AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Psychology (BOP) has proposed modification to the text of section 1380.4 of Division 13.1 of Title 16 California Code of Regulations. This regulatory proposal was the subject of a regulatory hearing on May 21, 2011. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before August 18, 2011, at 5:00 p.m. to the following:

Contact Person:	Linda Kassis
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DATED: August 3, 2011

Jeffrey Thomas
Assistant Executive Officer

BOARD OF PSYCHOLOGY
Proposed Language

Modified Text

Changes to the proposed language are shown by double underline for new text and double strike-through for deleted text.

1. Section 1380.4 is amended to read as follows:

§ 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 B~~b~~oard delegates and confers upon the executive officer for the B~~b~~oard, or in his or her absence, his or her designee, ~~the assistant executive officer, or in his or her absence, the chairperson president of the Bboard, or in his or her absence, the vice chairperson president of the Bboard,~~ all functions necessary to the dispatch of business of the B~~b~~oard in connection with investigative and administrative proceedings under the jurisdiction of the B~~b~~oard, including the authority to order an examination pursuant to section 820 of the Code or section 1381, or to approve a settlement agreement for the revocation, surrender, or interim suspension of a license or registration.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2928 and 2965, Business and Professions Code; and Sections 11415.60 and 11500, Government Code.

2. The title of Article 7 of Division 13.1 is amended to read as follows:

Article 7. ~~Restoration of Suspended or Revoked~~ Standards Related to Denial, Discipline, and Reinstatement of Licenses or Registrations

3. Section 1397.2 is added to Article 8 of Division 13.1 to read as follows:

§ 1397.2. Other Actions Constituting Unprofessional Conduct.
In addition to the conduct described in Section 2960 of the Code, "unprofessional conduct" also includes but is not limited to the following:
(a) Including or permitting to be included any of the following provisions in an agreement to settle a civil dispute arising from the licensee's or registrant's practice to which the licensee or registrant is or expects to be named as a party, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting, cooperating with, or filing a complaint with the Board.
(2) A provision that requires another party to the dispute to attempt to withdraw a complaint the party has filed with the Board.
(b) Failure to provide to the Board, as directed, lawfully requested certified copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee or registrant is unable to provide the certified documents with this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subsection shall not apply to a licensee or registrant who does not have access to, and control over, medical records.
(c) Failure to cooperate and participate in any Board investigation pending against the licensee or registrant. This subsection shall not be construed to deprive a licensee or registrant of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privilege. This subsection shall not be construed to require a licensee or registrant to cooperate with a request that would require the licensee or registrant to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's or registrant's practice. Any exercise by a licensee or registrant of any constitutional or statutory privilege shall not be used against the licensee or registrant in a regulatory or disciplinary proceeding against the licensee or registrant.
(d) Failure to report to the Board within 30 days any of the following:
(1) The bringing of an indictment or information charging a felony against the licensee or registrant.
(2) The arrest of the licensee or registrant.
(3) The conviction of the licensee or registrant, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.
(4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

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