

**State of California
Office of Administrative Law**

In re:
Board of Psychology

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 1381.10

Amend sections: 1392, 1397.69

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-0901-06

OAL Matter Type: Regular Resubmittal (SR)

This is a resubmittal of OAL Matter No. 2022-0509-03S which adopted requirements for psychologists applying to put their license in retired status and restore it to active status.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

Date: October 13, 2022



**Ashita Mohandas
Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Antonette Sorrick, Executive
Officer**

Copy: Jason Glasspiegel

RESUBMITTAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW
 NOTICE PUBLICATION REGISTRATION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2021-1005-01	REGULATORY ACTION NUMBER 2022-0901-06	EMERGENCY NUMBER SR
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
 2022 SEP 1 PM4:55

NOTICE	REGULATIONS
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ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

OCT 13 2022

1:57 PM

AGENCY WITH RULEMAKING AUTHORITY California Board of Psychology	AGENCY FILE NUMBER (If any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Retired License Status	TITLE(S) 16	FIRST SECTION AFFECTED 1381.10	2. REQUESTED PUBLICATION DATE October 15, 2021
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Jason Glasspiegel	TELEPHONE NUMBER (916) 574-8145	FAX NUMBER (Optional) (916) 574-8672
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Retired License Status	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0509-03S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT 1381.10
AMEND 1392, 1397.69
TITLE(S) 16
REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
 July 5, 2022 - July 21, 2022

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <u>Kimberly Kirchmeyer, Director, Department of Consumer Affairs</u>		

7. CONTACT PERSON Jason Glasspiegel	TELEPHONE NUMBER (916) 574-8145	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jason.glasspiegel@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Antonette Sorrick</i>	DATE 8/31/22
TYPED NAME AND TITLE OF SIGNATORY Antonette Sorrick, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 13 2022

Office of Administrative Law

California Board of Psychology
Department of Consumer Affairs
California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 13.1. Board of Psychology

Order of Adoption

Omitted Text is shown by * * *

Newly proposed language is shown as underlined.
Newly proposed deletions are shown in ~~strike-through~~.

§ 1381.10. Retired Status.

(a) Pursuant to Section 2988.5 of the Code, a psychologist who holds a current active or current inactive license, issued by the Board, may apply to place that license in retired status by submitting Form PSY 900 (New 2021), which is hereby incorporated by reference.

(b) As used in Section 2988.5 of the Code:

(1) "Otherwise restricted by the board" includes probation, subject to any other terms and conditions, or the licensee is restricted from practice.

(2) "Subject to discipline under this chapter" means pending court or administrative actions to restrict the applicant's practice for violations of Chapter 6.6 of Division 2 (commencing with section 2900) of the Code.

(c) To apply to restore the license to active status if the application to place the license in retired status was granted less than three (3) years prior, in addition to any other requirements in 2988.5 of the Code, the licensee shall:

(1) Submit Form PSY 905 (New 2021), which is hereby incorporated by reference, and pay the biennial renewal fee as prescribed in section 1392(d) of the Board's regulations and all additional fees as prescribed in section 2987.2 of the Code and section 1397.69 of the Board's regulations at the time the request to restore to active status is received;

(2) Furnish to the Department of Justice, a full set of electronic fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search if the licensee has not been previously fingerprinted for the Board or for whom an electronic record of the submission of fingerprints does not exist in the Department of Justice's criminal offender identification database.

(d) To apply to restore the license to active status (3) or more years from the date of issuance of the license in retired status, the licensee shall comply with the requirements in 2988.5(d)(2) of the Code.

(e) The Board will not grant an application for a license to be placed in a retired status more than twice.

(f) A licensee who has been granted a license in retired status twice must apply for a new license in order to obtain a license in active status.

Note: Authority cited: Sections 2930 and 2988.5 Business and Professions Code. Reference: Sections 118, 2960, 2960.6, and 2988.5, Business and Professions Code; and Section 11105(b)(10), Penal Code.

§ 1392. Psychologist Fees.

- (a) * * *
- (b) * * *
- (c) * * *
- (d) * * *
- (e) * * *

(f) The application fee for a retired license is \$75.00.

Note: Authority cited: Sections 2930, 2987, 2988.5, and 2989, Business and Professions Code.

Reference: Sections 2987, 2988, 2988.5, and 2989, Business and Professions Code.

§ 1397.69. Continuing Professional Development Audit Fee Licensee Fees.

For the administration of this article, in addition to any other fees due the Board, and as a condition of renewal or reinstatement, a \$10 fee is to be paid to the Board by a licensee renewing in an active status or after inactive, ~~or delinquent~~ expired, or reactivating from a retired status.

Note: Authority cited: Sections ~~2915(g)~~ and 2930, Business and Professions Code.

Reference: Sections 2915(j) and 2988.5, Business and Professions Code.

INSTRUCTIONS:

- Mail completed form and \$75 application fee to: Board of Psychology, 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834
- If your license has not been canceled, a payment of all accrued renewal and delinquency fees must be submitted with the \$75 application fee.
- Make checks or money orders payable to the Board of Psychology.
- A licensee in Retired Status is prohibited from engaging in the practice of psychology or the provision of psychological services. Retired Status is not subject to renewal.
- Please print or type. Illegible forms will be returned.

SECTION I: APPLICANT INFORMATION

Last Name _____ First Name _____ Middle Initial _____ Date of Birth _____

Street Address _____ State _____ Zip Code _____

License Number _____ Social Security Number _____ Address _____ Telephone Number _____

SECTION II: MANDATORY CONVICTION AND DISCIPLINE DISCLOSURE QUESTIONS

YES* NO

Since you last renewed your license, have you ever been disciplined by a government agency or other disciplinary body?

Since you last renewed your license, have you ever been convicted of a crime, including a misdemeanor, infraction or other offense under the laws of the United States, or a foreign country? If you are awaiting judgment following entry of a guilty verdict, you must still disclose the conviction.

* If you answered yes to any of the above questions, please provide information on the back of this form. For your convenience, you can use the **Conviction/License Suspension Disclosure Form** to provide this information (www.psychology.ca.gov).

SECTION III: STATEMENT OF APPLICANT

I have read the foregoing form in its entirety and know the contents thereof. By signing this form, I am requesting my license be placed in Retired Status and that I am prohibited from engaging in the practice of psychology or the provision of, psychology. I hereby declare under penalty of perjury under the laws of the state of California, that the information made herein or attached hereto is true and correct in every respect. I understand that any misstatements or omissions of material fact may be cause for suspension or revocation of a license.

Signature _____ Date _____

Collection and Use of Personal Information

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

Mandatory Submission

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

Access to Your Information

You may review the records maintained by the Board pertaining to you that contain your personal information, as permitted by the Information Practices Act. See the Information Practices Act below.

Possible Disclosure of Personal Information

We make every effort to protect the privacy of the information you provide us. However, we may need to share the information you give us with other government agencies or contractors. We are not sharing any personal information you gave us.

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

- In response to a Public Records Act request, the Information Practices Act.
- To another government agency as required by law.
- In response to a court or administrative order, a subpoena, or a court-ordered informant.

Contact Information

For questions about this notice or access to your records, contact the Board at 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834; by phone at (866) 503-3221 or [dca.ca.gov](http://www.dca.ca.gov). For questions about the Department of Consumer Affairs' Privacy Policy, you may contact the Department at 1625 North Market Blvd., Sacramento, CA 95834; by phone at (800) 952-5210; or by email at dca@dca.ca.gov.

INSTRUCTIONS:

- Mail completed form to: Board of Psychology, 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834.
- If it has been less than 2 years since you were issued a retired license, complete this form and pay the biennial renewal fee.
- If it has been more than 2 years since you were issued a retired license, do not use this form. Complete the **Request form** and the **Application to Reissue as a Psychologist Form** and pay the appropriate fees.
- Please print or type. Applications will be returned.

SECTION I: APPLICANT INFORMATION

Last Name _____ First Name _____ Middle Initial _____ Date of Birth _____

Street Address _____ City _____ State _____ Zip Code _____

License Number _____ Social Security _____ Telephone Number _____

SECTION II: MANDATORY CONVICTION/LICENSE DISCIPLINE DISCLOSURE QUESTIONS

YES* NO

CONVICTION/DISCIPLINE: Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body?

Since you last renewed your license, omitting fines or penalties under \$500 not involving alcohol, dangerous drugs, or a controlled substance, have you been convicted of a crime, violation of law in this or any other state, the United States or its territories, military court, or other court?

* If you answered yes to any of these questions, you must provide details regarding that action. For your convenience, you can use the **Conviction/License Discipline** form available on the Board of Psychology website (www.psychology.ca.gov).

CONTINUING PROFESSIONAL DEVELOPMENT: Have you completed the required approved continuing professional development within the previous 24 months?

You must include proof pursuant to Section 7.61 of the California Business and Professions Code that you have completed 36 hours of continuing professional development. Independent learning activities may not exceed 27 hours (75% of the required 36 hours).

FINGERPRINT REQUIREMENT: Have you submitted a full set of electronic fingerprints for criminal history purposes of conducting a criminal history check by the Department of Justice and the Federal Bureau of Investigation?

SECTION III: STATEMENT OF APPLICANT

I have read the form in its entirety and know the contents thereof. By signing this form, I am certifying that my retired license is being restored to active status. I understand that I am prohibited from engaging in the practice of psychology until my license has been restored to active status. I hereby certify under penalty of perjury under the laws of the State of California, that any statements made herein or attached hereto are true and correct. I understand that any misstatements or omissions of material fact may be cause for denial, suspension, or revocation of a license.

Signature _____

Date _____

Collection and Use of Personal Information

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

Mandatory Submission

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

Access to Your Information

You may review the records maintained by the Board pertaining to you that contain your personal information, as permitted by the Information Practices Act. See the Information Practices Act below.

Possible Disclosure of Personal Information

We make every effort to protect the privacy of the information you provide us. However, we may need to share the information you give us with other government agencies or contractors. We are not sharing any personal information with you gave us.

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

- In response to a Public Records Act request, or the Information Practices Act.
- To another government agency as required by law.
- In response to a court or administrative order, a subpoena, or a warrant.

Contact Information

For questions about this notice or access to your records, contact the Board at 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834; by phone at (866) 503-3221 or dca.ca.gov. For questions about the Department of Consumer Affairs' Privacy Policy, you may contact the Department at 1625 North Market Blvd., Sacramento, CA 95834; by phone at (800) 952-5210; or by email at dca@dca.ca.gov.

INSTRUCTIONS:

- Mail completed form and \$75 application fee to: Board of Psychology, 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834.
- If your license has expired, but has not canceled, a payment of all accrued renewal and delinquency fees must be submitted with the \$75 application fee.
- Make checks or money orders payable to the Board of Psychology.
- A licensee in Retired Status is prohibited from engaging in the practice of psychology or assisting in the provision of psychological services. A license in Retired Status is not subject to renewal.
- Please print or type. Illegible applications will be returned.

SECTION I: APPLICANT INFORMATION

_____	_____	_____	_____
Last Name	First Name	Middle Initial	Date of Birth
_____	_____	_____	_____
Street Address	City	State	Zip Code
_____	_____	_____	_____
License Number	Social Security Number	Email Address	Telephone Number

SECTION II: MANDATORY CONVICTION AND LICENSE DISCIPLINE DISCLOSURE QUESTIONS

YES NO

<input type="checkbox"/>	<input type="checkbox"/>	Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body?
<input type="checkbox"/>	<input type="checkbox"/>	Since you last renewed your license, omitting traffic infractions under \$500 not involving alcohol, dangerous drugs, or a controlled substance, have you been convicted of or pled nolo contendere to any felony, misdemeanor, infraction or other criminal offense under the laws of any state, the United States, or a foreign country? If you are awaiting judgment and sentencing following entry of a plea or jury verdict, you must still disclose the conviction.

*If you answered yes to either of these questions, see page 2. For your convenience, you can use the **License Disciplinary Action Form** to provide this information (www.psychology.ca.gov).*

SECTION III: STATEMENT OF APPLICANT

I have read the foregoing application in its entirety and know the contents thereof. By signing below, I am requesting my license be placed in Retired Status. I understand that I am prohibited from engaging in the practice of, or assisting in the provision of, psychology. I hereby certify under penalty of perjury under the laws of the state of California, that any statements made herein or attached hereto are true and correct in every respect. I understand that any misstatements or omissions of material fact may be cause for denial, suspension, or revocation of a license.

Signature

Date

Conviction and License Discipline Disclosure

If you answered "YES" to either of the Conviction and License Disclosure questions under Section II, please provide the following information:

For Convictions:

Date, underlying circumstances, outcome, jurisdiction, and court case number.

For License discipline:

Date, underlying circumstances, disposition, and licensing agency.

INFORMATION PRACTICES ACT DISCLOSURES

Collection and Use of Personal Information

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

Mandatory Submission

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

Access to Your Information

You may review the records maintained by the Board pertaining to you that contain your personal information, as permitted by the Information Practices Act. See contact information below.

Possible Disclosure of Personal Information

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

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

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

Contact Information

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INSTRUCTIONS:

- Mail completed form to: Board of Psychology, 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834.
- If it has been less than 3 years since you were issued a retired license, complete this form and pay the biennial renewal fee.
- If it has been 3 or more years since you were issued a retired license, do not use this form. Complete the **California Psychology Law and Ethics Examination (CPLEE) Request form** and the **Application for Licensure as a Psychologist Form** and pay the appropriate fees.
- Please print or type. Illegible applications will be returned.

SECTION I: APPLICANT INFORMATION

_____	_____	_____	_____
Last Name	First Name	Middle Initial	Date of Birth
_____	_____	_____	_____
Street Address	City	State	Zip Code
_____	_____	_____	_____
License Number	Social Security Number	Email Address	Telephone Number

SECTION II: MANDATORY CONVICTION AND LICENSE DISCIPLINE DISCLOSURE QUESTIONS

YES NO

<input type="checkbox"/>	<input type="checkbox"/>	CONVICTION/DISCIPLINE: Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body?
<input type="checkbox"/>	<input type="checkbox"/>	Since you last renewed your license, omitting traffic infractions under \$500 not involving alcohol, dangerous drugs, or a controlled substance, have you been convicted of any violations of law in this or any other state, the United States or its territories, military court, or other county?
<i>If you answered yes to either of these questions, see page 2. For your convenience, you can use the License Disciplinary Action Form to provide this information (www.psychology.ca.gov).</i>		
<input type="checkbox"/>	<input type="checkbox"/>	CONTINUING PROFESSIONAL DEVELOPMENT: I completed 36 hours of approved continuing professional development within the preceding 24 months. <i>You must include proof pursuant to section 1397.61 of the California Code of Regulations of 36 hours of continuing professional development with this application. Independent learning can be used to meet no more than 75% (27 hours) of the required 36 hours.</i>
<input type="checkbox"/>	<input type="checkbox"/>	FINGERPRINT REQUIREMENT: When necessary, pursuant to section 1381(c)(2) of the Board's regulations, I agree to submit a full set of electronic fingerprints for purposes of conducting a criminal history record check with criminal history information obtained and received from the Department of Justice and the Federal Bureau of Investigation.

SECTION III: STATEMENT OF APPLICANT

I have read the foregoing application in its entirety and know the contents thereof. By signing below, I am requesting that my retired license be returned to active status. I understand that I am prohibited from engaging in the practice of, or assisting in the provision of, psychology until my license has been restored to active status. I hereby certify under penalty of perjury under the laws of the state of California, that any statements made herein or attached hereto are true and correct in every respect. I understand that any misstatements or omissions of material fact may be cause for denial, suspension, or revocation of a license.

Signature

Date

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