California Board of PSYCHOLOGY

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***** The California Department of Consumer Affairs, Board of Psychology Newsletter *****

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President's Message

Michael Erickson, Ph.D., Board of Psychology

In 2015, the Board of Psychology (Board) has been actively involved in both following and proposing changes in a number of areas that are important to psychologists and consumers.

The Board's most recent Board meeting in Riverside, California, May 14–15, included agenda items pertaining to proposed licensure of providers of Applied Behavioral Analysis, discussion and consideration of proposed changes for Continuing Education/Continuing Professional Development, further consideration of adopting Uniform Standards Related to Substance Abuse and Disciplinary Guidelines, outreach activities, and recommendations and discussion regarding pending legislation. The meeting was televised, and the webcasts may be viewed online at:

May 14, 2015: **www.youtube.com/watch?v=2QPz7IokM-o&feature=youtu.be**

May 15, 2015: **www.youtube.com/watch?v=gMpRJKe6ufs&feature=youtu.be**

Regarding pending legislation, highlights include proposed changes that would remove "for a fee" as part of the definition for the practice of psychology, add "retired" as a license category, clarify when voluntary sexual acts between minors would not be mandated reporting, and clarify that individuals practicing psychology in exempt settings need to be under a licensed psychologist's supervision and accumulating hours toward licensure. The following is a brief summary of pending legislation in these areas.

1) Assembly Bill 1374 (Levine), if passed and signed into law, would change the definition of the practice of psychology to no longer include that a fee be charged for services rendered. Currently, the practice of psychology is defined as only occurring when a fee is charged for services. This means that volunteer, pro bono, or free services could fall outside the practice of psychology and not be included under a licensee's insurance coverage and may not fall under the jurisdiction of the Board. This not only discourages volunteer pro bono work by licensed psychologists but also does not allow the Board to carry out its primary function of consumer

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Important Notice to Psychological Assistants and Their Supervisors

On October 23, 2010, a change in the psychological assistant regulations became effective that limits the amount of time an individual can be registered as a psychological assistant. Specifically, section 1391.1 of the California Code of Regulations was amended to limit registration as a psychological assistant to a cumulative total of 72 months (six years). For any psychological assistant registered prior to October 23, 2010, the limitation begins the date of the psychological assistant's next registration or renewal after the effective date, whichever occurs first.

We are fast approaching six years from the implementation date of this limitation. As of October 23, 2016, this change will have been in effect for six years. This means that psychological assistants who became registered, or who renewed an existing registration, on or after October 23, 2010, and who have been continually registered since, will no longer be eligible to be registered as a psychological assistant and must cease practicing as a psychological assistant once they reach the six-year mark. Please note that the limitation is a cumulative total, not consecutive. Therefore, if a psychological assistant had a break between registrations, that period of time does not count toward the 72-month limitation.

This reminder is to ensure that psychological assistants and their supervisors are aware of this limitation and are prepared for the termination of the psychological assistant status and that they have a plan in place for the transition for both the psychological assistants and the clients whom they see.

Any questions regarding this limitation can be directed to the Board of Psychology's Licensing Unit by calling (916) 574-7720, extension 2, or by e-mailing bopmail@dca.ca.gov.

Your Address of Record and You

By Antonette Sorrick, Executive Officer, Board of Psychology

Each person holding a license or registration with the Board of Psychology (Board) is responsible for maintaining a proper and current mailing address with the Board. If you have a change of address, you are required to notify the Board within 30 days of the change.

It is extremely important to keep and maintain with the Board an address of record that is current for the following reasons:

- License renewal notices
- Important law changes that may impact you
- Notification for audit of continuing education

In addition to sending routine mailings such as renewal notices and continuing education notifications, if there is a complaint filed against you, the Board needs to have a reliable means of contacting you so that you can provide the Board important information. Also, please make sure and check the address of record. To verify your address of record, you can use our online license verification feature at **www.psychology.ca.gov/about_us/verify_license.shtml**. If you have a P.O. Box, you should check it regularly to ensure you don't miss any important deadlines.

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Educational Loan Repayment Opportunities for Mental Health Providers

By Tino Raya, Program Officer, Health Professions Education Foundation

The Health Professions Education Foundation (HPEF) is a 501(c)3 nonprofit foundation established in 1987 and is housed within the Office of Statewide Health Planning and Development. Supported by licensing fees, grants, special funds, and contributions, HPEF administers six scholarship and seven loan repayment programs targeting health professionals across the health care continuum. HPEF currently administers two loan repayment programs for eligible mental health providers: the Mental Health Loan Assumption Program (MHLAP) and the Licensed Mental Health Services Provider Education Program (LMHSPEP). Both programs aim to increase the number of mental health providers in California's underserved and unserved communities.

MHLAP is funded through the Mental Health Services Act (MHSA), passed by California voters in November 2004. A loan forgiveness program, MHLAP was developed to hire and retain qualified professionals working within the California Public Mental Health System (PMHS). Through the Workforce Education and Training component of MHSA, $10 million is allocated yearly to MHLAP. 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 PMHS. MHLAP is open to all licensed and nonlicensed mental health professionals, including psychologists who are practicing in the PMHS and are verified by a county mental health director as serving in a hard-to-fill or retain position.

LMHSPEP was established to increase the supply of mental health professionals practicing in mental health shortage areas and provide accessibility of mental health care in the rural and urban areas of California. The program is currently supported by licensure renewal fees that are collected from the Board of Behavioral Sciences and the Board of Psychology (Board) and deposited into the Mental Health Practitioner Education fund. An award recipient may receive up to $15,000 to repay educational loans in exchange for a two-year service obligation providing direct client care in qualified sites. This program is open to psychologists working in eligible sites.

The next application cycle for both MHLAP and LMHSPEP will open from August 3–September 30, 2015. The applications will be available 24 hours a day through HPEF's electronic application system, CalREACH, at **calreach.oshpd.ca.gov**.

HPEF staff plans to attend the Board meeting on August 13, 2015, to provide information and answer questions about its mental health programs and application process.

More information is available at **oshpd.ca.gov/HPEF**.

Your Address of Record and You (continued from page 2)

Finally, for purposes of staying abreast of law changes that are proposed or pending, we recommend you sign up for the Listserv. The Board does its best to communicate with its licensees, but we have to be able to e-mail you to keep the lines of communication fresh. For more information on joining the Listserv, go to **www.dca.ca.gov/webapps/psychboard/subscribe.php**.

To change your address of record, go to **www.psychology.ca.gov/licensees/change_address.shtml**.

Why Encourage Training in Clinical Psychopharmacology for California Psychologists?

By Alan Lincoln, Ph.D., Alliant International University, Program Director, Postdoctoral Program in Clinical Psychopharmacology; Chair, California Psychological Association Division of Clinical Psychopharmacology

For more than two decades there has been an implicit assumption related to scope of practice, based on guidelines in psychology licensing law, that licensed clinical psychologists must be knowledgeable about the biological bases of mental disorders, the medications used to treat mental disorders, and the responsibilities that both our medical colleagues and we assume when we cotreat patients. To ensure this competency, the Board of Psychology was given responsibility by the California Legislature (Business and Professions Code section 2914.3) to:

- Encourage institutions that offer a doctorate degree program in psychology to include in their biobehavioral curriculum, education and training in psychopharmacology and related topics including pharmacology and clinical pharmacology; and
- Develop guidelines for the basic education and training of psychologists whose practices include patients with medical conditions and patients with mental and emotional disorders, who may require psychopharmacological treatment and whose management may require collaboration with physicians and other licensed prescribers.

The wisdom of the licensing law language is particularly relevant to the pivotal role psychologists must now play for providing patient care in the context of a critical shortage of psychiatrists, particularly psychiatrists willing to see low-fee patients, patients with disabilities, patients in prisons, patients in rural communities, and patients who are minors or conserved. The overwhelming majority of individuals, both children and adults, are prescribed medications to treat psychological conditions by primary care or nonpsychiatric physicians who have very limited time to thoroughly interview patients or to follow them as frequently as is needed. Current licensing law for psychologists, while not allowing independent or collaborative prescriptive authority, is one of the most progressive in the United States because it includes within the scope of practice of psychology the critical responsibilities of helping to monitor patients who take psychotropic medications and providing advice and consultation to the prescribing professionals. Such monitoring and advice includes the following range of professional knowledge and responsibilities (Business and Professions Code section 2914.3):

- The necessary educational foundation for understanding the biochemical and physiological bases for mental disorders.
- Evaluation of the response to psychotropic compounds, including the effects and side effects.
- Competent basic practical and theoretical knowledge of neuroanatomy, neurochemistry, and neurophysiology relevant to research and clinical practice.
- Knowledge of the biological bases of psychopharmacology.
- The locus of action of psychoactive substances and mechanisms by which these substances affect brain function and other systems of the body.
- Knowledge of the psychopharmacology of classes of drugs commonly used to treat mental disorders.
- Drugs that are commonly abused that may or may not have therapeutic uses.
- Education of patients and significant support persons in the risks, benefits, and treatment alternatives to medication.
- Appropriate collaboration or consultation with physicians or other prescribers to include the

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Clinical Psychopharmacology for California Psychologists (continued from page 4)

assessment of the need for additional treatment that may include medication or other medical evaluation and treatment and the patient's mental capacity to consent to additional treatment to enhance both the physical and the mental status of the persons being treated.

- Knowledge of signs that warrant consideration for referral to a physician.

The study of the brain and brain physiology is a core foundational area within the science and practice of clinical psychology. Biological psychology, along with neurology and neuroscience, has developed our contemporary understanding of how the nervous system regulates mental states, mental abilities, and behaviors. Moreover, psychologists have made significant contributions toward understanding complex relationships among the body's response to stress, the role of the immune system, diet, and states of physical health and mental health. Psychologists, neurologists, and neuroscientists have described the fundamental science of the nervous system from the level of the neuron to complex psychological models of how brain systems regulate complex behavior associated with memory, cognition, and executive functions.

Graduate programs must understand the need to integrate this critical knowledge base into both the theoretical foundations and the scope of applied training.

It is also incumbent on us as psychologists to stay abreast of the rapid changes in this area. When we provide behavioral therapy, we are in many instances cotreating individuals with physicians or other prescribers who have prescribed medications. Even though our practice may be independent of the prescribing professional, we may have the most contact with the patient and know the most about current symptoms, stresses, life events, etc. To provide the best treatment, we should understand the targets of the psychotropic medication, the compliance with taking the medications, problems with breakthrough symptoms, side effects, new symptoms, and the biological bases or models of the disorder being treated, as well as how the drugs are believed to work for such conditions. We are responsible for both talking about medications with our patients and communicating our observations, concerns, and professional opinions with prescribers.

Initial training takes place in graduate education, which includes core courses in the biological bases of psychology, the biopsychosocial model, and psychopharmacology. As licensed psychologists, we are expected to maintain a lifelong pursuit of knowledge and we have various requirements for continuing education or more advanced postdoctoral education and training. Psychologists can inform themselves about advances in psychopharmacology through advanced continued education such as that offered by the American Psychological Association, the California Psychological Association, and other educational programs regularly offered through local county associations, universities, and hospitals. Licensed psychologists are also eligible to take advanced training in clinical psychopharmacology as part of receiving a postdoctoral Master of Science degree, or through regional certificate programs. The field of clinical psychopharmacology is constantly evolving with emerging neuroscience, and we must stay abreast of these changes. Many of our patients require psychopharmacological support in order to take advantage of the behavioral treatments we offer. Our knowledge in this area will benefit the consumers of mental health services and improve overall patient care.

Continuing Education in Psychopharmacology: Strengthening the Work Relationship Between Psychologists and Psychiatrists

By Jacquelin Everhart, Continuing Education and Renewals Coordinator, Board of Psychology

The Board of Psychology (Board) recognizes the importance of psychopharmacology as it relates to the practice of psychology. Psychiatry and psychology professionals often work together to provide consumers with the utmost care. The Board encourages licensed psychologists to take continuing education courses in the areas of geriatric pharmacology, psychopharmacology, and biological basis of behavior to reinforce the delivery of exceptional patient care.

Please keep in mind that in order for continuing education units to meet the Board's requirements, they will need to be approved by the American Psychological Association, the California Psychological Association, the California Medical Association, or the Accreditation Council for Continuing Medical Education, and be no less than one hour in duration.

The Board also encourages educational institutions offering doctorate degree programs to provide education and training in psychopharmacology, pharmacology, and clinical pharmacology. The inclusion of these topics can further support the future collaborations between psychologists and psychiatrists. It can also highlight the significance that the study of the use of medications in treating mental disorders has on the practice of psychology.

President's Message (continued from page 1)

protection by having jurisdiction over these services. This bill is sponsored and supported by the Board.

2) AB 750 (Low), if passed and signed into law, would allow the Board (as well as other boards, bureaus, commissions, or programs within the Department of Consumer Affairs) to establish by regulation a system for a retired category of license for persons not actively engaged in the practice of psychology. Under current regulation, for individuals who decide to retire, the Board has "inactive" status, which may hold negative connotations and not appropriately recognize or reflect the decades of service from the license holder. The Board Strategic Plan calls for the creation of "retired" status for licensed psychologists, and this bill will permit the Board to achieve this goal by the end of 2016 through regulation. This bill is supported by the Board.

3) AB 832 (Garcia) – Child Abuse: Reportable Conduct, if passed and signed into law, pertains to mandated reporting under the Child Abuse and Neglect Reporting Act. The bill specifies that voluntary sexual acts between minors are not considered acts of sexual assault that must be reported by a mandated reporter, unless it is between a person age 21 or older and a minor under age 16. The bill would revise the definition of "sexual assault" under Penal Code 11165.1 to not include voluntary conduct between minors where there are *no other signs of abuse*, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age. This bill is supported by the Board.

4) AB 705 (Eggman) is Board-sponsored and, if passed and signed into law, would require individuals performing psychological functions in

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Accreditation: Degree-Granting Institutions

By Joanne Wenzel, Chief, California Bureau for Private Postsecondary Education

Effective January 1, 2015, all approved institutions offering degree-granting programs are required to be institutionally accredited by an accrediting body recognized by the United States Department of Education (USDOE) by July 1, 2020. The accreditation must cover at least one degree-granting program.

In order to maintain an institutional approval to operate and to continue offering degree programs after July 1, 2015, a currently approved unaccredited degree-granting institution must provide the Bureau for Private Postsecondary Education (Bureau) with the following:

1) By July 1, 2015, either:
   a. Documentation that the institution is accredited, or
   b. An accreditation plan (as described in section 71105.5(b) of Title 5 of the California Code of Regulations) for achieving candidacy or pre-accreditation status (as defined in section 70000(s) of Title 5 of the California Code of Regulations) by July 1, 2017, and full accreditation by July 1, 2020.
2) By July 1, 2017, evidence of having achieved accreditation candidacy or pre-accreditation status.
3) By July 1, 2020, evidence of having achieved full institutional accreditation that includes at least one degree program.

Accreditation Plan Requirements

If an institution decides to submit an accreditation plan per California Education Code section 94885.1(b), the plan must be submitted to the Bureau by July 1, 2015, and include the following:

1) Identification of the accrediting agency from which the institution will seek accreditation, with the scope of the accreditation covering the offering of at least one degree program;
2) Identification of the accrediting agency's eligibility requirements;
3) Identification of the accrediting agency's minimum requirements for institutional accreditation and an outline of the process and timeline for the institution to achieve accreditation candidacy or pre-accreditation by July 1, 2017;
4) An outline of the process and timeline whereby the institution will achieve full accreditation by July 1, 2020, including all of the following, if applicable:
   a. Attendance at the accrediting agency's required accreditation applicant workshop;
   b. Submission of financial statements as required by the accrediting agency;
   c. Submission of a self-evaluation report; and
   d. Hosting of a site visit by the accrediting agency.

Regulations

Regulations have been adopted that cover, among other things, the requirements of the accreditation plan; required disclosures for prospective students that must be placed on the institutional website, catalog, any program brochure for degree programs and immediately adjacent to wherever an institution's degree-granting programs are described; and what happens when an institution is automatically suspended.

You are encouraged to read through the regulations, which are available on the Bureau's website at **www.bppe.ca.gov** in their entirety and seek clarification from the Bureau if necessary.

Consequences of Noncompliance

Failure to comply with these requirements will result in the automatic suspension of institutional approval to operate or the institution's approval to offer degree programs. The suspension will remain in place until the institution is in compliance. A suspended institution is not permitted to enroll new students in any of its degree programs and must submit a teach-out plan for all students enrolled in degree-granting programs.

For more information, visit **www.bppe.ca.gov**.

Online BreEZe Features

By Lavinia Snyder, BreEZe Coordinator, Board of Psychology

The Board of Psychology (Board) is pleased to introduce the Department of Consumer Affairs' (DCA's) BreEZe online services for individuals licensed or registered with DCA or one of its participating boards or bureaus.

- **Applicants for psychology licensure:** Applicants can now complete and submit a psychologist application electronically and pay the application fee using BreEZe. They will have the option to attach documents (except for transcripts, *Supervision Agreement* form, *Verification of Experience* form, and any conviction records) with their application.
- **Psychologists:** Aside from being able to renew a license online and update an address online, licensees can now request duplicate certificates or pocket licenses, or both, electronically. The fee to request duplicate certificates or pocket licenses is $5 each.
- **Registered psychological assistants:** Registrants now have the opportunity to renew their registrations and pay their renewal fees online using BreEZe. Registrants who use this feature must attach their Supplemental Annual Report before submitting their renewal to the Board. The *Supplemental Annual Report* form can be downloaded from the Board's website, **www.psychology.ca.gov/licensees/psb_annual_report.pdf.**

President's Message (continued from page 6)

exempt settings—certain academic institutions, public schools, and governmental agencies—be supervised by a licensed psychologist and become licensed within five years in order to continue providing mental health services. Currently, individuals practicing psychology in exempt settings do not have to be supervised by a licensed psychologist or working toward licensure while seeing clients. This bill will clarify that employees in exempt settings may provide direct health/mental health services and accumulate hours toward licensure, but only under a licensed psychologist's supervision.

The Board also has been working to document the extent of psychologist training in suicide prevention to be used in responding to the Governor's veto message of AB 2198 (Levine, 2014), which would have mandated a six-hour one-time continuing education requirement on the subject of suicide prevention, assessment, and training for licensees of the Board. The Governor asked "... licensing Boards to evaluate the issues which this bill raises, and take whatever actions are needed."

On behalf of the Board, we look forward to keeping you informed of developments in these areas and others pertaining to the practice of psychology, as part of the Board's mission to advance quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession.

How to Request a License Verification or Letter of Good Standing

By Chris Siepert, Administrative Technician, Board of Psychology

Licensees or registrants who apply for licensure or registration in another state are typically asked to include, along with their application, a license verification form, or, in some cases, a letter of good standing. Most states will have a form that they require to be completed for every jurisdiction in which the licensee or registrant presently holds a license.

To request a letter of good standing from the Board of Psychology (Board), please mail a letter that includes your name, license number, a statement requesting a letter of good standing, and a mailing address of where to send the completed letter, along with a $5 check made payable to the Board of Psychology.

License verifications and letters of good standing are processed in the order in which they are received, and there is no expedited process. Typically, a request takes two to three weeks to complete, so please keep that in mind if there is an urgent matter or a deadline on a job opportunity.

Some states will also request a copy of your licensing file, which includes your *Verification of Experience* forms and a copy of your application. If the state you are applying to requests these documents, along with a verification form, please include a letter to the Board that asks for a copy of your file be sent along with the state's verification form and your $5 check for the processing fee. If you are also requesting a letter of good standing, please be sure to explicitly request the letter of good standing be sent with a copy of your file. There is no additional fee to transfer your file.

If you are requested to provide license verification on a specific form, please send the form provided by the other state's licensing board, along with a check for $5 for the processing fee made out to the Board of Psychology. All requests must be mailed to:

Board of Psychology
1625 North Market Boulevard, Suite N-215
Sacramento, CA 95834

If you have any questions, please e-mail the Board at **bopmail@dca.ca.gov**.

Expert Witness/Reviewer Program

By Joana Castillo, Enforcement Technician, Board of Psychology

The California Board of Psychology's (Board's) Enforcement Unit accepts applications for the Expert Witness/Reviewer Program throughout the year. Applications are reviewed and added to the program as needed depending on the individual's primary areas of professional work and geographical area.

Board experts review case materials, prepare written opinions, and testify at administrative hearings as an expert witness. Board experts are paid $90 per hour for case review and preparation of the expert opinion report, and $110 per hour plus expenses if called to testify at an administrative hearing. Participation in the program is re-evaluated and approved every three years.

If you would like to participate in the program and be considered by the Board as an expert reviewer, you must meet the following requirements:

- Possess a current California psychology license in good standing with no complaint history within the last three years;
- Have forensic experience;

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Board of Psychology's Two-Year Campaign

By Miguel E. Gallardo, Psy.D., Chair, Outreach and Education Committee, Board of Psychcology

As part of the Board of Psychology's (Board's) efforts to enhance our outreach efforts and increase our proactive stance, while ensuring mental health services delivered by psychologists are accessible, we are embarking on a two-year campaign to increase access to mental health services throughout the State. Our campaign, Access to Mental Healthcare in the State of California, falls under the guidance of the Board's Outreach and Education Committee. The objective of our campaign is "To determine the barriers to access mental healthcare in California and to leverage partnerships to breakdown said barriers."

As a result, we have already established a partnership with the Health Professions Education Foundation, which will present information at our upcoming Board meeting in August on loan repayment programs for psychologists who work in underserved areas across the State. (See article on page 3.) One of our primary goals is to find ways to increase awareness of opportunities that exist for psychologists to receive student loan forgiveness and to choose work in areas throughout the State where there are very few or no psychologists working.

We are currently in the data gathering and exploratory phase of our campaign, and early data from across the State indicates that in some counties there are very few psychologists or none at all. In fact, in some counties where there are more psychologists, there is still a paucity of psychologists in comparison to the county's overall population. The broad range of access to meet the mental health needs of Californians is concerning. Of the total State's population of approximately 38,340,074, there are 74,527 mental health professionals across all disciplines, including psychologists, registered psychologists, psychological assistants, marriage family therapists, licensed clinical social workers, educational psychologists, licensed professional clinical counselors, and psychiatrists. Of this total, approximately 17,881 are licensed psychologists and registered psychologist and psychological assistants.

We believe these efforts are in line with the Board's overarching purpose, which is the protection of consumers, both who receive mental health services and consumers as psychologists. We remain hopeful that our campaign ultimately provides increased access to mental healthcare across the State. We welcome any ideas and collaborations in our efforts; please contact Antonette Sorrick at **Antonette.Sorrick@dca.ca.gov**. Stay tuned for continued information in the coming months.

Expert Witness/Reviewer Program (continued from page 9)

- Have an active practice (defined as at least 80 hours a month in direct patient care, clinical activity, or teaching, with at least 40 hours in direct patient care);
- Have five or more years of experience and expertise in specific areas of practice;
- Have no prior or current charges or disciplinary action regarding any healing arts license, registration, certificate, or credential to practice psychology or any other profession or occupation in any state in the United States, or foreign country;
- Have no criminal convictions, including any that were expunged or dismissed.

If you meet the requirements and are interested in becoming a Board expert, please complete an *Expert Reviewer Application* form, attach your current curriculum vitae, and provide a written statement to the Board explaining why you would like to participate in the program, and mail to:

Board of Psychology, Enforcement Unit
1625 North Market Boulevard, Suite N-215
Sacramento, CA 95834

An *Expert Reviewer Application* form can be found on our website at **www.psychology.ca.gov/licensees/expertrev.shtml**.

Legislative and Regulatory Update

By Jonathan Burke, Administrative Coordinator, Board of Psychology

The California Board of Psychology (Board) plays an active role in the legislative and regulatory process. Board staff monitors legislation that may impact the Board, its licensees, or the consumers of psychological services in California. If the impact is thought to be significant, an analysis is prepared by staff and presented to the full Board for the potential adoption of a formal position. This position is then communicated to the Legislature via letter, Committee Testimony, and meetings with the Legislator or his or her staff. This process gives the Board the ability to weigh in on proposed legislation that impacts the Board's licensees and consumers.

The Board also adopts, amends, and repeals regulations under the authority granted to it by statute, enacted by the Legislature. This public rulemaking process provides for the input of licensees, the public, and various stakeholder groups. Once the Board approves the proposed language, staff proceeds with the preparation of the necessary documents. This contains the rationale and impact of the regulation on licensees, consumers, and the California economy. Throughout the process, the public has the opportunity to request amendments and to comment on the proposed language. Once the final language has been approved and all comments have been addressed, the final Rulemaking File is submitted to the Department of Consumer Affairs (DCA); the Business, Consumer Services, and Housing Agency; the Department of Finance; and, finally, the Office of Administrative Law (OAL) for approval.

If you have any questions or concerns relating to the Board's advocacy, regulations, or positions outlined below, please contact Jonathan Burke at **jonathan.burke@dca.ca.gov**.

Board Sponsor and Support

Assembly Bill 705 (Eggman)
Psychologists: licensure exemption.
Summary: This bill would revise and recast those provisions, and specify that those persons are not restricted or prevented from conducting activities of a psychological nature or using the official title of their position if they do not offer to render psychological services, as specified. This bill would instead provide that the law does not restrict the practice of psychology on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, and would delete the prohibition on providing direct health or mental health services. The bill would additionally require an employee of an accredited or approved academic institution, public school, or governmental agency to primarily be gaining the supervised professional experience required for licensure, as specified, in order to practice psychology without a license. The bill would exempt those persons from licensure for no more than five years from the date of employment.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB705

AB 773 (Baker)
Psychology licensing.
Summary: The Psychology Licensing Law establishes the Board to license and regulate the practice of psychology. The law expires the initial term of a license based on the licensee's birth date. This bill would instead expire the initial term of a license at the end of a two-year period from the date the license was issued and expire every two years from such date.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB773

AB 1374 (Levine)
Psychologists: licensure: requirements.
Summary: This bill would instead require the supervisor to submit verification of the experience to the Board and authorize an applicant who obtains the experience in the United States or Canada to send verification directly to the Board as determined by the Board if the supervisor fails to submit the verification. The bill also removes the

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Legislative and Regulatory Update (continued from page 11)

"fee" language from the definition of the practice of psychology.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1374

Senate Bill 800 (Senate Committee on Business, Professions and Economic Development)
Healing arts.
Summary: This bill would delete or update obsolete provisions and make conforming or nonsubstantive changes to the Board's Practice Act.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB800

Board Support

AB 750 (Low)
Business and professions: licenses.
Summary: This bill would authorize any of the boards, bureaus, commissions, or programs within DCA, except as specified, to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required; unless specifically authorized.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB750

Support if Amended

AB 832 (Garcia)
Child abuse: reportable conduct.
Summary: This bill would provide that "sexual assault" for these purposes does not include voluntary sodomy, oral copulation, or sexual penetration, unless that conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age.
Position: Support if amended (include "no indicators of abuse")

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB832

SB 479 (Bates)
Healing arts.
Summary: This bill would declare the intent of the Legislature to enact legislation to license and regulate the profession of applied behavioral analysis.
Position: Support if amended (Board make up, exempt settings, supervision)

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB479

Board Oppose

AB 85 (Wilk)
Open meetings.
Summary: This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of three or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB85

AB 333 (Melendez)
Healing arts: continuing education.
Summary: This bill would allow specified healing arts licensees to apply a unit of continuing education credit toward units for attending courses that results in the licensee becoming a certified instructor of cardiopulmonary resuscitation or the proper use of an automated external defibrillator. Allows such licensees to apply a specified number of continuing education credits toward any required for conducted first aid training sessions for employees of school districts and community college districts in the State.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB333

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Legislative and Regulatory Update (continued from page 12)

AB 796 (Nazarian)
Health care coverage: autism and pervasive developmental disorders.
SUMMARY: This bill would expand the eligibility for a person to be a qualified autism service professional to include a person who possesses a bachelor of arts or science degree and meets other specified requirements, a registered psychological assistant, a registered psychologist, or an associate clinical social worker. The bill would also expand the eligibility for a person to be a qualified autism service paraprofessional to include a person with a high school diploma or equivalent and, among other things, six months experience working with persons with developmental disabilities.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB796

Board Oppose Unless Amended

SB 468 (Hill)
Bureau of Security and Investigative Services: licensees.
Summary: This bill would require an applicant to undergo a psychological evaluation, reviewed by a licensed psychologist who shall be of the applicant's choice, in order to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, as provided.
Position: Oppose unless amended (a licensee should administer the test; the test to be used should not be specified)

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB468

REGULATORY UPDATE

Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Title 16, California Code of Regulations (CCR), section 1397.12

The current Disciplinary Guidelines are being amended to be made consistent with current law. The proposal incorporates the Uniform Standards Related to Substance-Abusing Licensees to describe the mandatory conditions that apply to a substance-abusing applicant or licensee, updates the standard and optional terms and conditions of probation, and adopts uniform and specific standards that the Board must use in dealing with substance-abusing licensees, registrants, or applicants to increase consumer protection.

The Uniform Standards that are being incorporated into the Board's existing Disciplinary Guidelines are mandated by Senate Bill 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008).

The hearing took place on August 22, 2014, at the Board meeting. The Board issued a 15-Day Notice of Modified Text for newly amended language that was submitted to the Board for approval at the November Board meeting. The Board approved the language and the Final Rulemaking File was submitted to DCA for review. The following areas were identified to be amended:

- The ordering of a respondent to cease practice under certain circumstances.
- Under the "Major and Minor Violations," the Board was asked by the Legislative and Regulatory Review unit, to include five consequences of minor violations, when the Uniform Standards call for six; "required re-evaluation and/or testing" was added to the minor violations.
- Several grammatical and consistency issues have been fixed.

The Board received no negative comments and approved the amended language. The Rulemaking File will be submitted to DCA for approval in June.

Examinations, License Requirements and Waiver of Examination, Reconsideration of Examinations, Psychologist Fees

Title 16, CCR, sections 1388, 1388.6, 1389, 1392

The proposed regulation will change the law and ethics examination that is taken by applicants for licensure. Currently, applicants take the California Psychology Supplemental Examination (CPSE), but this has been determined to be duplicative of certain knowledge points on the Examination for

(continued on page 14)

Legislative and Regulatory Update (continued from page 13)

Professional Practice in Psychology (EPPP). The proposed change will instead require applicants to take the California Psychology Law and Ethics Examination (CPLEE).

The Board is also seeking to have regulations on the accommodations for English as Second Language (ESL) candidates. Currently, the Board has a policy, but this will place conditions in the regulations.

The hearing took place on August 22, 2014, at the Board meeting. The Board voted to modify the text to correct an error in the noticed language. A 15-Day Notice was issued, and the Board delegated authority to the Executive Officer to adopt the language as modified when the comment period closed if no negative comments are received. The Board received no negative comments.

The Final Rulemaking File has been submitted to, and approved by, DCA. The file has also been approved by the Business, Consumer Services, and Housing Affairs Agency and the Department of Finance. Staff drafted a memo requesting OAL expedite the approval process so the regulation is effective at the same time as the BreEZe changes to accommodate the examination changes on July 1, 2015. OAL has until June 12, 2015, to make a final decision on this package.

Definitions, Continuing Education Requirements, Continuing Education Exemptions and Exceptions, Renewal After Inactive or Delinquent Status

Title 16, CCR, sections 1397.60, 1397.61, 1397.62, 1397.67

Current regulations only allow for "traditional" continuing education (CE) courses. The proposed language provides a wide variety of options for licensees to obtain their CE, including conferences or convention attendance, practice outcome monitoring, peer consultation, academic instruction, etc. The proposed regulations also establish a requirement that licensees engage in learning activities pertinent to cultural diversity and social justice issues as they apply to the practice of psychology in California.

The Board voted at the August 2014 Board meeting to approve the language changes for the CE requirements to be noticed for the rulemaking process. The hearing took place on November 21, 2014, at 9 a.m., at the Board meeting. The Board received three comments and opted to make some changes to the original proposal. A 15-Day Notice was issued, and the Board delegated authority to the Executive Officer to adopt the language as modified when the comment period closed.

The Board voted to raise the cap of traditional CE coursework in the proposed regulations from 18 to 27 hours per renewal cycle. A 15-Day Notice has been issued, and the comment period closed on March 24, 2015, at 5 p.m. The Board at its meeting on June 23, 2015, will address the comments.

Filing of Addresses

Title 16, CCR, section 1380.5

Current regulations ask licensees to provide their proper and current mailing address. The Board is seeking to amend the regulations to allow a licensee to additionally provide an address of record that differs from this address. The Board is also seeking to require a licensee report his or her e-mail address. Within 30 days of any change to the address of record, alternate address, or e-mail address, the applicant or licensee must notify the Board.

The Board voted at the November 2014 Board meeting to proceed with a Rulemaking File and that the initial proposal be submitted to OAL. DCA Legal Counsel made some significant changes to the proposed language and the proposal was brought back to the full Board in February. A number of comments were made by the public expressing concern with the proposed inclusion of a residential address. The Board approved language at its May meeting in Riverside, and a Rulemaking File is being prepared for hearing at the August 2015 Board meeting at the Wright Institute.

Disciplinary Actions:
January 1 to March 31, 2015

Jennifer H. Tansey, Ph.D. (PSY 17959), Glendora

Action: Three years' probation with revocation stayed

Stipulated Decision effective 1/23/2015

Business and Professions (B&P) Code section 2960(j): Gross negligence

B&P Code section 2960(p): Functioning outside field of competence

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Leilani Ann Jennings, Ph.D. (PSY 15579), Roseville

Action: Four years' probation with revocation stayed

Stipulated Decision effective 2/7/2015

B&P Code sections 2960(j) and 2960(r): Gross negligence and repeated acts of negligence

B&P Code sections 2960(k) and 2936: Violating ethical standards

B&P Code section 2960(l): Aiding and abetting the unlicensed practice of psychology

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Christy Wise, Psy.D. (PSY 19841), Del Mar

Action: Interim suspension

Stipulated Order effective 3/3/2015

B&P Code section 2960(a): Conviction of crimes substantially related to the practice of psychology

B&P Code section 2960(n): Commission of dishonest, corrupt, or fraudulent acts

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Lee Holt, Ph.D. (PSY 15714), Mill Valley

Action: License surrendered

Stipulated Decision effective 3/14/2015

B&P Code sections 726, 728, 729, 2960(k), 2960(o) and 2960.1: Sexual misconduct

B&P Code sections 2936, 2960(i) and 2960(k): Violation of the rules of professional conduct

B&P Code sections 2960(j) and 2960(r): Gross negligence and repeated acts of negligence

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Thomas Gary Amberson, Ph.D. (PSY 9682), Claremont

Action: License revoked

Default Decision effective 3/20/2015

B&P Code sections 2960(a) and 2963: Conviction of crimes substantially related to the practice of psychology

B&P Code section 2964.3: Sex offender licensure ineligibility

B&P Code section 2966: Automatic suspension if incarcerated after conviction of a felony

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Philip Kent McIlnay, Ph.D. (PSY 9131), Redondo Beach

Action: License surrendered

Stipulated Decision effective 3/21/2015

B&P Code sections 490 and 2960(a): Conviction of crimes substantially related to the practice of psychology

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By Diana Crosby, Administrative Technician, Board of Psychology

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- Disciplinary guidelines

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Board Meeting Calendar

JUNE 23 (Sacramento)

AUGUST 13–14 (Berkeley)
Regulatory Hearing Scheduled for Filing of Addresses. For more information, visit **www.psychology.ca.gov/laws_regs/index.shtml**.

NOVEMBER 12–13 (San Diego)

Board Members

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Nicole J. Jones (Vice President)

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Johanna Arias-Bhatia, J.D.

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Jacqueline Horn, Ph.D.

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