California Board of
PSYCHOLOGY

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MEMORANDUM

DATE	May 3, 2016
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #9 and #10 – Regulatory Hearing and Consideration of Adopting Amendments - Title 16, CCR Section 1387 (b) 10-11 and 1387.1 – Verification of Experience and Supervision Agreement Forms

Existing regulations mandate that Verification of Experience (VOE) and supervision agreement forms be submitted to the Board directly from the primary supervisor. The proposed regulation would require the primary supervisor to place the signed supervision agreement and the verification of experience forms in a sealed envelope, and provide the envelope to the supervisee to hold until the supervisee is ready to submit a licensure application to the Board. The sealed envelope would be submitted together with the licensure application, unless it has been submitted to the Board with an application for registration as a psychological assistant.

Existing regulations also mandate that a plan for supervised professional experience (SPE) between the primary supervisor and psychological assistant be submitted and approved by the Board prior to the commencement of the SPE. The proposed regulation would no longer require the pre-approval of this supervision plan in order for SPE to count towards Board licensure. In addition, the proposed amendments would mandate that the plan include how and when the supervisor will provide periodic feedback to the supervisee so that the supervisee gets the benefits of the supervisor's assessment as to how their training is going.

This Rulemaking File was noticed for the initial 45 day comment period on April 1, 2016. The hearing noticed as taking place at the May Board meeting. The Notice, Initial Statement of Reasons and Proposed Language are included.

Action Requested:

Staff requests the Board to adopt the proposed language as written and delegate to the Executive Officer the authority to make any non-substantive changes.

California Board of Psychology

PROPOSED LANGUAGE

Proposed additions are shown as underlined
Proposed deletions are shown as ~~strike-through~~

1. **Amend section 1387 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:**

(10) ~~Except for the accrual of SPE by a psychological assistant in a private practice setting as provided for in section 1387(b)(11).~~ Prior to the start of the experience, the primary supervisor and the supervisee shall together prepare an agreement ~~document~~ that outlines the structure and sequence of the planned program of supervision to accomplish the goals and objectives of the ~~plan ("plan")~~ experience. Accrual of hours prior to preparing such an agreement may result in those hours not counting toward the licensure requirements. The original agreement shall accompany the application for registration, if any, and identify ~~identifies~~ at least the following:

- Name, license number and signature of primary supervisor;
- Name and signature of supervisee;
- Statutory authority under which the supervisee will function;
- Start date of the experience and the anticipated completion date;
- Duties to be performed in a sequential structured plan as defined in this
- section;
- Address of the locations at which the duties will be performed; ~~and~~
- Goals and objectives of the plan for SPE, including how socialization into the profession will be achieved~~.~~; and
- How and when the supervisor will provide periodic assessments and feedback to the supervisee as to whether or not he or she is performing as expected.

Additionally, the agreement ~~document~~ shall reflect that both supervisor and supervisee have discussed and understand each term of SPE as required by the California Code of Regulations. ~~The primary supervisor shall maintain the document until the hours of supervised experience are completed.~~

(11) Once the ~~supervised experience~~ SPE outlined in the agreement ~~document~~ has been completed, the primary supervisor shall submit to the supervisee both the agreement, unless previously submitted to the Board, pursuant to Section 1387 (b) (10) and a verification of experience form signed by the primary supervisor under penalty of perjury, ~~directly to the Board both the document and a verification of the experience signed by the primary supervisor under penalty of perjury.~~ in a sealed envelope, signed across the seal for submission to the Board by the supervisee along with his or her application. The verification shall certify to completion of the hours consistent with the terms of the ~~supervision~~ agreement ~~document~~. The supervisor must indicate, in his ~~/~~ or her best professional judgment, whether the supervisee demonstrated an overall

performance at or above the level of ~~minimal~~ competence expected for the supervisee's level of education, training and experience. When SPE is accrued in a formal pre-doctoral internship or postdoctoral training program, the program's training director shall be authorized to perform the verification and rating duties of the primary supervisor provided that the internship training director is a licensed psychologist who possesses a valid, active license free of any disciplinary action.

If the SPE is not consistent with the terms of the agreement or if the supervisee did not demonstrate an overall performance at or above level of competence expected for the supervisee's level of education, training and experience, the SPE may not count towards the licensure requirements.

~~(11) Due to lack of standardization in training, a psychological assistant in a private practice setting shall submit the plan as described in subsection (b)(10) for supervised professional experience to the Board for prior approval as provided for in section 2914(c) of the Code prior to the accrual of SPE. A private practice setting is defined as those settings allowed pursuant to section 1387(a)(1-)(C) and 1387(a)(2)(D), accept a Welfare and Institutions Code section 5614 clinic or a Health and Safety Code section 1204.1 clinic. SPE that is accrued prior to the approval of the plan will not count toward qualifying the applicant for licensure.~~

(c) Delegated Supervision Requirements:

(1) Except as provided in section 1391.5, which regulates the supervision of psychological assistants, primary supervisors may delegate supervision to other qualified psychologists or to other qualified mental health professionals including licensed marriage and family therapists, licensed educational psychologists, licensed clinical social workers and board certified psychiatrists.

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

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

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2911 and 2914, Business and Professions Code.

2. **Amend section 1387.1 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:**

§ **1387.1. Qualifications and Responsibilities of Primary Supervisors.**
All primary supervisors shall be licensed psychologists, except that board certified psychiatrists may be primary supervisors of their own registered psychological assistants. In this regard, a maximum of 750 hours of experience out of the required 3000, can be supervised by a board certified psychiatrist and can be counted toward meeting the SPE licensing requirements.

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

(b) Primary supervisors who are licensed by the ~~b~~**Board** shall complete a minimum of six (6) hours of supervision coursework every two years.

(1) Primary supervisors shall certify under penalty of perjury to completion of this coursework requirement each time the supervisor completes a verification form as referenced in section 1387(b)(10).

(c) Primary supervisors shall be in compliance at all times with the provisions of the Psychology Licensing Law and the Medical Practice Act, whichever is applicable, and the regulations adopted pursuant to these laws.

(d) Primary supervisors shall be responsible for ensuring compliance at all times by the trainee with the provisions of the Psychology Licensing Law and the regulations adopted pursuant to these laws.

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

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

(g) Primary supervisors shall ensure that each client or patient is informed, prior to the rendering of services by the trainee (1) that the trainee is unlicensed and is functioning under the direction and supervision of the supervisor; (2) that the primary supervisor shall have full access to the treatment records in order to perform supervision responsibilities and (3) that any fees paid for the services of the trainee must be paid directly to the primary supervisor or employer.

(h) Primary supervisors shall be responsible for monitoring the performance and professional development of the trainee and how and when the supervisor will provide periodic assessments and feedback to the supervisee as to whether or not he or she is performing as expected.

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

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

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

(l) Primary supervisors shall not exploit trainees or engage in sexual relationships or any other sexual contact with trainees.

(m) Primary supervisors shall require trainees to review the pamphlet "Professional Therapy Never Includes Sex."

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

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

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Thursday, May 19, 2016, at 10:00 a.m.
Board of Psychology Meeting
Sheraton Universal Hotel
333 Universal Hollywood Drive
Los Angeles, CA 91608

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on May 16, 2016, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 2930 of the Business and Professions Code, and to implement, interpret or make specific sections 12.5, 27, 136, 2914 and 2948 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

The Board proposes to amend Sections 1387 and 1387.1 of Title 16 of the California Code of Regulations. Currently these regulations require psychological assistants in a private practice setting to have a plan for supervision pre-approved by the Board before supervision begins, and requires the supervisor to submit to the Board the verification of experience and supervision agreement forms.

The Board proposes to amend these regulations to provide specific criteria for the submission of verification of experience and supervision agreement forms. Currently, these forms must be maintained by the primary supervisor and submitted directly to the Board of Psychology (Board). The problem is that the primary supervisors are submitting these forms prior to the trainees submitting their applications for licensure. The Board has developed an extensive backlog of these documents. Oftentimes, the Board receives these forms when applications for licensure are never submitted by the trainees. The Board is maintaining these forms indefinitely, as the Board is unable to

determine when or if an application will be submitted. Presently, the task of locating forms already received when an application is submitted can take a significant amount of time due to the volume of forms the Board has on file. Accordingly, the first change is to require that the supervision agreements be submitted to the Board only at the time of application for registration.

The second change is to modify the language to no longer require a training plan be submitted and pre-approved by the Board when a psychological assistant is in a private practice setting. Currently, a plan for supervised professional experience (SPE) between the primary supervisor and psychological assistant must be submitted and approved by the Board prior to the commencement of the SPE. If a training plan is not pre-approved by the Board before the commencement of the SPE, any hours accrued by the psychological assistant are not accepted as qualifying SPE required for psychology licensure.

A. Objectives/Anticipated Benefits of Proposal

The objectives of this proposal will allow the primary supervisor to provide the supervisee with a completed verification of experience and supervision agreement form in a sealed envelope for the trainee to submit to the Board at the time of application, thus rectifying the issue of maintaining these forms in anticipation of the receipt of an application for licensure. Additionally, the discontinuation of the requirement that the supervision plan described in the supervision agreement form be pre-approved will allow the trainee to maintain the documents until the submission of an application for licensure, and unify the requirements for all supervised training locations, i.e. exempt settings, non-profit, and registration to an agency. This proposal furthers the goal of the Board which is the protection of the public in exercising its licensing, regulatory and disciplinary functions.

B. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 – 17630: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- None

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This is because the proposal relates solely to the method and timeframe for submission of documentation to the Board.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety and state's environment because it streamlines the application process, prevents qualifying experience from being denied due to a lack of a pre-approved plan, and because it reduces the amount of duplicative mailings per applicant. All documentation will be required to be submitted together at the time of application thus reducing the amount of paper waste affecting the State's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.psychology.ca.gov

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Jason Glasspiegel
Address:	1625 North Market Blvd., Suite N215 Sacramento, CA 95834
Telephone No.:	(916) 574-7137
Fax No.:	(916) 574-8672
E-Mail Address:	Jason.Glasspiegel@dca.ca.gov

The backup contact person is:

Name:	Jeffrey Thomas
Address:	1625 North Market Blvd., Suite N215 Sacramento, CA 95834
Telephone No.:	(916) 574-7116
Fax No.:	(916) 574-8672
E-Mail Address:	Jeffrey.Thomas@dca.ca.gov

Website Access:

Materials regarding this proposal can be found here under "Proposed Regulations":
http://www.psychology.ca.gov/laws_regs/index.shtml

Board of Psychology
Department of Consumer Affairs

INITIAL STATEMENT OF REASONS

HEARING DATE: May 19, 2016

Subject Matter of Proposed Regulations: Submission of Verification of Experience and Supervision Agreement Forms for Supervisees

(2) Section(s) Affected: Title 16, California Code of Regulations Sections 1387 and 1387.1

Specific Purpose of each adoption, amendment, or repeal:

The purpose of the proposed language is twofold. The first change is to provide specific criteria for the submission of verification of experience and supervision agreement forms and to enhance communication between the supervisor and supervisee.

The second change is to modify the language to no longer require a supervision plan be submitted and pre-approved by the Board of Psychology (Board) when a psychological assistant is in a private practice setting.

The problem to be addressed:

Existing regulations mandate that verification of experience and supervision agreement forms be submitted to the Board directly from the primary supervisor. Under current regulations, since the primary supervisors submit these forms prior to the supervisees submitting their applications for licensure as a psychologist, the Board has accumulated an extensive backlog of these documents. Oftentimes, the Board receives these forms when applications for licensure are never submitted by the supervisees. The Board is maintaining these forms indefinitely, as the Board is unable to determine when or if an application for licensure as a psychologist will be submitted. Presently, the task of locating forms already received when an application is submitted can take a significant amount of time due to the volume of forms the Board has on file.

The proposed regulation would require the primary supervisor to place the supervision agreement and the verification of experience forms in a sealed envelope, as specified, and provide the envelope to the supervisee to hold until the supervisee is ready to submit a licensure application to the Board. The sealed envelope would be submitted together with the licensure application, unless it has been submitted to the Board with an application for registration as a psychological assistant.

Existing regulations also mandate that a plan for supervised professional experience (SPE) between the primary supervisor and psychological assistant must be submitted and approved by the Board prior to the commencement of the SPE. If a training plan is not pre-approved by the Board before the commencement of the SPE, any hours accrued by the psychological assistant are not accepted as qualifying SPE required for Board licensure. Furthermore, current regulations do not specify that the supervisor must provide feedback to the supervisee.

The proposed regulation would no longer require the pre-approval of this supervision plan in order for SPE to count towards Board licensure. In addition, they mandate that the plan include how and when the supervisor will provide periodic feedback to the supervisee so that the supervisee gets the benefits of the supervisor's assessment as to how their training is going.

Anticipated Benefits:

This proposal will allow the primary supervisor to provide the supervisee with completed verification of experience and supervision agreement forms in a sealed envelope for the trainee to submit to the Board at the time of application, thus rectifying the issue of the Board maintaining large amounts of these forms in anticipation of an application for licensure, and no longer requiring Board staff to delay the review of an application while a search is completed for previously submitted forms and will also enhance communication due to the agreed periodic feedback and assessment between the supervisor and supervisee.

Additionally, the discontinuation of the requirement that the supervision plan described in the supervision agreement form be pre-approved will allow the supervisee to maintain the documents until the submission of an application for licensure, and unify the requirements for all supervised training locations, i.e., exempt settings, non-profit, and registration to an agency.

Factual Basis Rationale

Board staff receives large amounts of these documents that must be stored indefinitely with no way to verify whether or not an application for licensure will be received. This creates additional work trying to identify which forms can be matched with a current licensing application, and which forms need to be stored for potential future use.

Also, Board staff has been required to deny hours of SPE for psychological assistants in private practice settings for failure to have a plan pre-approved by the Board at the commencement of experience. This is inconsistent with other training environments that psychological assistants work in to gain hours.

Changes in § 1387 subsection (b)(10) are to reflect changes in subsection (b)(11) that will remove the requirement that the supervision agreement form be preapproved if the psychological assistant is working in a private practice setting. Another change in subsection (b)(10) is to require that the supervision agreement form contain a provision on how and when the supervisor will provide periodic feedback to the trainee.

Changes in § 1387 subsection (b)(11) are to remove the requirement for a preapproved plan for psychological assistants in a private practice setting, and is providing new language to allow for the submission of the verification of experience and supervision agreement forms to the trainee in a sealed envelope to be submitted with the application for licensure as a psychologist.

Changes in section § 1387.1 adds language to the responsibilities of the primary supervisor requiring that they discuss with the trainee how and when periodic assessments will be provided. This change is consistent with the proposed change made to § 1387 (b)(10).

Underlying Data

Board meeting minutes from May 15-16, 2014.

Business Impact

This regulation will not have a significant economic impact on businesses. This initial determination is based upon the fact that changes to the submission of the two forms, and the plan preapproval requirement, has no economic business impact.

Economic Impact Assessment

This regulatory proposal will have the following affects:

- It will not create or eliminate jobs within the State of California because the proposed regulatory changes do not eliminate the submission and review of documentation submitted to the Board, it only changes the method and timeframe of submission.
- It will not create new business or eliminate existing businesses within the State of California because the proposal relates mainly to the method and timeframe for submission of documentation to the Board.
- It will not affect the expansion of businesses currently doing business within the State of California because the proposal relates mainly to the method and timeframe for submission of documentation to the Board.
- This regulatory proposal benefits the health and welfare of California residents, because it streamlines the application process, and prevents qualifying experience from being denied due to a lack of pre-approved plan.

- This regulatory proposal does not affect worker safety because the proposal relates mainly to the method and timeframe for submission of documentation to the Board.
- This regulatory proposal benefits the state's environment because it reduces the amount of duplicative mailings per applicant. All documentation will be required to be submitted together at the time of application thus reducing the amount of paper waste affecting the state's environment.

Specific Technologies or Equipment

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

Consideration of Alternatives

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

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

- Not adopt the amendments. This alternative was rejected because this regulatory proposal will provide a streamlined process for applicants to submit documentation to the Board and unify the acceptable methods for the accrual of SPE.