

**BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS**

**INITIAL STATEMENT OF REASONS
Continuing Professional Development**

Hearing Date: November 19, 2020

Subject Matter of Proposed Regulations: Definitions, Continuing Education Requirements, Continuing Professional Development Requirements, Continuing Education Exemptions and Exceptions, Renewal after Inactive or Delinquent Status, Continuing Professional Development Requirements for Reactivation, Renewal of Expired License: Reissuance of Cancelled License

Section(s) Affected: Title 16, California Code of Regulations amend Sections 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67, and add Sections 1397.60, 1397.61, 1397.62, and 1397.67.

Introduction

The California Board of Psychology (Board) is seeking to change the continuing education guidelines and requirements that must be completed by a licensee as a condition of renewal or reactivation of their license. The Board is moving from the traditional Continuing Education (CE) model to the broader Continuing Professional Development (CPD) model of ensuring continued competence.

One of the Board's responsibilities entails ensuring psychologists maintain competency to provide psychological services in a safe and ethical manner. Consequently, appropriate CPD encompasses more than training in ethics and laws; it also should address the knowledge, skills, and attitudes necessary to maintain and enhance competent practice.

Ensuring the safe and ethical practice of psychology requires that psychologists continue to update their knowledge and skills throughout their professional career. It is expected that psychologists maintain their competence based on advances in theory, practice, and empirical research. Participation in CE is one way that psychologists maintain and enhance their knowledge and skills, but research has shown that the typical one-time CE workshop/experience, or didactic experience, does not necessarily demonstrate effectiveness in maintaining competence and enhancing skills.

In psychology, the traditional way of defining ongoing professional development has been solely in terms of CE, which usually refers to one-time formal learning activities conducted in classroom or workshop settings. CPD is a broader concept that includes

CE, but also encompasses ongoing development of multi-faceted competencies needed for quality professional performance in one's area of practice through a variety of different learning and professional activities. Effective in 2017, section 2915 of the Business and Professions Code (Code) was amended to reflect that and identified four categories of activities in which continuing education could be accrued, thus leading to continuing professional development: professional; academic; sponsored continuing education coursework; and board certification from the American Board of Professional Psychology (ABPP).

This is a change that has been recommended by the Association of State and Provincial Psychology Boards (ASPPB) as reported in their "*ASPPB Guidelines for Continuing Professional Development*" (*ASPPB Guidelines*).

Specific Purpose of each Adoption, Amendment or Repeal:

Amend Section 1381.9 – Renewal of Expired License

Title 16 CCR Section 1381.9 will be amended and the proposed language and will be titled "Renewal of Expired License; Reapplication After Cancelled License".

Problem: The current language does not address the change to the status of licenses after they have been expired for three or more years.

Anticipated Benefit: The new language in this section clarifies that a license that is expired for three or more years automatically cancels, and then outlines the process by which that person with a cancelled license may obtain a new license, and will be a better reflection of the language in BPC Sections 2984 and 2986.

Factual Basis/Rationale:

§ 1381.9(a): The language in this section was designated subsection (a), but the language was not amended.

§ 1381.9(b): This section outlines the requirements a person whose license has been cancelled due to the provisions set forth in BPC Sections 2984 and 2986, must complete to regain licensure. It is important to determine that the person still has the knowledge and skills necessary for competent and ethical practice. Subsections (b)(1) through (b)(4) require a license reapplicant to demonstrate such competence by meeting specific requirements that are also required of an initial applicant to establish competence, as well as the CPD requirements that must be demonstrated upon

renewal. This should provide clear information and limit confusion while harmonizing these provisions with other relevant statutes and regulations.

Amend Section 1397.60 - Definitions

The Board seeks to reorganize and revise the current CE model and replace this model with a newer and broader CPD model. This change would help ensure the ongoing competence and professional development of licensees. Title 16 of the California Code of Regulations (CCR), Section 1397.60 as it currently exists will be repealed in its entirety and replaced with the proposed modified language effective January 1, 2021. Accordingly, there are two separate sections numbered 1397.60: the current one, which would be effective only for a license that expires, or is reissued or reinstated through December 31, 2020, and the new one that would replace it for a license that expires, or is renewed, reactivated, or reinstated on or after January 1, 2021. The proposed changes will add an inoperative and repeal date to the existing version of section 1397.60, which is necessary to ensure a clear and smooth transition between the current and proposed versions of this section.

Add Section 1397.60 - Definitions

Problem: The current definitions provided only cover a limited number of CE activities, and current research has indicated that such types of learning activities, while effective at maintaining knowledge, have not been demonstrated to be very effective in maintaining the other aspects of competence. Accordingly, they are being replaced with a broader variety and number of CPD activities as the Board transitions to the CPD model. The new definitions outline specific activities in each of the four acceptable categories of learning activities that count towards CPD, and reflect those activities outlined in the ASPPB guidelines.

Anticipated Benefit: These new categories implement the expectations of the new CPD model by describing to licensees and others, such as providers, the type and variety of CPD activities available to licensees in each category that the Board accepts to maintain competence. The requirements for the minimum and maximum hours for each category are set out in section 1397.61.

Factual Basis/Rationale: The expansion of the ways in which a licensee may obtain the necessary 36 hours of CPD is explained below. Currently, psychologists may accrue 36 hours only through traditional CE courses, unless otherwise specified in 16 CCR Section 1397.62(b). The new CPD model has four ways a psychologist may complete the CPD requirements for license renewal: (1) Professional (which includes the activities

of Peer Consultation, Practice Outcome Monitoring (POM), Professional Services, Conferences/Convention Attendance, Examination Functions, Expert Review/Consultation, Attendance at a California Board of Psychology Meeting); (2) Academic (which includes Academic Coursework, Academic/Sponsor-Approved CE Instruction, Supervision, Publications, Self-Directed Learning); (3) Sponsored Continuing Education Coursework (including Independent/Online Learning); and (4) Board Certification (specifically, American Board of Professional Psychology (ABPP) Board Certification, “Senior Option” ABPP Board Certification). The newly included CPD activities are designed to make use of what research indicates contributes to increased learning and maintenance of competence. Activities will include a variety of modes in which learning can occur, continue over extended periods of time, and promote peer interaction and feedback, which allows professionals to incorporate new knowledge and skills into their practices.

§ 1397.60: This section establishes the operative date of January 1, 2021. This section also identifies the four categories of acceptable CPD as specified in 2915 of the Code and further enumerated in subsections (a) through (d). While there is minor duplication of that definition from what is contained in section 2915 of the Code, it allows the regulatory scheme to include all of what a licensee needs to know about CPD.

§ 1397.60(a): This section describes the specific allowable activities under the first category of “Professional Activities.”

§ 1397.60 (a)(1): Defines “Peer Consultation” as an allowable Professional activity, and describes it as structured and organized interaction, in person or electronically mediated, with colleagues in research groups, reading groups, and/or individual or group case consultations, which is designed to broaden professional knowledge. This definition serves the goal of broadening the ways CPD hours may be earned, and will allow the accrual of the required hours for activities that some licensees may be engaged in already. In addition, it reduces professional isolation by encouraging discussion in pairs or in groups about one’s practice, and seeking the feedback or suggestions of other licensees engaged in a similar or relatable practice of psychology. Peer Consultation does not include “Supervision” as it is a separate CPD learning activity under a different category.

§ 1397.60 (a)(2): Defines “Practice Outcome Monitoring (POM)” as another allowable Professional activity, and describes it as the application of various research tools and models to assess the efficacy of one’s own practice and approach to psychological services. POM can help assess whether a licensee’s own theories and modes of practice are effective in providing psychological services and whether that effectiveness

can be enhanced. POM aids the psychologist in updating his or her practice and assessing the impact of those updates, and therefore advances the goals of maintaining and enhancing ongoing competence.

§ 1397.60 (a)(3): Defines “Professional Services” as another allowable Professional activity, and describes it as ongoing participation in the field of psychology by serving on the boards or committees of professional associations, peer reviewed journals, scientific grant review teams, regulatory bodies, etc. This helps ensure that the public service work of the profession is supported, and reduces professional isolation by encouraging interactive communications with other licensees and professionals related to the field. In order to specify that these activities are to be outside of or in addition to the licensee’s regular provision of psychological services, this provision excludes fee-for-service activities.

§ 1397.60 (a)(4): Defines “Conference/Convention Attendance” as another allowable Professional activity, and describes it as attending professional gatherings where multiple concurrent and sequential presentations occur, and the licensee interacts with colleagues. Because the goal is to encourage participation in these gatherings and reduce professional isolation, the attendance in and of itself is different and separate from hours that may be earned for attending specific CE sessions at the same conference or convention.

§ 1397.60 (a)(5): Defines “Examination Functions” as serving in any examination development process of the Board or for the national exam, the EPPP. For the State examination, the Board helps the Department of Consumer Affairs’ Office of Professional Examination Services (OPES) determine which topics and knowledge to include in the California-specific law and ethics examination required for licensure. Psychologists involved in the development process of the EPPP work with ASPPB to develop the content of the examination.

Psychologists who help develop the examinations are designated as subject matter experts (SMEs). Involvement in the examination development process expands the SMEs’ knowledge base, including their knowledge of the laws and ethics governing psychology. Participation in this process counts towards the current CE requirements and would continue to count towards CPD requirements.

In addition, every five years, the Board of Psychology in coordination with OPES conducts an occupation analysis (OA) survey of the licensees to inform the analysis for both exams. Completing an OA survey advances a licensee’s understanding of the practice of psychology, or enhances the licensee’s practice, by inviting the licensee to

carefully consider all aspects of their practice and how their individual practice of psychology fits in with the larger practice of psychology as a whole. Licensees who complete the survey will spend up to two hours completing the questionnaire giving thoughtful consideration about how frequently they perform tasks, how important those tasks are, and how important the knowledge is that is needed to perform those tasks.

§ 1397.60 (a)(6): Defines “Expert Review/Consultation” as serving in any expert capacity for the Board. The Board recruits psychologists to serve as SMEs for its Enforcement Program. SMEs review case materials, prepare written opinions, and testify at administrative hearings. In order to serve as SMEs for the Board, psychologists must be up-to-date in their knowledge and application of the law and the standards of care in the community to determine whether there has been a departure from that standard. As a result of their service as an SME for the Enforcement Program, psychologists will broaden and deepen their knowledge base, including knowledge of the laws and ethics governing psychology, which makes this activity appropriate to include for CPD acceptance.

§ 1397.60 (a)(7): Defines “Attendance at a California Board of Psychology Meeting” as physical attendance at a full day Board meeting or physical attendance at a separately noticed Committee meeting of the Board. The Board determined that attending a Board meeting or Committee meeting would involve interaction with other professionals and participation in discussions of ethical, legal, and professional matters. This activity is designed to promote knowledge of current issues before the Board and encourages public participation in the regulatory process, which also makes this activity appropriate to include for CPD approval.

§ 1397.60 (b): This section defines the specific allowable activities under the second category of “Academic.”

§ 1397.60 (b)(1): Defines “Academic Coursework” as the taking, for credit, of a graduate level course in psychology or in a psychology-related topic. The coursework must be offered by an institution that meets criteria in section 2914 of the Code. The proposed language restricts the coursework to those institutions whose degrees qualify an applicant for licensure, setting a known and trusted educational standard. The benefits of this are that graduate-level study at that caliber on such topics contributes to and increases the knowledge base of the licensee, furthering the professional development and competency of the licensee.

§ 1397.60 (b)(2): Defines “Academic/Sponsor-Approved CE Instruction” as another allowable Academic activity, and describes it as teaching a semester-long graduate-

level psychology course in a degree program at an institution which degree meets the criteria in section 2914 of the Code, or to teach a CE course that relates to the practice of psychology. To effectively deliver course content, the psychologist must be up-to-date on significant theories and current research in the area being taught, and they must incorporate this into the curriculum, making this appropriate to include for CPD acceptance.

§ 1397.60 (b)(3): Defines “Supervision” as another allowable Academic activity, and describes it as overseeing trainees, pre- or postdoctoral, who are accruing hours towards licensure, also known as Supervised Professional Experience. A supervisor is required to ensure the trainee’s compliance with the provisions of the law, monitor the performance and professional development of the trainee, and have education, training, and experience in the practice areas being supervised. To do that adequately and competently, then, the supervisor must keep abreast of developments and research in the areas of psychology that he or she is supervising. Accordingly, undertaking supervision of a trainee ultimately requires that the supervisor maintain competence.

§ 1397.60 (b)(4): Defines “Publications” as another allowable Academic activity, and describes it as authoring books or book chapters, editing or co-editing a book, authoring peer-reviewed articles, or editing or co-editing a peer-reviewed journal. To effectively contribute to the current knowledge base and advance theory and empirical research, psychologists must learn and understand significant new or emerging theories and research, making this appropriate to include for CPD acceptance.

§ 1397.60 (b)(5): Defines “Self-Directed Learning” as another allowable Academic activity, and describes it as independent educational activities such as reading books or peer-reviewed journal articles, listening to podcasts, watching videos and webcasts, attending a webinar that is not sponsor-approved for CE credit, taking academic coursework provided by institutions that do not meet the requirements in section 1397.60 (b)(1), or conference/convention attendance that does not meet the requirements of 1397.60 (a)(4). This would allow psychologists to receive credit for learning activities that deepen or broaden their knowledge or skills in specific areas of practice, making this appropriate to include for CPD acceptance.

§ 1397.60 (c): This section defines what is allowable under the third category of “Sponsored Continuing Education.” It is an activity of structured learning conducted in person or online. This section defines “Course” or “presentation” as a sponsor-approved systematic learning experience. This section also defines a “provider” as an organization, institution, association, university, or other person or entity assuming full responsibility for the CE program offered, and whose courses are accepted for credit

pursuant to section 1397.61(k). This section maintains the long-standing acceptance of traditional CE courses, which contribute to and enhance the professional knowledge base.

§ 1397.60 (d): This section defines what is allowable under the fourth category of “Board Certification.” It is the initial earning of a certification in approximately 15 specialty areas of psychology from the American Board of Professional Psychology (ABPP). ABPP certification requires psychologists to demonstrate to the satisfaction of experienced peers, through a structured and well-formulated process, that they are competent to practice in their specialty areas. Psychologists must demonstrate that they are competent in eight (8) foundational areas and eight (8) functional areas of the specialty in which they want to earn certification. Additionally, psychologists are examined on ethical and legal issues, scientific bases for their services, supervision/teaching/management, interpersonal interactions, individual and cultural diversity, and professional identification. The certification process itself requires the licensee to use multiple modes of CPD, making this appropriate to include for CPD acceptance.

Amend Section 1397.61 – Continuing Education Requirements

Title 16 of the California Code of Regulations (CCR), Section 1397.61, as it currently exists, will be repealed in its entirety and replaced with the proposed modified language effective January 1, 2021, as discussed below. The proposed changes will add an inoperative and repeal date to the existing version of section 1397.61, which is necessary to ensure a smooth transition between the current and proposed versions of this section.

Add Section 1397.61 Continuing Professional Development Requirements

Problem: The change from the CE to the CPD model requires the Board to specify different methods for accruing and verifying that psychologists meet the requirements of the 36-hour CPD format.

Anticipated Benefits: The proposed text details how CPD hours may be accrued, offers a concise description for licensees on how CPD requirements can be satisfied, and describes the documentation the Board will require to show that CPD requirements have been met.

Factual Basis/Rationale:

§ 1397.61(a): This section requires psychologists to certify on the application for license renewal or reactivation that the CPD requirement has been completed. It also provides that if the psychologist makes false claims on the form, or if he or she is unable to provide proof of the hours completed, he or she will be subject to disciplinary action and such action renders his or her license ineligible for renewal. Imposing the possibility of discipline, ineligibility of renewal, and possibility of penalty of perjury makes CPD enforceable and ensures truthful responses, both of which are critically important. This section does not substantively amend the current language, except that it removes outdated requirements related to prorating requirements for first time renewals and references to CE hours.

§ 1397.61(b): This section requires psychologists to certify on the application for license renewal or reactivation that they have completed a minimum of four (4) hours of training on the subject of laws and ethics each renewal period. The new CPD language, like the current language, provides an explanation of the laws and ethics requirement, but also provides a specific hour requirement, which can be met by using any combination of the four (4) CPD categories. The expectation that psychologists complete training in laws and ethics is beneficial to both California consumers and the psychologist as it keeps psychologists up-to-date on how to practice in a legal and ethical manner. The new requirement will require licensees to complete a minimum of four (4) hours of training in the subject of laws and ethics, which not only provides better guidance to the licensees of what is expected of them, but is a sufficient minimum amount of time to refresh and update a licensee's competency in the areas of laws and ethics. Fewer hours would not allow for adequate learning, and requiring more hours would potentially take away time from other opportunities for CPD.

§ 1397.61(c): This section requires licensees to have completed a minimum of four (4) hours of training for each license renewal cycle about Cultural Diversity and/or Social Justice issues as they apply to the practice of psychology in California. Cultural Diversity pertains to differences in age, race, culture, ethnicity, nationality, immigration status, gender, gender identity, sexual orientation, socioeconomic status, religion/spirituality, and physical ability. Social Justice pertains to the historical, social and political inequities in the treatment of people from non-dominant groups, while addressing the various injustices and different types of oppression that contribute to individual, family and community psychological concerns. This requirement has been added because California is a large and diverse state with many minority populations who have been historically underserved by the psychological profession. Increasing

access to psychological services for all Californians is a priority for the Board and requiring that all psychologists complete four (4) hours of CPD in these areas will expose more professionals to these important topics as well as increase the knowledge base of licensees when providing services to California's diverse population. Fewer hours would not allow for adequate learning, and requiring more hours would potentially take away time from other opportunities for CPD. This requirement can be met by using any combination of the four (4) CPD categories. The psychologist will indicate on his or her documentation which CPD activities are being used to fulfill the requirement.

§ 1397.61(d): This section requires that acceptable CPD activities must be relevant and pertinent to the practice of psychology. The purpose of the CPD model is to deepen and expand the competence and subject mastery of the licensee in the field of psychology. CPD activities not pertinent to the practice of psychology do not further this goal and will not be counted toward the 36 hours renewal or reactivation requirement. For example, a course in neurology may be appropriate for a licensee who practices health psychology; however, a course in general medical techniques may not be appropriate.

§ 1397.61(e): This section requires that a licensee shall accrue hours during each renewal period from at least two (2) of the four (4) CPD categories: (1) Professional (Peer Consultation, Practice Outcome Monitoring (POM), Professional Services, Conferences/Convention Attendance, Examination Functions, Expert Review/Consultation and Attendance at a California Board of Psychology Meeting); (2) Academic (Academic Coursework, Academic/Sponsor-Approved CE Instruction, Supervision, Publications and Self-Directed Learning); (3) Sponsored Continuing Education; and (4) Board Certification, except that Board Certification may be used to fulfill 100% of the CPD requirement in a biennial renewal cycle. The reason for this is that Board Certification requires psychologists to demonstrate to the satisfaction of experienced peers, through a structured and well-formulated process, that they are competent in intervention, assessment, and consultation in their area of practice. The certification process itself requires the licensee to use multiple modes of CPD and has a level of examination and scrutiny that accounts for full completion of the CPD requirements in the renewal cycle in which the Board Certification was attained.

Except as described above, licensees must accrue hours in more than one (1) category because research has established that different modes of learning ensure better retention and changes in behavior and practice. The reason for requiring two (2) categories is that this ensures adequate breadth and is consistent with research but will not disadvantage psychologists who may have difficulty or limitations in participating in more than two (2) categories.

§ 1397.61(f): This section outlines the parameters for credit accrual and documentation required by the Board if a licensee accrues CPD under the category of “Professional Activities.”

§ 1397.61(f)(1): For “Peer Consultation,” licensees can apply a maximum of 18 hours toward the CPD required for license renewal or reactivation. Psychologists can accrue up to half of their CPD hours using “Peer Consultation” because research shows that peer consultation is one of the best ways to ensure implementation of new techniques or previously learned subject matter into practice. Additionally, “Peer Consultation” allows follow-up on individual cases, legal or ethical questions, and reduces professional isolation. Peer Consultation is limited to up to 18 hours to ensure that multiple modes of CPD are utilized by licensees. Documentation of this activity must include: date(s), type of activity, and total number of hours. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit. These requirements were established so that verifiable written documentation could be submitted to the Board to satisfy audit requirements.

§ 1397.61(f)(2): For “Practice Outcome Monitoring (POM),” licensees can apply a maximum of nine (9) hours toward the CPD required for license renewal or reactivation. While POM allows for assessment and subsequent evolution of one’s practice based on feedback from clients, this activity is not widely practiced, and the Board is including this in order to encourage licensees to incorporate POM into their practices. Because POM is considered part of the provision of psychological services for which the licensee is being paid, POM is not an additional activity outside of the provision of services and is being limited to nine (9) hours. Documentation of this activity must include: date(s) of monitoring, client identifier, and how outcomes were measured. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit. These requirements were established so that verifiable written documentation could be submitted to the Board to satisfy audit requirements.

§ 1397.61(f)(3): For “Professional Service”, licensees can apply a minimum of 4.5 hours and a maximum of 12 hours toward the CPD required for license renewal or reactivation. Participation in services related to the field of psychology or other related disciplines for one (1) year equals nine (9) hours credited, and six (6) months equals 4.5 hours credited. This is a service to the profession and will help the licensee to stay current on issues impacting the field. Licensees, however, must commit to a minimum of six (6) months to make this activity meaningful. While this activity will increase knowledge and is a service to the profession, no more than one-third of total CPD hours accrued will be allowed in this activity to ensure that licensees participate in other CPD

activities that will directly impact their practice competence. Documentation of this activity must include: board or program name, role of licensee, date(s) of service, and term of service. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit. These requirements were established so that verifiable written documentation could be submitted to the Board to satisfy audit requirements.

§ 1397.61(f)(4): For “Conference/Convention Attendance”, licensees can apply a maximum of six (6) hours toward the CPD required for license renewal or reactivation. One full conference/convention day attendance equals one (1) hour credited. Conference and convention attendance is an allowable CPD activity since attendance encourages interaction with peers and with experts in the field and reduces professional isolation. This activity is indirect and non-structured learning by nature, and therefore is limited to six (6) hours of credit. Documentation of this activity must include: name of conference/convention attended, proof of registration, and date(s) of conference/convention attended. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit. These requirements were established so that verifiable written documentation could be submitted to the Board to satisfy audit requirements.

§ 1397.61(f)(5): For “Examination Functions,” licensees can apply a maximum of 12 hours toward the CPD required for license renewal or reactivation. One hour of service equals one (1) hour of credit. This activity increases a licensee’s knowledge of psychological principles, test development, and laws and ethics so it is appropriate for inclusion as a CPD activity. While this activity will increase knowledge and is a service to the profession, a maximum of 12 hours can be accrued in this activity to ensure that licensees participate in other CPD activities that will directly impact their practice competence. Documentation of this activity must include: name of exam, dates of service, and number of hours. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit. These requirements were established so that verifiable written documentation could be submitted to the Board to satisfy audit requirements.

§ 1397.61(f)(6): For “Expert Review/Consultation”, licensees can apply a maximum of 12 hours toward the CPD required for license renewal or reactivation. One hour of service in an expert capacity equals one (1) hour of credit. This activity requires a licensee to be knowledgeable in the ethics required of psychologists, the laws governing psychology in this State, and the standard of care in the field of psychology. Service as an expert reviewer or consultant will maintain their knowledge base in the above areas

and therefore is appropriate for inclusion as a CPD activity. While this activity will increase knowledge and is a service to consumers of psychological services, a maximum of 12 hours can be accrued in this activity to ensure that licensees participate in other CPD activities that will directly impact their practice competence. Record of activity includes: date(s) of service and number of hours. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit. These requirements were established so that verifiable written documentation could be submitted to the Board to satisfy audit requirements.

§ 1397.61(f)(7): For “Attendance at a California Board of Psychology Meeting”, licensees can apply a maximum of eight (8) hours toward the CPD required for license renewal or reactivation. Attendance for one (1) day of Board or Committee meeting equals six (6) hours of credit. Board Meetings typically have closed session items on the agenda; therefore, the credit distribution reflects the time spent on open session agenda items. Attendance at a Board or Committee meeting for three (3) hours or less will be credited on an hour for hour basis. Documentation of this activity must include: date(s) of meeting attendance, name of meeting (Board or Committee meeting), and number of hours attended. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit. A licensee requesting CPD in this category shall have signed in and out on an attendance sheet provided by the Board at the meeting. These requirements were established so that verifiable written documentation could be submitted to the Board. This activity keeps licensees abreast of laws and regulations affecting the practice of psychology and emerging issues affecting consumers of psychological services and the practice of psychology, expands licensees’ knowledge about the role of the Board and its processes, and helps licensees understand the nuances of ethical and practice violations discussed during disciplinary proceedings. For these reasons, attendance at Board meetings is appropriate for inclusion as a CPD activity. This activity is indirect and non-structured learning by nature, and therefore is limited to eight (8) hours of credit.

§ 1397.61(g): This section outlines the credit accrual and documentation required by the Board to show that the licensee satisfied the requirement for activities under “Academic.”

§ 1397.61(g)(1): For “Academic Coursework,” licensees can apply a maximum of 18 hours toward the CPD required for license renewal or reactivation. A single course can only be taken once for each renewal period, each semester unit earned equals six (6) hours of CPD credit and each quarter unit earned equals 4.5 hours of CPD credit (e.g. a

three (3) unit semester course counts for 18 hours, and a four (4) unit quarter course counts for 18 hours). Up to half of the CPD credits are allowed for this activity because course content is based on new and emerging research, and course completion will directly impact a licensee's practice. To receive credit in this category, the licensee must submit a transcript with evidence of a passing grade, which will serve as verifiable documentation for the Board. A grade of C or higher (or "pass") is required to ensure adequate learning and comprehension of the course material.

§ 1397.61(g)(2)(A): For "Academic Instruction," licensees can apply a maximum of 18 hours toward the CPD required for license renewal or reactivation. Each course taught counts only once for each renewal period, a term-long (quarter or semester) course equals 18 hours of credit. Up to half of the CPD credits are allowed for this activity because it requires the licensee to prepare and instruct at a level sufficient for inclusion as part of a degree program that meets the requirements for licensure, which requires the licensee to stay current on research and major psychological theories that impact the field. Therefore, this is appropriate as a CPD activity. Documentation of this activity must include: title of course, course syllabus, name of institution, and dates of instruction. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.

§ 1397.61(g)(2)(B): For "Sponsor-Approved CE Instruction," licensees can apply a maximum of 18 hours toward the CPD required for license renewal or reactivation. Each course taught counts only once for each renewal period, one (1) hour of instruction equals 1.5 hours of credit. The additional half-hour credit accounts for time preparing to teach the course. Up to half of the CPD credits are allowed for this activity because it requires the licensee to prepare and instruct at a level sufficient for sponsor approval and to present current or emerging research, psychological theories or practice information that impact the field. Therefore, this is appropriate as a CPD activity. Documentation of this activity must include: title of course, course syllabus, dates of instruction, number of hours taught, and name of sponsoring entity. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.

§ 1397.61(g)(3): For "Supervision," licensees can apply a maximum of 18 hours toward the CPD required for license renewal or reactivation. One (1) hour of supervision equals one (1) hour of credit. Up to half of the CPD credits are allowed for this activity because it requires the licensee to stay up-to-date in the areas of practice supervised, and to socialize trainees into the profession. Supervising solidifies the knowledge and skills required for the provision of psychological services and therefore is appropriate as a

CPD activity. Documentation of this activity must include: dates of supervision and a trainee identifier (e.g., name or registration number, if any). A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.

§ 1397.61(g)(4): For “Publications,” licensees can apply a maximum of nine (9) hours toward the CPD required for license renewal or reactivation. One (1) publication equals nine (9) hours of credit. Up to nine (9) hours can be counted toward this CPD activity because authoring or co-authoring journal articles, book chapters, or books that have been peer-reviewed requires the licensee to have generated new information or conducted original research in the field that meets the standard required to be accepted for publication. Editing or co-editing a book can be counted toward this CPD activity because it requires the licensee to organize a series of written works around a certain topic area and assemble them in a way that provides a cohesive and accessible tool to be used by others in the field. Documentation of this activity must include either a letter of acceptance for publication or proof of publication with publication date in the renewal period for which it is being submitted. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.

§ 1397.61(g)(5): For “Self-Directed Learning,” licensees can apply a maximum of six (6) hours toward the CPD required for license renewal or reactivation. One (1) hour of activity equals one (1) hour of credit. Licensees can accrue up to six (6) hours, as this activity enhances their knowledge and skills in particular areas of interest that may not be available through other means of CPD. This activity is also more easily accessible for licensees with geographic or financial challenges, or disabilities. This activity is either self-directed or unapproved through other CPD activities (meaning it lacks the evaluation and standards that sponsor-approved CE webinars, online academic coursework, or conference/convention attendance that relates or applies to psychological practice must meet), and therefore is limited to six (6) hours of credit. Documentation of this activity must include: date(s), medium (e.g., book or webinar), topic or title, and total number of hours. A record of this activity must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.

§ 1397.61(h): This section outlines the credit distribution and documentation required by the Board to show that the licensee satisfied the requirement for activities under “Sponsored Continuing Education.” Licensees can apply a maximum of 27 hours toward the CPD required for license renewal or reactivation. One (1) hour of sponsored continuing education equals one (1) hour of credit and each course taken can only be granted credit once during a renewal cycle. Currently, the Board accepts sponsored

continuing education as the only means to fulfill the Board's renewal requirements. Limiting this activity to a maximum of 27 hours allows licensees an effective way to meet renewal requirements for those who need a gradual transition to the new CPD model. Documentation of this activity must be the proof of attendance that is provided by the sponsor of the continuing education (e.g., certificate(s) of completion). Documentation must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.

§ 1397.61(i): This section outlines the credit accrual and documentation required by the Board to show that the licensee satisfied the requirement for activities under "Board Certification."

§ 1397.61(i)(1): For "ABPP Board Certification," licensees may use their certification to satisfy all 36 hours of required CPD toward their upcoming renewal or reactivation application for the current licensure period in which the certification is awarded. All 36 hours of CPD can be credited for this activity because it requires licensees to commit to a 2-year examination and certification process for licensed psychologists engaged in specialty practice. The examination and certification process include participation in several CPD activity categories (e.g., peer consultation, self-directed learning, supervision) and requires the demonstration of competence in a number of practice areas. Documentation of this activity must be the proof of specialty certification that is provided by ABPP. Documentation must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.

§ 1397.61(i)(2): For "Senior Option ABPP Board Certification," licensees may use their certification to apply a maximum of 18 hours of required CPD toward their upcoming renewal or reactivation application for the current licensure period in which the certification is awarded. Up to 18 hours of CPD can be credited for this activity because it is not the same time commitment and does not require video demonstrations of case examples as with full "ABPP Certification," yet it still requires the licensee to commit to an examination and certification process in the same required competency areas. Documentation of this activity must be the proof of specialty certification that is provided by ABPP. Documentation must be maintained by the licensee as documentation of compliance to be verified by the Board upon audit.

§ 1397.61(j): This section implements 2915 (e) and (f) to outline how CE approvers and CE providers can be authorized by the board. There is a minor repetition regarding organizations previously approved by the Board still being deemed recognized to allow for all requirements to be in one place. These organizations are the American Psychological Association, the California Psychological Association, the Association of

Black Psychologists, the California Medical Association, and the Accreditation Council for Continuing Medical Education. These organizations, and the organizations approved pursuant to 1397.61(j)(1), are also authorized to provide continuing education themselves.

§ 1397.61(j)(1): This section implements criteria for organizations seeking the authority to approve providers of continuing education that will count towards the required CPD hours. The Board is not seeking to approve individual courses, but rather to approve the organizations or entities that will approve providers or provide CE courses and activities themselves. This replaces and expands the current regulations in which the Board lists specific organizations that are approved. The Board believes the current system is too limiting and needlessly excludes organizations that could serve as approvers of CE courses. This expansion will better serve psychologists and the consumers of psychological services by creating more diversity among CE approvers in order to broaden the possibility that CE will be provided by more organizations on a wider variety of topics and specialty areas. This section includes the criteria that organizations must meet to be recognized as approved sponsors and ensures that these organizations demonstrate that they have an established program for reviewing and approving CE providers and that they have an effective system to establish criteria for the evaluation of CE providers and the programs they offer. Specifically:

Subsection (j)(1)(A) - (B) contain minor duplications from the statute in order for this subsection to have all requirements in one place.

Subsection (j)(1)(C) requires approving organizations who approve providers as well as provide courses themselves, avoid conflicts in order to insure the integrity of the courses that they are providing and approving.

Subsection (j)(1)(D) requires the approving organization to ensure that the providers they are approving are providing courses that are relevant and up to date in the profession of psychology.

Subsection (j)(1)(E) requires the approving organization to conduct periodic reviews to ensure that the providers they have approved are providing the courses that they were approved for and that the courses have remained relevant and up to date in the profession of psychology.

Subsection (j)(1)(F) requires the approving organization to establish a procedure for their approval process, which ensures that all courses and providers applying for their approval are reviewed in a standardized and consistent manner.

Subsection (j)(1)(G) requires the approving organization to establish a process to respond to complaints about the providers and courses they have approved. Having a complaint response process ensures that the approving organization consistently reviews and responds to complaints in order to address whether the course is consistent with what was approved and meets the standards under this section.

§ 1397.61(j)(2): This section outlines the program and content criteria that a CE provider must meet in order to obtain and maintain approval by an approving organization. The elements for approval of CE programs have been developed to ensure that courses are relevant to psychological practice, and allow psychologists to maintain, develop, broaden, and increase competencies in order to improve services to the public. The programs must be regularly evaluated by attendees and updated by providers to ensure that CE programs meet minimum standards. Specifically:

Subsection (j)(2)(A) – (B) requires the approving organization to ensure that the providers offer content at a post-licensure level in psychology, thus furthering professional competencies by requiring that the programs are intended to benefit a currently practicing psychologist. The providers do this by demonstrating that the programs are designed to focus on proven or relevant areas of practice.

Subsection (j)(2)(C) – (D) requires the approving organization to ensure that the providers programs are consistent by standardizing their determination on program effectiveness and improved as a result of that determination.

Subsection (j)(2)(E) requires the approving organization to ensure that the credit given is offered on a consistent basis across all providers.

Subsection (j)(2)(F) requires the approving organization to ensure that the providers verifications issued to participants include consistent information and that that information is sufficient to allow for a standardized review and verification by the Board.

Subsection (j)(2)(G) requires the approving organization to ensure that the providers not discriminate against practitioners who enroll in their classes, the benefits of which are self-explanatory.

Subsection (j)(2)(H) requires the approving organization to ensure that the providers advertise their programs accurately so practitioners can make the best informed decision about what courses are best for them.

§ 1397.61(j)(3): This section authorizes the Board to revoke the approved status from organizations that do not fulfill their obligations under sections 1397.61(f)(1) and 1397.61(f)(2), and the required measure of due process to do so. If those obligations

are not met, the Board must have a method for revoking that status in order to protect licensees, the recipients of psychological services, and ensure a fair marketplace for CE providers. This provision also requires due process in the form of notice, a hearing, and formal Board action, and ensures that authorization will only be revoked for good cause. Prior to the Board's revoking the authorization of an approving organization, procedural due process is required and this language informs approving organizations of their rights and the good cause standard that must be met prior to that revocation.

§ 1397.61(k)(1): This section requires a licensee applying for license renewal to maintain CPD records for four (4) years following the renewal period that they utilized the credit for. This corresponds to two (2) renewal periods after the certification was made. This requirement will allow for a seamless audit and help ensure proof of the psychologist's adequate completion of the CPD required for license renewal. This requirement does not change the current CE model standard.

§ 1397.61(k)(2): This section requires a licensee applying to reactivate or a person applying to reinstate a license to maintain CPD records for four (4) years. This corresponds to two (2) renewal periods after the certification was made. This requirement will allow for a seamless audit and help ensure proof of the psychologist's adequate completion of the CPD required for license reactivation or reinstatement. This requirement does not change the current CE model standard.

§ 1397.61(l): This section establishes that no CPD activity may be claimed for credit in more than one CPD category. This ensures that psychologists are obtaining all their hours without "double counting," and are engaging in a breadth of activities to better expand their knowledge base and increase their competencies, rather than focusing on one type of activity.

§ 1397.61(m): Psychologists whose renewal cycle overlaps with the new CPD regulations becoming effective can complete the requirement using either the existing regulations or the new regulations. This allows more flexibility to adjust to the new regulations during the transition period.

Amend Section 1397.62 – Continuing Education Exemptions and Exceptions

Title 16 of the California Code of Regulations (CCR), Section 1397.62 as it currently exists will be repealed in its entirety and replaced with the proposed new language effective January 1, 2021. The proposed changes will add an inoperative and repeal date to the existing version of section 1397.62, which is necessary to ensure a smooth transition between the current and proposed versions of this section.

Add Section 1397.62 - Continuing Education Exemptions

Problem: The current CE model makes it more difficult for individuals with disabilities or who are caretakers of those with disabilities to fully participate in the requirements. Therefore, exemptions are currently allowed for reasons of health or physical or mental disability of the licensee or a family member for whom they are caring; however, the Board is aware that individuals seeking exemptions are engaging in the full practice of psychology and are not being held to the same standard as other licensees. Additionally, existing regulations allow for a licensee to take courses from unapproved providers if the licensee is providing services in non-mental health areas of psychology. Existing regulations also allow for an exemption from the on-site participation requirement for psychologists requiring reasonable accommodations according to the Americans with Disabilities Act.

Anticipated Benefit: These provisions hold all licensees to the same standard. The remaining exemption is a limited active duty military exemption while a licensee is deployed. This section, then, still complies with BPC section 114.3, which requires, among other things, that the Board waive CE requirements for active duty military personnel.

Factual Basis/Rationale:

§ 1397.62(a): Allowance for an exemption due to a mental or physical disability on the part of the licensee or an immediate family member is being eliminated as the Board allows licensees who are unable to complete CPD requirements to place their license on inactive status. Additionally, there will be less need for exemptions since the CPD model makes it easier for licensees to comply with the requirements. The allowance for licensees who are not engaged in the direct delivery of mental health services to accrue CE courses from non-approved sponsors is being eliminated since the CPD model provides these licensees multiple ways to complete the requirements. The allowance for an exemption from the onsite participation requirement is being removed since the CPD model provides multiple ways to complete the requirements that do not require onsite participation.

BPC section 114.3 requires the allowance of an active duty military exemption from CE/CPD requirements. This section describes how active duty personnel can obtain an exemption from CPD requirements and the requirements that must be met upon their first renewal after discharge from active duty. The request for exemption must be submitted to the Board at least 30 days prior to submission of a renewal application.

The advance request is necessary to allow time for staff to timely determine exemption eligibility.

Upon the first renewal after discharge, required CPD is calculated at a rate equivalent to 1.5 hours per month, or portion of a month (which is the average number of hours per month that a licensee must complete over a 2-year renewal cycle), beginning 60 days after the discharge date until the expiration date of the license. Such licensees must complete, at a minimum, four (4) hours of training in laws and ethics and four (4) hours of training in cultural diversity and/or social justice issues. The Board has identified these areas as sufficiently important to the practice of psychology to require them of every licensee for each renewal cycle.

The following scenarios help illustrate the application of the above requirements:

- The licensee is discharged April 1st with a license expiration on the last day of April of the same year. The licensee in this scenario would not be required to complete any CPD hours, including the four (4) hours of training in laws and ethics and four (4) hours of training in cultural diversity and/or social justice issues.
- The licensee is discharged April 1st with a license expiration on the last day of August of the same year. The CPD prorated calculation begins June 1st (60 days after the discharge date). The licensee in this scenario would be required to complete 4.5 hours of CPD (1.5 hours x 3 months); however, this licensee would still be required to complete the four (4) hours of training in laws and ethics and four (4) hours of training in cultural diversity and/or social justice issues.
- The licensee is discharged April 1st with a license expiration on the last day of May of the following year. The CPD prorated calculation begins June 1st (60 days after the discharge date). The licensee in this scenario would be required to complete 18 hours of CPD (1.5 hours x 12 months), including the four (4) hours of training in laws and ethics and four (4) hours of training in cultural diversity and/or social justice issues.

§ 1397.62(b): Subdivision (a) requires that the request for the exemption be submitted 30 days prior to the request for renewal so that the request can be processed prior to the time the license expires. This section provides that if an applicant's request for an exemption is denied, he or she has 120 days from when the notification is issued to complete the necessary CPD requirements. This timeframe holds the licensee to CPD requirements while providing ample time for the activities to be completed.

Amend Section 1397.67 – Renewal After Inactive or Delinquent Status

Title 16 CCR Section 1397.67 as it currently exists will be repealed in its entirety and replaced with the proposed new language, which will be titled “Continued Professional Development Requirements for Reactivation” effective January 1, 2021. The proposed changes will add an inoperative and repeal date to the existing version of section 1397.67, which is necessary to ensure a smooth transition between the current and proposed versions of this section.

Add Section 1397.67 – Renewal After Inactive or Expired Status

Problem: The current language refers to licenses that have not been renewed as “delinquent.” The Board has determined that “expired” is a better description of the status of these psychologists’ licenses. The term “delinquent” confuses psychologists and consumers because of its different interpretations and negative connotations. The provisions relating to the automatic cancellation of a license after failure to renew for three (3) years is currently in an inappropriate section. This section also currently uses the term CE, which is not in alignment with the statutory terminology.

Anticipated Benefit: Changing “delinquent” to “expired” reflects the true meaning that the psychologist’s license has not been renewed and reflects more accurately the psychologist’s license status. Moving the provisions related to automatic cancellation of a license to section 1381.9 is more appropriate since that section deals with license expiration and cancellation. The benefit of using CPD instead of CE is that it aligns with statutory terminology and more accurately reflects the new model.

Factual Basis/Rationale:

§ 1397.67(a): The new language makes no substantive changes to the language of the existing version of section 1397.67(a), and only makes non-substantive grammatical changes. Additionally, the phrase “continuing education courses” is updated to CPD.

§ 1397.67(b): The new language uses the term “expired” rather than “delinquent,” as this is a better reflection of the language in BPC Section 2984, which references “expired licenses” and “delinquency fees.” Additionally, the phrase “continuing education courses” is updated to CPD.

Underlying Data

1. Minutes of the June 15-16, 2017, Board of Psychology Board Meeting
2. Minutes of November 16-17, 2017, Board of Psychology Board Meeting
3. Minutes of August 15-16, 2019, Board of Psychology Board Meeting
4. Minutes of March 16-17, 2017, Board of Psychology Licensing Committee
5. The Association of State and Provincial Psychology Boards' *Maintenance of Competence for Licensure (MOCL) White Paper*
6. The Association of State and Provincial Psychology Boards' *Guidelines for Continuing Professional Development*

Business Impact

This regulation may have the following economic impact on businesses. It might negatively impact current continuing education (CE) providers, who can potentially be small businesses. Because the Board does not approve providers of CE, it has no information regarding the number of providers who would be defined as small businesses. In addition, the regulation may positively impact current providers should they chose to provide or facilitate categories of CPD other than “traditional” CE. Moreover, the new CPD regulations detail ways in which additional businesses can become approved CE sponsors.

Economic Impact Assessment

The regulatory proposal will have the following effects:

This regulatory proposal may have an unquantifiable impact on jobs/businesses in the State of California, including the creation or elimination of jobs or businesses, or the expansion of new businesses. There may be minor losses in some employment areas related to the former CE framework, but those losses may be mitigated by the expansion of new business opportunities under the new CPD framework.

Twenty-seven (27) of the 36 required CPD hours may still be accrued through what is considered the “traditional” type of CE course. As a result, most of the courses offered by CE providers will still be attended by licensees and other licensed professionals.

The requirement to accrue CPD hours in more than one category may result in some providers experiencing a decline in attendance in some courses. With a new hourly requirement in law and ethics and a new requirement for training in cultural diversity and/or social justice, as well as other CPD learning activities, new opportunities will likely emerge for the benefit of jobs and businesses in the State of California.

The Board anticipates some CE providers may have fewer attendees and lower revenues, which would be offset by an increase in CPD participation and revenues. As a result, the proposed regulations are estimated to have a net-zero economic impact to the state.

This regulatory proposal benefits the health and welfare of California residents because it will continue to protect the consumers by assuring those providing psychological services are receiving a broad range of education to maintain and retain competency.

This regulatory proposal would not affect worker safety, because it does not address any current state laws impacting worker safety, e.g., OSHA requirements.

This regulatory proposal may have a positive impact on the state's environment because the proposed regulations may reduce the carbon footprint due to the elimination of the onsite requirement of the previous CE model. Potential reductions may also include a reduction in travel and the printing of paper certificates.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not adopt the regulations. This alternative was rejected because the Board has identified areas of concerns regarding its current CE program and, as a result, the authorizing statute was amended. These concerns include the narrow and limited ways that psychologists are currently able to obtain CE. It was decided that in order to maintain and effectively enhance the skills of psychologists, continuing education had to move away from a didactic type of learning only to a broader, more flexible and diverse model for enhancing psychologists' competence.