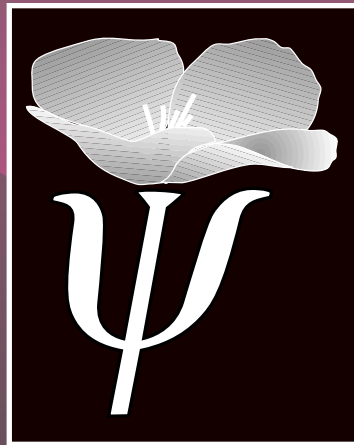


State of California  
Department of Consumer Affairs

# Laws and Regulations Relating to the Practice of Psychology

# 2004



*Issued by*  
BOARD OF PSYCHOLOGY

*Arnold Schwarzenegger, Governor*



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## Article 1. General Provisions

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*Psychology Licensing Law*

2900. The Legislature finds and declares that practice of psychology in California affects the public health, safety, and welfare and is to be subject to regulation and control in the public interest to protect the public from the unauthorized and unqualified practice of psychology and from unprofessional conduct by persons licensed to practice psychology.

*Title*

2901. This chapter shall be known and may be cited as the “Psychology Licensing Law.”

### *Definitions*

2902. As used in this chapter, unless the context clearly requires otherwise and except as in this chapter expressly otherwise provided:

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

(b) “Board” means the Board of Psychology.

(c) A person represents himself or herself to be a psychologist when the person holds himself or herself out to the public by any title or description of services incorporating the words “psychology,” “psychological,” “psychologist,” “psychology consultation,” “psychology consultant,” “psychometry,” “psychometrics” or “psychometrist,” “psychotherapy,” “psychotherapist,” “psychoanalysis,” or “psychoanalyst,” or when the person holds himself or herself out to be trained, experienced, or an expert in the field of psychology.

(d) “Accredited,” as used with reference to academic institutions, means the University of California, the California State University, an institution accredited under Section 94761 of the Education Code, or an institution located in another state that is accredited by a national or an applicable regional accrediting agency recognized by the United States Department of Education.

(e) “Approved,” as used with reference to academic institutions, means approved under Section 94777 of the Education Code.

### *Licensure Requirement; Practice of Psychology; Psychotherapy; Fee*

2903. No person may engage in the practice of psychology, or represent himself or herself to be a psychologist, without a license granted under this chapter, except as otherwise provided in this chapter. The practice of psychology is defined as rendering or offering to render for a fee to individuals, groups, organizations or the public any psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

The application of these principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of psychological problems and emotional and mental disorders of individuals and groups.

Psychotherapy within the meaning of this chapter means the use of psychological methods in a professional relationship to assist a person or persons to acquire greater human effectiveness or to modify feelings, conditions, attitudes and behavior which are emotionally, intellectually, or socially ineffectual or maladjustive.

As used in this chapter, “fee” means any charge, monetary or otherwise, whether paid directly or paid on a prepaid or capitation basis by a third party, or a charge assessed by a facility, for services rendered.

### *Biofeedback Instruments*

2903.1. A psychologist licensed under this chapter may use biofeedback instruments which do not pierce or cut the skin to measure physical and mental functioning.

### *Limitations*

2904. The practice of psychology shall not include prescribing drugs, performing surgery or administering electroconvulsive therapy.

### *Applicability of Telemedicine Provisions of Section 2290.5*

2904.5. A psychologist licensed under this chapter is a licentiate for purposes of paragraph (2) of subdivision (a) of Section 805, and thus is a health care practitioner subject to the provisions of Section 2290.5 pursuant to subdivision (b) of that section.

### *Practice—Defined*

2905. The practice of psychology shall be as defined as in Section 2903, any existing statute in the State of California to the contrary notwithstanding.

### *Corporations*

2907. Corporations shall have no professional rights, privileges, or powers, and shall not be permitted to practice psychology, nor shall the liability of any licensed psychologist be limited by a corporation.

### *Psychological Corporations*

2907.5. Nothing in Section 2907 shall be deemed to apply to the acts of a psychological corporation practicing pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code and Article 9 (commencing with Section 2995) when the psychological corporation is in compliance with (a) the Moscone-Knox Professional Corporation Act; (b) Article 9 (commencing with Section 2995); and (c) all other statutes now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

### *Exemption of Other Professions*

2908. Nothing in this chapter shall be construed to prevent qualified members of other recognized professional groups licensed to practice in the State of California, such as, but not limited to, physicians, clinical social workers, educational psychologists, marriage and family therapists, optometrists, psychiatric technicians, or registered nurses, or attorneys admitted to the California State Bar, or persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders, or duly ordained members of the recognized clergy, or duly ordained religious practitioners from doing work of a

psychological nature consistent with the laws governing their respective professions, provided they do not hold themselves out to the public by any title or description of services incorporating the words “psychological,” “psychologist,” “psychology,” “psychometrist,” “psychometrics,” or “psychometry,” or that they do not state or imply that they are licensed to practice psychology; except that persons licensed under Article 5 (commencing with Section 4986) of Chapter 13 of Division 2 may hold themselves out to the public as licensed educational psychologists.

#### *Salaried Government Officials—Exemptions; Registered Psychologists*

2909. Nothing in this chapter shall be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not offer to render or render psychological services as defined in Section 2903 to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of their official duties with the organization in which they are employed:

(a) Persons who hold a valid and current credential as a school psychologist issued by the California Department of Education.

(b) Persons who hold a valid and current credential as a psychometrist issued by the California Department of Education.

(c) Persons employed in positions as psychologists or psychological assistants, or in a student counseling service, by accredited or approved colleges, junior colleges or universities; federal, state, county or municipal governmental organizations which are not primarily involved in the provision of direct health or mental health services. However, those persons may, without obtaining a license under this act, consult or disseminate their research findings and scientific information to other such accredited or approved academic institutions or governmental agencies. They may also offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter.

(d) Persons who meet the educational requirements of subdivision (b) of Section 2914 and who have one year or more of professional experience of a type which the board determines will competently and safely permit the person to engage in the activities regulated by this chapter, if they are employed by nonprofit community agencies which receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services. Those persons shall be registered by the agency with the board at the time of employment and shall be exempt from this chapter for a maximum period of two years from the date of registration.

(e) This section shall become operative January 1, 1984.

### *Salaried Academic or Governmental Employees—Exemption*

2910. Nothing in this chapter shall be construed to restrict or prevent activities of a psychological nature on the part of persons who are salaried employees of accredited or approved academic institutions, public schools or governmental agencies, provided:

(a) Such employees are performing such psychological activities as part of the duties for which they were hired;

(b) Such employees are performing those activities solely within the jurisdiction or confines of such organizations;

(c) Such persons do not hold themselves out to the public by any title or description of activities incorporating the words “psychology,” “psychological,” “psychologist,” “psychometry,” “psychometrics” or “psychometrist”;

(d) Such persons do not offer their services to the public for a fee, monetary or otherwise;

(e) Such persons do not provide direct health or mental health services.

### *Student Practice—Exemption*

2911. Nothing in this chapter shall be construed as restricting the activities and services of a graduate student or psychological intern in psychology pursuing a course of study leading to a graduate degree in psychology at an accredited or approved college or university and working in a training program, provided that these activities and services constitute a part of his supervised course of study and that such persons are designated by such title as “psychological intern,” “psychological trainee” or other such title clearly indicating the training status appropriate to his level of training. The term “psychological intern,” however, shall be reserved for persons enrolled in the doctoral program in psychology or social psychology at an accredited or approved college or university.

### *Out-of-State Psychologist—Exemption*

2912. Nothing in this chapter shall be construed to restrict or prevent a person who is licensed or certified as a psychologist in another state or territory of the United States or in a foreign country from offering psychological services in this state for a period not to exceed 30 days in any calendar year.

### *Psychological Assistants*

2913. A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

(a) The person is termed a “psychological assistant.”

(b) The person (1) has completed a master’s degree in psychology or education with the field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or edu-



cation with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (3) has completed a doctoral degree which qualifies for licensure under Section 2914, in an accredited or approved university, college, or professional school located in the United States or Canada.

(c) The person is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

(d) The licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has registered the psychological assistant with the board. The registration shall be renewed annually in accordance with regulations adopted by the board.

No licensed psychologist may register, employ, or supervise more than three psychological assistants at any given time unless specifically authorized to do so by the board. No board certified psychiatrist may register, employ, or supervise more than one psychological assistant at any given time. No contract clinic, psychological corporation, or medical corporation may employ more than 10 assistants at any one time. No contract clinic may register, employ, or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises the psychological assistants. No psychological assistant may provide psychological services to the public for a fee, monetary or otherwise, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation.

(e) The psychological assistant shall comply with regulations that the board may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.

(f) No person shall practice as a psychological assistant who is found by the board to be in violation of Section 2960 and the rules and regulations duly adopted thereunder.

### *Applicant's Requirements*

2914. Each applicant for licensure shall comply with all of the following requirements:

(a) Is not subject to denial of licensure under Division 1.5.

(b) Possess an earned doctorate degree (1) in psychology, (2) in education psychology, or (3) in education with the field of specialization in counseling psychology or educational psychology. Except as provided in subdivision (g), this degree or training shall be obtained from an accredited university, college, or professional school.

No educational institution shall be denied recognition as an accredited academic institution solely because its program is not accredited by any professional

organization of psychologists, and nothing in this chapter or in the administration of this chapter shall require the registration with the board by educational institutions of their departments of psychology or their doctoral programs in psychology.

An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and any other documentation the board deems necessary.

(c) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the board in its regulations, or under suitable alternative supervision as determined by the board in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology. If the supervising licensed psychologist fails to provide verification to the board of the experience required by this subdivision within 30 days after being so requested by the applicant, the applicant may provide written verification directly to the board.

If the applicant sends verification directly to the board, the applicant shall file with the board a declaration of proof of service, under penalty of perjury, of the request for verification. A copy of the completed verification forms shall be provided to the supervising psychologist and the applicant shall prove to the board that a copy has been sent to the supervising psychologist by filing a declaration of proof of service under penalty of perjury, and shall file this declaration with the board when the verification forms are submitted.

Upon receipt by the board of the applicant's verification and declarations, a rebuttable presumption affecting the burden of producing evidence is created that the supervised, professional experience requirements of this subdivision have been satisfied. The supervising psychologist shall have 20 days from the day the board receives the verification and declaration to file a rebuttal with the board.

The authority provided by this subdivision for an applicant to file written verification directly shall apply only to an applicant who has acquired the experience required by this subdivision in the United States.

The board shall establish qualifications by regulation for supervising psychologists and shall review and approve applicants for this position on a case-by-case basis.

(d) Take and pass the examination required by Section 2941 unless otherwise exempted by the board under this chapter.

(e) Show by evidence satisfactory to the board that he or she has completed training in the detection and treatment of alcohol and other chemical substance dependency. This requirement applies only to applicants who matriculate on or after September 1, 1985.

(f) (1) Show by evidence satisfactory to the board that he or she has completed coursework in spousal or partner abuse assessment, detection, and intervention. This requirement applies to applicants who began graduate training during the period commencing on January 1, 1995, and ending on December 31, 2003.

(2) An applicant who began graduate training on or after January 1, 2004, shall show by evidence satisfactory to the board that he or she has completed a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. An applicant may request an exemption from this requirement if he or she intends to practice in an area that does not include the direct provision of mental health services.

(3) Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. This requirement for coursework shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.

(g) An applicant holding a doctoral degree in psychology from an approved institution is deemed to meet the requirements of this section if all of the following are true:

(1) The approved institution offered a doctoral degree in psychology designed to prepare students for a license to practice psychology and was approved by the Bureau for Private Postsecondary and Vocational Education on or before July 1, 1999.

(2) The approved institution has not, since July 1, 1999, had a new location, as described in Section 94721 of the Education Code.

(3) The approved institution is not a franchise institution, as defined in Section 94729.3 of the Education Code.

#### *Continuing Education; Geriatric Pharmacology*

2914.1. The board shall encourage every licensed psychologist to take a continuing education course in geriatric pharmacology as a part of his or her continuing education.

#### *Continuing Education; Psychopharmacology and Biological Basis of Behavior*

2914.2. The board shall encourage licensed psychologists to take continuing education courses in psychopharmacology and biological basis of behavior as part of their continuing education.

#### *Training in Psychopharmacology and Related Topics*

2914.3. (a) The board shall encourage institutions that offer a doctorate degree program in psychology to include in their biobehavioral curriculum, education and training in psychopharmacology and related topics including pharmacology and clinical pharmacology.

(b) The board shall develop guidelines for the basic education and training of psychologists whose practices include patients with medical conditions and patients with mental and emotional disorders, who may require psychopharmacological treatment and whose management may require collaboration with physicians and other licensed prescribers. In developing these guidelines for training, the board shall consider, but not be limited to, all of the following:

(1) The American Psychological Association's guidelines for training in the biological bases of mental and emotional disorders.

(2) The necessary educational foundation for understanding the biochemical and physiological bases for mental disorders.

(3) Evaluation of the response to psychotropic compounds, including the effects and side effects.

(4) Competent basic practical and theoretical knowledge of neuroanatomy, neurochemistry, and neurophysiology relevant to research and clinical practice.

(5) Knowledge of the biological bases of psychopharmacology.

(6) The locus of action of psychoactive substances and mechanisms by which these substances affect brain function and other systems of the body.

(7) Knowledge of the psychopharmacology of classes of drugs commonly used to treat mental disorders.

(8) Drugs that are commonly abused that may or may not have therapeutic uses.

(9) Education of patients and significant support persons in the risks, benefits, and treatment alternatives to medication.

(10) Appropriate collaboration or consultation with physicians or other prescribers to include the assessment of the need for additional treatment that may include medication or other medical evaluation and treatment and the patient's mental capacity to consent to additional treatment to enhance both the physical and the mental status of the persons being treated.

(11) Knowledge of signs that warrant consideration for referral to a physician.

(c) This section is intended to provide for training of clinical psychologists to improve the ability of clinical psychologists to collaborate with physicians. It is not intended to provide for training psychologists to prescribe medication. Nothing in this section is intended to expand the scope of licensure of psychologists.

### *Continuing Education Requirements; Practice Outside Fields of Competence*

2915. (a) Except as provided in this section, on or after January 1, 1996, the board shall not issue any renewal license unless the applicant submits proof that he or she has completed no less than 18 hours of approved continuing education in the preceding year. On or after January 1, 1997, except as provided in this section, the board shall issue renewal licenses only to those applicants who have completed 36 hours of approved continuing education in the preceding two years.

(b) Each person renewing his or her license issued pursuant to this chapter shall submit proof of compliance with this section to the board. False statements submitted pursuant to this section shall be a violation of Section 2970.

(c) A person applying for relicensure or for reinstatement to an active license status shall certify under penalty of perjury that he or she is in compliance with this section.

(d) (1) The continuing education requirement shall include, but shall not be limited to, courses required pursuant to Sections 25 and 28. The requirement may include courses pursuant to Sections 32 and 2914.1.

(2) (A) The board shall require a licensed psychologist who began graduate study prior to January 1, 2004, to take a continuing education course during his or her first renewal period after the operative date of this section in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement.

(B) Continuing education courses taken pursuant to this paragraph shall be applied to the 36 hours of approved continuing education required under subdivision (a).

(C) A licensed psychologist whose practice does not include the direct provision of mental health services may apply to the board for an exemption from the requirements of this paragraph.

(3) Continuing education instruction approved to meet the requirements of this section shall be completed within the State of California, or shall be approved for continuing education credit by the American Psychological Association or its equivalent as approved by the board.

(e) The board may establish a policy for exceptions from the continuing education requirement of this section.

(f) The board may recognize continuing education courses that have been approved by one or more private nonprofit organizations that have at least 10 years' experience managing continuing education programs for psychologists on a statewide basis, including, but not limited to:

(1) Maintaining and managing related records and data.

(2) Monitoring and approving courses.

(g) The board shall adopt regulations as necessary for implementation of this section.

(h) A licensed psychologist shall choose continuing education instruction that is related to the assessment, diagnosis, and intervention for the client population being served or to the fields of psychology in which the psychologist intends to provide services, that may include new theoretical approaches, research, and applied techniques. Continuing education instruction shall include required courses specified in subdivision (d).

(i) A psychologist shall not practice outside his or her particular field or fields of competence as established by his or her education, training, continuing education, and experience.

(j) The administration of this section may be funded through professional license fees and continuing education provider and course approval fees, or both.

The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

(k) Continuing education credit may be approved for those licensees who serve as commissioners on any examination pursuant to Section 2947, subject to limitations established by the board.

(l) This section shall become operative on January 1, 2004.

#### *Coursework in Aging and Long-Term Care Required for Licensure of New Applicants*

2915.5. (a) Any applicant for licensure as a psychologist who began graduate study on or after January 1, 2004, shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which could include, but is not limited to, the biological, social, and psychological aspects of aging.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

#### *Continuing Education Course in Aging and Long-Term Care Required for First License Renewal*

2915.7. (a) Effective January 1, 2005, as a condition of the first renewal of a person's license pursuant to this chapter, any person who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care, and shall submit to the board evidence acceptable to the board of the person's satisfactory completion of that course.

(b) The course could include, but is not limited to, the biological, social, and psychological aspects of aging.

(c) Any person seeking the first renewal of his or her license pursuant to this chapter may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this section, or proof of equivalent teaching or practice experience. The board, in its discretion, may accept that certification as meeting the requirements of this section.

(d) The board shall not renew an applicant's license upon the applicant's application for the first renewal of his or her license until the applicant has met the requirements of this section.

#### *Severability Provision*

2916. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any of the pro-

visions or applications of this chapter which can be given effect without such invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

### *Confidentiality*

2918. The confidential relations and communications between psychologist and client shall be privileged as provided by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code.

## Article 2. Administration

### Section

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### *Board of Psychology*

2920. The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

### *Priority of Board; Protection of the Public*

2920.1. Protection of the public shall be the highest priority for the Board of Psychology in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

### *Terms*

2921. Each member of the board shall hold office for a term of four years, and shall serve until the appointment and qualification of his or her successor or

until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

### *Appointment*

2922. In appointing the members of the board, except the public members, the Governor shall use his or her judgment to select psychologists who represent, as widely as possible, the varied professional interests of psychologists in California.

The Governor shall appoint two of the public members and the five licensed members of the board qualified as provided in Section 2923. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

### *Qualifications*

2923. Each member of the board shall have all of the following qualifications:

(a) He or she shall be a resident of this state.

(b) Each member appointed, except the public members shall be a licensed psychologist.

The public members shall not be licentiates of the board or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

### *Removal*

2924. The Governor has power to remove from office any member of the board for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct.

### *Officers*

2925. The board shall elect annually a president and vice president from among its members.

### *Meetings*

2926. The board shall hold at least one regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the board.

### *Quorum*

2927. Five members of the board shall at all times constitute a quorum.

### *Notice of Regular Meetings; Publication*

2927.5. Notice of each regular meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).



### *Administration and Enforcement*

2928. The board shall administer and enforce this chapter.

### *Seal*

2929. The board shall adopt a seal, which shall be affixed to all licenses issued by the board.

### *Rules and Regulations*

2930. The board shall from time to time adopt rules and regulations as may be necessary to effectuate this chapter. In adopting rules and regulations the board shall comply with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

### *Fictitious-Name Permits; Issuance; Revocation or Suspension; Delegation of Authority*

2930.5. (a) Any psychologist, who as a sole proprietor, or in a partnership, group, or professional corporation, desires to practice under any name that would otherwise be a violation of subdivision (r) of Section 2960 may practice under that name if the proprietor, partnership, group, or corporation obtains and maintains in current status a fictitious-name permit issued by the committee under this section.

(b) The committee shall issue a fictitious-name permit authorizing the holder thereof to use the name specified in the permit in connection with his, her, or its practice if the committee finds to its satisfaction that:

(1) The applicant or applicants or shareholders of the professional corporation hold valid and current licenses and no charges of unprofessional conduct are pending against any such licensed person.

(2) The place, or portion thereof, in which the applicant's or applicants' practice, is owned or leased by the applicant or applicants.

(3) The professional practice of the applicant or applicants is wholly owned and entirely controlled by the applicant or applicants.

(4) The name under which the applicant or applicants propose to practice contains one of the following designations: "psychology group" or "psychology clinic."

(c) Fictitious-name permits issued by the committee shall be subject to Article 7 (commencing with Section 2980) pertaining to renewal of licenses.

(d) The committee may revoke or suspend any permit issued if it finds that the holder or holders of the permit are not in compliance with this section or any regulations adopted pursuant to this section. A proceeding to revoke or suspend a fictitious-name permit shall be conducted in accordance with Section 2965.

(e) The committee may also proceed to revoke the fictitious-name permit of a licensee whose license has been revoked, but no proceeding may be commenced unless and until the charges of unprofessional conduct against the licensee have resulted in revocation of the license.

(f) The committee may delegate to the executive director, or to another official of the board, its authority to review and approve applications for fictitious-name permits and to issue those permits.

### *Board Functions*

2931. The board shall examine and pass upon the qualifications of the applicants for a license as provided by this chapter.

### *Employees; Executive Officer*

2933. Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

### *Directory of Licensed Psychologists*

2934. Notwithstanding Section 112, the board may issue, biennially, a current geographical directory of licensed psychologists. The directory may be sent to licensees and to other interested parties at cost.

### *Compensation*

2935. Each member of the board shall receive a per diem and expenses as provided in Section 103.

### *Rules of Ethical Conduct; Posting of Notice*

2936. The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychology. The board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and published by the American Psychological Association (APA). Those standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.

To facilitate consumers in receiving appropriate psychological services, all licensees and registrants shall be required to post, in a conspicuous location in their principal psychological business office, a notice which reads as follows: "NOTICE: The Department of Consumer Affairs receives questions and complaints regarding the practice of psychology. If you have any questions or complaints, you may contact this department by calling (insert appropriate regional number) or (insert appropriate telephone number), or by writing to the following address:

Board of Psychology  
1422 Howe Avenue, Ste. 22  
Sacramento, California 95825-3236"

### Article 3. License

#### Section

2940	Application and Fee
2941	Examination Required
2942	Examination
2943	Scope of Examination
2944	Examination Records
2945	Transcript
2946	Reciprocity and Waiver of Examination
2947	Examination Commissioners
2948	License Issuance

#### *Application and Fee*

2940. Each person desiring to obtain a license from the board shall make application to the board. The application shall be made upon a form and shall be made in a manner as the board prescribes in regulations duly adopted under this chapter.

The application shall be accompanied by the application fee prescribed by Section 2949. This fee shall not be refunded by the board.

#### *Examination Required*

2941. Each applicant for a psychology license shall be examined by the board, and shall pay to the board, at least 30 days prior to the date of examination, the examination fee prescribed by Section 2987, which fee shall not be refunded by the board.

#### *Examination*

2942. The board may examine by written or oral examination or by both. The examination shall be given at least twice a year at the time and place and under supervision as the board may determine. The passing grades for the written and oral examinations shall be established by the board in regulations and shall be based on psychometrically sound principles of establishing minimum qualifications and levels of competency.

Examinations for a psychologist's license may be conducted by the board under a uniform examination system, and for that purpose the board may make arrangements with organizations furnishing examination material as may in its discretion be desirable.

#### *Scope of Examination*

2943. The board may examine for knowledge in whatever theoretical or applied fields in psychology as it deems appropriate. It may examine the candidate with regard to his or her professional skills and his or her judgment in the utilization of psychological techniques and methods.

#### *Examination of Records*

2944. The board shall grade the written examination and keep the written examination papers for at least one year, unless a uniform examination is conducted pursuant to Section 2942.

*Transcript*

2945. The board shall keep an accurate transcription or electronic recording of the oral examinations and keep a transcription or recording as a part of its records for at least one year following the date of examination.

*Reciprocity and Waiver of Examination*

2946. The board shall grant a license to any person who passes the California Jurisprudence and Professional Ethics Examination and, at the time of application, has been licensed for at least five years by a psychology licensing authority in another state or Canadian province if the requirements for obtaining a certificate or license in that state or province were substantially equivalent to the requirements of this chapter.

A psychologist certified or licensed in another state or province and who has made application to the board for a license in this state may perform activities and services of a psychological nature without a valid license for a period not to exceed 180 calendar days from the time of submitting his or her application or from the commencement of residency in this state, whichever first occurs.

The board at its discretion may waive those parts of the examination, including either the whole of the written or the oral examinations, when in the judgment of the board the applicant has already demonstrated competence in areas covered by those parts of the examination. The board at its discretion may waive the examination for diplomates of the American Board of Professional Psychology.

*Examination Commissioners*

2947. The board may appoint qualified persons to give the whole or any portion of any examination provided for in this chapter, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the board but he or she shall have the same qualifications as a member of the board, including those set forth in Chapter 6 (commencing with Section 450) of Division 1. The board may also appoint occasional professional commissioners for short-term specified periods to assist in its nonpolicy workload.

Public commissioners may examine and evaluate candidates in areas of knowledge such as the law, ethics, and awareness of community resources.

*License Issuance*

2948. The board shall issue a license to all applicants who meet the requirements of this chapter and who pay to the board the initial license fee provided in Section 2987.

**Article 4. Denial, Suspension and Revocation****Section**

- 2960 Causes for Disciplinary Action
- 2960.05 Limitation Period
- 2960.1 Decision Containing Finding That Licensee or Registrant Engaged in Sexual Contact With Patient or Former Patient; Order of Revocation
- 2960.2 Psychological Evaluations of Peace Officers

- 2960.5 Mental Illness or Chemical Dependency; Grounds
- 2960.6 Disciplinary Action by Foreign State; Disciplinary Action by a Healing Arts Board; Grounds
- 2961 Board Action
- 2962 Reinstatement; Modification of Penalty; Petition; Examination
- 2963 Conviction of Crime
- 2964 Reporting Revoked and Restored Licenses
- 2964.3 Sex Offender Licensure Ineligibility
- 2964.5 Additional Training Required
- 2964.6 Probation Terms; Payment of Monitoring Costs
- 2965 Proceedings
- 2966 Automatic Suspension
- 2969 Penalties for Failure to Provide Medical Records; Failure to Comply with Court Order; Multiple Acts

### *Causes for Disciplinary Action*

2960. The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or psychological assistant.

(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to perform the work of a psychologist with safety to the public.

(c) Fraudulently or neglectfully misrepresenting the type or status of license or registration actually held.

(d) Impersonating another person holding a psychology license or allowing another person to use his or her license or registration.

(e) Using fraud or deception in applying for a license or registration or in passing the examination provided for in this chapter.

(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

(g) Violating Section 17500.

(h) Willful, unauthorized communication of information received in professional confidence.

(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

(j) Being grossly negligent in the practice of his or her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

(m) The suspension, revocation or imposition of probationary conditions by another state or country of a license or certificate to practice psychology or as a

psychological assistant issued by that state or country to a person also holding a license or registration issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section.

(n) The commission of any dishonest, corrupt, or fraudulent act.

(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist or psychological assistant or registered psychologist.

(p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training, and experience.

(q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.

(r) Repeated acts of negligence.

### *Limitation Period*

2960.05. (a) Except as provided in subdivisions (b), (c), and (e), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

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

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

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) and the 10-year limitations period provided for by subdivision (e) shall be tolled until the minor reaches the age of majority.

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

(f) The limitations period provided by subdivision (a) shall be tolled during any period if material evidence necessary for prosecuting or determining whether a disciplinary action would be appropriate is unavailable to the board due to an ongoing criminal investigation.

### *Decision Containing Finding That Licensee or Registrant Engaged in Sexual Contact With Patient or Former Patient; Order of Revocation*

2960.1. Notwithstanding Section 2960, any proposed decision or decision issued under this chapter in accordance with the procedures set forth in

Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 728, when that act is with a patient, or with a former patient within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.

#### *Psychological Evaluations of Peace Officers*

2960.2. (a) A licensee shall meet the requirements set forth in subdivision (f) of Section 1031 of the Government Code prior to performing either of the following:

(1) An evaluation of a peace officer applicant's emotional and mental condition.

(2) An evaluation of a peace officer's fitness for duty.

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

#### *Mental Illness or Chemical Dependency; Grounds*

2960.5. The board may refuse to issue any registration or license whenever it appears that an applicant may be unable to practice his or her profession safely due to mental illness or chemical dependency. The procedures set forth in Article 12.5 (commencing with Section 820) of Chapter 1 shall apply to any denial of a license or registration pursuant to this section.

#### *Disciplinary Action by Foreign State; Disciplinary Action by a Healing Arts Board; Grounds*

2960.6. The board may deny any application for, or may suspend or revoke a license or registration issued under this chapter for, any of the following:

(a) The revocation, suspension, or other disciplinary action imposed by another state or country on a license, certificate, or registration issued by that state or country to practice psychology shall constitute grounds for disciplinary action for unprofessional conduct against that licensee or registrant in this state. A certified copy of the decision or judgment of the other state or country shall be conclusive evidence of that action.

(b) The revocation, suspension, or other disciplinary action by any board established in this division, or the equivalent action of another state's or country's licensing agency, of the license of a healing arts practitioner shall constitute grounds for disciplinary action against that licensee or registrant under this chapter. The grounds for the action shall be substantially related to the qualifications, functions, or duties of a psychologist or psychological assistant. A certified copy of the decision or judgment shall be conclusive evidence of that action.

#### *Board Action*

2961. The board may deny an application for, or issue subject to terms and conditions, or suspend or revoke, or impose probationary conditions upon, a license or registration after a hearing as provided in Section 2965.

#### *Reinstatement; Modification of Penalty; Petition; Examination*

2962. (a) A person whose license or registration has been revoked, suspended, or surrendered, or who has been placed on probation, may petition the

board for reinstatement or modification of the penalty, including modification or termination of probation, after a period of not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action:

- (1) At least three years for reinstatement of a license revoked or surrendered.
- (2) At least two years for early termination of probation of three years or more.
- (3) At least two years for modification of a condition of probation.
- (4) At least one year for early termination of probation of less than three years.

(b) The board may require an examination for that reinstatement.

(c) Notwithstanding Section 489, a person whose application for a license or registration has been denied by the board, for violations of Division 1.5 (commencing with Section 475) of this chapter, may reapply to the board for a license or registration only after a period of three years has elapsed from the date of the denial.

### *Conviction of Crime*

2963. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge which is substantially related to the qualifications, functions and duties of a psychologist or psychological assistant is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

### *Reporting Revoked and Restored Licenses*

2964. Whenever the board orders a license revoked for cause, with the exception of nonpayment of fees, or restores a license, these facts shall be reported to all other state psychology licensing boards.

### *Sex Offender Licensure Ineligibility*

2964.3. Any person required to register as a sex offender pursuant to Section 290 of the Penal Code, is not eligible for licensure or registration by the board.

### *Additional Training Required*

2964.5. The board at its discretion may require any licensee placed on probation or whose license is suspended, to obtain additional professional training, to pass an examination upon the completion of that training, and to pay the necessary examination fee. The examination may be written or oral or both, and may include a practical or clinical examination.



*Probation Terms; Payment of Monitoring Costs*

2964.6. An administrative disciplinary decision that imposes terms of probation may include, among other things, a requirement that the licensee who is being placed on probation pay the monetary costs associated with monitoring the probation.

*Proceedings*

2965. The proceedings under this article shall be conducted by the board in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

*Automatic Suspension*

2966. (a) A psychologist's license shall be suspended automatically during any time that the holder of the license is incarcerated after conviction of a felony, regardless of whether the conviction has been appealed. The board shall, immediately upon receipt of the certified copy of the record of conviction, determine whether the license of the psychologist has been automatically suspended by virtue of his or her incarceration, and if so, the duration of that suspension. The board shall notify the psychologist of the license suspension and of his or her right to elect to have the issue of penalty heard as provided in this section.

(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is determined therefrom that the felony of which the licensee was convicted was substantially related to the qualifications, functions, or duties of a psychologist, the board shall suspend the license until the time for appeal has elapsed, if no appeal has been taken, or until the judgment of conviction has been affirmed on appeal or has otherwise become final, and until further order of the board. The issue of substantial relationship shall be heard by an administrative law judge sitting alone or with a panel of the board, in the discretion of the board.

(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 187, 261, 262, or 288 of the Penal Code, shall be conclusively presumed to be substantially related to the qualifications, functions, or duties of a psychologist and no hearing shall be held on this issue. Upon its own motion or for good cause shown, the board may decline to impose or may set aside the suspension when it appears to be in the interest of justice to do so, with due regard to maintaining the integrity of and confidence in the psychology profession.

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

(2) The issue of penalty shall be heard by an administrative law judge sitting alone or with a panel of the board, in the discretion of the board. The hearing shall not be commenced until the judgment of conviction has become final or,

irrespective of a subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been made suspending the imposition of sentence; except that a licensee may, at his or her option, elect to have the issue of penalty decided before those time periods have elapsed. Where the licensee so elects, the issue of penalty shall be heard in the manner described in this section at the hearing to determine whether the conviction was substantially related to the qualifications, functions, or duties of a psychologist. If the conviction of a licensee who has made this election is overturned on appeal, any discipline ordered pursuant to this section shall automatically cease. Nothing in this subdivision shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

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

*Penalties for Failure to Provide Medical Records; Failure to Comply with Court Order; Multiple Acts*

2969. (a) (1) A licensee who fails or refuses to comply with a request for the medical records of a patient, that is accompanied by that patient's written authorization for release of records to the board, within 15 days of receiving the request and authorization, shall pay to the board a civil penalty of one thousand dollars (\$1,000) per day for each day that the documents have not been produced after the 15th day, unless the licensee is unable to provide the documents within this time period for good cause.

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

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

(2) Any licensee who fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board, shall be subject to a civil penalty, payable to the board, of not to exceed five thou-

sand dollars (\$5,000). The amount of the penalty shall be added to the licensee's renewal fee if it is not paid by the next succeeding renewal date. Any statute of limitations applicable to the filing of an accusation by the board shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

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

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

(c) Multiple acts by a licensee in violation of subdivision (b) shall be a misdemeanor punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Multiple acts by a health care facility in violation of subdivision (b) shall be a misdemeanor punishable by a fine not to exceed five thousand dollars (\$5,000) and shall be reported to the State Department of Health Services and shall be considered as grounds for disciplinary action with respect to licensure, including suspension or revocation of the license or certificate.

(d) A failure or refusal of a licensee to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board constitutes unprofessional conduct and is grounds for suspension or revocation of his or her license.

(e) The imposition of the civil penalties authorized by this section shall be in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code).

(f) For purposes of this section, "health care facility" means a clinic or health facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

## Article 5. Penalties

### Section

- 2970 Misdemeanor
- 2971 Injunctive Relief

### *Misdemeanor*

2970. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand dollars (\$2,000), or by both.

### *Injunctive Relief*

2971. Whenever any person other than a licensed psychologist has engaged in any act or practice that constitutes an offense against this chapter, the superior court of any county, on application of the board, may issue an injunction or other appropriate order restraining that conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure, except that it shall be presumed that there is no adequate remedy at law, and that irreparable damage will occur if the continued violation is not restrained or enjoined. On the written request of the board, or on its own motion, the board may commence action in the superior court under this section.

## Article 7. Revenue

### Section

- 2980 Psychology Fund; Report to Controller
- 2981 Continuously Appropriated
- 2982 Expiration of License/Birth Date Renewal
- 2983 Initial Fee
- 2984 Time for Renewal; Renewal and Delinquency Fees; Licenses Under Prior Law
- 2985 Renewal of Suspended and Revoked Licenses
- 2986 Renewal Time Limitation; Requirements for New License; Examination Fee Waiver or Refund
- 2987 Fee Schedule
- 2987.2 Mental Health Practitioner Education Fund Fee
- 2987.3 Fictitious-Name Permits; Initial, Renewal, and Delinquency Fees
- 2987.5 Exemption from Renewal Fee
- 2988 Inactive License
- 2989 Regulations Required

### *Psychology Fund; Report to Controller*

2980. There is in the State Treasury the Psychology Fund. The board shall report to the Controller at the beginning of each calendar month, for the month preceding, the amount and source of all revenue received by it, pursuant to this chapter, and shall pay the entire amount thereof to the Treasurer for deposit into that fund. All revenue received by the board from fees authorized to be charged relating to the practice of psychology shall be deposited into that fund as provided in this section.

### *Continuously Appropriated*

2981. The money in the Psychology Fund necessary for the administration of this chapter is hereby continuously appropriated for such purposes.

### *Expiration of License/Birth Date Renewal*

2982. All licenses expire and become invalid at 12 midnight on the last day of February, 1980, and thereafter shall expire at 12 midnight of the legal birth date of the licensee during the second year of a two-year term, if not renewed.

The board shall establish by regulation procedures for the administration of the birth date renewal program, including but not limited to, the establishment of a pro rata formula for the payments of fees by licentiates affected by the implementation of that program and the establishment of a system of staggered license application dates such that a relatively equal number of licenses expire annually.

To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form provided by the board, accompanied by the prescribed renewal fee.

### *Initial Fee*

2983. Every person to whom a license is issued after December 31, 1968, shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee, if any. The board, may, by regulation provide for the waiver or refund of the initial license fee, however, where the license is issued less than 45 days before the date on which it will expire.

### *Time for Renewal; Renewal and Delinquency Fees; Licenses Under Prior Law*

2984. Except as provided in Section 2985, a license that has expired may be renewed at any time within three years after its expiration on filing of an application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the license is renewed after its expiration, the licensee, as a condition precedent to renewal, shall also pay the prescribed delinquency fee, if any. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 2982 which next occurs after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

### *Renewal of Suspended and Revoked Licenses*

2985. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

A license revoked on disciplinary grounds is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the

licensee, as a condition to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

*Renewal Time Limitation; Requirements for New License; Examination Fee Waiver or Refund*

2986. A person who fails to renew his or her license within the three years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new license if he or she meets the requirements of this chapter provided that he or she:

(a) Has not committed any acts or crimes constituting grounds for denial of licensure.

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

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

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

*Fee Schedule*

2987. The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:

(a) The application fee for a psychologist shall not be more than fifty dollars (\$50).

(b) Until July 1, 1993, the examination fee for a psychologist shall be not more than one hundred fifty dollars (\$150). Effective July 1, 1993, the examination and reexamination fees for the written and oral examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.

(c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400) for the renewal periods commencing on or after January 1, 1993. The board may increase the renewal fee to an amount not to exceed five hundred dollars (\$500).

(e) The application fee for registration and supervision of a psychological assistant by a supervisor under Section 2913, which is payable by that supervisor, shall not be more than seventy-five dollars (\$75).

(f) The annual renewal fee for registration of a psychological assistant shall not be more than seventy-five dollars (\$75).

(g) The duplicate license or registration fee is five dollars (\$5).

(h) The delinquency fee is twenty-five dollars (\$25).

- (i) The endorsement fee is five dollars (\$5).

Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

#### *Mental Health Practitioner Education Fund Fee*

2987.2. In addition to the fees charged pursuant to Section 2987 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

#### *Fictitious-Name Permits; Initial, Renewal, and Delinquency Fees*

2987.3. The following fees apply to fictitious-name permits issued under Section 2930.5.

(a) The initial permit fee is an amount equal to the renewal fee in effect at the beginning of the current renewal cycle. If the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the fee in effect at the beginning of the current renewal cycle.

(b) The biennial renewal fee shall be fixed by the committee at an amount not to exceed fifty dollars (\$50). The amount of this fee shall not exceed the actual cost of issuing a fictitious-name permit.

- (c) The delinquency fee is twenty dollars (\$20).

#### *Exemption from Renewal Fee*

2987.5. Every person licensed under this chapter is exempt from the payment of the renewal fee in any one of the following instances:

While engaged in full-time active service in the Army, Navy, Air Force or Marines, or in the United States Public Health Service, or while a volunteer in the Peace Corps or Vista.

Every person exempted from the payment of the renewal fee by this section shall not engage in any private practice and shall become liable for the fee for the current renewal period upon the completion of his or her period of full-time active service and shall have a period of 60 days after becoming liable within which to pay the fee before the delinquency fee becomes applicable. Any person who completes his or her period of full-time active service within 60 days of the end of a renewal period is exempt from the payment of the renewal fee for that period.

The time spent in that full-time active service or full-time training and active service shall not be included in the computation of the three-year period for renewal of a license provided in Section 2986.

The exemption provided by this section shall not be applicable if the person engages in any practice for compensation other than full-time service in the Army, Navy, Air Force or Marines or in the United States Public Health Service or the Peace Corps or Vista.

*Inactive License*

2988. A licensed psychologist who for reasons, including but not limited to ill health or absence from the state, is not engaged in the practice of psychology, may apply to the board to request that his or her license be placed on an inactive status. A licensed psychologist who holds an inactive license shall pay a biennial renewal fee, fixed by the board, of no more than forty dollars (\$40).

A psychologist holding an inactive license shall be exempt from continuing education requirements specified in Section 2915, but shall otherwise be subject to this chapter and shall not engage in the practice of psychology in this state. Licensees on inactive status who have not committed any acts or crimes constituting grounds for denial of licensure and have completed the continuing education requirements specified in Section 2915 may, upon their request have their license to practice psychology placed on active status.

*Regulations Required*

2989. The fees in this article shall be fixed by the board and shall be set forth with the regulations which are duly adopted under this chapter.

**Article 9. Psychological Corporations**

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

**Section**

2995	Definition
2996	Unprofessional Conduct
2996.1	Unprofessional Conduct
2996.2	Income
2997	Directors and Officers
2998	Corporation Name
2999	Regulations

*Definition*

2995. A psychological corporation is a corporation that is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are psychologists, podiatrists, registered nurses, optometrists, marriage and family therapists, licensed clinical social workers, chiropractors, acupuncturists, or physicians are in compliance with the Moscone-Knox Professional Corporation Act, this article, and all other statutes and regulations now or hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs.

*Unprofessional Conduct*

2996. It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act, or any regulations duly adopted under those laws.

*Unprofessional Conduct*

2996.1. A psychological corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct



under any statute or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes and regulations to the same extent as a person licensed under this chapter.

### *Income*

2996.2. The income of a psychological corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of such shareholder or his or her shares in the psychological corporation.

### *Directors and Officers*

2997. Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each shareholder, director and officer of a psychological corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in Section 13401 of the Corporations Code.

### *Corporation Name*

2998. The name of a psychological corporation and any name or names under which it may render professional services shall contain one of the words specified in subdivision (c) of Section 2902, and wording or abbreviations denoting corporate existence.

### *Regulations*

2999. The board may adopt and enforce regulations to carry out the purposes and objectives of this article, including regulations requiring (a) that the bylaws of a psychological corporation shall include a provision whereby the capital stock of that corporation owned by a disqualified person, as defined in Section 13401 of the Corporations Code, or a deceased person, shall be sold to the corporation or to the remaining shareholders of that corporation within any time as those regulations may provide, and (b) that a psychological corporation shall provide adequate security by insurance or otherwise for claims against it by its patients or clients arising out of the rendering of professional services.

General Provisions of the Business and Professions Code  
(Only certain sections of the entire law are included here.)

## DIVISION 1. DEPARTMENT OF CONSUMER AFFAIRS

### Section

- |    |   |
|----|---|
| 25 | Training in Human Sexuality                                       |
| 28 | Child Abuse Assessment Training                                   |
| 32 | Legislative Findings; AIDS Training for Health Care Professionals |

### *Training in Human Sexuality*

25. Any person applying for a license, registration, or the first renewal of a license, after the effective date of this section, as a licensed marriage and family therapist, a licensed clinical social worker or as a licensed psychologist shall, in

addition to any other requirements, show by evidence satisfactory to the agency regulating the business or profession, that he or she has completed training in human sexuality as a condition of licensure. The training shall be creditable toward continuing education requirements as deemed appropriate by the agency regulating the business or profession, and the course shall not exceed more than 50 contact hours.

The Psychology Examining Committee shall exempt any persons whose field of practice is such that they are not likely to have use for this training.

“Human sexuality” as used in this section means the study of a human being as a sexual being and how he or she functions with respect thereto.

The content and length of the training shall be determined by the administrative agency regulating the business or profession and the agency shall proceed immediately upon the effective date of this section to determine what training, and the quality of staff to provide the training, is available and shall report its determination to the Legislature on or before July 1, 1977.

In the event that any licensing board or agency proposes to establish a training program in human sexuality, the board or agency shall first consult with other licensing boards or agencies which have established or propose to establish a training program in human sexuality to ensure that the programs are compatible in scope and content.

#### *Child Abuse Assessment Training*

28. The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with child abuse victims, potential child abuse victims, and child abusers and potential child abusers are provided with adequate and appropriate training regarding the assessment and reporting of child abuse which will ameliorate, reduce, and eliminate the trauma of child abuse and neglect and ensure the reporting of child abuse in a timely manner to prevent additional occurrences.

The Psychology Examining Committee and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, or marriage and family therapist on or after January 1, 1987. This training shall be required one time only for all persons applying for initial licensure or for licensure renewal on or after January 1, 1987.

All persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, or marriage and family therapist on or after January 1, 1987, shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in child abuse assessment and reporting which meets the requirements of this section, including detailed knowledge of Section 11165 of the Penal Code. The training shall:

- (a) Be completed after January 1, 1983.
- (b) Be obtained from one of the following sources:

- (1) An accredited or approved educational institution, as defined in Section 2902, including extension courses offered by those institutions.

(2) An educational institution approved by the Council for Private Postsecondary and Vocational Education pursuant to Article 4 (commencing with Section 94760) of Chapter 7 of Part 59 of the Education Code.

(3) A continuing education provider approved by the responsible board or examining committee.

(4) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved by the responsible board.

(c) Have a minimum of 7 contact hours.

(d) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(e) All applicants shall provide the appropriate board with documentation of completion of the required child abuse training.

The Psychology Examining Committee and the Board of Behavioral Sciences shall exempt any applicant who applies for an exemption from the requirements of this section and who shows to the satisfaction of the committee or board that there would be no need for the training in his or her practice because of the nature of that practice.

It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, or marriage and family therapist have minimal but appropriate training in the areas of child abuse assessment and reporting. It is not intended that by solely complying with the requirements of this section, a practitioner is fully trained in the subject of treatment of child abuse victims and abusers.

(f) This section shall become operative on January 1, 1997.

*Legislative Findings; AIDS Training for Health Care Professionals*

32. (a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have or intend to have significant contact with patients who have, or are at risk to be exposed to, acquired immune deficiency syndrome (AIDS) are provided with training in the form of continuing education regarding the characteristics and methods of assessment and treatment of the condition.

(b) A board vested with the responsibility of regulating the following licensees shall consider including training regarding the characteristics and method of assessment and treatment of acquired immune deficiency syndrome (AIDS) in any continuing education or training requirements for those licensees: chiropractors, medical laboratory technicians, dentists, dental hygienists, dental assistants, physicians and surgeons, podiatrists, registered nurses, licensed vocational nurses, psychologists, physician assistants, respiratory therapists, acupuncturists, marriage and family therapists, licensed educational psychologists, and clinical social workers.

CHAPTER 1. THE DEPARTMENT

Section

118 Withdrawal of Application—Effect of Suspension or Forfeiture

*Withdrawal of Application—Effect of Suspension or Forfeiture*

118. (a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, “board” includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and “license” includes “certificate,” “registration,” and “permit.”

DIVISION 1.5. DENIAL, SUSPENSION AND REVOCATION OF LICENSES

Chapter	Section
1. General Provisions.....	475
2. Denial of Licenses.....	480
3. Suspension and Revocation of Licenses.....	490
4. Public Reprovals.....	495
5. Examination Security.....	496

CHAPTER 1. GENERAL PROVISIONS

Section

475	Grounds of Denial of License
476	Exceptions
477	“Board” and “License” Defined
478	Terms Defined

*Grounds of Denial of License*

475. (a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

### *Exceptions*

476. Nothing in this division shall apply to the licensure or registration of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3, or pursuant to Division 9 (commencing with Section 23000) or pursuant to Chapter 5 (commencing with Section 19800) of Division 8.

### *"Board" and "License" Defined*

477. As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

### *Terms Defined*

478. (a) As used in this division, "application" includes the original documents or writings filed and any other supporting documents or writings including supporting documents provided or filed contemporaneously, or later, in support of the application whether provided or filed by the applicant or by any other person in support of the application.

(b) As used in this division, "material" includes a statement or omission substantially related to the qualifications, functions, or duties of the business or profession.

## CHAPTER 2. DENIAL OF LICENSES

### Section

480	Applicant's Grounds for Denial
481	Criteria for Related Crimes Required
482	Criteria for Rehabilitation Required
484	Attestations of Good Moral Character Not Required
485	Procedure for Board Upon Denial
486	Reapplication After Denial
487	Hearing; Time
488	Hearing Request
489	When Denial of Application Does Not Require a Hearing

### *Applicant's Grounds for Denial*

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the

judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.

#### *Criteria for Related Crimes Required*

481. Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

#### *Criteria for Rehabilitation Required*

482. Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

#### *Attestations of Good Moral Character Not Required*

484. No person applying for licensure under this code shall be required to submit to any licensing board any attestation by other persons to his good moral character.

#### *Procedure for Board Upon Denial*

485. Upon denial of an application for a license under this chapter or Section 496, the board shall do either of the following:

(a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions, or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his or her application or otherwise. Service by mail is complete on the date of mailing.

#### *Reapplication After Denial*

486. Where the board has denied an application for a license under this chapter or Section 496, it shall, in its decision, or in its notice under subdivision (b) of Section 485, inform the applicant of the following:

(a) The earliest date on which the applicant may reapply for a license which shall be one year from the effective date of the decision, or service of the notice under subdivision (b) of Section 485, unless the board prescribes an earlier date or a later date is prescribed by another statute.

(b) That all competent evidence of rehabilitation presented will be considered upon a reapplication.

Along with the decision, or the notice under subdivision (b) of Section 485, the board shall serve a copy of the criteria relating to rehabilitation formulated under Section 482.

#### *Hearing; Time*

487. If a hearing is requested by the applicant, the board shall conduct such hearing within 90 days from the date the hearing is requested unless the applicant shall request or agree in writing to a postponement or continuance of the hearing. Notwithstanding the above, the Office of Administrative Hearings may order, or on a showing of good cause, grant a request for, up to 45 additional days within which to conduct a hearing, except in cases involving alleged examination or licensing fraud, in which cases the period may be up to 180 days. In no case shall more than two such orders be made or requests be granted.

#### *Hearing Request*

488. Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(a) Grant the license effective upon completion of all licensing requirements by the applicant.

(b) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(c) Deny the license.

(d) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

*When Denial of Application Does Not Require a Hearing*

489. Any agency in the department which is authorized by law to deny an application for a license upon the grounds specified in Section 480 or 496, may without a hearing deny an application upon any of those grounds, if within one year previously, and after proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that agency has denied an application from the same applicant upon the same ground.

### CHAPTER 3. SUSPENSION AND REVOCATION OF LICENSES

## Section

490	Conviction of a Crime—Substantial Relationship Required
490.5	Noncompliance with Support Order or Judgment
491	Information to Ex-Licensee
492	Healing Arts; Disciplinary Action or License Denial Notwithstanding Drug Diversion Program; Exception
493	Record of Criminal Conviction—Moral Turpitude
494	Interim Orders of Suspension

*Conviction of a Crime—Substantial Relationship Required*

490. A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

*Noncompliance with Support Order or Judgment*

490.5. A board may suspend a license pursuant to Section 11350.6 of the Welfare and Institutions Code if a licensee is not in compliance with a child support order or judgment.

*Information to Ex-Licensee*

491. Upon suspension or revocation of a license by a board on one or more of the grounds specified in Section 490, the board shall:

- (a) Send a copy of the provisions of Section 11522 of the Government Code to the ex-licensee.
- (b) Send a copy of the criteria relating to rehabilitation formulated under Section 482 to the ex-licensee.

*Healing Arts; Disciplinary Action or License Denial Notwithstanding Drug Diversion Program; Exception*

492. Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an al-



cohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

#### *Record of Criminal Conviction—Moral Turpitude*

493. Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

#### *Interim Orders of Suspension*

494. (a) A board or an administrative law judge sitting alone, as provided in subdivision (h), may, upon petition, issue an interim order suspending any licentiate or imposing license restrictions, including, but not limited to, mandatory biological fluid testing, supervision, or remedial training. The petition shall include affidavits that demonstrate, to the satisfaction of the board, both of the following:

(1) The licentiate has engaged in acts or omissions constituting a violation of this code or has been convicted of a crime substantially related to the licensed activity.

(2) Permitting the licentiate to continue to engage in the licensed activity, or permitting the licentiate to continue in the licensed activity without restrictions, would endanger the public health, safety, or welfare.

(b) No interim order provided for in this section shall be issued without notice to the licentiate unless it appears from the petition and supporting documents that serious injury would result to the public before the matter could be heard on notice.

(c) Except as provided in subdivision (b), the licentiate shall be given at least 15 days’ notice of the hearing on the petition for an interim order. The notice shall include documents submitted to the board in support of the petition. If the order was initially issued without notice as provided in subdivision (b), the li-

centiate shall be entitled to a hearing on the petition within 20 days of the issuance of the interim order without notice. The licentiate shall be given notice of the hearing within two days after issuance of the initial interim order, and shall receive all documents in support of the petition. The failure of the board to provide a hearing within 20 days following the issuance of the interim order without notice, unless the licentiate waives his or her right to the hearing, shall result in the dissolution of the interim order by operation of law.

(d) At the hearing on the petition for an interim order, the licentiate may:

(1) Be represented by counsel.

(2) Have a record made of the proceedings, copies of which shall be available to the licentiate upon payment of costs computed in accordance with the provisions for transcript costs for judicial review contained in Section 11523 of the Government Code.

(3) Present affidavits and other documentary evidence.

(4) Present oral argument.

(e) The board, or an administrative law judge sitting alone as provided in subdivision (h), shall issue a decision on the petition for interim order within five business days following submission of the matter. The standard of proof required to obtain an interim order pursuant to this section shall be a preponderance of the evidence standard. If the interim order was previously issued without notice, the board shall determine whether the order shall remain in effect, be dissolved, or modified.

(f) The board shall file an accusation within 15 days of the issuance of an interim order. In the case of an interim order issued without notice, the time shall run from the date of the order issued after the noticed hearing. If the licentiate files a Notice of Defense, the hearing shall be held within 30 days of the agency's receipt of the Notice of Defense. A decision shall be rendered on the accusation no later than 30 days after submission of the matter. Failure to comply with any of the requirements in this subdivision shall dissolve the interim order by operation of law.

(g) Interim orders shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure and shall be heard only in the superior court in and for the Counties of Sacramento, San Francisco, Los Angeles, or San Diego. The review of an interim order shall be limited to a determination of whether the board abused its discretion in the issuance of the interim order. Abuse of discretion is established if the respondent board has not proceeded in the manner required by law, or if the court determines that the interim order is not supported by substantial evidence in light of the whole record.

(h) The board may, in its sole discretion, delegate the hearing on any petition for an interim order to an administrative law judge in the Office of Administrative Hearings. If the board hears the noticed petition itself, an administrative law judge shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the board on matters of law. The board shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the administrative law judge. When the petition has been delegated to an administrative law judge, he or she shall sit alone and exercise all of the powers of the board relating to the conduct of the hearing. A decision issued by an admin-

istrative law judge sitting alone shall be final when it is filed with the board. If the administrative law judge issues an interim order without notice, he or she shall preside at the noticed hearing, unless unavailable, in which case another administrative law judge may hear the matter. The decision of the administrative law judge sitting alone on the petition for an interim order is final, subject only to judicial review in accordance with subdivision (g).

(i) Failure to comply with an interim order issued pursuant to subdivision (a) or (b) shall constitute a separate cause for disciplinary action against any licensee, and may be heard at, and as a part of, the noticed hearing provided for in subdivision (f). Allegations of noncompliance with the interim order may be filed at any time prior to the rendering of a decision on the accusation. Violation of the interim order is established upon proof that the licensee was on notice of the interim order and its terms, and that the order was in effect at the time of the violation. The finding of a violation of an interim order made at the hearing on the accusation shall be reviewed as a part of any review of a final decision of the agency.

If the interim order issued by the agency provides for anything less than a complete suspension of the licensee from his or her business or profession, and the licensee violates the interim order prior to the hearing on the accusation provided for in subdivision (f), the agency may, upon notice to the licensee and proof of violation, modify or expand the interim order.

(j) A plea or verdict of guilty or a conviction after a plea of *nolo contendere* is deemed to be a conviction within the meaning of this section. A certified record of the conviction shall be conclusive evidence of the fact that the conviction occurred. A board may take action under this section notwithstanding the fact that an appeal of the conviction may be taken.

(k) The interim orders provided for by this section shall be in addition to, and not a limitation on, the authority to seek injunctive relief provided in any other provision of law.

(l) In the case of a board, a petition for an interim order may be filed by the executive officer. In the case of a bureau or program, a petition may be filed by the chief or program administrator, as the case may be.

(m) "Board," as used in this section, shall include any agency described in Section 22, and any allied health agency within the jurisdiction of the Medical Board of California. Board shall also include the Osteopathic Medical Board of California and the State Board of Chiropractic Examiners. The provisions of this section shall not be applicable to the Medical Board of California, the Board of Podiatric Medicine, or the State Athletic Commission.

## CHAPTER 4. PUBLIC REPROVALS

### Section

495 Procedure

### *Procedure*

495. Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licensee or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reproof, public reproof and suspension, or public reproof and revocation shall be conducted in

accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, or, in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code.

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496	Violation of Exam Security
498	Fraud and Deceit
499	False Statement re: Application of Another

*Violation of Exam Security*

496. A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

*Fraud and Deceit*

498. A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

*False Statement re: Application of Another*

499. A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee, in support of another person’s application for license, knowingly made a false statement of a material fact or knowingly omitted to state a material fact to the board regarding the application.

**DIVISION 2. HEALING ARTS**

**CHAPTER 1. GENERAL PROVISIONS**

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**Article 10.5. Unprofessional Conduct**

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726	Sexual Relations with Patients
727	Subdivision (2) of Section 1103 of Evidence Code Applies
728	Provision of Brochure by Psychotherapist to Patient Alleging Sexual Intercourse or Contact With Previous Psychotherapist During Course of Prior Treatment
729	Sexual Exploitation—Penalties
731	Unprofessional Conduct—Prostitution in Work Area

*Excessive Prescribing, Administering of Drugs*

725. Repeated acts of clearly excessive prescribing or administering of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of the community of licensees is unprofes-

sional conduct for a physician and surgeon, dentist, podiatrist, psychologist, physical therapist, chiropractor, or optometrist. However, pursuant to Section 2241.5, no physician and surgeon in compliance with the California Intractable Pain Treatment Act shall be subject to disciplinary action for lawfully prescribing or administering controlled substances in the course of treatment of a person for intractable pain.

Any person who engages in repeated acts of clearly excessive prescribing or administering of drugs or treatment is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than six hundred dollars (\$600), or by imprisonment for a term of not less than 60 days nor more than 180 days, or by both the fine and imprisonment.

### *Sexual Relations with Patients*

726. The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

### *Subdivision (2) of Section 1103 of Evidence Code Applies*

727. The provisions of subdivision (2) of Section 1103 of the Evidence Code shall apply in disciplinary proceedings brought against a licensee for acts in violation of Section 726.

### *Provision of Brochure by Psychotherapist to Patient Alleging Sexual Intercourse or Contact With Previous Psychotherapist During Course of Prior Treatment*

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

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

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

(1) "Psychotherapist" means a physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy, a psychologist, a clinical social worker, a marriage and family therapist, a psychological assistant, marriage and family therapist registered intern or trainee, or associate clinical social worker.

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

(3) “Intimate part” and “touching” have the same meaning as defined in subdivisions (f) and (d), respectively, of Section 243.4 of the Penal Code.

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

### *Sexual Exploitation—Penalties*

729. (a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in those acts, unless the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor has referred the patient or client to an independent and objective physician and surgeon, psychotherapist, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.

(b) Sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor is a public offense:

(1) An act in violation of subdivision (a) shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Multiple acts in violation of subdivision (a) with a single victim, when the offender has no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(3) An act or acts in violation of subdivision (a) with two or more victims shall be punishable by imprisonment in the state prison for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(4) Two or more acts in violation of subdivision (a) with a single victim, when the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment in the state prison for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(5) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be

punishable by imprisonment in the state prison for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000).

For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

(c) For purposes of this section:

(1) “Psychotherapist” has the same meaning as defined in Section 728.

(2) “Alcohol and drug abuse counselor” means an individual who holds himself or herself out to be an alcohol or drug abuse professional or paraprofessional.

(3) “Sexual contact” means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

(4) “Intimate part” and “touching” have the same meanings as defined in Section 243.4 of the Penal Code.

(d) In the investigation and prosecution of a violation of this section, no person shall seek to obtain disclosure of any confidential files of other patients, clients, or former patients or clients of the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.

(e) This section does not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

(f) If a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in a professional partnership or similar group has sexual contact with a patient in violation of this section, another physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in the partnership or group shall not be subject to action under this section solely because of the occurrence of that sexual contact.

### *Unprofessional Conduct—Prostitution in Work Area*

731. (a) Any person licensed, certified, registered, or otherwise subject to regulation pursuant to this division who engages in, or who aids or abets in, a violation of Section 266h, 266i, 315, 316, or 318 of, or subdivision (a) or (b) of Section 647 of, the Penal Code occurring in the work premises of, or work area under the direct professional supervision or control of, that person, shall be guilty of unprofessional conduct. The license, certification, or registration of that person shall be subject to denial, suspension, or revocation by the appropriate regulatory entity under this division.

(b) In addition to any penalty provided under any other provision of law, a violation of subdivision (a) shall subject the person to a civil penalty in an amount not to exceed two thousand five hundred dollars (\$2,500) for the first offense, and not to exceed five thousand dollars (\$5,000) for each subsequent offense, which may be assessed and recovered in a civil action brought by any district attorney. If the action is brought by a district attorney, the penalty recovered shall be paid to the treasurer of the county in which the judgment was entered.

## Article 12.5. Mental Illness or Physical Illness

### Section

820	Examination to Ascertain Effect of Illness May Be Ordered
821	Failure to Comply with Order
822	Actions by Licensing Agency
823	Reinstatement Procedures
824	Proceeding Under Applicable Sections
826	Statutory Authority for Procedures
827	Protecting Privacy of Licentiate
828	No Action Against Licentiate—Time Limit on Preserving Agency Records of Proceedings

### *Examination to Ascertain Effect of Illness May Be Ordered*

820. Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

### *Failure to Comply with Order*

821. The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

### *Actions by Licensing Agency*

822. If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

### *Reinstatement Procedures*

823. Notwithstanding any other provisions of law, reinstatement of a licentiate against whom action has been taken pursuant to Section 822 shall be governed by the procedures in this article. In reinstating a certificate or license which has been revoked or suspended under Section 822, the licensing agency may impose terms and conditions to be complied with by the licentiate after the certifi-



cate or license has been reinstated. The authority of the licensing agency to impose terms and conditions includes, but is not limited to, the following:

(a) Requiring the licentiate to obtain additional professional training and to pass an examination upon the completion of the training.

(b) Requiring the licentiate to pass an oral, written, practical, or clinical examination, or any combination thereof to determine his or her present fitness to engage in the practice of his or her profession.

(c) Requiring the licentiate to submit to a complete diagnostic examination by one or more physicians and surgeons or psychologists appointed by the licensing agency. If the licensing agency requires the licentiate to submit to such an examination, the licensing agency shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons or psychologists of the licentiate's choice.

(d) Requiring the licentiate to undergo continuing treatment.

(e) Restricting or limiting the extent, scope or type of practice of the licentiate.

#### *Proceeding Under Applicable Sections*

824. The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

#### *Statutory Authority for Procedures*

826. The proceedings under Sections 821 and 822 shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the licensing agency and the licentiate shall have all the rights and powers granted therein.

#### *Protecting Privacy of Licentiate*

827. Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, the licensing agency may convene in closed session to consider any evidence relating to the licentiate's mental or physical illness obtained pursuant to the proceedings under Section 820. The licensing agency shall only convene in closed session to the extent that it is necessary to protect the privacy of a licentiate.

#### *No Action Against Licentiate—Time Limit on Preserving Agency Records of Proceedings*

828. If the licensing agency determines, pursuant to proceedings conducted under Section 820, that there is insufficient evidence to bring an action against the licentiate pursuant to Section 822, then all licensing agency records of the proceedings, including the order for the examination, investigative reports, if any, and the report of the physicians and surgeons or psychologists, shall be kept confidential and are not subject to discovery or subpoena. If no further proceedings are conducted to determine the licentiates fitness to practice during a period of five years from the date of the determination by the licensing agency of the proceeding pursuant to Section 820, then the licensing agency shall purge and

destroy all records pertaining to the proceedings. If new proceedings are instituted during the five-year period against the licentiate by the licensing agency, the records, including the report of the physicians and surgeons or psychologists, may be used in the proceedings and shall be available to the respondent pursuant to the provisions of Section 11507.6 of the Government Code.

## CHAPTER 5. MEDICINE

### Article 12. Enforcement

#### Section

2290.5 Telemedicine Informed Consent

#### *Telemedicine Informed Consent*

2290.5. (a) (1) For the purposes of this section, “telemedicine” means the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications. Neither a telephone conversation nor an electronic mail message between a health care practitioner and patient constitutes “telemedicine” for purposes of this section.

(2) For purposes of this section, “interactive” means an audio, video, or data communication involving a real time (synchronous) or near real time (asynchronous) two-way transfer of medical data and information.

(b) For the purposes of this section, “health care practitioner” has the same meaning as “licentiate” as defined in paragraph (2) of subdivision (a) of Section 805.

(c) Prior to the delivery of health care via telemedicine, the health care practitioner who has ultimate authority over the care or primary diagnosis of the patient shall obtain verbal and written informed consent from the patient or the patient’s legal representative. The informed consent procedure shall ensure that at least all of the following information is given to the patient or the patient’s legal representative verbally and in writing:

(1) The patient or the patient’s legal representative retains the option to withhold or withdraw consent at any time without affecting the right to future care or treatment nor risking the loss or withdrawal of any program benefits to which the patient or the patient’s legal representative would otherwise be entitled.

(2) A description of the potential risks, consequences, and benefits of telemedicine.

(3) All existing confidentiality protections apply.

(4) All existing laws regarding patient access to medical information and copies of medical records apply.

(5) Dissemination of any patient identifiable images or information from the telemedicine interaction to researchers or other entities shall not occur without the consent of the patient.

(d) A patient or the patient’s legal representative shall sign a written statement prior to the delivery of health care via telemedicine, indicating that the patient or the patient’s legal representative understands the written information provided

pursuant to subdivision (a), and that this information has been discussed with the health care practitioner, or his or her designee.

(e) The written consent statement signed by the patient or the patient's legal representative shall become part of the patient's medical record.

(f) The failure of a health care practitioner to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(g) All existing laws regarding surrogate decisionmaking shall apply. For purposes of this section, "surrogate decisionmaking" means any decision made in the practice of medicine by a parent or legal representative for a minor or an incapacitated or incompetent individual.

(h) Except as provided in paragraph (3) of subdivision (c), this section shall not apply when the patient is not directly involved in the telemedicine interaction, for example when one health care practitioner consults with another health care practitioner.

(i) This section shall not apply in an emergency situation in which a patient is unable to give informed consent and the representative of that patient is not available in a timely manner.

(j) This section shall not apply to a patient under the jurisdiction of the Department of Corrections or any other correctional facility.

(k) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

## ILLEGAL ADVERTISING

### *(Division 7, Part 3, Chapter 1, Articles 1 and 2 of the Business and Professions Code)*

#### Section

17500	Falsity—Misrepresentations
17500.1	Prohibited Restrictions on Advertising Not Violating Section 17500
17506.5	“Board Within the Department of Consumer Affairs”—“Local Consumer Affairs Agency”
17507	Identifying Article of Merchandise or Type of Service Related to Advertised Price
17508	Claims and Comparisons with Other Brands or Products
17535	Obtaining Injunctive Relief
17535.5	Noncompliance with Injunction—Penalty Assessment—Action to Recover Penalty—Expenses for Procedures

#### *Falsity—Misrepresentations*

17500. It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this state, or to make or disseminate or cause to be made or disseminated from this state before the public in any state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, including over the Internet, any statement,

concerning that real or personal property or those services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so made or disseminated any such statement as part of a plan or scheme with the intent not to sell that personal property or those services, professional or otherwise, so advertised at the price stated therein, or as so advertised. Any violation of the provisions of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine.

*Prohibited Restrictions on Advertising Not Violating Section 17500*

17500.1. Notwithstanding any other provision of law, no trade or professional association, or state agency, state board, or state commission within the Department of Consumer Affairs shall enact any rule, regulation, or code of professional ethics which shall restrict or prohibit advertising by any commercial or professional person, firm, partnership or corporation which does not violate the provisions of Section 17500 of the Business and Professions Code, or which is not prohibited by other provisions of law.

The provisions of this section shall not apply to any rules or regulations heretofore or hereafter formulated pursuant to Section 6076.

*“Board Within the Department of Consumer Affairs”—“Local Consumer Affairs Agency”*

17506.5. As used in this chapter:

(a) “Board within the Department of Consumer Affairs” includes any commission, bureau, division, or other similarly constituted agency within the Department of Consumer Affairs.

(b) “Local consumer affairs agency” means and includes any city or county body which primarily provides consumer protection services.

*Identifying Article of Merchandise or Type of Service Related to Advertised Price*

17507. It is unlawful for any person, firm, corporation or association to make an advertising claim or representation pertaining to more than one article of merchandise or type of service, within the same class of merchandise or service, if any price set forth in such claim or representation does not clearly and conspicuously identify the article of merchandise or type of service to which it relates. Disclosure of the relationship between the price and particular article of merchandise or type of service by means of an asterisk or other symbol, and corresponding footnote, does not meet the requirement of clear and conspicuous identification when the particular article of merchandise or type of service is not represented pictorially.

*Claims and Comparisons with Other Brands or Products*

17508. (a) It shall be unlawful for any person doing business in California and advertising to consumers in California to make any false or misleading ad-

vertising claim, including claims that (1) purport to be based on factual, objective, or clinical evidence, that (2) compare the product's effectiveness or safety to that of other brands or products, or that (3) purport to be based on any fact.

(b) Upon written request of the Director of Consumer Affairs, the Attorney General, any city attorney, or any district attorney any person doing business in California and in whose behalf advertising claims are made to consumers in California, including claims that (1) purport to be based on factual, objective, or clinical evidence, that (2) compare the product's effectiveness or safety to that of other brands or products, or that (3) purport to be based on any fact, shall provide to the department or official making the request evidence of the facts on which such advertising claims are based. Any such request shall be made within one year of the last day on which such advertising claims were made.

Any city attorney or district attorney who makes a request pursuant to this subdivision shall give prior notice of such request to the Attorney General.

(c) The Director of Consumer Affairs, Attorney General, any city attorney, or any district attorney may, upon failure of an advertiser to respond by adequately substantiating the claim within a reasonable time, or if such Director of Consumer Affairs, Attorney General, city attorney, or district attorney shall have reason to believe that any such advertising claim is false or misleading, do either or both of the following: (1) seek an immediate termination or modification of the claim by the person in accordance with Section 17535, (2) disseminate information, taking due care to protect legitimate trade secrets, concerning the veracity of such claims, or why such claims are misleading, to the consumers of this state.

(d) The relief provided for in subdivision (c) is in addition to any other relief which may be sought for a violation of this chapter. Section 17534 shall not apply to violations of this section.

(e) Nothing in this section shall be construed to hold any newspaper publisher or radio or television broadcaster liable for publishing or broadcasting any advertising claims referred to in subdivision (a), unless such publisher or broadcaster is the person making such claims.

(f) The plaintiff shall have the burden of proof in establishing any violation of this section.

(g) If an advertisement is in violation of subdivision (a) and Section 17500, the court shall not impose a separate civil penalty pursuant to Section 17536 for the violation of subdivision (a) and the violation of Section 17500 but shall impose a civil penalty for the violation of either subdivision (a) or Section 17500.

### *Obtaining Injunctive Relief*

17535. Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person, corporation, firm, partnership, joint stock company, or any other association or organization of any

practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice in this chapter declared to be unlawful.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

*Noncompliance with Injunction—Penalty Assessment—Action to Recover Penalty—Expenses for Procedures*

17535.5. (a) Any person who intentionally violates any injunction issued pursuant to Section 17535 shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000) for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining the amount of the civil penalty, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the person, whether corporate or individual, and any corrective action taken by the defendant.

(b) The civil penalty prescribed by this section shall be assessed and recovered in a civil action brought in any county in which the violation occurs or where the injunction was issued in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction within his jurisdiction without regard to the county from which the original injunction was issued. An action brought pursuant to this section to recover such civil penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

(c) If such an action is brought by the Attorney General, one-half of the penalty collected pursuant to this section shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment is entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county in which the judgment was entered and one-half to the city.

(d) If the action is brought at the request of a board within the Department of Consumer Affairs or a local consumer affairs agency, the court shall determine the reasonable expenses incurred by the board or local agency in the investigation and prosecution of the action.

Before any penalty collected is paid out pursuant to subdivision (c), the amount of such reasonable expenses incurred by the board shall be paid to the State Treasurer for deposit in the special fund of the board described in Section

205. If the board has no such special fund, the moneys shall be paid to the State Treasurer. The amount of such reasonable expenses incurred by a local consumer affairs agency shall be paid to the general fund of the municipality or county which funds the local agency.



# REGULATIONS

## RELATING TO THE PRACTICE OF

# PSYCHOLOGY

Division 13.1, Title 16,  
California Code of Regulations



*ISSUED BY*

BOARD OF PSYCHOLOGY

1422 Howe Avenue, Suite 22, Sacramento, CA 95825

Telephone (916) 263-2699





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Section	
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Section	
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§ 1392.1.	Psychological Assistant Fees.
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#### Article 7. Restoration of Suspended or Revoked Licenses

Section	
§ 1393.	Requirements for Psychologists on Probation.
§ 1394.	Substantial Relationship Criteria.
§ 1395.	Rehabilitation Criteria for Denials and Reinstatements.
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#### Article 8. Rules of Professional Conduct

Section	
§ 1396.	Competence.
§ 1396.1.	Interpersonal Relations.
§ 1396.2.	Misrepresentation.
§ 1396.3.	Test Security.
§ 1396.4.	Professional Identification.
§ 1397.	Advertising.
§ 1397.1.	Child Abuse Reporting Requirements.
§ 1397.2.	Effect of Violation. [Repealed]
§ 1397.3.	Competence. [Repealed]
§ 1397.4.	Interpersonal Relations. [Repealed]
§ 1397.5.	Misrepresentation. [Repealed]

Section	
§ 1397.6.	Confidentiality. [Repealed]
§ 1397.7.	Test Security. [Repealed]
§ 1397.8.	Professional Identification. [Repealed]
§ 1397.9.	Employment of Psychological Assistant. [Repealed]
§ 1397.10.	Unprofessional Conduct. [Repealed]
§ 1397.11.	Advertising. [Repealed]
§ 1397.12.	Disciplinary Guidelines.
§ 1397.30.	Citation.
§ 1397.31.	Professional Relationships and Responsibilities Not Affected. [Repealed]
§ 1397.32.	Office for Filing. [Repealed]
§ 1397.33.	Application. [Repealed]
§ 1397.34.	Approval and Issuance of Certificates. [Repealed]
§ 1397.35.	Requirements for Professional Corporations.
§ 1397.36.	Namestyle. [Repealed]
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§ 1397.38.	Certificates of Registration: Continuing Validity and Reports. [Repealed]
§ 1397.39.	Corporate Activities.
§ 1397.40.	Trusts.
§ 1397.41.	Effect of Surrendered or Revoked Certificates; Probate. [Repealed]

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Section	
§ 1397.50.	Citations and Fines.
§ 1397.51.	Amount of Fines.
§ 1397.52.	Compliance with Orders of Abatement.
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§ 1397.60.	Definitions.
§ 1397.61.	Continuing Education Requirements.
§ 1397.62.	Continuing Education Exemptions and Exceptions.
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§ 1397.65.	Requirements for Approved Providers.
§ 1397.66.	Provider Audit Requirements.
§ 1397.67.	Renewal After Inactive or Delinquent Status.
§ 1397.68.	Provider Fees.
§ 1397.69.	Participant Fees.
§ 1397.70.	Sanctions for Noncompliance.
§ 1397.71.	Denial, Suspension and Revocation of CE Provider Status.



## DIVISION 13.1. BOARD OF PSYCHOLOGY

## Article 1. General Provisions

**1380. Citation and Authority.**

This chapter may be cited and referred to as the “Psychology Regulations.”

NOTE: Authority and reference cited: Section 2930, Business and Professions Code.

## HISTORY:

1. Renumbering of Section 1380 to Section 1380.1 and new Section 1380 filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48). For prior history, see Register 76, No. 52.
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1380.1. Location of Principal Office.**

The principal office of the Board of Psychology is located at 1422 Howe Avenue, Suite 22, Sacramento, California 95825–3200.

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

## HISTORY:

1. Renumbering of section 1380 to section 1380.1 filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48). For prior history, see Register 76, No. 52.
2. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
3. Amendment filed 2-29-2000; operative 3-30-2000 (Register 2000, No. 9).

**1380.2. Tenses, Gender and Number.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

## HISTORY:

1. Renumbering of Section 1380.1 to 1380.2 filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
2. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1380.3. Definitions.**

For the purpose of the regulations contained in this chapter, the term “board” means the Board of Psychology, and the term “code” means the Business and Professions Code.

NOTE: Authority and reference cited: Section 2930, Business and Professions Code.

## HISTORY:

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
2. Renumbering of section 1380.2 to section 1380.3 filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
3. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
4. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

**1380.4. Delegation of Functions.**

Except for those powers reserved exclusively to the “agency itself” under the Administrative Procedure Act (section 11500 et seq. of the Government Code), the board delegates and confers upon the executive officer for the board, or in his or her absence, the chairperson of the board, or in his or her absence, the vice chairperson of the board, all functions necessary to the dispatch of business of the board in connection with investigative and administrative proceedings under the jurisdiction of the board.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2928 and 2965, Business and Professions Code; and Section 11500, Government Code.

## HISTORY:

1. Renumbering and amendment of section 1380.3 to section 1380.4 filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
4. Amendment filed 6-14-93; operative 7-1-93 pursuant to Government Code section 11346.2(d) (Register 93, No. 25).

**1380.5. Filing of Address.**

Each person holding a license as a psychologist shall file with the board his proper and current mailing address, and shall report immediately to the board at its Sacramento office any and all changes of address, giving both his old and new address.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2982, Business and Professions Code.

## HISTORY:

1. Renumbering of section 1380.4 to section 1380.5 filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

**1380.6. Display of License Number.**

Pursuant to Section 137 of the code, every licensed psychologist shall include his or her number in any advertising, public directory or solicitation, regardless of whether such a presentment is made under the licensee's own name, a fictitious business or group name or a corporate name.

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

NOTE: Authority cited: Sections 137 and 2930, Business and Professions Code. Reference: Section 137, Business and Professions Code.

## HISTORY:

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

**1380.7. Declaratory Decisions.**

No decision or opinion issued by the Board of Psychology is a declaratory decision under Government Code Sections 11465.10–11456.70 unless the decision or opinion specifically states that it is a “Declaratory Decision”.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 11465.10–11465.70, Government Code.

## HISTORY:

1. New section filed 7-2-99; operative 8-1-99 (Register 99, No. 27).

**1380.10. Emergency Meetings and Additions to Meeting Agendas.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

## HISTORY:

1. New section filed 4-27-78; effective thirtieth day thereafter (Register 78, No. 17).
2. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**Article 1.5. Psychological Assistants**

## HISTORY:

1. Repealer of Article 1.5 (Sections 1380.5–1380.16) filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48). For prior history, see Registers 68, No. 42, 73, No. 4, 75, No. 7, 75, No. 15, 76, No. 52 and 77, No. 8.

## Article 2. Applications

**1381. Applications.**

All applications shall be accompanied by such evidence, statements or documents as therein required. All applications shall be received in the board's Sacramento office at least 90 days prior to the date of the examination for which the application is made. All supporting documents required by the application shall be received in the board's Sacramento office at least 45 days prior to the date of the examination for which the application is made. Applications which do not meet the above-mentioned deadline shall not be considered for the examination for which the application is made, but will be considered for the following examination.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2940 and 2941, Business and Professions Code.

## HISTORY:

1. Amendment filed 7-14-76; effective thirtieth day thereafter (Register 76, No. 29).
2. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
3. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
4. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

**1381.1. Abandonment of Applications.**

An application shall be denied without prejudice when, in the discretion of the board, an applicant does not exercise due diligence in the completion of his or her application, in furnishing additional information or documents requested or in the payment of any required fees.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2940, Business and Professions Code.

## HISTORY:

1. Amendment filed 12-22-76, effective thirtieth day thereafter (Register 76, No. 52).
2. Editorial correction to add section erroneously omitted (Register 78, No. 12).
3. Amendment filed 3-31-78; effective thirtieth day thereafter (Register 78, No. 13).
4. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

**1381.2. Petition for Hearing.**

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

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2940, Business and Professions Code.

## HISTORY:

1. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
2. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

**1381.3. Appearances Before the Committee.**

## HISTORY:

1. Repealer filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).

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

Any applicant approved to take or retake a board licensing examination who fails to appear for such examination in any twelve month period shall have his or her



application withdrawn. An applicant who subsequently decides to take the examination shall be required to file a new application and pay the current application and examination fees.

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

HISTORY:

1. New section filed 3-31-78; effective thirtieth day thereafter (Register 78, No.13).
2. Amendment of NOTE filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
4. Amendment filed 3-13-97; operative 4-12-97 (Register 97, No. 11).
5. Repealer and new section filed 7-11-2001; operative 8-10-2001 (Register 2001, No. 28).

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

An application shall be deemed to have been abandoned if an applicant fails to pay the initial license fee within three years after notification by the board. An applicant whose application has been deemed abandoned may again be eligible for licensure upon the filing of a new application and upon meeting the requirements set forth in section 1388.6(d) of these regulations.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2940 and 2983, Business and Professions Code.

HISTORY

1. New section filed 3-31-78; effective thirtieth day thereafter (Register 78, No.13).
2. Renumbering from section 1382 to section 1381. 5 filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
4. Amendment filed 3-13-97; operative 4-12-97 (Register 97, No. 11).

**1381.6. Permit Processing Times.**

“Permit” as defined by the Permit Reform Act of 1981 means any license, certificate, registration permit or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the board’s various programs are set forth below. The actual processing times apply to those applicants who have passed all appropriate examinations.

Program	<i>Maximum time for notifying the applicant, in writing, that the application is complete and accepted for filing, or that the application is deficient and what specific information is required</i>		<i>Maximum time after receipt of a complete application to issue or deny license</i>		
			<i>Minimum</i>	<i>Median</i>	<i>Maximum</i>
			<i>ACTUAL PROCESSING TIMES FOR ISSUANCE OF A LICENSE BASED ON PRIOR TWO YEARS</i>		
Psychological Assistants	60	60	31	69	202
Psychologists	60	180	102	403	1,832
Registered Psychologists	180	-0- (Retroactive approval to date of completion)	1	15	216

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 15736, Government Code.

HISTORY:

1. New section filed 5-14-91; operative 6-13-91 (Register 91, No. 27).

### Article 3. Education and Experience

#### **1382. Human Sexuality Training.**

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

(a) Be completed after January 1, 1970.

(b) Be obtained

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

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

(3) From a continuing education provider approved by a professional association, or

(4) In a course sponsored or offered by a professional association, or

(5) In a course sponsored, offered or approved by a local, county or state department of health or mental health or by health agencies of the Federal Government.

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

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

All applicants shall provide the board with documentation of completion of the required human sexuality training.

It is the intent of the board that all persons licensed to practice psychology have minimal training in human sexuality. It is not intended that by complying with the requirements of this section only, a practitioner is fully trained in the subject of sex therapy.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 25, Business and Professions Code.

HISTORY:

1. Renumbering of section 1382 to section 1381.5 and new section 1382 filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39). For history of former Section 1382, see Register 78, No. 13.
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

#### **1382.1. Human Sexuality Training Required for Licensees.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 25, Business and Professions Code.

HISTORY

1. New section 1382.1 filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39).
2. Repealer of subsections (a) and (b) and amendment of subsection (c) filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
4. Change without regulatory effect repealing section filed 12-24-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 52).

**1382.2. Exemption from Human Sexuality Training Requirement.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 25, Business and Professions Code.

**HISTORY:**

1. New section filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39).
2. Amendment filed 9-14-79; effective thirtieth day thereafter (Register 79, No. 37).
3. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

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

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

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

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

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

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

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

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

(3) Physiological and medical aspects and effects of alcoholism and other chemical dependency.

(4) Psychopharmacology and the interaction of various classes of drugs, including alcohol.

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

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

(7) Cultural and ethnic considerations.

(8) Prenatal effects.

(9) Adolescent substance abuse.

(10) Implications for the geriatric population.

(11) Iatrogenic dependency.

(12) Major treatment approaches to alcoholism and chemical dependency, including research and application.

(13) The role of persons and systems which support or compound abuse.

(14) Family issues which include treatment approaches with families of alcoholics and/or substance abusers.

(15) The process of referring affected persons.

(16) Community resources offering assessment, treatment and follow-up for the abuser and family.

(17) Ethical and Legal issues for clinical practice.

(18) Prevention of substance abuse.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914(e), Business and Professions Code.

HISTORY

1. Change without regulatory effect renumbering former section 1387.6 to section 1382.3 filed 2-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 8).
2. Change without regulatory effect amending first paragraph and subsection (d)(1) and adding subsection (d)(5) designator filed 8-20-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 34).

**1382.4. Child Abuse Assessment Training Requirements.**

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

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

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

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

(d) Completed after January 1, 1983.

NOTE: Authority cited: Sections 28 and 2930, Business and Professions Code. Reference: Section 28, Business and Professions Code.

HISTORY:

1. Change without regulatory effect renumbering former section 1387.7 to section 1382.4 filed 2-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 8).

**1382.5. Spousal or Partner Abuse Assessment, Detection, and Intervention Training Requirements.**

All persons applying for a license as a psychologist who began their graduate training on or after January 1, 1995 shall, in addition to all other requirements for licensure, have completed coursework in spousal or partner abuse assessment, detection, and intervention, and shall submit documentation thereof to the board. This is a one-time requirement. The coursework in spousal or partner abuse assessment, detection, and intervention shall consist of not less than a combined total of two (2) classroom hours focused on this topic.

The coursework shall be:

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

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

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

(d) completed after January 1, 1995.

NOTE: Authority cited: Sections 2914(f) and 2930, Business and Professions Code. Reference: Section 2914(f), Business and Professions Code.

HISTORY:

1. Change without regulatory effect renumbering former section 1387.8 to section 1382.5 filed 2-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 8).

**1383. Comparable Programs.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

## HISTORY:

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
2. Amendment filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).
3. Repealer and new section filed 7-31-84; effective thirtieth day thereafter (Register 84, No. 31).
4. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
5. Amendment of subsection (a) filed 5-24-91; operative 6-23-91 (Register 91, No. 27).
6. Change without regulatory effect repealing section filed 8-24-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 34).

**1383.1. Criteria for Approval of Comparable Programs.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

## HISTORY:

1. New section filed 7-31-84; effective thirtieth day thereafter (Register 84, No. 31). For history of former section, see Register 79, No. 17.
2. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
3. Change without regulatory effect repealing section filed 8-24-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 34).

**1383.2. W.A.S.C. Accreditation.**

## HISTORY:

1. New section filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Repealer of NOTE filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
3. Repealer filed 7-31-84; effective thirtieth day thereafter (Register 84, No. 31).

**1384. Criteria for Evaluation of Equivalent Education.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

## HISTORY:

1. Amendment filed 1-23-73; effective thirtieth day thereafter (Register 73, No. 4).
2. Amendment filed 7-27-77 as an emergency; effective upon filing (Register 77, No. 31).
3. Certificate of Compliance filed 10-21-77 (Register 77, No. 43).
4. Amendment of subsection (a) filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39).
5. Amendment filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17)
6. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1384.5. Effect of Revised Criteria for Evaluation of Equivalent Education.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

## HISTORY:

1. New section filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
3. Amendment of subsections (a) and (b) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
4. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1384.6. Revised Criteria for Evaluation of Education.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

## HISTORY:

1. Amendment of subsection (c) filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39). For prior history, see Registers 77, No. 8, 77, No. 31, 77, No. 43 and 77, No. 48.
2. Amendment filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
3. Repealer and new subsection (c) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
4. Renumbering of Section 1384.6 to Section 1386 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1384.7. Original Research Dissertation Requirement Defined.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

**HISTORY:**

1. New section filed 2-15-78 as an emergency; effective upon filing (Register 78, No. 7).
2. Certificate of Compliance transmitted to OAL 6-9-78 and filed 6-15-78 (Register 78, No. 24).
3. Amendment filed 6-22-78; effective thirtieth day thereafter (Register 78, No. 24).
4. Repealer filed 9-28-78; effective thirtieth day thereafter (Register 78, No. 39).

**1385. Foreign Graduates.**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2914 and 2940, Business and Professions Code.

**HISTORY:**

1. Amendment filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
4. Change without regulatory effect repealing section filed 8-24-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 34).

**1386. Revised Criteria for Evaluation of Education.**

(a) Only those doctorate degrees which are designated as being earned in a department or school of psychology, educational psychology or education with the field of specialization in counseling psychology or educational psychology shall be accepted as an earned doctorate degree as specified in section 2914, subdivisions (b)(1) through (3), of the code. If it is not evident on the official transcript, the board may require that any doctorate degree earned in education with the field of specialization in counseling psychology or educational psychology be certified by the registrar as such a degree.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

**HISTORY:**

1. Renumbering and amendment of former section 1386 to section 1387.5, and renumbering of former section 1384.6 to section 1386 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 80, No. 9; 79, No. 17; and 78, No. 39.
2. Amendment filed 7-31-84; effective thirtieth day thereafter (Register 84, No. 31).
3. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
4. Amendment of subsections (a) and (b) filed 5-24-91; operative 6-23-91 (Register 91, No. 27).
5. Amendment of subsection (c) filed 8-18-93; operative 9-17-93 (Register 93, No. 34).
6. Change without regulatory effect amending subsection (a) and repealing subsections (b)–(f) filed 8-24-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 34).

**1386.5. Effect of Revised Criteria for Evaluation of Experience.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

**HISTORY:**

1. New section filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment and repealer of NOTE filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
3. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1387. Supervised Professional Experience.**

This section becomes operative effective January 1, 2001. Any supervised professional experience (SPE) accrued on or after January 1, 2001, must comply with the following criteria: SPE is defined as an organized program that consists of a planned, structured and administered sequence of professionally supervised comprehensive training experiences. SPE shall have a logical training sequence that builds upon the skills and competencies of trainees to prepare them for the independent practice of psychology.

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

SPE shall include activities which address the application of psychological concepts and current and evolving scientific knowledge, principles, and theories to the professional delivery of psychological services to the consumer public.

The term “formal internship” as used in these regulations means a placement which is accredited by the American Psychological Association (APA) or which is a member of or meets the membership requirements of the Association of Psychology Postdoctoral and Internship Centers (APPIC) or which is a member of or meets the membership requirements of the California Psychology Internship Council (CAPIC).

(a) Pursuant to section 2914(c) of the code, two years of qualifying SPE shall be completed and documented prior to licensure. One year of SPE shall be defined as 1500 hours. At least one year of SPE shall be completed postdoctorally. Each year of SPE shall be completed within a thirty (30) consecutive month period. If both years of SPE (3000 hours) are completed postdoctorally, they shall be completed within a sixty (60) month period.

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

- (A) In a formal internship placement pursuant to section 2911 of the code; or
- (B) As an employee of an exempt setting pursuant to section 2910 of the code; or
- (C) As a psychological assistant pursuant to section 2913 of the code.

(2) Postdoctoral SPE: At least 1500 hours of SPE shall be accrued postdoctorally. “Postdoctorally” means after the date certified as “meeting all the requirements for the doctoral degree” by the Registrar or Dean of the educational institution, or by the Director of Training of the doctoral program. Postdoctoral SPE may be accrued only as follows:

- (A) As a registered psychologist pursuant to section 2909(d) of the code; or
- (B) As an employee of an exempt setting pursuant to section 2910 of the code; or
- (C) As a psychological assistant pursuant to section 2913 of the code.

(b) Supervision Requirements:

(1) Primary supervisors shall meet the requirements set forth in section 1387.1.

(2) Delegated supervisors shall meet the requirements set forth in section 1387.2.

(3) Supervisees shall have no proprietary interest in the business of the primary or delegated supervisor(s) and shall not serve in any capacity which would hold influence over the primary or delegated supervisor(s)’ judgment in providing supervision.

(4) Supervisees shall be provided with supervision for 10% of the total time worked each week. At least one hour per week shall be face-to-face, direct, individual supervision with the primary supervisor.

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

(6) The primary supervisor shall be employed in the same work setting at least half the time as the supervisee and be available to the supervisee 100% of the time the supervisee is accruing SPE. This availability may be in-person, by telephone, by pager or other appropriate technology. This subparagraph does not apply to psychological assistants, who are governed by subsection (d) of this section.

(7) SPE shall not be obtained from supervisors who have received payment, monetary or otherwise, from the supervisee for the purpose of providing such supervision.

(8) SPE gained while the supervisee is functioning in any other professional capacity under another license or credential, shall not be credited toward meeting the requirements for the psychologist's license.

(9) SPE shall be verified in writing by the primary supervisor under penalty of perjury. When verifying hours of SPE, both primary and delegated supervisors shall make the qualification certification required in sections 1387.1(b) and section 1387.2(b). When verifying hours of SPE, the primary supervisor shall certify under penalty of perjury that all requirements of this section have been met. The supervisor's written verification of SPE shall be sent directly to the board by the primary supervisor.

(c) Delegated Supervision Requirements:

(1) Except as provided in 1387(d), which governs the supervision of psychological assistants, primary supervisors may delegate supervision to other qualified licensed psychologists or to other qualified mental health professionals including licensed marriage and family therapists, licensed educational psychologists, licensed clinical social workers and board certified psychiatrists.

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

(3) The primary supervisor remains responsible for ensuring compliance with this section.

(d) Exceptions Governing Psychological Assistants:

(1) Psychological assistants shall be in compliance with the psychological assistant regulations commencing with section 1391 CCR and shall meet the following criteria:

(A) The supervisor shall be physically on site at least 50% of the time that the registered psychological assistant is working each week and shall be available at all other times the supervisee is accruing SPE by telephone, pager or other appropriate technology.

(B) The supervisor shall provide supervision each week for no less than 10% of the hours worked by the supervisee. This shall include at least one hour of direct, individual, face-to-face supervision.

(C) A maximum of 750 hours out of the 3000 required hours of SPE may be accrued as a psychological assistant registered under the supervision of a board certified psychiatrist. The remaining 2250 hours must be accrued under the primary supervision of a qualified psychologist.

(2) A registered psychological assistant employed by one of the organizations specified in section 2913 of the code may receive delegated supervision pursuant to section 1387(c) from a qualified psychologist or a board certified psychiatrist other than the supervisor to whom s/he is registered if the delegated supervisor is also employed within the same organization. Otherwise, supervision may not be delegated under a psychological assistant registration.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

HISTORY

1. New section filed 7-6-2000; operative 8-5-2000 (Register 2000, No. 27). For prior history see Register 93, No. 34.
2. Editorial correction deleting former section 1387 "Revised Criteria for Evaluation of Experience" which expired by its own term effective 12-31-2000 (Register 2003, No. 1).



**1387.1. Qualifications and Responsibilities of Primary Supervisors.**

All primary supervisors shall be licensed psychologists, except that board certified psychiatrists may be primary supervisors of their own registered psychological assistants.

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

(b) This subsection will become inoperative on January 1, 2003. Primary supervisors shall certify under penalty of perjury on the verification form referenced in section 1387(b)(12) that they are qualified to supervise psychology trainees pursuant to 1387.1(a) and that they have completed at least six hours of formal training in supervision. Such training shall include the processes, procedures and theories of supervision needed to prepare trainees for independent practice of psychology with safety to the public. Additionally, such training shall include laws and regulations relating to the practice of psychology. Training pursuant to this section may be obtained in one or more of the following ways:

- (1) Supervision of supervision training during internship;
- (2) Formal coursework in supervision of psychology trainees taken from an accredited educational institution.
- (3) Workshops in supervision of psychology trainees;
- (4) Supervision training received as part of grand rounds;
- (5) Other experiences which provide direction and education in the principles of supervision of psychology trainees.

(c) Effective January 1, 2003, primary supervisors who are licensed by the board shall complete a minimum of six (6) hours of supervision coursework every two years.

(1) Primary supervisors who have completed a minimum of six (6) hours of supervision coursework between January 1, 2000, and December 31, 2002, may apply that training or coursework towards this requirement.

(2) Primary supervisors who have not previously met this requirement shall complete a minimum of six (6) hours of supervision coursework within sixty (60) days of commencement of supervision.

(3) Primary supervisors shall certify under penalty of perjury to completion of this coursework requirement each time the supervisor completes a verification form as referenced in section 1387(b)(9).

(d) Primary supervisors shall be in compliance at all times with the provisions of the Psychology Licensing Law, the licensing laws of the Board of Behavioral Sciences, the Medical Practice Act, and the regulations adopted pursuant to these laws.

(e) Primary supervisors shall be responsible for ensuring compliance at all times by the supervisee with the provisions of the Psychology Licensing Law, The licensing laws of the Board of Behavioral Sciences and the Medical Practice Act, and the regulations adopted pursuant to these laws.

(f) Primary supervisors shall be responsible for ensuring that all SPE including record keeping is conducted in compliance with the Ethical Principles and Code of Conduct of the American Psychological Association.

(g) Primary supervisors shall be responsible for monitoring the welfare of the supervisee's clients.

(h) Primary supervisors shall be responsible for informing each client or patient in writing prior to the rendering of services by the supervisee that the supervisee is unlicensed and is functioning under the direction and supervision of the supervisor and that any fees paid for the services of the supervisee must be paid directly to the primary supervisor or employer.

(i) Primary supervisors shall be responsible for monitoring the clinical performance and professional development of the supervisee.

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

(k) The primary supervisor shall ensure that the supervisee has education and training in the area(s) of psychological practice to be supervised.

(l) Primary supervisors shall have no familial, intimate or other relationship with the supervisee which would compromise the supervisor's effectiveness, and/or which would violate the Ethical Principles and Code of Conduct of the American Psychological Association.

(m) Primary supervisors shall not supervise a supervisee who is now or has ever been a psychotherapy client of the supervisor.

(n) Primary supervisors shall not exploit or engage in sexual relationships, or any other sexual contact with supervisees.

(o) Primary supervisors shall provide a copy of the pamphlet Professional Therapy Never Includes Sex to each supervisee.

(p) Primary supervisors shall monitor the supervision performance of all delegated supervisors.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

#### HISTORY

1. New section filed 7-6-2000; operative 8-5-2000 (Register 2000, No. 27).

2. Repealer of first paragraph, amendment of subsection (b), new subsections (c)-(c)(3) and subsection relettering filed 7-17-2002; operative 1-1-2003 (Register 2002, No. 29).

### **1387.2. Qualifications and Responsibilities of Delegated Supervisors.**

This section becomes operative effective January 1, 2001.

Delegated supervisors shall be Licensed Psychologists or those other licensed mental health professionals listed in section 1387(c).

(a) Delegated supervisors shall have and shall maintain a valid, active license free of any formal disciplinary action, shall immediately notify the supervisee and the primary supervisor of any disciplinary action, including revocation, surrender, suspension, probation terms, or changes in licensure status including inactive license, or any other license status change that affects the supervisor's ability or qualifications to supervise.

(b) Delegated supervisors shall certify under penalty of perjury on the verification form referenced in section 1387(b)(12) that they are qualified to supervise psychology trainees pursuant to section 1387.1(a) and that they have completed six hours of formal training in supervision. Such training shall include the processes, procedures and theories of supervision needed to prepare trainees for independent practice of psychology with safety to the public. Additionally, such training shall include laws and regulations relating to the practice of psychology. Training pursuant to this section may be obtained in one or more of the following ways:

- (1) Supervision of supervision training during internship;
- (2) Formal coursework in supervision of psychology trainees taken from an accredited educational institution;
- (3) Workshops in supervision of psychological trainees;
- (4) Supervision training received as part of grand rounds;

(5) Other experiences which provide direction and education in the principles of supervision of psychology trainees.

(c) Delegated supervisors shall be in compliance at all times with the provisions of the Psychology Licensing Law, the licensing laws of the Board of Behavioral Sciences and the Medical Practice Act and the regulations adopted pursuant to these laws.

(d) Delegated supervisors shall be responsible for ensuring compliance by the supervisee with the provisions of the Psychology Licensing Law, the licensing laws of the Board of Behavioral Sciences and the Medical Practice Act, and the regulations adopted pursuant to these laws.

(e) Delegated supervisors shall be responsible for ensuring that all SPE and record keeping performed under the supervision delegated to them is conducted in compliance with the Ethical Principles and Code of Conduct of the American Psychological Association.

(f) Delegated supervisors shall be responsible for monitoring the welfare of the supervisee's clients while under their delegated supervision.

(g) Delegated supervisors shall be responsible for monitoring the clinical performance and professional development of the supervisee and for reporting this performance and development to the primary supervisor.

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

(i) Delegated supervisors shall have no familial, intimate or other relationship with the supervisee which would compromise the supervisor's effectiveness and/or which would violate the Ethical Principles and Code of Conduct of the American Psychological Association.

(j) Delegated supervisors shall not supervise a supervisee who is now or has ever been a psychotherapy client of the supervisor.

(k) Delegated supervisors shall not exploit or engage in sexual relationships, or any other sexual contact with supervisees.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

HISTORY:

1. New section filed 7-6-2000; operative 8-5-2000 (Register 2000, No. 27).

### **1387.3. SPE for Trainees Preparing for Practice in Non-Mental Health Delivery Services.**

This section becomes operative effective January 1, 2001.

(a) Due to lack of training sites and qualified supervisors, typically in the area of applied psychological research, industrial-organizational psychology, and social-experimental psychology, but not including those involving direct mental health delivery services, a plan for supervised experience may be submitted by the supervisee to the Board for approval on a case-by-case basis as provided for in section 2914(c) of the code.

(b) For training approved pursuant to this section, the supervisee may be supervised by an appropriate unlicensed individual only if the supervisee has obtained an agreement within the provisions of this section with a licensee who meets the qualifications set forth in section 1387.1, and who is educated and experienced in the supervisee's area of education and training, to serve as co-supervisor. The qualifications and responsibilities of both the supervisor and co-supervisor shall be stated in the letter of agreement for supervision submitted by the supervisee to the board for approval.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

## HISTORY

1. New section filed 7-6-2000; operative 8-5-2000 (Register 2000, No. 27). For prior history see Register 93, No. 34.
2. Editorial correction deleting former section 1387.3 "Qualifications of Supervisors" which expired by its own term effective 12-31-2000 (Register 2003, No. 1).

**1387.4. Out of State Experience.**

This section becomes operative effective January 1, 2001.

(a) SPE accrued in another state, U.S. Territory, or Canadian Province shall meet all of the supervision requirements set forth in sections 1387, 1387.1, 1387.2, 1387.3 (if applicable) and 1387.5 of these regulations. Notwithstanding the requirements of these sections, all out of state SPE must be supervised by a psychologist licensed at the doctoral level in the state, territory or province in which the SPE is taking place or, for no more than 750 hours, by a board certified psychiatrist who is licensed as a physician and surgeon in the state, territory or province in which the SPE is taking place.

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

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

## HISTORY:

1. New section filed 7-6-2000; operative 8-5-2000 (Register 2000, No. 27).

**1387.5. SPE Log.**

This section becomes operative effective January 1, 2001.

(a) The supervisee shall maintain a written weekly log of all hours of SPE earned toward licensure. The log shall contain a weekly accounting of the following information and shall be made available to the board upon request:

- (1) The specific work setting in which the SPE took place.
- (2) The specific dates for which the log is being completed.
- (3) The number of hours worked during the week.
- (4) The number of hours of supervision received during the week.
- (5) An indication of whether the supervision was direct, individual, face-to-face, group, or other (specifically listing each activity).

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

- (1) The supervisee's legibly printed name, signature and date signed.
- (2) The primary supervisor's legibly printed name, signature, license type and number, and date signed.
- (3) Any delegated supervisors' legibly printed name, license type and number, and date signed.
- (4) A description of the psychological duties performed during the period of supervised professional experience.
- (5) A statement signed by the primary supervisor attesting to the accuracy of the information.

(c) When SPE is accrued as part of a formal internship, the internship training director shall be authorized to provide all information required in section 1387.5(b).

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.

## HISTORY

1. New section filed 7-6-2000; operative 8-5-2000 (Register 2000, No. 27). For prior history, see Register 83, No. 25.

2. Editorial correction deleting former section 1387.5 "Pre-Doctoral Experience" which expired by its own term effective 12-31-2000 (Register 2003, No. 1).

### **1387.6. [Renumbered]**

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914(e), Business and Professions Code.

#### HISTORY:

1. New section filed 6-22-89; operative 7-22-89 (Register 89, No. 25).
2. Change without regulatory effect renumbering former section 1387.6 to section 1382.3 filed 2-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 8).

### **1387.7. [Renumbered]**

NOTE: Authority cited: Sections 28 and 2930, Business and Professions Code. Reference: Section 28, Business and Professions Code.

#### HISTORY:

1. New section filed 8-25-88; operative 9-24-88 (Register 88, No. 36).
2. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
3. Amendment of first paragraph filed 12-1-98; operative 12-31-98 (Register 98, No. 49).
4. Change without regulatory effect renumbering former section 1387.7 to section 1382.4 filed 2-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 8).

### **1387.8. [Renumbered]**

NOTE: Authority cited: Sections 2914(f) and 2930, Business and Professions Code. Reference: Section 2914(f), Business and Professions Code.

#### HISTORY:

1. New section filed 2-29-2000; operative 3-30-2000 (Register 2000, No. 9).
2. Change without regulatory effect renumbering former section 1387.8 to section 1382.5 filed 2-19-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 8).

## Article 4. Examinations

### **1388. Examinations.**

(a) The board recognizes the expertise of the Department of Consumer Affairs' (DCA) Office of Examination Resources (OER). The board shall utilize the services of the OER in licensing examination development and validation through an interagency agreement.

(b) An applicant shall successfully complete the licensing examination prior to being licensed. The licensing examination shall consist of the Association of State and Provincial Psychology Boards' (ASPPB) Examination for Professional Practice in Psychology (EPPP) and the California Jurisprudence and Professional Ethics Examination (CJPEE), except that the EPPP shall be waived for those applicants who meet the criteria in section 1388.6 of this chapter.

(c) An applicant is eligible to take the EPPP upon completion of a qualifying doctorate degree and 1500 hours of qualifying professional experience. An applicant shall pass the EPPP and complete all 3000 hours of supervised professional experience prior to being eligible for the CJPEE.

(d) Upon application, the board will notify applicants of their eligibility to take the EPPP. Applicants are responsible for completing any administrative requirements for taking the EPPP established by ASPPB or its agent, including paying any fees. This subsection applies to those re-taking the EPPP as well as to those taking it for the first time.

(e) For forms of the EPPP taken prior to September 1, 2001, the passing score is the score that was recognized by the board at that time. For computer administered forms of the EPPP, the board shall apply a scaled score of 500 as recommended by ASPPB.

(f) Qualified applicants desiring to take the CJPEE shall submit to the board the fee set forth in section 1392 of this chapter. Applicants shall comply with all instructions established by the DCA examination vendor for taking the CJPEE.

(g) An individual receiving at least a passing score on the CJPEE shall have successfully completed the CJPEE. The passing score on the CJPEE shall be determined for each form of the examination by a criterion referenced procedure performed by OER.

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

#### HISTORY

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
2. Amendment of subsection (b) filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).
3. Repealer and new section filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
4. Amendment of subsection (b) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
5. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
6. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
7. Amendment of subsection (b) and Notefiled 6-14-93; operative 7-1-93 pursuant to Government Code section 11346.2(d) (Register 93, No. 25).
8. Amendment of subsection (c) and Notefiled 8-11-95; operative 9-10-95 (Register 95, No. 32).
9. Amendment of subsection (b) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 1-8-99 order transmitted to OAL 5-7-99 and filed 6-15-99 (Register 99, No. 25).
11. Amendment of subsections (a)–(c) and new subsections (d)–(g) filed 7-11- 2001; operative 8-10-2001 (Register 2001, No. 28).
12. Change without regulatory effect amending subsection (f) filed 8-13-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 33).
13. Amendment of subsections (a)–(c) and (e) and new subsections (h)–(i) filed 12-19-2001 as an emergency; operative 1-1-2002 (Register 2001, No. 51). A Certificate of Compliance must be transmitted to OAL by 5-1-2002 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 12-19-2001 order transmitted to OAL 1-8- 2002 and filed 2-20-2002 (Register 2002, No. 8).
15. Amendment filed 2-11-2003; operative 3-1-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 7).

### 1388.5. Oral Examinations.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2931, 2941, 2942 and 2945, Business and Professions Code; and Section 12944, Government Code.

#### HISTORY:

1. New section filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
4. Amendment of subsections (b)–(c) and Note filed 8-11-95; operative 9-10-95 (Register 95, No. 32).
5. New subsection (d) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 1-8-99 order transmitted to OAL 5-7-99 and filed 6-15-99 (Register 99, No. 25).
7. Repealer filed 12-19-2001 as an emergency; operative 1-1-2002 (Register 2001, No. 51). A Certificate of Compliance must be transmitted to OAL by 5-1-2002 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 12-19-2001 order transmitted to OAL 1-8-2002 and filed 2-20-2002 (Register 2002, No. 8).

### 1388.6. License Requirements and Waiver of Examination.

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

(b) If an applicant for licensure as a psychologist has been licensed in another state, Canadian province, or U.S. territory, for at least five years the applicant shall not be required to take the EPPP.

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

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

(e) An applicant for licensure as a psychologist who has abandoned his or her application pursuant to section 1381.5 of these regulations and thereby must reapply for a license, shall not be required to take the EPPP.

(f) Although the EPPP is waived under this section, an applicant must file a complete application and meet all current licensing requirements not addressed above, including payment of any fees, take and pass the California Jurisprudence and Professional Ethics Examination (CJPEE), and not been subject to discipline.

NOTE: Authority cited: Sections 2930 and 2946, Business and Professions Code. Reference: Section 2946, Business and Professions Code.

**HISTORY:**

1. New section filed 3-13-97; operative 4-12-97 (Register 97, No. 11).
2. Amendment of subsections (a)-(c), new subsection (d), subsection relettering, and amendment of newly designated subsection (e) filed 12-1-98; operative 12-31-98 (Register 98, No. 49).
3. Amendment filed 4-5-2001; operative 5-5-2001 (Register 2001, No. 14).
4. Amendment filed 12-19-2001 as an emergency; operative 1-1-2002 (Register 2001, No. 51). A Certificate of Compliance must be transmitted to OAL by 5-1-2002 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 12-19-2001 order transmitted to OAL 1-8-2002 and filed 2-20-2002 (Register 2002, No. 8).
6. Amendment of section heading and section filed 8-7-2003; operative 9-6-2003 (Register 2003, No. 32).

**1389. Reconsideration of Examinations.**

(a) There shall be no reconsideration of the grade received on the EPPP or on the CJPEE.

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

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2942 and 2944, Business and Professions Code.

**HISTORY:**

1. Repealer and new section filed 2-14-77; effective thirtieth day thereafter (Register 77, No. 8).
2. Amendment filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
3. Amendment of subsection (c) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
4. Amendment of subsections (b) and (c) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
5. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
6. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
7. Amendment of subsection (a), repealer of subsection (b), subsection relettering, and amendment of newly designated subsection (c) filed 8-11-95; operative 9-10-95 (Register 95, No. 32).
8. Repealer of subsections (a)-(b), subsection relettering, and amendment of newly designated subsection (a) filed 12-19-2001 as an emergency; operative 1-1-2002 (Register 2001, No. 51). A Certificate of Compliance must be transmitted to OAL by 5-1-2002 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 12-19-2001 order transmitted to OAL 1-8-2002 and filed 2-20-2002 (Register 2002, No. 8).

**1390. Inspection of Examinations.**

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

(b) No inspection is allowed of the written examination administered by the board.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2942 and 2944, Business and Professions Code; and Section 12944, Government Code.

**HISTORY:**

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
2. Editorial correction (Register 77, No. 15).
3. Amendment filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
4. New subsection (c) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
5. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
6. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
7. Amendment of subsections (a)-(b) filed 8-11-95; operative 9-10-95 (Register 95, No. 32).
8. Change without regulatory effect repealing subsection (b) and relettering former subsection (c) to new subsection (b) filed 4-7-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 15).

**Article 5. Psychological Assistants****1391. Citation.**

This article may be cited and referred to as the "Psychological Assistant Regulations."

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

**HISTORY:**

1. New Article 4.5 (Sections 1391–1391.14) filed 11-21-77; effective thirtieth day thereafter (Register 77, No. 48).
2. Renumbering of Article 4.5 to Article 5 filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
3. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1391.1. Registration.**

Any person desiring to supervise a psychological assistant shall submit an application on a form provided by the board.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

**HISTORY:**

1. Amendment filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

**1391.2. Withdrawal of Applications.**

Applications for registration which have not been completed within ninety (90) days after additional information has been requested shall be deemed to be withdrawn.

**1391.3. Required Training.**

Any person who possesses an earned doctorate degree which will qualify for licensure as a psychologist pursuant to Section 2914 of the code and the rules adopted pursuant thereto, shall be deemed to have completed "one fully matricu-



lated year of graduate training in psychology” and will be eligible for registration as a psychological assistant upon compliance with other provisions of Section 2913 of the code.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

HISTORY:

1. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

#### **1391.4. Limited Psychological Functions.**

As used in Section 2913 of the code, the phrase “limited psychological functions” means those functions which are consistent with the education and training of the psychological assistant and the education, training and experience of the supervisor.

HISTORY:

1. Amendment filed 12-29-88; operative 12-29-88 (Register 89, No. 2).

#### **1391.5. Statement of Purpose; Supervision Required.**

(a) A psychological assistant shall be under the direction and supervision of a licensed psychologist or board-certified psychiatrist who is rendering professional services in the same work setting at the same time as the psychological assistant is rendering professional services at least fifty percent (50%) of the time professional services are being rendered by the psychological assistant. A licensed psychologist who is supervising a psychological assistant on January 1, 1989, may renew the registration to continue that supervision. On or after January 1, 1989, a licensed psychologist may not apply to supervise any psychological assistant he or she has not previously supervised unless the licensed psychologist has three (3) years post-licensure professional practice.

(b) The supervisor shall provide a minimum of one (1) hour per week of individual supervision to the psychological assistant, unless more such supervision is required under Section 1391.7 or by the nature of the limited psychological functions performed by the psychological assistant.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

HISTORY:

1. Amendment filed 12-29-88; operative 12-29-88 (Register 89, No. 2).

#### **1391.6. Supervisor’s Responsibility.**

(a) Every supervisor of a psychological assistant shall be responsible for the limited psychological functions performed by the psychological assistant and ensuring that the extent, kind and quality of the limited psychological functions performed by the assistant are consistent with his or her training and experience, and that the assistant complies with the provisions of the code and the board’s regulations.

(b) The supervisor shall inform each client or patient in writing prior to the rendering of services by the psychological assistant that the assistant is unlicensed and is under the direction and supervision of the supervisor as an employee.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

HISTORY:

1. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
2. Amendment filed 12-29-88; operative 12-29-88 (Register 89, No. 2).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

**1391.7. Supervised Professional Experience.**

In order to qualify as “supervised professional experience” pursuant to Section 2914(c) of the code, experience gained as a psychological assistant must comply with Section 1387.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

**HISTORY:**

1. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
2. Change without regulatory effect amending section filed 1-18-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 3).

**1391.8. Employer-Employee Business Relationship.**

(a) No supervisor or employer of a psychological assistant may charge a fee or otherwise require monetary payment in consideration for the employment or supervision of a psychological assistant.

(b) The psychological assistant shall have no proprietary interest in the business of the supervisor or the employer.

(c) The psychological assistant shall not rent, lease, sublease, or lease-purchase office space from the supervisor or the employer.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

**HISTORY:**

1. Amendment filed 12-29-88; operative 12-29-88 (Register 89, No. 2).

**1391.9. Continuing Education.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

**HISTORY:**

1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1391.10. Annual Reports.**

On or before January 31, of each year, every supervisor of a psychological assistant shall submit to the board on a form provided by the board a report for the preceding calendar year showing:

(a) The nature of the limited psychological functions performed by the psychological assistant being supervised;

(b) Evidence of employment which shall include at least one of the following: the employment contract with the psychological assistant, a letter of agreement, or other forms evidencing the employer-employee relationship which may include evidence of workers’ compensation payments, social security contributions, or payroll records.

(c) The locations at which the psychological assistant provided the limited psychological functions and the type, extent and amount of supervision.

(d) A certification that the limited psychological functions performed by the psychological assistant are within the scope of the psychological assistant’s education and training.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

**HISTORY:**

1. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
2. Amendment filed 12-29-88; operative 12-29-88 (Register 89, No. 2).
3. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

**1391.11. Notification of Termination.**

Within thirty (30) days after the termination of the employment of a psychological assistant, the employer shall notify the board in writing of such termination, setting forth the date thereof.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

## HISTORY:

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

**1391.12. Psychological Assistant Renewals.**

(a) The registration of a psychological assistant shall be renewed by the employer no later than January 31 of each year.

(b) Those registrations renewed 30 days after the deadline must be accompanied by the delinquency fee required in section 1392.1.

(c) A psychological assistant who has been registered with the board but whose registration has not been renewed by the employer shall not function as a psychological assistant.

(d) A psychological assistant employed and registered by more than one employer shall have his or her registration renewed by each employer.

(e) Those registrations not renewed within 60 days after the renewal date shall become void and a new application for registration shall be submitted by the employer.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2913, Business and Professions Code.

## HISTORY:

1. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
2. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
3. Change without regulatory effect amending subsection (b) filed 10-16-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 42).

**1391.13. Effect of Violation, Psychological Assistant.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

## HISTORY:

1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1391.14. Effect of Violation, Employer.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

## HISTORY:

1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**Article 5.5. Psychological Corporations**

NOTE: Authority cited: Sections 2119 and 2151.9, Business and Professions Code.

## HISTORY:

1. Repealer of Article 5.5 (Sections 1392.2–1392.9) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17). For former history, see Registers 76, No. 52, 71, No. 12, and 70, No. 5.

**Article 6. Fees****1392. Psychologist Fees.**

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

(b) The fee for the California Jurisprudence and Professional Ethics Examination is \$129.00.

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

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

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

NOTE: Authority cited: Sections 2930, 2987 and 2989, Business and Professions Code. Reference: Sections 2987, 2988 and 2989, Business and Professions Code.

**HISTORY**

1. Amendment of subsections (a) and (b) filed 7-10-89; operative 8-9-89 (Register 89, No. 49). For prior history, see Register 83, No. 25.
2. New subsection (d) filed 12-1-89; operative 12-31-89 (Register 89, No. 49).
3. Amendment of subsection (c) filed 5-17-90; operative 6-16-90 (Register 90, No. 26).
4. Amendment of subsection (c) filed 5-24-91; operative 6-23-91 (Register 91, No. 27).
5. Amendment of subsections (b) and (c) and Note filed 6-14-93; operative 7-1-93 pursuant to Government Code section 113462(d) (Register 93, No. 25).
6. Amendment of subsection (c) filed 3-8-95; operative 4-7-95 (Register 95, No. 10).
7. Amendment of subsection (b) and Note filed 3-24-97; operative 4-23-97 (Register 97, No. 13).
8. Amendment of subsection (b) filed 10-22-98; operative 11-21-98 (Register 98, No. 43).
9. Amendment of subsections (b) and (c) filed 2-14-2000; operative 3-15-2000 (Register 2000, No. 7).
10. Amendment of subsection (b) filed 4-5-2001; operative 5-5-2001 (Register 2001, No. 14).
11. Repealer of subsections (b)-(c), new subsections (b)-(e) and subsection relettering filed 12-19-2001 as an emergency; operative 1-1-2002 (Register 2001, No. 51). A Certificate of Compliance must be transmitted to OAL by 5-1-2002 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 12-19-2001 order transmitted to OAL 1-8-2002 and filed 2-20-2002 (Register 2002, No. 8).
13. Repealer of subsection (b) and subsection relettering filed 2-11-2003; operative 3-1-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 7).

**1392.1. Psychological Assistant Fees.**

(a) The application fee for registration of a psychological assistant which is payable by the supervisor is \$40.00.

(b) The annual renewal fee for registration of a psychological assistant is \$40.00.

(c) The delinquency fee for a psychological assistant is \$20.00.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2688 and 2689, Business and Professions Code.

**HISTORY:**

1. New section filed 1-22-79 as an emergency; effective upon filing (Register 79, No. 4).
2. Certificate of Compliance filed 3-7-79 (Register 79, No. 10).
3. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1392.2. Professional Corporation Fees.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

**HISTORY:**

1. New section filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
2. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**Article 7. Restoration of Suspended or Revoked Licenses**

**1393. Requirements for Psychologists on Probation.**

Each psychologist who has been placed on probation by the board shall be subject to the board's probation program and shall be required to fully cooperate with the assigned probation monitor.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2960 and 2961, Business and Professions Code.

**HISTORY:**

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

2. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).
3. Amendment filed 3-6-2003; operative 4-5-2003 (Register 2003, No. 10).

### **1394. Substantial Relationship Criteria.**

For the purposes of denial, suspension, or revocation of a license or registration pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or registration under the Psychology Licensing Law (Chapter 6.6 of Division 2 of the Code), if to a substantial degree it evidences present or potential unfitness of a person holding a license or registration to perform the functions authorized by his or her license or registration or in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

- (a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of that law.
- (b) Conviction of a crime involving fiscal dishonesty.

NOTE: Authority cited: Sections 481 and 2930, Business and Professions Code. Reference: Sections 481, 490, 2960 and 2963, Business and Professions Code.

#### **HISTORY:**

1. Repealer of former Section 1394, and renumbering and amendment of former Section 1396 to Section 1394 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 79, No. 17; 76, No. 52; 75, Nos. 24 and 8; and 74, No. 8.

### **1395. Rehabilitation Criteria for Denials and Reinstatements.**

When considering the denial of a license or registration under section 480 of the code, or a petition for reinstatement under section 11522 of the Government Code, the board in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or registration, will consider the following criteria:

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

NOTE: Authority cited: Sections 482 and 2930, Business and Professions Code. Reference: Sections 480, 482, 2960, 2962 and 2963, Business and Professions Code.

#### **HISTORY:**

1. Renumbering and amendment of former section 1395 to section 1393, and renumbering and amendment of former section 1396.1 to section 1395 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 79, No. 17; 76, No. 52; and 75, Nos. 24 and 18.
2. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

### **1395.1. Rehabilitation Criteria for Suspensions or Revocations.**

When considering the suspension or revocation of a license or registration on the ground that a person holding a license or registration under the Psychology Licensing Law (chapter 6.6 of division 2 of the code) has been convicted of a crime the board in evaluating the rehabilitation of such person and his or her eligibility for a license or registration will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).

- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee or registration holder has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
- (5) If applicable, evidence of expungement proceedings pursuant to section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee or registration holder.

NOTE: Authority cited: Sections 482 and 2930, Business and Professions Code. Reference: Sections 482, 2960 and 2963, Business and Professions Code.

HISTORY:

1. Renumbering and amendment of former section 1396.2 to section 1395.1 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 79, No. 17; 76, No. 52; and 75, Nos. 24 and 18.
2. Change without regulatory effect pursuant to section 100, Title 1, California Code of Regulations filed 3-5-90 (Register 90, No. 20).

## Article 8. Rules of Professional Conduct

### 1396. Competence.

A psychologist shall not function outside his or her particular field or fields of competence as established by his or her education, training and experience.

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

HISTORY:

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

### 1396.1. Interpersonal Relations.

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

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

HISTORY:

1. Renumbering and amendment of former Section 1396.1 to Section 1395, and renumbering of former Section 1397.4 to Section 1396.1 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Register 76, No. 52.

### 1396.2. Misrepresentation.

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

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

HISTORY:

1. Renumbering and amendment of former Section 1396.2 to Section 1395.1, and renumbering of former Section 1397.5 to Section 1396.2 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Registers 76, No. 52; and 68, No. 9.

**1396.3. Test Security.**

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

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

**HISTORY:**

1. Renumbering and amendment of former Section 1397.7 to Section 1396.3 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25). For prior history, see Register 68, No. 42.

**1396.4. Professional Identification.**

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

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

NOTE: Authority cited: Sections 2930 and 2936, Business and Professions Code. Reference: Sections 2913 and 2936, Business and Professions Code.

**HISTORY:**

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

**1397. Advertising.**

A licensed psychologist may advertise the provision of any services authorized to be provided by such license within the psychologist's field of competence in a manner authorized under Section 651 of the code, so long as such advertising does not promote the excessive or unnecessary use of such services.

NOTE: Authority cited: Sections 651, 2930 and 2936, Business and Professions Code. Reference: Sections 651, 2936 and 2960, Business and Professions Code.

**HISTORY:**

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

**1397.1. Child Abuse Reporting Requirements.**

Failure to comply with the reporting requirements contained in Penal Code Section 11166 shall constitute unprofessional conduct.

NOTE: Authority cited: Sections 2930 and 2936, Business and Professions Code. Reference: Sections 2936 and 2960(i), Business and Professions Code.

**HISTORY:**

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

**1397.2. Effect of Violation.**

NOTE: Authority cited: Section 2936, Business and Professions Code. Reference: Sections 2913, 2936, and 2960, Business and Professions Code.

**HISTORY:**

1. New Article 8 (Sec. 1397.2 through 1397.7) filed 12-6-67 as an emergency; effective upon filing (Register 67, No. 49).
2. Certificate of Compliance—Section 11422.1, Government Code, filed 2-26-68 (Register 68, No. 9).
3. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
4. Renumbering of Article 8 to Article 9, and amendment of Article title filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
5. Repealer of Article 9 heading and section filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.3. Competence.**

## HISTORY:

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
2. Renumbering and amendment of Section 1397.3 to Section 1396 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.4. Interpersonal Relations.**

## HISTORY:

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
2. Renumbering and amendment of Section 1397.4 to Section 1396.1 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.5. Misrepresentation.**

## HISTORY:

1. Amendment filed 2-26-68; effective thirtieth day thereafter (Register 68, No. 9).
2. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
3. Renumbering of Section 1397.5 to Section 1396.2 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.6. Confidentiality.**

## HISTORY:

1. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
2. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.7. Test Security.**

## HISTORY:

1. Amendment filed 11-4-68; effective thirtieth day thereafter (Register 68, No. 42).
2. Renumbering and amendment of Section 1397.7 to Section 1393.3 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.8. Professional Identification.**

## HISTORY:

1. New section filed 1-23-73; effective thirtieth day thereafter (Register 73, No. 4).
2. Amendment filed 12-22-76; effective thirtieth day thereafter (Register 76, No. 52).
3. Renumbering of Section 1397.8 to Section 1396.4 filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.9. Employment of Psychological Assistant.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

## HISTORY:

1. New section filed 1-23-73; effective thirtieth day thereafter (Register 73, No. 4).
2. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.10. Unprofessional Conduct.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

## HISTORY:

1. New section filed 3-31-78; effective thirtieth day thereafter (Register 78, No. 13).
2. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.11. Advertising.**

NOTE: Authority cited: Sections 651, 2930 and 2936, Business and Professions Code. Reference: Sections 651, 651.3, 2936 and 2960, Business and Professions Code.

## HISTORY:

1. New section filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
2. Renumbering and amendment of Section 1397.11 to Section 1397 filed 7-31-84; effective thirtieth day thereafter (Register 84, No. 31).

**1397.12. Disciplinary Guidelines.**

In reaching a decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Psychology shall consider the disciplinary guidelines



entitled “Disciplinary Guidelines,” as amended 9/1/02” which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation is appropriate where the Board of Psychology in its sole discretion determines that the facts of the particular case warrant such a deviation -for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions Code; and Section 11425.50(e), Government Code.

**HISTORY:**

1. New section filed 3-7-97; operative 4-6-97 (Register 97, No. 10).
2. Amendment filed 3-1-2000; operative 3-31-2000 (Register 2000, No. 9).
3. Amendment of “Disciplinary Guidelines” (incorporated by reference) and amendment of section and Note filed 3-3-2003; operative 4-2-2003 (Register 2003, No. 10).

**1397.30. Citation.**

These regulations may be cited and referred to as the “Psychology Corporation Regulations.”

NOTE: Authority and reference cited: Sections 2930 and 2999, Business and Professions Code.

**HISTORY:**

1. New Article 10 (Sections 1397.30–1397.41) filed 4-26-79; effective thirtieth day thereafter (Register 79, No. 17).
2. Repealer of Article 10 heading and amendment of section filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.31. Professional Relationships and Responsibilities Not Affected.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

**HISTORY:**

1. Amendment filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
2. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.32. Office for Filing.**

NOTE: Authority cited: Section 2930, Business and Professions Code.

**HISTORY:**

1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.33. Application.**

NOTE: Section 2930, Business and Professions Code.

**HISTORY:**

1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.34. Approval and Issuance of Certificates.**

NOTE: Section 2930, Business and Professions Code.

**HISTORY:**

1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.35. Requirements for Professional Corporations.**

A professional corporation shall comply with the following provisions:

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

(b) Each shareholder, director and officer (except as provided in Section 13403 of the Corporations Code and Section 2997 of the code) holds a valid psychology license; provided that, a licensed physician, podiatrist, marriage, family, and child counselor, licensed clinical social worker, chiropractor, optometrist or registered nurse may be a shareholder, director or officer of a psychology corporation so long as such licensees own no more than 49% of the total shares issued by the psychology corporation and the number of licensed physicians, podiatrists, marriage, family, and

child counselors, licensed clinical social workers, chiropractors, optometrists or registered nurses owning shares in the psychology corporation does not exceed the number of psychologists owning shares in such a corporation. A psychologist may be a shareholder in more than one psychology corporation.

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

NOTE: Authority cited: Sections 2930 and 2999, Business and Professions Code. Reference: Section 2995, Business and Professions Code; and Sections 13401, 13401.5, 13403, 13406 and 13407, Corporations Code.

HISTORY:

1. Amendment of subsections (b) and (d) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).
3. Amendment of subsections (b) and (c) filed 3-13-97; operative 4-12-97 (Register 97, No. 11).

### **1397.36. Namestyle.**

NOTE: Authority cited: Sections 2930 and 2996.6, Business and Professions Code. Reference: Section 2995.8, Business and Professions Code; Section 13409, Corporations Code.

HISTORY:

1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

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

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

(1) Dies; or

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

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

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

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

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

HISTORY:

1. Amendment of subsections (e) and (f) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

### **1397.38. Certificates of Registration: Continuing Validity and Reports.**

NOTE: Authority cited: Sections 2930 and 2996.6, Business and Professions Code. Reference: Sections 2995.4 and 2995.6, Business and Professions Code.

HISTORY:

1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

### **1397.39. Corporate Activities.**

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

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

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

HISTORY:

- 1. Amendment of subsection (a) filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
- 2. Amendment filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25).

**1397.40. Trusts.**

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

NOTE: Authority cited: Sections 2930 and 2999, Business and Professions Code. Reference: Sections 13406 and 13407, Corporations Code.

HISTORY:

- 1. Repealer of subsection (b) filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25.)

**1397.41. Effect of Surrendered or Revoked Certificates; Probate.**

NOTE: Authority cited: Section 2999, Business and Professions Code.

HISTORY:

- 1. Repealer filed 6-15-83; effective thirtieth day thereafter (Register 83, No. 25.)

Article 9. Citations and Fines

**1397.50. Citations and Fines.**

(a) For purposes of this article, “board official” shall mean the executive officer of the board or his or her representative.

(b) A board official is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed psychologist of the statutes referred to in section 1397.51.

(c) A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail, return receipt requested.

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

HISTORY:

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

**1397.51. Amount of Fines.**

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

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

- (1) Business and Professions Code section 125
- (2) Business and Professions Code section 125.6
- (3) Business and Professions Code section 475(a)(1)
- (4) Business and Professions Code section 490
- (5) Business and Professions Code section 496
- (6) Business and Professions Code section 580
- (7) Business and Professions Code section 581
- (8) Business and Professions Code section 582

- (9) Business and Professions Code section 583
- (10) Business and Professions Code section 584
- (11) Business and Professions Code section 650
- (12) Business and Professions Code section 651
- (13) Business and Professions Code section 654.2
- (14) Business and Professions Code section 702
- (15) Business and Professions Code section 810
- (16) Business and Professions Code section 2903
- (17) Business and Professions Code section 2960(a)
- (18) Business and Professions Code section 2960(c)
- (19) Business and Professions Code section 2960(d)
- (20) Business and Professions Code section 2960(f)
- (21) Business and Professions Code section 2960(g)
- (22) Business and Professions Code section 2960(h)
- (23) Business and Professions Code section 2960(i)
- (24) Business and Professions Code section 2960(k)
- (25) Business and Professions Code section 2960(l)
- (26) Business and Professions Code section 2960(m)
- (27) Business and Professions Code section 2960(n)
- (28) Business and Professions Code section 2960(p)
- (29) Business and Professions Code section 2960(q)
- (30) Business and Professions Code section 2960(r)
- (31) Business and Professions Code section 2960.6
- (32) Business and Professions Code section 17500
- (33) Penal Code section 11166.5
- (34) Business and Professions Code section 2913(c)
- (35) Business and Professions Code section 2914(c)
- (36) Business and Professions Code section 2915

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

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

HISTORY:

1. New section filed 4-26-96; operative 5-26-96 (Register 96, No. 17).
2. New subsections (a)(34)–(36) filed 7-2-99; operative 8-1-99 (Register 99, No. 27).

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

(a) If a cited person who has been issued an order of abatement is unable to complete the correction with the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time in which to complete the correction from the board official who issued the citation. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail, return receipt requested. The time allowed for the abatement of a violation shall begin when the order of abatement is final and has been served or

received. Such failure may result in disciplinary action being taken by the Board of Psychology or other appropriate judicial relief being taken against the person cited.

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

HISTORY:

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

### **1397.53. Citations for Unlicensed Practice.**

A board official is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which licensure as a psychologist is required under the laws and regulations relating to the practice of psychology. Each citation issued shall contain an order of abatement. Where appropriate, a board official shall levy a fine for such unlicensed activity in accordance with subdivision (b)(3) of section 125.9 of the code. The provisions of section 1397.50 and 1397.52 shall apply to the issuance of citations for unlicensed activity under this subsection. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

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

HISTORY:

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

### **1397.54. Contest of Citations.**

(a) In addition to requesting a hearing as provided for in subdivision (b)(4) of section 125.9 of the code, the person cited may, within ten (10) days after service or receipt of the citation, notify the board official who issued the citation in writing of his or her request for an informal conference with the board official regarding the acts charged in the citation. The time allowed for the request shall begin the first day after the citation has been served or received.

(b) The board official who issued the citation shall, within 30 days from the receipt of the request, hold an informal conference with the person cited and/or his or her legal counsel or authorized representative. At the conclusion of the informal conference the board official may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The board official shall state in writing the reasons for his or her action and serve or mail a copy of his or her findings and decision to the person cited within ten (10) days from the date of the informal conference, as provided in subsection (b) of section 1397.52. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

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

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

HISTORY:

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

**1397.55. Disconnection of Telephone Service.**

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

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

(c) If the person to whom the citation and order of abatement is issued fails to comply with the order of abatement after the order is final as provided in section 1398.54(b) of these regulations, the board official shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

NOTE: Authority cited: Sections 125.9, 148 and 2930, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

**HISTORY:**

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

**Article 10. Continuing Education****1397.60. Definitions.**

As used in this article:

(a) An “accreditation agency” means an organization recognized by the board which evaluates and approves each provider of continuing education, evaluates and approves each course offering, and monitors the quality of the approved continuing education courses.

(b) A “provider” means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered, whose qualifications as a continuing education provider have been approved by a board recognized accreditation agency.

(c) A “course” or “presentation” means an approved systematic learning experience of at least one hour in length. One hour shall consist of 60 minutes of actual instruction. Courses or presentations less than one hour in duration shall not be approved.

(d) “Continuing education” means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, seminars, workshops, grand rounds, in-service training programs, video conferencing, and distance learning technologies.

(e) A “conference” means a course consisting of multiple concurrent or sequential free-standing presentations. Approved presentations must meet all standards of an approved continuing education course.

(f) “Grand rounds” or “in-service training program” means a course consisting of sequential, free-standing presentations designed to meet the internal educational needs of the staff or members of an organization and is not marketed, advertised or promoted to professionals outside of the organization. Approved presentations must meet all standards of an approved continuing education course.

(g) “Distance learning” means the variety of forms of organized and directed learning experiences that occur when the instructor and the student are not in direct visual or auditory contact. These include, but are not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondence and home study. Self-initiated, independent study programs without an approved CE sponsor are not acceptable for continuing education. Except for qualified individuals with a disability who apply to and are approved by the board pursuant to section 1397.62(e), distance learning can be used to meet no more than 22% (8 hours) of the continuing education required in each renewal cycle. Distance learning courses must meet all standards of an approved continuing education course.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 29 and 2915, Business and Professions Code.

HISTORY:

1. New Article 10 (sections 1397.60–1397.69) and section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
2. Amendment of subsections (c) and (d) filed 4-9-96; operative 5-9-96 (Register 96, No. 15).
3. Amendment of subsection (d), new subsections (e)–(g) and amendment of Note filed 11-24-99; operative 12-24-99 (Register 99, No. 48).

### **1397.61. Continuing Education Requirements.**

(a) Except as provided in section 2915(e) of the Business and Professions Code and section 1397.62 of these regulations, each licensed psychologist shall submit with the application for license renewal proof satisfactory to the board that he or she has completed the continuing education requirements set forth in section 2915 of the code. A licensee who falsifies or makes a material misrepresentation of fact on a renewal application or who cannot verify completion of continuing education by producing verification of attendance certificates, whenever requested to do so by the board, is subject to disciplinary action under section 2960 of the code.

(b) Any person renewing his or her license on or after January 1, 2000 shall provide written evidence of completion of a continuing education course of no less than four hours in length in the subject of laws and ethics for each license renewal cycle. This course shall cover laws and regulations related to the practice of psychology; recent changes/updates in ethics codes and practice; current accepted standards of practice; and application of ethical principles in the independent practice of psychology. It is the responsibility of each licensee to certify, under penalty of perjury, to the completion of this course to the Board of Psychology as indicated on the license renewal application.

(c) Licensees are encouraged to participate in periodic training in subject matter for which the Legislature finds cause, including but not limited to: spousal or partner abuse assessment, detection and intervention; geriatric pharmacology; and the characteristics and methods of assessment and treatment of acquired immune deficiency syndrome (AIDS).

(d) This subsection becomes inoperative effective December 31, 2003. Courses taken on or after January 1, 2002 that are provided by American Psychological Association (APA) approved sponsors shall be accepted for continuing education credit. Any licensee who receives approved continuing education course credit hours from an APA approved sponsor shall submit verification of course completion and the participant reporting fee specified in section 1397.69 to a board recognized accrediting agency.

(e) This subsection becomes inoperative effective December 31, 2003. Courses taken on or after January 1, 2002 that are Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association or the Accreditation Council for Continuing Medical Education shall be accepted for continuing education credit. Any licensee who receives approved continuing education course credit hours from a CME provider shall submit verification of course completion and the participant reporting fee specified in section 1397.69 to a board recognized accrediting agency.

(f) This subsection becomes inoperative effective December 31, 2003. Courses sponsored by the Academies of the specialty boards of the American Board of Professional Psychology (ABPP) shall be accepted for continuing education credit. Any licensee who receives approved continuing education credit from any such course sponsored by an Academy of a specialty board of ABPP shall submit verification of course completion and the participant reporting fee specified in section 1397.69 to a board-recognized accrediting agency.

(g) This subsection becomes operative effective January 1, 2004. The Board of Psychology may recognize an entity to perform an accrediting function if the entity:

(1) Has had at least 10 years experience managing continuing education programs for psychologists on a statewide basis, including, but not limited to:

(A) Maintaining and managing records and data related to continuing education programs.

(B) Monitoring and approving courses.

(2) Has a means to avoid a conflict of interest between any provider and accreditation functions.

(3) Submits a detailed plan of procedures for monitoring and approving the provider functions. The plan must demonstrate that it has the capacity to evaluate each course, including provisions requiring the following:

(A) Topics and subject matter shall be pertinent to the practice of psychology. Courses predominantly focused on business issues, marketing, or exploring opportunities for personal growth are not eligible for credit. Course material must have a relevance or direct application to a consumer of psychological services.

(B) Each continuing education course shall have written educational goals and specific learning objectives which are measurable and which serve as a basis for an evaluation of the effectiveness of the course.

(C) Instructors shall be competent in the subject matter of the course and shall be qualified by education, training, experience, scope of practice and licensure.

(D) Each continuing education course shall have a syllabus which provides a general outline of the course.

(E) When an approved provider works with others on the development, distribution and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.

(F) An evaluation mechanism shall be completed by each participant to evaluate the continuing education course.

(G) Respond to complaints from the board concerning its activities.

(H) The entity agency shall provide services to all licensees without discrimination.



(h) Failure of the entity to substantially comply with the provisions as set forth in subsection (g) shall constitute cause for revocation of recognition by the board. Recognition can be revoked only by a formal board action, after notice and hearing, and for good cause.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 29 and 2915, Business and Professions Code.

**HISTORY:**

1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
2. Amendment of subsections (b) and (d), new subsections (e)-(f) and amendment of Note filed 4-9-96; operative 5-9-96 (Register 96, No. 15).
3. Amendment of subsection (b), new subsection (c), subsection relettering, and amendment of newly designated subsections (e) and (g) filed 4-30-98; operative 5-30-98 (Register 98, No. 18).
4. Repealer of subsection (g) filed 11-24-99; operative 12-24-99 (Register 99, No. 48).
5. Amendment of subsection (a), repealer of subsections (b) and (e), subsection relettering and new subsections (d)-(e) filed 12-18-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 51).
6. Amendment of subsections (d)-(f) and new subsections (g)-(h) filed 9-2-2003; operative 10-2-2003 (Register 2003, No. 36).

**1397.62. Continuing Education Exemptions and Exceptions.**

At the time of making application for renewal of a license, a psychologist may as provided in this section request an exemption or an exception from all or part of the continuing education requirements.

(a) The board shall grant an exemption only if the psychologist verifies in writing that, during the two year period immediately prior to the expiration date of the license, he or she:

(1) Has been residing in another country or state for at least one year reasonably preventing completion of the continuing education requirements; or

(2) Has been absent from California for at least one year because of military or missionary service reasonably preventing completion of the continuing education requirements; or

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

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

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

Verification of a physical disability under subsection (a)(3) shall be by a licensed physician and surgeon or, in the case of a mental disability, by a licensed psychologist or a board certified or board eligible psychiatrist.

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

(1) An exception granted pursuant to this subsection means that the board will accept continuing education courses that are not approved pursuant to sections 1397.61(d), (e), (f) provided that they are directly related to the licensee's specific area of practice and offered by recognized professional organizations. The board will review the licensee's area of practice, the subject matter of the course, and the provider on a case-by-case basis. This exception does not mean the licensee is exempt from completing the continuing education required by Business and Professions Code section 2915 and this article.

(2) Licensees seeking this exception shall provide all necessary information to enable the board to determine the lack of available approved continuing education

and the relevance of each course to the continuing competence of the licensee. Such a request shall be submitted in writing and must include a clear statement as to the relevance of the course to the practice of psychology and the following information:

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

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

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

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

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

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

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

HISTORY:

1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
2. Amendment of subsection (a) filed 4-30-98; operative 5-30-98 (Register 98, No. 18).
3. Amendment of subsection (e) filed 11-24-99; operative 12-24-99 (Register 99, No. 48).
4. Amendment of section heading and section filed 7-21-2003; operative 8-20-2003 (Register 2003, No. 30).

### **1397.63. Hour Value System.**

(a) Licensees will earn one hour continuing education credit for each hour of approved instruction. One 3-unit academic quarter is equal to 10 hours of continuing education credit and one 3-unit academic semester is equal to 15 hours of continuing education credit.

(b) (1) Licensees who serve the Board of Psychology as selected participants in any examination development related function will receive one hour of continuing education credit for each hour served. Selected board experts will receive one hour of continuing education credit for each hour attending Board of Psychology sponsored Expert Training Seminars. Any licensee who receives approved continuing education credit as set forth in subsection (b)(1) shall have his/her credit reported by the board to the board recognized accrediting agency.

(2) Licensees who serve as examiners for the Academies of the specialty boards of the American Board of Professional Psychology (ABPP) will receive one hour of continuing education credit for each hour served, not to exceed four hours each two year renewal period. Any licensee who receives continuing education credit as set forth in subsection (b)(2) shall submit verification and the course attendee fee specified in section 1397.68 to the board recognized accreditation agency.

(c) An approved instructor may claim the course for his/her own credit only one time that he/she teaches the approved course during a renewal cycle, receiving the same credit hours as the participant.

(d) No course may be taken and claimed more than once during a renewal period for continuing education credit.

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

**HISTORY:**

1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
2. Amendment of subsection (b) filed 4-9-96; operative 5-9-96 (Register 96, No. 15).
3. Redesignation and amendment of former subsection (b) as new subsection (b)(1) and new subsection (b)(2) filed 4-30-98; operative 5-30-98 (Register 98, No. 18).
4. Amendment of subsection (c) filed 11-24-99; operative 12-24-99 (Register 99, No. 48).
5. Amendment of subsection (b)(1) filed 4-5-2001; operative 5-5-2001 (Register 2001, No. 14).
6. Amendment of subsection (b)(1) filed 12-19-2001 as an emergency; operative 1-1-2002 (Register 2001, No. 51). A Certificate of Compliance must be transmitted to OAL by 5-1-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 12-19-2001 order transmitted to OAL 1-8-2002 and filed 2-20-2002 (Register 2002, No. 8).

**1397.64. Accreditation Agencies.**

(a) Upon written application to the board, continuing education accreditation agencies will be recognized if the board determines that the organization meets the criteria set forth in section 2915(f) of the code and:

(1) The organization submits a plan demonstrating that it has the capacity to evaluate each continuing education provider's course in accordance with the following criteria:

(A) Topics and subject matter shall be pertinent to the practice of psychology. Courses predominantly focused on business issues, or marketing, or that are predominantly designed to explore opportunities for personal growth are not eligible for credit. Course material must have a relevance or direct application to a consumer of psychological services.

(B) Each continuing education course shall have written educational goals and specific learning objectives which are measurable and which serve as a basis for an evaluation of the effectiveness of the course.

(C) Instructors shall be competent in the subject matter of the course and shall be qualified by education, training, experience, scope of practice and licensure.

(D) Each continuing education course shall have a syllabus which provides a general outline of the course.

(E) When an approved provider works with others on the development, distribution and/or presentation of a continuing education course (joint sponsorship), there shall be procedures to identify and document the functions of each participating party.

(F) An evaluation mechanism shall be completed by each participant to evaluate the continuing education course.

(2) The accreditation agency agrees to perform the following:

(A) Maintain a list of the names and addresses of the persons designated as responsible for the provider's continuing education courses and records. The accreditation agency shall require that any change in the designated responsible person's identity shall be reported to the agency within 30 days of the effective date of such change.

(B) Notify the board of names, addresses and responsible party of each provider and each course on a quarterly basis. Provide without charge to any licensee who makes a request, a current list of providers and approved courses.

(C) Verify attendance of licentiates at specific courses by maintaining a record of approved continuing education courses completed by licensees. The record must include the licensees' name and license number, and all agency approved continuing education courses successfully completed by each licensee. In addition, and for an activity reporting fee paid by the licensee and on forms acceptable to the agency (see form No. 07M-BOP-15(New 10/94)), incorporate into licensee's record all non-agency approved continuing education courses as defined in sections 1397.61 and 1397.63 of these regulations. The accreditation agency shall provide a copy of this combined record to the board upon request. The records must be retrievable by license number.

(D) Respond to complaints from the board concerning activities of any of its approved providers or their course(s). Respond to complaints and inquiries regarding providers, courses, and general continuing education questions presented by any licensee. The accreditation agency shall provide services to all licensees without discrimination.

(E) Audit at least 10% of the continuing education courses approved by the agency, for compliance with the agency's requirements and requirements of the board, and on request, report the findings of such audits to the board.

(F) Take such action as is necessary to assure that the continuing education course material offered by its providers meets the continuing education requirements of the board as defined in sections 1397.64(a)(1) and 1397.65 of these regulations.

(G) Establish a procedure for reconsideration of its decision that a provider or a provider's course does not meet statutory or regulatory criteria.

(b) Failure of a recognized accreditation agency to substantially comply with the provisions as set forth in this article shall constitute cause for revocation of recognition by the board. Recognition can be revoked only by a formal board action, after notice and hearing, and for good cause.

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

HISTORY:

1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
2. Amendment of subsections (a)(2)(B) and (a)(2)(D) filed 4-9-96; operative 5-9-96 (Register 96, No. 15).
3. Amendment of subsection (a)(1)(A) filed 11-24-99; operative 12-24-99 (Register 99, No. 48).
4. Amendment of subsection (a)(1)(A) filed 12-18-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 51).
5. Change without regulatory effect amending subsection (a)(2)(F) filed 4-7-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 15).

### **1397.65. Requirements for Approved Providers.**

(a) Providers of continuing education courses in psychology shall apply to a board recognized accreditation agency for approval as a provider, and for approval of each course, prior to offering any such courses.

(b) (1) Upon satisfactory completion of the provider requirements of the accreditation agency, including payment of the appropriate fees and receipt of written approval therefrom, a continuing education provider may represent itself as a California approved provider of continuing education courses for psychologists for one year.

(2) Upon presentation of satisfactory evidence, organizations approved by the American Psychological Association (APA) as Sponsors of Continuing Education for Psychologists will be recognized as California approved providers of continuing education courses for psychologists during the duration of their APA approval, and shall be exempt from the annual continuing education provider fee described in section 1397.68. Such APA providers shall be held to all other requirements of

California approved providers of continuing education for psychologists except for the individual course review requirement.

(c) The provider is responsible for assuring the educational quality of its course material. All continuing education course material shall meet the standards set forth in section 1397.64(a)(1) of these regulations and shall be:

(1) approved in advance by an accreditation agency (except for those courses offered by providers defined in section 1397.61(d), (e) and (f));

(2) specifically applicable and pertinent to the practice of psychology;

(3) accurate and timely;

(4) presented in an organized manner conducive to the learning process;

(5) complete and objective, and not reflecting predominantly any commercial views of the provider or presenter or of anyone giving financial assistance to the provider or presenter;

(6) based on stated educational goals and objectives; and

(7) accompanied by a syllabus which contains, at a minimum, the instructional objectives for each course and a summary containing the main points of each topic.

(d) All providers shall furnish a list of course participants, with the accompanying course attendee fee as required in section 1397.68, to the accreditation agency, and verification of attendance certificates to all participants within 45 days of course completion. The list and the certificate shall contain the name of the licensee and license number, name and number of the provider, title of the course, number of completed hours, date of completion, course number, if applicable, and the name of the accreditation agency.

(e) Every approved provider shall apply to the accreditation agency, on forms approved by the board (see form No. 07M-BOP-14(New 10/94)), at least 30 days in advance, for each continuing education course offered or presented, whether for the first time or repeated.

(f) The approved provider shall be required to maintain attendance records for three (3) years for each continuing education course. Acceptable documentation of participation shall include attendance rosters, sign-in and sign-out sheets, and completed course evaluation forms.

(g) The approved provider's course shall be valid for up to one year following the initial approval provided a notification and activity registration fee is submitted to the accreditation agency at least 30 days in advance for each time the course is offered or presented.

(h) The approved provider's advertisements for approved courses shall clearly indicate the provider's name, course title, course approval number, the number of credit hours, and the name of the accrediting agency.

(i) The approved provider shall have a written policy, available upon request, which provides information on:

1. refunds in case of non-attendance

2. time period for return of fees

3. notification if course is canceled.

(j) Providers may not grant partial credit for continuing education courses. However, conferences, in-service training programs and grand rounds consisting of a series of presentations may obtain approval for the entire conference, in-service training program or grand round as one course wherein credit may be granted to participants separately for each individual presentation in such courses.

(k) Provider approval is non-transferable. Approved providers shall inform the accrediting agency in writing within 30 days of any changes in organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

(l) Providers are responsible for meeting all applicable local, state and federal standards which include, but are not limited to, the Americans with Disabilities Act.

(m) Providers may obtain approval for grand rounds activities for an entire year with one application provided the staff person responsible for grand rounds submits to the accreditation agency a general descriptive outline of grand rounds activities for the year. This outline shall be of sufficient detail regarding content to be covered in the weekly grand rounds activities to allow the accreditation agency to determine whether the activities are appropriate for continuing education credit for licensed psychologists.

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

HISTORY:

1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
2. Amendment of subsections (d) and (j) and new subsection (m) filed 4-9-96; operative 5-9-96 (Register 96, No. 15).
3. Resignation and amendment of former subsection (b) as new subsection (b)(1), new subsection (b)(2) and amendment of subsection (h) filed 4-30-98; operative 5-30-98 (Register 98, No. 18).
4. Amendment of subsection (c)(8) filed 11-24-99; operative 12-24-99 (Register 99, No. 48).
5. Amendment of subsections (b)(2), (c)(1) and (c)(6)-(7) and repealer of subsection (c)(8) filed 12-18-2001; operative 1-1-2002 pursuant to Government Code section 11343.4 (Register 2001, No. 51).

**1397.66. Provider Audit Requirements.**

Upon written request from the accreditation agency or the board, relating to an audit of course material, each approved provider shall submit such materials as are required by the accreditation agency or the board.

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

HISTORY:

1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
2. Amendemnt filed 4-9-96; operative 5-9-96 (Register 96, No. 15).

**1397.67. Renewal After Inactive or Delinquent Status.**

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

(b) For the renewal of a delinquent psychologist license within three years of the date of expiration, the applicant for renewal shall provide documentation of completion of the required hours of continuing education.

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

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Section 2915, 2984, 2986, and 2988, Business and Professions Code.

HISTORY:

1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
2. Amendment of section and NOTE filed 4-9-96; operative 5-9-96 (Register 96, No. 15).

**1397.68. Provider Fees.**

(a) The following fees are established to be paid to an accreditation agency by the course provider:

- (1) Continuing education annual provider approval fee ..... \$200

- (2) Continuing education course registration fee ..... \$35
- (3) Continuing education conference fee ..... \$100
- (4) Continuing education course attendee fee ..... \$7 per licensee

These fees are to be paid by the provider to an accreditation agency as defined in section 1397.65(b), (d), and (g).

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

HISTORY:

- 1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
- 2. Amendment of subsection (a)(3) and new subsection (a)(4) filed 11-24-99; operative 12-24-99 (Register 99, No. 48).

**1397.69. Participant Fees.**

The following fees are established to be paid by the course participant:

- (a) Participant report recording fee ..... \$35

This fee is to be paid to an accreditation agency to report non-accrediting agency approved courses taken by the participant as defined in section 1397.61(d), 1397.63(b) and 1397.64(a)(2)(C).

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

HISTORY:

- 1. New section filed 12-29-94; operative 12-29-94 pursuant to Government Code Section 11346.2(d) (Register 94, No. 52).
- 2. Amendment of Form No. 07M-BOP-14 is filed 4-30-98; operative 5-30-98 (Register 98, No. 18).





Accrediting Agency

TEL:

FAX:

# Course Application

Failure to complete this cover sheet and application will result in the return of the course application without further review. A separate course form is required for each course. Some of the information supplied may be published. Responses must be typed in the spaces provided.

## Cover Sheet

### A. Provider Information:

Provider Name:	
MCEP Provider #:	Phone:
MCEP Program Administrator:	MCEP Program Developer:

### B. Course Information:

Course Title:	
Standard Course Fee:	Discounts available? <input type="checkbox"/> Yes <input type="checkbox"/> No
Course Description (limit to 50 words):	
Course Date(s):	Course Time(s):
Course Site Address	Phone:
	City State Zip
Course Level (choose one): <input type="checkbox"/> Introductory (useful for psychologists new to this field) <input type="checkbox"/> Intermediate (useful for psychologists with limited experience in this field) <input type="checkbox"/> Advanced (useful for psychologists with extensive experience in this field)	Target Audience <input type="checkbox"/> Licensed Psychologists <input type="checkbox"/> Other Non-Mental Health Professionals <input type="checkbox"/> MFCC/LCSW/LED's <input type="checkbox"/> General Public <input type="checkbox"/> MD/RN's
Total Instructional Time:	

### C. Co-Sponsorship Information:

Is this course co-sponsored? <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of co-sponsoring organization:
Contact Name:	Phone:
Address:	
City State Zip	

### D. Primary Instructor Information:

Name:	Daytime Phone:	Fax:
Address:		
City State Zip		

**MCEP Course Application**

California Psychological Association Accrediting Agency

page 1 of 2

**Section I – Course Material**

*Standard: Course material will be pertinent, accurate and will clearly contribute in the area of practice, theory or methodology at a post–doctorate level.*

**Please enclose the following documents:**

- √ Course syllabus containing:
  - Course Outline
  - Description of Content
  - Course Goals and Objectives
- √ Primary Instructor vita.

**Section II – Evaluation Process**

*Standard: Every course shall include an evaluation process that assesses both the effectiveness of the course and participant achievement in accordance to the course’s goals and objectives.*

Are the course evaluations part of a larger evaluation or needs assessment process? If yes, please describe their use.

**Please enclose the following documents:**

- √ Course evaluation form
- √ Describe the evaluation mechanism you will use for participants to assess their achievement in accordance with course objectives.

**Section III – Administration**

*Standard: Course monitoring procedures (attendance list, credit assignment) and record keeping is in accordance with state regulations and policy.*

**A. Course Monitoring**

1. Describe your procedures for monitoring course attendance.
2. How do you plan to identify psychology licensees who attend your programs?

**MCEP Course Application**

California Psychological Association Accrediting Agency

Please enclose the following documents.

✓ Sample attendee list format

✓ Sample attendance certificate

✓ Signed After Course Agreement

**B. Co-sponsorship**

If this course, or the larger event this course is part of, is sponsored in full or in part by another organization, this section of the application must be completed.

Identify the organization responsible for each of the following areas:

Course content
Course presentation
Course monitoring
Course records
Advertising/Marketing
Financial Arrangements
Administrative Policies

**Section IV – Authorization**

I certify, on behalf of \_\_\_\_\_, that the preceding statements and the enclosed documents are true. I understand that any false statements may result in the revocation of provider approval. I understand that I am responsible for maintaining all standards outlined in the provider application and that this course may be subject to either an unannounced on-site course audit or an administrative audit.

provider organization

\_\_\_\_\_  
Program Developer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Program Administrator Signature

\_\_\_\_\_  
Date

Both signatures are required to process application.

**Section V – Payment**

A non-refundable MCEP course application fee of \$35, made payable to the California Psychological Association Accrediting Agency must accompany 3 copies of the application including all attachments.

Check enclosed

Please bill my credit card:

Visa  Mastercard  Discover  American Express

Account #: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Important**

Completion of this form does not constitute MCEP course approval status. If granted, MCEP course approval will become effective on the date set forth in the notification of approval letter.

**1397.70. Sanctions for Noncompliance.**

(a) If documentation of the CE requirement is improper or inadequate, the license becomes invalid for renewal. The continued practice of psychology is prohibited while the license is invalid for renewal, and the renewal is forfeited. Notwithstanding section 2984, the licensee shall correct the deficiency within six months. If the deficiency is not corrected within six months, the license remains invalid for renewal. Continued practice without a valid license shall constitute grounds for appropriate disciplinary action pursuant to sections 148 and/or 2960 of the code.

(b) Misrepresentation of compliance shall constitute grounds for disciplinary action.

NOTE: Authority cited: Sections 2915 and 2930, Business and Professions Code. Reference: Section 2915, Business and Professions Code.

**HISTORY:**

1. New section filed 4-9-96; operative 5-9-96 (Register 96, No. 15).

2. Amendment of subsection (a) filed 3-13-97; operative 4-12-97 (Register 97, No. 11).

**1397.71. Denial, Suspension and Revocation of CE Provider Status.**

(a) A board recognized accreditation agency may deny, suspend, place on probation with terms and conditions, or revoke its approval of an applicant or provider of continuing education for good cause. Good cause includes, but is not limited to, one or more of the following:

(1) Conviction of a felony or misdemeanor substantially related to the activities of an accreditation agency approved provider.

(2) Failure of an applicant or provider who is a psychologist, psychological assistant, psychological intern or registered psychologist to comply with any provisions of the Psychology License Law (Business and Professions Code Section 2900 et seq.) or the regulations adopted pursuant thereto in Division 13.1 of Title 16 (commencing with section 1380) of the California Code of Regulations.

(3) Failure of an applicant or provider, who is a licensee of another healing arts board, to comply with the statutes and regulations governing that license.

(4) Making a material misrepresentation of fact in information submitted to the board recognized accreditation agency or to the board.

(5) Failure to comply with provisions of the Psychology License Law (Business and Professions Code Section 2900 et seq.), or the regulations adopted pursuant thereto in Division 13.1 of Title 16 (commencing with section 1380) of the California Code of Regulations, applicable to continuing education providers.

(b) After a thorough case review, if the board recognized accreditation agency denies, suspends, places on probation with terms or conditions, or revokes its approval of a provider, it shall give the applicant or provider written notice setting forth its reasons for the denial, suspension, placing on probation with terms and conditions, or revocation. The applicant or provider may appeal the action in writing within fifteen (15) days after receipt of the notice, and request a hearing before a panel appointed by the recognized accreditation agency. A suspension or revocation of approval shall be stayed upon the filing of an appeal. A denial of approval shall not be stayed.

The panel shall consist of three persons who have not been involved in the determination to deny, suspend or revoke the approval of the applicant or provider. The panel shall hear the appeal within 60 days of the receipt of the appeal, and maintain a record of the proceedings. A decision in writing shall be issued within 30 days of the date of the hearing.

If the appointed panel sustains the denial, placing on probation with terms and conditions, suspension or revocation, the applicant or provider may appeal the decision of the panel to a Continuing Education Appeals Committee (CE Appeals

Committee) of the board. The CE Appeals Committee shall be appointed by the board's president and consist of two board members, one public member and one licensed psychologist member. The appeal must be filed with the board within seven (7) days after receipt of the panel's decision. Upon filing of the appeal, the CE Appeals Committee chairperson shall have discretion to extend the stay of the suspension or revocation. The hearing of the CE Appeals Committee shall take place at a date and location established by the Committee chairperson, the date not to exceed 60 days from the date of the filing of the appeal. The record of the panel's hearing shall be made available to the CE Appeals Committee. The Committee shall issue a written decision within 30 days of the date of the hearing.

The decision of the CE Appeals Committee is final. An applicant or provider who has had his or her application or provider status denied or revoked may not reapply for provider status for a period of one year from the date of the CE Appeals Committee's decision.

NOTE: Authority cited: Sections 2915 and 2930, Business and Professions Code. Reference: Section 2915, Business and Professions Code.

HISTORY:

1. New section filed 7-6-2001; operative 8-5-2001 (Register 2001, No. 27).

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