


MEMORANDUM

DATE	October 31, 2017
TO	Board of Psychology
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #22(b) Regulation Update and Review – Continuing Professional Development

b) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development

This regulatory package is pending completion of required documents which will allow it to begin the **Initial review stage**.

Attached are all sections of Title 16 of the California Code of Regulations relating to the Continuing Professional Development regulations. Staff attended a training on regulations where the CPD package was reviewed in preparation to submit to DCA. During the review staff modified the language.

Action Requested:

Review draft regulatory language (specific changes are highlighted in yellow) and move to accept the language as written with delegated authority to the Executive Officer to proceed with the rulemaking file.

Attachment A: Draft Continuing Professional Development Regulations

§ 1397.60. Definitions. [Effective ~~January 1, 2013~~ until December 31, 2020.]

This section shall ~~be applicable~~ apply to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013, ~~and becomes~~ repealed on January 1, 2021.

As used in this article:

(a) "Conference" means a course consisting of multiple concurrent or sequential free-standing presentations. Acceptable presentations must meet the requirements of section 1397.61(c).

(b) "Continuing education" (CE) means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, seminars, workshops, grand rounds, in-service training programs, video conferencing, and independent learning technologies.

(c) "Course" or "presentation" means an approved systematic learning experience of at least one hour in length. One hour shall consist of 60 minutes of actual instruction. Courses or presentations less than one hour in duration shall not be acceptable.

(d) "Grand rounds" or "in-service training program" means a course consisting of sequential, free-standing presentations designed to meet the internal educational needs of the staff or members of an organization and is not marketed, advertised or promoted to professionals outside of the organization. Acceptable presentations must meet the requirements of section 1397.61(c).

(e) "Independent learning" means the variety of forms of organized and directed learning experiences that occur when the instructor and the student are not in direct visual or auditory contact. These include, but are not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondence and home study. Self-initiated, independent study programs that do not meet the requirements of section 1397.61(c) are not acceptable for continuing education. Except for qualified individuals with a disability who apply to and are approved by the Board pursuant to section 1397.62(c), independent learning can be used to meet no more than 75% (27 hours) of the continuing education required in each renewal cycle. Independent learning courses must meet the requirements of section 1397.61(c).

(f) "Provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered, whose courses are accepted for credit pursuant to section 1397.61(c)(1).

Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 29 and 2915, Business and Professions Code.

§ 1397.60. Definitions. [Effective January 1, 2021.]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

Continuing Professional Development (CPD) means required learning activities approved for the purpose of license renewal. CPD shall be met in the following four categories: Professional Activities; Academic; Sponsored Continuing Education; and Board Certification.

(a) Acceptable CPD learning activities under “Professional Activities” include:

(1) “Peer Consultation”

(A) “Peer Consultation” means structured and organized interaction, in person or electronically mediated, with professional colleagues designed to broaden professional knowledge and expertise, reduce professional isolation and directly inform the work of the psychologist. CPD pursuant to this section may only be obtained through individual or group case consultation, reading groups, or research groups. These activities must be focused on maintaining, developing, or increasing conceptual and applied competencies that are relevant to psychological practice, education, or science.

(B) “Peer Consultation” does not include “Supervision” as defined in section (b)(3).

(2) “Practice Outcome Monitoring” (POM)

“Practice Outcome Monitoring” (POM) means the application of outcome assessment protocols with clients/patients, in order to monitor one’s own practice process and outcomes, with the goal of assessing effectiveness. All outcome measures must be sensitive to cultural and diversity issues.

(3) “Professional Services”

“Professional Services” means ongoing participation in services related to the field of psychology, or other related disciplines, including but not limited to, serving on psychological association boards or committees, editorial boards of peer reviewed journals related to psychology or other related disciplines, scientific grant review teams, boards of regulatory bodies, program development and/or evaluation activities separate and apart from a fee for service arrangement. ~~This role supports the public service work of the profession, and reduces professional isolation.~~

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(4) “Conference/Convention Attendance”

“Conference/Convention Attendance” means attending a professional gathering that consists of multiple concurrent or sequential free-standing presentations related to the practice of psychology, or that can may be applied to psychological practice, where the licensee interacts with professional colleagues and participates in the social, interpersonal, professional, and scientific activities that are part of the environment of those gatherings. CPD credit can may be accrued for “Conference/Convention Attendance” in addition to separate from credit earned for completing sponsored CE coursework or sessions at the same conference/convention.

(5) “Examination Functions”

“Examination Functions” means serving in any examination development-related function for the Board or for the development of the EPPP.

(6) “Expert Review/Consultation”

“Expert Review/Consultation” means serving in any expert capacity for the Board.

(7) “Attendance at a California Board of Psychology Meeting”

“Attendance at a California Board of Psychology Meeting” means physical attendance at a full day Board meeting or physical attendance at a separately noticed Committee meeting of the Board. This activity is designed to promote knowledge of current issues before the Board and encourages public participation in the regulatory process.

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(b) Acceptable CPD learning activities under “Academic” include:

(1) “Academic Coursework”

“Academic Coursework” means completing and earning academic credit for a graduate-level course related to psychology from an institution whose degree meets the requirements of section 2914 of the Code.

(2) “Academic/Sponsor-Approved Continuing Education (CE) Instruction”

(A) “Academic Instruction” means teaching a graduate-level course that is part of a degree program that meets the requirements of section 2914(c) of the Code.

(B) “Sponsor-Approved CE Instruction” means teaching a sponsored CE course that relates to the practice of psychology as defined in 1397.60(c).

(3) “Supervision”

“Supervision” means overseeing the professional experience of a trainee who is accruing hours toward licensure as a Psychologist.

Marriage and Family Therapist, Licensed Clinical Social Worker, Licensed Professional Clinical Counselor, Licensed Educational Psychologist, or Physician and Surgeon.

(4) "Publications"

"Publications" means authoring or co-authoring peer-reviewed journal articles, book chapters, book(s), or editing or co-editing a book, related to psychology or related discipline.

(5) "Self-Directed Learning"

"Self-Directed Learning" means independent educational activities focused on maintaining, developing, or increasing conceptual and applied competencies that are relevant to psychological practice, education, or science, such as reading peer-review journal articles or books, watching videos or webcasts, or listening to podcasts.

(c) Acceptable CPD learning activities under "Sponsored Continuing Education" means Sponsor-Approved Continuing Education, which includes any approved structured, sequenced learning activity, whether conducted in-person or online. "Course" or "presentation" means a sponsor-approved systematic learning experience. "Provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the CE program offered, and whose courses are accepted for credit pursuant to section 1397.61(k).

(d) Acceptable CPD learning activities under "Board Certification" are defined as earning a specialty certification from the American Board of Professional Psychology (ABPP) in one of the following categories:

- (1) ABPP Board Certification
- (2) "Senior Option" ABPP Board Certification

Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 29 and 2915, Business and Professions Code.

§ 1397.61. Continuing Education Requirements. [Effective January 1, 2013 until December 31, 2020.]

This section shall ~~be applicable~~ apply to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013, ~~and becomesis repealed on~~ January 1, 2021.

(a) Except as provided in section 2915(e) of the Business and Professions Code and section 1397.62 of these regulations, each licensed psychologist shall certify on the application for license renewal that he or she has completed the continuing education requirements set forth in section 2915 of the Code. A licensee who renews his or her license for the first time after the initial issuance

of the license is only required to accrue continuing education for the number of months that the license was in effect, including the month the license was issued, at the rate of 1.5 hours of approved continuing education per month. Continuing education earned via independent learning pursuant to section 1397.60(e) shall be accrued at no more than 75% of the continuing education required for the first time renewal. The required hours of continuing education may not be accrued prior to the effective date of the initial issuance of the license. A licensee who falsifies or makes a material misrepresentation of fact on a renewal application or who cannot verify completion of continuing education by producing verification of attendance certificates, whenever requested to do so by the Board, is subject to disciplinary action under section 2960 of the Code.

(b) Any person renewing or reactivating his or her license shall certify under penalty of perjury to the Board of Psychology as requested on the application for license renewal, that he or she has obtained training in the subject of laws and ethics as they apply to the practice of psychology in California. The training shall include recent changes/updates on the laws and regulations related to the practice of psychology; recent changes/updates in the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association; accepted standards of practice; and other applications of laws and ethics as they affect the licensee's ability to practice psychology with safety to the public. Training pursuant to this section may be obtained in one or more of the following ways:

- (1) Formal coursework in laws and ethics taken from an accredited educational institution;
- (2) Approved continuing education course in laws and ethics;
- (3) Workshops in laws and ethics;
- (4) Other experience which provide direction and education in laws and ethics including, but not limited to, grand rounds or professional association presentation.

If the licensee chooses to apply a specific continuing education course on the topic of laws and ethics to meet the foregoing requirement, such a course must meet the content requirements named above, must comply with section 1397.60(c), and may be applied to the 36 hours of approved continuing education required in Business and Professions Code section 2915(a).

(c) The Board recognizes and accepts for continuing education credit courses pursuant to this section. A licensee will earn one hour continuing education credit for each hour of approved instruction.

- (1) Continuing education courses shall be:
 - (A) provided by American Psychological Association (APA), or its approved sponsors;
 - (B) Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association (CMA) or the

Accreditation Council for Continuing Medical Education (ACCME);
or
(C) provided by the California Psychological Association, or its approved sponsors.
(D) approved by an accrediting agency for continuing education courses taken prior to January 1, 2013, pursuant to this section as it existed prior to January 1, 2013.

(2) Topics and subject matter for all continuing education shall be pertinent to the practice of psychology. Course or learning material must have a relevance or direct application to a consumer of psychological services.

(3) No course may be taken and claimed more than once during a renewal period, nor during any twelve (12) month period, for continuing education credit.

(4) An instructor may claim the course for his/her own credit only one time that he/she teaches the acceptable course during a renewal cycle, or during any twelve (12) month period, receiving the same credit hours as the participant.

(d) Examination Functions. A licensee who serves the Board as a selected participant in any examination development related function will receive one hour of continuing education credit for each hour served. Selected Board experts will receive one hour of continuing education credit for each hour attending Board sponsored Expert Training Seminars. A licensee who receives approved continuing education credit as set forth in this paragraph shall maintain a record of hours served for submission to the Board pursuant to section 1397.61(e).

(e) A licensee shall maintain documentation of completion of continuing education requirements for four (4) years following the renewal period, and shall submit verification of completion to the Board upon request. Documentation shall contain the minimum information for review by the Board: name of provider and evidence that provider meets the requirements of section 1397.61(c)(1); topic and subject matter; number of hours or units; and a syllabus or course description. The Board shall make the final determination as to whether the continuing education submitted for credit meets the requirements of this article.

(f) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.

Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.

§ 1397.61. Continuing Professional Development Requirements. [Effective January 1, 2021.]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

(a) Except as provided in section 2915(e) of the Business and Professions Code and section 1397.62 of these regulations, a psychologist shall certify under penalty of perjury to the Board on the application for license renewal that he or she has completed the CPD requirements set forth in this Article and section 2915 of the Code. Falsifying or making a material misrepresentation of fact on a renewal application, or failing to provide documentation verifying the hours compliance whenever requested to do so by the Board, shall be considered unprofessional conduct and subject the licensee to disciplinary action and render his or her license ineligible for renewal.

(b) A psychologist renewing or reactivating his or her license shall certify under penalty of perjury on the application for license renewal or reactivation that he or she has engaged in a minimum of four (4) hours of training in the subject of laws and ethics, for each renewal period, as they apply to the practice of psychology in California for each renewal period. This includes recent changes or updates on the laws and regulations related to the practice of psychology; recent changes or updates in the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association; accepted standards of practice; and other applications of laws and ethics as they affect the licensee's ability to practice psychology safely. This requirement ~~can~~ shall be met using any combination of the four (4) CPD categories and the licensee shall indicate on his or her documentation which of the CPD activities are being used to fulfill this requirement. The four (4) hours shall be considered part of the 36 hour CPD requirement.

(c) A psychologist renewing or reactivating his or her license shall certify under penalty of perjury on the application for license renewal or reactivation that he or she has engaged in a minimum of four (4) hours of training for each renewal period, pertinent to Cultural Diversity and/or Social Justice Issues as they apply to the practice of psychology in California for each renewal period. Cultural Diversity pertains to differences in age, race, culture, ethnicity, nationality, immigration status, gender, gender identity, sexual orientation, socioeconomic status, religion/spirituality, and physical ability. Social Justice pertains to the historical, social and political inequities in the treatment of people from non-dominant groups, while addressing the various injustices and different types of oppression that contribute to individual, family and community psychological concerns. This requirement ~~can~~ shall be met using any combination of the four (4) CPD categories and the licensee shall indicate on his or her documentation which of the CPD activities are being used to fulfill this requirement. The four (4) hours shall be considered part of the 36 hour CPD requirement.

(d) Topics and subject matter for all CPD activities shall be pertinent to the practice of psychology.

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(e) The Board recognizes and accepts CPD hours that meet the description of the activities set forth in section 1397.60. With the exception of 100% ABPP Board Certification, a licensee shall accrue hours during each renewal period from at least two (2) of the four (4) CPD activity categories: Professional Activities; Academic; Sponsored Continuing Education; and Board Certification. Unless otherwise specified, for any activity for which the licensee wishes to claim credit, no less than one (1) hour credit ~~can~~may be claimed and no more than the maximum number of allowable hours, as set forth in subsection (f), ~~can~~may be claimed for each renewal period.

(f) Acceptable CPD learning activities under "Professional Activities" include:

(1) "Peer Consultation"

(A) A maximum of 18 hours ~~can~~shall be credited in "Peer Consultation".

(B) One (1) hour of activity in "Peer Consultation" equals one (1) hour of credit.

(C) The licensee shall maintain a record of this activity. This record shall include: date(s), type of activity, and total number of hours.

(2) "Practice Outcome Monitoring" (POM)

(A) A maximum of nine (9) hours ~~can~~shall be credited in "POM".

(B) "POM" for one (1) patient/client equals one (1) hour credited.

(C) The licensee shall maintain a record of this activity. This record shall include: date(s) of monitoring, client identifier, and how outcomes were measured.

(3) "Professional Service"

(A) A minimum of 4.5 hours and a maximum of 12 hours ~~can~~shall be credited in "Professional Service".

(B) One (1) year of "Professional Service" for a particular activity equals nine (9) hours credited and six (6) months equals 4.5 hours credited.

(C) The licensee shall maintain a record of this activity. This record shall include: board or program name, role of licensee, dates of service, and term of service (six months or one year).

(4) "Conference/Convention Attendance"

(A) A maximum of six (6) hours ~~can~~shall be credited in "Conference/Convention Attendance".

(B) One (1) full conference/convention day attendance equals one (1) hour credited.

(C) The licensee shall maintain a record of this activity. This record shall include: name of conference/convention attended, proof of registration, and date(s) of conference/convention attended.

(5) "Examination Functions"

(A) A maximum of 12 hours ~~can~~ shall be credited in "Examination Functions".

(B) One (1) hour of service equals one (1) hour of credit.

(C) The licensee shall maintain a record of this activity. This record shall include: name of exam, dates of service, and number of hours.

(6) "Expert Review/Consultation"

(A) A maximum of 12 hours ~~can~~ shall be credited in "Expert Review/Consultation".

(B) One (1) hour of service in an expert capacity equals one (1) hour of credit.

(C) The licensee shall maintain a record of this activity. This record shall include: dates of service and number of hours.

(7) "Attendance at a California Board of Psychology Meeting"

(A) A maximum of eight (8) hours ~~can~~ shall be credited in "Attendance at a California Board of Psychology Meeting".

(B) Attendance for one (1) day Board or Committee meeting equals six (6) hours of credit. For Board or Committee meetings that are three (3) hours or less, one (1) hour of attendance equals one (1) hour of credit.

(C) The licensee shall maintain a record of hours. This record shall include: date of meeting, name of meeting, and number of hours attended. A psychologist requesting CPD credit pursuant to this subdivision ~~must sign~~ shall have signed in and out on an attendance sheet ~~at the Board or Committee meeting that requires the individual to provide~~ providing his or her first and last name, license number, time of arrival and time of departure from the meeting.

(g) Acceptable CPD learning activities under "Academic" include:

(1) "Academic Coursework"

(A) A maximum of 18 hours ~~can~~ shall be credited in "Academic Coursework".

(B) Each course taken counts only once for each renewal period and may only be submitted for credit once the course is completed.

(C) Each one (1) semester unit earned equals six (6) hours of credit and each one (1) quarter unit earned equals 4.5 hours of credit.

(D) The licensee shall maintain a record of this activity. This record shall include a transcript with evidence of a passing grade (C or higher or "pass").

(2) "Academic/Sponsor-Approved CE Instruction"

(A) "Academic Instruction"

(i) A maximum of 18 hours **can** shall be credited in “Academic Instruction”.

(ii) Each course taught counts only once for each renewal period and may only be submitted for credit once the course is completed.

(iii) A term-long (quarter or semester) academic course equals 18 hours of credit.

(iv) The licensee shall maintain a record of this activity. This record shall include: course syllabus, title of course, name of institution, and dates of instruction.

(B) “Sponsored CE Instruction”

(i) A maximum of 18 hours **can** shall be used in “Sponsored CE Instruction”.

(ii) Each course taught counts only once for each renewal period and may only be submitted for credit once the course is completed.

(iii) One (1) hour of instruction equals 1.5 hours of credit.

(iv) The licensee shall maintain a record of this activity. This record shall include: course syllabus, title of course, dates of instruction, name of sponsoring entity, and number of hours taught.

(3) “Supervision”

(A) A maximum of 18 hours **can** shall be credited in “Supervision”.

(B) One (1) hour of supervision equals one (1) hour of credit.

(C) The licensee shall maintain a record of this activity. This record shall include: dates of supervision and a trainee identifier.

(4) “Publications”

(A) A maximum of nine (9) hours **can** shall be credited in “Publications”.

(B) One (1) publication equals nine (9) hours of credit.

(C) A publication may only be counted once.

(D) The licensee shall maintain a record of this activity. This record shall include: either a letter of acceptance for publication, or proof of publication with publication date in the renewal period for which it is being submitted.

(5) “Self-Directed Learning”

(A) A maximum of six (6) hours **can** shall be credited in “Self-Directed Learning”.

(B) One (1) hour of activity in “Self-Directed Learning” equals one (1) hour of credit.

(C) The licensee shall maintain a record of this activity. This record shall include: date(s), medium (e.g. webinar), topic or title, and total number of hours.

(h) Acceptable “Sponsored Continuing Education” includes:

- (1) A maximum of 27 hours ~~can~~ shall be credited in “Sponsored Continuing Education”.
- (2) Credit may be granted only once during a renewal cycle for each course taken.
- (3) One (1) hour of sponsored continuing education equals one (1) hour of credit.
- (4) The licensee shall maintain proof of attendance provided by the sponsor of the continuing education.

(i) Acceptable CPD learning activities under “Board Certification” include:

(1) ABPP Board Certification

- (A) ABPP Board Certification ~~can~~ may count for 100% (36 hours) of required CPD in the renewal cycle in which the certification is awarded.
- (B) The licensee shall maintain proof of specialty certification.

(2) “Senior Option” ABPP Board Certification

- (A) “Senior Option” ABPP Board Certification ~~can~~ may count for 50% (18 hours) of required CPD in the renewal cycle in which the certification is awarded.
- (B) The licensee shall maintain proof of specialty certification.

(j) To satisfy the requirements of section 2915 of the Code, ~~an~~ organizations seeking the authority to approve ~~a~~ providers of continuing education shall meet the following requirements. ~~An o~~ Organizations authorized pursuant to this section may also provide continuing education. ~~An O~~ organizations previously approved by the Board to approve providers of CE are deemed authorized under this section.

(1) The approving organization must:

- (A) have a 10-year history of providing educational programming for psychologists.
- (B) have documented procedures for maintaining a continuing education approval program, including, but not limited to:
 - (i) maintaining and managing records and data related to approved CE programs, and
 - (ii) monitoring and approving CE providers and courses
- (C) have policies in place to avoid a conflict of interest between ~~any~~its provider and approval functions,
- (D) evaluate each CE provider seeking approval, including itself, according to current evidence as to what constitutes an appropriate program in terms of content and level of presentation, as set out in subsection (k)(2).
- (E) conduct periodic reviews of courses offered by providers approved by the organization, as well as its own courses, to determine

compliance with the organization's requirements and the requirements of the Board,

(F) establish a procedure for determining if an approved provider meets regulatory criteria as established in subsection (k), and

(G) have a process to respond to complaints from the Board, providers, or from licensees concerning activities of any of its approved providers or their courses.

(2) The approving organization shall ensure that approved providers:

(A) offer content at post-licensure level in psychology that is designed to maintain, develop, broaden and/or increase professional competencies,

(B) demonstrate that the information and programs presented are intended to maintain, develop, and increase conceptual and applied competencies that are relevant to psychological practice, education, or science, and have a direct consumer application in at least one of the following ways:

(i) programs include content related to well-established psychological principles,

(ii) programs are based on content that extends current theory, methods or research, or informs current practice,

(iii) programs provide information related to ethical, legal, statutory, or regulatory guidelines and standards that impact the practice of psychology, and/or

(iv) program's whose content focuses on non-traditional or emerging practice or theory and can demonstrate relevance to practice.

(C) Use a formal (written) evaluation tool to assess program effectiveness (what was learned) and assess how well each of the educational goals was achieved (this is separate from assessing attendee satisfaction with the CE program),

(D) Use results of the evaluation process to improve and plan future programs,

(E) Provide CE credit on the basis of one hour of credit will be earned for each hour of approved instruction,

(F) Provide attendance verification to CE attendees that includes the name of the licensee, the name of the course, the date of the course, the number of credit hours earned, and the approving agency,

(G) Provide services to all licensees without discrimination, and

(H) Ensure that advertisements for CE courses include language that accurately reflects the approval status of the provider.

(3) Failure of the approving organization to meet the provisions of this section shall constitute cause for revocation of authorization by the Board. Authorization ~~can~~ shall be revoked only by a formal Board action, after notice and hearing, and for good cause.

(k) Each person who applies to renew or reinstate his or her license issued pursuant to this chapter shall certify under penalty of perjury that he or she is in compliance with this section and shall maintain proof of this compliance for four (4) years from the date of the renewal for which it has been submitted, and shall submit such proof to the Board upon request.

(l) No CPD activity may be claimed for credit more than once during a renewal period.

(m) No activity may be claimed for credit in more than one CPD category.

(n) For a license that renews or is reactivated between January 1, 2021, and December 31, 2021, the hours accrued will qualify for renewal if they meet either the requirements of this section as it existed prior to January 1, 2021 or as it exists after January 1, 2021.

Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.

§ 1397.62. Continuing Education Exemptions and Exceptions. [Effective January 1, 2013 until December 31, 2020.]

This section shall be applicable to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013, and ~~becomes inoperative repealed on December 31, 2017~~ January 1, 2021.

At the time of making application for renewal of a license, a psychologist may as provided in this section request an exemption or an exception from all or part of the continuing education requirements.

(a) The Board shall grant an exemption only if the psychologist verifies in writing that, during the two year period immediately prior to the expiration date of the license, he or she:

(1) Has been engaged in active military service reasonably preventing completion of the continuing education requirements, except that a licensee granted an exemption pursuant to this section shall still be required to fulfill the laws and ethics requirement set forth in section 1397.61(b); or

(2) Has been prevented from completing the continuing education requirements for reasons of health or other good cause which includes:
(A) Total physical and/or mental disability of the psychologist for at least one year; or

(B) Total physical and/or mental disability of an immediate family member for at least one year where the psychologist has total responsibility for the care of that family member.

Verification of a physical disability under subsection (a)(2) shall be by a licensed physician and surgeon or, in the case of a mental disability, by a licensed psychologist or a board certified or board eligible psychiatrist.

(b) An exception to the requirements of Business and Professions Code section 2915(d) may be granted to licensed psychologists who are not engaged in the direct delivery of mental health services for whom there is an absence of available continuing education courses relevant to their specific area of practice.

(1) An exception granted pursuant to this subsection means that the Board will accept continuing education courses that are not acceptable pursuant to section 1397.61(c) provided that they are directly related to the licensee's specific area of practice and offered by recognized professional organizations. The Board will review the licensee's area of practice, the subject matter of the course, and the provider on a case-by-case basis. This exception does not mean the licensee is exempt from completing the continuing education required by Business and Professions Code section 2915 and this article. (2) Licensees seeking this exception shall provide all necessary information to enable the Board to determine the lack of available approved continuing education and the relevance of each course to the continuing competence of the licensee.

Such a request shall be submitted in writing and must include a clear statement as to the relevance of the course to the practice of psychology and the following information:

(A) Information describing, in detail, the depth and breadth of the content covered (e.g., a course syllabus and the goals and objectives of the course), particularly as it relates to the practice of psychology.

(B) Information that shows the course instructor's qualifications to teach the content being taught (e.g., his or her education, training, experience, scope of practice, licenses held and length of experience and expertise in the relevant subject matter), particularly as it relates to the practice of psychology.

(C) Information that shows the course provider's qualifications to offer the type of course being offered (e.g., the provider's background, history, experience and similar courses previously offered by the provider), particularly as it relates to the practice of psychology.

(3) This subsection does not apply to licensees engaged in the direct delivery of mental health services.

(c) Psychologists requiring reasonable accommodation according to the Americans with Disabilities Act may be granted an exemption from the on-site participation requirement and may substitute all or part of their continuing education requirement with an American Psychological Association or accreditation agency approved independent learning continuing education program. A qualified individual with a disability must apply to the Board to receive this exemption.

(d) Any licensee who submits a request for an exemption or exception that is denied by the Board shall complete any continuing education requirements within 120 days of the notification that the request was denied.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Section 2915, Business and Professions Code.

§ 1397.62. Continuing Education Exemptions. [Effective January 1, 2021]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

(a) To be granted an exemption from all or part of the CPD requirements a licensee must verify certify in writing that he or she has met the requirement of section 114.3 of the Code that during the two year period immediately preceding the expiration of the license, he or she was on active military duty. The request for exemption must be submitted no less than thirty (30) days prior to the submission of an application for the renewal of the license. For the first renewal after discharge from active military service, he or she shall be exempt from the CPD renewal requirements, except that he or she must accrue, as a condition of renewal, 1.5 hours per month (or portion of month) remaining in the renewal cycle post-discharge, calculated 60 days after discharge date. The licensee shall, at a minimum, fulfill the Laws and Ethics requirement set out in section 1397.61(b), and the Cultural Diversity/Social Justice requirement set out in section 1397.61(c).

(b) Any licensee who submits a request for an exemption that is denied, in whole or in part, by the Board shall complete any CPD requirements within 120 days of the notification that the request was denied.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Section 2915, Business and Professions Code.

§ 1397.67. Renewal After Inactive or ~~Delinquent~~ Expired Status. [Effective January 1, 2013 until December 31, 2020.]

This section shall ~~be applicable~~ apply to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013, ~~and becomes repealed on January 1, 2021.~~

(a) To activate a license which has been placed on inactive status pursuant to section 2988 of the Code, the licensee must submit evidence of completion of the requisite 36 hours of qualifying continuing education courses for the two-year period prior to establishing the license as active.

(b) For the renewal of a delinquent psychologist license within three years of the date of expiration, the applicant for renewal shall provide evidence of completion of 36 hours of qualifying continuing education courses for the two-year period prior to renewing the license.

After a license has been delinquent for three years, the license is automatically cancelled and the applicant must submit a complete licensing application, meet all current licensing requirements, and successfully pass the licensing examination just as for the initial licensing application unless the board grants a waiver of the examination pursuant to section 2946 of the Code.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Section 2915, 2984, and 2988, Business and Professions Code.

§ 1397.67. Continued Professional Development Requirements for Reactivation. [Effective January 1, 2021.]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

(a) To activate a license that has been placed on inactive status pursuant to section 2988 of the Code, the licensee must shall submit evidence of completion of the requisite 36 hours of qualifying CPD for the two-year period prior to establishing reactivating the license as active.

(b) For the renewal of an expired psychologist license within three years of the date of expiration, the applicant for renewal shall provide evidence of completion of 36 hours of qualifying CPD for the two-year period prior to renewing the license.

~~After a license has been expired for three years, the license is automatically cancelled and the applicant must submit a complete licensing application, meet all current licensing requirements, and successfully pass the licensing examination(s) just as for the initial licensing application unless the Board grants a waiver of the examination pursuant to section 2946 of the Code.~~

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Section 2915, 2984, and 2988, Business and Professions Code.

§ 1381.9. Renewal of Expired License; Reissuance of Cancelled License.

(a) In the event a licensee does not renew his or her license as provided in section 2982 of the Code, the license expires. In addition to any other requirements, a licensee renewing pursuant to section 2984 of the Code shall furnish a full set of fingerprints as required by and set out in section 1381.7(b) as a condition of renewal.

~~(b) After a license has been expired for three years, if it has not been revoked, the license is automatically cancelled and may not be renewed. The license may be obtained if the applicant. A person whose license has been cancelled pursuant to section 2984 of the Code for failure to renew for three years may obtain a new license if the person:~~

~~(1) submits a complete licensing application;~~

~~(2) meets all current licensing requirements;~~

~~(3) successfully passes the examination pursuant to section 1388.6;~~

~~(4) provides evidence of continuing education taken pursuant to section 1397.67(b),~~

~~and no fact, circumstance, or condition exists that would justify grounds for denial of licensure under Section 480.~~

NOTE: Authority cited: Sections 2930 and 2982, Business and Professions Code. Reference: Sections 118, 480, 2984 and 2986, Business and Professions Code; and Section 11105(b)(10), Penal Code.