California Board of
PSYCHOLOGY

1625 North Market Blvd., Suite N-215, Sacramento, CA 95834
T (916) 574-7720 F (916) 574-8672 Toll-Free (866) 503-3221
www.psychology.ca.gov

ISSUE MEMORANDUM

DATE	March 17, 2016
TO	Board of Psychology Members
FROM	Antonette Sorrick Executive Officer
SUBJECT	Agenda Item #4 - Sunset Background Paper

Background:

The following Sunset Review activities have occurred in the last six months:

1) Board ratified the Sunset Report and submitted said report to the Senate Business, Professions, and Economic Development Committee (Committee) on December 1, 2015
2) Board ratified responses to clarifying questions sent by the Committee and submitted responses on February 29, 2016.
3) Board President Dr. Stephen Phillips, Vice President Ms. Nicole J. Jones, and Executive Officer Antonette Sorrick attended the Sunset Review hearing at the State Capitol on March 14, 2016
4) Background Paper was submitted to the Board for review and consideration with draft responses to the seven issues presented by the Committee.

Action Requested:

Review and consider draft Board Responses to the Committee's Background Paper.

BACKGROUND PAPER FOR THE California Board of Psychology

Joint Oversight Hearing, March 14, 2016, of the Senate Committee on Business, Professions and Economic Development and the Assembly Business and Professions Committee

IDENTIFIED ISSUES, BACKGROUND AND RECOMMENDATIONS REGARDING THE CALIFORNIA BOARD OF PSYCHOLOGY

BRIEF OVERVIEW OF THE CALIFORNIA BOARD OF PSYCHOLOGY

Functions of the BOP

The California Board of Psychology (Board) regulates licensed psychologists, registered psychological assistants, and registered psychologists. The Board is one of 30 regulatory entities that falls under the organizational structure of the Department of Consumer Affairs (DCA). It is funded by license, application, and examination fees, and receives no revenue from California's General Fund.

The Board serves the public by:

- Protecting the health, safety, and welfare of consumers of psychological services with integrity, honesty, and efficiency;
- Advocating for the highest principles of professional psychological practice; and
- Empowering and educating the public on licensee and registrant disciplinary actions and by providing the best available information on current trends in psychological service options.

The practice of psychology is defined as rendering services involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior; the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

History of the Board

Psychology as a profession was recognized with the Certification Act of 1958, which provided only title protection. In 1967, the Legislature statutorily defined the practice of psychology and required licensure to practice.

During these early days, the Board was an examining committee under the jurisdiction of the Division of Allied Health Professions of The Board of Medical Quality Assurance (BMQA). The Psychology Examining Committee gradually became more independent in the 1970s, taking responsibility for its own operations, including the authority to adopt regulations and administrative disciplinary actions without the endorsement of BMQA. The Psychology Examining Committee officially became the Board of Psychology in 1990.

Board Composition

The Board consists of nine members, five licensed psychologists and four public members. They serve four-year terms, and no member may serve more than two consecutive terms. The five licensees and two of the public members are appointed by the Governor, and the remaining public members are appointed by the Speaker of the Assembly and the Senate Rules Committee. Public members cannot be licensed by the Board or by any other DCA healing arts board.

The current members are as follows:

Name	Appointing Authority	Appointment Date	Expiration Date
Stephen Phillips, JD, PsyD (President)	Governor	09/25/13	06/01/16
Dr. Phillips has been a clinical and forensic psychologist in private practice since 2002, an adjunct faculty and clinical supervisor at the Wright Institute Los Angeles since 2001, and an adjunct instructor at the California School of Professional Psychology at Alliant International University since 1999. He was an attorney in private practice from 1981 to 2004 and served in multiple positions at Shapiro, Posell, Rosenfeld & Close from 1985 to 1994, including managing partner, litigation department chairperson, and associate. Dr. Phillips earned a Juris Doctor degree from the University of Chicago Law School and a Doctor of Psychology degree in clinical psychology from the California School of Professional Psychology. He is a former member of the California Psychological Association's Ethics Committee. Dr. Phillips is an active member of the State Bar of California.			
Nicole J. Jones (Vice-President)	Governor	08/10/12	06/01/18
Ms. Jones is currently director of external affairs at Crystal Stairs, Inc., a nonprofit child development agency. Previously, she was the associate director of corporate and foundation relations at Loyola Marymount University. Prior to this position, Ms. Jones worked in philanthropy, serving at The California Wellness Foundation, the California Community Foundation, the Indianapolis Foundation, and Southern California Grantmakers. Ms. Jones completed the National Urban Fellows Program and the Coro Fellows Program in public affairs.			

Name	Appointing Authority	Appointment Date	Expiration Date
She currently serves on the Cal Alumni Association (University of California, Berkeley) Board and the Greater Los Angeles American Heart Association Affiliate Board.			
Lucille Acquaye-Baddoo Ms. Acquaye-Baddoo is currently an adjunct instructor of political science at Los Angeles Harbor College. She has served as assistant director at a local Head Start and as an administrator at the grantee level. Previously, she worked for Los Angeles Job Corps, the Housing Authority of the City of Los Angeles, among other agencies and organizations. She earned a bachelor's degree in sociology/behavioral science and a Master of Public Administration degree from California State University, Dominguez Hills.	Speaker	02/12/09	06/01/18
Johanna Arias-Bhatia Ms. Arias-Bhatia has served as a fair hearings and government affairs manager at the South Central Los Angeles Regional Center since 2004 and was a health consumer advocate at Neighborhood Legal Services of Los Angeles County from 1999 to 2003. She earned a Juris Doctor degree from Loyola University New Orleans College of Law.	Governor	08/10/12	06/01/16
Michael Erickson, PhD Dr. Erickson has been in private practice focusing on clinical and forensic psychology since 1980, and more recently has been a qualified medical evaluator for the California Division of Workers' Compensation Medical Unit. Dr. Erickson has served as a clinical instructor for the University of California, Davis, School of Medicine, and as director of consultation and training at Eskaton- American River Mental Health Center. Dr. Erickson is a member of the American Psychological Association, California Psychological Association, and National Register of Health Service Providers. He earned a bachelor's degree in psychology and his doctorate in clinical psychology from the University of Oregon. Dr. Erickson also began his career as a Peace Corps volunteer in Colombia.	Governor	08/06/10	06/01/18
Miguel Gallardo, PsyD Dr. Gallardo is an associate professor of psychology and director of Aliento, The Center for Latina/o Communities, at Pepperdine University's Graduate School of Education and Psychology. He maintains an independent/consultation practice where he conducts therapy with adolescents and adults and consults with organizations and universities on developing culturally responsive systems. Dr. Gallardo is currently director of research and evaluation for the Multi- Ethnic Collaborative of Community Agencies, a nonprofit organization dedicated to serving monolingual Arab, Farsi, Korean, Vietnamese, and Spanish speaking communities. Dr. Gallardo has published refereed journal articles, books, and book chapters in the areas of multicultural psychology, Latina/o psychology, and ethics and evidence-based practices. Dr. Gallardo is a fellow of the	Governor	08/06/10	06/01/16

Name	Appointing Authority	Appointment Date	Expiration Date
American Psychological Association.			
Andrew Harlem, PhD Dr. Harlem is a professor in the Clinical Psychology Program at the California Institute for Integral Studies, where he served as Director of Clinical Training from 2006-10. He obtained his PhD from the University of Chicago (Psychology: Human Development) and completed his pre- and postdoctoral clinical training at Harvard Medical School/Cambridge Health Alliance. Dr. Harlem served as president of the Northern California Society for the Psychoanalytic Psychology Board of Directors from 2009 to 2011. He is currently an assistant editor for Psychoanalytic Dialogues. Dr. Harlem maintains an active psychotherapy and consultation practice in San Francisco and Oakland.	Governor	08/10/12	06/01/15
Jacqueline Horn, PhD Dr. Horn has been a clinical psychologist in private practice since 1983 and was a Lecturer in Psychology at the University of California, Davis from 1981 until her retirement in 2012. She served on the Ethics Committee of the California Psychological Association from 1992-2002 and was a member of the Board of Directors of the Association of State and Provincial Psychology Boards from 2009-2014. She earned her doctorate in clinical psychology from Vanderbilt University's Peabody College of Education and Human Development.	Governor	10/23/13	06/01/19
Linda L. Starr Ms. Starr retired as Director of the Accounting Department from the California State Senate after 30 years of service. Ms. Starr was previously appointed by Senator John Burton to the California Veterinary Medical Board, where she served as a member for nine years. She currently serves on the Sacramento SPCA board of directors, the county cemetery board, the Spay and Neuter License Board, and the California State Senate Alumni Association.	Senate	01/09/13	06/01/15

The Board is vested with the authority to implement and enforce the Psychology Act and appoints an EO to carry out its will administratively. The EO is responsible for managing 23 staff and a budget of $4.8 million. The current EO began service on November 25, 2013.

The Board adopted a new Strategic Plan on May 16, 2014, which covers the period through 2018.

Standing and Ad Hoc Committees

The Board has five standing and four ad hoc committees to focus on various aspects of the Act's requirements.

Standing Committees

Outreach and Education Committee – This committee proactively educates, informs, and engages consumers, licensees, students, and other stakeholders about the evolving practice of psychology and governing laws.

Policy and Advocacy Committee – This committee reviews, tracks, and analyzes legislation that affects the Board, consumers, and the profession of psychology. The Committee makes recommendations to the full Board about positions to take on pending legislation and recommends amendments to the California Code of Regulations.

Licensing Committee – This committee ensures the Board has valid licensing policies and procedures by reviewing current operations and making recommendations as appropriate. The committee also ensures valid and reliable examination processes to assess appropriate professional knowledge and the laws and ethics that govern the profession. The Board works with such entities as the Association of State and Provincial Psychology Boards (ASPPB) and the Department's Office of Professional Examination Services in its efforts.

Ad Hoc Committees

Enforcement Committee – This committee reviews the Board's disciplinary guidelines and enforcement statutes and regulations and submits recommendations to the full Board for consideration.

Sunset Review Committee – This committee helps formulate and review staff's responses to the Sunset Review questionnaire requested by the Senate Business, Professions, and Economic Development Committee before it is submitted to the full Board.

Telepsychology Committee – This committee develops regulatory language for the practice of psychology that is conducted remotely within and outside of the State of California. This is a rapidly developing area of the profession, and technology has outpaced the current guidelines.

Applied Behavior Analysis Task Force – This task force reviews, analyzes, and discusses the potential impact to the Board of regulating a new license category, applied behavior analysis. The task force includes representatives from the Board and other stakeholders.

Fiscal and Fund Analysis

The Board's finances are stable and balanced. The Board's current reserve level is 12.8 months, which is compliant with statutory provisions prohibiting the balance to exceed more than its operating budget for the next two fiscal years. The Board does not anticipate a deficit, nor does it expect to increase or decrease any of its fees.

Fund Condition						
(Dollars in Thousands)	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17
Beginning Balance	$4,168	$4,616	$5,247	$5,649	$5,211	$4,242
Revenues and Transfers	$3,612	$3,669	$3,888	$4,034	$3,902	$5,803
Total Revenue	$7,780	$8,285	$9,135	$9,683	$9,113	$16,345
Budget Authority	$4,266	$4,390	$4,525	$4,669	$4,863	$5,239
Expenditures	$3,160	$3,203	$3,526	$4,472	$4,871	$5,239
Loans to General Fund	$0	$0	$0	$0	$0	$0
Accrued Interest, Loans to General Fund	$0	$0	$0	$0	$0	$1,861
Loans Repaid From General Fund	$0	$0	$0	$0	$0	$6,300
Fund Balance*	$4,620	$5,082	$5,609	$5,211	$4,242	$11,106
Months in Reserve	17.3	17.3	15.1	12.8	9.7	24.9

*Fund balance displays pre-adjustment total.

The Board has loaned the General Fund $7.5 million since 2002, and it is projected to be repaid by 2018.

The Board operates on an annual budget of $4.8 million, with approximately 48 percent of its budget devoted to enforcement activities, 29 percent to examination and licensing functions, 12 percent to DCA pro rata costs, and 11 percent for administration.

Expenditures by Program Component (dollars in thousands)								
	FY 2011/12		FY 2012/13		FY 2013/14		FY 2014/15	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	$536	$1,465	$563	$1,242	$535	$1,323	$628	$1,538
Examination	$0	$102	$0	$110	$0	$76	$0	$118
Licensing	$280	$196	$318	$209	$481	$230	$813	$368
Administration *	$202	$135	$270	$175	$318	$146	$365	$160
DCA Pro Rata	$0	$369	$0	$432	$0	$522	$0	$559
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	$1,018	$2,267	$1,151	$2,168	$1,334	$2,297	$1,806	$2,743

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

Fee Schedule and Revenue

The Board is a self-supporting special fund agency that obtains its revenues from licensing fees. Psychologist licenses expire two years from the license issue date and biennially thereafter. Psychological assistants renew annually on the date of issuance of their registration.

Table 4. Fee Schedule and Revenue (dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LICENSING FEES							
Application Fee (Psychologist)	$40	$50	$47	$50	$57	$46	1%
Application Fee (Psych. Assistant)	$40	$75	$37	$38	$39	$47	1%
Initial License Fee (Psychologist)****	$400	$500	$306	$301	$253	$358	9%
MHPEF*	$10	$10	N/A	N/A	N/A	N/A	-
California Psychology Supplemental Examination (CPSE)	$129	Actual cost to Board	$113	$117	$130	$150	3.5%
California Psychology Laws & Ethics Examination (CPLEE)	$129	Actual cost to Board	$9	$11	$8	$36	.7%
CE Evaluation Fee**	$10	$10	N/A	N/A	$48	$79	2%
Biennial Renewal Fee (Psychologist)	$400	$500	$2,972	$3,020	$3,145	$3,137	79%
Inactive Renewal Fee (Psychologist)	$50	$40	$55	$52	$59	$57	1%
Annual Renewal Fee (Psych. Asst.)	$40	$75	$33	$39	$32	$32	.7%
Delinquent Fee (Psychologist)	$25	$25	$6	$4	$13	$13	.2%
Delinquent Fee (Psych. Asst.)	$20	***	$2	$2	$1	$1	-
Duplicate License Fee	$5	$5	$2	$2	$2	$2	-
Delinquent Inactive Renewal Fee	$25	$25	$4	$6	$0	$0	-
Certification/Letter of Good Standing	$5	$5	$0	$0	$1	$1	-
Endorsement Fee	$5	$5	$1	$1	$0***	$0***	-

*In addition to the $400 for the biennial renewal of a license the Board collects a fee of $10 pursuant to B&P Code section 2987.2 at the time of renewal. The Board transfers this amount to the Controller who deposits the funds in the Mental Health Practitioner Education

**Beginning 10/31/13 an additional $10.00 fee for conducting random CE audits is collected at the time of renewal for active status. CCR 1397.69 effective 1/1/13.

***This revenue category has been discontinued effective May 9, 2013. All fees for Endorsements will be deposited into Acct Code 125600 3V - Cert/Letters of Good Standing.

****Prior to January 1, 2013, the psychology license renewal fee was $410 (California Code of Regulations section 1392(e) ($400)) and Business and Professions Code section 2987.2 (plus $10 MHPEF)). The fee increased on January 1, 2013, to $420 (California Code of Regulations section 1397.69 (plus $10 continuing education audit)).

FINES & PENALTIES							
Investigative Cost Recovery	Varies	N/A	$77	$58	$74	$43	.9%
Probation Monitoring	Varies	N/A	$18	$47	$34	$30	.6%
Citations & Fines	Varies	$5,000	$6	$8	$5	$23	.4%
OTHER							
Sale of Documents	$10.00	N/A	$1	$1	$1	$1	-
License Convenience Fees	Variable	N/A	$26	$26	$8	$0	-
Fingerprint Fees	Variable	N/A	$14	$5	$3	$3	-

Cost Recovery and Restitution

Current law authorizes the Board to request fee recovery from any licensee to pay for the reasonable costs of the investigation and enforcement of their case. Cost recovery is a standard term and condition specified in the Board's disciplinary guidelines for all proposed decisions and stipulations. There have been no changes in this policy since the last review.

There is no specific amount of cost recovery ordered for revocations, surrenders, and probationers. Each discipline case has its own amount of cost recovery ordered depending on the investigation and prosecution costs incurred. Most cost recovery is due within 12 months of the order's effective date. During negotiations, a probationer can request a payment plan if he or she needs additional time to reimburse the Board. All cost recovery must be paid six-months prior to the completion of probation. If cost recovery is determined to be unrecoverable, the Board uses the Franchise Tax Board's Offset intercept program to collect the amount due. Generally, there is not a problem recovering costs from licensees because cost recovery is a term of probation, and failure to pay could result in license revocation.

Cost Recovery (dollars in thousands)

	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Total Enforcement Expenditures	$1,465	$1,242	$1,323	$1,538
Potential Cases for Recovery *	9	31	27	30
Cases Recovery Ordered	5	10	19	22
Amount of Cost Recovery Ordered	$39	$207	$172	$20
Amount Collected	$16	$58	$74	$43

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Restitution (dollars in thousands)

	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Amount Ordered	0	2734	0	0
Amount Collected	0	0	0	0

Budget Change Proposals

The Board has submitted two Budget Change Proposals (BCPs) in the past four fiscal years. In fiscal year 2014/15, the Board requested 3.0 Staff Services Analyst positions to address the increasing workload and a significant backlog in the licensing unit. This BCP was approved. In 2016/17, the Board requested 1.0 Program Technician II position to perform increased workload associated with new cashiering and mail processing responsibilities. The Board proposes to redirect $63,000 in FY 2016-17 and future years to fund the requested position. This request is currently pending.

Staffing Issues

The Board is actively managing their staff to maximize efficiency. The Board hired staff following the thaw of the hiring freeze and engaged the services of Cooperative Personnel Services (CPS) Human Resource Consulting to conduct an analysis of the Board's programs and workforce. As a result of the analysis, the Board is pursuing classification changes and reorganizing its programs. The Board will be engaging CPS in the future to assist with succession planning.

In addition to on-the-job training and cross-training, the Board utilizes the DCA's Strategic Organization, Leadership and Individual Development program for staff development, and has participated in developmental opportunities offered by such entities as Los Rios Community College and Council on Licensure, Enforcement and Regulation.

Licensing

The Board licenses psychologists and registers psychologists and psychological assistants. Licensed psychologists may practice independently in any private or public setting. Psychological assistants are those individuals who have an advanced degree in psychology and provide limited psychological services under direct supervision. Registered psychologists are authorized to engage in psychological activities under direct supervision only at nonprofit community agencies that receive a minimum of 25 percent of their funding from a governmental source.

All licenses and registrations are currently being processed well within the statutorily established timeframes, a significant reversal following lengthy backlogs from several years ago. The Board and management examined the licensing process and sought staff increases and legislation to realize efficiencies and established automated performance measures to track processing times for each application and each licensing analyst.

Type of application:	Maximum time for notification
Licensed Psychologist:	60 days
Registered Psychologist:	60 days
Registered Psychological Assistant:	180 days

Type of application:	# of business days*
Licensed Psychologist:	14
Registered Psychologist:	9
Registered Psychological Assistant:	4

*Data as of November 23, 2015

Table 6. Licensee Population					
		FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
PSYCHOLOGIST	Active	20183	22682	22240	20509
	Out-of-State****	N/A	N/A	N/A	N/A
	Out-of-Country****	N/A	N/A	N/A	N/A
	Delinquent	745	835	1751	1837
REGISTERED PSYCHOLOGIST	Active	321	317	307	286
	Out-of-State*	N/A	N/A	N/A	N/A
	Out-of-Country*	N/A	N/A	N/A	N/A
	Delinquent**	N/A	N/A	N/A	N/A
PSYCHOLOGICAL ASSISTANT	Active	1832	1717	1707	1671
	Out-of-State*	N/A	N/A	N/A	N/A
	Out-of-Country*	N/A	N/A	N/A	N/A
	Delinquent	45	79	***846	***914

*Registered Psychologists and Psychological Assistants are not registered to practice outside of California.
**Registered Psychologists do not renew so there is no delinquent status
***BreEZe calculates this information differently. Prior year information was a snapshot of data versus what appears to be a collective running total under BreEZe.
**** Licensed Psychologist who reside outside of California hold the same active or inactive license status code as those who are located in California. Therefore, BreEZe does not distinguish this data.

Applicant information

The Board requires every applicant for a registration or license to be fingerprinted and undergo a criminal history background check. Applicants with a clear criminal history report continue with the application review process, and those with a conviction history are requested to provide court certified documentation for the arrest and conviction. Enforcement staff reviews the criminal history documentation to determine if the conviction is substantially related to the practice of psychology. If a substantial relationship exists, the application may be denied.

Board staff also checks BreEZe to determine if any disciplinary action has been filed against the applicant by another DCA entity. Additionally, the Board accesses the ASPPB Disciplinary Data Bank to determine if an applicant has ever been disciplined by another state board or jurisdiction. Once the applicant is licensed or registered, the Board receives subsequent arrest information from the DOJ.

Current law requires applicants to identify if they have served in the military, and DCA is currently enabling a tracking mechanism in BreEZe to accommodate this mandate.

Examination data

Psychology licensure candidates must take the national Examination for Professional Practice in Psychology (EPPP) and the California Psychology Laws and Ethics Examination (CPLEE). The EPPP and CPLEE are both computer-based examinations.

In the past four fiscal years, the Board has seen a higher pass rate for first time test takers than repeat test takers. The table below indicates the pass rate percentages of first time test takers versus repeat test takers.

	CPLEE		CPSE		EPPP	
Fiscal Year	(%) Pass Rate of 1st Timers	(%) Pass Rate of Repeaters	(%) Pass Rate of 1st Timers	(%) Pass Rate of Repeaters	(%) Pass Rate of 1st Timers	(%) Pass Rate of Repeaters
2011/12	70%	28.57%	87.45%	45.64%	84.90%	20.25%
2012/13	59.93%	45.09%	88.84%	42.85%	80%	27.15%
2013/14	67.39%	38.46%	86.79%	24.10%	78.79%	28.41%
2014/15	59.65%	38.98%	65.30%	44.03%	66.62%	38.27%

The pass rate for California Psychology Supplemental Examination (CPSE) and EPPP in FY 2014/15 was lower than average. The Board is unaware of any single factor that caused the drop, but they have the following hypotheses:

- A large group of candidates may have sat for these exams prematurely in the effort to take the test before it was updated to reflect the changes in the 5th Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5).

- Test questions known to be in private examination preparation service study materials were eliminated from the CPSE item bank. This means that if DCA's Office of Professional Examinations Service (OPES) becomes aware that one or more of the exam preparation programs were teaching a specific item or items in the item bank, these items are eliminated from future test administrations.

- Candidates may be focusing on certain areas of the examinations. For the CPSE there are four content areas: Crisis Assessment and Intervention, Clinical Assessment and Evaluation, Treatment Interventions, and Legal and Ethical Standards. Candidates that requested breakdowns of their examinations scored lower in the areas of Crisis Assessment and Intervention, Clinical Assessment and Evaluation, and Treatment Interventions. Because the CPSE has been replaced with another examination developed in conjunction with the OPES, the domains which appeared to cause the greatest difficulty are no longer a substantial portion of the new exam.

In 2012, OPES conducted an occupational analysis of the CPSE and as a result, the Board began to transition from offering two related examinations, one for new licensees (the CPSE), and the second for out-of-state licensees seeking a California license, the CPLEE, to offering only the CPLEE to all applicants. Due to concerns regarding the low passage rate, OPES has taken additional measures to ensure the validity of the examination.

School approval

Current law requires the Board to accept applicants with doctoral degrees in psychology from either accredited schools or those approved by the Bureau for Private Postsecondary Education (BPPE).

To be "approved," an institution offering doctoral degrees in psychology must have: (1) been approved by the prior entity, the Bureau for Private Postsecondary and Vocational Education (BPPVE)

on or before July 1, 1999; (2) has not had a new location since July 1, 1999; and (3) is not a franchise institution.

The Board has no authority over school approvals or their operation and curriculum. School approvals are conducted solely by the BPPE. There are currently six schools meeting the criteria listed above.

Continuing Education

The Board currently requires all licensees to accrue 36 hours of continuing education (CE) each renewal cycle. Currently, the Board accepts CE courses provided by the American Psychological Association or its approved sponsors; the California Psychological Association or its approved sponsors; Continuing Medical Education courses specifically applicable and pertinent to the practice of psychology that are accredited by the California Medical Association or the Accreditation Council for Continuing Medical Education. The Board does not approve CE providers or CE courses.

The Board's renewal application requires licensees to self-certify under penalty of perjury the amount of CE hours accrued. The Board then conducts random CE audits of 10% of the licensees renewing each month. Prior to January 2013, the Mandatory Continuing Education for Psychologists Accreditation Agency, a subdivision of the California Psychological Association, was responsible for auditing 100% of psychologists renewing each month. However, the Board assumed the auditing process in January 2013. Since January 2013, a total of 1,664 CE audits have been conducted. Of those, 108 licensed psychologists, or 6.5%, have failed.

If a licensee fails a CE audit, he or she is issued a citation order requiring the individual to accrue the hours he or she is deficient and pay a fine. Any individual who wants to contest a citation or fine can request an informal conference or an administrative hearing.

The Board is now developing proposed regulatory changes to accommodate a broader competency model called continuing professional development (CPD) based on a model that was developed by the ASPPB. This model provides additional avenues for maintaining competence. These options are meant to expand the ways licensees can increase their learning and maintain competency and to include performance-based assessments of licensees' competence.

CPD encompasses thirteen learning activities in four different categories: (1) Professional (Peer Consultation, Practice Outcome Monitoring, Professional Activities, Conferenced/Conventions, Examination Functions); (2) Academic (Academic Courses, Academic Instruction, Supervision, Publications); (3) Sponsored Continuing Education Coursework (including Independent/Online Learning); and (4) Board Certification.

Enforcement (Meeting performance measures and target dates)

The Board is meeting all the performance targets of the DCA's Consumer Protection Enforcement Initiative with the exception of formal discipline. Formal discipline requires involvement with the Attorney General (AG) and the Office of Administrative Hearings, and the Board has limited control over case aging after they transfer the case to the AG. Thus, the performance target of 540 days is not always met.

The Board is working on ways to reduce processing times where it can, however. It is now narrowing the window given to a respondent to accept or reject the Board's settlement offer from 30-160 days to

30-60 days, and requesting that Accusations and Statement of Issues be filed within 30 days of transmittal to the AG.

Performance Measure	Definition	Performance Target
PM 1 Volume	Number of complaints and convictions received.	*
PM 2 Intake	Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.	9 days
PM 3 Intake/ Investigation	Average number of days to complete the entire enforcement process for cases not transmitted to the AG (Includes intake and investigation)	80 days
PM 4 Formal Discipline	Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation and transmittal outcome)	540 days
PM 5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**
PM 6 Customer Satisfaction	Consumer satisfaction with the service received during the enforcement process.	80% Satisfaction
PM 7 Probation/ Intake	Average number of days from monitor assignment, to date the monitor makes first contact with the probationer.	7 days
PM 8 Probation Violation Response	Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.	10 days

* Complaint volume is counted and is not considered a performance measure.
** Data not collected

Table 9a. Enforcement Statistics

	FY 2012/13	FY 2013/14	FY 2014/15
COMPLAINT			
Intake			
Received	668	643	900
Closed	93	138	92
Referred to INV	575	505	808
Average Time to Close (days)	854 discipline 55 no discipline	887 discipline 111 no discipline	949 discipline 68 no discipline
Pending (close of FY)	0	1	22
Source of Complaint			
Public	545	462	556
Licensee/Professional Groups	12	8	16
Governmental Agencies	78	163	255
Other	33	10	73
Conviction / Arrest			

CONV Received	43	133	72
CONV Closed	5	9	0
Average Time to Close (Days)	4	7	8
CONV Pending (close of FY)	0	0	2
LICENSE DENIAL			
License Applications Denied			
SOIs Filed	5	4	10
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	445	436	68
ACCUSATION			
Accusations Filed	31	27	30
Accusations Withdrawn	0	1	0
Accusations Dismissed	0	0	1
Accusations Declined	1	2	0
Average Days Accusations	904	749	779
Pending (close of FY)	57	35	22

Table 9b. Enforcement Statistics (continued)

	FY 2012/13	FY 2013/14	FY 2014/15
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	3	7	5
Stipulations	19	16	15
Average Days to Complete	799	665	719
AG Cases Initiated	39	39	46
AG Cases Pending (close of FY)	22	35	57
Disciplinary Outcomes			
Revocation	2	4	2
Voluntary Surrender	10	10	9
Suspension	3	2	2
Probation with Suspension	0	0	0
Probation	11	11	12
Probationary License Issued	6	3	1
Other			
PROBATION			
New Probationers	13	7	15
Probations Successfully Completed	5	3	5
Probationers (close of FY)	70	70	74
Petitions to Revoke Probation	1	2	2
Probations Revoked	0	0	0
Probations Modified	0	0	2
Probations Extended	0	0	0
Probationers Subject to Drug Testing	10	7	8
Drug Tests Ordered *	-	-	-
Positive Drug Tests *	-	-	-
Petition for Reinstatement Granted	0	0	0

* The Board requested this data from Phamatech. Following is the information provided.

Table 9c. Enforcement Statistics (continued)			
	FY 2012/13	FY 2013/14	FY 2014/15
INVESTIGATION			
All Investigations			
First Assigned	611	643	861
Closed	630	515	736
Average days to close	82	84	87
Pending (close of FY)	128	239	336
Desk Investigations			
Closed	612	608	769
Average days to close	38	43	54
Pending (close of FY)	53	103	190
Non-Sworn Investigation			
Closed	0	0	1
Average days to close	0	0	6
Pending (close of FY)	0	0	1
Sworn Investigation			
Closed	88	67	91
Average days to close	326	387	276
Pending (close of FY)	69	70	85
COMPLIANCE ACTION			
ISO & TRO Issued	0	2	3
PC 23 Orders Requested	3	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	2	1
Cease & Desist/Warning	10	21	19
Referred for Diversion	0	0	0
Compel Examination	1	0	1
CITATION AND FINE			
Citations Issued	10	2	90*
Average Days to Complete	210	319	36
Amount of Fines Assessed	14,250	5,500	27,077
Reduced, Withdrawn, Dismissed	2,500	2,000	17,399
Amount Collected	8,000	925	17,101
CRIMINAL ACTION			
Referred for Criminal Prosecution	1	0	1

* There was a significant increase in citations and fines in FY 2014/2015 because the Board assumed the role of managing and auditing continuing education for all of its licensees in 2013.

Table 10. Enforcement Aging						
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	Cases Closed	Average
Attorney General Cases (Average %)						
Closed Within:						
1 Year	2	6	3	6	11	3.67

2 Years	8	3	11	7	29	7.25
3 Years	11	3	3	2	19	4.75
4 Years	7	0	0	0	7	1.75
Over 4 Years	0	0	0	0	0	0
Total Cases Closed	28	11	17	15	71	17.75
Investigations (Average %)						
Closed Within:						
90 Days	485	496	413	555	1949	487.25
180 Days	53	57	52	101	263	65.75
1 Year	42	35	15	39	131	32.75
2 Years	39	37	24	34	134	33.5
3 Years	8	3	10	6	27	6.75
Over 3 Years	0	0	0	0	0	0
Total Cases Closed	627	628	514	735	2504	626

The Board's enforcement workload has increased 24 percent since the last Sunset Review in 2011. In fiscal year 2014/15, the Board received 972 cases. The increase in consumer complaints may be attributed to the increase in the total population of licensees and registrants, as well as consumer awareness due to the Board's outreach efforts.

The Board has been creative and resourceful in realigning its resources since the last Sunset Review to better manage its enforcement program.

- In June 2014, the Board hired an Enforcement Program Manager to supervise staff and ensure that they are responsible for their cases from initial assignment through the adjudication process, which improves case quality, efficiency, and ensures accountability.

- In addition to using DCA's Health Quality Investigative Unit, the Board also uses its own in-house Special Investigator to refer cases to the AG.

- The Board expanded its expert reviewers from 40 to over 100 by increasing fees and holding trainings.

- The Enforcement Unit is auditing its processes for maximum efficiency and updating the Enforcement Manuals to reflect improvements.

- Staff is reviewing all statutes and regulations for clarity, effectiveness, and efficiency and making recommendations for additions and amendments to the Board.

Cite and fine

The Board can address relatively minor violations of the Psychology Act through citations and fines. The types of violations that are the basis for citation and fines include, but are not limited to the following:

- Failure to comply with the continuing education requirements;
- Failure to disclose conviction information on a renewal application;
- False or misleading advertising;
- Unlicensed practice; and

- Failure to maintain proper record keeping.

The cite and fine process allows an individual to request an informal conference with the Board's EO to present information to modify, withdraw, or affirm the decision. As a result, the fines collected can often differ from the fines originally assessed to the licensee. In instances of failure to pay a fine within the required time, the licensee or non-licensee's information is forwarded to the DCA for referral to Franchise Tax Board for collection through its Offset Program. As of October 30, 2015, the Board has referred three unpaid fines totaling $3,500. The Board has thus far received $1,000.

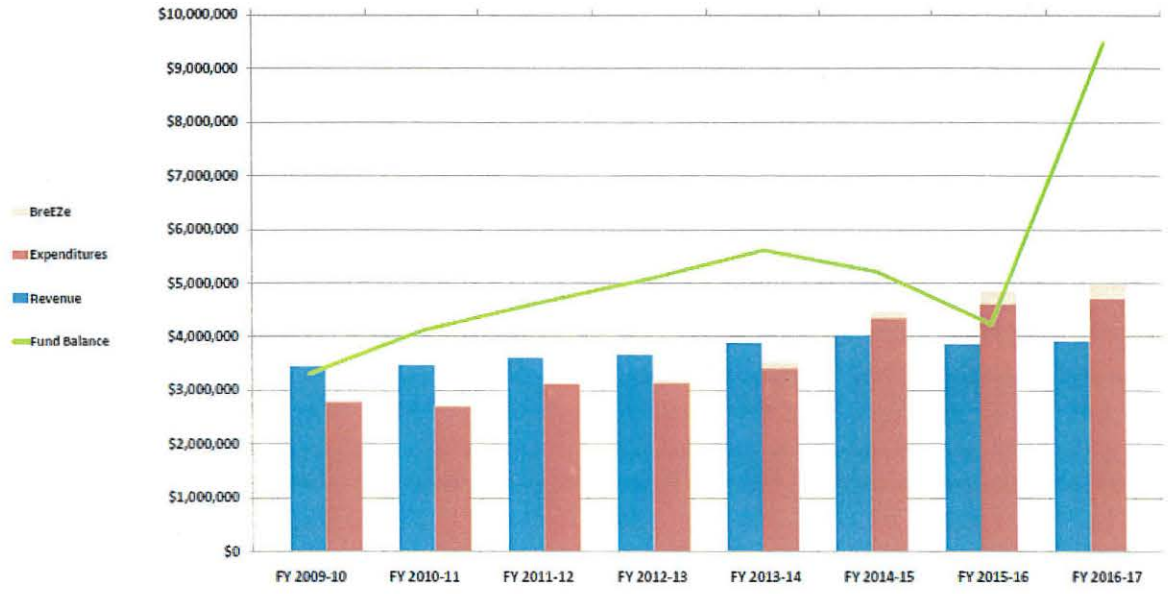
Public Outreach and Education

The Board continually updates its website to reflect upcoming Board activities, changes in laws, regulations, licensing and/or registration, and other relevant information of interest to stakeholders. The Board also uses social media platforms, including Facebook and Twitter, to reach stakeholders, webcasts all Board meetings, and revitalized its quarterly newsletter publication in May 2014 to ensure timely dissemination of important information.

The majority of responses to the Board's consumer satisfaction surveys since 2014/2015 rate the Board as "Excellent" or "Very Good." The Board has a particularly high rate of return to the surveys since licensing staff began including a link in the body of all emails to applicants and licensees encouraging participation.

BreEZe

The Board is managing its BreEZe costs, which accounts for an increasing percentage of its budget each year.



* Projected years assume full budget appropriation is expended

Highlights

$1.2 million loan to the General Fund Outstanding after FY 2016-17

The Board submits approximately five to ten change requests per month. These requests are processed by DCA in approximately three to six months, depending on the level of priority assigned to the request. Some features originally anticipated with the adoption of BreEZe have yet to be implemented.

PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS

The Board was last reviewed by the Senate Business, Professions and Economic Development Committee (Committee) in 2011. At that time, the Committee raised 10 issues with attendant recommendations. On December 1, 2015, the Board submitted its new sunset report to the Committee which included actions it has taken to address these concerns.

The following are some of the programmatic and operational changes the Board has made since the prior Sunset Review.

- Executive Officer Robert Kahane resigned July 8, 2013. Antonette Sorrick was appointed as the new Executive Officer on November 25, 2013.

- The Board's headquarters moved in September 2012 from Evergreen Street to its current location on North Market Boulevard in Sacramento.

- The Board adopted a new Strategic Plan on May 16, 2014 that will direct the Board through 2018.

- The Board began utilizing social media platforms to reach out to consumers and the regulated community. In addition to webcasting all Board meetings, the Board develops informational presentations to provide assistance and guidance to license applicants. The use of Facebook and Twitter has provided an additional medium of communication and fact sharing.

- The Board revitalized its quarterly newsletter publication in May 2014, which ensures timely dissemination of important information to the Board's stakeholders.

- Three positions were added to the Board's licensing unit on July 1, 2014 to reduce what was then a 16-week backlog in processing applications for registration and licensure to the current two-week timeframe.

- The Board engaged the services of CPS Human Resource Consulting to conduct an analysis of the Board's programs and workforce. As a result of the report, the Board is pursuing classification changes and reorganizing its programs. The Board will be engaging CPS to assist with succession planning.

- In addition to on-the-job training and cross-training, the Board utilizes the DCA's Strategic Organization, Leadership and Individual Development program for staff development, and has participated in developmental opportunities offered by such entities as Los Rios Community College and Council on Licensure, Enforcement and Regulation.

Selection of legislation sponsored by or affecting the Board since the prior Sunset Review

SB 1134 (Yee), Chapter 149, Statutes of 2012
Subject Matter: Persons of Unsound Mind: Psychotherapist Duty to Protect
Section Affected: Civil Code 43.92
Effective Date: January 1, 2013

This bill clarified a provision of law that gave immunity to psychotherapists for failing to warn and protect a potential victim from a patient's violent behavior. This bill also declared the intent of the Legislature to change only the name of the duty for clarification purposes, and not waive liability for psychotherapists.

SB 1236 (Price), Chapter 332, Statutes of 2012
Subject Matter: Professions and Vocations
Sections Affected: Business and Professions Code (BPC) Sections 2900 - 2999
Effective Date: January 1, 2013

This bill extended the sunset date for the Board of Psychology until January 1, 2017. The Board sent a letter of support to Governor Brown.

SB 1172 (Lieu), Chapter 835, Statutes of 2012
Subject Matter: Sexual Orientation Change Efforts
Section Affected: BPC § 865
Effective Date: January 1, 2013

This bill prohibited a mental health provider from engaging in sexual orientation change efforts with a patient who is under 18 years of age. The bill specifically defined the term "sexual orientation change efforts," and made any such efforts conducted with a patient under 18 "unprofessional conduct," for which the mental health provider would be subject to disciplinary action by his or her licensing entity.

AB 1588 (Atkins), Chapter 742, Statutes of 2012
Subject Matter: Professions and Vocation: Reservist Licensees: Fees and Continuing Education
Section Affected: BPC § 114.3
Effective Date: January 1, 2013

This bill required the Board to waive continuing education requirements and renewal fees for a licensee or registrant while he or she is called to active duty as a member of the United States Armed Forces or the California National Guard if he or she meets certain requirements.

AB 2570 (Hill), Chapter 561, Statutes of 2012
Subject Matter: Licensees: Settlement Agreements
Section Affected: BPC § 901
Effective Date: January 1, 2013

This bill closed a loophole in the law that allowed a Board licensee or registrant to prohibit a consumer who settles a civil suit with that licensee or registrant from filing a complaint with or cooperating in an investigation of the Board. The intent of the bill was to protect consumers by disallowing "gag clauses" that hamper the ability of a regulatory board to take disciplinary action against a negligent practitioner.

AB 1843 (Jones), Chapter 283, Statutes of 2014
Subject Matter: Child Custody Evaluations: Confidentiality
Sections Affected: BPC § 129, Family Code §§ 3025.5, 3111
Effective Date: September 18, 2014

This bill gave the licensing entity of a child custody evaluator the ability to access a child custody report in order to investigate alleged unprofessional conduct of one of its licensees related to a child custody evaluation. This bill also required the licensing entity to ensure the confidentiality of the information contained in the child custody report. The Board supported this legislation and sent letters and provided testimony to the Legislature. A letter urging the Governor's signature was sent on August 25, 2014.

AB 705 (Eggman), Chapter 752, Statutes of 2015
Subject Matter: Psychologists: Licensure Exemption
Sections Affected: BPC §§ 2909, 2909.5, 2910
Effective Date: January 1, 2016

This bill ensured that a salaried employee of an accredited or approved academic institution, public school, or governmental agency may provide direct health or mental health services. The bill additionally required an employee of an accredited or approved academic institution, public school, or governmental agency to be gaining the supervised professional experience required for licensure and would exempt those persons from licensure for no more than five years from the date of employment or five years from January 1, 2016, for those individuals already employed in these settings. The Board sponsored and supported this legislation.

AB 773 (Baker), Chapter 336, Statutes of 2015
Subject Matter: Psychology Licensing
Section Affected: BPC § 2982
Effective Date: January 1, 2016

This bill changed the initial term of a license from a birthdate-based expiration to a full two-year period from the date that the license is first issued. The Board sponsored and supported this legislation.

AB 1374 (Levine), Chapter 529, Statutes of 2015
Subject Matter: Psychologists: Licensure: Requirements
Section Affected: BPC §§ 2903 2913, 2914
Effective Date: January 1, 2016

This bill eliminated the requirement for a fee in the practice of psychology so that psychological services may be provided for free, revised terms related to the practice of psychology, amended the process by which an applicant submits verification of experience to the Board, and made technical and clarifying changes.

SB 479 (Bates), Held: Assembly Appropriations Committee
Subject Matter: Healing Arts: Applied Behavior Analysis.
Section Affected: Various
Effective Date: Bill withdrawn

This bill would have established two new license categories and a registrant category under the Board of Psychology: Licensed Behavior Analyst, Licensed Assistant Behavior Analyst, and a Behavior Analyst Technician.

Although the Board agreed with the author's intent to regulate the discipline of Applied Behavior Analysis under the jurisdiction of the Board, the Board had some significant concerns with the exemptions in the proposed language and adopted an "Oppose Unless Amended" position at its August 2015 meeting. The Board communicated its position to the author before the bill was withdrawn.

CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the Board, or those which were not previously addressed by the Board, and other areas of concern for the Committee and Assembly Committee on Business and Professions (Committees). There are also recommendations the Committee staff have made regarding particular issues or problem areas which need to be addressed. The Board and other interested parties, including the professions, have been provided this Background Paper and can respond to the issues presented and the recommendations of staff.

ISSUE # 1: Lack of mental health providers in certain communities.

Background: According to the Office of Statewide Health Planning and Development (OSHPD), approximately 16 percent of Californians live in a Mental Health Professional Shortage Area, which is designated based on the availability of psychiatrists and other mental health professionals, including psychologists.

There are several programs administered by OSHPD to encourage licensees to work in these areas:

Mental Health Loan Assumption Program (MHLAP)

MHLAP was created by Proposition 63, the Mental Health Services Act (Act), passed by California voters in November 2004. The Act provided funding to develop a loan forgiveness program in order to retain qualified professionals working within the Public Mental Health System (PMHS). Through the Workforce Education and Training component of the Act, $10 million is allocated yearly to loan assumption awards. An award recipient may receive up to $10,000 to repay educational loans in exchange for a 12-month service obligation in a hard-to-fill or retain position within the County PMHS.

Mental Health Practitioner Education Fund

The Board collects a $10 fee as part of license renewals to support the Mental Health Practitioner Education Fund that is administered by OSHPD. An awardee may receive up to $15,000 to repay educational loans over a 24-month period in exchange for a 24-month commitment to practicing and providing direct care in a publicly funded or public mental health facility, a non-profit mental health facility, or a mental health professions shortage area.

The Board does not formally track data regarding workforce shortages, but it has many occasions to solicit and communicate opportunities to its licensees.

Staff Recommendation: ***The Board should inform the Committee what it is doing to promote service in underserved areas and evaluate whether $10 is sufficient to fund the Mental Health Practitioner Education Fund.***

In February, 2015, the Board of Psychology embarked on a two-year access to mental healthcare in the State of California campaign. To date, the Board has done the following:

- Produced an article in the Winter, 2015 Journal identifying licensed mental health professionals per county, per capita. This Journal has a distribution of more than 15,000 per publication. This data has been shared with the Department of Consumer Affairs, the Health Professions Education Foundation as well as with the Senate Business, Professions and Economic Development Committee and other interested Members of the state legislature.
- Produced an article in the Spring, 2015 Journal entitled, *Educational Loan Opportunities for Mental Health Providers*
- In August, 2015, the Health Professions Education Foundation (HPEF) gave the Board an overview of the program at the Board Meeting, an update on the fiscal health of the program, and an overview of the process for application for loan repayment. The Foundation agreed to present to the Board annually.
- Summer, 2015 recipient profile of HPEF (Jaseon Outlaw, PhD) in the Board's Summer Journal. Going forward, the Board will include a recipient profile in the quarterly journal as awards are given.
- Inserts will be included in all license renewals packets promoting the HPEF. The inserts will instruct licensees how to apply for loan forgiveness and how to contribute additional funds to the program.
- Additionally, the Board plans to do the following:
    - Develop outreach to high schools and community colleges to encourage individuals to enter into the profession.
    - Develop telepsychology regulations which will instruct licensees how to provide telehealth to Californians, giving psychologists additional opportunities to provide care to underserved populations.
    - Engage stakeholders to help the Board promote entering the profession and the availability of the loan repayment program.
    - Increase awareness regarding other loan repayment programs.

According to a recent survey conducted by the American Psychological Association of Graduate Students (APAGS), the median loan debt of a recent graduate of a doctoral program is between $90,000-200,000 plus (depending on the program and institution in which they graduated) http://www.apa.org/monitor/2015/06/datapoint.aspx . The size of available awards under existing state programs are small by comparison thereby reducing the potential incentive to locate in underserved areas.

- The average award amount varies from $2,558 to $13,910 depending on profession of awardee.
- It appears that the health of the HPEF fund cannot meet the demands of applicants who wish to serve in underserved communities.

Renewal fees are authorized for the specified professions listed under the statutory definition of a licensed mental health service provider (LMHSP).

Per statute:

- 128454 (1) "Licensed mental health service provider" means a psychologist licensed by the Board of Psychology, registered psychologist, postdoctoral psychological assistant,

postdoctoral psychology trainee employed in an exempt setting pursuant to Section 2910 of the Business and Professions Code, or employed pursuant to a State Department of Health Care Services waiver pursuant to Section 5751.2 of the Welfare and Institutions Code, marriage and family therapist, marriage and family therapist intern, licensed clinical social worker, and associate clinical social worker." (FOR BOARD RESPONSE NOT HEARING)

- The majority of mental health practitioners who apply for the loan repayment program do not receive any award. Please see the table below, which reflects the **Licensed Mental Health Services Provider Education** program applications numbers. Specifically how many applications were received, eligible, awarded and not awarded in FY 2012-13, 2013-14, and 2014-15.

- The Mental Health Loan Assumption Program (MHLAP) is funded by Proposition 63 funds. Licensees of the Board are also eligible for awards through this program. Applicants can receive up to $10,000 from this Program.

Board of Psychology Fund			
LMH	12/13	13/14	14/15
Total applications received	31	63	49
Total eligible applications	29	61	40
Did not score high enough for award	NA	5	19
Awarded through Grant funding	NA	22	NA
Awarded through Board of Psychology Funding	8	7	10
Total not awarded	21	27	11

ISSUE # 2: California remains the only state that allows licensure of psychologists from unaccredited schools. Should the Psychology Act be amended to require accreditation of institutions offering degrees intended to lead to licensure by the Board?

Background: California is the only state that allows students from unaccredited schools to sit for psychology licensing examinations. Current law requires the Board to accept doctoral degrees in psychology from either accredited or approved institutions. An institution is deemed approved if it is not a franchise, was approved by the BPPVE on or before 1999, and has not moved to a new location since 1999. There are six schools meeting these criteria, and approvals and oversight are conducted solely by the BPPE.

This issue was raised during the previous review of the Board. The Board was concerned that there is little quality control over the schools' operations or curriculum and students have a low pass rate on the national exam, among other issues. At that time, the Board stated that the students from these

schools should not be eligible for licensure and expressed their preference for a change in law to prohibit applicants from approved schools. This law was not changed.

In an effort to increase the quality of educational programs in California, the California Private Postsecondary Education Act of 2009 was amended in 2014 (SB 1247, Lieu, Chapter 840, Statutes of 2014) to require degree granting institutions to be accredited by an agency recognized by the U.S. Department of Education by July 1, 2020 in order to receive BPPE approval. AB 2099 (Frazier, Chapter 676, Statutes of 2014) also established requirements for unaccredited degree granting programs participating in Title 38, the program that provides educational awards for eligible active duty military members and veterans.

While the Board recognizes recent Legislative actions as significant progress, there remains a concern that these changes may be insufficient to raise California's psychologists to the national standard. The main barrier is that the ASPPB requires member states to have regionally accredited schools to participate in their Agreement of Reciprocity for licensure – U.S. Department of Education allows national accreditation. Further, California psychologists may not be able to join the American Psychological Association, the largest professional psychology organization in the nation, as full members; participate in certain pre-doctoral or post-doctoral programs necessary for some types of employment, including the U.S. Department of Veterans' Affairs Health and Medical Centers -- the largest employer of psychologists in the U.S; or be eligible for licensure in some states.

Unaccredited degree granting institutions are extremely concerned about the requirement to obtain accreditation and have been working through the legislative process to create exemptions to the new requirements set forth by SB 1247 and AB 2099. It would be helpful for the Committees to better understand the barriers to schools becoming accredited, particularly for schools offering degrees.

Staff Recommendation: ***The Committees should remove current language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the Board, and ensure that timeframes for this change accommodate current students. The Board should provide information to the Committees as to whether regional accreditation may be preferable to other types of accreditation, and the Committees should specify the type of accreditation that should be required of institutions offering degrees intended to lead to licensure.***

The Board of Psychology prefers institutions offering degrees intended for licensure to be regionally accredited. A requirement for regional accreditation would ensure the following:

- Protection of the public by ensuring competent and predictable educational standards that would best protect consumers of psychological services in California
- Protection of students by guaranteeing that they are receiving degrees from programs that are best suited for providing competent services and providing adequate pathways to licensure
- Protection of the licensee by ensuring increased portability of a California psychology license

The Board looks forward to working with the Committees to amend Business and Professions Code section 2914 to address this issue.

ISSUE # 3: Continuing Education.

Background: Traditional models of CE entail formal learning activities conducted in classroom or workshop settings. As referenced earlier in the report, the Board is considering changes to their CE

program to accommodate a broader competency model called continuing professional development (CPD). The model was developed by the ASPPB and provides additional avenues for maintaining competence. These options are meant to expand the ways licensees can increase their learning and to include performance-based assessments of licensees' competence.

The Board is seeking to amend existing continuing education statutes and regulations to accommodate this new approach. Changes should include:

- Redefining "Continuing Education" requirements as "Continuing Professional Development" requirements;
- Removing specific course requirements found in the Business and Professions Code; and,
- Enabling the Board to approve specific organizations that provide continuing professional development activities.

Staff Recommendation: ***The Board should provide recommendations to the Committee for updating continuing education statutes.***
The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend Section 2915 of the Business and Professions Code. This change would redefine continuing education to a continuing professional development model. The committee has graciously agreed to include this change in the Board's sunset legislation. This model will allow licensees alternative ways to maintain competence, decrease isolation of the profession, and enhance the probability that licensees demonstrate their ongoing professional competence.

ISSUE # 4: Expansion of Psychological Assistant practice areas.

Background: In order to become a licensed psychologist, applicants must accrue 3,000 hours of supervised professional experience. Individuals who have a Master's degree and are admitted into a doctoral program may obtain these hours by registering with the Board as a psychological assistant. A psychological assistant provides psychological services to individuals or groups while under the supervision of a licensed psychologist or a board certified psychiatrist.

Current law requires that a psychological assistant be employed only by a psychological or medical corporation, a California licensed psychology clinic, a Bronzan-McCorquodale contract clinic, a licensed psychologist, or a board certified psychiatrist.

The Board recognizes that these statutes are outdated and do not reflect the employment, contract, or volunteer opportunities available in settings beyond current limitations, such as hospitals, nursing homes, and rehabilitation centers.

Staff Recommendation: ***The Board should provide recommendations to the Committee for updating psychological assistant statutes to focus on appropriate supervision, rather than physical setting.***

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend Business and Professions Code section 2913. This change would address the following two issues:
1. Eliminate the restrictions of the current work settings required of a psychological assistant.
2. Receiving the application directly from the psychological assistant instead of the supervisor.

ISSUE # 5: Retired license.

Background: The Psychology Act does not authorize a retired license. Under existing law, a retired licensee may choose only between "inactive" status, which costs $25 per year, or "delinquent" status. These have negative connotations and may not respect a long and honorable career.

The Board is seeking to establish a "retired" licensure category, similar to many other healing arts programs such as the Medical Board, Professional Fiduciaries Bureau, Board of Behavioral Sciences, and Board of Optometry. The creation of this license would require a one-time fee and would provide a means for a retired licensee to return to active status under certain circumstances.

Adding this license designation is a consistent request from licensees and is included in the Board's 2014-2018 Strategic Plan.

Staff Recommendation: ***The Board should provide recommendations to the Committee for establishing a retired license.***

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to add a section in the Business and Professions Code creating a retired license category for psychologists.

ISSUE # 6: Web Site information.

Background: The Board has been very active in providing information to consumers, and seeks legislative authority to post historical information on existing and past licensees' approved graduate and post-graduate education on its Web site. This will enable consumers to make informed decisions when selecting a psychology provider.

Staff Recommendation: ***The Board should provide recommendations to the Committee for updating its public information policies.***

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to add a section in the Business and Professions Code establishing a mechanism for posting historical information on existing and past licensees. This information will include:
1. Institutions that awarded the qualifying educational degree and type of degree awarded.
2. A link to the licensee's professional website.
3. Historical enforcement activity including Statements of Issues, Accusations, Proposed Decisions, and Stipulated Settlements.

CONTINUED REGULATION OF THE PROFESSION BY THE CURRENT MEMBERS OF THE BOARD

ISSUE # 7: Should the licensing and regulation of the practice of psychology be continued and be regulated by the current Board membership?

Background: The health, safety and welfare of consumers are protected by a well-regulated psychologist profession. The Board has shown a strong commitment to improve the Board's overall efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to bring about necessary changes. The Board should be continued with a four-year extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Paper and others of the Committee have been addressed.

Staff Recommendation: ***Recommend that the practice of psychology continue to be regulated by the current Board members in order to protect the interests of the public and be reviewed once again in four years.***

The Board appreciates the confidence the Committees have demonstrated in recommending the continuance of the regulation of the practice of psychology by the Board in its current configuration. In the next four years the Board is committed to addressing the following issues:

1. Access to mental health care in California
2. Establishing higher criteria for applicants for licensure to ensure consistency with other licensing jurisdictions across the nation.
3. Establishing continued professional development to ensure competence for its licensees
4. Redefining the psychological assistant statute to focus on appropriate supervision rather than physical setting.
5. Developing a mechanism to provide licensees an alternative license status at the end of their career.
6. Increase transparency to the consumers of psychological services in California by providing expanded educational and disciplinary data on its licensees.
7. Continually review and amend the statutes and regulations in order to be more transparent, evolve with the profession, and be more accessible to consumers.