Board shall order~~
1457 ~~respondent shall to~~ immediately cease accepting new patients/clients and, in
1458 accordance with professional standards, ~~shall~~ appropriately refer/terminate existing
1459 patients/clients within thirty (30) days and shall not resume practice until a Board-
1460 ~~appointed~~ approved evaluator determines that respondent is again safe to practice.
1461 The term of probation shall be extended by the period of time during which
1462 respondent is ordered to cease practice.

1464 If, prior to the termination of probation, respondent is found not to be mentally fit to
1465 resume the practice of psychology without restrictions, the Board shall retain
1466 continuing jurisdiction over ~~the~~ respondent's license and the term of probation shall
1467 be extended until the Board or its designee determines that ~~the~~ respondent is
1468 mentally fit to resume the practice of psychology without restrictions.

1470 Cost of psychotherapy is to be paid by ~~the~~ respondent.

1472 **RATIONALE: The need for psychotherapy may be determined pursuant to a**
1473 **psychological evaluation or as evident from the facts of the case. The**
1474 **frequency of psychotherapy shall be related to the offense involved and the**

1475 extent to which the offense calls into question the judgment, motivation, and
1476 emotional and/or mental condition of the respondent.

1477
1478 **67. Examination(s)**

1479
1480 **Examination for Professional Practice in Psychology (EPPP) or California**
1481 **Psychology Law and Ethics Examination (CPLEE) Term ~~MUST INCLUDE~~ must**
1482 **include either Option 1 or Option 2:**

1483
1484 Option 1 (Condition Subsequent)

1485
1486 Within ninety (90) days of the effective date of the ~~d~~Decision, respondent shall take
1487 and pass the [EPPP][CPLEE]. If respondent fails to take or fails such examination,
1488 the Board shall order respondent to cease practice and upon such order
1489 respondent shall immediately cease practice, refrain from accepting new
1490 ~~patients~~clients and, in accordance with professional standards, shall appropriately
1491 refer/terminate existing ~~patients~~clients within thirty (30) days and shall not resume
1492 practice until the re-examination has been successfully passed, as evidenced by
1493 written notice to respondent from the Board or its designee. The term of probation
1494 shall be extended by the period of time during which respondent's practice was
1495 ordered ceased. It is respondent's responsibility to contact the Board in writing to
1496 make arrangements for such examination. Respondent shall pay the established
1497 examination fee(s). Re-examination after a failure shall be consistent with the
1498 examination requirements for an applicant set forth in Title 16 of the California Code
1499 of Regulations (CCR)C.C.R. section 1388(f), and any applicable sections of the
1500 Business & Professions Code.

1501
1502 Option 2 (Condition Precedent to either continued practice, or to reinstatement of a
1503 license)

1504
1505 Respondent [is ordered to cease the practice of psychology][shall not be reinstated]
1506 until respondent has taken and passed the [EPPP][CPLEE]. The term of probation
1507 shall be extended by the period of time during which respondent is ordered to
1508 cease practice. The term of probation shall be extended by the period of time during
1509 which respondent's practice was ordered ceased. It is respondent's responsibility to
1510 contact the Board in writing to make arrangements for such examination(s).
1511 Respondent shall pay the established examination fee(s). Re-examination after a
1512 failure must be consistent with the examination requirements for an applicant set
1513 forth in 16 C.C.R. section 1388(f), and any applicable sections of the Business &
1514 Professions Code.

1515
1516 **RATIONALE: In cases involving evidence of serious deficiencies in the body**
1517 **of knowledge required to be minimally competent to practice independently, it**
1518 **may be appropriate to require the respondent to take and pass the EPPP, the**
1519 **national examination for psychologists, ~~because the Board no longer~~**
1520 **~~administers an examination that tests knowledge of the field, during the~~**
1521 **~~course of the probation period. In some instances, it may be appropriate to~~**
1522 **~~order that practice be ceased until the examination has been taken and~~**

1523 ~~passed (condition precedent).~~ In cases involving deficiencies in knowledge of
1524 laws and ethics, the CPLEE may be ordered. Either one or both examinations
1525 may be appropriate, depending on the nature of the violation(s). It may be
1526 appropriate to order that practice be ceased until the examination(s) has been
1527 taken and passed, such as when violations involve competency and/or
1528 knowledge deficiencies (condition precedent).

1530 78. Restitution

1531
1532 Within ninety (90) days of the effective date of this Decision, respondent shall
1533 provide proof to the Board or its designee of restitution in the amount of \$ _____
1534 paid to _____. Failure to pay restitution shall be
1535 considered a violation of probation. Restitution is to be paid regardless of the tolling
1536 of probation.

1537
1538 **RATIONALE: In offenses cases involving economic exploitation harm or injury,**
1539 **restitution is a necessary term of probation may be ordered.** For example,
1540 **restitution would be a standard term ordered in any case involving Medi-Cal or**
1541 **other insurance fraud. The amount of restitution shall be, at a minimum, the**
1542 **amount of money that was fraudulently wrongfully obtained by the**
1543 **licensee respondent. Evidence Documentation relating to the amount of**
1544 **restitution would have to be introduced at the Administrative hearing**
1545 **establish the amount of restitution owed by the respondent and to whom the**
1546 **restitution should be paid.**

1548 89. Clinical Diagnostic Evaluation

1549
1550 Within thirty (30) days of the effective date of the Decision and at any time upon
1551 order of the Board, respondent shall undergo a clinical diagnostic evaluation by a
1552 Board-approved evaluator. Respondent shall provide the evaluator with a copy of
1553 ~~the Board's Decision prior to the clinical diagnostic evaluation being performed.~~

1554
1555 The evaluator shall be a licensed practitioner who holds a valid, unrestricted license
1556 to conduct clinical diagnostic evaluations, and has three (3) years' of experience in
1557 providing evaluations of health-care professionals with substance abuse disorders.
1558 The evaluator shall not have a current or former financial, personal, familial, or
1559 other social or business relationship with respondent or ever had a financial,
1560 personal, business, or other relationship with the licensee that could reasonably be
1561 expected to compromise the ability of the Board-approved evaluator to render
1562 impartial and unbiased reports to the Board. Respondent shall cause the evaluator
1563 to submit to the Board a written clinical diagnostic evaluation report within ten (10)
1564 days from the date the evaluation was completed, unless an extension, not to
1565 exceed thirty (30) days, is granted to the evaluator by the Board.

1566
1567 Respondent shall pay all costs associated with the clinical diagnostic evaluation.
1568 Failure to pay costs will be considered a violation of the probation order.

1569
1570 **The following language is mandatory for a cease practice order where the**

1571 **evaluation is ordered under the Uniform Standards Related to Substance-**
1572 **Abusing Licensees is mandatory, and discretionary in other cases where it**
1573 **may be relevant:**
1574

1575 Respondent is ordered to cease any practice of psychology, beginning on the
1576 effective date of the Decision, pending the results of the clinical diagnostic
1577 evaluation. During this time, Respondent shall submit to random drug testing at
1578 least two (2) times per week. At any other time that respondent is ordered to
1579 undergo a clinical diagnostic evaluation, ~~he or she~~respondent shall be ordered to
1580 cease any practice of psychology for a minimum of thirty (30) days pending the
1581 results of a clinical diagnostic evaluation and shall, during such time, submit to drug
1582 testing at least two (2) times per week.
1583

1584 Upon any order to cease practice, respondent shall not practice psychology until
1585 the Board determines that ~~he or she~~respondent is able to safely practice either full-
1586 time or part-time and has had at least thirty (30) days of negative drug test results.
1587 The term of probation shall be extended by the period of time during which
1588 respondent is ordered to cease practice. Respondent shall comply with any terms
1589 or conditions made by the Board as a result of the clinical diagnostic evaluation.
1590

1591 **RATIONALE and APPLICATION OF UNIFORM STANDARD #s 1, 2, and 3: This**
1592 **condition is to be considered in cases where the grounds for discipline**
1593 **involve drugs and/or alcohol, or where the Uniform Standards Related to a**
1594 **Substance-Abusing Licensee apply. The cease practice order pending the**
1595 **evaluation is mandatory where the evaluation is ordered for a substance-**
1596 **abusing licensee, and discretionary in other cases where ordered.**
1597

1598 **940. Alcohol and/or Drug Abuse Treatment Program**
1599

1600 Within thirty (30) days from the effective date of the Decision, respondent shall
1601 enter an inpatient or outpatient alcohol or other drug abuse recovery program or an
1602 equivalent program as approved by the Board or its designee. Components of the
1603 treatment program shall be relevant to the violation and to the respondent's current
1604 status in recovery or rehabilitation. Respondent shall provide the Board or its
1605 designee with proof that the approved program was successfully completed.
1606 Terminating the program without permission or being expelled for cause shall
1607 constitute a violation of probation by respondent. If respondent so terminates or is
1608 expelled from the program, respondent shall be ordered by the Board to
1609 immediately cease any practice of psychology, and may not practice unless and
1610 until notified by the Board. The term of probation shall be extended by the period of
1611 time during which respondent is ordered to cease practice.
1612

1613 Respondent shall pay all costs associated with the program. Failure to pay costs
1614 will be considered a violation of the probation order.
1615

1616 ~~However, if~~ respondent has already ~~attended~~completed such an inpatient or
1617 outpatient alcohol or other drug abuse recovery program, as described above,
1618 commencing with or during the current period of sobriety, respondent shall provide

1619 the Board or its designee with proof that the program was successfully completed
1620 and this ~~shall~~may, at the Board's discretion such as, completion of a court-ordered
1621 drug or alcohol treatment program, suffice to comply with this term of probation.
1622

1623 **RATIONALE and APPLICATION OF UNIFORM STANDARD # 6: This condition**
1624 **is to be considered in cases where the grounds for discipline involve drugs**
1625 **and/or alcohol, or where the Uniform Standards Related to a Substance-**
1626 **Abusing Licensee apply.**
1627

1628 **1014. Ongoing Support Group Program**

1629
1630 Within thirty (30) days of the effective date of the Decision, respondent shall begin
1631 and continue attendance at a support/recovery group (e.g., Twelve Step meetings
1632 or the equivalent, or a facilitated group support meeting with a psychologist trained
1633 in alcohol and drug abuse treatment) as ordered by the Board or its designee.
1634

1635 When determining the type and frequency of required support group meeting
1636 attendance, the Board shall give consideration to the following:
1637

- 1638 • the licensee's history;
- 1639 • the documented length of sobriety/time that has elapsed since substance use;
- 1640 • the recommendation of the clinical evaluator;
- 1641 • the scope and pattern of use;
- 1642 • the licensee's treatment history; and,
- 1643 • the nature, duration, and severity of substance abuse.

1644
1645 Verified documentation of attendance shall be submitted by respondent with each
1646 quarterly report. Respondent shall continue attendance in such a group for the
1647 duration of probation unless notified by the Board that attendance is no longer
1648 required.
1649

1650 **If a facilitated group support meeting is ordered for a substance-abusing**
1651 **licensee, add the following language regarding the facilitator:**
1652

1653 The group facilitator shall meet the following qualifications and requirements:
1654

- 1655 a. The meeting facilitator must have a minimum of three (3) years of experience
1656 in the treatment and rehabilitation of substance abuse, and shall be licensed
1657 or certified by the state or other nationally certified organizations.
- 1658 b. The meeting facilitator must not have had a financial relationship, personal
1659 relationship, or business relationship with the licensee in the last five (5)
1660 years.
- 1661 c. The meeting facilitator shall provide to the ~~b~~Board a signed document
1662 showing the licensee's name, facilitator's qualifications, the group name, the
1663 date and location of the meeting, the licensee's attendance, and the
1664 licensee's level of participation and progress.
- 1665 d. Respondent shall provide the facilitator with a copy of the Decision.

1666 de. The facilitator shall report any unexcused absence within twenty-four (24)
1667 hours.
1668

1669 **RATIONALE and APPLICATION OF UNIFORM STANDARD # 5: Alcohol and/or**
1670 **other drug abuse treatment shall be required in addition to other terms of**
1671 **probation in cases where the use of alcohol or other drugs by respondent has**
1672 **impaired respondent's ability to safely provide psychological services. This**
1673 **condition must be accompanied by condition #12-9. This term is to be**
1674 **considered in cases where the grounds for discipline involve drugs and/or**
1675 **alcohol, or where the Uniform Standards Related to a Substance-Abusing**
1676 **Licensee apply. ~~If the Uniform Standards do not apply, where relevant, non-~~**
1677 **~~facilitated support group attendance, such as Twelve Step meetings, may be~~**
1678 **~~ordered instead of a facilitated group support meeting, or in addition to it.~~**
1679

1680 **1142. Abstain from Drugs and Alcohol and Submit to Tests and Samples**

1681
1682 Respondent shall abstain completely from the personal use or possession of
1683 controlled substances as defined in the California Uniform Controlled Substances
1684 Act, and dangerous drugs as defined by Ssection 4022 of the ~~Business and~~
1685 ~~Professions~~ Code, or any drugs requiring a prescription unless respondent provides
1686 the Board or its designee with documentation from the prescribing healthcare
1687 professional that the prescription was legitimately issued and is a necessary part of
1688 the treatment of respondent.
1689

1690 Respondent shall abstain completely from the intake of alcohol in any form.

1691
1692 Respondent shall undergo random and directed biological fluid or specimen testing
1693 as determined by the Board or its designee. ~~Respondent shall be subject to [a~~
1694 ~~minimum of fifty-two (52)] random tests [per year within the first year of probation,~~
1695 ~~and a minimum of thirty-six (36) random tests per year thereafter,] for the duration~~
1696 ~~of the probationary term.~~
1697

1698 **Testing Frequency Schedule:**

1699

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

1700
1701 **After five (5) years, administration of biological fluid or specimen testing as**
1702 **determined by the Board, may be reduced to one (1) time per month if there**
1703 **have been no positive drug tests in the previous five (5) consecutive years of**
1704 **probation.**
1705

1706 Nothing precludes the Board from increasing the number of random tests for any
1707 reason.
1708

1709 Any confirmed positive finding will be considered a violation of probation.
1710 Respondent shall pay all costs associated with such testing. If respondent tests
1711 positive for a banned substance, respondent shall be ordered by the Board to
1712 immediately cease any practice of psychology and to suggest alternative service
1713 providers to their clients as appropriate, and may not practice unless and until
1714 notified by the Board. Respondent shall make daily contact as directed by the
1715 Board to determine if ~~he or she~~respondent must submit to alcohol and/or drug
1716 testing. Respondent shall submit to his or her alcohol and/or drug test on the same
1717 day that ~~he or she~~respondent is notified that a test is required. ~~All alternative testing~~
1718 ~~sites~~ Any alternative to the licensee's drug testing requirements (including
1719 frequency, alternative testing sites, or **cessation of practice**) due to vacation or
1720 travel outside of California must be approved by the Board prior to the vacation or
1721 travel. The term of probation shall be extended by the period of time during which
1722 respondent is ordered to cease practice.
1723

1724 **Drugs - Exception for Personal Illness**

1725

1726 Orders forbidding respondent from personal use or possession of controlled
1727 substances or dangerous drugs do not apply to medications lawfully prescribed to
1728 respondent for a bona fide illness or condition by a licensed health-care
1729 professional and used for the purposes for which they were prescribed. Respondent
1730 shall provide the Board or its designee with written documentation from the treating
1731 licensed health-care professional who prescribed medication(s) within fourteen (14)
1732 days from the date of the written request by the Board or its designee. The
1733 documentation shall identify the medication, dosage, number of refills, if any; the
1734 date the medication was prescribed, ~~the~~ respondent's prognosis, the date the
1735 medication will no longer be required, and the effect on the recovery plan, if
1736 appropriate.
1737

1738 **RATIONALE and APPLICATION OF UNIFORM STANDARD #s 4 and 8: This**
1739 **condition provides documentation that the ~~probationer~~respondent is**
1740 **~~substance or chemical free. not using drugs or alcohol.~~ It also provides the**
1741 **Board with a mechanism through which to require additional laboratory**
1742 **analyses for the presence of narcotics, alcohol and/or dangerous drugs when**
1743 **~~the probationer~~respondent appears to be in violation of the terms of**
1744 **probation or appears to be under the influence of mood altering substances.**
1745 **The Board will consider the following factors in making an exception to the**
1746 **testing frequency:**
1747

- 1748 ● **PREVIOUS TESTING/SOBRIETY:** In cases where the Board has
1749 evidence that a licensee has participated in a treatment or
1750 monitoring program requiring random testing prior to being subject
1751 to testing by the Board, the Board may give consideration to that
1752 testing in altering the testing frequency schedule so that it is
1753 equivalent to this standard.
1754
- 1755 ● **VIOLATION(S) OUTSIDE OF EMPLOYMENT:** An individual whose
1756 license is placed on probation for a single conviction or incident, or

1757 two (2) convictions or incidents, spanning greater than seven (7)
1758 years from each other, where those violations did not occur at work
1759 or while on the licensee's way to work, where alcohol or drugs were
1760 a contributing factor, may bypass level I and participate in level II of
1761 the testing frequency schedule.

- 1763 • **SUBSTANCE USE DISORDER NOT DIAGNOSED:** In cases where no
1764 current substance use disorder diagnosis is made, a lesser period
1765 of monitoring and toxicology screening may be adopted by the
1766 Board, but not to be ~~lessfewer~~ than twenty-four (24) times per year.

- 1768 • **LICENSED SUPERVISION DURING PRACTICE**

1770 The Board may reduce testing frequency to a minimum of 24 times
1771 per year for any person who is a practicing licensee if the licensee's
1772 supervisor is at the same location at least 50% of the day and is
1773 licensed by the Board.

1774 ~~The~~ **Term 11** is mandatory in cases where the Uniform Standards Related to a
1775 Substance-Abusing Licensee apply. Where the Uniform Standards do not
1776 apply, where relevant, the respondent should be ordered to submit to random
1777 and directed testing, but need not be ordered to submit to the minimum
1778 frequency of random tests.

1780 **12. Request for Modification Pursuant to Uniform Standards**

1781
1782 "Request" as used in this condition is a request under the Uniform Standards made
1783 to the probation monitor, and not under the Administrative Procedure Act.

1784
1785 Before the request is considered, respondent shall demonstrate that the following
1786 criteria have been met:

- 1787 a. Sustained compliance with current recovery program.
- 1788 b. The ability to practice safely as evidenced by current worksite monitor reports,
1789 evaluations, and any other information relating to respondent's substance
1790 abuse.
- 1791 c. Negative alcohol and drug screening reports for at least six (6) months, two
1792 (2) positive worksite monitor reports, and complete compliance with other
1793 terms and conditions of the program.

1794
1795
1796 **RATIONALE and APPLICATION OF UNIFORM STANDARD #11: This term is a**
1797 **standard term for all substance-abusing licensees, and applies to a request**
1798 **for a modification of terms and conditions that are within the purview of the**
1799 **Board's probation monitor.**

1800 **13. Educational Review**

1801
1802

1803 Respondent shall submit to an educational review concerning the circumstances
1804 that resulted in this administrative action. Within ninety (90) days from the effective
1805 date of the Decision, The educational review shall be conducted and submitted to
1806 the respondent and to the Board by a Board-appointed approved California
1807 licensed psychologist (“reviewer”). expert familiar with the case. Educational
1808 reviews are informational only and intended to benefit respondent’s practice.
1809 Respondent shall pay all costs associated with this educational review. If a reviewer
1810 makes recommendations for essential training, education, consultation, experiential
1811 opportunities, techniques, or technologies to enhance respondent’s professional
1812 competency in the discipline of psychology and its application in serving the public,
1813 respondent shall develop and submit a plan to the Board for approval within thirty
1814 (30) days after receiving the results of the educational review. The plan shall have
1815 measurable goals by which enhancement to areas of competency will be addressed
1816 within the probationary period. Respondent shall have met the requirements of the
1817 plan no later than six (6) months prior to the end of probation. Respondent shall pay
1818 all costs associated with this educational review and any costs associated with
1819 completing respondent’s Board-approved plan.

1820
1821 **RATIONALE: In cases involving evidence of deficiencies in the body of**
1822 **knowledge required to be minimally competent to practice independently, it**
1823 **may be appropriate to require the respondent to submit to an educational**
1824 **review during the course of the probation period.**

1825
1826 **B. STANDARD TERMS AND CONDITIONS OF PROBATION**
1827 **(To be included in ALL Proposed Decisions and Stipulations)**

1828
1829 **14. Psychological Evaluation**

1830
1831 Within ninety (90) days of the effective date of this Decision and on a periodic basis
1832 thereafter as may be required by the Board, respondent shall undergo a
1833 psychological evaluation (and psychological testing, if deemed necessary) by a
1834 Board-approved California-licensed psychologist (“evaluator”), as provided by the
1835 Board to the respondent. Respondent shall sign a release that authorizes the
1836 evaluator to furnish the Board with a Diagnostic and Statistical Manual of Mental
1837 Disorders, 5th Edition, (DSM-5) diagnosis and a written evaluation regarding
1838 respondent’s judgment and/or ability to practice independently and safely, and any
1839 additional information the Board deems relevant to the case. The completed
1840 evaluation is the sole property of the Board.

1841
1842 If the Board concludes from the results of the evaluation that respondent is unable
1843 to practice independently and safely, upon written notice from the Board,
1844 respondent shall immediately cease accepting new clients and, in accordance with
1845 professional standards, shall appropriately refer/terminate existing clients within
1846 thirty (30) days of the date of the Board’s written notice, and shall not resume
1847 practice until a Board-approved evaluator determines that respondent is safe to
1848 practice. The term of probation shall be extended for this additional period of time
1849 that respondent was ordered to cease practice. Recommendations for treatment
1850 made as a result of the evaluation will be instituted and followed by respondent.

1851
1852 If not otherwise ordered herein, if ongoing psychotherapy is recommended in the
1853 psychological evaluation, the Board will notify respondent in writing to submit to
1854 such psychotherapy and to select a psychologist for approval by the Board within
1855 thirty (30) days of the date of such written notification. The psychotherapist shall (1)
1856 be a California-licensed psychologist with a active, unrestricted and current license;
1857 (2) have no current or formal financial, personal, familial, professional, or other
1858 social or business relationship with respondent; and (3) not be the same person as
1859 respondent's practice, billing, or worksite monitor. Frequency of psychotherapy shall
1860 be determined upon recommendation of the treating psychologist with approval by
1861 the Board. Respondent shall continue psychotherapy until receiving written notice of
1862 release by the Board-approved psychologist and approval by the Board. The Board
1863 may order a re-evaluation upon receipt of the psychologist's recommendation.

1864
1865 If not otherwise ordered herein, if a client population or psychological service
1866 restriction is recommended in the psychological evaluation, the Board will notify
1867 respondent in writing as to the limitation and its duration.

1868
1869 Respondent shall pay all costs associated with the psychological evaluation and
1870 ongoing psychotherapy.

1871
1872 **Option of Evaluation as a Condition Precedent:**

1873
1874 **In some cases, including but not limited to gross negligence or dishonest,**
1875 **corrupt, or fraudulent acts, the psychological evaluation may be imposed as**
1876 **either a condition precedent to the continued practice of psychology, or to**
1877 **the issuance or reinstatement of a license, so that respondent or petitioner is**
1878 **not allowed to begin or continue practice until found to be safe to do so. In**
1879 **such cases, the following language shall be substituted as the first sentence**
1880 **of the first paragraph of this condition:**

1881
1882 As a condition precedent to the [continued practice of psychology][issuance of a
1883 license] [reinstatement of a license], within ninety (90) days of the effective date of
1884 this Decision, and on a periodic basis thereafter as may be required by the Board or
1885 its designee, respondent shall undergo a psychological evaluation (and
1886 psychological testing, if deemed necessary) by a Board-approved California-
1887 licensed psychologist. The term of probation shall be extended for the additional
1888 period of time during which respondent is not allowed to practice.

1889
1890 **In addition, the following language shall also be used as a substitute for the**
1891 **first sentence of the second paragraph of this condition:**

1892
1893 If the Board concludes from the results of the evaluation that
1894 [respondent][petitioner] is unable to practice independently and safely, upon written
1895 notice from the Board [respondent shall, in accordance with professional standards,
1896 appropriately refer/terminate existing clients within thirty (30) days and shall not
1897 resume practice until a Board-approved evaluator determines that respondent is
1898 safe to practice][respondent or petitioner shall not be issued or have a reinstated

1899 license until a Board-approved evaluator determines that respondent or petitioner is
1900 safe to practice].

1901
1902 **15 14. Notification to Employer**

1903
1904 When currently employed, applying for employment or negotiating a contract, or
1905 contracted to provide psychological services, respondent shall provide to each
1906 employers, supervisor, or contractor, or prospective employer or contractor where
1907 respondent is providing or would provide psychological services, a copy of ~~the~~
1908 ~~Decision and the Accusation or Statement of Issues~~ before accepting or continuing
1909 employment. Notification to ~~the~~ respondent's current employer shall occur no later
1910 than the effective date of the Decision. Respondent shall submit, upon request by
1911 the Board or its designee, satisfactory evidence of compliance with this
1912 ~~term~~ condition of probation.

1913
1914 The ~~R~~respondent shall provide to the Board the names, physical addresses, mailing
1915 addresses, email addresses, and telephone numbers of all employers and
1916 supervisors, or contractors, and shall inform the Board in writing of the facility or
1917 facilities at which the person is providing psychological services, and the name(s) of
1918 the person(s) to whom the Board's ~~d~~Decision was provided. Respondent shall not
1919 interfere with the Board's authority to communicate with respondent's employer,
1920 supervisor, or workplace contacts with whom they are contracted to provide
1921 psychological services.

1922
1923 If respondent offers psychological services through court appointment, respondent
1924 must provide a copy of the Decision to the division of the Court where services are
1925 offered prior to the appointment.

1926
1927 ~~Respondent shall complete the required consent forms and sign an agreement with~~
1928 ~~the employer and supervisor, or contractor, and the Board to allow the Board to~~
1929 ~~communicate with the employer and supervisor, or contractor.~~

1930
1931 **1615. Coursework**

1932
1933 Respondent shall take and successfully complete not less than _____
1934 hours each year of probation in the following area(s) _____ and/or as
1935 approved by the Board or its designee. Coursework ~~must~~ shall be pre-approved by
1936 the Board or its designee and be taken from a continuing education provider
1937 approved by the American Psychological Association (APA), California
1938 Psychological Association (CPA), California Medical Association (CMA),
1939 Accreditation Council for Continuing Medical Education (ACCME), or Association of
1940 Black Psychologists (ABPsi) or its designee. Coursework shall be taken in real time,
1941 with live interaction with the course instructor. On-demand, recorded courses, or
1942 home study coursework will not count toward meeting this requirement. All
1943 coursework shall be taken at the graduate level at an accredited educational
1944 institution, or by an approved continuing education provider. Classroom attendance
1945 correspondence or home study coursework shall not count toward meeting this
1946 requirement. The coursework must be in addition to any continuing education

1947 courses that may be required for license renewal. Respondent shall provide proof,
1948 pursuant to section 1397.61.1 of completion of the required coursework to the
1949 Board.

1950
1951 ~~Within ninety (90) days of the effective date of this Decision, respondent shall~~
1952 ~~submit to the Board or its designee for its prior approval a plan for meeting the~~
1953 ~~educational requirements. All costs of the coursework shall be paid by the~~
1954 ~~respondent.~~

1955 1956 **1746. Law and Ethics Course**

1957
1958 Respondent shall take and successfully complete a course in law and ethics of not
1959 less than six (6) hours, within the first year from the effective date of the Decision.
1960 Coursework shall be pre-approved by the Board and be taken from a continuing
1961 education provider approved by American Psychological Association (APA),
1962 California Psychological Association (CPA), California Medical Association (CMA),
1963 Accreditation Council for Continuing Medical Education (ACCME), or Association of
1964 Black Psychologists (ABPsi). Coursework shall be taken in real time, with live
1965 interaction with the course instructor. On-demand, recorded courses, or home study
1966 coursework will not count toward meeting this requirement. The coursework must
1967 be in addition to any continuing education courses that may be required for license
1968 renewal. Respondent shall provide proof of completion of the required coursework
1969 to the Board. The cost associated with the law and ethics course shall be paid by
1970 respondent.

1971
1972 ~~Within ninety (90) days of the effective date of this Decision, shall submit to the~~
1973 ~~Board or its designee for prior approval a course in laws and ethics as they relate to~~
1974 ~~the practice of psychology. Said course must be successfully completed at an~~
1975 ~~accredited educational institution or through a provider approved by the Board's~~
1976 ~~accreditation agency for continuing education credit. Said course must be taken~~
1977 ~~and completed within one year from the effective date of this Decision. This course~~
1978 ~~must be in addition to any continuing education courses that may be required for~~
1979 ~~license renewal. The cost associated with the law and ethics course shall be paid~~
1980 ~~by the respondent.~~

1981 1982 **1817. Investigation/Enforcement Cost Recovery**

1983
1984 Respondent shall pay to the Board its costs of investigation and enforcement in the
1985 amount of \$_____ within the first year of probation from the effective date
1986 of the Decision unless an alternative payment plan is approved by the Board or its
1987 designee after written request from respondent as provided in this section. Such
1988 costs shall be payable to the Board of Psychology and are to be paid regardless of
1989 whether the probation is tolled. ~~Failure to pay such costs shall be considered a~~
1990 ~~violation of probation.~~

1991
1992 Any and all requests for a an alternative payment plan shall be submitted in writing
1993 by respondent to the Board. However, full payment of any and all costs required by

1994 this condition must be received by the Board no later than six (6) months prior to
1995 the scheduled termination of probation.

1996
1997 The filing of bankruptcy by respondent shall not relieve respondent of the
1998 responsibility to repay investigation and enforcement costs.
1999

2000 **1918. Probation Costs**

2001
2002 Respondent shall pay the costs associated with probation monitoring each and
2003 every year of probation as designated by the Board or its designee, which may be
2004 adjusted on an annual basis. Such costs shall be payable to the Board of
2005 Psychology at the end of each fiscal year (June 30). ~~Failure to pay such costs shall~~
2006 ~~be considered a violation of probation.~~

2007
2008 The filing of bankruptcy by respondent shall not relieve respondent of the
2009 responsibility to repay probation monitoring costs.
2010

2011 **2019. Obey All Laws**

2012
2013 Respondent shall obey all federal, state, and local laws and all regulations
2014 governing the practice of psychology in California including the ~~e~~Ethical Principles
2015 of Psychologists and Code of Conduct ~~guidelines~~ of the American Psychological
2016 Association. A full and detailed account of any and all violations of law shall be
2017 reported by ~~the~~ respondent to the Board or its designee in writing within seventy-
2018 two (72) hours of occurrence.

2019
2020 CRIMINAL COURT ORDERS: If respondent is under criminal court orders by any
2021 governmental agency, including probation or parole, and the orders are violated,
2022 this shall be deemed a violation of probation and may result in the filing of an
2023 ~~a~~Accusation or ~~p~~Petition to ~~r~~Revoke ~~p~~Probation or both.

2024
2025 OTHER BOARD OR REGULATORY AGENCY ORDERS: If respondent is subject
2026 to any other disciplinary order from any other health-care related board or any
2027 professional licensing or certification regulatory agency in California or elsewhere,
2028 and violates any of the orders or terms and conditions imposed by other agencies,
2029 this shall be deemed a violation of probation and may result in the filing of an
2030 ~~a~~Accusation or ~~p~~Petition to ~~r~~Revoke ~~p~~Probation or both.

2031 2032 **2120. Quarterly Reports**

2033
2034 Respondent shall submit quarterly declarations under penalty of perjury ~~on forms~~
2035 ~~provided by the Board or its designee,~~ stating whether there has been compliance
2036 with all the conditions of probation. Quarterly reports attesting to non-practice status
2037 are to be submitted if probation is tolled.
2038

2039 Respondent shall submit a quarterly report that covers the entire quarter no later
2040 than seven (7) calendar days ~~from~~after ~~the beginning of the assigned quarter~~ ends.
2041 The quarterly reporting periods and due dates are as follows:

- 2042
- 2043
- 2044
- 2045
- 2046
- 2047
- 2048
- 2049
- 2050
- Quarter 1 January 1 – March 31 - Report no earlier than April 1st. Due no later than April 7th.
 - Quarter 2 April 1 – June 30 - Report no earlier than July 1st. Due no later than July 7th.
 - Quarter 3 July 1 – September 30 - Report no earlier than October 1st. Due no later October 7th.
 - Quarter 4 October 1 – December 31 - Report no earlier than January 1st. Due no later than January 7th

2051 **2224. Probation Compliance**

2052

2053 Respondent shall comply with the Board’s probation program and shall, upon
2054 reasonable notice, report to the assigned Board of Psychology probation monitor.
2055 Respondent shall contact the assigned probation monitor regarding any questions
2056 specific to the ~~probation order~~Decision. As it relates to the Decision, Respondent
2057 shall not have any unsolicited or unapproved contact with (1) complainants
2058 associated with the case; (2) Board members ~~or members of its staff~~; or (3) persons
2059 serving the Board as expert evaluators.

2060

2061 **2322. Interview with Board or Its Designee**

2062

2063 Respondent shall appear in person for interviews and/or meetings as directed by
2064 with the Board or its designee upon request at various intervals and with
2065 reasonable notice.

2066

2067 **2423. Changes of Employment/Address**

2068

2069 Respondent shall, at all times, keep the Board informed of respondent’s business
2070 and residence addresses. Respondent shall notify the Board in writing, through the
2071 assigned probation monitor, of any and all changes of employment, location, and
2072 address within ~~thirty (30)~~ ten (10) days of such change.

2073

2074 **2524. Tolling for Out-of-State Practice, Residence or Extension of Probation for**
2075 **In-State Non-Practice**Tolling for Non-Practice and Out-of-State Practice

2076

2077 Respondent shall notify the Board in writing within ten (10) days of any periods of
2078 non-practice lasting more than thirty (30) days and within ten (10) days of
2079 respondent’s return to practice.

2080

2081 Non-practice is any period that respondent is not rendering those psychological
2082 services identified in section 2903 of the Business and Professions Code for at
2083 least forty (40) hours in a calendar month in the State of California.

2084

2085 If respondent resides in California and is in non-practice, respondent shall comply
2086 with all of the terms and conditions of probation.

2087

2088 Periods of non-practice for a respondent residing outside of California will relieve
2089 respondent of the responsibility to comply with the probationary terms and

2090 conditions, with the exception of this condition and the following terms and
2091 conditions:

- 2092
- 2093 ● Restitution,
- 2094 ● Abstain from Drugs and Alcohol, and Submit to Tests and Samples,
- 2095 ● Cost Recovery,
- 2096 ● Probation Costs,
- 2097 ● Obey all Laws,
- 2098 ● Quarterly Reports,
- 2099 ● Probation Compliance,
- 2100 ● Interview with the Board or Its Designee
- 2101 ● Changes of Employment/Address,
- 2102 ● Violation of Probation,
- 2103 ● License Surrender
- 2104

2105 Periods of non-practice will not apply to reduction of the probationary term.

2106

2107 A Board-ordered suspension of practice shall not be considered a period of non-
2108 practice.

2109

2110 Respondent's cumulative, total time of non-practice while on probation shall not
2111 exceed two (2) years. Absent a showing of good cause to the Board, including but
2112 not limiting to health issues of respondent or immediate family member, for a
2113 cumulative period of non-practice exceeding two (2) years constitutes a violation of
2114 probation and subjects respondent's license to surrender or revocation.

2115

2116 ~~In the event respondent should leave California to reside or to practice outside the~~
2117 ~~State for any reason, respondent shall notify the Board or its designee in writing~~
2118 ~~within ten (10) days of the dates of departure and return to California. All provisions~~
2119 ~~of probation other than the quarterly report requirements, restitution, cost recovery,~~
2120 ~~and coursework requirements, shall be held in abeyance until respondent resumes~~
2121 ~~practice in California. All provisions of probation shall recommence on the effective~~
2122 ~~date of resumption of practice in California, and the term of probation shall be~~
2123 ~~extended for the period of time respondent was out of state.~~

2124

2125 ~~Unless by Board order, in the event respondent is not engaging in the practice of~~
2126 ~~psychology while residing in California, respondent shall notify the Board or its~~
2127 ~~designee in writing within ten (10) days of the dates of cessation of practice and~~
2128 ~~expected return to practice. Non-practice is defined as any period of time exceeding~~
2129 ~~thirty (30) days in which respondent is not engaging in any activities defined in~~
2130 ~~Sections 2902 and 2903 of the Business and Professions Code. All provisions of~~
2131 ~~probation shall remain in effect, and the term of probation shall be extended for the~~
2132 ~~period of time respondent was not engaged in the practice of psychology as~~
2133 ~~required by other employment requirements of this order.~~

2134

2135 **26. Tolling for Ceased Practice**

2136

2137 The term of probation shall be extended for any period of time during which
2138 respondent is ordered to cease practice. Respondent's cumulative, total time of
2139 ceased practice while on probation shall not exceed two (2) years. A cumulative
2140 period of ceased practice exceeding two (2) years constitutes a violation of
2141 probation.

2142
2143 **2725. Employment and Supervision of Trainees**

2144
2145 If ~~respondent is licensed as a psychologist, he/she~~ respondent shall not employ or
2146 supervise or ~~apply to employ or supervise~~ psychological assistants, associates,
2147 interns, or trainees. Any such supervisory relationship in existence on the effective
2148 date of this Decision and Order shall be terminated by respondent and/or the
2149 Board.

2150
2151 **2826. Instruction of Coursework Qualifying for Continuing Education**

2152
2153 Respondent shall not be an instructor of any coursework for continuing education
2154 credit required by any license issued by the Board.

2155
2156 **2927. Future Registration or Licensure**

2157
2158 If ~~respondent is registered as a psychological assistant or registered psychologist~~
2159 ~~and subsequently obtains other psychological assistant or registered psychologist~~
2160 ~~registrations or becomes licensed as a psychologist during the course of this~~
2161 ~~probationary order, This~~ Decision shall remain in full force and effect through any
2162 registration or license issued by the Board until the probationary period is
2163 successfully ~~terminated~~ completed. Future registrations or licensure shall not be
2164 approved, ~~however,~~ unless respondent is currently in compliance with all of the
2165 terms and conditions of probation.

2166
2167 **28. Request for Modification**

2168
2169 "Request" as used in this condition is a request made to the Board's designee, and
2170 not under the Administrative Procedure Act.

2171
2172 The licensee shall demonstrate that he or she has met the following criteria before
2173 being granted a request to modify a practice restriction ordered by the Board staff
2174 pursuant to the Uniform Standards:

- 2175
2176 a. ~~Demonstrated sustained compliance with current recovery program.~~
2177 b. ~~Demonstrated the ability to practice safely as evidenced by current work site~~
2178 ~~reports, evaluations, and any other information relating to the licensee's~~
2179 ~~substance abuse.~~
2180 c. ~~Negative alcohol and drug screening reports for at least six (6) months, two~~
2181 ~~(2) positive worksite monitor reports, and complete compliance with other~~
2182 ~~terms and conditions of the program.~~

2183
2184 **RATIONALE and APPLICATION OF UNIFORM STANDARD #11: This term is a**

2185 ~~standard term for all substance abusing licensees. It applies to request for a~~
2186 ~~notification of terms and conditions that are within the purview of the Board's~~
2187 ~~Probation Monitor.~~
2188

2189 **3029. Violation of Probation**

2190
2191 If respondent violates probation ~~in any respect~~, the Board may, after giving
2192 respondent notice and the opportunity to be heard, revoke probation and carry out
2193 the disciplinary order that was stayed. If an Accusation or Petition to Revoke
2194 Probation is filed against respondent during probation, the Board shall ~~have~~
2195 continueing to have jurisdiction until the matter is final, and the term of probation
2196 shall be extended until the matter is final. No Petition for Modification or Termination
2197 of Probation shall be considered while there is an Accusation or Petition to Revoke
2198 Probation pending against respondent.
2199

2200 **3130. Completion of Probation**

2201
2202 Upon successful completion of probation, respondent's license shall be fully
2203 restored.
2204

2205 **3231. License Surrender**

2206
2207 Following the effective date of this Decision, if respondent ceases practicing due to
2208 retirement, health reasons or is otherwise unable to satisfy the terms and conditions of
2209 probation, respondent may request in writing the voluntary surrender of ~~his or her~~their
2210 ~~license or registration.~~ Respondent's written request to surrender their license shall
2211 include the following: their name, license number, case number, address of record, and
2212 an explanation of the reason(s) why respondent seeks to surrender their license. The
2213 Board of Psychology or its designee reserves the right to evaluate respondent's request
2214 and to exercise its discretion whether or not to grant the request, or to take any other
2215 action deemed appropriate and reasonable under the circumstances. Upon formal
2216 acceptance of the surrender, respondent shall, within fifteen (15) calendar days, deliver
2217 respondent's pocket and/or wall certificate to the Board or its designee and respondent
2218 shall no longer practice psychology. Respondent will no longer be subject to the terms
2219 and conditions of probation and the surrender of respondent's license shall be deemed
2220 disciplinary action. If respondent reapplies for a psychology license ~~or registration~~, the
2221 application shall be treated as a petition for reinstatement of a revoked license ~~or~~
2222 registration.
2223

2224 **C. STANDARD TERMS AND CONDITIONS FOR REVOCATIONS OR** 2225 **STIPULATIONS FOR SURRENDER**

2226 **(To be included in ALL all Revocations or Stipulations for Surrender or**
2227 **Revocation)**
2228

2229 **3332. Reinstatement and Investigation/Enforcement Cost Recovery**

2230
2231 Respondent may not petition for reinstatement of a revoked or surrendered
2232 license/~~registration~~ for three (3) years from the effective date of this Decision. If the

2233 Board grants future reinstatement, respondent agrees to reimburse the Board for its
2234 costs of investigation and enforcement of this matter in the amount of \$ _____
2235 payable to the Board upon the effective date of such reinstatement Decision.
2236

2237 **3433. Relinquish License**

2238
2239 Respondent shall deliver respondent's pocket and/or wall certificate relinquish
2240 ~~his/her wall and pocket certificate of licensure or registration~~ to the Board or its
2241 designee once this Decision becomes effective ~~and upon request~~.
2242

2243 **IV. PROPOSED DECISIONS**

2244
2245 **A. ~~Contents: The Board requests that Proposed Decisions include the following:~~**
2246 **Proposed Decisions must include the following:**

- 2247 a. Specific code section(s) violated ~~with the definition of the code(s)~~ in the
2248 Determination of Issues.
2249 b. Clear description of the acts or omissions which caused the violation.
2250 c. Respondent's explanation of the violation(s) in the Findings of Fact if
2251 ~~he/she~~respondent was present at the hearing.
2252 d. Description of all evidence of mitigation, rehabilitation, and aggravation
2253 presented at the hearing.
2254 e. Explanation of any deviation from the Board's Disciplinary Guidelines.
2255

2256 When a probation order is ordered imposed, ~~the Board requests that the Decision order~~
2257 ~~first~~ must list any combination of the Optional Terms and Conditions (1-13) that are
2258 imposed, as they may pertain to the particular case followed by all of the Standard
2259 Terms and Conditions (14-342).
2260

2261 ~~If the respondent fails to appear for his/her scheduled hearing or does not submit a~~
2262 ~~Notice of Defense form, **such inaction shall result in a default decision to revoke**~~
2263 ~~**licensure or deny application.**~~
2264

2265 **~~B. Recommended Language for Issuance and Placement of a License on~~**
2266 **~~Probation, and Reinstatement of License~~Model Disciplinary Orders**

2267
2268 **1. Disciplining**Placement of a License on Probation/Registration:

2269
2270 "IT IS HEREBY ORDERED that the [~~registration~~][~~license~~] issued to respondent is
2271 REVOKED. However, the order of revocation is STAYED and the
2272 [~~registration~~][~~license~~] is placed on probation for [#] years subject to the following
2273 terms and conditions":
2274

2275 **2. Applicant Placed on Probation**Issuance and Placement of a License on Probation:

2276
2277 "IT IS HEREBY ORDERED that the application for [~~licensure~~][~~registration~~] is
2278 GRANTED, and upon successful completion of all [~~licensing~~][~~registration~~]
2279 requirements a [~~license~~][~~registration~~] shall be issued, provided that all
2280 [~~licensing~~][~~registration~~] requirements are completed within two (2) years of the

2281 effective date of this ~~d~~Decision. If a [~~license~~]~~registration~~ is not issued within two (2)
2282 years of the effective date of this ~~d~~Decision, the application is ordered denied, and a
2283 new application will be required. Upon issuance, ~~however~~, said [~~license~~]~~registration~~
2284 shall immediately be REVOKED. However, the order of revocation shall be
2285 STAYED, and the [~~license~~]~~registration~~ is placed on probation for [#] years subject
2286 to the following terms and conditions”:_
2287

2288 3. Reinstatement of a License:

2289
2290 “The petition of [name], [Ph.D.][~~PsyD.~~][EdD], for reinstatement of licensure is hereby
2291 GRANTED. Psychologist license number [#] shall be reinstated provided that all
2292 licensing requirements are completed within two (2) years of the effective date of this
2293 ~~d~~Decision. If the license is not reinstated within two (2) years of the effective date of
2294 this ~~d~~Decision, the petition is ordered denied, and a new petition for reinstatement
2295 will be required. Upon reinstatement, ~~however~~, the license shall be immediately
2296 ~~revoked~~ REVOKED. However, the order of revocation shall be STAYED, and
2297 petitioner’s license shall be placed on probation for a period of [#] years subject to
2298 the following terms and ~~following~~ conditions:”
2299

2300 **V. REHABILITATION CRITERIA FOR REINSTATEMENT/PENALTYDISCIPLINE** 2301 **RELIEF HEARINGS**

2302
2303 The primary concerns of the Board at reinstatement or ~~penaltydiscipline~~ relief hearings
2304 are (1) the Rehabilitation Criteria for Denials and Reinstatements in ~~California Code of~~
2305 ~~Regulations, Title 16 CCR,~~ section 1395; and (2) the evidence presented by the
2306 petitioner of his/~~her~~their rehabilitation. The Board will not retry the original ~~revocation or~~
2307 ~~probation case~~disciplinary action.
2308

2309 The Board will consider, pursuant to 16 CCR Ssection 1395, the ~~following~~ criteria of
2310 rehabilitation for Denials and Reinstatements as follows:

- 2311
2312 (1) ~~The nature and severity of the act(s) or crime(s) under consideration as grounds~~
2313 ~~for denial.~~
2314 (2) ~~Evidence of any act(s) committed subsequent to the act(s) or crime(s) under~~
2315 ~~consideration as grounds for denial which also could be considered as grounds~~
2316 ~~for denial under section 480 of the Code.~~
2317 (3) ~~The time that has elapsed since commission of the act(s) of crime(s) referred to~~
2318 ~~in subdivision (1) or (2).~~
2319 (4) ~~The extent to which the applicant has complied with any terms of parole,~~
2320 ~~probation, restitution, or any other sanctions lawfully imposed against the~~
2321 ~~applicant.~~
2322 (5) ~~Evidence, if any, of rehabilitation submitted by the applicant.~~
2323

2324 When considering the denial of a license or registration under sections 141, 480, 2960,
2325 or 2960.6 of the Code, or a petition for reinstatement or modification of penalty under
2326 section 2962 of the Code, the Board will evaluate whether the applicant or petitioner has
2327 made a showing of rehabilitation and has established present fitness for a license or
2328 registration.

2329 (a) Where the denial is, or the surrender or revocation was, in part on the ground(s) that
2330 the applicant or petitioner has been convicted of a crime, the Board shall consider
2331 whether the applicant or petitioner made a showing of rehabilitation if the person
2332 completed the criminal sentence without a violation of parole or probation. In making
2333 this determination, the Board shall use the following criteria in (1) through (5), as
2334 available. If there is a violation of parole or probation, or no showing of rehabilitation
2335 based on these criteria, the Board shall evaluate rehabilitation under subdivision (b).
2336 (1) The nature and gravity of the crime(s).
2337 (2) The reason for granting and the length(s) of the applicable parole or probation
2338 period(s).
2339 (3) The extent to which the applicable parole or probation period was shortened or
2340 lengthened, and the reason(s) the period was modified.
2341 (4) The terms or conditions of parole or probation and the extent to which they bear on
2342 the applicant's or petitioner's rehabilitation.
2343 (5) The extent to which the terms or conditions of parole or probation were modified,
2344 and the reason(s) for modification.

2345
2346 (b) Where the denial is not or the surrender or revocation was not based on a
2347 conviction, or was based upon professional misconduct, or unprofessional conduct
2348 under sections 2960 or 2960.6 of the Code, or the Board determines that the applicant
2349 or petitioner did not make a showing of rehabilitation based on subdivision (a), the
2350 Board shall apply the following criteria in evaluating an applicant's or petitioner's
2351 rehabilitation:
2352 (1) Evidence of any act(s) committed subsequent to the act(s) or crime(s) that are
2353 grounds for denial, or that were grounds for surrender or revocation, which also could
2354 be considered as grounds for denial under sections 141, 480, 2960, or 2960.6 of the
2355 Code, and the time that has elapsed between them.
2356 (2) The extent to which the applicant or petitioner has complied with any terms of
2357 parole, probation, restitution, or any other sanctions lawfully imposed against the
2358 applicant or petitioner.
2359 (3) The criteria in subdivision (a)(1)-(5), as applicable.
2360 (4) Evidence, if any, of rehabilitation submitted by the applicant or petitioner
2361 demonstrating that they have a mature, measured appreciation of the gravity of the
2362 misconduct, and remorse for the harm caused, and showing a course of conduct that
2363 convinces and assures the Board that the public will be safe if the person is permitted to
2364 be licensed or registered to practice psychology.

2365
2366 The Board requests that comprehensive information be elicited from the petitioner
2367 regarding ~~his~~her~~her~~their rehabilitation. The petitioner should provide details that include:
2368 A. Why the ~~penalty~~discipline should be modified or why the license should be
2369 reinstated.
2370 B. Specifics of rehabilitative efforts and results which should include programs,
2371 psychotherapy, medical treatment, etc., and the duration of such efforts.
2372 C. Continuing education pertaining to the offense and its effect on ~~his or her~~their
2373 practice of psychology.
2374 D. If applicable, copies of court documents pertinent to conviction, including
2375 documents specifying conviction and sanctions, and proof of completion of
2376 sanctions.

- 2377 E. If applicable, copy of Certificate of Rehabilitation or evidence of expungement
2378 proceedings.
2379 F. If applicable, evidence of compliance with and completion of terms of probation,
2380 parole, restitution, or any other sanctions.
2381

2382 Rehabilitation is evaluated according to an internal subjective measure of attitude (state
2383 of mind) and an external objective measure of conduct (state of facts). The state of mind
2384 demonstrating rehabilitation is one that has a mature, measured appreciation of the
2385 gravity of the misconduct and remorse for the harm caused. Petitioner must take
2386 responsibility for the misconduct and show an appreciation for why it is wrong. Petitioner
2387 must also show a demonstrated course of conduct that convinces and assures the
2388 Board that the public would be safe if petitioner is permitted to be licensed to practice
2389 psychology. Petitioner must show a track record of reliable, responsible, and
2390 consistently appropriate conduct.
2391

2392 In the ~~Petition-Decision~~, the Board requests a summary of the offense and the specific
2393 codes violated that resulted in the Decision ~~revocation, surrender or probation of the~~
2394 license.
2395

2396 If the Board should deny a request for reinstatement of licensure or penalty relief, the
2397 Board requests that the Administrative Law Judge provide technical assistance in the
2398 formulation of language clearly setting forth the reasons for denial. Such language
2399 would include methodologies or approaches that demonstrate rehabilitation. ~~Petitioners~~
2400 ~~for reinstatement must wait three (3) years from the effective date of their revocation~~
2401 ~~decisions or one (1) year from the last petition for reinstatement decisions before filing~~
2402 ~~for reinstatement.~~
2403

2404 If a petitioner fails to appear for his/~~her~~their scheduled ~~reinstatement or penalty relief~~
2405 ~~hearing~~, such inaction shall result in a ~~Default~~ Decision to deny the
2406 petition ~~reinstatement of the license or registration or reduction of penalty.~~
2407

2408 **VI. UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSING LICENSEES**

2409

2410 The following Uniform Standards describe the conditions that apply to a substance-
2411 abusing applicant or licensee, and have been incorporated into the terms and conditions
2412 of probation. If the ground(s) for discipline involves drugs and/or alcohol, the applicant
2413 or licensee shall be presumed to be a substance-abusing applicant or licensee for
2414 purposes of section 315 of the Code. If the applicant or licensee does not rebut that
2415 presumption, there shall be a finding that ~~he or she~~ they are is a substance-abusing
2416 applicant or licensee, and the Uniform Standards for a substance abusing applicant or
2417 licensee shall apply as written and be used in the order placing the license on probation.
2418

2419 **Clinical Diagnostic Evaluations [Uniform Standard #1]:** 2420 (Reflected in Optional Term # 98) 2421

2422 Whenever a licensee is ordered to undergo a clinical diagnostic evaluation, the
2423 evaluator shall be a licensed practitioner who holds a valid, unrestricted license to
2424 conduct clinical diagnostic evaluations, and has three (3) years of experience in

2425 providing evaluations of health care professionals with substance abuse disorders. The
2426 evaluator shall be approved by the Board, and unless permitted by the Board or its
2427 designee, shall be a California-licensed psychologist or physician and surgeon. The
2428 evaluations shall be conducted in accordance with acceptable professional standards
2429 for conducting substance abuse clinical diagnostic evaluations.

2430

2431 **Whether the clinical diagnostic evaluation is ordered is discretionary.**

2432

2433 **Clinical Diagnostic Evaluation Report [Uniform Standard #1]:**

2434

2435 **Clinical Diagnostic Evaluation/Cease Practice Order [Uniform Standard #2]:**

2436 (Reflected in Optional Term # 98)

2437

2438 Unless the presumption that the applicant or licensee is a substance-abusing applicant
2439 or licensee is rebutted, and the public can be adequately protected, the Board shall
2440 order the applicant or licensee to cease any practice of psychology pending the clinical
2441 diagnostic evaluation and a Board determination upon review of the diagnostic
2442 evaluation report that the applicant is safe to begin or the licensee is safe to return to
2443 practice.

2444

2445 **If the evaluation is ordered, a cease practice order is mandatory.**

2446

2447 **Clinical Diagnostic Evaluation Report [Uniform Standard #31,2,6]:**

2448 (Reflected in Optional Term # 98)

2449

2450 The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion,
2451 whether the licensee has a substance abuse problem, whether the licensee is a threat
2452 to ~~himself or herself~~ themselves or others, and recommendations for substance abuse
2453 treatment, practice restrictions, or other recommendations related to the licensee's
2454 rehabilitation and safe practice.

2455

2456 The evaluator shall not have or have ever had a financial, personal, business or other
2457 social relationship with the licensee. The evaluator shall provide an objective, unbiased,
2458 and independent evaluation.

2459

2460 If the evaluator determines during the evaluation process that a licensee is a threat to
2461 ~~himself or herself~~ themselves or others, the evaluator shall notify the Board within twenty-
2462 four (24) hours of such a determination.

2463

2464 For all evaluations, a final written report shall be provided to the Board no later than ten
2465 (10) days from the date the evaluator is assigned the matter unless the evaluator
2466 requests additional information to complete the evaluation, not to exceed thirty (30)
2467 days.

2468

2469 The Board shall review the clinical diagnostic evaluation to help determine whether or
2470 not the licensee is safe to return to either part-time or full-time practice and what
2471 restrictions or recommendations should be imposed on the licensee based on the
2472 application of the following criteria:

2473
2474 License type, licensee's history, documented length of sobriety, scope and pattern of
2475 substance abuse, treatment history, medical history, current medical condition,
2476 nature, duration and severity of substance abuse problem, and whether the licensee
2477 is a threat to ~~himself or herself~~ themselves or others.

2478
2479 When determining if the licensee should be required to participate in inpatient,
2480 outpatient or any other type of treatment, the Board shall take into consideration the
2481 recommendation of the clinical diagnostic evaluation, license type, licensee's history,
2482 length of sobriety, scope and pattern of substance abuse, treatment history, medical
2483 history, current medical condition, nature, duration and severity of substance abuse and
2484 whether the licensee is a threat to ~~himself or herself~~ themselves or others.

2485
2486 **If the evaluation is ordered, this standard is mandatory.**

2487
2488 **Communication with Employer [Uniform Standard #4]:**
2489 (Reflected in Standard Term # 1415)

2490
2491 If the licensee whose license is on probation has an employer, the licensee shall
2492 provide to the Board the names, physical addresses, mailing addresses, email, and
2493 telephone numbers of all employers and supervisors and shall give specific, written
2494 consent that the licensee authorizes the Board and the employers and supervisors to
2495 communicate regarding the licensee's work status, performance, and monitoring.

2496
2497 **Facilitated Group Support Meetings [Uniform Standard #5]:**
2498 (Reflected in Optional Term # 104)

2499
2500 If the Board requires a licensee to participate in facilitated group support meetings, the
2501 following shall apply:

- 2502
- 2503 1. When determining the frequency of required group meeting attendance, the
2504 Board shall give consideration to the following:
2505
 - 2506 • the licensee's history;
 - 2507 • the documented length of sobriety/time that has elapsed since substance
2508 use;
 - 2509 • the recommendation of the clinical evaluator;
 - 2510 • the scope and pattern of use;
 - 2511 • the licensee's treatment history; and,
 - 2512 • the nature, duration, and severity of substance abuse.
 - 2513 2. Group Meeting Facilitator Qualifications and Requirements:
2514
 - 2515 a. The meeting facilitator must have a minimum of three (3) years' of
2516 experience in the treatment and rehabilitation of substance abuse, and shall
2517 be licensed or certified by the State or other nationally certified
2518 organizations.
2519

- 2520 b. The meeting facilitator must not have had a financial relationship, personal
2521 relationship, or business relationship with the licensee within the last five (5)
2522 years.
2523 c. The meeting facilitator shall provide to the Board a signed document
2524 showing the licensee's name, the group name, the date and location of the
2525 meeting, the licensee's attendance, and the licensee's level of participation
2526 and progress.
2527 d. The meeting facilitator shall report any unexcused absence within twenty-
2528 four (24) hours.
2529

2530 **Whether facilitated support group meetings are ordered is discretionary.** (Under
2531 the Disciplinary Guidelines, non-facilitated support group attendance, such as Twelve
2532 Step meetings, may also be ordered.)
2533

2534 **Treatment Program – Inpatient, Outpatient, or Other [Uniform Standard #6]**
2535 (Reflected in Optional Term #10)
2536

2537 In determining whether inpatient, outpatient, or other type of treatment is necessary, the
2538 Board shall consider the following criteria:

- 2539 • recommendation of the clinical diagnostic evaluation (if any) pursuant to Uniform
2540 Standard #1;
2541 • license type;
2542 • licensee's history;
2543 • documented length of sobriety/time that has elapsed since substance abuse;
2544 • scope and pattern of substance use;
2545 • licensee's treatment history;
2546 • licensee's medical history and current medical condition;
2547 • nature, duration, and severity of substance abuse, and
2548 • threat to themselves ~~himself/herself~~ or the public.
2549

2550 **Whether a treatment program is ordered is discretionary.**
2551

2552 **Worksite Monitor Requirements [Uniform Standard # 7]:**
2553 (Reflected in Optional Term # 43)
2554

2555 If the Board determines that a worksite monitor is necessary for a particular licensee,
2556 the worksite monitor must meet the following requirements to be considered for
2557 approval by the Board:
2558

2559 The worksite monitor shall not have a current or former financial, personal, or familial
2560 relationship with the licensee, or other social or business relationship that could
2561 reasonably be expected to compromise the ability of the monitor to render impartial
2562 and unbiased reports to the Board. If it is impractical for anyone but the licensee's
2563 employer to serve as the worksite monitor, this requirement may be waived by the
2564 Board; however, under no circumstances shall a licensee's worksite monitor be an
2565 employee or supervisee of the licensee.
2566

2567 The ~~worksite monitor's license~~ scope of practice of the worksite monitor shall include
2568 the scope of practice of the licensee who is being monitored or be another health
2569 care professional if no monitor with like scope of practice is available, or, as
2570 approved by the Board, be a person in a position of authority who is capable of
2571 monitoring the licensee at work.

2572
2573 If the worksite monitor is a licensed healthcare professional they ~~he or she~~ shall
2574 have an active unrestricted license, with no disciplinary action within the last five (5)
2575 years.

2576
2577 The worksite monitor shall sign an affirmation that they have ~~he or she has~~ reviewed the
2578 terms and conditions of the licensee's disciplinary order and agrees to monitor the
2579 licensee as set forth by the Board.

2580
2581 The worksite monitor must adhere to the following required methods of monitoring the
2582 licensee:

- 2583
2584 (1) Have ~~face-to-face~~ **in person** contact with the licensee in the work environment
2585 on as frequent a basis as determined by the Board, but at least once per week.
2586 (2) Interview other staff in the office regarding the licensee's behavior, if applicable.
2587 (3) Review the licensee's work attendance and behavior.

2588
2589 Reporting by the worksite monitor to the Board shall be as follows:

2590
2591 Any suspected substance abuse must be orally reported to the Board and the
2592 licensee's employer within one (1) business day of occurrence. If occurrence is not
2593 during the Board's normal business hours the oral report must be within one (1) hour
2594 of the next business day. A written report shall be submitted to the Board within
2595 forty-eight (48) hours of occurrence.

2596
2597 The worksite monitor shall complete and submit a written report monthly or as
2598 directed by the Board. The report shall include: the licensee's name; license number;
2599 worksite monitor's name and signature; worksite monitor's license number; worksite
2600 location(s); dates licensee had ~~face-to-face~~ **in person** contact with monitor; worksite
2601 staff interviewed, if applicable; attendance report; any change in behavior and/or
2602 personal habits; and any indicators that can lead to suspected substance abuse.

2603
2604 The licensee shall complete the required consent forms and sign an agreement with the
2605 worksite monitor and the Board to allow the Board to communicate with the worksite
2606 monitor.

2607
2608 **Whether a worksite monitor is ordered is discretionary.**

2609
2610 **Major and Minor Violations [Uniform Standard # 8]:**

2611 (Reflected in Optional Term #s ~~408~~, 11, ~~43~~)

2612
2613 If a licensee commits a major violation, the Board may order the licensee to cease any
2614 practice of psychology, inform the licensee that they ~~he or she~~ have been so ordered

2615 and that ~~they he or she~~ may not practice unless notified by the Board, and refer the
2616 matter for disciplinary action or other action as determined by the Board.

2617

2618 Major Violations include, but are not limited to, the following:

2619

- 2620 1. Failure to complete a board-ordered program;
- 2621 2. Failure to undergo a required clinical diagnostic evaluation;
- 2622 3. Committing multiple minor violations of probation conditions and terms;
- 2623 4. Treating a patient while under the influence of drugs or alcohol;
- 2624 5. Committing any drug or alcohol offense that is a violation of the Business and
- 2625 Professions Code, or other state or federal law;
- 2626 6. Failure to obtain biological testing for substance abuse when ordered;
- 2627 7. Testing positive for a banned substance;
- 2628 8. Knowingly using, making, altering or possessing any object or product in such a
- 2629 way as to defraud a drug test designed to detect the presence of alcohol or a
- 2630 controlled substance.

2631

2632 If a licensee or registrant commits a major violation, the Board shall automatically
2633 suspend the license or registration and refer the matter for disciplinary action or other
2634 action as determined by the Board.

2635

2636 The consequences for a major violation include, but are not limited to, the following:

2637

- 2638 1. License or registration shall be suspended
- 2639 2. Licensee or registrant must undergo a new clinical diagnostic evaluation;
- 2640 3. Licensee or registrant must test negative for at least one month of continuous
- 2641 drug testing before being allowed to resume practice;
- 2642 4. Contract or agreement previously made with the Board shall be terminated; and
- 2643 5. Licensee or registrant shall be referred for disciplinary action, such as
- 2644 suspension, revocation, or other action determined appropriate by the Board.

2645

2646 If a licensee commits a minor violation, the Board shall determine what action is
2647 appropriate.

2648

2649 Minor Violations include, but are not limited to, the following:

2650

- 2651 1. Failure to submit required documentation in a timely manner;
- 2652 2. Unexcused absence from required meetings;
- 2653 3. Failure to contact a monitor as required;
- 2654 4. Any other violations that do not present an immediate threat to the licensee or to
- 2655 the public.

2656

2657 If a licensee or registrant commits a minor violation, the Board shall determine what
2658 action is appropriate.

2659

2660 The consequences for a minor violation include, but are not limited to, the following:

2661

- 2662 1. Removal from practice;

- 2663 2. Practice limitation(s);
2664 3. Required supervision;
2665 4. Increased documentation;
2666 5. Issuance of citation and fine or a warning notice;
2667 6. Required re-evaluation and/or testing.

2668
2669 **DRUG TESTING STANDARDS [Uniform Standard # 9]:**

2670 (Reflected in Optional Term #1211)

2671
2672 If a licensee tests positive for a banned substance, the Board shall order that the
2673 licensee cease any practice of psychology, and contact the licensee to inform them ~~him~~
2674 ~~or her~~ that they ~~he or she~~ has ~~have~~ been ordered to cease practice and that they ~~he or~~
2675 ~~she~~ may not practice until the Board determines that they ~~he or she~~ are ~~is~~ able to safely
2676 practice. The Board shall also notify the licensee's employer and worksite monitor, if
2677 any, that the licensee has been ordered to cease practice, and that they ~~he or she~~ may
2678 not practice until the Board determines that they ~~are~~ ~~he or she~~ ~~is~~ able to safely practice.
2679 The Board shall determine whether the positive alcohol or drug test is, in fact, evidence
2680 of prohibited use, a ~~Major~~ Violation. If not, the Board shall immediately lift the cease
2681 practice order.

2682
2683 Nothing precludes the Board from increasing the number of random tests for any
2684 reason. If the Board finds or has suspicion that a licensee has committed a violation of
2685 the Board's testing program or who has committed any Major Violation referenced in the
2686 Disciplinary Guidelines, the matter shall be referred for disciplinary action to revoke the
2687 probation.

2688
2689 The following minimum ~~drug~~ testing standards shall apply to each licensee subject to
2690 alcohol or drug testing:

- 2691
2692 1. Licensees shall ~~be~~ undergo randomly alcohol or drug ~~tested~~ testing at least fifty-two
2693 (52) times per year for the first year of probation, and at any time as directed by
2694 the Board or its designee. After the first year, licensees who are practicing, shall
2695 be randomly tested for alcohol or drugs ~~tested~~ at least thirty-six (36) times per
2696 year, and at any time as directed by the Board.
2697 2. Alcohol or drug testing may be required on any day, including weekends and
2698 holidays.
2699 3. Licensees shall be required to make daily contact as directed to determine if
2700 alcohol or drug testing is required.
2701 4. Licensees shall be tested for alcohol or drugs ~~tested~~ on the date of notification as
2702 directed by the Board.
2703 5. Collection of specimens shall be observed.
2704 6. Prior to vacation or absence, any alternative to the licensee's ~~alcohol or drug~~
2705 testing location(s) requirements (including frequency or drug testing location(s))
2706 must be approved by the Board.

2707
2708 The Board may reduce testing frequency to a minimum of 12 times per year for any
2709 licensee who is not practicing OR working in any health care field. If a reduced testing
2710 frequency schedule is established for this reason, and if a licensee wants to return to

2711 practice or work in a health care field, the licensee shall notify and secure the approval
2712 of the ~~licensee's b~~Board. Prior to returning to any health care employment, the licensee
2713 shall be subject to level I testing frequency for at least 60 days. At such time the
2714 licensee returns to employment (in a health care field), if the licensee has not previously
2715 met the level I frequency standard, the licensee shall be subject to completing a full year
2716 at level I of the testing frequency schedule, otherwise level II testing shall be in effect.
2717 The Board may reduce testing frequency to a minimum of 24 times per year for any
2718 person who is a practicing licensee if the licensee receives a minimum of 50%
2719 supervision per day by a supervisor licensed by the Board.

2720

2721 **Drug testing standards are mandatory and shall apply to a substance-abusing**
2722 **licensee, and the required testing frequency shall be ordered.**

2723

2724 **Petitioning for Modification ~~to~~ of Terms and Conditions of Probation Return to**
2725 **Full Time Practice [Uniform Standard #110]:**

2726 (Reflected in Optional Term # 28)

2727

2728 "Petition" as used in this standard is an informal request for any term or condition that is
2729 within the discretion of the Executive Officer or probation monitor to modify as opposed
2730 to requiring a "Petition for Modification" under the Administrative Procedure Act.

2731

2732 The licensee shall meet the following criteria before submitting a request (petition) to the
2733 Executive Officer or probation monitor return to full time practice:

2734

- 2735 1. Demonstrated sustained compliance with current recovery program.
- 2736 2. Demonstrated the ability to practice safely as evidenced by current work site
2737 reports, evaluations, and any other information relating to the licensee's
2738 substance abuse.
- 2739 3. Negative drug screening reports for at least six (6) months, two (2) positive
2740 worksite monitor reports, and complete compliance with other terms and
2741 conditions of the program.

2742

2743 **Petitioning for Modification for Reinstatement of a Full and Unrestricted License**
2744 **[Uniform Standard #11]:**

2745 (Reflected in Rehabilitation Criteria for Reinstatement/~~Penalty~~ Discipline Relief)

2746

2747 "Petition for Reinstatement of a Full and Unrestricted License" as used in this standard
2748 can only be considered as a formal Petition for Early Termination of Probation under the
2749 Administrative Procedure Act.

2750

2751 In addition to the factors set out in section V, Rehabilitation Criteria for Reinstatement/
2752 ~~Penalty~~ Discipline Relief Hearings, the licensee must meet the following criteria to
2753 request (petition) for a full and unrestricted license:

2754

- 2755 1. Demonstrated sustained compliance with the terms of the disciplinary order, if
2756 applicable.
- 2757 2. Demonstrated successful completion of recovery program, if required.

- 2758 3. Demonstrated a consistent and sustained participation in activities that promote
2759 and support their recovery including, but not limited to, ongoing support
2760 meetings, therapy, counseling, relapse prevention plan, and community activities.
2761 4. Demonstrated that ~~they he or she~~ are is able to practice safely.
2762 5. Continuous sobriety for three (3) to five (5) years.

2763
2764 #####
2765

2766 It was M/(Tate)/S(Phillips)/C to approve the proposed regulatory text for 16 CCR section
2767 1395.2 as amended, direct to staff to submit the text to the Director of the Department of
2768 Consumer Affairs and the Business Consumer Services and Housing Agency for
2769 review, and authorize the Executive Officer to take all steps necessary to initiate the
2770 rulemaking process, make any non-substantive changes to the package, and set the
2771 matter for a hearing, if requested. If no adverse comments are received during the 45-
2772 day comment period, and no hearing is requested, authorize the Executive Officer to
2773 take all steps necessary to complete the rulemaking and adopt the proposed regulations
2774 at 16 CCR section 1395.2.

2775
2776 There was no further Board comment offered.

2777
2778 Public comment

2779
2780 Dr. Elizabeth Winkelman, CPA, provided two comments about the language in section
2781 2960:

- 2782 • On pages 7-8, that a change from up to 5 years' probation to 5 years' probation
2783 would include violations where there may be no consumer harm and that this
2784 may be overly harsh in some situations.
2785 • On page 26, that every violation would require a psychological evaluation which
2786 may not always be relevant if the violation did not cause consumer harm.

2787
2788 There was no further Board or public comment offered.

2789
2790 Vote:

2791
2792 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers,
2793 Tate), 0 Noes

2794
2795 Dr. Cervantes thanked all participants and staff.

2796
2797 c) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3,
2798 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6,
2799 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3, 1391.4, 1391.5,
2800 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways to Licensure

2801
2802 d) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.4, 1396.5, 1397,
2803 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50, 1397.51, 1397.52, 1397.53,
2804 1397.54, 1397.55 - Enforcement Provisions

2805 e) 16 CCR sections 1397.35 – 1397.40 – Corporations

2806 f) 16 CCR sections 1381, 1387, 1387.10, 1388, 1388.6, 1389, and 1389.1 – EPPP-2

2807

2808 **Agenda Item 15: Licensure Committee Report and Consideration of Committee**
2809 **Recommendations (Harb Sheets – Chairperson, Nystrom, Tate)**

2810

2811 Dr. Tate introduced this item and stated that 15(d) and 15(e) would be addressed and
2812 action taken.

2813

2814 a) Licensing Report (S. Cheung)

2815 b) Continuing Education/Professional Development and Renewals Report (L.
2816 McCockran)

2817 c) Examination Report (L. Snyder)

2818 d) Discussion and Possible Action on Establishing Target Licensing Application
2819 Processing Timeframes (S. Cheung)

2820

2821 Ms. Cheung provided some background information as well as this update and stated
2822 the recommendation of the Licensure Committee that the Board adopt the two-week
2823 target processing timeframe and include the target timeframe in the Board's upcoming
2824 Strategic Plan.

2825

2826 This information was included in the meeting materials beginning on page 1065.

2827

2828 It was M/(Harb sheets)/S(Tate)/C to adopt the two-week target processing timeframe
2829 and include the target timeframe in the Board's upcoming Strategic Plan.

2830

2831 There was no Board or public comment offered.

2832

2833 Vote:

2834

2835 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers,
2836 Tate), 0 Noes

2837

2838 e) Discussion and Possible Action on the Certificate of Professional Qualification
2839 (CPQ) Outreach Survey Questions by the Association of State and Provincial
2840 Psychology Boards (ASPPB)

2841

2842 Dr. Harb Sheets provided background information and the Licensure Committee
2843 recommendation that the Board approve the two draft responses to the CPQ Survey
2844 which were discussed and voted on individually.

2845

2846 This information was included in the meeting materials beginning on page 1066.

2847

2848 It was M/(Harb Sheets)/S(Phillips) to accept the Licensure Committee recommendation
2849 that the Board respond to the ASPPB survey question that the Board is not in favor of
2850 limiting CPQ eligibility to APA, CPA, or ASPPB/National Register designated doctoral
2851 programs in psychology.

2852

2853 There was no Board comment offered.

2854
2855 Public comment
2856
2857 Dr. Marilyn Immoos, CDCR, stated her support and opined that the responses were in
2858 align with the ongoing conversations that have been taking place.

2859
2860 Discussion ensued on support for the Board's position.

2861
2862 Vote:

2863
2864 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers,
2865 Tate), 0 Noes

2866
2867 Dr. Harb Sheets provided information about the second survey question which asked
2868 about documentation that was required for licensure.

2869
2870 Ms. Cheung stated what documentation was provided for licensure and that that an
2871 official transcript would be required.

2872
2873 It was M/(Harb Sheets)/S(Tate)/C to respond to the second question with the
2874 information provided by Ms. Cheung.

2875
2876 There was no Board or public comment offered.

2877
2878 Vote:

2879
2880 9 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers,
2881 Tate), 0 Noes

2882
2883 **Agenda Item 16: Recommendations for Agenda Items for Future Board Meetings.**
2884 **Note: The Board May Not Discuss or Take Action on Any Matter Raised During**
2885 **This Public Comment Section, Except to Decide Whether to Place the Matter on**
2886 **the Agenda of a Future Meeting [Government Code Sections 11125 and**
2887 **11125.7(a)].**

2888
2889 Dr. Tate introduced this item.

2890
2891 Mr. Foo requested to carry over item 15(c) to the next meeting.

2892
2893 There was no further Board or public comment offered.

2894
2895 Ms. McCockran provided CPD information that this meeting would provide 6 hours of
2896 CPD credit for attendance at this meeting and provided details of how to

2897
2898 **Agenda Item 17: The Board Will Meet in Closed Session Pursuant to Government**
2899 **Code Section 11126, subdivision (c)(3) to Discuss Disciplinary Matters Including**
2900 **Proposed Decisions, Stipulations, Petitions for Reinstatement or Modification of**
2901 **Penalty, Petitions for Reconsideration, and Remands.**

2902

2903 The Board met in closed session.

2904

2905 The meeting adjourned at 4:19 p.m.

2906

2907

2908

2909