

MEMORANDUM

DATE	April 23, 2025
TO	Psychology Board Members
FROM	Cynthia Whitney Central Services Manager
SUBJECT	Agenda Item # 4 – Discussion and Possible Approval of the Board Meeting Minutes: February 27-28, 2025

Background:

Attached are the draft minutes of the February 27-28, 2025, Board Meeting.

Action Requested:

Review and approve the minutes of the February 27-28, 2025, Board Meeting.

MINUTES OF BOARD MEETING
February 27-28, 2025

Department of Consumer Affairs
1747 N. Market Blvd., Ruby Room
Sacramento, CA 95834

Board Members Present

Lea Tate, PsyD, President
Shacunda Rodgers, PhD, Vice President
Sheryll Casuga, PsyD, CMPC
Mary Harb Sheets, PhD
Julie Nystrom
Ana Rescate

Board Members Absent

Marisela Cervantes, EdD, MPA
Seyron Foo
Stephen Phillips, JD, PsyD

Board Staff

Jonathan Burke, Interim Executive Officer
Stephanie Cheung, Licensing Manager
Sandra Monterrubio, Enforcement Program Manager
Cynthia Whitney, Central Services Manager
Jacklyn Mancilla, Legislative and Regulatory Analyst
Troy Polk, CPD/Renewals Coordinator
Evan Gage, Special Projects Analyst
Anthony Pane, Board Counsel
Sam Singh, Regulatory Counsel

Thursday, February 27, 2025

Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum

Dr. Tate called the meeting to order at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Agenda Item #2: President's Welcome

Dr. Tate made opening comments and commented that Dr. Rodgers would lead a mindfulness exercise later in the meeting.

a) Mindfulness Exercise

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

Agenda Item #3: Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].

Dr. Tate called for public comment.

No public comment was offered.

Agenda Item #4: Discussion and Possible Approval of the Board Meeting Minutes: November 7-8, 2024

It was (M)Harb Sheets(S)Casuga(C) to adopt and approve the November 7-8, 2024, Board meeting minutes.

Dr. Tate called for public comment.

No public comment was offered.

Dr. Tate called for Board comment.

No Board comment was offered.

Votes

6 Ayes (Casuga, Harb Sheets, Nystrom, Rescate, Rodgers, Tate), 0 Noes

Agenda Item #5: Discussion and Possible Approval of the Board Meeting Minutes: December 20, 2024

It was (M)Nystrom(S)Rodgers(C) to approve the December 20, 2024, Board meeting minutes.

Dr. Tate called for public comment.

No public comment was offered.

Dr. Tate called for Board comment.

No Board comment was offered.

Votes

6 Ayes (Casuga, Harb Sheets, Nystrom, Rescate, Rodgers, Tate), 0 Noes

Agenda Item #6: President's Report

a) Meeting Calendar

Dr. Tate provided the update on this item, on page 61 of the meeting materials.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

Agenda Item #7: Interim Executive Officer's Report

a) Personnel Update

Mr. Burke provided the update on this item.

Mr. Burke welcomed Jacklyn (Jacky) Mancilla to the board as the new Legislative and Regulatory Affairs Analyst.

Mr. Burke commented on the Board's Legislative Visits that were just concluded.

Dr. Tate asked Mr. Burke how these visits were received by the Legislative Members of the Business, Profession and Economic Development Committee. Mr. Burke replied that the meetings went very well, and he thanked the Board Members who had taken the time to participate.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Phillips arrived and joined the meeting at 9:11 a.m.

Dr. Tate called for public comment.

No public comment was offered.

Agenda Item #8: DCA Update

Legislative Analyst Christi Van Eyken from Legislative Affairs Division provided the update on this item on behalf of DCA Board and Bureau Relations (BBR).

Ms. Van Eyken commented that Governor Newsom signed Executive Order N-15-25 on January 29, 2025, to provide emergency relief to businesses that had suffered damage or loss during the Los Angeles wildfires by temporarily waiving renewal and other fees.

Ms. Van Eyken provided further information on DCA online resources and messaging, which BBR encouraged all Boards and Bureaus to share with as many stakeholders as possible.

Dr. Tate commented on concerns over the rolling back of certain Diversity, Equity, and Inclusion (DEI) programs and asked what steps Governor Newsom's administration might take.

Mr. Burke commented that DCA's DEI initiatives are still in place, and new programs continue to be developed. He said that DEI was an integral component of the Board's Strategic Plan, and that changes at the Federal level would likely have no effect on the Board's ongoing deployment of DEI.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

Agenda Item #12: Budget Report

Suzanne Balkis from DCA Fiscal Services provided the update on this item, starting on page 70 of the meeting materials.

Dr. Tate called for Board comment.

Ms. Nystrom asked how the board's budget might be affected by the waiver of renewal fees under Executive Order N-15-25.

Ms. Balkis commented that the board fund is in good condition to allow for this delay in receiving renewal fees, and that there are 9.2 months in reserve.

No further Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

Agenda Item #9: Enforcement Report

Ms. Monterrubio provided the update on this item, starting on page 62 of the meeting materials.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

Agenda Item #2a: Mindfulness Exercise

a) Mindfulness Exercise

Dr. Tate introduced Dr. Rodgers who lead a mindfulness exercise.

Agenda Item #10: Petition for Early Termination of Probation – William Brito, PhD

Administrative Law Judge Sean Gavin presided. Deputy Attorney General Matthew Fleming was present and represented the People of the State of California. Dr. William Brito, PhD was present and was represented by Jeff Kravitz, Esq.

CLOSED SESSION

Agenda Item #11: The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for Reinstatement, Modification, or Early Termination, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

RETURN TO OPEN SESSION

Agenda Item #13: Licensure Committee Report and Consideration of Committee Recommendations

Dr. Harb Sheets introduced this item and called on Ms. Xiong to provide the Licensing Report.

a) Licensing Report

Ms. Xiong provided the Licensing Report, starting on page 74 of the meeting materials.

Dr. Harb Sheets commented that Registered Psychological Associates were now able to put their registrations on inactive status, allowing them to preserve time towards their 72-month limit when they are not able to provide psychological services.

Dr. Harb Sheets called for Board comment.

No Board comment was given.

Dr. Harb Sheets called on Ms. Hansen to provide the Examination Report.

235
236 b) Examination Report
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238 Ms. Hansen provided the Examination Report, starting on page 84 of the meeting
239 materials.
240
241 Dr. Harb Sheets called for Board comment.
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243 No Board comment was offered.
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245 Dr. Harb Sheets called on Mr. Polk to provide the Continuing Professional Development
246 (CPD) and Renewals Report.
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248 c) Continuing Professional Development and Renewals Report
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250 Mr. Polk provided the CPD and Renewals Report, starting on page 87 of the meeting
251 materials.
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253 Dr. Harb Sheets called for Board comment.
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255 Dr. Phillips commented that it was nice to see that staff had made good progress in
256 working through the backlog of license verifications.
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258 Dr. Cervantes arrived and joined the meeting at 1:12 p.m.
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260 Dr. Rodgers asked if staff had a policy regarding audits of licensees who were impacted
261 by the Los Angeles wildfires, especially when records of completed CPD might have
262 been lost.
263
264 Ms. Whitney commented that staff had received some emails from licensees who had
265 been affected by the wildfires, and that staff would take these into account when
266 selecting a licensee to be audited.
267
268 d) Barriers to Telehealth Survey Follow-up: Review Telehealth Best Practice –
269 Reference Document
270
271 Dr. Harb Sheets provided the update on this item, starting on page 92 of the meeting
272 materials.
273
274 Dr. Harb Sheets called for Board comment.
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276 Dr. Casuga asked whether any of the provided links had information on telehealth
277 assessments.
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279 Dr. Harb Sheets invited Dr. Casuga to submit an article on conducting assessments via
280 telehealth, and Dr. Casuga agreed to draft something.
281
282 e) Stakeholder Meeting Preparation: Discussion and Possible Action

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284 Dr. Harb Sheets provided the update on this item, starting on page 95 of the meeting
285 materials.

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287 Dr. Harb Sheets asked Ms. Cheung to comment on the Board's outreach to Board of
288 Behavioral Sciences (BBS).

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290 Ms. Cheung commented that the Board had reached out to several Boards and
291 Commissions with an offer to host a stakeholders meeting. Staff would follow up with
292 the offer since so far there had been no responses. She added that, considering the
293 amount of preparation needed to put together this meeting, the deadline for involving
294 other Boards was rapidly approaching. She said that it might become necessary to
295 postpone the meeting.

296
297 Dr. Harb Sheets commented that the Board had authorized the stakeholders meeting,
298 and that maybe it was now appropriate to discuss the timing of it.

299
300 Ms. Cheung commented on the intended scope and content of the stakeholder meeting,
301 namely that it should clarify for consumers the various types of licenses identifying the
302 licensee as a psychologist. She commented that the Licensure Committee had
303 discussed changing the scope of the meeting to include Masters-level practitioners.

304
305 Dr. Harb Sheets called for Board comment.

306
307 Dr. Casuga asked about the efforts staff were making to include BBS in this
308 conversation.

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310 Ms. Cheung replied that staff had contacted BBS at the beginning of the year, and that
311 staff would keep the Board and the Licensure Committee apprised of efforts made to
312 communicate with BBS.

313
314 Dr. Casuga suggested adding the Association of Regional Center Agencies (ARCA) to
315 the stakeholders list, and Dr. Cervantes suggested adding unions that might represent
316 personnel in school districts.

317
318 f) NACES Presentation on Foreign Degree Evaluation

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320 Dr. Harb Sheets provided the update on this item, starting on page 96 of the meeting
321 materials.

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323 Dr. Harb Sheets commented that when a person holding a doctoral degree from a
324 foreign nation (Canada excepted) applies for licensure, the credential must be
325 evaluated by NACES or another organization to confirm that it is comparable to a
326 regionally accredited doctoral program in the United States.

327
328 Dr. Harb Sheets called for Board comment.

329
330 No Board comment was offered.

Dr. Harb Sheets called for public comment on items 13(a)-(f).

Dr. Elizabeth Winkelman from the California Psychological Association (CPA) requested that when the stakeholder meeting is going forward, CPA should be involved, as should psychologists with expertise in the relevant areas, such as an educational psychologist.

Dr. Feather Gaither remarked on Dr. Harb Sheets' comments about public perceptions regarding the roles of psychologists in the State. Dr. Gaither commented on her own experiences in applying to the Board of Psychology for licensure in California, and the confusion that arose when her husband, a school psychologist, had to apply to BBS.

Agenda Item #14: Enforcement Committee Report and Consideration of Committee Recommendations

a) Telehealth Regulations and Statutes

Dr. Phillips introduced this item, and Ms. Monterrubio provided the update, starting on page 132 of the meeting materials.

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129]

(Division 2 enacted by Stats. 1937, Ch. 399.)

CHAPTER 5. Medicine [2000 - 2529.6]

(Chapter 5 repealed and added by Stats. 1980, Ch. 1313, Sec. 2.)

ARTICLE 12. Enforcement [2220 - 2319]

(Article 12 added by Stats. 1980, Ch. 1313, Sec. 2.)

2290.5.

(a) For purposes of this division, the following definitions apply:

(1) "Asynchronous store and forward" means the transmission of a patient's medical information from an originating site to the health care provider at a distant site.

(2) "Distant site" means a site where a health care provider who provides health care services is located while providing these services via a telecommunications system.

(3) "Health care provider" means any of the following:

(A) A person who is licensed under this division.

(B) An associate marriage and family therapist or marriage and family therapist trainee functioning pursuant to Section 4980.43.3.

(C) A qualified autism service provider or qualified autism service professional certified by a national entity pursuant to Section 1374.73 of the Health and Safety Code and Section 10144.51 of the Insurance Code.

(D) An associate clinical social worker functioning pursuant to Section 4996.23.2.

(E) An associate professional clinical counselor or clinical counselor trainee functioning pursuant to Section 4999.46.3.

(4) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where the asynchronous store and forward service originates.

(5) "Synchronous interaction" means a real-time interaction between a patient and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Before the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.

(c) This section does not preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.

(d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section does not alter the scope of practice of a health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of health care information and a patient's rights to the patient's medical information shall apply to telehealth interactions.

(g) All laws and regulations governing professional responsibility, unprofessional conduct, and standards of practice that apply to a health care provider under the health care provider's license shall apply to that health care provider while providing telehealth services.

(h) This section shall not apply to a patient under the jurisdiction of the Department of Corrections and Rehabilitation or any other correctional facility.

(i) (1) Notwithstanding any other law and for purposes of this section, the governing body of the hospital whose patients are receiving the telehealth services may grant privileges to, and verify and approve credentials for, providers of telehealth services based on its medical staff recommendations that rely on information provided by the distant-site hospital or telehealth entity, as described in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(2) By enacting this subdivision, it is the intent of the Legislature to authorize a hospital to grant privileges to, and verify and approve credentials for, providers of telehealth services as described in paragraph (1).

(3) For the purposes of this subdivision, "telehealth" shall include "telemedicine" as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

(Amended by Stats. 2022, Ch. 520, Sec. 1. (AB 1759) Effective January 1, 2023.)

[END OF STATUTORY LANGUAGE]

PROPOSED REGULATORY LANGUAGE
Standards of Practice for Telehealth Services

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 1396.8 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:

§ 1396.8. Standards of Practice for Telehealth Services.

All psychological services offered by board licensees and registrants via telehealth fall within the jurisdiction of the board just as traditional face-to-face services do.

(a) A licensee is permitted to provide psychological ~~health-care~~ services via telehealth subject to the laws and regulations of the other jurisdiction where either the licensee and/or the client is located, including, but not limited to, the following circumstances:

- (1) To a client at an originating site in this State, as defined in section 2290.5 of the Code, when a licensee is located at a distant site within this State;
- (2) To a client who has received services in this State, and who is temporarily located outside of this State; or
- (3) To a client who is located in this State when a licensee is ~~temporarily~~ located outside of this State.

(b) As used in this section, a licensee shall include a licensee, registrant, psychology trainee, or other supervised individual permitted to provide psychological services under the Psychology Licensing Law, beginning with section 2900 of the Code.

(c) The provision of psychological ~~health-care~~ services under subdivision (a) are subject to the following conditions:

- (1) The licensee holds a valid and current license issued by the Board or is otherwise allowed to practice under this section.
- (2) The licensee obtains and documents informed consent for the provision of psychological ~~health-care~~ services via telehealth from the client. Such consent shall cover concerns unique to the receipt of psychological ~~health-care~~ services via telehealth, including risks to confidentiality and security, data storage policies and procedures specific to telehealth, the possibility of disruption and/or interruption of service due to technological failure, insurance coverage considerations, and other issues that the licensee can reasonably anticipate regarding the non-comparability between psychological ~~health-care~~ services delivered in person and those delivered via telehealth.

(3) The licensee determines that delivery of psychological ~~health-care~~ services via telehealth is appropriate after considering at least the following factors:

(A) The client's diagnosis, symptoms, medical, and psychological history;

(B) The client's choice ~~preference for receiving~~ to receive psychological ~~health-care~~ services via telehealth;

(C) The nature of the psychological ~~health-care~~ services to be provided, including anticipated benefits, risks, and constraints resulting from their delivery via telehealth;

(D) The benefits, risks, or constraints posed by the client's physical location. These include ~~the availability of a safe and private~~ physical space for ~~the receipt of~~ psychological ~~health-care~~ services via telehealth, accessibility of local emergency psychological ~~health-care~~ services, other considerations related to the client's diagnosis, symptoms, or condition, the client's access to technological resources, and the client's ability to use the chosen technology.

(E) The provision of telehealth services is within the scope of competency of a psychology trainee, or other supervised individuals as specified in (b) above, who provides psychological ~~health-care~~ services under the supervision of the licensee.

(4) The licensee is competent to deliver such services based upon whether the licensee possesses the appropriate knowledge, skills, and abilities relating to delivery of psychological ~~health-care~~ services via telehealth, the information technology chosen for the delivery of telehealth services, and how such services might differ from those delivered in person.

(5) The licensee takes reasonable steps to ensure that electronic data is transmitted securely, and informs the client immediately of any known data breach or unauthorized dissemination of data.

(6) The licensee complies with all other provisions of the Psychology Licensing Law and its attendant regulations, and all other applicable provisions of law and standards of care in this State and the other jurisdiction, if any, where either the licensee or the client is located-, including all relevant Federal laws and regulations related to telehealth.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 686, 2290.5, 2904.5, 2960 and 2960.6, Business and Professions Code.

[END OF REGULATORY LANGUAGE]

Dr. Phillips called for Board comment.

No Board comment was offered.

It was (M)Phillips(S)Harb Sheets(C) to approve the proposed regulatory text for Section 1396.8 and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Interim Executive Officer or Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.

If the Board does not receive any comments providing objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting the action during the 45-day comment period, and no hearing is requested, then the Board authorizes the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, and adopt the proposed regulations at Section 1396.8 as noticed.

Dr. Phillips called for further Board comment.

No further Board comment was offered.

Dr. Phillips called for public comment.

No public comment was offered.

Votes

8 Ayes (Casuga, Cervantes, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 Noes

Agenda Item #15: Legislative and Regulatory Affairs Committee Update

Dr. Casuga introduced this item, and Ms. Mancilla provided the update, starting on page one of the hand-carry meeting materials.

a) Review of Bills for Active Position Recommendations to the Board

1) AB 489 (Bonta) Health care professions: deceptive terms or letters: artificial intelligence.

It was (M)Phillips(S)Harb Sheets(C) to take a Support if Amended position on AB 489 to include reports, assessments, and other amendments identified by the Board.

Dr. Casuga commented that the spirit of AB 489 is in keeping with the Board's current Strategic Plan, specifically Part 3.3. She asked whether staff had spoken with Assemblymember Bonta's office about this bill.

Mr. Burke commented that a meeting with Bonta's office would take place in the coming days.

Dr. Casuga asked what the expected impacts might be to the Enforcement Unit's case load if multiple violations of this bill were cited.

Mr. Polk replied that this was being discussed with Ms. Monterrubio, Manager of the board's Enforcement Unit, especially as to how implementation of this bill could lead to increased caseload for that unit. He commented that staff would share the Board's concerns with Bonta's office, in terms of having to consider each separate instance of the use of protected psychological terms as a violation that would have to be investigated.

Dr. Harb Sheets asked whether AB 489 would view AI's use of protected psychological terms to be a violation, and Dr. Phillips confirmed this.

Dr. Phillips commented that Dr. Casuga's question about impacts to Enforcement caseloads was a separate issue, but that it would be a good issue to share with Bonta's office.

Dr. Cervantes asked how AI was being used by licensees, whether there were emerging trends in using AI for report-writing, for example.

Dr. Phillips commented that there have been instances where psychologists acting as subject matter experts have been discovered to have submitted AI-generated opinions in court. He commented that the issue is extremely problematic.

Dr. Cervantes asked whether there were already safeguards in place to protect against AI being used to produce reports and assessments.

Dr. Phillips replied that there are tools that might assist in producing reports and assessments, the difference being that it is up to the licensee to interpret the results. Rather than try to narrow the regulations to particular instances of where these tools might be used, the question should really refer to the standard of care to determine what is appropriate.

Dr. Casuga commented that the focus should be on what is already in place to safeguard against these tools being used inappropriately, since it would be difficult to try to plan for every potential violation.

Dr. Casuga called for further Board comment.

No further Board comment was offered.

Dr. Casuga called for public comment.

Tyler Rinde of CPA commented that the Board of CPA has taken a support position on AB 489.

Dr. Gaither commented that there are applications available to reach youth 'where they are at', but that at no time do these attempt to portray the presence of a licensed psychologist. She was concerned about the scope of AB 489, that it should not target such applications while it went after misuses of protected psychological terms by AI tools.

Dr. Sabrina Dannels proposed that coursework could be developed to help practitioners understand the dangers of using AI.

Dr. Casuga commented that the Board could still develop a fact sheet on the issues of using AI in a practice.

Votes

7 Ayes (Casuga, Cervantes, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 1 Recusal (Nystrom), 0 Noes

b) Watch Bills

1) AB 81 (Ta) Veterans: Mental Health

2) AB 257 (Flora) Specialty care network: telehealth and other virtual services

3) AB 277 (Alanis) Autism: behavioral technician certification

Ms. Mancilla provided the update on this item, starting on page 138 of the meeting materials.

Dr. Harb Sheets commented on AB 257, on the use of the word 'maternal'.

Ms. Mancilla confirmed that this was indeed correct, that this reflected the expanded scope of this bill.

No action taken, and staff would continue to monitor these bills.

Dr. Casuga called for further Board comments.

No further Board comments were offered.

Dr. Casuga called for public comment on items 15(b)(1-3).

No public comment was offered.

c) Legislative Items for Future Meeting. The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code section 11125.4.

Dr. Casuga called for Board comment.

No Board comment was offered.

Dr. Casuga called for public comment.

No public comment was offered.

Agenda Item #16: Regulatory Update, Review, and Consideration of Additional Changes

a) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees

b) 16 CCR sections 1380.3, 1381, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3, 1382.4, 1382.5, 1386, 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6, 1387.10, 1388, 1388.6, 1389, 1389.1, 1391, 1391.1, 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways to Licensure

c) 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.4, 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50, 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement Provisions

d) 16 CCR sections 1397.35 – 1397.40 – Corporations

e) 16 CCR sections 1381, 1387, 1387.10, 1388, 1388.6, 1389, and 1389.1 – Applications - Implementation of AB 282

f) Sections 1390 – 1390.14 of Division 13.1 of Title 16 of the California Code of Regulations – Research Psychoanalyst Regulation

Mr. Polk provided the update on this item, starting on page 140 of the meeting materials.

Mr. Polk introduced Mr. Singh to comment on the decision to divide the regulatory package for Sections 1390 – 1390.14 into two separate packages.

Mr. Singh commented that this decision arose through a desire to get at least some regulations in place by the January 1, 2025, effective date for Research Psychoanalysts to be under the authority of the Board. After further consideration, the two packages were combined into one to avoid having to wait until the next regulatory cycle to finish the process.

Dr. Phillips asked whether the Board had seen the second package, and Mr. Burke confirmed that they had, when it was presented to the Board last November by the Research Psychoanalyst Ad Hoc Committee.

Dr. Casuga called for further Board comment.

No further Board comment was offered.

Dr. Casuga called for public comment on items 16(a-f).

No public comment was offered.

Agenda Item #17: Discussion and Possible Action on Proposed Changes to the American Psychological Associations Ethical Principles of Psychologists and Code of Conduct

Dr. Tate introduced this item, and Mr. Burke provided the update starting on page 13 of the hand-carry materials.

Dr. Harb Sheets commented that the current American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct (Ethics Code) considers the ethical principles to be aspirational, and the ethical standards to be enforceable. She commented that the new language suggests that principles and standards should be considered together, whereas in current practice, it is the standards that are emphasized. She added that this might change the enforcement picture somewhat.

Mr. Pane commented that this new view would not cause problems such as Dr. Harb Sheets was describing.

Dr. Harb Sheets commented further that the new language allowed for public statements that no longer needed to be qualified as opinion.

Dr. Phillips commented that the new approach of combining the standards and principles in determining ethical violations was confusing.

Mr. Pane commented that if a situation arose where the ethical standards and ethical principles seem to come into opposition, the first step would be to try read them together. This way, he added, the two could be viewed harmoniously rather than to consider them mutually exclusive.

Dr. Harb Sheets asked whether the current Ethics Code refers only to ethical standards. She commented on the differences between aspirational and standard practices.

Dr. Phillips asked whether the changes under consideration would cause the Board to have to update the regulations.

Mr. Burke commented that the ethics referred to in the Board's current regulations would allow these changes without triggering a new rulemaking.

Dr. Phillips commented that the Enforcement Committee would need to decide whether to continue to look only at ethical standards for the purposes of determining violations, or whether a change in regulations would be needed to consider ethical principles as well.

Dr. Tate commented that in this revision, principles are still seen as aspirational and inspirational. She asked about the quickest way to review the revision ahead of the March 19, 2025, deadline to provide feedback to APA.

Mr. Burke replied that the review could be delegated to a Board Member, who would then work with staff to provide comments.

Dr. Phillips commented that the Ethics Code is about the standards of the profession, and added that the Board does not set these standards except in very specific situations. He said that the standards overall are set by the profession. He said that in this light, it may not be the Board's place to be making comments to APA about these changes.

Dr. Harb Sheets agreed, and added that the Board needs to look at its own regulations in light of these changes, and determine whether concomitant changes to the Board's regulations might be appropriate.

Dr. Tate called for public comment.

Dr. Winkelman of CPA commented that the proposed revision is much longer and more complex than before. She added that making the ethical principles enforceable now would be very burdensome and could cause confusion about how to interpret what compliance looked like.

Dr. Phillips commented that, for licensees, the advantage of the current ethical language is that it is so explicit and easy to follow. He added that adding principles as an enforceable category takes away that specificity. He pointed to the future need to educate Subject Matter Experts (SMEs) on the expanded scope of ethical behavior in their reviews.

Dr. Harb Sheets and Dr. Phillips discussed that standards of practice were high enough for people to perform at a competent level, while principles of practice aimed much higher than that.

The Board decided to take no action.

No further public comment was offered.

Dr. Cervantes commented that the Board could make a presentation on the revised Ethics Code.

Dr. Harb Sheets commented that some sort of discussion of the revisions could be matter for a future agenda.

Dr. Phillips commented that the Board could present an overview, because otherwise it would be a long presentation.

Agenda Item #18: 2025 Sunset Review Report

a) Discussion and Possible Action on the Board's Sunset Review Report

Dr. Tate introduced this item, and Mr. Burke provided the update, starting on page 143 of the meeting materials.

Dr. Tate called for Board comment.

No Board comment was offered.

Dr. Tate called for public comment.

No public comment was offered.

b) Discussion and Possible Action on California Psychological Association Psychological Testing Technician (PTT) Proposal for Inclusion in Sunset Bill

Mr. Burke provided the update on this item, starting on page 436 of the meeting materials.

Dr. Cervantes commented that this proposal could cause confusion, because 3(b) calls for proof of a bachelor's degree, while 3(b)(2) identifies educational psychology as one of the acceptable areas of specialization; however, educational psychology is not available at the baccalaureate level in California. She asked for a clarifying example.

Mr. Burke commented that this proposal was intended to clarify the qualifications that were most necessary in determining eligibility for this registration. He gave an example of two applicants having similar backgrounds, but the one who was approved for registration had done considerably more psychological coursework.

Dr. Winkelman of CPA commented that the motivation behind this proposal was to expand the pool of registrants who could perform psychological testing, given enormous backlogs in tests. She added that the intention was to avoid giving more work to board staff in having to review coursework across a broad spectrum.

Tyler Rinde of CPA commented that the idea driving 3(b)(2) was that someone might not be educated as a psychologist, but might be highly qualified in another area, such as neuroscience. He added that the proposed language needed to be broad enough to encompass the many different programs across the country without having to drill down into the specifics of any particular one.

Dr. Cervantes asked Mr. Burke whether the Board could better describe the coursework that would allow someone to be eligible for the psychological testing technician registration.

Mr. Burke commented that there was not a list of acceptable prerequisite classes such as Dr. Cervantes was describing. He added that a psychologist acting as Subject Matter Expert (SME) would make the final determination as to eligibility.

Ms. Cheung commented that becoming over-specific about prerequisites would create a greater workload for staff. She stated that managing this registration at present is not

overly taxing to staff, and added that having a list of prerequisites could simplify the registration process.

Dr. Phillips commented that it would be important that the applicant should have a foundation in psychology.

Discussion ensued on the language drafted by CPA:

2999.101. To register as a psychological testing technician, a person shall submit the following to the board:

(a) An application that includes the following information:

(1) The applicant's name, identification, and contact information.

(2) The applicant's supervisor's name, license number, and contact information.

(3) Attestation under penalty of perjury that the information provided on the application is true and correct.

(b) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, ~~in either any~~ of the following ~~subjects:~~ areas:

(1) Psychology, including any field of specialization.

(2) Education, with the field of specialization in educational psychology, counseling psychology, or school psychology.

(3) Neurosciences, cognitive science, or behavioral sciences, including any field of specialization.

(4) (A) Any other closely related degree.

(B) The board shall make the final determination as to whether a degree or degree program meets the requirements of this paragraph.

(c) (1) Proof of completion of a minimum of 80 hours total of education and training relating to psychological or neuropsychological test administration and scoring that includes the following:

(A) At least 20 hours of direct observation, including at least 10 hours of direct observation of a licensed psychologist administering and scoring tests, and at least 10 hours of direct observation of either a licensed psychologist or registered psychological testing technician administering and scoring tests.

(B) At least 40 hours of administering and scoring tests in the presence of a licensed psychologist.

(C) At least 20 hours of education on topics including law and ethics, confidentiality, and best practices for test administration and scoring.

(2) Education and training may be obtained by doing any combination of the following:

(A) Participating in individual or group instruction provided by a licensed psychologist.

(B) Engaging in independent learning directed by a licensed psychologist.

(C) Completing graduate-level coursework at a regionally accredited university, college, or professional school.

(D) Taking continuing education courses from organizations with board approval pursuant to Section 2915.

(3) ~~Nothing in this chapter shall~~ This chapter does not prevent a person engaged in gaining the experience required by this subdivision from administering and scoring psychological and neuropsychological tests.

(d) The registration fee for a psychological testing technician as specified in Section 2987.

(e) Electronic fingerprint image scans for a state- and federal-level criminal offender record information search conducted through the Department of Justice.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within meaning of Section 6 of Article XIII B of the California Constitution.

Dr. Cervantes asks whether there is a motion to remove the current 4(a) language above.

Dr. Phillips commented that it was up to CPA, since it was their proposal.

Mr. Rinde commented on the rationale behind CPA's choice of 4(a) language. He added that CPA wanted to be as broad as possible in case at some certain point a school developed new coursework that might not be explicitly covered, prompting the Board to make statutory changes to accommodate it.

Dr. Winkelman commented that CPA's language above was written with the intent that 4(a) and 4(b) would be understood as working together. She agreed with Mr. Rinde's statements and added that CPA wanted to move forward with the Board's support.

It was (M)Tate(S)Harb Sheets(C) to delete 4(a) from 2999.101. and keep the other changes [text in red with underlining and strikethroughs] and include this language in the Board's Sunset bill.

Dr. Tate called for public comment.

The first public commenter was a psychologist asking hypothetically how he might hire a PTT without knowing what the PTT is required to do, unless the Board were very specific about educational prerequisites.

Dr. Winkelman from CPA commented that the proposed language described the educational background, adding that there was additional requirement of 80 hours to be completed in activities specific to the work of a PTT. A psychologist hiring a PTT would act as their supervisor, but the PTT would not come out of a baccalaureate program with the practical ability to actually administer tests.

The second public commenter was a forensic psychologist who appreciated that the language was broadened to include degree programs that were not so clearly founded in psychology. She commented about how useful it was in her own practice when her trainees had a background in medical issues.

Dr. Winkelman commented that adding 4(A) above back in would address the issues brought up in public comment.

Dr. Phillips commented that the language as amended here would allow staff to have an SME make the final determination.

A public commenter asked who would make the determination of eligibility of an applicant's fitness with a neuroscience degree, whether the hiring psychologist would be making that decision, or whether the application would still need to be reviewed by staff.

Dr. Phillips commented that the board would still review the application to certify the prerequisite coursework had been completed.

Dr. Feather Gaither commented that behavioral health could be a discipline that could be included in the language above.

Dr. Phillips commented that substance abuse was a part of behavioral health, and asked whether substance abuse itself would qualify as sufficient prerequisite training for working as a PTT.

Dr. Gaither pointed out that students would benefit from knowing exactly what coursework to take to lead them to registration as a PTT.

Votes

8 Ayes (Casuga, Cervantes, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 Noes

ADJOURNMENT OF FIRST DAY

Mr. Polk commented that attendance at the meeting today provided 6 hours of CPD credit under Category 1.

The meeting adjourned at 3:55 p.m.

Friday, February 28, 2025

Agenda Item #19: Call to Order/Roll Call/Establishment of a Quorum

Dr. Tate called the meeting to order at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Ms. Rescate was absent.

Agenda Item #20: Health Care Access and Information (HCAI) Presentation – Loan Repayment Program Update, Update Related to Education Capacity Expansion Programs, and Updates on Social Work Initiatives and Funding Sources Not Available to Psychologists

996
997 Dr. Tate introduced Michelle Crouch from Department of Health Care Access and
998 Information (HCAI) to present this item.
999
1000 Ms. Crouch called for Board comment.
1001
1002 Dr. Casuga asked when the application cycle would start, and Ms. Crouch said it would
1003 start May 1, 2025.
1004
1005 Dr. Phillips asked whether the funds used for the psychology scholarships came from
1006 licensing fees for psychologists.
1007
1008 Ms. Crouch confirmed that the \$20 licensing fee did go to these scholarships.
1009
1010 Dr. Tate called for public comment.
1011
1012 Dr. Gaither asked why the scholarship amount was capped at \$15,000, and Ms. Crouch
1013 commented that this was directed by the Legislature. Ms. Crouch added that when the
1014 licensing fee was increased, the maximum award amount also increased.
1015
1016 Dr. Casuga asked whether there was a maximum amount one recipient could receive.
1017
1018 Ms. Crouch commented that \$15,000 was the maximum 12-month award, and would in
1019 any case not be greater than the applicant's educational debt. She added that in
1020 previous cycles, a recipient was limited to two or three lifetime awards, but that now
1021 there was no limit on the number of times a recipient might be eligible for an award. She
1022 commented that the process had also become much more competitive.
1023
1024 Dr. Casuga suggested including a newsletter item prior to the May 1, 2025, cycle start
1025 date in addition to the usual recipient testimonials that included each quarter.
1026
1027 Dr. Rodgers commented that this item could also be posted on the Board's social media
1028 pages.
1029
1030 Mr. Foo asked whether HCAI notifies the Legislator in whose district the award was
1031 given, and also whether HCAI shares the geographical locations from where the
1032 applications are being received.
1033
1034 Ms. Crouch replied that HCAI would share this information with the Legislature, if asked.
1035
1036 Mr. Foo pointed to the large amount of awards given in 2022-2023 and asked where
1037 those funds came from, and Ms. Crouch replied that, in addition to Board funds, there
1038 were several private donations.
1039
1040 Dr. Tate called for further Board comments.
1041
1042 No further Board comments were offered.
1043

No further public comments were offered.

Agenda Item #21: Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)].

Dr. Tate called for Board comment.

Dr. Cervantes commented that she would like to have an update on the newly revised American APA Ethics Code.

Dr. Casuga commented that she would like to continue the mindfulness practice at the next meeting.

Dr. Harb Sheets commented that, even though the Association of State and Provincial Boards (ASPPB) was not moving forward with the implementation of the Examination for the Professional Practice of Psychology, Part 2 (EPPP2) at this time, the Board should continue to monitor for changes and updates coming out of this pause.

Dr. Cervantes commented that the Board should receive assurances from ASPPB that when the EPPP2 is rolled out, that the testing protocols have been thoroughly checked out to avoid technical problems hindering the process for applicants.

Dr. Tate called for public comment.

No public comment was offered.

Mr. Polk commented that attendance at the meeting today provided 1 hour of CPD credit under Category 1.

Board and public discussion arose regarding a way to notify licensees ahead of time about the potential amount of CPD that each day of a noticed meeting might provide.

Mr. Burke commented that this could be a newsletter item and that this could also be included in social media and other notifications that the board sends out ahead of meetings.

CLOSED SESSION

Ms. Rescate joined the meeting in closed session.

Agenda Item #22: The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Petitions for Reinstatement, Modification, or Early Termination, Proposed Decisions, Stipulations, Petitions for Reinstatement and Modification of Penalty, Petitions for Reconsideration, and Remands.

1092

1093

1094 **Agenda Item #23: Pursuant to Government Code Section 11126(a)(1), the Board**

1095 **Will Meet in Closed Session to Consider and Take Possible Action on the**

1096 **Appointment of an Executive Officer.**

1097

1098 **ADJOURNMENT OF SECOND DAY**

1099

1100 The meeting adjourned at 12:39 p.m. without returning to open session.

MEMORANDUM

DATE	April 23, 2025
TO	Psychology Board Members
FROM	Cynthia Whitney Central Services Manager
SUBJECT	Agenda Item # 5 – Discussion and Possible Approval of the Board Meeting Minutes: April 17, 2025

Background:

Attached are the draft minutes of the April 17, 2025, Board Meeting.

Action Requested:

Review and approve the minutes of the April 17, 2025, Board Meeting.

MINUTES OF BOARD MEETING

April 17, 2025

Primary Location (Members/Staff):

Department of Consumer Affairs
1747 N. Market Blvd., Ruby Room
Sacramento, CA 95834

Teleconference Locations / Additional Locations at Which the Public Could Observe or Address the Board and Where Members Were Present:

12803 Pimperl Way
San Diego, CA 92129

Bureau of Automotive Repair
Hercules Field Office
625 Alfred Nobel Dr., Suite A
Hercules, CA 94547

DOI Med Board
12750 Center Court Drive South, Suite 750
Cerritos, CA 92868

Elihu Harris (Bond) State Building
1515 Clay Street, Room 10
Oakland, CA 94612

City of West Hollywood
West Hollywood City Hall
8300 Santa Monica Blvd.
3rd Floor Training Room
West Hollywood, CA 900696

Board Members Present

Shacunda Rodgers, PhD, Vice President
Sheryll Casuga, PsyD, CMPC
Marisela Cervantes, EdD, MPA
Seyron Foo
Mary Harb Sheets, PhD
Julie Nystrom

Board Members Absent

Lea Tate, PsyD, President
Stephen Phillips, JD, PsyD
Ana Rescate

Board Staff

Jonathan Burke, Interim Executive Officer
Stephanie Cheung, Licensing Manager
Sandra Monterrubio, Enforcement Program Manager
Jacklyn Mancilla, Legislative and Regulatory Affairs Analyst
Cecilia Voon, Renewals and Retirement Analyst
Anthony Pane, Board Counsel
Shelley Ganaway, Board Counsel
Sam Singh, Regulatory Counsel

Thursday, April 17, 2025

Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum

Dr. Rodgers called the meeting to order at 2:11 p.m. A quorum was present and due notice had been sent to all interested parties.

Agenda Item #2: Public Comment for Items Not on the Agenda

Dr. Rodgers called for public comment.

No public comment was offered.

Agenda Item #3: Discussion and Possible Approval of the Board's 2025 Sunset Review Report

Dr. Rodgers introduced this item and Mr. Burke provided the update, starting on page nine of the meeting materials.

Dr. Rodgers opened the item for Board discussion, starting with Issue #1 on page 29 of the meeting materials.

Dr. Rodgers called for Board comment.

Ms. Nystrom asked how telework would be implemented in light of the Governor's call for staff to return to the office four days a week starting in July 2025.

Mr. Burke commented that staff was awaiting clarification on how this would be implemented.

86 Dr. Harb Sheets asked whether staff turnover that is due to promotional opportunities
87 might be reduced by providing more promotional opportunities within the board.
88

89 Mr. Burke commented that several internal promotions took place over the past Sunset
90 Review cycle. He added that the difficulty lay in not receiving a sufficient pool of
91 applicants to choose from, and that this number has started to rebound since the
92 pandemic.
93

94 Dr. Rodgers asked what other efforts staff is making to expand the recruitment process
95 beyond what is currently in place.
96

97 Mr. Burke commented that staff sends out email blasts to announce vacancies, and
98 added that Department of Consumer Affairs (DCA) very actively advertises vacancies to
99 staff throughout DCA.
100

101 Dr. Rodgers asked Mr. Burke to include his answer just given into the response to Issue
102 #1.
103

104 Dr. Rodgers called for public comment.
105

106 No public comment was offered.
107

108 Dr. Rodgers moved on to Issue #2, starting on page 29 of the meeting materials.
109

110 Dr. Rodgers called for Board comment.
111

112 Dr. Casuga commented that the Board had previously discussed sending out Subject
113 Matter Expert (SME) recruitment information with renewals.
114

115 Mr. Burke confirmed that this subject was discussed, but that currently no such notices
116 were being sent out.
117

118 Dr. Harb Sheets asked how many SMEs had been recruited in the most recent drive.
119

120 Ms. Monterrubio replied that the board added twenty new SMEs to its pool. She
121 commented that former licensed Board Members have helped screen applicants for
122 minimum qualifications. She added that the next SME training will take place September
123 26, 2025.
124

125 Dr. Harb Sheets asked whether there would be notices sent out to promote the
126 September training.
127

128 Ms. Monterrubio replied that articles would appear in the newsletter, and licensees
129 would be notified via the email distribution list.

130
131 Dr. Rodgers called for public comment.
132
133 No public comment was offered.
134
135 Dr. Rodgers moved on to Issue #3, starting on page 30 of the meeting materials.
136
137 Dr. Rodgers called for Board comment.
138
139 Dr. Cervantes commented that the choice of the word 'speculates' was not as strong as
140 saying that the board 'had concluded'.
141
142 Mr. Burke confirmed that this wording would be revised.
143
144 Dr. Casuga suggested that COVID should be included in the response as having had an
145 effect on examination passing rates.
146
147 Dr. Cervantes asked to include language that spoke to the differing requirements
148 between California and other jurisdictions in terms of the difference in passing rates.
149
150 Mr. Burke confirmed that this language could be included.
151
152 Dr. Rodgers called for public comment.
153
154 Quinn Austin-Small commented that the Board should weigh COVID as a factor
155 influencing passing rates, but cautioned that regarding APA-accreditation too highly in
156 interpreting trends in passing rates might be misleading, since this accreditation has not
157 always translated into high-quality training at all facilities.
158
159 No further public comment was offered.
160
161 Dr. Rodgers moved on to Issue #4, starting on page 30 of the meeting materials.
162
163 Dr. Harb Sheets commented that this is one issue the Board should closely follow, since
164 the timing of the exam could change.
165
166 Dr. Casuga agreed with Dr. Harb Sheets.
167
168 Dr. Rodgers called for public comment.
169
170 No public comment was offered.
171
172 Dr. Rodgers moved on to Issue #5, starting on page 32 of the meeting materials.
173

174 Dr. Rodgers called for Board comment.

175

176 No Board comment was offered.

177

178 Dr. Rodgers called for public comment.

179

180 Dr. Elizabeth Winkelman of California Psychological Association (CPA) expressed
181 concern about the reference to passing preliminary exams in this section, commenting
182 that not everyone takes the preliminary exams. She hoped the Board would consider
183 removing that reference from the language.

184

185 Dr. Harb Sheets asked whether CPA would rather the language expressed a need to
186 pass whatever preliminary doctoral exams were required by a program.

187

188 Dr. Winkelman commented that CPA would rather the reference be removed entirely,
189 although would not object to the Board making reference to a program's requirement for
190 the preliminary exams.

191

192 Ms. Cheung commented that it had not been staff's experience that this requirement
193 had been a hindrance to applicants. She offered to provide statistics.

194

195 Dr. Winkelman commented that adding this language to new places in the law might
196 cause future problems even if there are not currently any issues with it.

197

198 Dr. Harb Sheets commented that it could be sufficient for the school to identify that the
199 person has advanced to candidacy, and then the language could reflect confirmation of
200 a Master's degree and advancement to candidacy.

201

202 Dr. Cervantes commented that in her own doctoral program, the preliminary exam was
203 a peer-reviewed project.

204

205 No further public comment was offered.

206

207 Dr. Rodgers moved on to Issue #6, starting on page 32 of the meeting materials.

208

209 Dr. Rodgers called for Board comment.

210

211 No Board comment was offered.

212

213 Dr. Rodgers called for public comment.

214

215 No public comment was offered.

216

217 Dr. Rodgers moved on to Issue #7, starting on page 33 of the meeting materials.

218
219 Dr. Rodgers called for Board comment.
220
221 No Board comment was offered.
222
223 Dr. Rodgers called for public comment.
224
225 Quinn Austin-Small commented that it can be burdensome to a licensee coming from
226 another state, especially when they have been practicing for many years, perhaps
227 having been supervised or trained by people who are long gone, or in facilities that no
228 longer exist. He added that this puts a regulatory barrier and a high financial cost in the
229 way of older licensees coming from out of state.
230
231 No further public comment was offered.
232
233 Dr. Rodgers moved on to Issue #8, starting on page 34 of the meeting materials.
234
235 Dr. Rodgers called for Board comment.
236
237 Dr. Casuga asked for clarification that this language included what the Board discussed
238 at the February 2025 Board meeting.
239
240 Mr. Burke confirmed that this response was inclusive of the Board's discussion in
241 February, namely, to agree with CPA's language and include it in the Sunset Bill.
242
243 Dr. Rodgers called for public comment.
244
245 No public comment was offered.
246
247 Dr. Rodgers moved on to Issue #9, starting on page 34 of the meeting materials.
248
249 Dr. Rodgers called for Board comment.
250
251 No Board comment was offered.
252
253 Dr. Rodgers called for public comment.
254
255 No public comment was offered.
256
257 Dr. Rodgers moved on to Issue #10, starting on page 35 of the meeting materials.
258
259 Dr. Rodgers called for Board comment.
260
261 No Board comment was offered.

262
263 Dr. Rodgers call for public comment.
264
265 No public comment was offered.
266
267 Dr. Rodgers moved on to Issue #11, starting on page 36 of the meeting materials.
268
269 Dr. Rodgers called for Board comment.
270
271 No Board comment was offered.
272
273 Dr. Rodgers call for public comment.
274
275 Tyler Rinde, of CPA, requested that the Board withdraw its proposal before the
276 Legislature to obtain exceptions to psychotherapist-client privilege for investigative
277 purposes.
278
279 No further public comment was offered.
280
281 Dr. Rodgers moved on to Issue #12, starting on page 37 of the meeting materials.
282
283 Dr. Rodgers called for Board comment.
284
285 No Board comment was offered.
286
287 Dr. Rodgers call for public comment.
288
289 No public comment was offered.
290
291 Dr. Rodgers moved on to Issue #13, starting on page 38 of the meeting materials.
292
293 Dr. Rodgers called for Board comment.
294
295 Dr. Cervantes commented that at the Legislative and Regulatory Affairs Committee
296 meeting on April 11, 2025, there was discussion about creating an ad hoc committee to
297 closely analyze the implications of Artificial Intelligent (AI).
298
299 Mr. Burke confirmed that the discussion of that Committee could be referenced in this
300 response. He added that staff reviewed a bill that would create a statewide AI Task
301 Force, but that so far Board President Tate had not called for the creation of an ad hoc
302 committee.
303
304 Dr. Casuga commented that the language should include references to generative AI
305 and augmented reality technology.

306
307 Mr. Burke commented that these technologies could be referenced in the response.
308
309 No further Board comment was offered.
310
311 Dr. Rodgers call for public comment.
312
313 No public comment was offered.
314
315 Dr. Rodgers moved on to Issue #14, and Mr. Burke presented this item starting on page
316 16 of the hand carry materials.
317
318 Mr. Burke called for Board comment.
319
320 Dr. Harb Sheets expressed concerns about how this section was written, regarding how
321 it would impact processes within the Licensing Unit, and whether the current 30-day
322 limit was still appropriate.
323
324 Board discussion ensued.
325
326 Mr. Pane commented that, given the time constraints on approving this document, the
327 language could be submitted in its current form, and at a later date could be further
328 refined.
329
330 Mr. Burke commented that in discussion with other boards, it was clear that the
331 workload to manage these exceptional cases was not burdensome, especially once
332 BreEZe had been configured.
333
334 No further Board comment was offered.
335
336 Dr. Rodgers call for public comment.
337
338 Dr. Winkelman, from CPA, commented that, while CPA does not have a position on this
339 issue, she wanted to point out that there was a difference between how the language is
340 interpreted now to mean 30 non-consecutive days, and that the legislative interpretation
341 is 30 consecutive days. She added that in the first case, an out-of-state practitioner
342 could conceivably stretch biweekly sessions to over a year while not surpassing the 30-
343 day limit.
344
345 Dr. Harb Sheets and Dr. Winkelman discussed circumstances under which the
346 foregoing example might occur, and how whether a limit of 60 or 90 days might be more
347 flexible than 30 days.
348
349 No further public comment was offered.

Ms. Nystrom suggested that the Board recommend changing the language to reflect 90 days instead of 30 days, and then leave it to the Legislature to write it into the bill or not.

Dr. Rodgers opened the discussion on Issues 15-17, starting on page 42 of the meeting materials.

No Board comment was offered.

Dr. Rodgers called for public comment.

Dr. Zyanya Mendoza commented that the Board of Behavioral Science expresses their term of limited practice from outside California based on the continuity of care, not for new assessments.

No further public comment was offered.

It was (M)Foo(S)Casuga(C) to accept the Sunset Review Report with all the amended changes and recommendations.

Dr. Rodgers called for public comment.

No public comment was offered.

Votes

6 Ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Rodgers,), 3 Absent (Phillips, Rescate, Tate), 0 Noes

Agenda Item #4: Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)].

Dr. Rodgers called for Board comment.

No Board comment was offered.

Dr. Rodgers called for public comment.

Dr. Simone Ravicz asked for an exploration into why California does not participate in PsyPact.

No further public comment was offered.

395 **ADJOURNMENT**

396

397 Ms. Mancilla commented that attendance at the meeting today provided 2 hours of CPD
398 credit under Category 1.

399

400 The meeting adjourned at 3:49 p.m.

MEMORANDUM

DATE	May 2, 2025
TO	Psychology Board Members
FROM	Jon Burke, Executive Office
SUBJECT	Executive Officer's Report: Agenda Item 7

Background:

The following items are included in the memo below or attached.

- 1) Personnel Update
- 2) Outreach Update

Personnel Update

Authorized Positions: 27.30

Temp Help: 1.0

Vacancies: 2.0

New Hires	
N/A	
Vacancies	
<ol style="list-style-type: none">1. Assistant Executive Officer Vacancy. Applications have been reviewed and interviews scheduled.2. Board Liaison (OT) Vacancy. Applications have been reviewed and interviews scheduled.	

Outreach

March 20, 2025: The Board sent two staff members to the careers fair at Natomas High School.

May 3, 2025: Two staff attended the Los Angeles County Psychological Association meeting in Los Angeles.

September 11-14, 2025: Staff will attend the CPA Annual Convention in Long Beach, CA.

October 22-26: The Executive Officer and Vice President have requested to attend the ASPPB Annual Meeting in St Louis, Missouri. Attendance will allow for California to vote on proposed revisions to ASPPB Bylaws and potentially the combined EPPP examination.

Action Requested:

This item is for informational purposes only.

Department of Consumer Affairs Update

May 2025

Governor's Reorganization Plan

In January, Governor Newsom released his proposed 2025-26 State budget, which included a proposal to split DCA's oversight Agency, the Business, Consumer Services, and Housing Agency into two state agencies – the California Housing and Homelessness Agency and the Business and Consumer Services Agency.

The proposed California Housing and Homelessness Agency (CHHA) will oversee housing and homelessness solutions and safeguard civil rights.

The new Business and Consumer Services Agency will be responsible for consumer affairs, licensing and enforcement. The Department of Consumer Affairs would be among the eight (8) departments in this new agency.

As part of the process in State government, on April 4, the Governor's reorganization plan was delivered to the non-partisan Little Hoover Commission for review. The submission of the plan to the Commission began an approximate 90-day formal review process.

The Commission held public hearings on April 23rd and 24th to receive testimony and for interested parties to provide input on the proposed reorganization. Our Agency Secretary, DCA Director Kirchmeyer, and other impacted department leaders testified in support of the Governor's plan and responded to questions from the Commissioners.

The Commission is in the process of writing a report that it will submit to the Governor and the Legislature.

The Commission's report will offer a recommendation to the Governor and the Legislature as to whether it believes the reorganization plan should go into effect. The Commission sometimes offers recommendations for how the plan could be strengthened, either through administrative actions or subsequent legislation.

The Legislature will then have 60 days to review and consider the reorganization plan.

The Governor's plan becomes effective on the 61st day after it has been given to the Legislature unless either the Senate or the Assembly adopts by majority vote a resolution to reject the plan.

If approved, the Business and Consumer Services Agency will be created in July 2025, with one year of transition and will become operative on July 1, 2026.

In addition to several virtual briefings hosted by Agency Secretary Moss, there is detailed information available on the reorganization plan on the Business, Consumer Services, and Housing Agency website (<https://bcsh.ca.gov/about/reorganization>).

We believe this is an extraordinary opportunity for DCA to better align with other consumer protection departments. A Secretary within the Governor's cabinet focused solely on consumer protection will only strengthen our mission, momentum, and delivery of services to California.

DCA will continue to keep board and bureau leadership updated on the progress of the Governor's reorganization plan.

Hybrid Telework Transition

On March 3, 2025, Governor Newsom issued an executive order requiring all State agencies and departments to update their hybrid telework policies for employees and increase from two to four days in office per week beginning on July 1, 2025.

On March 13, 2025, the California Department of Human Resources issued guidance on implementation of the executive order. The guidance provides defined parameters for when agencies and departments can make case-by-case exceptions to the four-day in-office minimum requirement. DCA has been working closely with a few programs on identifying additional space needed for this transition.

DCA has been hosting bi-weekly meetings with board and bureau leadership to provide updates and respond to questions. We recognize that this transition will likely require adjustments for many employees and we are working together to minimize the impacts. We will of course continue to keep leadership updated on any additional direction received from CalHR.

New Compliance and Equity Officer

On April 28, Levi Hull began serving as DCA's new Compliance and Equity Officer.

In this position, he is responsible for leading and coordinating Department-wide quality improvement efforts to ensure consistency and regulatory compliance. This position oversees DCA's SOLID Planning and Training Services, the Organizational Improvement Office, the Equal Employment Opportunity Office and the Internal Audit Office, and serves as the liaison to the Department's Diversity, Equity, and Inclusion Steering Committee. As the Department's Equity Officer, this position is dedicated to enhancing the diversity, equity, inclusion, and accessibility policies, trainings and activities throughout the Department's programs.

Levi brings more than 12 years of experience in leading multidisciplinary teams and driving strategic program development. With more than nine years of experience in EEO compliance and program management, including nearly three years at DCA, he is an experienced leader with a deep commitment to fostering inclusive, equitable, and accessible work environments.

Board Member Orientation Training (BMOT) – June 18, 2025

Reminder: Board members must complete BMOT within one year of their appointment or re-appointment. BMOT will be offered virtually on June 18, 2025,

and again on October 22, 2025. Members can register for this training via the Learning Management System.

Closing

Each year, during the first week in May, we celebrate Public Service Recognition Week. I want to close with a special thank you to the Board, your Executive Officer and Board staff for your hard work and dedicated efforts to achieve our mission of consumer protection. We are grateful for your partnership and applaud your extraordinary service each and every day.

Thank you again for the opportunity to be here today and I am happy to answer any questions you may have.

MEMORANDUM

DATE	April 30, 2025
TO	Psychology Board Members
FROM	Cynthia Whitney Central Services Manager
SUBJECT	Agenda Item #10 – Budget Report

Background:

The current projections below are based on the FM 9 totals for the 2024-25 fiscal year.

As for revenue, the Board is projected to collect \$9.126 million in Fiscal Year 2024-25. Board staff will continue to monitor revenue with the Budget Office monthly.

For 2024-25 expenditures, the Board is projected to spend \$7.320 million of its budgeted appropriation of \$7.780 million, leaving a balance of approximately \$460 thousand.

Action Requested:

This item is for informational purposes only. There is no action required at this time.

Attachment #1: Budget Report: FY 2024-25 through Fiscal Month 9

Attachment #2: Fund Condition

Attachment #3: Revenue Projection Report

Attachment #4: Expenditure and Revenue Comparison

Department of Consumer Affairs
Expenditure Projection Report
 Board of Psychology
 Reporting Structure(s): 11112100 Support
 Fiscal Month: 9
 Fiscal Year: 2024 - 2025

PERSONAL SERVICES

Fiscal Code	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100 PERMANENT POSITIONS	\$1,830,000	\$1,884,630	\$2,029,000	\$157,746	\$1,360,844	\$0	\$1,360,844	\$1,841,260	\$187,740
5100 TEMPORARY POSITIONS	\$47,000	\$68,674	\$47,000	\$2,707	\$23,860	\$0	\$23,860	\$32,637	\$14,363
5105-5108 PER DIEM, OVERTIME, & LUMP	\$22,000	\$33,068	\$22,000	\$380	\$50,432	\$0	\$50,432	\$65,440	-\$43,440
5150 STAFF BENEFITS	\$1,272,000	\$1,212,828	\$1,247,000	\$98,954	\$824,244	\$0	\$824,244	\$1,115,436	\$131,564
PERSONAL SERVICES	\$3,171,000	\$3,199,200	\$3,345,000	\$259,787	\$2,259,380	\$0	\$2,259,380	\$3,054,772	\$290,228

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301 GENERAL EXPENSE	\$107,000	\$89,507	\$81,000	\$3,113	\$24,906	\$27,829	\$52,735	\$103,923	-\$22,923
5302 PRINTING	\$55,000	\$22,781	\$53,000	\$335	\$3,569	\$42,497	\$46,065	\$46,065	\$6,935
5304 COMMUNICATIONS	\$31,000	\$4,320	\$29,000	\$547	\$3,195	\$0	\$3,195	\$5,363	\$23,637
5306 POSTAGE	\$19,000	\$6,905	\$17,000	\$431	\$5,586	\$0	\$5,586	\$8,807	\$8,193
5308 INSURANCE	\$0	\$50	\$0	\$0	\$0	\$0	\$0	\$50	-\$50
53202-204 IN STATE TRAVEL	\$25,000	\$28,650	\$23,000	\$2,788	\$14,185	\$0	\$14,185	\$28,000	-\$5,000
5322 TRAINING	\$18,000	\$1,000	\$15,000	\$0	\$0	\$0	\$0	\$1,000	\$14,000
5324 FACILITIES	\$153,000	\$245,263	\$203,000	\$19,590	\$173,816	\$56,740	\$230,556	\$240,439	-\$37,439
53402-53403 C/P SERVICES (INTERNAL)	\$1,426,000	\$1,204,618	\$1,274,000	\$83,571	\$719,703	\$10,207	\$729,910	\$1,100,276	\$173,724
53404-53405 C/P SERVICES (EXTERNAL)	\$781,000	\$468,201	\$703,000	\$46,808	\$290,968	\$46,709	\$337,676	\$480,038	\$222,962
5342 DEPARTMENT PRORATA	\$2,581,000	\$2,134,610	\$2,212,000	\$192,167	\$1,921,667	\$0	\$1,921,667	\$2,174,000	\$38,000
5342 DEPARTMENTAL SERVICES	\$54,000	\$49,499	\$53,000	\$103	\$29,706	\$0	\$29,706	\$49,982	\$3,018
5344 CONSOLIDATED DATA CENTERS	\$15,000	\$17,718	\$15,000	\$0	\$0	\$0	\$0	\$17,916	-\$2,916
5346 INFORMATION TECHNOLOGY	\$7,000	\$1,823	\$7,000	\$596	\$2,384	\$1,192	\$3,576	\$5,399	\$1,601
5362-5368 EQUIPMENT	\$38,000	\$23,010	\$0	\$0	\$2,060	\$3,297	\$5,357	\$5,357	-\$5,357
5390 OTHER ITEMS OF EXPENSE	\$0	\$3,757	\$0	\$0	\$974	\$0	\$974	\$4,594	-\$4,594
54 SPECIAL ITEMS OF EXPENSE	\$0	\$4,125	\$0	\$0	\$112,712	\$0	\$112,712	\$114,103	-\$114,103
OPERATING EXPENSES & EQUIPMENT	\$5,310,000	\$4,305,837	\$4,685,000	\$350,049	\$3,305,429	\$188,470	\$3,493,899	\$4,385,312	\$299,688

OVERALL TOTALS	\$8,481,000	\$7,505,037	\$8,030,000	\$609,836	\$5,564,809	\$188,470	\$5,753,280	\$7,440,084	\$589,916
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REIMBURSEMENTS	-\$51,000	-\$191,000	-\$51,000					-\$51,000	
OVERALL NET TOTALS	\$8,430,000	\$7,314,037	\$7,979,000	\$609,836	\$5,564,809	\$188,470	\$5,753,280	\$7,389,084	\$589,916

ESTIMATED TOTAL NET ADJUSTMENTS			-\$199,000						
OVERALL NET TOTALS	\$8,430,000	\$7,314,037	\$7,780,000	\$609,836	\$5,564,809	\$188,470	\$5,753,280	\$7,389,084	\$390,916

5.02%

0310 - Board of Psychology Fund
Analysis of Fund Condition
(Dollars in Thousands)
2025-26 Governor's Budget with FM 9 Projections

Prepared 4.22.2025

	Actual 2023-24	CY 2024-25	BY 2025-26	BY +1 2026-27
BEGINNING BALANCE	\$ 5,661	\$ 5,405	\$ 7,307	\$ 7,585
Prior Year Adjustment	\$ 40	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 5,701	\$ 5,405	\$ 7,307	\$ 7,585
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$ 99	\$ 120	\$ 95	\$ 95
4127400 - Renewal fees	\$ 6,048	\$ 8,230	\$ 7,715	\$ 7,715
4129200 - Other regulatory fees	\$ 199	\$ 250	\$ 207	\$ 207
4129400 - Other regulatory licenses and permits	\$ 877	\$ 965	\$ 1,038	\$ 1,038
4143500 - Miscellaneous Services to the Public	\$ 1	\$ -	\$ -	\$ -
4163000 - Income from surplus money investments	\$ 245	\$ 256	\$ 68	\$ 114
4171400 - Escheat of unclaimed checks and warrants	\$ 4	\$ 13	\$ -	\$ -
Totals, Revenues	\$ 7,473	\$ 9,834	\$ 9,123	\$ 9,169
Totals, Transfers and Other Adjustments	\$ -	\$ -	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 7,473	\$ 9,834	\$ 9,123	\$ 9,169
TOTAL RESOURCES	\$ 13,174	\$ 15,239	\$ 16,430	\$ 16,754
Expenditures:				
1111 Department of Consumer Affairs (State Operations)	\$ 7,194	\$ 7,320	\$ 8,135	\$ 8,379
9892 Supplemental Pension Payments (State Operations)	\$ 94	\$ 67	\$ 67	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 481	\$ 545	\$ 643	\$ 643
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 7,769	\$ 7,932	\$ 8,845	\$ 9,022
FUND BALANCE	\$ 5,405	\$ 7,307	\$ 7,585	\$ 7,732
Reserve for economic uncertainties				
Months in Reserve	8.2	9.9	10.1	10.0

NOTES:

1. Assumes workload and revenue projections are realized in BY+1 and ongoing.
2. Expenditure growth projected at 3% beginning BY+1.

Department of Consumer Affairs

Revenue Projection Report

Reporting Structure(s): 11112100 Support

Fiscal Month: 9

Fiscal Year: 2024 - 2025

Revenue

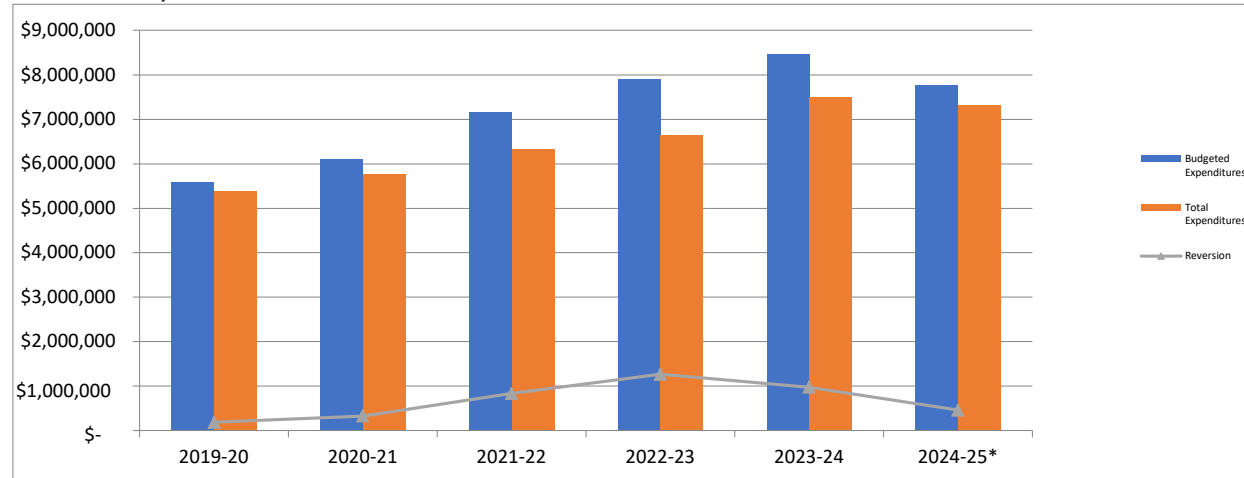
Fiscal Code	Budget	July	August	September	October	November	December	January	February	March	Year to Date	Projection To Year End
Delinquent Fees	\$98,000	\$8,992	\$8,377	\$13,632	\$8,420	\$10,806	\$10,889	\$11,822	\$8,948	\$10,711	\$92,595	\$120,359
Other Regulatory Fees	\$292,000	\$26,030	\$29,743	\$26,835	\$25,815	\$18,800	\$22,215	\$15,415	\$17,210	\$18,429	\$200,492	\$250,387
Other Regulatory License and Permits	\$1,005,000	\$123,374	\$108,004	\$107,264	\$96,710	\$68,311	\$75,438	\$70,483	\$63,038	\$74,361	\$786,983	\$964,665
Other Revenue	\$68,000	\$8,902	\$235	\$150	\$82,207	\$126	\$1,880	\$86,487	\$537	\$1,500	\$182,024	\$268,499
Renewal Fees	\$7,663,000	\$884,691	\$1,142,591	\$1,268,002	\$740,115	\$658,972	\$612,619	\$694,166	\$619,171	\$700,895	\$7,321,222	\$8,229,747
Revenue	\$9,126,000	\$1,051,990	\$1,288,949	\$1,415,883	\$953,267	\$757,015	\$723,041	\$878,373	\$708,904	\$805,895	\$8,583,316	\$9,833,658

Reimbursements

Fiscal Code	Budget	July	August	September	October	November	December	January	February	March	Year to Date	Projection To Year End
Scheduled Reimbursements	\$51,000	\$882	\$490	\$882	\$539	\$294	\$637	\$539	\$392	\$392	\$5,047	\$6,172
Unscheduled Reimbursements	\$0	\$19,262	\$13,157	\$7,618	\$17,271	\$9,729	\$8,052	\$24,268	\$3,979	\$10,658	\$113,993	\$113,993
Reimbursements	\$0	\$20,144	\$13,647	\$8,500	\$17,810	\$10,023	\$8,689	\$24,807	\$4,371	\$11,050	\$119,040	\$120,165

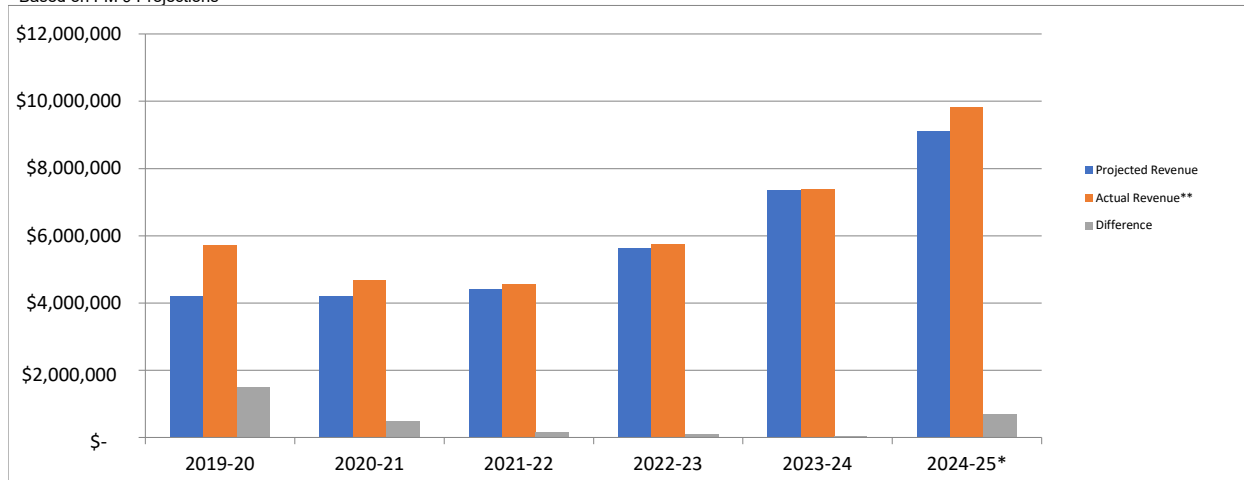
Psychology Expenditure Comparison (Budgeted vs. Actual)						
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25*
Budgeted Expenditures	\$ 5,586,000	\$ 6,111,000	\$ 7,171,000	\$ 7,919,000	\$ 8,481,000	\$ 7,780,000
Total Expenditures	\$ 5,396,000	\$ 5,783,000	\$ 6,334,000	\$ 6,651,000	\$ 7,505,000	\$ 7,320,000
Reversion	\$ 190,000	\$ 328,000	\$ 837,000	\$ 1,268,000	\$ 976,000	\$ 460,000

*Based on FM 9 Projections



Psychology Revenue Comparison (Projected vs. Actual)						
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25*
Projected Revenue	\$ 4,219,000	\$ 4,201,689	\$ 4,411,000	\$ 5,623,000	\$ 7,344,000	\$ 9,126,000
Actual Revenue**	\$ 5,716,000	\$ 4,690,000	\$ 4,565,000	\$ 5,742,000	\$ 7,378,000	\$ 9,834,000
Difference	\$ 1,497,000	\$ 488,311	\$ 154,000	\$ 119,000	\$ 34,000	\$ 708,000

*Based on FM 9 Projections



MEMORANDUM

DATE	May 2, 2025
TO	Board Members
FROM	Jonathan Burke Executive Officer
SUBJECT	Agenda Item #14(a)(1): 2025 Sunset Review Report

Background:

In July 2024, the Board received the Sunset Review Report (Report). The Sunset Review Oversight process allows the Legislature to review the laws and regulations pertaining to each board and evaluate the board's programs and policies; determine whether the board operates and enforces its regulatory responsibilities and is carrying out its statutory duties; and examine fiscal management practices and financial relationships with other agencies. Through Sunset Review Oversight, boards are also evaluated on key performance measures and targets related to the timeliness of action, enforcement, and other necessary efforts to serve the needs of and adequately protect California consumers while promoting regulatory efficiency and effectiveness.

The Board submitted its Sunset Report on January 3, 2025. The Report was reviewed by the Joint Sunset Review Committee of the Assembly Business and Professions Committee and the Senate Committee on Business, Professions and Economic Development (Joint Committee) and the Board representatives attended a Hearing on March 24, 2025.

The Joint Committee sent a Background Paper identifying 17 Issues and the Board adopted its responses at a special Board Meeting on April 17, 2025.

The Senate Committee on Business, Professions and Economic Development introduced SB 775 Board of Behavioral Sciences which is the Board's Sunset Bill. This will be discussed and potentially acted upon under Agenda Item 14b (1).

Action Requested:

This item is informational.

Attachments:

Attachment 1: 2025 Committee Background Paper Board Responses

Attachment 2: 2025 Sunset Review Report ([weblink](#))

BACKGROUND PAPER FOR THE California Board of Psychology

**Joint Sunset Review Oversight Hearing, March 24, 2025
Assembly Business and Professions Committee and the
Senate Committee on Business, Professions and Economic
Development**

BACKGROUND, IDENTIFIED ISSUES, AND RECOMMENDATIONS

BRIEF OVERVIEW OF THE CALIFORNIA BOARD OF PSYCHOLOGY

History and Function of the California Board of Psychology

The State of California began regulating the practice of psychology in 1958 with the enactment of the Psychology Certification Act (Act).¹ The Act defined the practice of psychology, established the Psychology Examining Committee under the Board of Medical Examiners (now the Medical Board of California) to administer and enforce the Act, set forth requirements for persons to become certified psychologists, and prohibited non-certified individuals from representing themselves as psychologists² and rendering or offering to render psychological services for a fee. However, the Act did not restrict anyone from practicing psychology, provided they did not represent themselves as a psychologist. By 1967, having grown concerned about potential consumer harm, the State repealed the Act and enacted the Psychology Licensing Law (Licensing Law), ensuring unlicensed psychologists could no longer render or offer to render psychological services for a fee.³

The Psychology Examining Committee was renamed the Board of Psychology (Board) in 1990⁴ and became a standalone entity under the Department of Consumer Affairs (DCA) in 1998.⁵ Through its administration and enforcement of the Licensing Law, the Board regulates psychologists, psychological associates, psychological testing technicians, research psychoanalysts, and student research psychoanalysts.

Psychologists practice psychology, which is defined as the methods of understanding, predicting, and influencing the behavior of patients, including their emotions, motivation, learning, perception, and

¹ AB 2712 (Grant et al.), Chapter 2320, Statutes of 1957.

² The Act specified that a person represents themselves to be a psychologist when they hold themselves out to the public by any title or description using the words psychological, psychologist, or psychology and under such title or description offer to render or render psychological services for remuneration.

³ SB 1158 (Beilenson), Chapter 1677, Statutes of 1967. Between 1973 (SB 1130 (Coombs), Chapter 658, Statutes of 1973) and 2015 (AB 1374 (Levine), Chapter 529, Statutes of 2015), unlicensed persons (including psychological assistants) could perform limited psychological functions for free.

⁴ AB 858 (Margolin), Chapter 888, Statutes of 1989.

⁵ SB 1983 (Greene), Chapter 589, Statutes of 1998.

interpersonal relationships. Psychologists are permitted to diagnose and engage in non-pharmacological treatment and prevention.⁶ Becoming a psychological associate is one of the recognized paths allowing the accrual of the supervised professional experience necessary for licensure as a psychologist. They may perform all of the functions of a psychologist but only under the supervision of a licensed psychologist and they may not accept payment directly from clients.⁷

Psychological testing technicians administer and score standardized psychological tests and observe and describe clients' test behavior and test responses under the supervision of licensed psychologists.⁸ Psychological testing technicians are prohibited from selecting tests or versions of tests, interpreting test results, writing test reports, or providing feedback to clients.⁹

Research psychoanalysts engage in clinical psychoanalysis as adjuncts to their academic teaching, research, or training duties. Psychoanalysis focuses on making structural changes and modifications of a person's personality by promoting awareness of unconscious, maladaptive, and habitually recurrent emotional and behavioral patterns.¹⁰ Student research psychoanalysts have the same scope of practice as research psychoanalysts but must operate under the supervision of a research psychoanalyst with at least five years of postgraduate clinical experience in psychoanalysis.¹¹

In particular, the Board is responsible for the following: establishing pathways to licensure/registration; ensuring that licensees/registrants maintain competency; advocating for and implementing statutory and regulatory changes to further the Board's consumer protection mission while maintaining access to psychological services; investigating complaints against licensees/registrants and taking disciplinary action where appropriate; and educating consumers, licensees/registrants, students, and other stakeholders about the practice of psychology and associated services and the laws that govern them.

Mission Statement

The Board adopted the following mission statement in its 2024-2028 Strategic Plan:

“The Board of Psychology protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.”

Board Membership and Committees

The Board is comprised of nine members, five licensed psychologists and four members of the public who are not licensed by the Board or any other DCA healing arts board. The Governor is responsible for appointing five licensee members and two public members. The Speaker of the Assembly and the Senate Rules Committee are each responsible for appointing one additional public member. Members of the Board may serve no more than two consecutive four-year terms. However, Board members may serve up to one additional year during the appointment and qualification of a successor. The Governor has the power to remove any member for neglect of any duty, incompetence, or unprofessional conduct.¹² Each

⁶ Bus. and Prof. Code § 2903.

⁷ Bus. and Prof. Code § 2913.

⁸ Bus. and Prof. Code §§ 2999.100, 2999.102.

⁹ Bus. and Prof. Code § 2999.100.

¹⁰ Board of Psychology, 2025 Sunset Review Report, at 83.

¹¹ 16 Cal. Code Regs. § 1373.

¹² Bus. and Prof. Code § 2924.

member of the Board receives a per diem of \$100 for official board duties as well as compensation for related travel expenses.¹³

The current composition of the Board is as follows:

Name and Bio	Original Appointment	Expiration of Current Term	Appointing Authority
<p>Lea Tate (President) Professional Member</p> <p>Tate has been the local recovery coordinator for the Northern California Healthcare System at the Department of Veterans Affairs since 2012. Tate has been providing executive assessments at the Plousha Moore Group since 2019. She is a current member of the American Psychological Association. Tate earned a Doctorate in clinical psychology and a Master of Arts in psychology from the California School of Professional Psychology, and a Bachelor of Arts in psychology from the University of California, Berkeley.</p>	12/07/2018	06/01/2026	Governor
<p>Shacunda Rodgers (Vice President) Professional Member</p> <p>Rodgers is a licensed clinical psychologist in private practice and the founder of Melanin Meet Mindfulness, a wellness-based program for African-American women dedicated to teaching the principles of mindfulness. She was a licensed clinical psychologist for Concept Healthcare from 2014 to 2016 and at Kaiser Permanente from 2006 to 2013. Rodgers is a member of the American Psychological Association and the Society for Personality Assessment. She earned a Doctor of Psychology degree in clinical psychology from the University of Tennessee and a Bachelor of Arts degree in psychology from Vanderbilt University.</p>	11/27/2019	06/01/2027	Governor
<p>Julie Nystrom Public Member</p> <p>Nystrom has been a Principal Consultant at the California State Senate for over 20 years, where she currently works for the Senate Rules Committee. She has a Bachelor's degree in political science from Sacramento State University.</p>	09/21/2020	06/01/2028	Senate

¹³ Bus. and Prof. Code § 103.

Name and Bio	Original Appointment	Expiration of Current Term	Appointing Authority
<p style="text-align: center;">Stephen Phillips, JD, PsyD Professional Member</p> <p>Phillips has been a self-employed clinical and forensic psychologist since 2002. He has been a faculty member at the Wright Institute Los Angeles since 2001 and an adjunct faculty member at Alliant International University since 1999. He is a member of numerous psychological associations. Phillips earned a Juris Doctor degree from the University of Chicago and a Doctor of Psychology degree from the California School of Professional Psychology.</p>	09/25/2013	06/01/2024	Governor
<p style="text-align: center;">Marisela Cervantes, EdD, MPA Public Member</p> <p>Cervantes has been Chief of Staff and Assistant Corporate Secretary at Southwestern Law School since 2022. She was formerly a policy consultant at the College Futures Foundation in 2022 and a special consultant to the Dean of the College of Education at California State University, Los Angeles from 2019 to 2022. Cervantes worked for Velada Consulting from 2019 to 2022. She served as the Director for Community Partnerships at the California State University Chancellor's Office from 2014 to 2019, as a policy consultant for the California Community Colleges from 2021 to 2022, in various roles for the Los Angeles Unified School District from 2010 to 2014, as Executive Director of the Southeast Cities Schools Coalition from 2007 to 2009, and in various positions for the California State Legislature and the California State University, Los Angeles from 2001 to 2010. She has a doctorate in educational leadership from California State University, Los Angeles.</p>	04/29/2019	06/01/2026	Speaker
<p style="text-align: center;">Seyron Foo Public Member</p> <p>Foo has worked for the Conrad N. Hilton Foundation since June 2020. He held multiple positions at Southern California Grantmakers from 2016 to 2020 and was a senior policy analyst for the City of Long Beach Public Works Department from 2015 to 2016. Foo worked in the Long Beach City Manager's Office from 2014 to 2015. He held several positions in the office of Senate Majority Leader Ellen M. Corbett from 2009 to 2012. Foo earned a Master of Public Affairs degree from Princeton University.</p>	05/17/2017	06/01/2024	Governor

Name and Bio	Original Appointment	Expiration of Current Term	Appointing Authority
<p style="text-align: center;">Ana Rescate Public Member</p> <p>Rescate has been the LGBTQ+ communications manager at Stanford University since 2023, where she was LGBTQ+ communications specialist from 2019 to 2023. Rescate was an online advocacy manager at Planned Parenthood of Northern California from 2016 to 2019. She was the director of communications at the Teleosis Institute from 2015 to 2016 and a communications coordinator at San Diego State University from 2013 to 2016. Rescate earned a Master of Business Administration degree from Baker College and a Bachelor of Fine Arts degree in film and television from New York University.</p>	10/20/2020	06/01/2026	Governor
<p style="text-align: center;">Mary Harb Sheets, PhD Professional Member</p> <p>Harb Sheets has been a self-employed clinical psychologist since 1994 and a senior consultant and staff psychologist at Workplace Guardians, Inc. since 2000. Harb Sheets was an adjunct faculty member in advanced law and ethics at Alliant International University from 2012 to 2018 and a counseling psychologist and an adjunct faculty member at San Diego State University from 1990 to 1998. She is a member of numerous psychological associations. Harb Sheets earned a Master of Science degree and Doctor of Philosophy degree in clinical psychology from the California School of Professional Psychology.</p>	12/07/2018	06/01/2024	Governor
<p style="text-align: center;">Sheryll Casuga, PsyD, CMPC Professional Member</p> <p>Casuga has been a clinical manager at the Regional Center of the East Bay since 2022, where she has been a staff psychologist since 2014. She has been an adjunct faculty member at John F. Kennedy University since 2012. She is a member of numerous psychology associations. Casuga earned a Doctor of Psychology degree in clinical psychology and a Master of Arts degree in sport psychology from John F. Kennedy University, and a Bachelor of Science degree in sport science from the University of the Philippines.</p>	08/18/2017	06/01/2027	Governor

The Board has three standing committees and six ad hoc committees, each responsible for developing and recommending policies or policy changes to the full Board. The Board's three standing committees are:

- **Outreach and Communications Committee:** This Committee engages, informs, and educates consumers, students, applicants, licensees/registrants, and other stakeholders regarding the evolving practice of psychology, the work of the Board, and relevant laws and regulations.
- **Legislative and Regulatory Affairs Committee:** This Committee advocates for legislation and develops regulations that protect consumer health and safety. The Committee reviews, monitors, and recommends positions on legislation that affects the Board, consumers, and the profession of psychology. The Committee also recommends regulatory changes and informs the Board about the status of regulatory packages.
- **Licensure Committee:** This Committee maintains a framework for licensure/registration, examination processes, and continuing professional development (CPD) through the Board's statutes and regulations to ensure licensees and registrants meet the qualifications necessary to practice safely and ethically. The Committee communicates relevant information to its affected stakeholders.

In addition to its standing committees, the Board has the following six ad hoc committees, three of which are active and three of which are no longer active but may be reactivated by the Board as needed:

- **Enforcement Committee (Active):** This Committee is responsible for protecting the health and safety of consumers of psychological services through active enforcement of the statutes and regulations governing the safe practice of psychology in California. The Committee reviews the Board's disciplinary guidelines and enforcement statutes and regulations and recommends changes to the entire Board.
- **Research Psychoanalyst Ad Hoc Committee (Active):** This Committee reviews issues related to registering, regulating, and taking enforcement action against research psychoanalysts and student research psychoanalysts.
- **Sunset Review Committee (Active):** This Committee reviews Board staff's responses to the Assembly Business and Professions and the Senate Business, Professions and Economic Development Committee's sunset questionnaire before submission to the full Board.
- **Examination for Professional Practice in Psychology (EPPP) Part 2 Ad Hoc Committee (Inactive):** This Committee reviewed issues related to part 2 of the national examination proposed by the Association of State and Provincial Psychology Boards (ASPPB).
- **Telepsychology Committee (Inactive):** This Committee developed regulations for the practice of psychology conducted remotely.
- **Budget Ad Hoc Committee (Inactive):** This Committee addressed the Board's prior budget imbalance.

The Board is required to meet at least once per year.¹⁴ Board meetings and committee meetings with three or more board members present are subject to the Bagley-Keene Open Meeting Act. Five members of the Board constitute a quorum.¹⁵ Since the Board's prior sunset review, it has held 16 Board meetings, 1 strategic planning session, and 17 committee meetings.

Staff

The Licensing Law authorizes the Board to employ an executive officer. The Board's former Executive Officer left the Board in September 2024, at which time Assistant Executive Officer Jonathan Burke was appointed Interim Executive Officer. On March 3, 2025, Mr. Burke was appointed Executive Officer. The Assistant Executive Officer position is vacant and the Board is in the hiring process.

According to its February 10, 2025 organizational chart, the Board has 27.3 authorized staff positions and two temporary help positions. The Board currently has two Office Technician vacancies. The Board reports staff turnover has increased since its last sunset review, particularly among Office Technician positions. The Board reports that its executive leadership meets biweekly with unit managers, quarterly with all managers, and monthly in an all-staff forum to improve communication and service coordination.

Board staff must complete training on various topics, such as information security and sexual harassment. The DCA provides mandatory trainings for staff via its Learning Management System, which offers webinars, tutorials, and resources to support professional development. Additional courses are available such as those offered by DCA's Diversity, Equity, and Inclusion (DEI) Committee.

The Board budgets between \$17,000 and \$18,000 per FY for external staff training, though the most it has spent in a single FY is \$1,000. Board staff report that few, if any, staff positions necessitate external training and that the Board was hesitant to spend those funds due to budget challenges.

Fiscal and Fund Analysis

The Board is entirely self-funded by the collection of application, renewal, and examination fees, with renewal fees generating roughly 80 percent of the Board's revenue. Fees, or their minimum amount, are set in statute, and the Board may increase fees to their statutory maximum through regulation.

The Board's fee schedule was modified in 2024 following a 2021 fee analysis confirming increases were necessary to correct a structural deficit. Neither the Board's initial application nor renewal fees had been increased since 1992 despite growing operational costs. As such, the Board's authorized expenditures regularly outpaced its revenues resulting in a budget imbalance. At the request of the Board, Senate Bill (SB) 816 (Roth), Chapter 723, Statutes of 2023, modified the following fees:

- Increased the psychologist application fee from not more than \$50 to \$236.
- Set the application fee for the California Psychology Law and Ethics Examination (CPLEE) at \$127.
- Set the initial psychologist license fee at \$231.
- Increased the biennial renewal fee for a psychologist from \$400 to \$795 and authorized the Board

¹⁴ Bus. and Prof. Code § 2926.

¹⁵ Bus. and Prof. Code § 2927.

to adopt regulations to further increase the fee up to \$1,100.

- Increased the application fee for registration as a psychological associate from not more than \$75 to \$424.
- Increased the annual renewal fee for registration of a psychological associate from not more than \$75 to \$224 and authorized the Board to adopt regulations to further increase the fee up to \$400.
- Increased the statutory cap for the delinquency fee from not more than \$150 to \$397.50. However, the delinquency fee remains set at 50% of the renewal fee for each license type.
- Established a \$184 fee for fingerprint hard card processing for out-of-state applicants.
- Deleted the \$25 fee for a psychological testing technician to add or change a supervisor.
- Established a \$210 fee for a psychological associate to add or change their supervisor.

The Board's current fee schedule is as follows:

Fee	Current Fee Amount	Statutory Limit	% of Total Revenue Since FY 2020-21
Psychologist – Initial Application	\$236	\$236	1.6%
Psychologist – CPLEE – Application	\$127	\$127	3.3%
Psychologist – Initial License	\$231	\$231	5.7%
Psychologist – Renewal (Biennial)	\$795*	\$1,100	78.1%
Psychologist – Inactive Renewal (Biennial)	\$221**	\$221	1.2%
Psychologist – Renewal Delinquency Fee	\$398	\$398	1.3%
Psychologist – Inactive Renewal Delinquency Fee	\$111	\$111	0.1%
Psychologist – Duplicate License Fee	\$5	\$5	0.1%
Psychologist – Retired License	\$75	\$75	0.2%
Psychological Associate – Initial Application	\$424	\$424	1.3%
Psychological Associate – Renewal (Annual)	\$224	\$400	1.4%
Psychological Associate – Add/Change Supervisor	\$210	\$210	0.2%
Psychological Associate – Renewal Delinquency Fee	\$112	\$112	0.0%
Psychological Testing Technician – Initial Application	\$75	\$75	0.0%
Psychological Testing Technician – Renewal (Annual)	\$75.00	\$75.00	N/A
Psychological Testing Technician – Renewal Delinquency Fee	\$37.50	\$75.00	N/A
Research Psychoanalyst – Initial Application	\$150.00	\$150.00	N/A
Research Psychoanalyst – Renewal (Biennial)	\$75.00	\$75.00	N/A
Student Research Psychoanalyst – Initial Application	\$150.00	\$150.00	N/A
Student Research Psychoanalyst – Renewal (Biennial)	\$75.00	\$75.00	N/A
Psychologist - Continuing Education Audit	\$10	\$10	1.7%
Out of State Fingerprint Hard Card	\$184***	\$184	0.0%
License Verification Fee	\$5	\$5	0.1%
File Transfer Fee	\$10	\$10	0.5%
*Total cost is \$825 after \$20 Mental Health Practitioner Education Fund fee and \$10 continuing education audit fee			
**Total cost is \$241 after \$20 Mental Health Practitioner Education Fund fee			
***Total cost is \$233 after \$32 DOJ fee and \$17 FBI fee			

Fees are deposited into the Psychology Fund for appropriation by the Legislature. The Legislature determines the Board's annual budget, and the Board's expenses cannot exceed its authorized expenditures. Unspent funds are reverted to the Board's reserve fund. Though there is no statutory minimum reserve level, existing law prohibits the Board from accumulating more than 24 months in reserve.¹⁶ In FY 2024-25, the Board's budget authority is \$8,088 million, with 7.7 months' operating expenses in reserve. The Board does not anticipate a deficit in the next five years.

The table below provides an overview of the Board's fund condition:

Fund Condition <i>(Dollars in Thousands)</i>						
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	FY 2025/26 (projected)
Beginning Balance	\$11,044	\$8,785	\$6,220	\$5,701	\$5,405	\$5,719
Revenues and Transfers	\$4,690	\$4,288	\$5,730	\$7,473	\$9,014	\$9,033
Total Resources	\$15,734	\$13,073	\$11,950	\$13,174	\$14,419	\$14,752
Budget Authority	\$6,306	\$7,125	\$7,919	\$8,430	\$8,088	\$8,331
Expenditures	\$6,168	\$6,777	\$7,201	\$7,769	\$8,700	\$8,876
Loans to General Fund	-\$900*	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$12	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$900	\$0	\$0	\$0
Fund Balance	\$8,666	\$6,296	\$5,661	\$5,405	\$5,719	\$5,876
Months in Reserve	15.3	10.5	8.7	7.5	7.7	7.7
*The Board's \$900,000 loan to the General Fund in FY 2020-21 was paid back in full in FY 2022-23 with \$12,000 in interest.						

The Board's enforcement program accounts for the largest share of the Board's expenditures (35 percent), followed by DCA Pro Rata costs (what it pays DCA for administrative and investigative services) (20 percent), administration (19 percent), and examination and licensing (16 percent).¹⁷ DCA Pro Rata expenses have nearly doubled over the past four FYs.

The Board has submitted one BCP in the past four FYs; in FY 2021-22, the Board successfully requested funding to augment the Board's expert witness budget and to support court reporter expenses to align the Board's budget more closely with actual costs.

Licensing

Per its statutory mandate, the Board licenses psychologists and registers psychological associates and psychological testing technicians. As of January 1, 2025, the Board also registers research psychoanalysts and student research psychoanalysts, who were previously under the jurisdiction of the

¹⁶ Bus. and Prof. Code § 128.5(a).

¹⁷ Board of Psychology, *2025 Sunset Review Report*, at 33.

Medical Board of California. The Board's population of licensees and registrants has steadily increased over the past four FY. With more than 20,000 active licensees, psychologists comprise most of the Board's licensee/registrant population. Comparatively, there are approximately 1,800 registered psychological associates, 75 psychological testing technicians, 70 research psychoanalysts, and 20 student research psychoanalysts.¹⁸ There are roughly 100 more licensed psychologists and 400 more registered psychological associates since FY 2020-21.¹⁹

The Board strives to conduct an initial review of applications for licensure and registration within 60 days and 180 days, respectively. Review times have halved since the Board's prior sunset review from more than 60 days to fewer than 30 days for both license and registration applications. Application processing times have similarly improved, but continue to exceed the Board's 14-day goal for complete applications. In FY 2023-24, it took the Board 32 days and 34 days, on average, to process complete and incomplete applications, respectively.

The Board has hired a Retired Annuitant to assist with processing applications, redirected a Special Projects Coordinator to assist with licensing functions, and identified statutory changes to remove barriers to licensure and streamline the licensure process. For example, the Board has made additional applications available online and enabled online payment for the CPLEE.

Before issuing an initial license, the Board must verify that the application meets the minimum qualifications for licensure, collect the requisite fees, and conduct a criminal history background check for which applicants are required to submit fingerprints.²⁰ Board staff review applicants' background reports from the DOJ and the FBI. Applicants with a conviction history are asked to provide court-certified documentation regarding the arrest and conviction. If the conviction is substantially related to the practice of psychology, the Board may deny an application.²¹ Since its prior sunset review, the Board reports having denied two applications for registration as a psychological associate based on criminal history determined to be substantially related to the profession's qualifications, functions, or duties.²² The Board also checks BreEZe (DCA's licensing and enforcement system) and the ASPPB Disciplinary Data Bank to determine whether applicants have been subject to disciplinary action by another DCA entity or in another jurisdiction.

At the time of license or registration renewal, licensees and registrants must self-report, under penalty of perjury, whether they have had any license disciplined by a government agency or other disciplinary body. The Board's Enforcement Unit reviews applicable arrest and conviction records, which it receives from the DOJ, to determine whether an arrest and conviction are substantially related to the practice of psychology. If a licensee/registrant's arrest and conviction are substantially related, the Board may seek to revoke their license or registration.

Existing law requires the Board to expedite the licensure process and waive related fees for applicants who are the spouse or domestic partner of active duty personnel stationed in California and licensed to practice psychology in another state.²³ Over the past five FYs, the Board has expedited 281 applications. Moreover, existing law requires the Board to waive renewal fees, continuing professional development

¹⁸ Board of Psychology, *January 31, 2025 Licensure Committee Meeting Materials*, Attachment A.

¹⁹ Board of Psychology, *2025 Sunset Review Report*, at 39-40.

²⁰ Bus. and Prof. Code § 144.

²¹ Bus. and Prof. Code § 2960(a).

²² Bus. and Prof. Code § 480.

²³ Bus. and Prof. Code § 115.5.

requirements, and other renewal requirements as determined by the Board for a licensee/registrant called to active duty of the United States Armed Forces or the California Guard, subject to specific conditions.²⁴ Since the Board's prior sunset review, it has waived a renewal fee for one licensee.

Education

Psychologists are required to have a qualifying doctoral degree and complete coursework in specific subject areas, including human sexuality, child abuse assessment, alcohol/chemical dependency, spousal/partner abuse, aging and long-term care, and suicide risk intervention and assessment.²⁵ They are also required to complete at least two years (3,000 hours) of supervised professional experience under a licensed psychologist. Psychological associates must have a qualifying master's or doctoral degree or be an admitted candidate for a qualifying doctoral degree.²⁶

Psychological testing technicians must have a qualifying bachelor's or graduate degree or proof of enrollment in a graduate degree program. They must also complete at least 80 hours of education and training related to psychological or neuropsychological test administration and scoring, as follows: 20 hours of direct observation of administering and scoring tests; 40 hours of administering and scoring tests in the presence of a licensed psychologist; and 20 hours of education on topics including law and ethics, confidentiality, and best practices for test administration and scoring.²⁷

Applicants with doctoral degrees from outside the United States or Canada must provide the Board with an evaluation of the degree by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services or the National Register of Health Services Psychologists.²⁸

Research psychoanalysts must graduate from an approved psychoanalytic institute with clinical training in psychoanalysis.²⁹ The Board's current online application for registration lists 21 approved research psychoanalytical institutions, but the Board retains statutory authority to approve applicants from other "institutes deemed equivalent."³⁰ Additionally, research psychoanalysts must maintain adjunct status by demonstrating that their primary professional activity is research, training, or teaching. Their fee-for-service psychoanalytic services may not comprise more than one-third of their professional time.³¹ Student research psychoanalyst applicants must provide proof of enrollment at an approved psychoanalytic institute with clinical training in psychoanalysis.³²

Examinations

²⁴ Bus. and Prof. Code § 114.3.

²⁵ Bus. and Prof. Code §§ 25, 28, 2914, 2915.4, 2915.4.

²⁶ Bus. and Prof. Code § 2913.

²⁷ Bus. and Prof. Code § 2999.101.

²⁸ Bus. and Prof. Code § 2914.

²⁹ Traditionally, only psychiatrists were admitted to educational institutions of psychoanalysis, but in the 1988 settlement of the federal antitrust lawsuit *Welch et al. v. American Psychoanalytic Association et al.*, psychoanalytic institutes agreed to begin admitting psychology graduates. Due to the prior requirement for a medical degree, the Medical Board of California regulated research psychoanalysts and student research psychoanalysts until January 1, 2025, when the Board's regulatory oversight began. The Board noted in its sunset report that it intends to model its rules after the Medical Board of California's regulations, making only minor changes for clarity and consistency.

³⁰ Bus. and Prof. Code § 2950(a).

³¹ 16 Cal. Code Regs. § 1371.

³² Bus. and Prof. Code § 2950(a).

Psychologist applicants are required to pass the CPLEE, a California-specific law and ethics exam, and the EPPP, the national licensing exam in the United States and Canada. Applicants who have been licensed in another state, U.S. territory, or Canadian province for more than two years do not have to retake the EPPP.³³ The CPLEE is developed by the Board and administered by PSI. The CPLEE costs \$127 and is a computer-based exam available at PSI locations. The exam is only offered in English. Applicants for whom English is a second language may be eligible for additional time to take licensing examinations.³⁴ The EPPP is developed by ASPPB and administered by Pearson VUE. The EPPP costs \$600, plus an \$87.50 scheduling fee, is computer-based, and is offered at Pearson VUE testing sites. The exam is provided in English only. The Board relies on DCA's Office of Professional Examination Services to audit the EPPP every five to seven years to determine whether it meets the educational and psychological testing standards prescribed in statute.³⁵ ASPPB also conducts an occupational analysis of the EPPP every seven to ten years. Its last occupational analysis was in 2016.

Over the past four FYs, more than 75% of candidates have passed the CPLEE on their first try. However, the EPPP has proven much more difficult and pass rates have declined considerably since FY 2020-21. Board staff expect pass rates to increase following the implementation of Assembly Bill (AB) 282 (Aguiar-Curry), Chapter 425, Statutes of 2023, which allows applicants to sit for either the EPPP and/or the CPLEE upon completion of the requirements for a qualifying doctoral degree. The Board reports needing more time to promulgate regulations so this change is anticipated to take effect January 1, 2027.³⁶ EPPP applicants must currently wait until they have completed 1,500 hours of supervised professional experience and obtained a qualifying doctoral degree to take the exam, but national trends indicate that applicants are more successful when they can take the exam shortly after graduation.

Below are the pass rates for the first-time and repeat candidates for both exams:

Fiscal Year	CPLEE				EPPP			
	Number of Candidates Overall	Overall Pass Rate	Number of First-Time Takers	First-Time Pass Rate	Number of Candidates Overall	Overall Pass Rate	Number of First-Time Takers	First-Time Pass Rate
FY 2020/21	1128	72%	665	78%	1694	48%	592	67%
FY 2021/22	1006	78%	561	79%	1602	40%	475	63%
FY 2022/23	1050	80%	674	80%	1751	41%	532	63%
FY 2023/24	994	78%	778	79%	1762	37%	774	58%

Continuing Professional Development

The Board requires licensed psychologists to complete 36 hours of CPD each biennial renewal cycle to maintain their license. The Board previously required 36 hours of continuing education but transitioned to a new CPD model in FY 2022-23 to include performance-based activities for maintaining competency. CPD credit may be earned by participating in professional and academic activities (e.g., attending a Board meeting and academic instruction), by completing traditional continuing education courses, and by earning Board Certification from the American Board of Professional Psychology.

³³ Bus. and Prof. Code § 2946.

³⁴ 16 Cal. Code Regs. § 1388(h).

³⁵ Bus. and Prof. Code § 139.

³⁶ California Board of Psychology, *Legislative Advisory: AB 282*, https://www.psychology.ca.gov/laws_regs/ab_282.shtml.

Applicants for renewal are required to self-certify under penalty of perjury that they have met the CPD requirements. The Board audits 2.5 to 10 percent of renewal applications monthly to verify that licensees comply. Selected licensees are sent an initial audit notice and given 60 days to submit documentation verifying their completion of CPD. Licensees found to have a deficient number of CPD hours are issued a citation and fine and expected to accrue the remaining number of hours. The audit pass rate between July 2020 and January 2024 was 89 percent. Two percent of licensees failed and nine percent of audits are still pending. The Board reports that confusion and concern stemming from the COVID-19 pandemic were the primary reasons for deficiencies. Audits were put on hold from July 2022 through July 2023 due to staffing shortages and the transition to the new CPD model. Audits resumed in August 2023 but were suspended again in February 2024 due to staff vacancies and the onboarding of new employees. The Board reports that audits resumed in 2025.³⁷

Enforcement

The Board's enforcement program is integral to its consumer protection mission and is responsible for ensuring that licensees/registrants comply with the Licensing Law and relevant regulations, investigating complaints, and taking enforcement action against licensees/registrants as appropriate.

Staff categorize complaints by severity based on the Board's referral guidelines and prioritize cases that threaten public safety. The number of complaints received by the Board has modestly increased since the Board's prior sunset review, resulting in an increase in the number of referrals for an investigation and the number of cases opened for an investigation. The Board refers severe and urgent cases (e.g., practicing under the influence of drugs or alcohol, sexual misconduct, and fraud) to the DCA's Division of Investigation (DOI), while Board staff handle less severe cases (e.g., administrative violations).

A case may be closed if the Board does not have jurisdiction over the alleged violation, but all other complaints are assigned for investigation. Following an investigation, the Board has three non-disciplinary options; the Board may close the case if, for example, there is insufficient evidence to prove a violation occurred; issue a letter of warning to educate the licensee/registrant of the requirements of the law to avoid future violations; or issue a citation and fine up to \$5,000.³⁸

The five most common violations for which citations are issued are, in no particular order, failure to comply with CPD requirements; probation violations; false or misleading advertising; unlicensed practice; and unprofessional conduct (e.g., refusing to comply with a request for records or asking a complainant to withdraw a complaint). Since FY 2021-22, the Board has issued an average of 26 citations per FY with accompanying fines averaging \$1,500. While the Board assessed \$64,500, \$28,250, and \$48,250 in fines cumulatively over the prior three FYs, the Board was only able to collect \$53,300, \$10,750, and \$22,750, respectively. Fines not paid by individuals who are not licensees/registrants are referred to the Franchise Tax Board for collections.

The Board may also issue a public letter of reproof, refer cases to local jurisdictions for criminal prosecution, or refer cases to the Office of the Attorney General (AG) for disciplinary action. The AG prepares a Statement of Issues or Accusation, which lists the charges and/or the section(s) of law alleged to have been violated. The Accusation is signed by the Board's executive officer and served on the licensee/registrant. If the parties agree on the violations and penalties, a stipulated settlement may be

³⁷ Board of Psychology, *February 27-28, 2025, Board Meeting Materials*, ¶ 13c.

³⁸ Board of Psychology, *Spectrum of Administrative Actions*, <https://www.psychology.ca.gov/consumers/spectrum.shtml>.

reached, resulting in a license/registration surrender or probation. If the licensee/registrant does not respond, their license/registration is revoked by default.

If the licensee/registrant files a Notice of Defense, a hearing may be scheduled. The hearing is an administrative proceeding that closely resembles a court trial and presided over by an Administrative Law Judge (ALJ). After the hearing, the ALJ writes a proposed settlement that can result in revocation of the license/registration, or the license/registration being placed on probation. The proposed decision is then sent to the Board for consideration. The Board may adopt, modify, or reject the proposed decision. Once the Board has made their decision, a Decision and Order is sent to the licensee/registrant. The order becomes effective 30 days after it is adopted. The licensee/registrant can appeal the Board's decision by submitting a Petition for Reconsideration within 30 days of the effective date of the Decision and Order. Licensees/registrants can also appeal the Board's decision through the courts.

The Board uses Performance Measures (PM) established through DCA's Consumer Protection Enforcement Initiative to gauge the efficiency of its enforcement program. The Board is neither meeting PM 3 (80 days), which measures how long it takes to complete the entire enforcement process for cases not transmitted to the AG nor PM 4 (540 days), which measures the number of days it takes to complete the entire enforcement process for cases transmitted to the AG. The Board attributes enforcement delays to various factors, including staff vacancies, having a limited pool of subject matter experts (SMEs) to review and opine on complaints, extended legal reviews, backlogs at the AG, inefficiencies in finalizing case files for submission, statutory barriers to obtaining necessary documentation for investigations, and lengthy timeframes for formal investigations by DOI and administrative hearings, which are beyond the Board's control. Nonetheless, data from the Board indicate that the overall time it takes to impose formal discipline has significantly improved from 1,176 days in FY 2021-22 to 973 days in FY 2023-24. This may be due, in part, to the fact that the average time from referral to filing accusations has decreased by more than half since the Board's prior sunset review. Additionally, the Board has limited the time given to the respondent during settlement negotiations and requested that Statements of Issues/Accusations be filed within 30 days of transmittal to the AG.

The Board is authorized to seek cost recovery for expenses incurred in cases where the licensee/registrant is ultimately subjected to discipline. Over the last four FYs, the Board has ordered 92 licensees to pay cost recovery, totaling \$1,588,954.05. As of June 2024, the Board had 220 cases over three years old (totaling more than \$2,243,332.70) that are not considered collectible due to license surrenders, revocations, and deceased licensees. The Board does not collect cost recovery on revoked or surrendered licenses unless it reinstates the license.

The table below provides an overview of the Board's cost recovery:

Cost Recovery				
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
Potential Cases for Recovery	40	29	20	12
Cases Recovery Ordered	34	27	16	15
Amount of Cost Recovery Ordered	\$486,477.27	\$573,553.09	\$243,690.75	\$285,232.94
Amount Collected	\$125,483.16	\$187,492.39	\$110,779.30	\$200,168.84

The Board also has the authority to mandate restitution as a condition of license probation but has not done so in the prior four FYs. According to Board staff, Superior Courts often impose restitution in cases

of Medi-Cal or other insurance fraud, and the Board requires payment of court-ordered restitution as a term of the licensee/registrant's probation.

Public Information Policies

The Board provides information to and communicates with the public and licensees/registrants via its website, email, and social media. The Board's website offers consumers the ability to verify a license; review disciplinary action taken against a license; file a complaint against a licensee/registrant; report unlicensed activity; review updates to the Licensing Law and relevant regulations; watch Board meetings and access meeting materials; view the Board's annual calendar; subscribe to the Board's Listserv; access the Board's social media accounts (Facebook, X, and LinkedIn); and review Board publications and reports. Additionally, the Board conducts quarterly meetings throughout California to increase accessibility for consumers and other stakeholders.

Workforce Development and Job Creation

The Board is currently participating in a DCA workforce development survey to identify opportunities for greater collaboration with DCA on workforce development initiatives. The Board is also in the process of implementing statutory and regulatory changes to streamline the licensing and registration processes. The Board consults with and advises schools on statutory and regulatory changes but, due to budget constraints, does not visit schools to interact with students directly. The Board also collects demographic and workforce data which is shared with the Department of Healthcare Access and Information (HCAI).

The Board partners with the HCAI on loan repayment programs where licensees work in underserved areas. Licensed psychologists pay a \$20 Mental Health Practitioner Education Fund fee through the biennial renewal process. Collected fees are transferred to the State Controller's Office to fund the Licensed Mental Health Services Provider Education Program (or LMH Grant), managed by the HCAI. The program aims to increase the number of appropriately trained mental health professional providing direct client care in a qualified facility in California. Awardees may receive a loan repayment of up to \$15,000 in exchange for a 12-month service obligation to serve medically underserved areas and/or in a qualified facility in California as determined by HCAI. The Board promotes the HCAI's loan repayment program through annual presentations and advertisements to licensees and stakeholders on its listserv, in its newsletter, and at board meetings.

PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS

The Legislature conducted the Board's prior sunset review in 2020-21.³⁹ During the prior sunset review, committee staff raised a number of issues and provided recommendations. Below is a summary of actions taken over the last four years to address these issues. Previous issues that were not completely addressed or are otherwise still of concern are further discussed under "Current Sunset Review Issues."

Prior Issue #1: Future Fee Increases. The Board receives no General Fund support. Its revenue stems from license, application, and examination fees. During the Board's prior sunset review, the Board's expenditures were outpacing revenues, resulting in a structural deficit. A 2021 fee analysis completed by the Board and DCA staff identified necessary fee increases. See pages seven and eight of this background paper for a list of fee changes resulting from SB 816 (Roth), Chapter 723, Statutes of 2023. The Board now projects a budget reserve equivalent to 7.7 months' operating expenses in FY 2025-26 and reports that it is no longer at risk for insolvency.

Prior Issue #2: Waiver Authority. In response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-39-20, which authorized the Director of DCA to temporarily waive professional licensing requirements related to healthcare licensees. Waivers temporarily authorized the following until February 28, 2023: the Board to restore a psychologist's cancelled license without having to retake the CPLEE, a psychological trainee to request an extension to accrue supervised professional experience, and a psychological associate to request an extension of their registration beyond the 72-month limit.⁴⁰ Additionally, the Board established an Emergency Preparedness Ad Hoc Committee, which recommended that the Board seek statutory authorization to waive various provisions of the Licensing Law during a declared federal, state, or local emergency. The Board has not been granted this authority but has not continued to seek this permission.

Prior Issue #3: Unnoticed Committee Meetings. The Board must comply with the Bagley-Keene Open Meeting Act, which specifies meeting requirements for all state boards and commissions to ensure public access. However, there is an exception for meetings at which only two board members are present, though they cannot make decisions on behalf of the entire Board. During the Board's prior sunset review, stakeholders the California Psychological Association expressed concern that the Board's use of two-member committees prevented their participation and ability to provide feedback on proposed regulations affecting the profession. The Board responded by increasing the number of members on its Telepsychology Committee from two to three. The Board reports that its Enforcement Committee and some ad hoc committees (e.g., Sunset Review) remain two-member committees, which allow those committees to meet flexibly and, in the case of the Enforcement Committee, protect the anonymity of the Board's enforcement analysts, whom have been threatened in the past. The Board reports that committees share proposed changes and recommendations with the entire Board at open meetings for deliberation and public input and where approval by the majority of the Board is required.

Prior Issue #4: Foreign Degree Evaluation. At the time of the Board's prior sunset review, Business and Professions Code (BPC) § 2914 required an applicant who completed their education outside of the United States or Canada to have their transcripts evaluated by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services. According to the Board, it

³⁹ Due to the COVID-19 pandemic, the Board's prior sunset review was completed over two years from 2020 to 2021.

⁴⁰ Board of Psychology, *Expiration of COVID-19 Waivers*.

contacted the National Register of Health Services Psychologists (NRHSP), the largest credentialing organization for psychologists and psychology doctoral students, following legislative interest in how DCA entities support foreign-trained applicants. Following a presentation from HRHSP, the Board successfully sought statutory permission to accept foreign credential evaluation services from NRHSP in SB 801 (Archuleta), Chapter 647, Statutes of 2021.

Prior Issue #5: Pathway to Licensure. During the Board’s prior sunset review, it reported an increase in application processing times, and the number of pending applications outpaced completed applications. In response, the Board conducted a comprehensive review of licensing-related statutes and regulations and engaged with stakeholders to identify potential reforms. At that time, the Board recommended “restructuring existing registration categories to expand training opportunities for registrants; updating outdated terminologies to reduce confusion; changing the definition of qualified primary supervisors; modifying continuing education requirements, and more.”⁴¹ SB 801 (Archuleta), Chapter 647, Statutes of 2021, included the Board’s recommendations.

Prior Issue #6: License Reinstatement. The Board previously did not have the authority to reinstate the license of someone who voluntarily surrendered it due to declining cognitive function. During its 2020-21 sunset review, the Board requested authorization to reinstate a license that had been voluntarily surrendered for non-disciplinary reasons in cases where medication or surgery could restore cognitive function. SB 801 (Archuleta), Chapter 647, Statutes of 2021, granted the Board that authority.

Prior Issue #7: Authority of the Licensure Committee. As previously mentioned, the Bagley-Keene Open Meeting Act requires the Board's meetings, where more than two members are present, to adhere to specific meeting requirements and be open to the public. However, the Bagley-Keene Open Meeting Act allows the Board to conduct a closed-session meeting to protect the privacy of an individual licensee/registrant or applicant. The Board’s Licensure Committee routinely uses this exception to discuss licensing-related requests from applicants, such as more time to accrue supervised professional experience for personal or health reasons. The Board previously reported that having to bring the committee’s recommendations to the full Board for approval resulted in licensing delays and requested the ability to delegate the final authority to review and decide such requests to the Licensure Committee in closed sessions. SB 801 (Archuleta), Chapter 647, Statutes of 2021, granted the Board that authority.

Prior Issue #8: School Oversight. In 2016, SB 1193 (Hill), Chapter 484, Statutes of 2016, required applicants for a psychologist license to graduate from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education. That bill included a pathway to licensure for students enrolled in unaccredited institutions. The Board reports successfully implementing that bill and believes no further updates are necessary.

Prior Issue #9: Research Psychoanalyst Registration. During the Board’s prior sunset review, research psychoanalysts and student research psychoanalysts were under the purview of the Medical Board of California, a vestige from 1997 when research psychoanalysts were first recognized in statute. SB 815 (Roth), Chapter 294, Statutes of 2023, transferred oversight of research psychoanalysts and student research psychoanalysts from the Medical Board of California to the Board beginning January 1, 2025. The Board requests additional statutory changes. See Issue #9 in this background paper's “Current Sunset Review Issues” section for further discussion.

⁴¹ Board of Psychology, *2025 Sunset Review Report*, at 79.

Prior Issue #10: AB 2138 (Chiu/Low), Chapter 995, Statutes of 2018. In 2018, AB 2138 (Chiu/Low), Chapter 995, Statutes of 2018, substantially limited the Board’s ability to deny applications based on criminal history. In particular, that bill prohibited the Board from denying an application due to a nonviolent, nonsexual, or nonserious conviction that occurred more than seven years preceding the application unless the applicant was convicted of a crime substantially related to the profession of psychology or subject to formal discipline by a licensing board. That bill also prohibited the Board from issuing a denial based on offenses that have been dismissed or expunged. Additionally, AB 2138 required the Board to report data on license denials, publish criteria to determine whether a prior offense is substantially related to licensure, and provide denied applicants with certain information. The Board reports successfully implementing AB 2138 and believes no further updates are necessary.

Prior Issue #11: Enforcement Workload and Resources. During the Board’s prior sunset review, it reported an increase in the complaints received but could not attribute the rise to any particular cause. The Board noted that it uses DCA's guidelines to prioritize complaints, but stakeholders shared concerns about the Board’s investigation tactics and timeframes. At the time, the Board outsourced its investigations to DOI, a centralized service for all regulatory entities under the DCA umbrella. The Board reported that it had begun using an internal special investigator to augment DOI’s investigations but no longer does. Since the Board’s last sunset review, it has also assessed its enforcement processes through DCA’s Organizational Improvement Office to identify ways to streamline processes.

Prior Issue #12: Sexual Behavior. Before the Board's previous sunset review, the Board pursued legislation to define “sexual behavior” as inappropriate contact or communication of a sexual nature. The proposed legislation would have *required* an Administrative Law Judge’s proposed decision to include a license revocation order when there is a finding that a licensee/registrant of the Board engaged in sexual behavior. The proposed legislation was never introduced, but the Board was successful in passing SB 401 (Pan), Chapter 298, Statutes of 2022, which, in part, revised the definition of sexual behavior and added it to the list of what is considered unprofessional conduct for which an ALJ *may* order revocation of a license.

Prior Issue #13: Publishing Disciplinary Action Outcomes. Licensees previously expressed concerns about the Board publishing summaries of disciplinary actions taken by the Board (e.g., public citation, decision, or letter of reprimand) in its quarterly newsletter. The Board asserted that doing so was critical for consumer protection and educational for licensees and registrants. The Board continues to publish disciplinary information in its quarterly newsletter and reports that it has not been made aware of having posted any erroneous information.

Prior Issue #14: Conversion Therapy. In 2012, the Legislature banned conversion therapy for individuals under the age of 18. Conversion therapy attempts to change the sexual orientation of an individual. During the Board’s prior sunset review, the Board reported that while it could discipline licensees who violated this prohibition, there were many outstanding regulatory questions, including whether the Board should establish minimum and maximum penalties. Moreover, the Board reported that it was unclear whether it could investigate cases filed by a minor because the release form allowing the Board to obtain patient records must be signed by a parent or legal guardian. Lastly, there was discussion about whether the Legislature should increase the statute of limitations to ensure the Board can take disciplinary action against licensees who violate the law. The Board reports finalizing regulations to add minimum and maximum penalties to its disciplinary guidelines. See Issue #10 in this background paper's “Current Sunset Review Issues” section for further discussion.

Prior Issue #15: Temporary Practice Provisions. BPC § 2912 allows a psychologist licensed in another state or Canada at the doctoral level to offer psychological services in California for 30 days in a calendar year. The Board requests clarity regarding whether this provision allows out-of-state licensees to practice for 30 consecutive or nonconsecutive days and what constitutes a "day" (e.g., any part of the day or a specific number of hours). See Issue #14 in this background paper's "Current Sunset Review Issues" section for further discussion.

Prior Issue #16: Mental Health Services for COVID-19 Providers. In response to the COVID-19 pandemic, the Committees noted in the Board's previous sunset background paper that it may be beneficial to identify challenges to providing mental health services to frontline healthcare workers caring for COVID-19 patients. At the time, the Board reported that its licensees/registrants were active in providing behavioral healthcare to frontline workers and first responders, including through the Governor's California Health Corps. The Board reports that there are no further updates.

Prior Issue #17: Child Custody. The Courts may appoint a psychologist to assist with custody and visitation proceedings during child custody cases. The Board's inability to fully investigate cases catalyzed a 2018 meeting comprised of the Board, Board of Behavioral Sciences, Judicial Council of California – Family Law; California Protective Parents; AG; Senate Judiciary Committee; Center for Judicial Excellence; Assembly Business & Professions Committee; Senate Business, Professions and Economic Development Committee; and DCA. Collectively, the stakeholders made several recommendations to the Board, including considering statutory amendments related to the Board's ability to review child custody documents from psychologists. This is the only remaining recommendation to be implemented. See Issue #11 in this background paper's "Current Sunset Review Issues" section for further discussion.

Prior Issue #18: Telehealth. During the Board's 2016 sunset review, it committed to developing regulations for licensees to provide psychological services to Californians via telehealth. The Board finalized those regulations in 2021. However, the Board worked with DCA and ASPPB to amend its regulations in response numerous inquiries about telehealth during the COVID-19 pandemic. The regulatory changes clarified licensees who provide telehealth services are subject to the laws and regulations of other jurisdictions, established conditions for providing psychotherapy via telehealth, required licensees to evaluate whether services can be appropriately provided to a client, and required licensees to comply with all provisions of the Psychology Licensing Law and relevant regulations, as well as any laws or standards of care in California and any other jurisdiction, if any, where either the licensee or the client is located.

In 2015, the ASPPB established a multi-state licensing compact called the Psychology Interjurisdictional Compact (PSYPACT). The compact aims to facilitate telehealth and temporary in-person practice of psychology across states. At the time, the Board declined to join PSYPACT, citing concerns about cost and jurisdictional authority, among others. During the Board's 2021 sunset review, its Telepsychology Committee committed to revisiting PSYPACT and making a recommendation to the full Board, and the Board subsequently determined that California should not join PSYPACT. In 2024, the Board opposed legislation seeking California to join PSYPACT. See Issue #7 in this background paper's "Current Sunset Review Issues" section for further discussion.

Lastly, during the Board's prior sunset review, it committed to having its Outreach and Communications Committee develop a survey to identify barriers to accessing telehealth. The survey was sent to 30,000

consumers and licensees/registrants and was open from June 26th to July 24, 2023. The Board identified the following trends from consumers' responses:

- 95% of consumers reported feeling comfortable receiving psychological services via telehealth.
- 71% of consumers reported receiving telehealth services in their own homes.
- Of the 24% of respondents who reported experiencing barriers or problems accessing telehealth, 52% of the time it was due to Internet access (e.g., Wi-Fi speed).
- Diversity of providers was cited 21% of the time for lack of access; however, language was cited only 9% of the time as a barrier.

Additionally, the Board identified the following trends among licensees' responses:

- 97% of psychologists report having provided telehealth at some point.
- 54% of psychologists cited appropriateness of telehealth for certain client populations as the primary practice barrier to telehealth.
- Nearly 46% of respondents identified a lack of formal training or adequate supervision, which affected the quality of service provided.
- Many responses spoke to telehealth clients being unable to find an adequately private space to speak freely via telehealth, and others spoke to the cost of a reliable internet connection or quality headphones, while others spoke of the difficulty of treating geriatric or very young clients given their challenges with the available technologies.

See Issue #15 in this background paper's "Current Sunset Review Issues" section for further discussion.

Prior Issue #19: Independent Contractors. In 2018, the California Supreme Court issued a decision in *Dynamex Operations West, Inc. v. Superior Court* that established a new test for determining if a worker is an independent contractor. AB 5 (Gonzalez), Chapter 296, Statutes of 2019, codified the decision, although that bill included numerous exemptions for specific professions, including psychologists, who are allowed to continue operating under the previous framework for independent contractors. During the Board's prior sunset review, it reported that it was unaware of any impacts on its licensees. The Board reaffirmed this response in its 2025 sunset report.

Prior Issue #20: Technical Cleanup. The Board reports that SB 1526, Chapter 497, Statutes of 2024, included only one of its four recommendations for cleanup, specifically to update laws to be gender neutral. This technical change was introduced in the 2020 Sunset. The Board requests that this year's sunset bill include the remaining technical changes. See Issue #16 in this background paper's "Current Sunset Review Issues" section for further discussion.

Prior Issue #21: Sunset Extension. The Legislature delayed the Board's sunset to January 1, 2025.

CURRENT SUNSET REVIEW: ISSUES FOR THE BOARD OF PSYCHOLOGY

ADMINISTRATIVE ISSUES

ISSUE #1: (STAFF SHORTAGES) How can the Board reduce staff turnover?

Background: The Board reports frequent staff turnover, particularly among Office Technician positions. Review of the Board's organizational charts since 2021 indicate six vacancies among Office Technicians and two vacancies among Program Analysts. The Board attributes the turnover in Office Technician positions to promotion to more senior positions, low pay, and the inability to work remotely. The Board reports that it usually takes one to two months to fill vacancies. Persistent vacancies have stalled the Board's CPD audits since January 2024, though the Board anticipates they will resume in early 2025. Staff shortages have also slowed application processing times and contributed to enforcement delays.

Staff Recommendation: *The Board should describe its efforts to recruit and retain staff and recommend any necessary policy changes.*

Board Response:

The Board currently has one Office Technician vacancy, and it is anticipated to be filled in May 2025. To address staffing issues and challenges, Board executive leadership meets biweekly with unit managers, quarterly with all managers together, and monthly in an all-staff forum. The goal has been to improve communication and service coordination by conducting regular meetings and involving managers in each unit. The Board also has a staff led Spirit Committee which organizes special events where staff can interact with each other in a more social environment. The Board believes these regular in-person meetings, the availability of telework, and management's openness to training and staff career development will continue to reduce staff turnover. The Board posts job openings on its social media platforms and is active on LinkedIn. DCA also emails job openings to all employees to help attract candidates.

ISSUE #2: (SUBJECT MATTER EXPERTS) How can the Board increase its pool of Subject Matter Experts (SMEs)?

Background: The Board has a limited pool of SMEs (52), which the Board relies on to review and opine on complaints to determine whether a licensee/registrant has deviated from the standard of care. SMEs are required to be licensed by the Board for at least three years, to not have been subject to any disciplinary action, and have at least three years of experience in a specific area of practice. According to the Board, there are numerous factors limiting the number of SMEs, including, but not limited to, low pay, availability, potential conflicts of interests with involved parties, and limited number of licensees with expertise in specific subject matters (e.g. forensic psychology). Since the Board's prior sunset review, it has increased its outreach efforts by publishing articles in the Board's newsletter and recruiting specific licensees to apply. Prior to 2024, the Board has 35 SMEs. Board staff hope to have 80 SMEs by 2026.

Staff Recommendation: *The Board should explain whether recent outreach efforts have been successful, identify additional recruitment and retention strategies, and evaluate the Board's ability to pay SMEs more.*

Board Response:

Based on the applications received within the last two years, it appears that the Board's recruitment efforts have been successful. Most of the applicants listed the Board's email announcement and newsletters as the source of information regarding the expert program. The Board will continue to send out emails to an expanding pool of licensees and publish recruitment articles in the quarterly newsletter. Outreach opportunities for Board staff and current experts may also be helpful with recruitment efforts. The Board is not currently able to increase fees for expert services due to budget restrictions, but this can be reevaluated in the future. Board staff are also researching the inclusion of SME recruitment notices in the renewal notices that are sent to all licensees.

LICENSING ISSUES

ISSUE #3: (EXAM PASSAGE RATES) Why have national exam rates been steadily declining over the past four years and what can the Board do to support candidates?

Background: Psychologist applicants are required to pass the EPPP for licensure, but pass rates have declined by roughly 10 percent since the Board's prior sunset review. The Board expects pass rates to increase following the implementation of AB 282 (Aguiar-Curry), Chapter 424, Statutes of 2023, which will allow applicants who have completed all of the academic coursework required for a qualifying doctoral degree to take the EPPP without having to wait until they have accrued 3,000 hours of supervised experience. That bill also requires the Board to implement a process to verify eligibility requirements imposed by a national licensing examination entity (i.e., ASPPB). The Board reports that it expects to complete the necessary regulatory package to implement that bill by January 1, 2027.

Staff Recommendation: *The Board should determine why pass rates have declined so significantly, continue to monitor pass rates to determine whether recent legislative changes promote passage, and identify additional changes that would support candidates and boost pass rates.*

Board Response:

Based on the statistics provided by ASPPB for 2024, the pass rate for California candidates tends to be lower than the national EPPP pass rate.

To better understand issues related to the EPPP passage rate the Board requested DCA's Office of Professional Examination Services (OPES) conduct an analysis of what factors affect the California passage rate (Attachment #2). This analysis was presented to the Board's Licensing Committee on February 2, 2024 and subsequently to the full Board on March 1, 2024. The summary provided by OPES:

- The school a candidate attends is a strong predictor of examination performance.
- Most candidates attend APA-accredited programs. These candidates perform slightly better than those attending non-APA-accredited programs.
- Older candidates pass the examination at lower rates, and account for a large proportion of the recent attempts.
- Degree type has become a stronger predictor of success as time has passed, but PhD and PsyD are still similar.

Board staff have also analyzed the EPPP results and have identified many contributing factors to the declining passage rates. One major factor being as the population of repeat takers increases, the pass rate decreases:

- The pandemic may have been a factor. The Board experienced a high number of cancellations and rescheduling due to exam site shutdowns during the pandemic that may have contributed to higher failure rates.
- There are some candidates who do not do well on examinations and as a result must retake the exam. Additionally, repeat test takers tend to fail at a higher rate than first timer test takers.
- Candidates who graduate and wait five to ten years after graduation to take the EPPP may have difficulty passing the exam the first time.
- Candidates may be focusing on passing the exam rather than taking and applying their knowledge on the exam. They may also be focusing on certain areas of the exam rather than trying to pass the exam as a whole.
- ASPPB has suggested that candidates coming from American Psychological Association (APA) accredited programs tend to do better than those coming from non-APA accredited schools. The Board itself does not require APA accreditation but we do require schools to hold accreditation.
- Schools can also be factor. The Board has no authority to regulate schools and their curricula, and each school may develop a different curriculum program as they see fit.

It was suggested that the sooner a candidate takes the exam after graduating, the more likely they are to pass. The Board is hopeful the new legislation will improve the pass rate for first-time takers as it allows candidates to take any licensing exam upon completion of a doctoral degree qualifying for licensure as specified. The Board is working on a regulatory package to implement AB 282 (Chapter 425, Statutes of 2023).

ISSUE #4: (EPPP 2) What is the status of proposed changes to the Examination for Professional Practice in Psychology (EPPP)?

Background: The EPPP is currently a one-part knowledge-based exam owned and developed by the ASPPB. In 2018, the ASPPB introduced a skill-based portion of the exam, the EPPP Part 2, to measure candidates' competency. From 2018 to 2022, part two of the exam was optional. States and provinces could determine whether to require the EPPP Part 2. A task force established by the Board to solicit stakeholder feedback on the EPPP Part 2 determined in 2018 that it "does not believe the EPPP Part 2 is in the best interest of California consumers," citing the following reasons:

- Lack of a proven necessity for the additional examination;
- Considerable concerns related to the examination design's ability to assess skills and thus potentially providing negligible consumer protections;
- The additional examination's additional costs and burden on prospective licensees, and especially on historically underrepresented and socioeconomically disadvantaged students; and
- The additional examination's creation of new barriers to licensure and potentially detrimental impact on access to psychological services to California consumers.

In 2022, the ASPPB announced the EPPP would officially become a two-part exam on January 1, 2026. The ASPPB rescinded this decision on October 22, 2024, and is now contemplating a single EPPP exam that assesses knowledge and skills. According to the Board, ASPPB will be establishing a working group to focus on issues related to the EPPP (e.g., costs, licensure portability, and access) as well as a subcommittee of the ASPPB Board whose focus will be on the timely development of the reimagined EPPP. ASPPB will also be hosting quarterly town halls and has begun an analysis to determine the essential competencies to practice psychology independently.⁴²

The Board reports that it has stopped working on the regulatory package to implement the EPPP Part 2.

Staff Recommendation: *The Board should continue to monitor and weigh in on modifications to the EPPP as a member of ASPPB and keep the committees apprised of any proposed changes.*

Board Response:

The Board will continue to monitor and weigh in on modifications to the EPPP as a member of ASPPB. Since the additional component of the EPPP was introduced by the ASPPB, the Board has included ASPPB in our Board meetings to provide updates directly to our Board and stakeholders. The Board has also formed an ad-hoc taskforce led by our Board members with a panel comprised of current licensees and stakeholders in the field of psychology to discuss the change and their recommendation. The Board will continue to monitor any new development and encourage open dialogue with ASPPB and stakeholders regarding the current and reimagined EPPP examination development efforts. The Board will be an active participant in the upcoming ASPPB town halls regarding the development of the reimagined EPPP.

The Chair of the of the Board's Licensing Committee and Board staff attended a town hall organized by ASPPB on April 3, 2025. At that meeting the Board heard that the proposed implementation date of the new integrated EPPP will be in 2027. A survey will be sent out to member Boards later this year and we will be invited to comment on the proposals. The Board has concerns regarding the likely increased cost of the examination to applicants and a desire by ASPPB to require the examination be taken as the final step of the application process. This would contradict the changes made to California law by AB 282 (Chapter 425, Statutes of 2023) which allows applicants to take the examination after they have completed their coursework. The Board supported this change as it will likely increase the passage rate of the EPPP.

ISSUE #5: (EDUCATION, EXPERIENCE, AND EXAMINATION REQUIREMENTS FOR REGISTERED PSYCHOLOGICAL ASSOCIATES) Should the qualifications of a foreign master's degree be clarified in statute? Should candidates for a doctoral degree in psychology or education, as specified, be required to complete a minimum of three years of postgraduate study in psychology and pass preliminary doctoral examinations prior to registration as a psychological associate?

Background: Registered psychological associates are required to have completed a master's degree in psychology, a master's degree in education specializing in education psychology, counseling psychology, or school psychology, or be admitted candidates for a doctoral degree in psychology, education, or related field as specified. If the applicant is an admitted candidate for doctoral degree in a

⁴² Board of Psychology, *Examination of Professional Practice of Psychology (EPPP) Part 2 – Informational Page*.

field other than psychology or education, they must have satisfactorily completed three or more years of postgraduate education in psychology and have passed preliminary doctoral examinations. A foreign doctoral degree may satisfy the degree requirements if certain conditions are met.

The Board reports that confusion for applicants and licensing staff stems from ambiguity in the law regarding the qualifications of master's degrees (i.e., accreditation status and location of educational institution where the degree was earned) and advancement to candidacy for doctoral students (i.e., whether doctoral candidates must have completed three or more years of postgraduate education in psychology and have passed preliminary doctoral exams). The Board believes clarification would assuage confusion for all parties.

Staff Recommendation: *The Board should propose clarifying amendments to the relevant statutes.*

Board Response:

The Board has included the proposed statutory amendments to clarify the degree requirements for psychological associate registration applicants (Attachment #2 of the Sunset Report). The Board met on April 17, 2025 and further modified the proposed statutory amendments and they can be found in the attached addendum to this response (Attachment #1).

ISSUE #6: (CHANGE-OF-SUPERVISOR FEE) Should the Board reinstate a \$25 change-of-supervisor request fee for psychological testing technicians?

Background: SB 1428 (Archuleta), Chapter 622, Statutes of 2022, established a registration requirement for psychological testing technicians. Psychological testing technicians are required to work under the direct supervision of the licensed psychologist and must notify the Board of any changes to their direct supervisor, provide specified information about their new supervisor, and pay a fee. The fee was initially set at \$25, but SB 816 (Roth), Chapter 723, Statutes of 2023, erroneously deleted the fee altogether when it established a fee for *psychological associates* to add or change supervisors. The Board proposes to recodify the \$25 fee for psychological testing technicians.

Staff Recommendation: *The Board should report its loss of revenue stemming from the removal of the \$25 change-of-supervisor fee.*

Board Response:

The psychological testing technician registration category became operative on January 1, 2024. From January 1, 2024 through December 31, 2024, the Board received a total of 23 requests from psychological testing technicians to add or change supervisor. An estimate of a loss of revenue of approximately \$575 during the first year the psychological testing technician became operative. The Board anticipates this loss amount will increase as the psychological testing technician population increases.

ISSUE #7: (LICENSE RECIPROCITY AND PORTABILITY) Is there a need to increase license portability and reciprocity to increase access to psychological services for Californians?

Background: This is a continuation of Issue #18 from the Board's 2021 sunset review.

California's shortage of behavioral health care workers⁴³ has renewed interest in establishing license reciprocity and portability for behavioral health care workers, including psychologists, therapists, and social workers.⁴⁴ License reciprocity and portability minimize barriers created by regional differences in licensing requirements. License reciprocity refers to agreements between jurisdictions to issue a reciprocal license to the holder of a license issued by a jurisdiction subject to the agreement. Those jurisdictions typically have nearly identical, if not entirely identical, licensing requirements. License portability refers to the ability of a license holder in one jurisdiction to transfer or use their credentials in another jurisdiction without meeting the new jurisdiction's licensing requirements. Multistate licensing compacts, which are legally binding agreements between two or more states that allow professionals licensed in one compact state to practice in other member states without obtaining a separate license for each state, are a form of license portability. Multistate compacts are entered into by statute and often have a multistate governing body that establishes licensing requirements and is responsible for enforcement.

The ASPPB established the Psychology Interjurisdictional Compact (PSYPACT) to facilitate telehealth and temporary in-person practice of psychology across jurisdictional boundaries. In 2015, the ASPPB inquired if the Board was interested in joining PSYPACT, but after an initial review and identifying several concerns, such as cost and jurisdictional authority, the Board ultimately decided against joining PSYPACT. During the Board's prior sunset review, the Board agreed to conduct another review of PSYPACT. The Board reactivated the Telepsychology Committee in May 2021. At the August 2021 Board Meeting, the Board voted to adopt the recommendation of the Telepsychology Committee to not join PSYPACT. In 2024, AB 2051 (Bonta) sought to codify the PSYPACT. The Assembly Business and Professions Committee raised numerous concerns in their analysis of that bill, including delegation of authority, fairness to California licensees, consumer protection, cost, and workload for the Board, among others. The author agreed to make the bill's enactment contingent upon approval by the BOP, and it ultimately died in the Senate Business, Professions and Economic Development Committee after the author pulled the bill.

To date, California is not a member of any healing arts-related compact. However, existing law already allows out-of-state psychologists who have a qualifying doctorate to practice in California for a period not to exceed 30 days per calendar year.⁴⁵ Moreover, the federal Servicemembers Civil Relief Act authorizes service members or their spouses who currently hold a valid license in good standing in another state to practice in California within the same profession or vocation, if they are required to relocate to California because of military orders. Additionally, the BOP expedites the licensure process for military veterans who were honorably discharged, as well as the spouses and domestic partners of active duty servicemembers.

Staff Recommendation: *The Board should identify unnecessary barriers to licensure and advise the committees on the value and practicality of expanding license reciprocity and portability.*

Board Response:

⁴³ A February 2023 workforce needs study by the Steinberg Institute, *Estimating Our Behavioral Health Workforce Needs: Initial Findings from New*, reports that California needs to add more than 370,000 behavioral health professionals, including more than 16,000 psychologists, specifically, by 2030 to meet need.

⁴⁴ AB 2051 (Bonta) of 2024, AB 2566 (Wilson) of 2024, and AB 427 (Jackson) of 2025.

⁴⁵ Bus. and Prof. Code § 2912.

The Board will continue to examine the governing statutes and regulations to identify unnecessary barriers to licensure and make necessary proposed changes to support the evolution of the profession in psychology and assessing the value and practicality of expanding license reciprocity and portability. Currently, the Board does not have additional plans to expand license reciprocity but will advise the committees should it becomes necessary.

ISSUE #8: (PSYCHOLOGICAL TESTING TECHNICIAN REGISTRATION) Should existing law be amended to expand the types of degrees allowable for psychological testing technician registration?

Background: Psychological testing technicians are required to have, at minimum, a bachelor's degree in psychology or education with specialization in educational psychology, counseling psychology, or school psychology. However, the California Psychological Association (CPA) argues that the specificity of current law has prevented applicants with similar degrees from successfully registering with the Board. In an email to committee staff, the CPA reported that one of its members "could not get a testing technician registration approved by the Board of Psychology who had a 'psychological science' bachelor's degree from the University of California, Irvine." CPA would like to expand the subject matter areas for which a bachelor's degree may be accepted by the Board for registration as a psychological testing technician. As justification, the CPA reports the current wait time for psychological testing is between three and six months. More psychological testing technicians, they argue, would reduce wait times for patients. According to CPA, people living with neurodegenerative conditions (e.g., Alzheimer's disease) or neurodevelopmental disorders (e.g., autism spectrum disorder) need swift access to psychological testing for a variety of reasons: benefits and treatment; determining legal or civil culpability; or receiving special education services.

Staff Recommendation: *The Board should opine on the merits of the CPA's proposal and provide a recommendation to the committees.*

Board Response:

At the February 2025 Board meeting, the Board reviewed CPA's proposal and approved language which expands qualifying degrees for the Psychological Testing Technician (PTT) registration. The proposed language would now include baccalaureate degrees in neurosciences, cognitive science, or behavioral sciences, including any field of specialization. It is the Board's intent to increase the availability of PTTs in the workforce and expand access to psychological testing services. The Board recommends the committees support the proposal (Attachment #3 of the Sunset Report).

ISSUE #9: (RESEARCH PSYCHOANALYSTS AND STUDENT RESEARCH PSYCHOANALYSTS) What is the status of regulating research psychoanalysts and student research psychoanalysts?

Background: This is a continuation of Issue #9 from the Board's 2021 sunset review.

SB 815 (Roth), Chapter 294, Statutes of 2023, transferred oversight of research psychoanalysts and student research psychoanalysts from the Medical Board of California to the Board on January 1, 2025. The Board is currently promulgating regulations related to research psychoanalysts and student research psychoanalysts. The Board is also requesting numerous conforming changes to its application, continuing education, and notice requirements as well as its enforcement statutes to account for this new

registrant population. For example, consistent with the requirements for licensed psychologists, the Board seeks to require research psychoanalysts to complete coursework in human sexuality; child abuse assessment and reporting; aging and long-term care; alcohol and other chemical substance dependency; spousal or partner abuse assessment, detection, and intervention; and suicide risk assessment and intervention as a condition of registration. The Board also requests statutory language requiring research psychoanalysts to similarly complete 36 hours of CPD each biennial renewal cycle. The New Center for Psychoanalysis, in a December 3, 2024, letter to the Board, expressed concern regarding the Board's proposed CPD requirements, particularly as it relates to the number of hours and subject matter.⁴⁶ Additionally, the New Center for Psychoanalysis opposes the Board's proposed regulatory changes to the definition of "adjunct" and offers additional suggestions for the Board's regulations to reflect the nature of research psychoanalysts' work.

Staff Recommendation: *The Board should update the committees on the status of its adoption of regulations pertaining to research psychoanalysts and student research psychoanalysts.*

Board Response:

Originally, the board had planned to submit regulations in 2 separate packages, one consisted taking the existing regulatory language from the medical board and revising the language to meet the planned practices of the Board by the January 1, 2025 effective date, and then completing a secondary package that would completely overhaul the regulatory language. On May 10, 2024, the Board approved adoption of regulations for Research Psychoanalysts. On August 16, 2024, the Board approved the revised language. In further discussions with the Board's Regulatory Counsel regarding the 2-step regulatory process, it was advised that the Board may want to consider moving away from the 2-step process and focus on just implementing the second regulatory package, as the first package would not be effective by the effective date of the statute. Counsel advised that the Board may be faced with issues of approval from the Office of Administrative Law regarding the existing language from the medical board. This recommendation was presented to the full board at the February 27, 2025, meeting. The board agreed to focus one comprehensive regulatory package. Board staff is currently working with regulatory counsel on that package. The Board is able to administer the Research Psychoanalyst program using the existing statute and the proposed regulations also anticipate statutory changes the Board is hoping to make during the Sunset process (Attachment 6 of the Sunset Report)

ENFORCEMENT ISSUES

ISSUE #10: (STATUTE OF LIMITATIONS) Does the statute of limitations for filing an accusation need to be extended to allow the Board to take enforcement action against licensees/registrants?

Background: This is a continuation of Issue #4 from the Board's 2021 sunset review.

BPC § 2960.05 requires an accusation against a licensee/registrant to be filed within three years from the date the Board discovers the alleged act or omission that is the basis for the disciplinary action or within seven years from the date the alleged act of omission occurred, whichever comes first. The time frame can be extended to ten years in certain circumstances, such as cases involving minors, ongoing criminal investigations, and allegations of sexual misconduct. The Board reports having had to close 24

⁴⁶ Board of Psychology, February 27-28, 2025 Board Meeting Materials.

cases due to the expiration of the statute of limitations, and is proposing to increase the statute of limitations from three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action to five years from the date the board initiates an investigation.

Staff Recommendation: *The Board should describe why it was unable to file an accusation within the statute of limitations in the aforementioned closed cases.*

Board Response:

Upon reviewing the referenced 24 cases that were closed as past the statute of limitations in the 2021 Sunset Report, it was found that all these complaints were reported to the Board past the statute of limitations, as the incidents had occurred more than 7 years from the date the complaint was submitted to the Board. With these particular cases, it would not have been helpful to have a 5-year statute of limitations compared to the current 3-year statute of limitations. However, since 2021, there have been cases that have been closed past the statute of limitations due to the Board's inability to take disciplinary action within 3 years of receiving the complaint. Due to the heavy workload in Enforcement, it might take 6-12 months for an Analyst to review a complaint. Before a case goes to the Attorney General's Office, a case will go to expert for an initial review, to the Division of Investigation for further investigation, and back to an expert for a final review. The amount of time a case spends at the Division of Investigation alone is usually over a year. If the Board had 5 years to complete its investigation, it would provide more time for these steps and less of a need to expedite cases.

ISSUE #11: (PSYCHOTHERAPIST-CLIENT PRIVILEGE EXCEPTION) Should the Legislature establish a psychotherapist-client privilege exception for Board investigations?

Background: This is a continuation of Issue #17 from the Board's 2021 sunset review.

The Board reports that investigating a licensee/registrant for misconduct often necessitates review of psychotherapy records, including psychotherapist-client communications, to determine whether any misconduct occurred. However, under BPC § 2918, confidential relations and communications between a psychologist and client are privileged. Therefore, clients have the right to not disclose communication with their psychologist and may prevent their psychologist from disclosing their client records. In the majority of cases, the complainant is the client and the client grants the Board access to their client records. However, clients may refuse disclosure when, for example, a complaint is made by a disgruntled ex-partner during a child custody case or divorce. A client may also refuse disclosure of their records, for example, when there is sexual misconduct by a licensee. The Board reports that over the last four years it has had to close three cases due to the clients invoking patient privilege.

The Board may subpoena a client's records, but obtaining a court order to enforce a subpoena has been difficult for the Board. The Board reports that it can take several months and cost \$15,000 to \$30,000 without guarantee that a judge will grant a court order. Board staff report closing cases due to insufficient information to determine whether a licensee/registrant engaged in misconduct.

In 2018, a group of stakeholders convened to discuss the role of psychologists in child custody cases and recommended that the Board review and consider statutory language related to documentation considered for child custody complaints. The Board has since endeavored to establish an investigatory exemption from the psychotherapist-client privilege but has been unable to find an author. An exception

would lower the bar for the Board to obtain a court order and ultimately make it easier for the Board to access client records for an investigation.

The CPA strongly opposes the Board's efforts to obtain an exception for fear that it will erode trust between psychologists and their clients, create a chilling effect on both psychologists and clients and alter psychologists' record-keeping practices, which could compromise their quality of care. Moreover, the CPA believes the current process provides a meaningful check on the Board's efforts to access client records without their consent. The California Association of Marriage and Family Therapists also opposes the aforementioned exception, believing it undermines the integrity of psychotherapy, has significant negative consequences for clients, and creates a dangerous precedent for other boards.

Staff Recommendation: *The Board should inform the committees of the frequency with which clients refuse disclosure of their records for an investigation and explain why and how often the Board has been unable to obtain a court order to enforce a subpoena.*

Board Response:

In the last four years, 4,387 complaints were received. Of the 4,387 complaints received, only four (4) cases met the final criteria for closure due to the invocation of patient privilege. This represents a very small proportion of the total cases received.

ISSUES RELATED TO THE PRACTICE OF PSYCHOLOGY

ISSUE #12: (ONLINE PRACTICE) Should the Board have statutory authority to regulate businesses that provide psychological services online via telehealth? Is the Board prepared to address the impacts of Artificial Intelligence in field of psychology?

Background: In 2023, the *Los Angeles Times* reported that the meditation and mental health app *Headspace* had laid off 33 therapists, including psychologists licensed by the Board. According to the Board, "licensees were reportedly unable to contact their clients and complete a proper termination of service as prescribed by law."⁴⁷ The American Psychological Association's "Ethical Principles of Psychologists and Code of Conduct," codified in statute,⁴⁸ demand that psychologists, except where precluded by the actions of clients or third-party payors, provide pre-termination counseling and suggest alternative service providers as appropriate. Failure to do so may be considered unprofessional conduct and subject to disciplinary action by the Board. The Board is currently investigating Headspace. It is currently unclear whether the Board needs statutory authority to regulate third-party psychologist employers and require a responsible licensee/registrant or other individual to be accountable in for unlawful activity. Additionally, the Board reports receiving 310 complaints regarding unlicensed practice of psychology online.

Staff Recommendation: *The Board should propose statutory language authorizing the Board to regulate third-party psychologist employers such as telehealth apps. The Board should also describe its enforcement efforts to curb unlicensed practice online.*

Board Response:

⁴⁷ Board of Psychology, 2025 *Sunset Review Report*, at 66.

⁴⁸ Bus. and Prof. Code § 2936.

One of the key aspects of the Board’s mission is to protect consumers of psychological services by regulating the practice of psychology. This includes regulating the services provided by licensees, unlicensed individuals, and third-party psychologist employers, such as Telehealth apps. All providers and businesses providing psychological services to California consumers, whether face to face or via Telehealth, shall adhere to the Laws and Regulations pertaining to the Practice of Psychology.

As technology has evolved, the Board has observed that there has been an increase in services being offered online, including psychological services. The Board has been proactive in notifying consumers about the requirements of licensure for a provider to provide psychological services to California consumers by including a notice on the website titled “Notice to California Consumers Regarding the Electronic Delivery of Psychological Services”. Consumers are encouraged to submit complaints if they suspect that an individual is providing services online without a license or if they’ve received services by an unlicensed individual via online or Telehealth. Every complaint received is investigated individually. The Board ensures that proper action is taken, including educating both subject and complainant of the laws pertaining to the unlicensed practice of psychology online. In cases where the allegations of unlicensed practice are sustained, appropriate action is taken in the form of citation and fine and referral for consideration of criminal prosecution. Citations and fines issued to unlicensed individuals are issued in a press release to inform the public and bring awareness to the issue of unlicensed practice.

ISSUE #13: (ARTIFICIAL INTELLIGENCE) How is Artificial Intelligence changing the field of psychology? What regulatory changes are necessary to protect consumers from this emerging technology and to ensure the ethical use of AI-driven tools in psychotherapy practice?

Background: Artificial intelligence refers to computer systems capable of performing tasks that usually require human intelligence, and it has the potential to transform the field of psychology, from the provision of psychotherapy to research. While AI innovations, such as chatbots (e.g., Wysa and Woebot) and tools that automate notetaking (e.g., Mental Note AI and TherapyFuel), can improve consumer access and affordability and lessen the administrative burden on psychologists, there are numerous questions outstanding about safety, privacy, reliability, and equity. The dangers of AI-generative chatbots have been the subject of increased scrutiny and are at the center of two lawsuits. In a letter to the Federal Trade Commission (FTC), the American Psychological Association (APA) expressed its “grave concerns about “entertainment” chatbots that purport to serve as companions or therapists, especially because some of these technologies are available to the public without appropriate safeguards, adequate transparency, or the warning and reporting mechanisms necessary to ensure appropriate use and access by appropriate users.”⁴⁹ The APA urged the FTC to investigate “the prevalence and impacts of deceptive practices employed by AI-generative chatbots and other AI-related technologies like Character.ai, Replika, and other companies for developing and perpetuating AI-generated characters that engage in misrepresentations and for engaging in deceptive trade practices, passing themselves off as trained mental health providers, and potentially causing harm to the public.”⁵⁰ As reported by the *New York Times*, a lawsuit against Character.ai has been filed by the mother of a Florida teen who died by suicide after interacting with a chatbot claiming to be a licensed psychologist.⁵¹ A second lawsuit was

⁴⁹ Letter from Arthur C. Evans, Chief Executive Officer, American Psychological Association to Federal Trade Commission (Dec. 20, 2024), <https://www.apaservices.org/advocacy/generative-ai-regulation-concern.pdf>.

⁵⁰ Ibid.

⁵¹ Ellen Barry, *Human Therapists Prepare for Battle Against A.I. Pretenders*, THE NEW YORK TIMES (Feb. 24, 2025), <https://www.nytimes.com/2025/02/24/health/ai-therapists-chatbots.html>.

initiated by the parents of a Texas teen with autism grew hostile and violent towards them during a period of time when he was interacting with a chatbot claiming to be a psychologist. According to *The Washington Post*, he had also begun harming himself and lost 20 pounds.⁵² Although the dangers of these chatbots are well documented, they are popular. Some of Character.ai's chatbots have had more than one million conversations with users. In its letter to the FTC, the APA argues that:

Given that the fundamental purpose of professional licensing is consumer protection, there is a compelling legal argument that the same prohibitions contained in professional licensing laws restricting unqualified individuals from referring to themselves as a "psychologist" or "physician" or other licensed professional and attempting to conduct themselves in that way ought to apply to these non-human chatbots as well.

The Legislature should consider the Board's role in preventing the AI-driven impersonation of licensed psychologists and ability to take enforcement action where appropriate.

Staff Recommendation: *The Board should describe its efforts to prepare for and respond to the rise of AI in the provision of psychotherapy services. Moreover, the Board should report whether it has received any complaints related to AI.*

Board Response:

The Board has received four complaints regarding using artificial intelligence (AI). Two of the complaints were anonymous in nature and lacked supporting evidence, only mentioning the use of ChatGPT. The last two complaints remain open and are currently under investigation. The Board is committed to monitoring the development of this new technology and has discussed forming an Ad Hoc Committee to study and assess how AI impacts the practice of psychology.

Efforts to Prepare for the Rise of AI in Psychotherapy

The California Board of Psychology will take proactive measures to prepare for integrating AI technologies into psychotherapy. As AI tools continue to evolve and become more prominent in the field, the Board is dedicated to ensuring that these technologies are used responsibly, ethically, and by established standards. The Board's preparation efforts include:

- **Staying Informed on AI Advancements:** The Board will continuously monitor developments in AI technologies related to psychotherapy, such as AI-driven chatbots, generative AI, augmented reality technology, virtual assistants, diagnostic tools, and administrative aids. This will involve regular research and collaboration with AI experts, technology developers, and academic institutions. The Board can anticipate emerging challenges and ensure its regulatory frameworks remain current by staying informed about the latest innovations.
- **Consulting with AI and Psychology Experts:** To ensure a comprehensive understanding and informed decision-making, the Board will consult with individual experts specializing in artificial intelligence (AI) and psychology. These experts will assist the Board in evaluating the potential risks and benefits of using AI tools in psychotherapy. They will also provide guidance on the ethical and practical considerations necessary for integrating AI into clinical practice. Their input will help the Board develop well-informed policies and guidelines for using AI in psychotherapy.

⁵² Nitasha Tiku, *An AI companion suggested he kill his parents. Now his mom is suing.* THE WASHINGTON POST (Dec. 13, 2024), <https://www.washingtonpost.com/technology/2024/12/10/character-ai-lawsuit-teen-kill-parents-texas/>.

- **Reviewing and Updating Legal and Ethical Standards:** The Board will review and, if necessary, update legal and ethical standards to accommodate the use of AI in mental health care. This process includes assessing existing licensing laws, professional practice standards, and consumer protection regulations to ensure they effectively address the unique challenges posed by AI technologies. The Board will also ensure that any AI tools used in psychotherapy comply with California's mental health laws, including requirements for licensure, confidentiality, informed consent, and ethical standards of practice.
- **Monitoring AI in Mental Health Research:** The Board will keep itself updated on the latest research concerning AI's effectiveness and ethical implications in mental health care. This will involve reviewing peer-reviewed studies and collaborating with academic institutions to understand the scientific foundation behind AI-driven therapies better. By staying informed about the outcomes and efficacy of AI tools, the Board can more accurately evaluate their suitability for clinical use and ensure that evidence-based practices are maintained.
- **Fostering Public Awareness and Transparency:** The Board aims to enhance public awareness of AI in psychotherapy. This involves creating resources to educate consumers about AI tools' potential benefits and limitations in mental health care. It will also help people learn how to distinguish between legitimate AI-driven services and unlicensed or harmful applications. Additionally, the Board will encourage transparency from developers of AI tools, ensuring that consumers are fully informed about the nature of the services they are using and any risks associated with AI interactions.

By focusing on these preparation efforts, the Board aims to create a clear and comprehensive framework that allows AI to be used in psychotherapy in a safe, ethical, and aligned way with public health goals. These efforts will help ensure that AI tools are integrated responsibly into the mental health care system, ultimately benefiting mental health professionals and the public while maintaining the integrity of psychotherapy practices in California.

Efforts to Respond to Complaints and Issues Arising from AI Use

Challenges and complaints are likely to arise as AI technologies become more common in psychotherapy and assessments. The Board will establish a systematic approach to address complaints and issues related to AI.

- **Establishing Individual Expert Reviewers for AI Complaints:** The Board will recruit qualified experts in artificial intelligence and clinical psychology to review complaints regarding the use of AI in psychotherapy. These experts will perform initial and final evaluations of the complaints to ensure consistent and knowledgeable assessments of AI-related issues.
 - **Initial Review:** An expert reviewer will perform an initial assessment to identify any potential violations of ethical or legal standards related to the use of AI tools. This assessment includes examining whether the AI system was suitable for the specific context, whether it was incorrectly presented as a licensed professional, or if its use harmed clients. The case will be escalated for a more comprehensive review if any potential violations are found.
 - **Final Review:** After the Division of Investigation Report is completed, the expert will conduct a final evaluation to assess the severity of any departures. The expert will categorize the departure as either a minor departure (for example, a minor infraction such as inaccurate or incomplete documentation) or an extreme departure (for example, significant harm caused by AI misrepresentation or dangerous advice).
- **Coordinating with the Office of the Attorney General:** If a complaint indicates an extreme departure, the Board will refer the case to the Office of the Attorney General for further investigation.

and action. The Board collaborates closely with the Attorney General's office. In cases where AI tools have been used in ways that result in substantial harm, misrepresentation, or serious legal violations, the Attorney General will take the lead in seeking legal remedies. This may involve litigation, fines, or other enforcement actions to protect the public and ensure accountability for unlicensed or harmful AI practices.

- **Tracking AI-Related Complaints:** The Board will track complaints related to AI technologies by manually recording and categorizing cases in a database or spreadsheet, such as Excel. This approach will enable the Board to monitor AI-related issues and identify patterns over time. Although a separate category for AI-related cases will not be created, each relevant case will be tracked using descriptive tags or case numbers. This tracking system will help the Board stay organized and address AI-related complaints appropriately. The Board will periodically review these tracked cases to evaluate trends, identify areas of concern, and take appropriate action based on the frequency or severity of the AI-related complaints.

- **Monitoring Trends and Identifying Emerging Issues:** By systematically tracking complaints related to AI in psychotherapy, the Board will be able to identify emerging issues more effectively. For example, if several complaints arise about a specific AI tool or application, the Board can promptly investigate and resolve the problem. The Board will utilize this data to revise its guidelines, regulations, and response strategies, improving its ability to tackle AI's challenges in psychotherapy services.

- **Issuing Consumer Alerts and Public Warnings:** If an AI tool is found to be causing harm or involved in deceptive practices, the Board will issue consumer alerts and public warnings to inform the public about the risks. This initiative aims to prevent further harm by alerting consumers to potentially dangerous AI applications. Public warnings may be disseminated through quarterly journals and include information on how to report AI-related issues, where to seek professional help, and how to distinguish legitimate mental health services from AI-based tools that falsely claim to be licensed professionals.

ISSUE #14: (TEMPORARY PRACTICE) Do provisions allowing out-of-state psychologists to temporarily practice in California need clarifying?

Background: This is a continuation of Issue #15 from the Board's 2021 sunset review.

BPC § 2912 allows a psychologist licensed in another state or Canada at the doctoral level to offer psychological services in California for 30 days in a calendar year. It is currently unclear whether the limit applies to consecutive or nonconsecutive days. Moreover, it is uncertain whether "day" means any portion of a day or a specific number of hours in a single day. The Board requests clarifying amendments.

Staff Recommendation: *The committees may wish to consider amending BPC § 2912 to mirror BPC § 4980.11, which authorizes therapists licensed by the Board of Behavioral Sciences to temporarily practice in California for up to 30 consecutive days in any calendar year, if stated conditions are met.*

Board Response:

Currently, the Board does not have a tracking mechanism for temporary practice for psychologists licensed in another state. If the Board receives complaints regarding excessive use of the temporary practice provision, the Board would investigate those allegations. The Board had requested a clarifying change that for those who are operating within the 30-day requirement those days are nonconsecutive calendar days. The Board proposed this change in Attachment #4 of its Sunset Report.

At the March 24, 2025 Sunset Hearing Senator Ashby expressed concern that out-of-state practitioners are not registered and could be practicing on California consumers without the Board's knowledge and suggested that the Board look to recent statutory amendments addressing this issue by the Board of Behavioral Sciences (BBS).

In 2023, AB 232 (Aguilar-Curry, Chapter 640, Statutes of 2023) amended BBS's practice act to allow greater oversight of those practicing in California temporarily from out-of-state. The amended law does the following:

- Allows an out-of-state licensee with a current, active, and unrestricted license in psychology at the doctoral level to obtain a temporary practice allowance to see a travelling or relocating client for a period of 30 consecutive days in a calendar year.
- Requires the client to be located in California, and requires the client to have been the licensee's client immediately before the client travels to California.
- Requires the therapist to inform the client of the limited time frame of the services, provide their license information, and provide the Board's internet website address.
- Prior to providing services, the licensee must provide the Board with specified information about their license, identity, and contact information.

At its April 17, 2025 meeting, the Board discussed the BBS provisions and approved language for possible inclusion in its Sunset Bill. The Board determined that allowing up to 90 consecutive days for practice would help ensure access to necessary services for specific populations. For example, this would allow the continued treatment of out-of-state students studying in California, as well as provide adequate time to complete a psychological assessment in cases where a California provider is not available.

Below is proposed language similar to the BBS provisions for possible inclusion in the Board's practice act.

Current Law:

Business and Professions Code §2912.

Nothing in this chapter shall be construed to restrict or prevent a person who is licensed as a psychologist at the doctoral level in another state or territory of the United States or in Canada from offering psychological services in this state for a period not to exceed 30 days in any calendar year.

Proposed Law:

Business and Professions Code §2912.

~~Nothing in this chapter shall be construed to restrict or prevent a person who is licensed as a psychologist at the doctoral level in another state or territory of the United States or in Canada from offering psychological services in this state for a period not to exceed 30 days in any calendar year.~~

(a) Notwithstanding Section 2903, a person who holds a license in another jurisdiction of the United States or in Canada as a psychologist at the doctoral level may provide psychological services in this

state for a period not to exceed 90 consecutive days in any calendar year, if all of the following conditions are met:

(1) The license from another jurisdiction is at the doctoral level in the jurisdiction in which the license was granted.

(2) The license from another jurisdiction is current, active, and unrestricted.

(3) The client is located in California during the time the person seeks to provide care in California.

(4) The client is a current client of the person and has an established, ongoing client-provider relationship with the person at the time the client became located in California.

(5) The person informs the client of the limited timeframe of the services and that the person is not licensed in California.

(6) The person provides the client with the Board of Psychology's internet website address.

(7) The person informs the client of the jurisdiction in which the person is licensed and the type of license held and provides the client with the person's license number.

(b) A person who intends to provide psychological services pursuant to this section shall provide the board with all of the following information before providing services:

(1) The name under which the person is licensed in another jurisdiction, the person's mailing address, the person's phone number, the person's social security number or individual taxpayer identification number, and the person's electronic mailing address, if the person has an electronic mailing address.

(2) The jurisdiction in which the person is licensed, the type of license held, and the license number.

(3) An official license verification letter provided by the jurisdiction, or entity authorized by the jurisdiction, in which the license was granted.

(4) The date on which the person will begin providing psychological services to the person's client in California.

(c) A person who provides services pursuant to this section is deemed to have agreed to practicing under the jurisdiction of the board and to be bound by the laws of this state.

(d) This section does not apply to any person licensed by the board whose license has been suspended or revoked.

(e) This section shall remain in effect only until January 1, 20XX, and as of that date is repealed.

ISSUE #15: (TELEHEALTH SURVEY) What is the Board doing with the results of its 2023 Barriers to Telehealth Survey?

Background: This is a continuation of Issue #18 from the Board's 2021 sunset review.

The Board reports having surveyed 30,000 licensees/registrants and consumers in 2023 to identify barriers to telehealth. The Board has since contacted the University of California and the Little Hoover Commission to evaluate the results and provide policy recommendations, but neither organization has expressed interest in producing a white paper.

Staff Recommendation: *The Board should explain what it has done, if anything, with the survey results thus far and explain why it is unable to analyze the results and make policy recommendations itself. If it is determined that another educational or governmental entity is more suited to this work, the Board should identify additional educational or governmental entities that may be willing to evaluate the Board's survey results and provide recommendations.*

Board Response:

The Board tasked the Licensure Committee to review competency requirements for doctoral programs, training settings, and supervised experience within the context of the Barriers to Telehealth Survey results. The Licensure Committee met and discussed the item at their February and July meetings in 2024 and recommended to the full Board at their 2025 February Board meeting to create a one-page reference document that would include the background of the Barriers to Telehealth Survey, follow-up actions taken, and links to various existing telehealth guidelines to the full Board at their 2025 February Board meeting. This reference document will be posted on the Board's website for informational purposes.

TECHNICAL ISSUES

ISSUE #16: (TECHNICAL CLEANUP) Is there a need for technical cleanup?

Background: This is a continuation of Issue #20 from the Board's prior sunset review.

As the psychology profession continues to evolve and new laws are enacted, many provisions of the BPC relating to psychology become outmoded or superfluous. Amendments are also often necessary for clarity and to maintain consistency throughout the Act. The Board has identified numerous technical changes to the Act's enforcement provisions as well as provisions related to the registration of research psychoanalysts. Moreover, the Board has identified that BPC § 2995 related to psychological corporations is inconsistent with the Moscone-Knox Professional Corporation Act and recommends minor changes to make the list of permissible corporate officers consistent between the two acts.

Staff Recommendation: *The Board should recommend technical, clarifying, and otherwise "cleanup" amendments to the committees for consideration in the sunset bill.*

Board Response:

The Board has identified several technical changes as part of the Sunset Review such as Enforcement and Corporation provisions (Sunset Report, Item 11E, Issues 4 & 5). The Board will continue to examine the governing statutes and regulations to identify necessary areas for technical cleanup.

CONTINUATION OF THE BOARD

ISSUE #17: (SUNSET EXTENSION) Should the licensing and regulation of the practice of psychology be continued and be regulated by the current Board membership?

Background: This is a continuation of Issue #20 from the Board's prior sunset review.

Considering the Board's critical mission to protect the public through the regulation of psychological services in California, it is likely that the committees will ultimately determine that the Board's repeal date should be extended for an additional term.

Staff Recommendation: *The Board's current regulation of the psychology profession should be continued, with potential reforms, to be reviewed again on a future date to be determined.*

Board Response:

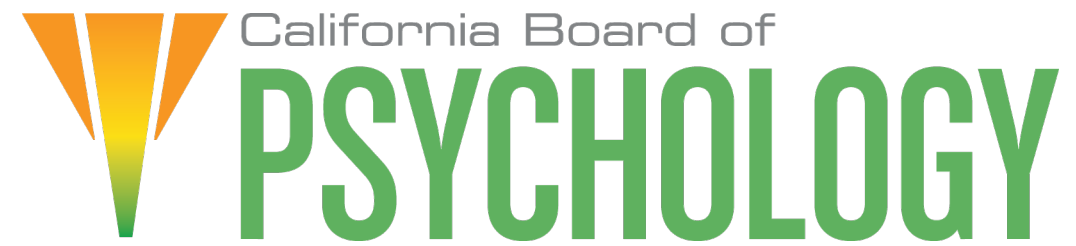
In order to protect the consumers of psychological services in the State of California, the Board strongly urges the Legislature to continue the regulation of the practice of psychology by the Board of Psychology under its current membership.

2913.

A person other than a licensed psychologist may perform psychological functions in preparation for licensure as a psychologist only if all of the following conditions are met:

- (a) The person is registered with the board as a “registered psychological associate.”
This registration shall be renewed annually in accordance with regulations adopted by the board.
- (b)(1) The person has completed or is any of the following:
 - (A) Completed a master’s degree in psychology. This degree shall be obtained from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education.
 - (B) Completed a master’s degree in education with the field of specialization in educational psychology, counseling psychology, or school psychology. This degree shall be obtained from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education.
 - (C) Is an admitted candidate for a doctoral degree and after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations or has achieved advancement to candidacy as verified by the registrar of the educational institution, and that doctoral degree having been completed in any of the following:
 - (i) Psychology with the field of specialization in clinical, counseling, school, consulting, forensic, industrial, or organizational psychology.
 - (ii) Education, with the field of specialization in educational psychology, counseling psychology, or school psychology.
 - (iii) A field of specialization designed to prepare graduates for the professional practice of psychology ~~after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations.~~
 - (D) An applicant for registration trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that the applicant possesses a master’s degree in psychology or education as specified in paragraphs (A) and (B) that is equivalent to a degree earned from a regionally accredited academic institution in the United States or Canada by providing the board with an evaluation of the degree by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), or by the National Register of Health Services Psychologists (NRHSP), and any other documentation the board deems necessary. The member of the NACES or the NRHSP shall submit the evaluation to the board directly and shall include in the evaluation all of the following:
 - (i) A transcript in English, or translated into English by the credential evaluation service, of the degree used to qualify for licensure.

- (ii) An indication that the degree used to qualify for licensure is verified using primary sources.
 - (iii) A determination that the degree is equivalent to a degree that qualifies for registration pursuant to paragraphs (A) or (B)
 - (D)(E) Completed a doctoral degree that qualifies for licensure under Section 2914.
- (2) The board shall make the final determination as to whether a degree obtained outside the United States or Canada meets the requirements of this subdivision.
- (c)(1) The registered psychological associate is supervised by a licensed psychologist. Any supervision may be provided in real time, which is defined as through in-person or synchronous audiovisual means, in compliance with federal and state laws related to patient health confidentiality. The registered psychological associate's primary supervisor shall be responsible for ensuring that the extent, kind, and quality of the psychological services performed are consistent with the registered psychological associate's and the primary supervisor's training and experience. The primary supervisor shall be responsible for the registered psychological associate's compliance with this chapter and regulations. A primary supervisor may delegate supervision as prescribed by the board's regulations.
- (2) A licensed psychologist shall not supervise more than three registered psychological associates at any given time.
- (d) A registered psychological associate shall not do either of the following:
 - (1) Provide psychological services to the public except as a trainee pursuant to this section.
 - (2) Receive payments, monetary or otherwise, directly from clients.



Factors That Affect California Pass Rates for the Examination for Professional Practice in Psychology

Robert Calvert, PhD, Senior Statistician

Heidi Lincer, PhD, Chief

February 2, 2024



Overview

Purpose

Variables of
Interest

Data
Preparation

Trends and
Charts

Questions

About OPES and our purpose today

Variables of Interest

APA

Schools were coded as APA-accredited or not. Note that all online schools are not APA-accredited.

School

School used by candidate to qualify for examination.

Alliant

Schools were coded as either affiliated with Alliant or not.

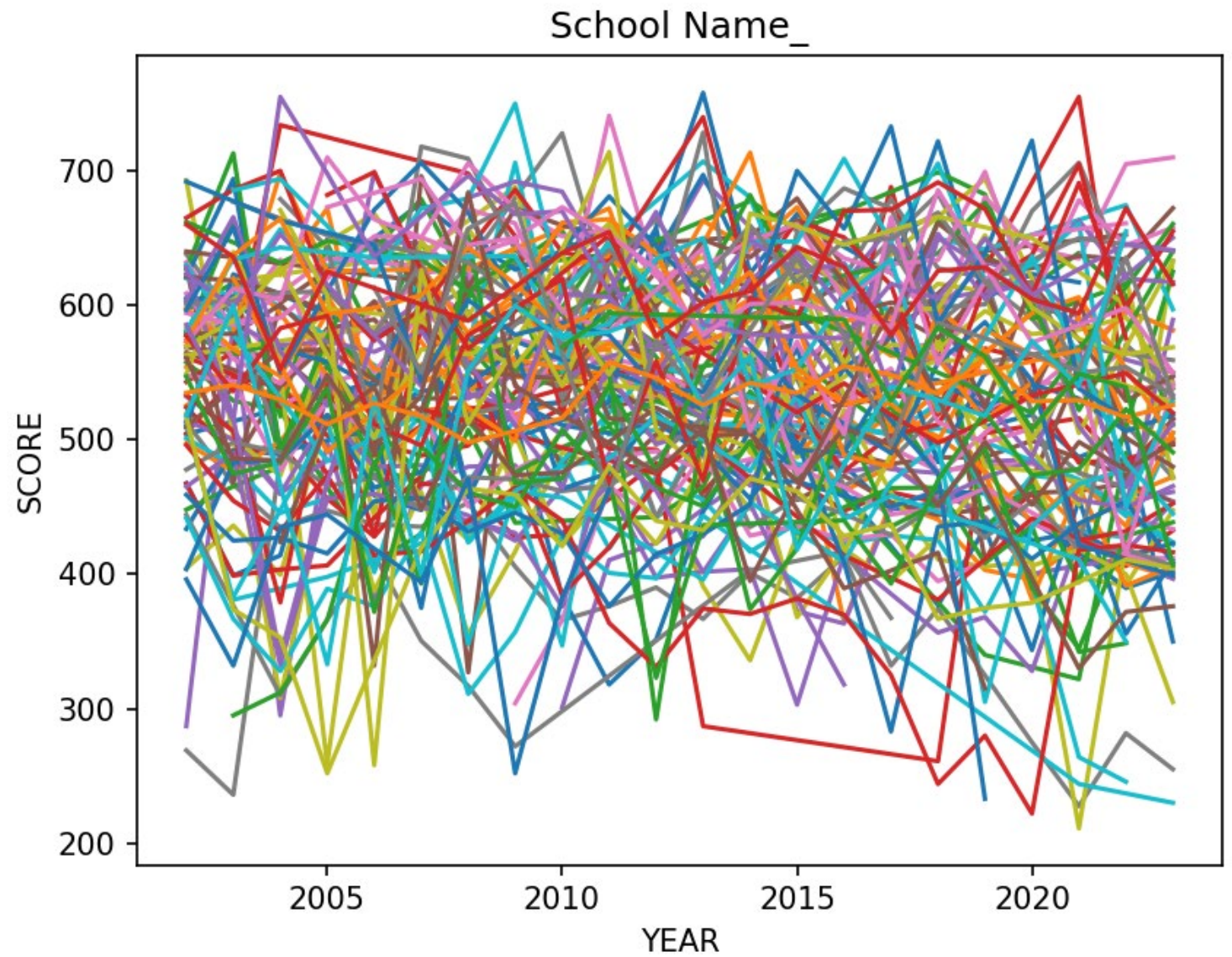
Age

The candidates were separated into 8 even age categories by attempt.

Degree

Degree earned (PhD, PsyD, and EdD).

Where We Started



Data Preparation

- Removed scores ≤ 200
- Removed entries with missing birth date, school score, or degree
- Removed entries with clearly incorrect information (e.g., birth date in the future)
- Consolidated degree codes (PSYD1 = PDSYD)
- Combined schools that had changed their names
- Added school information

Types of Analysis

First Attempt

This counts only a candidate's first attempt at the examination.

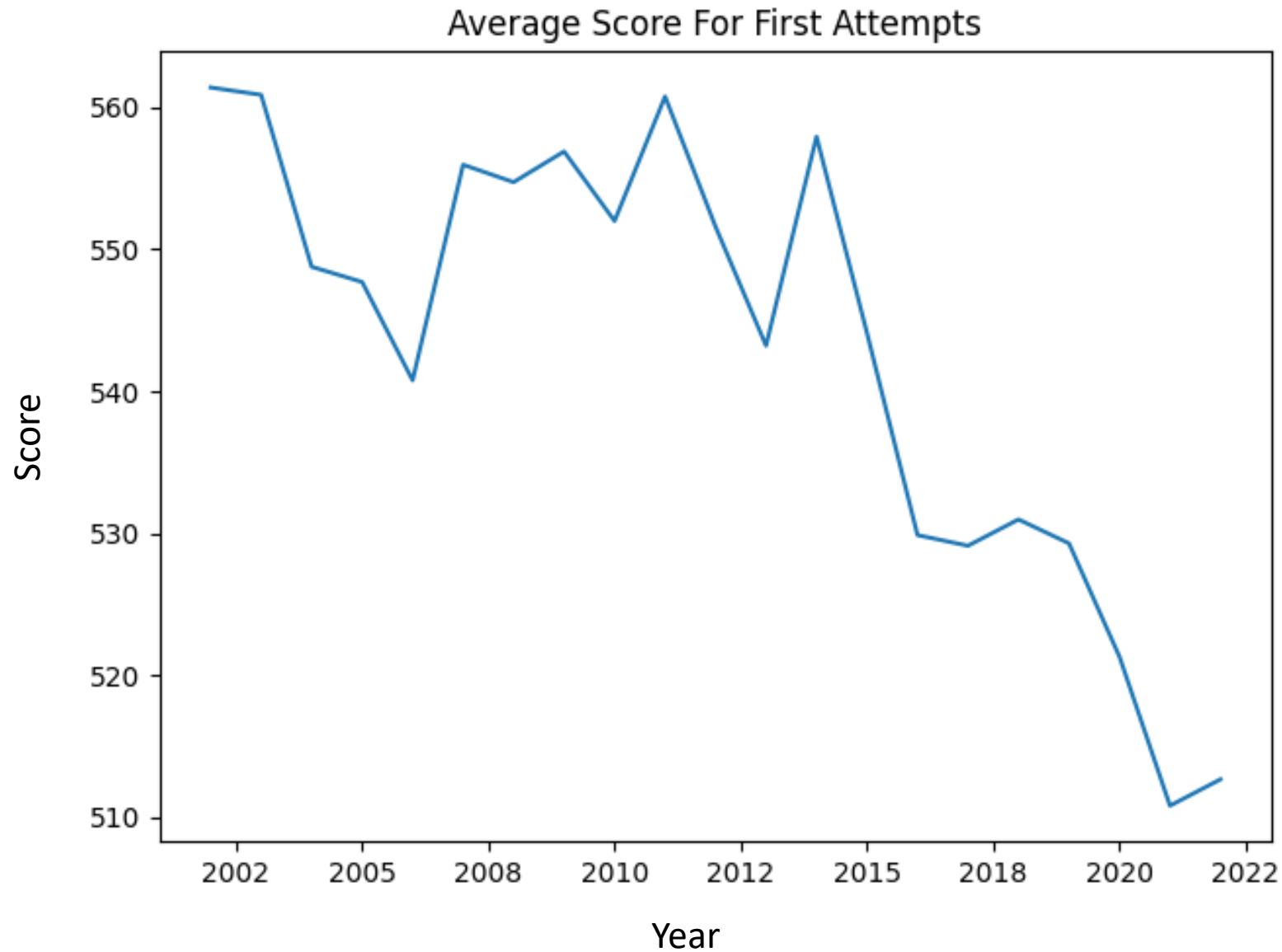
Candidate Best

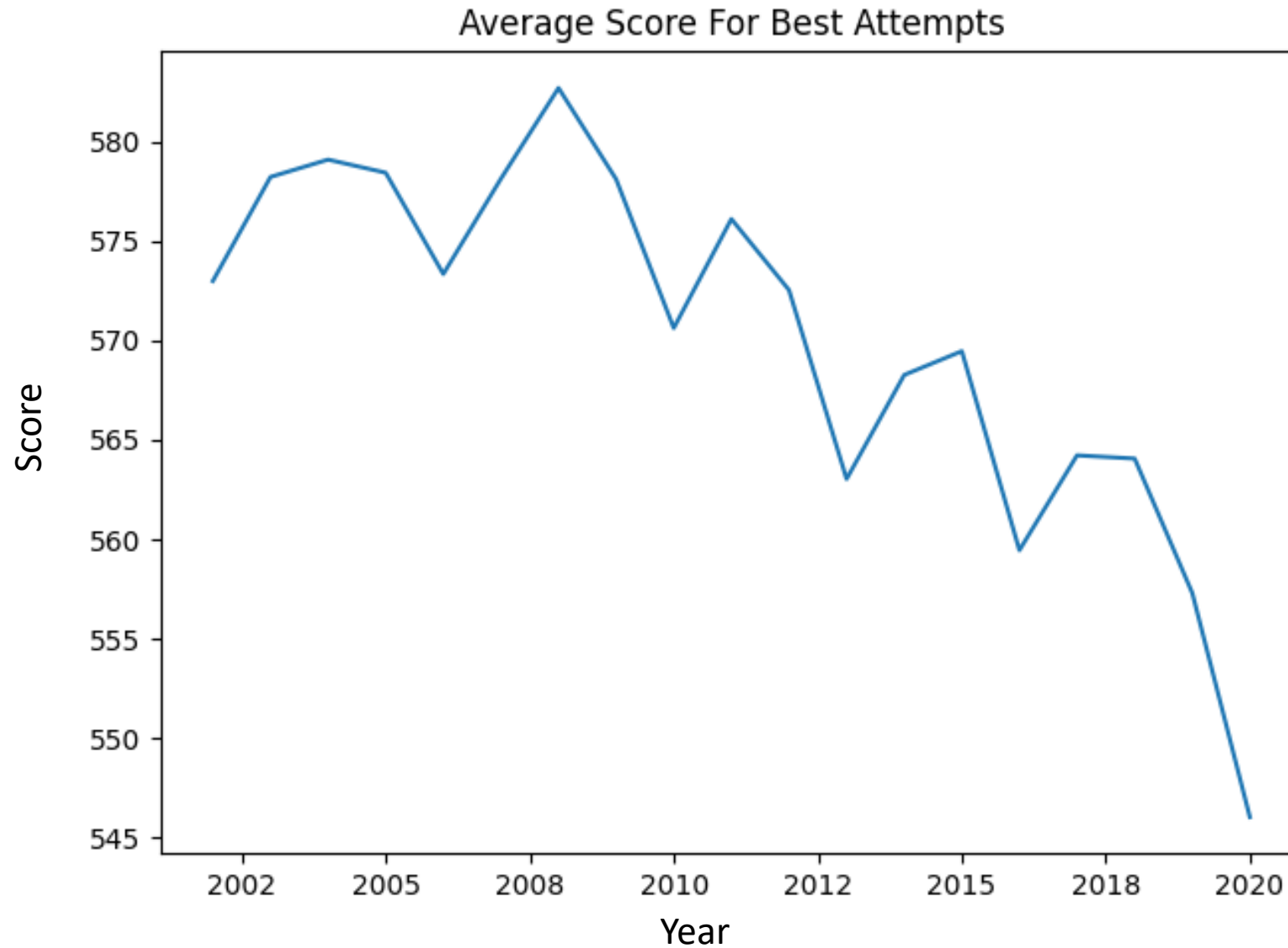
This is the highest score a candidate received regardless of the number of times they attempted the examination.

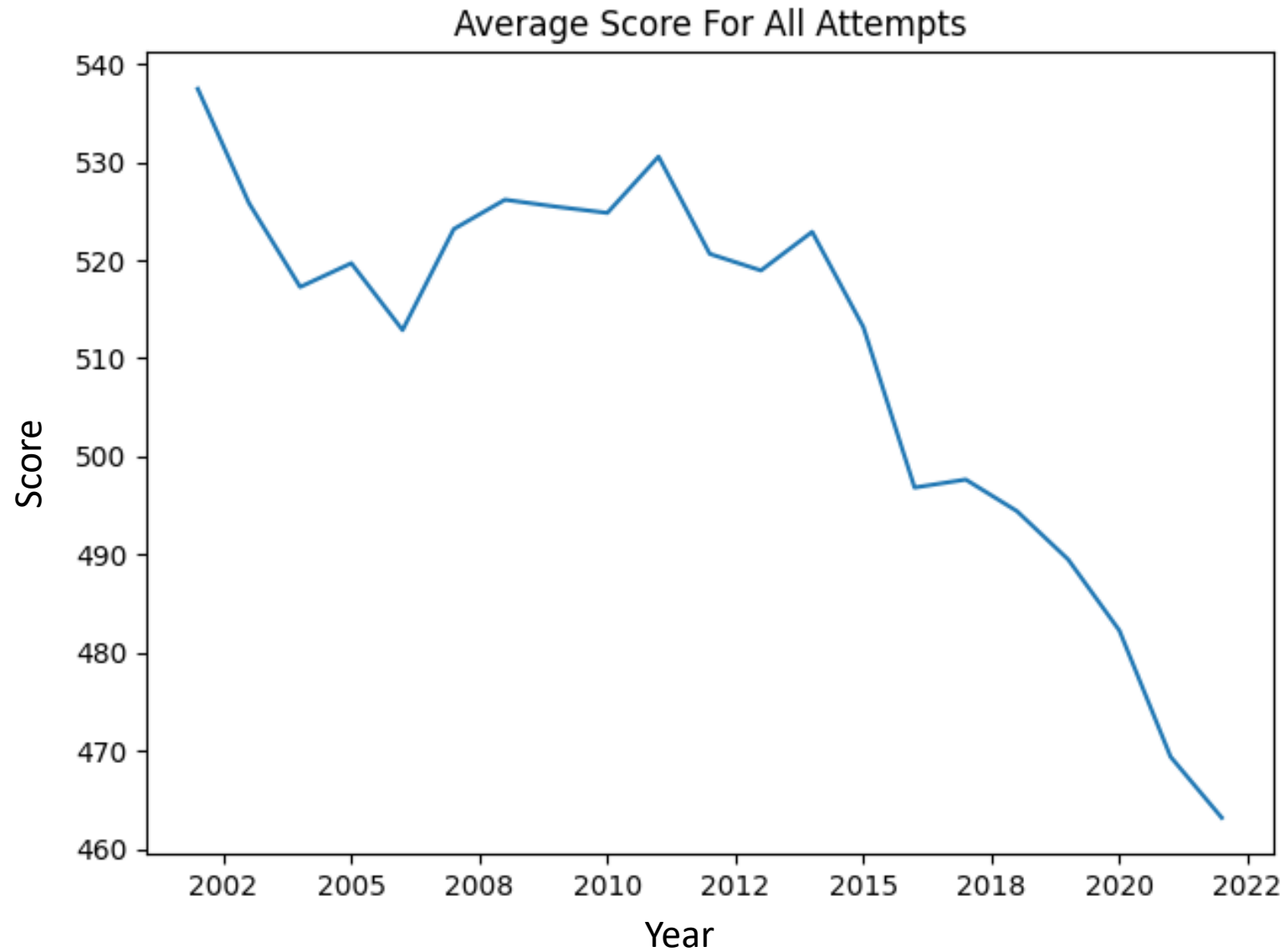
Attempt

This section counts every time a candidate receives an examination score above 200, which is the score given to an empty submission.

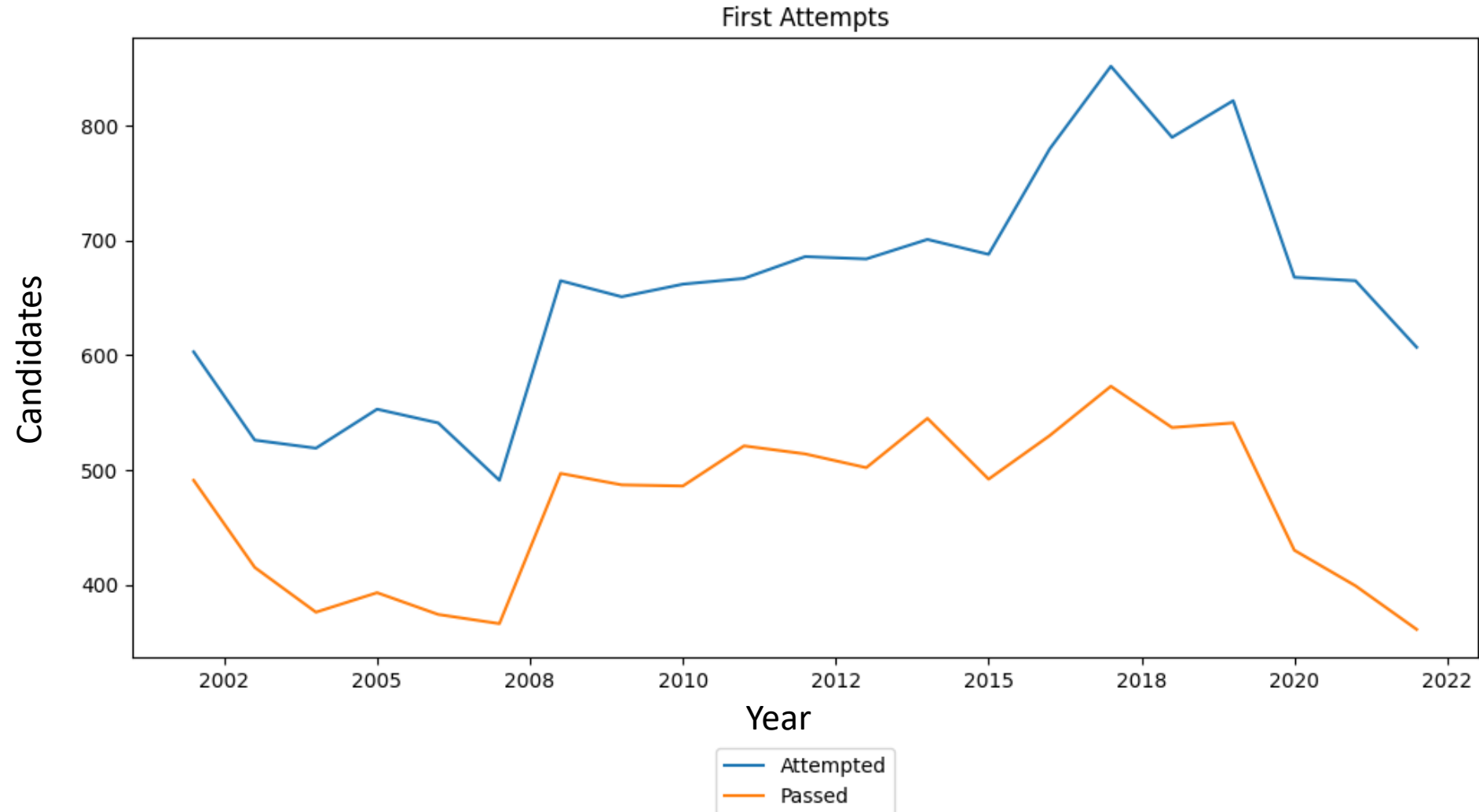
Historical Trends - Scores

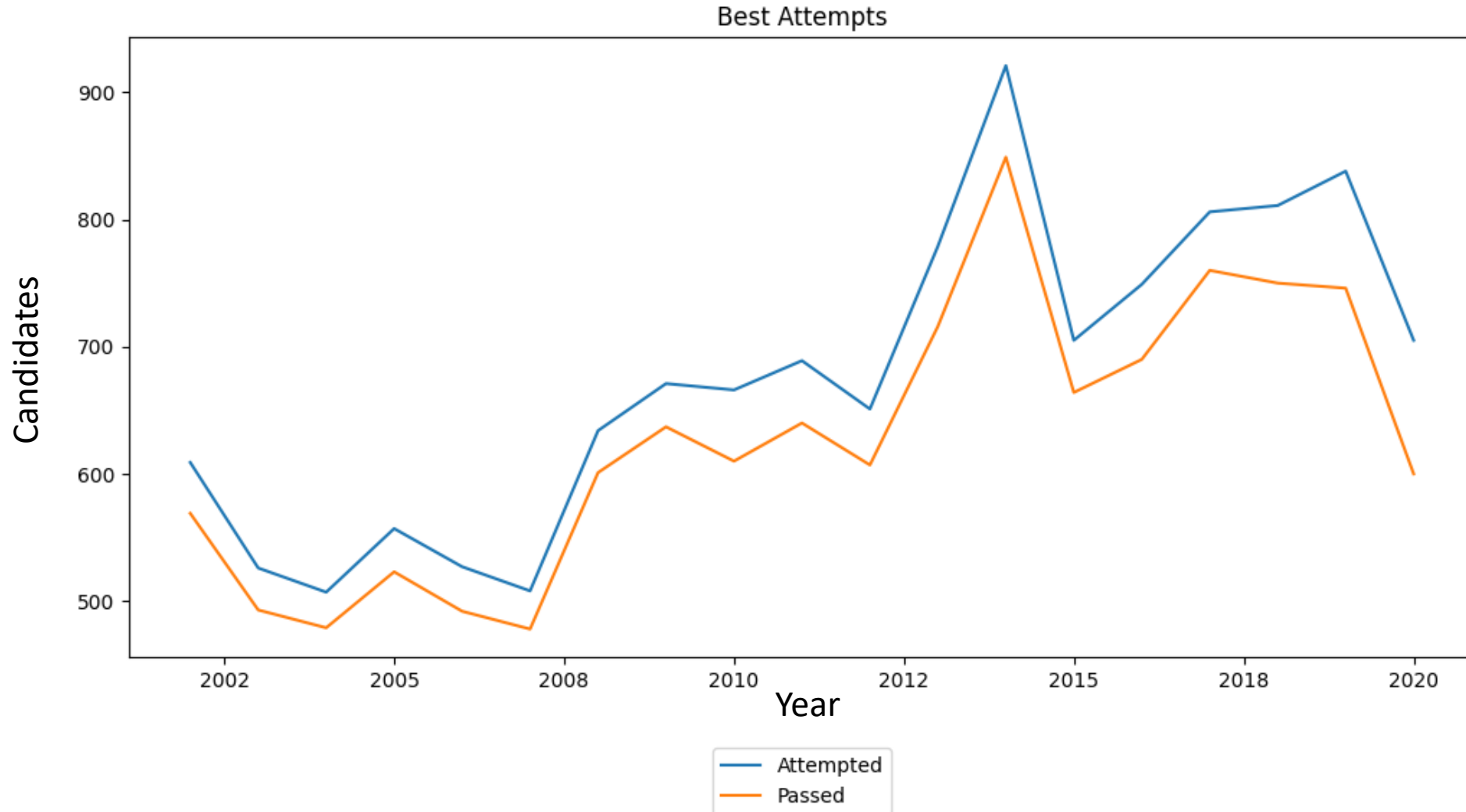


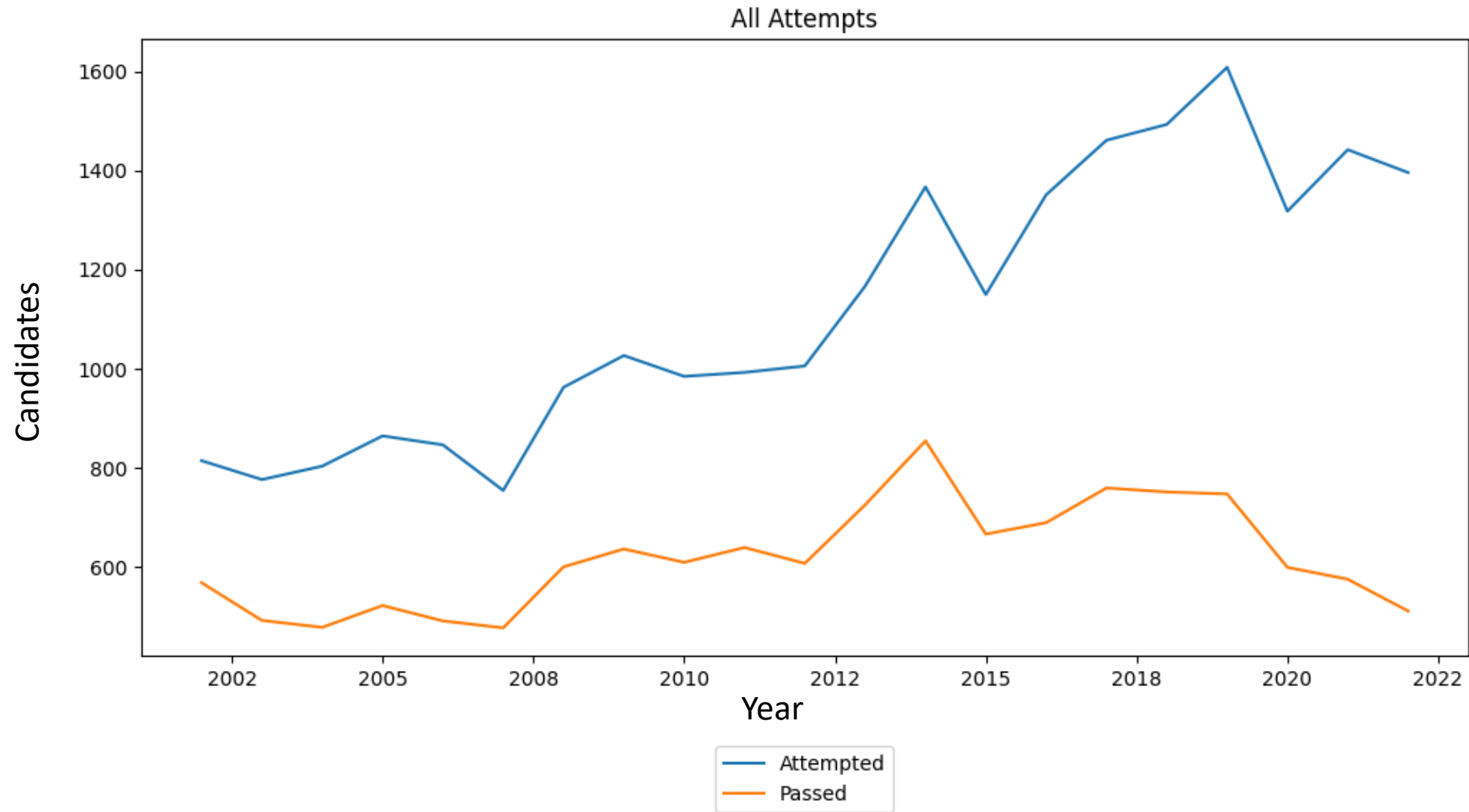




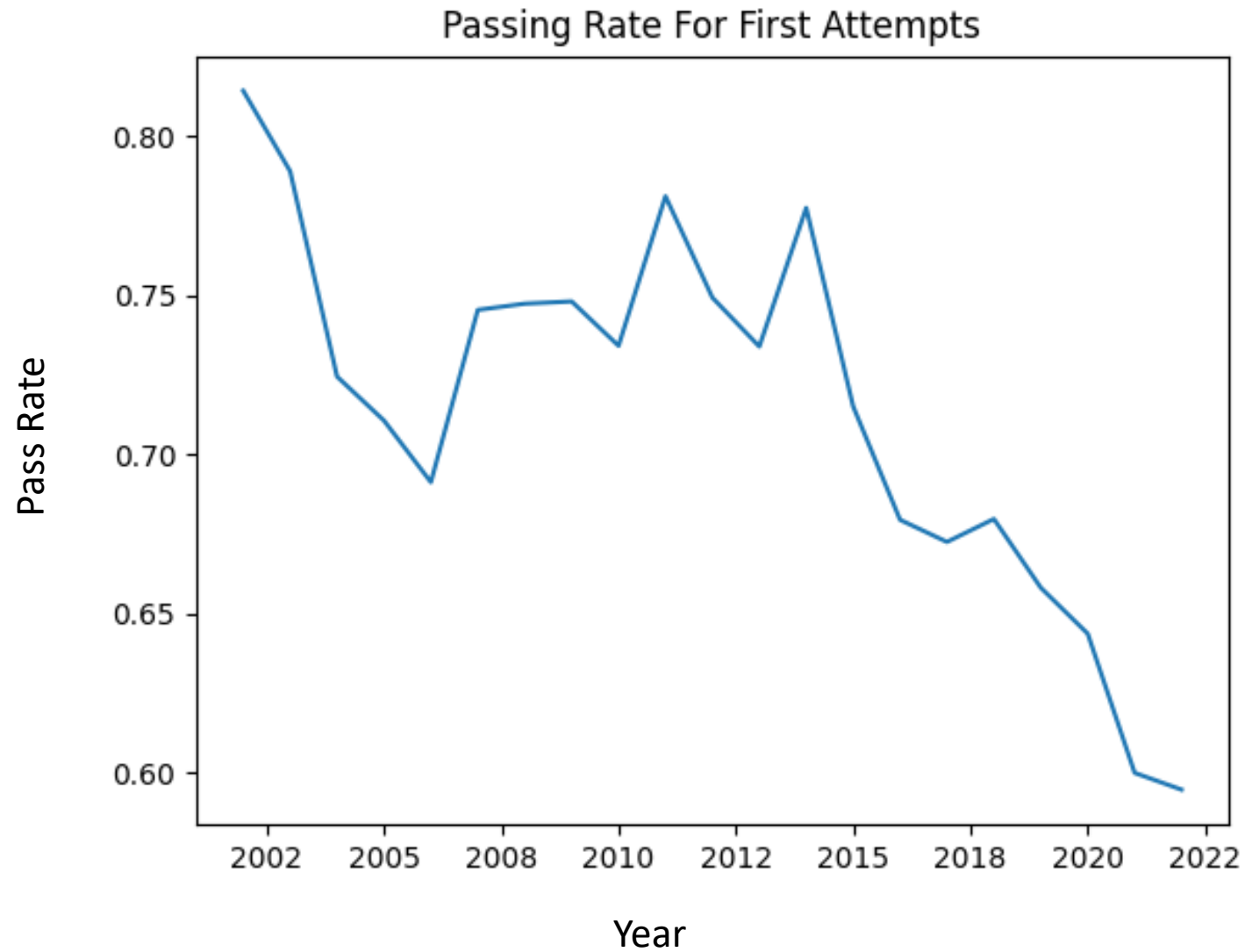
Historical Trends - Attempts

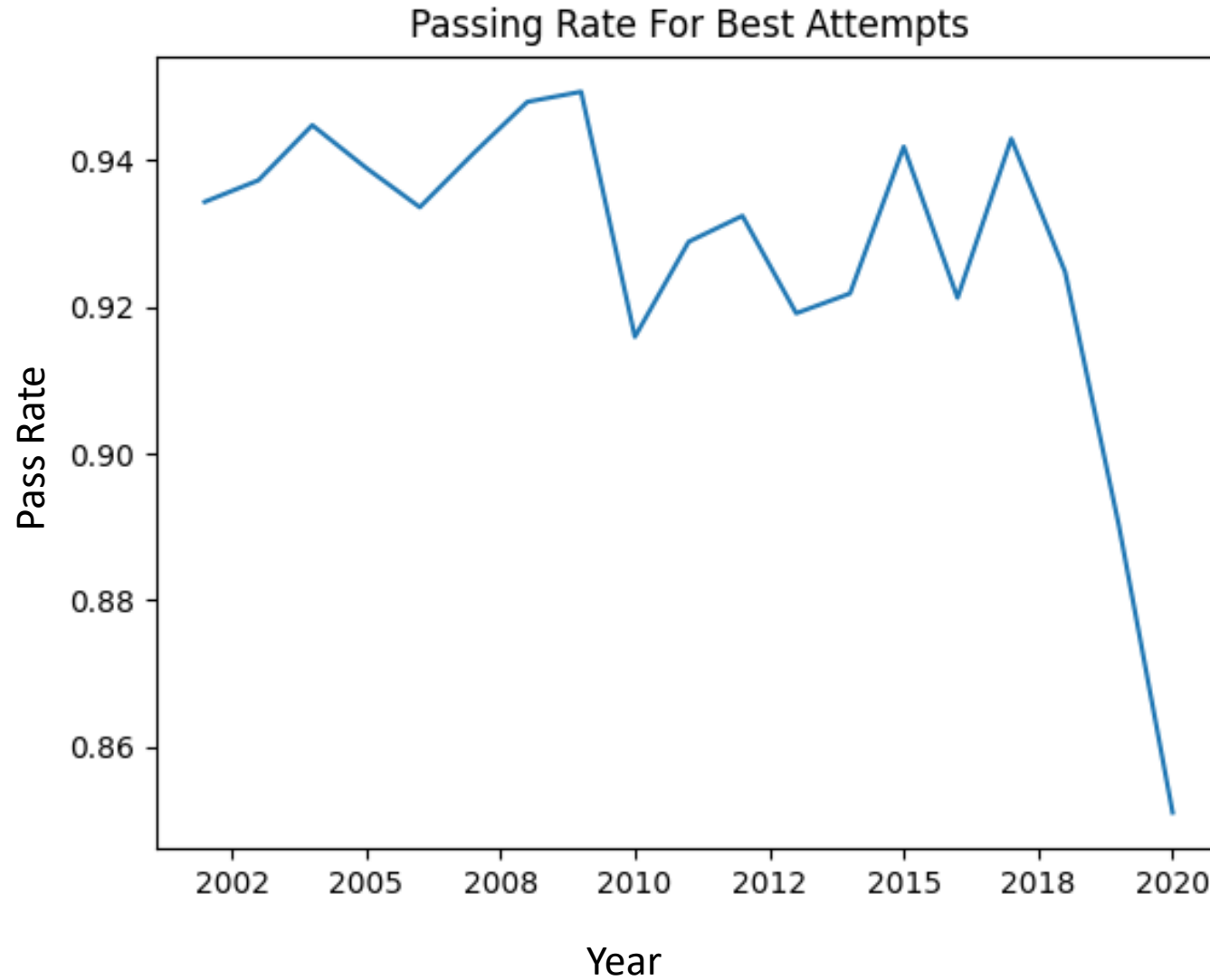


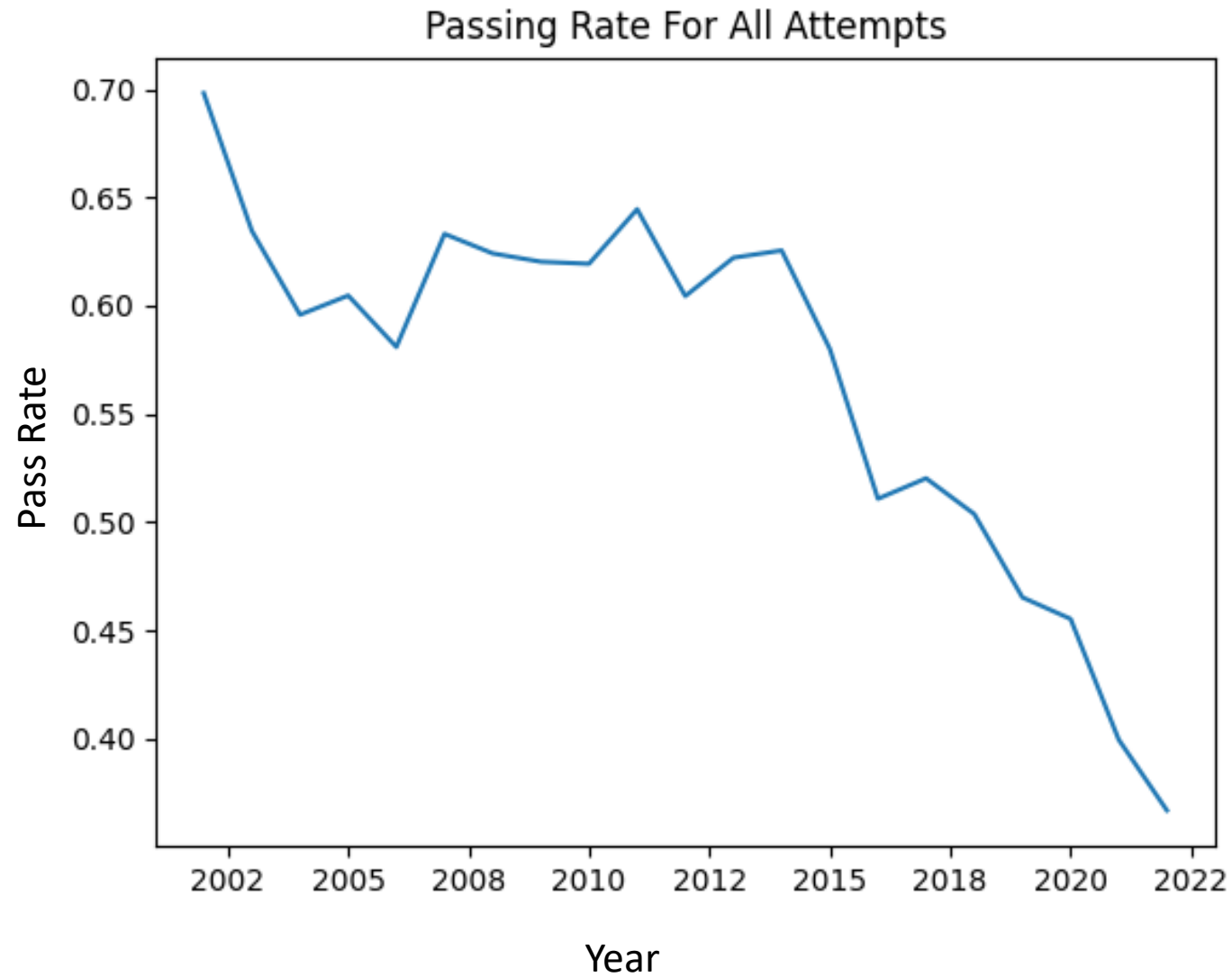




Historical Trends – Pass Rate









General Observations

Candidates

The number of candidates has increased over time.

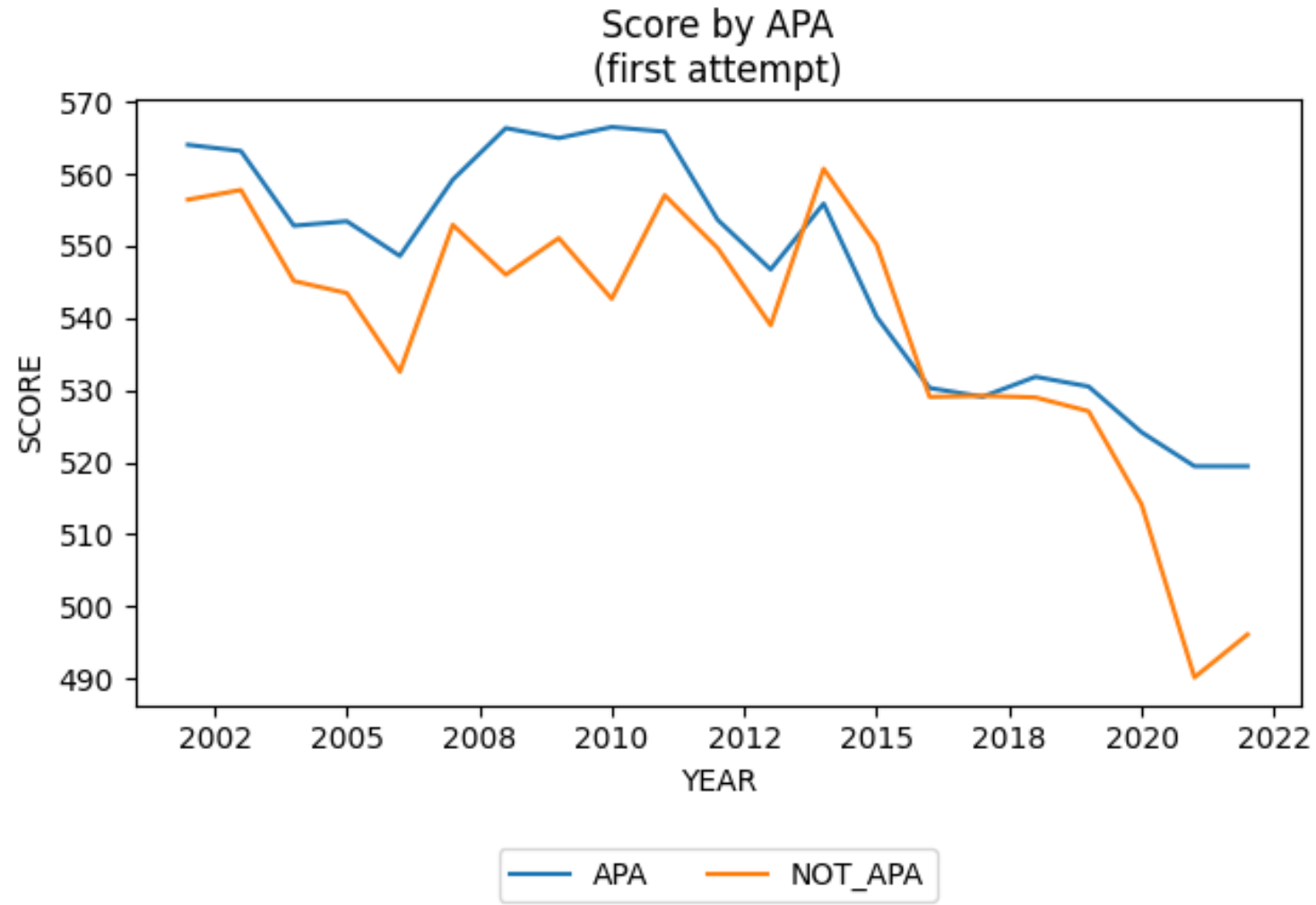
Pass Rate

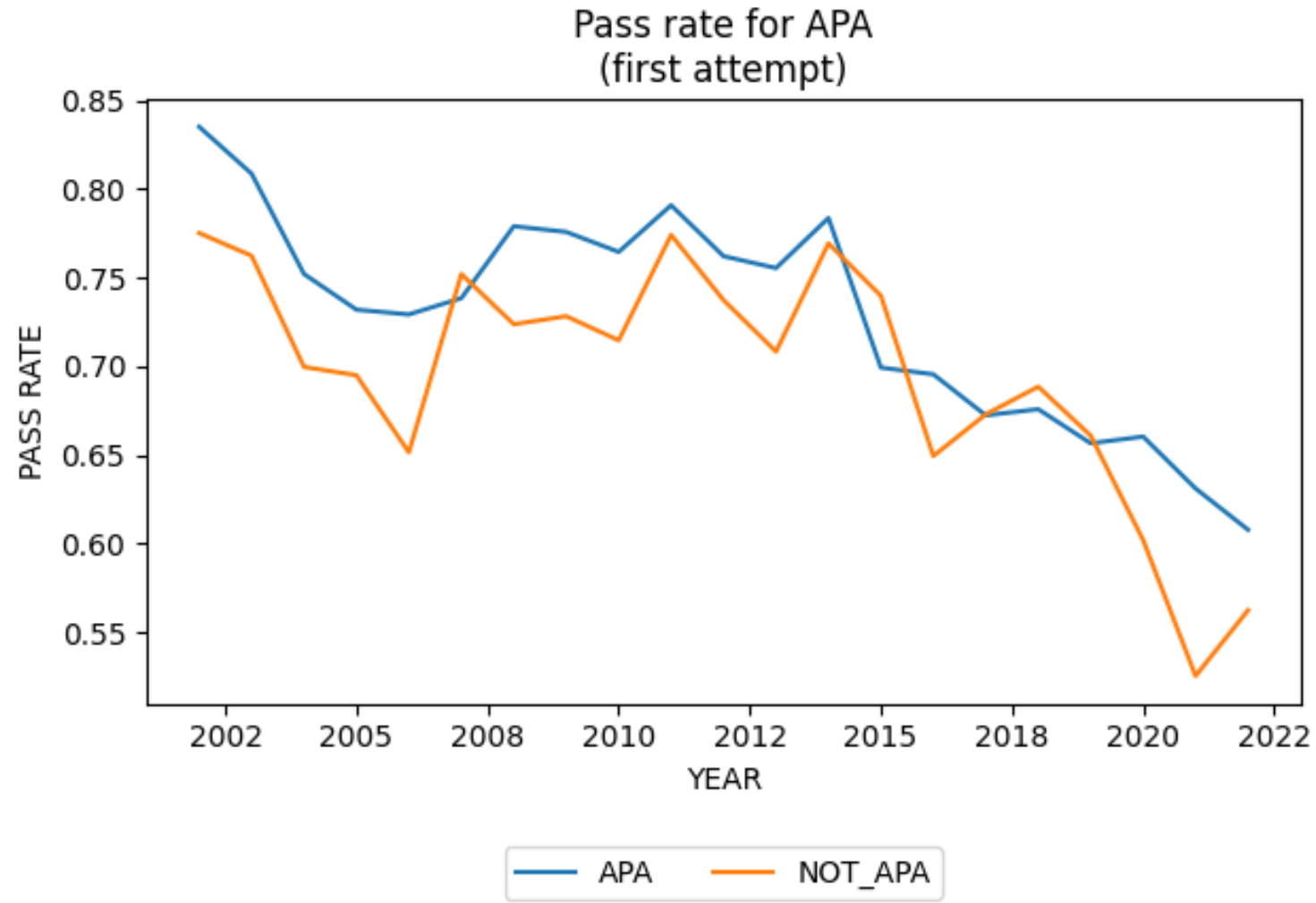
The pass rate has decreased over time. However, nearly 85% of candidates eventually pass.

Score

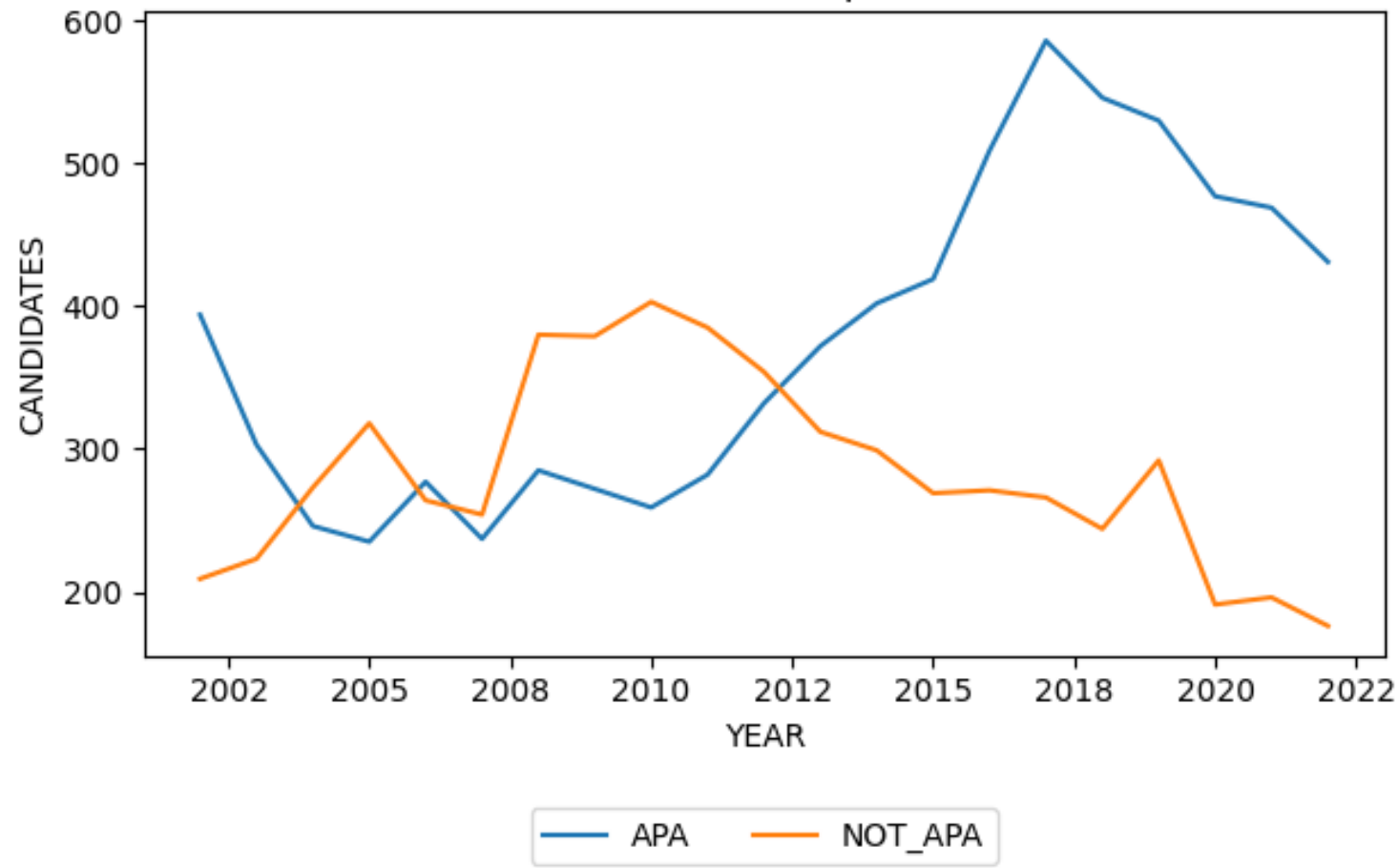
The average score for the examination has decreased over time.

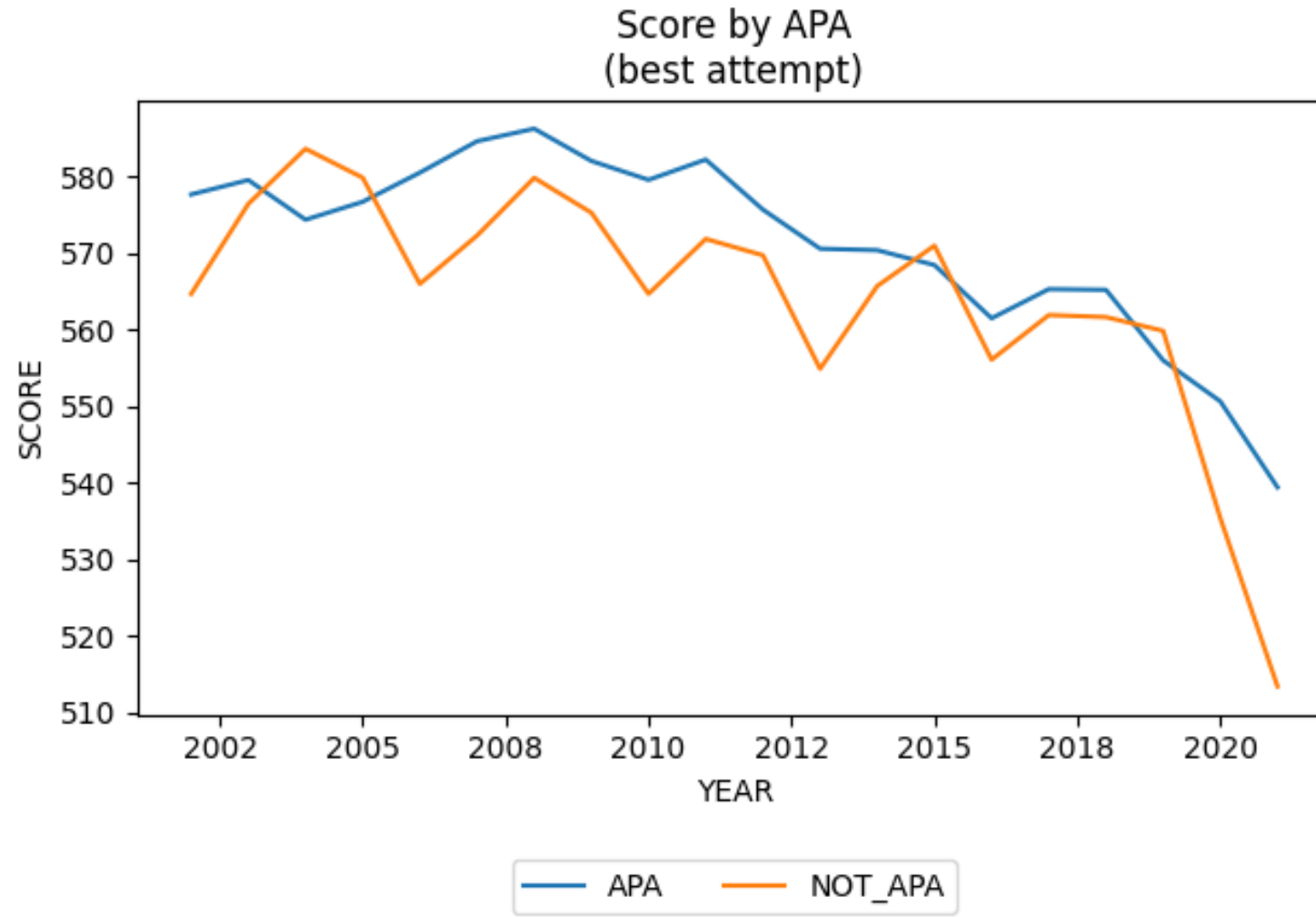
APA Accreditation

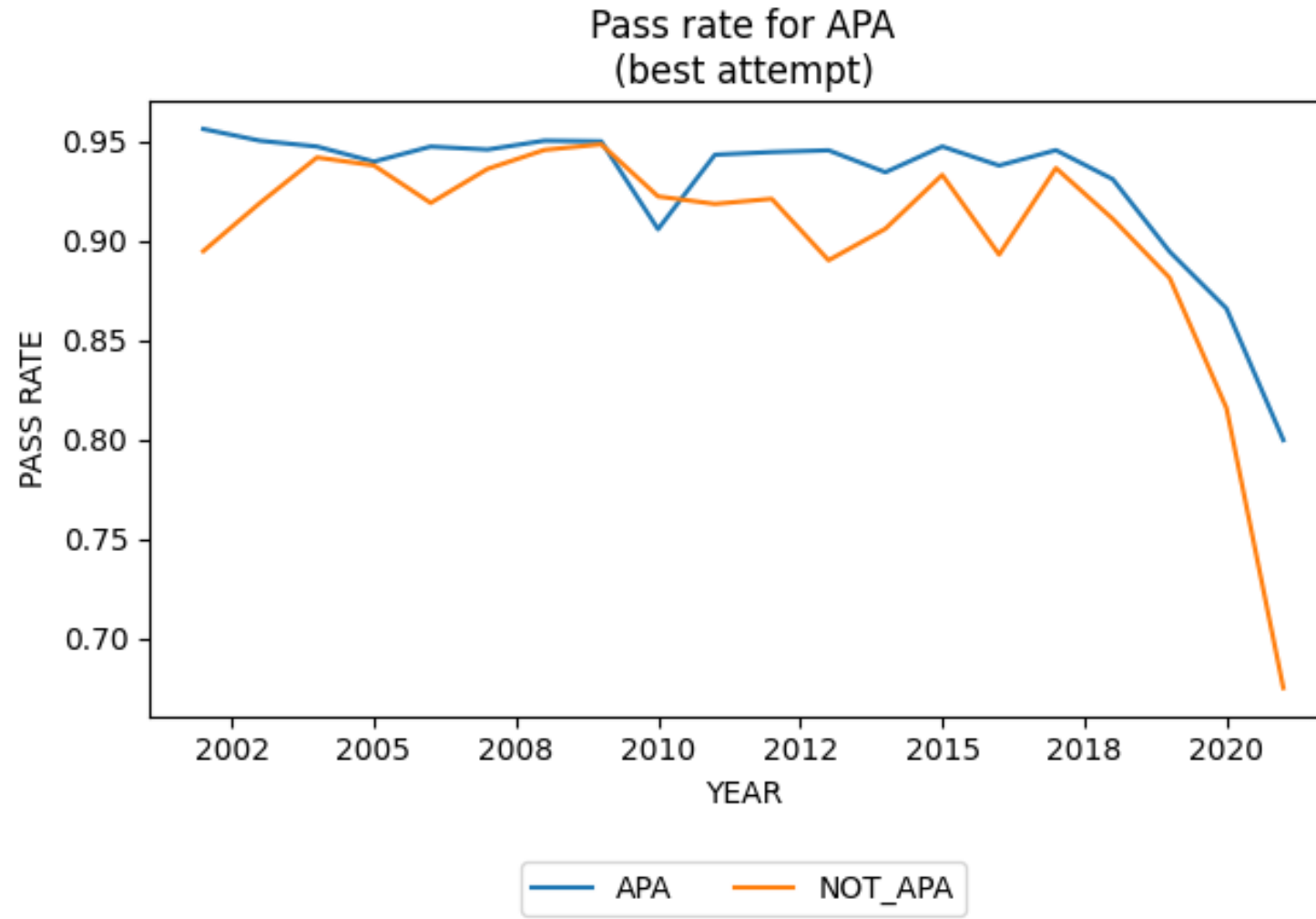


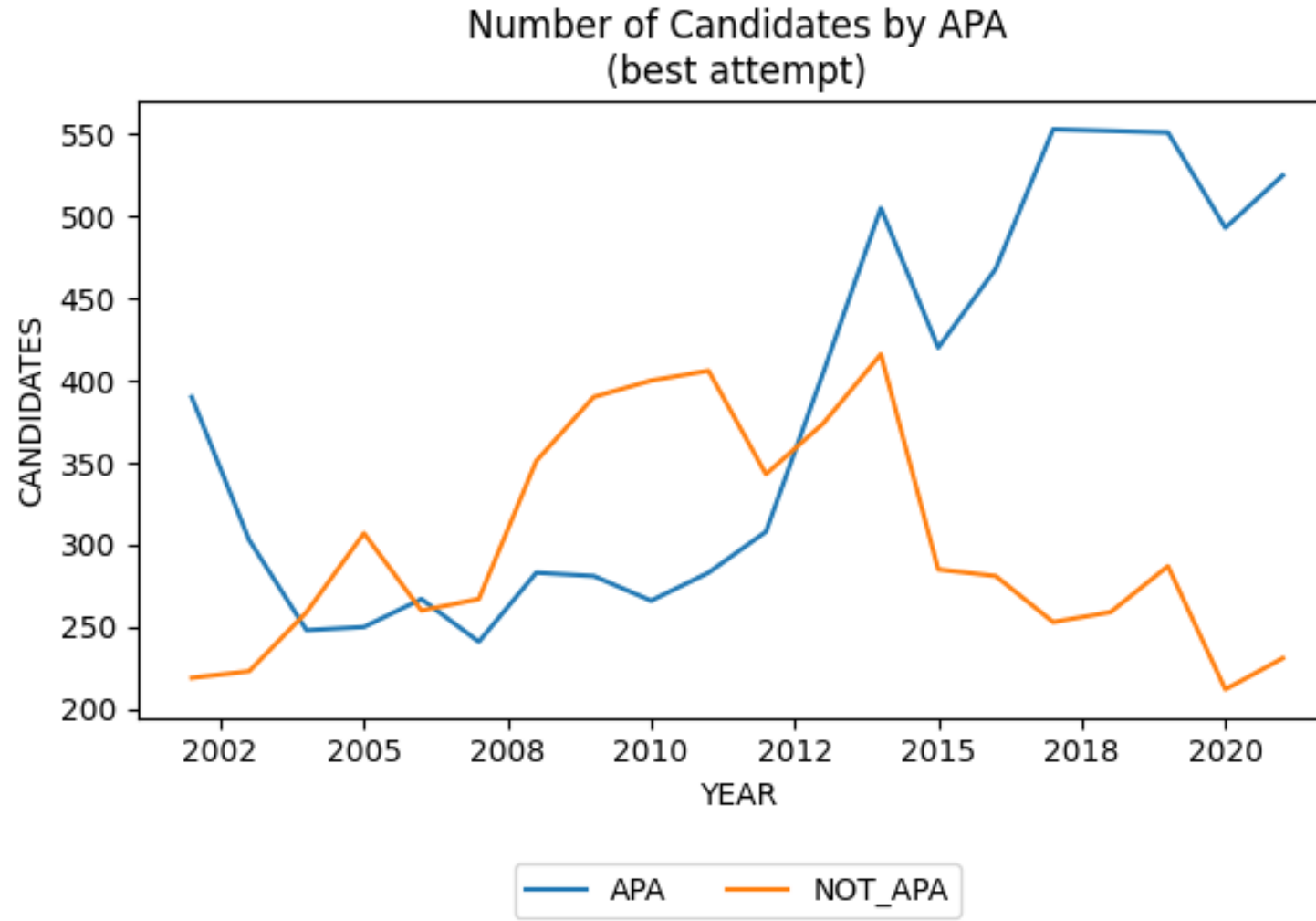


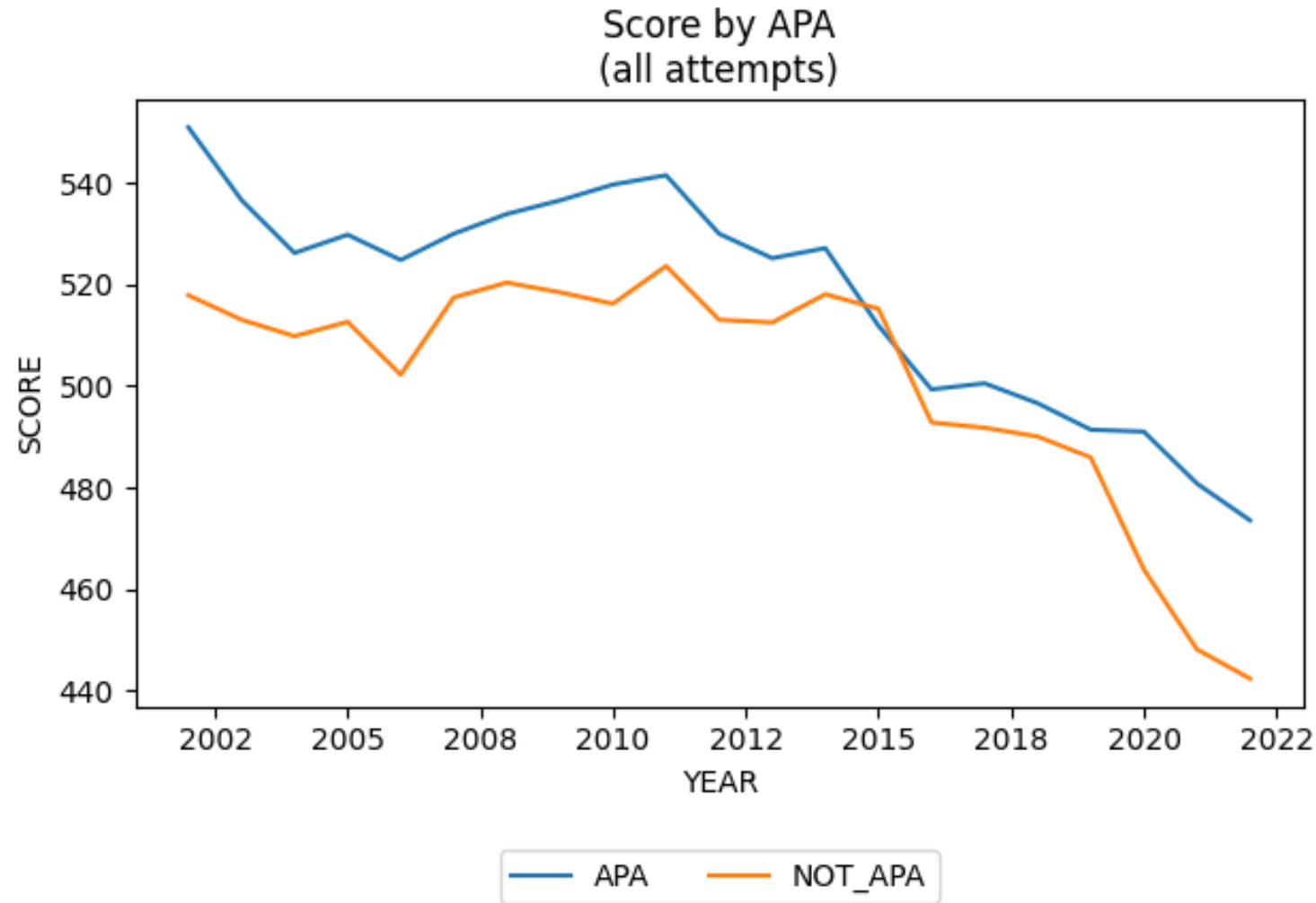
Number of Candidates by APA
(first attempt)

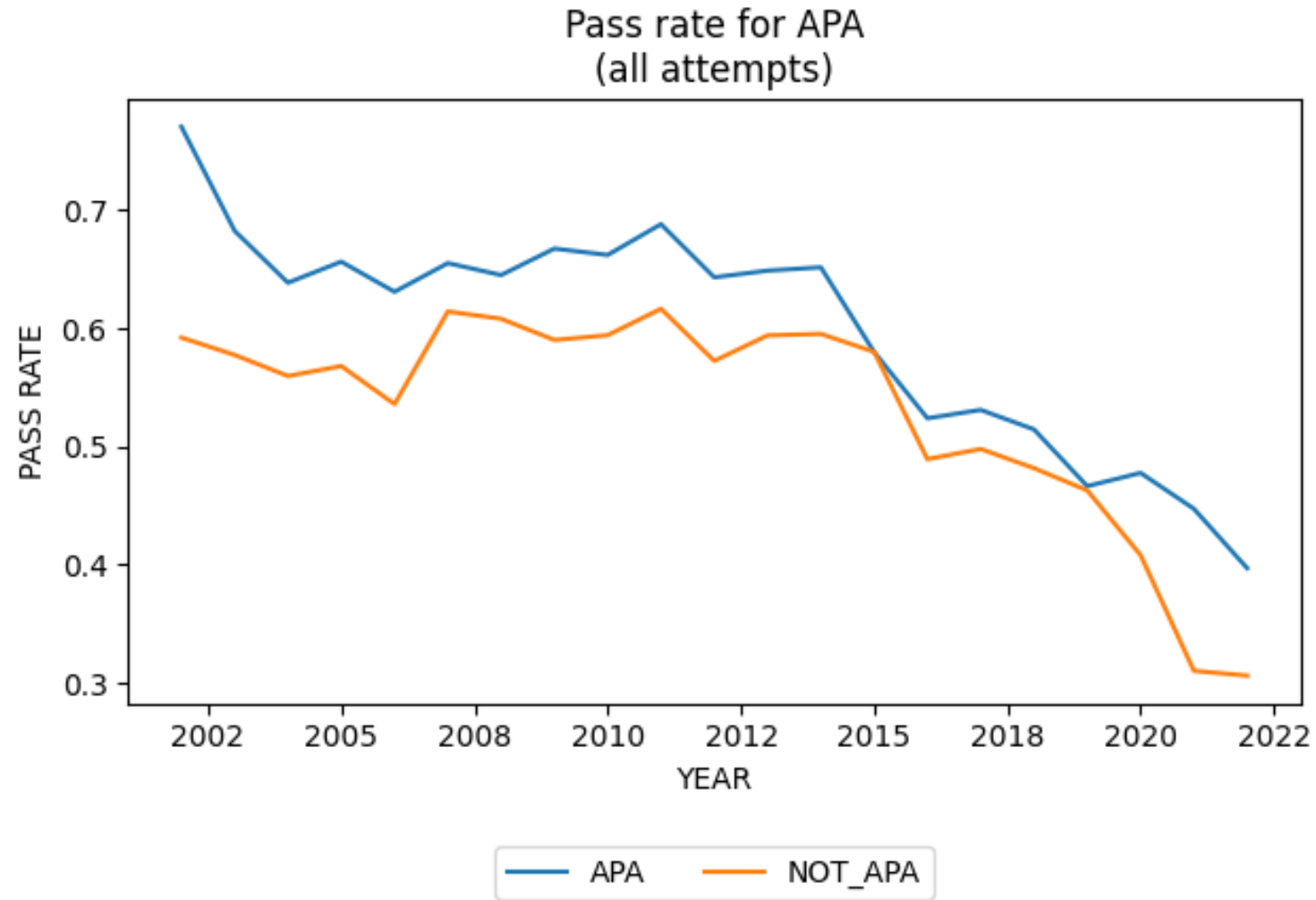


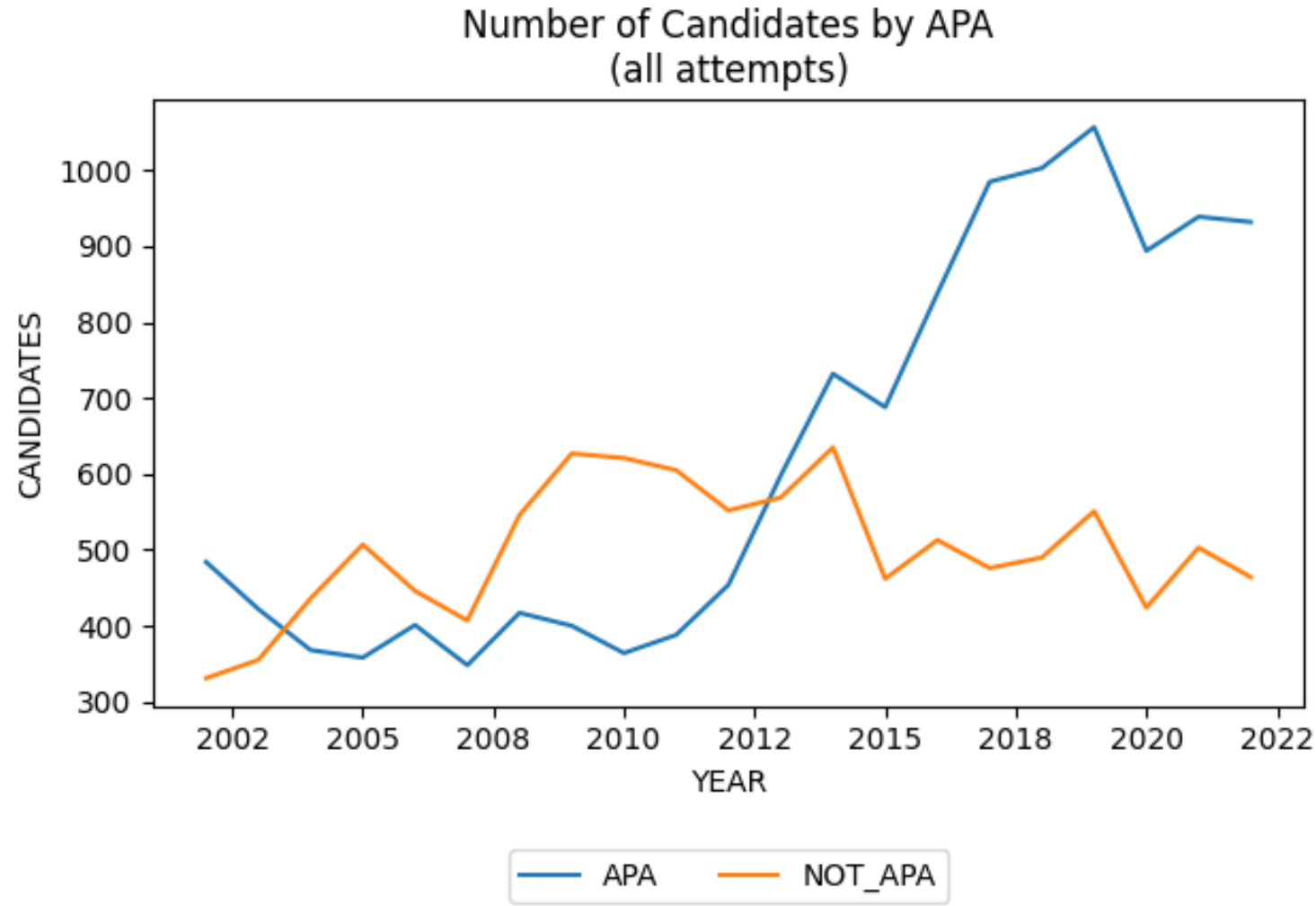












APA Observations

Relationship

Scores from candidates attending APA-accredited programs are slightly better than those for non-APA-accredited programs, but eventual pass rates are very close.

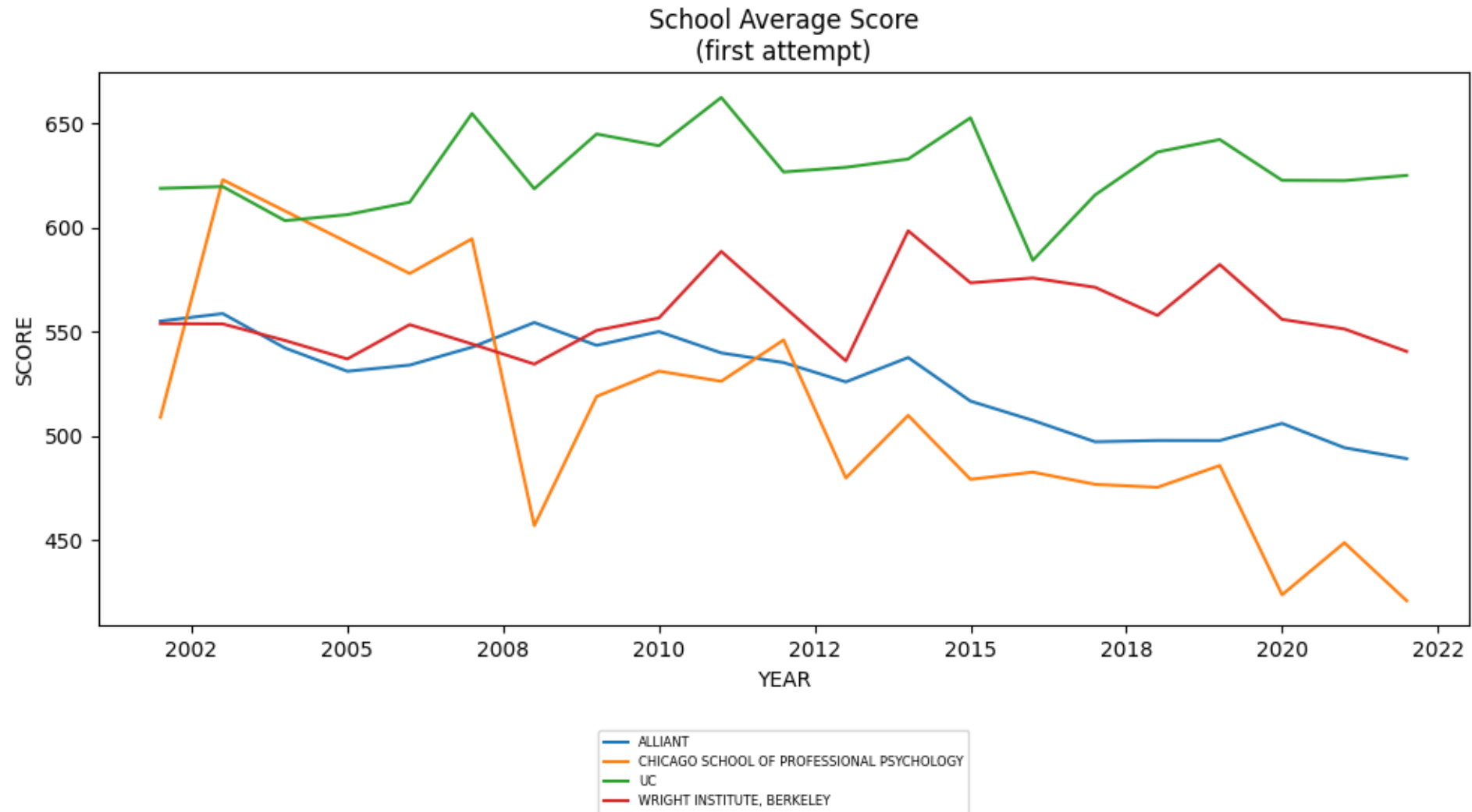
Trend

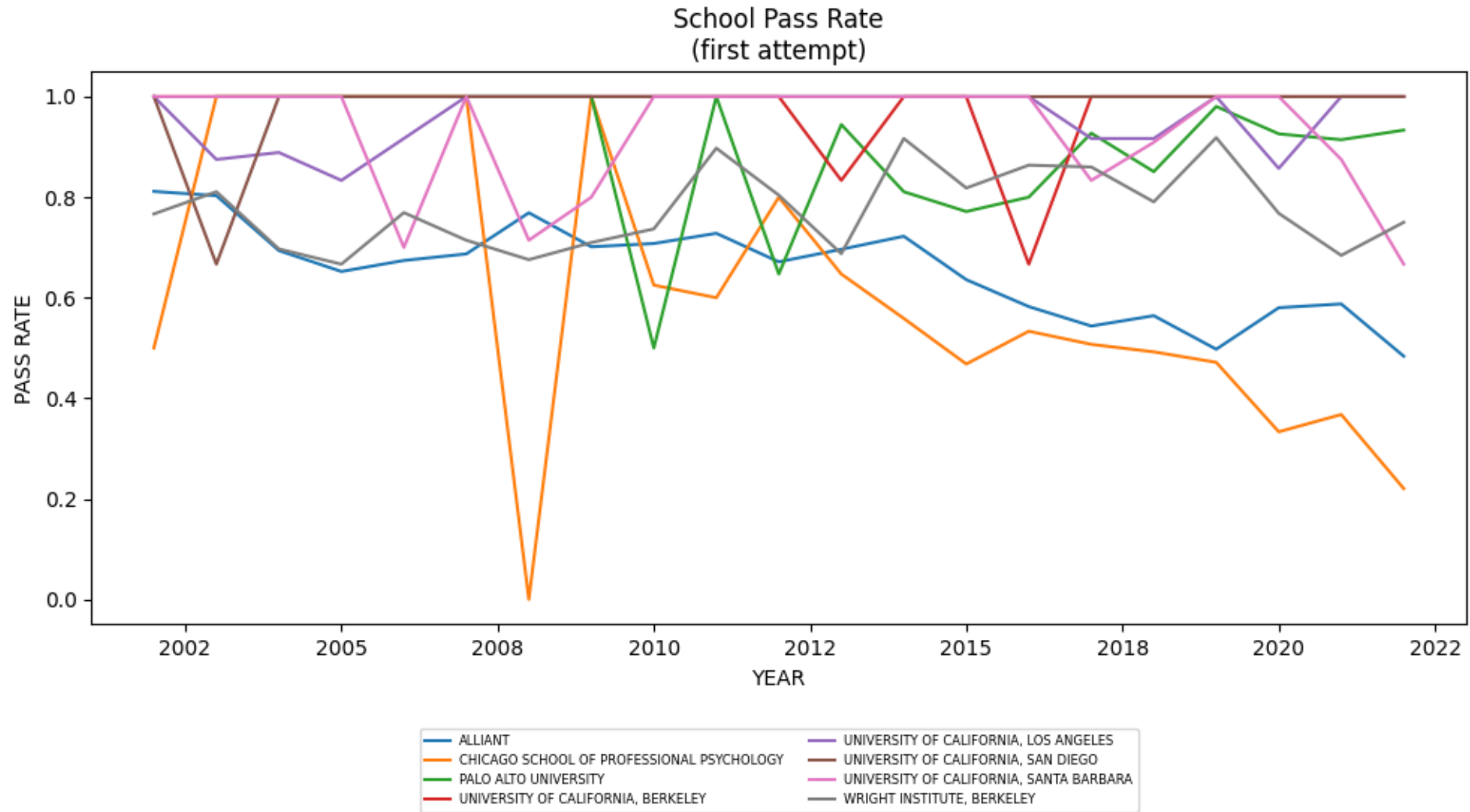
As time passed, performance decreased for all groups.

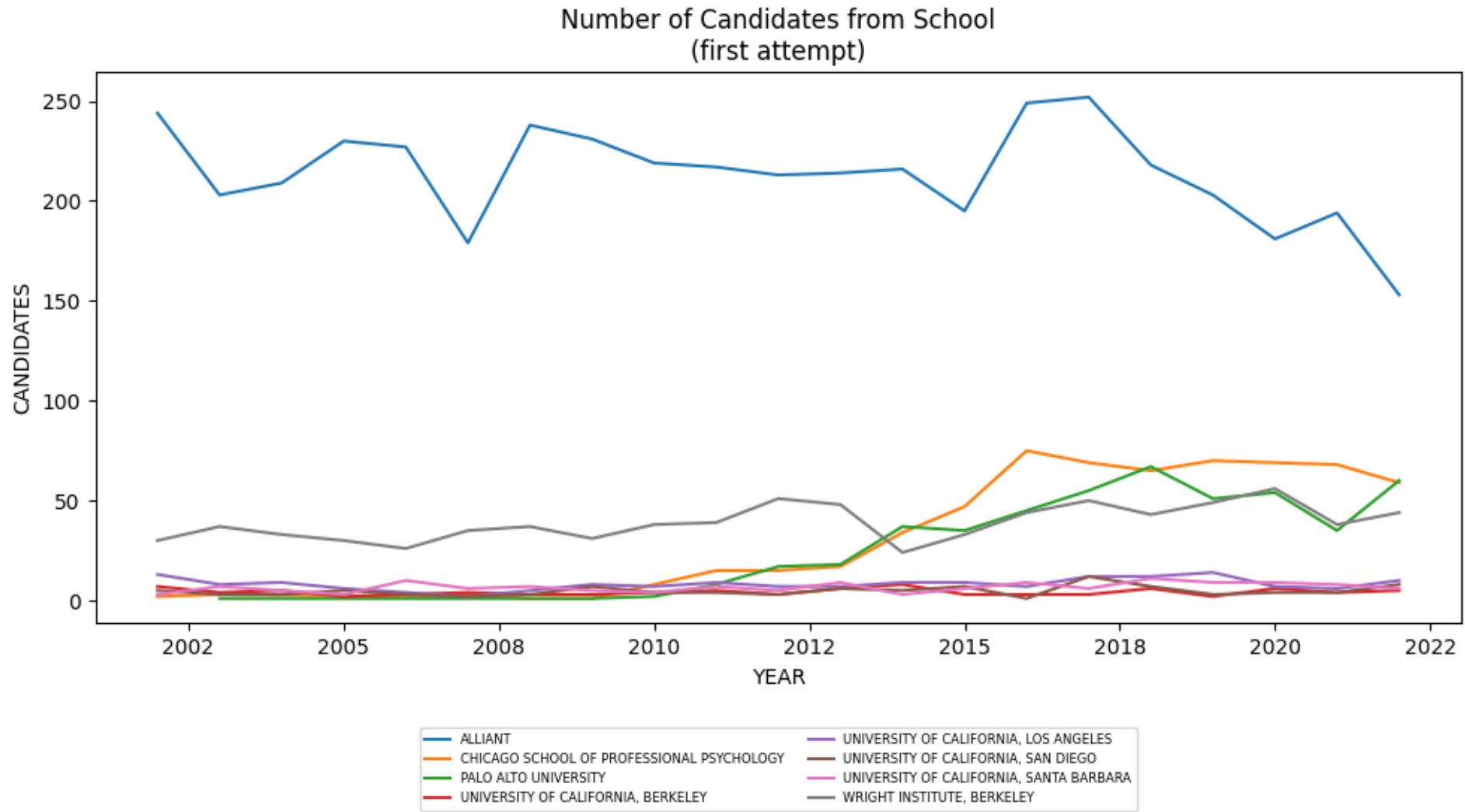
Candidates

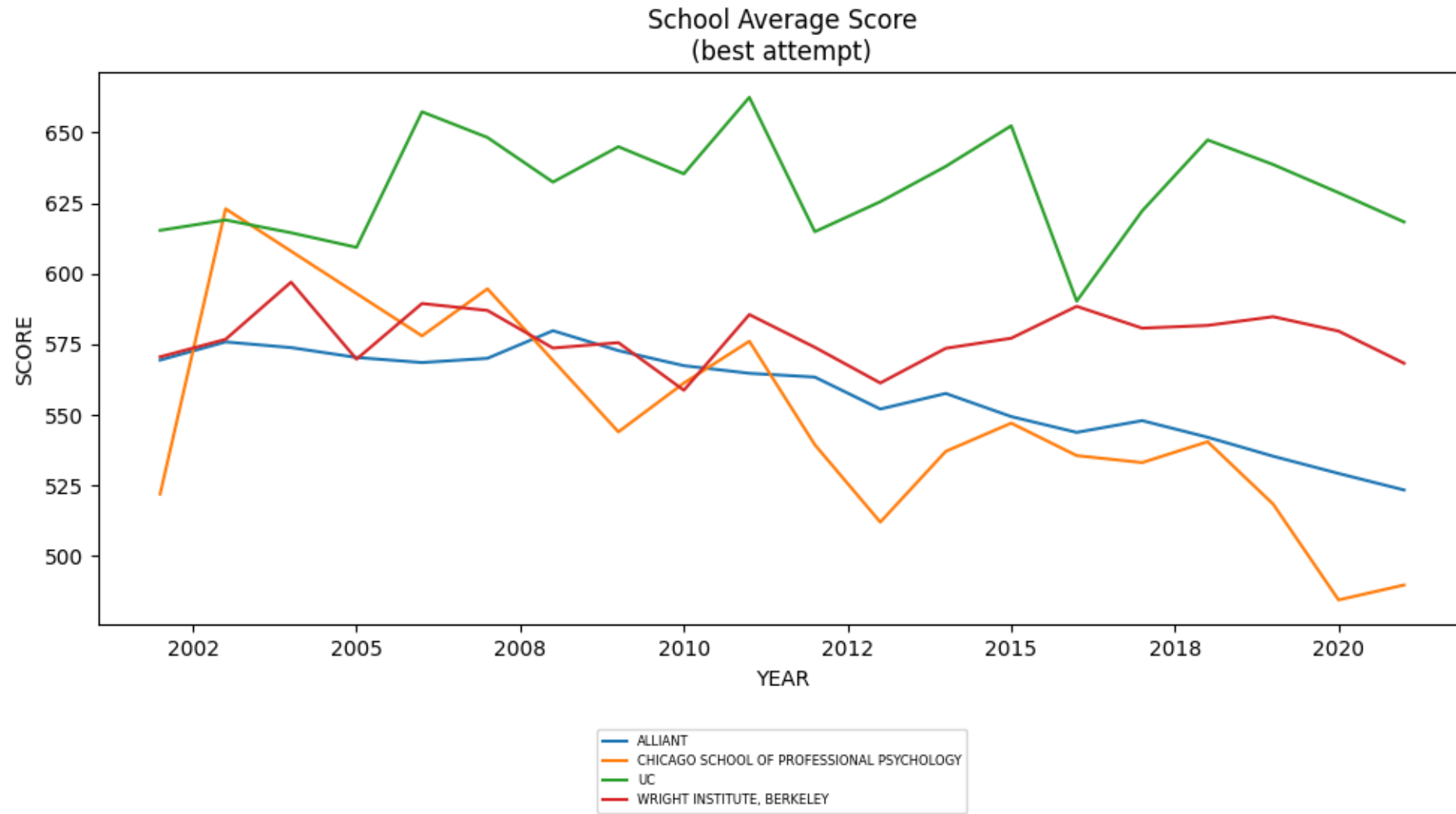
Most candidates attend APA-accredited programs.

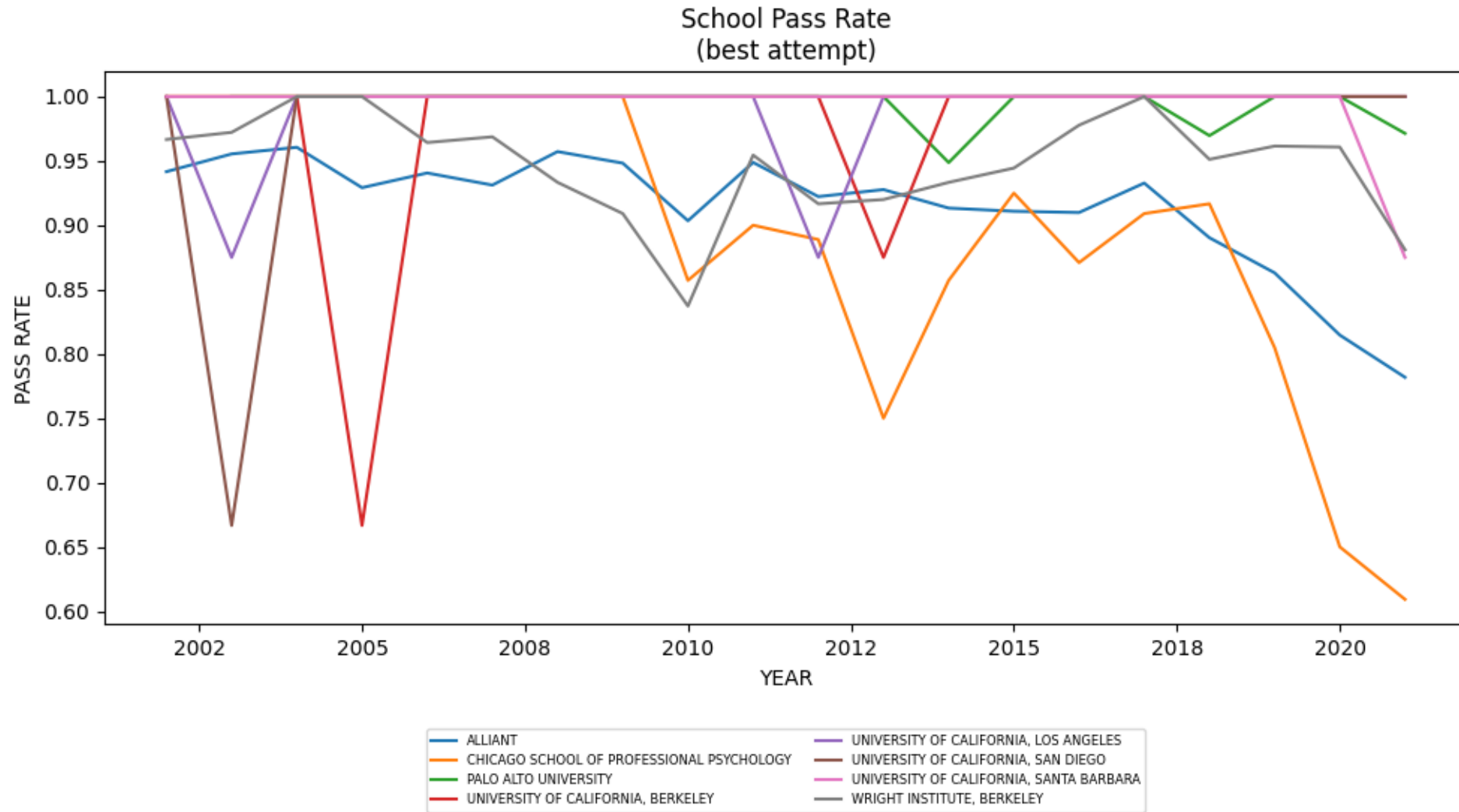
Schools

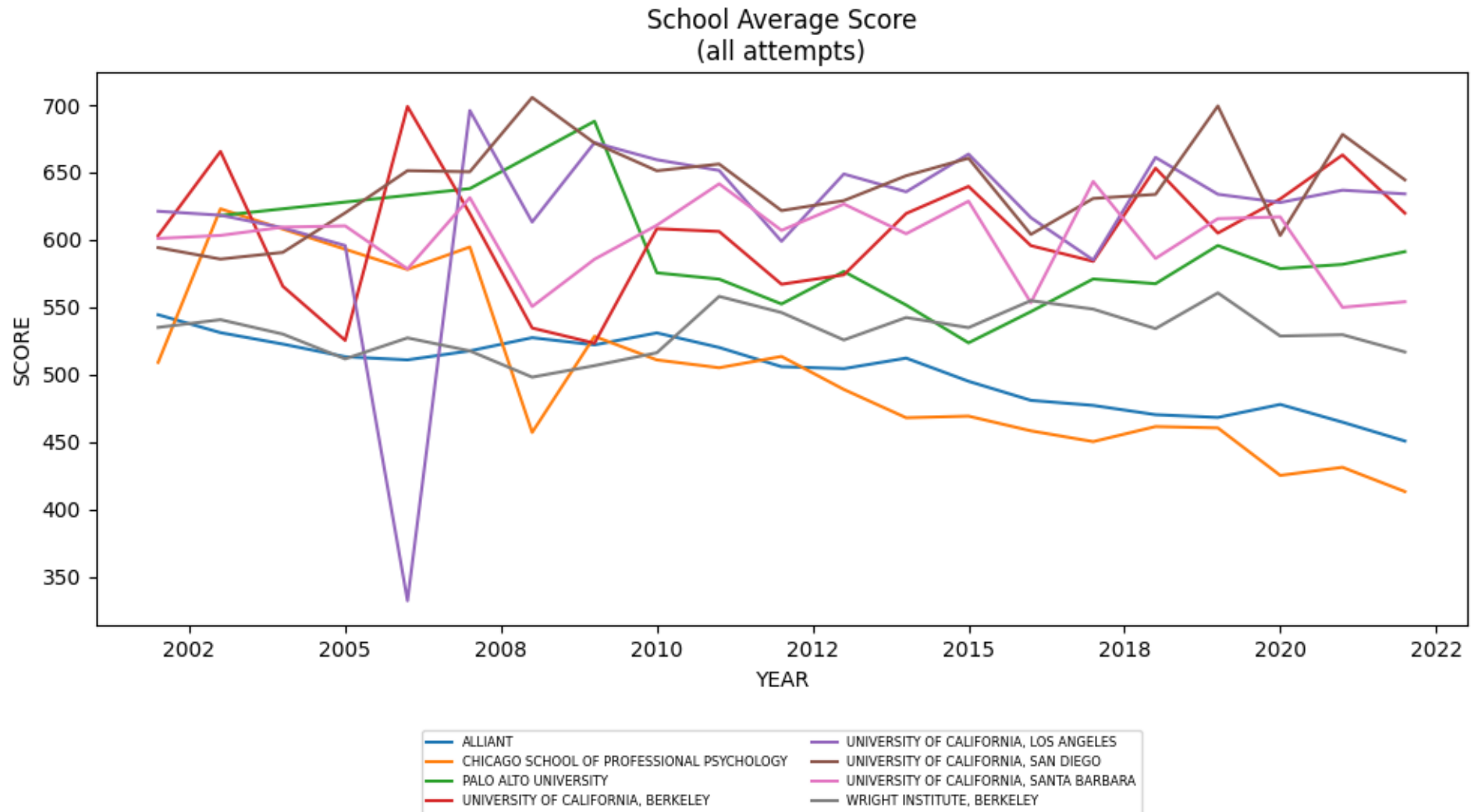














School Observations

Relationship

There is a clear relationship between school and performance on the examination.

Trend

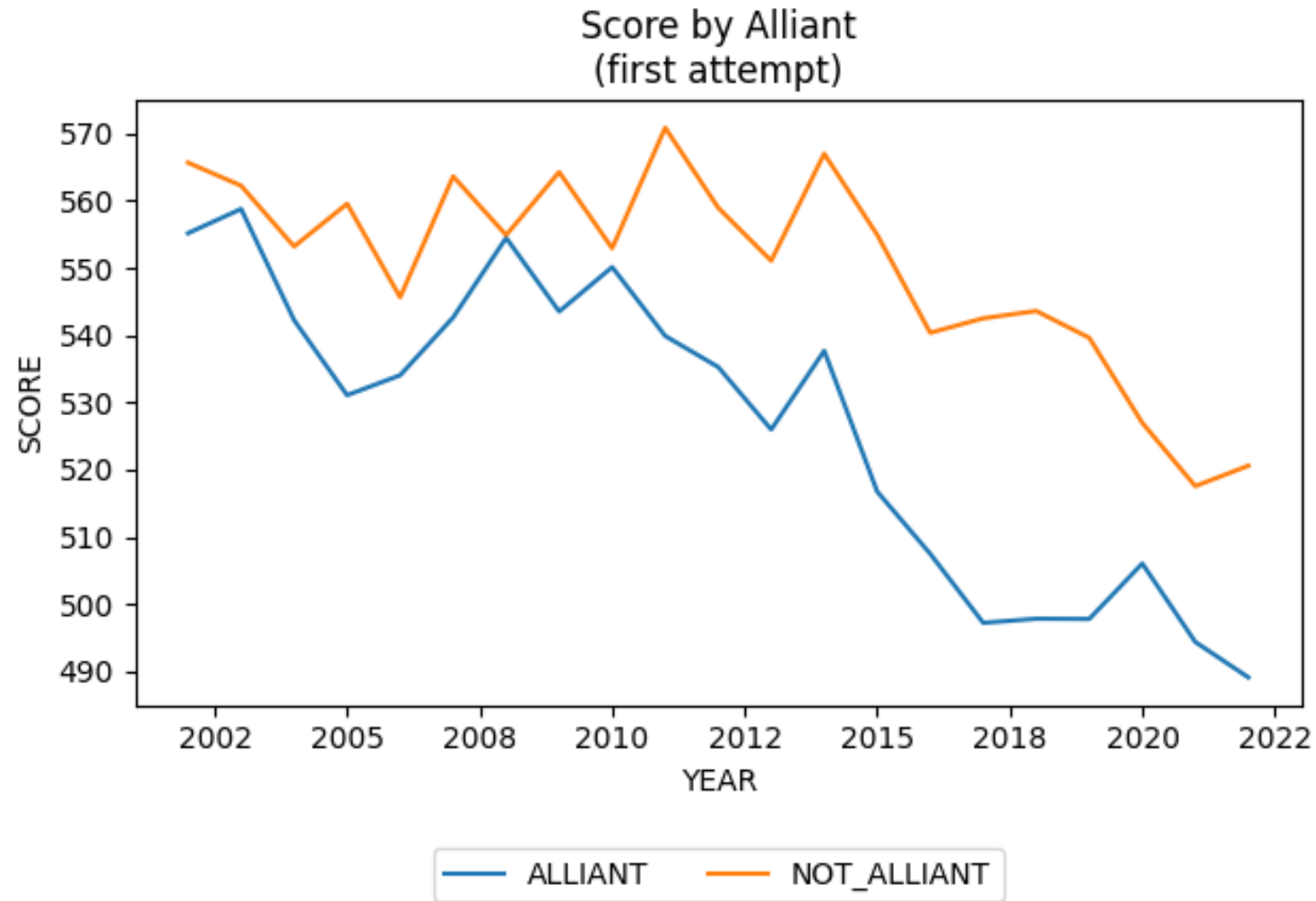
As time passes, some schools' performance changes, while other schools' performance remains consistently high.

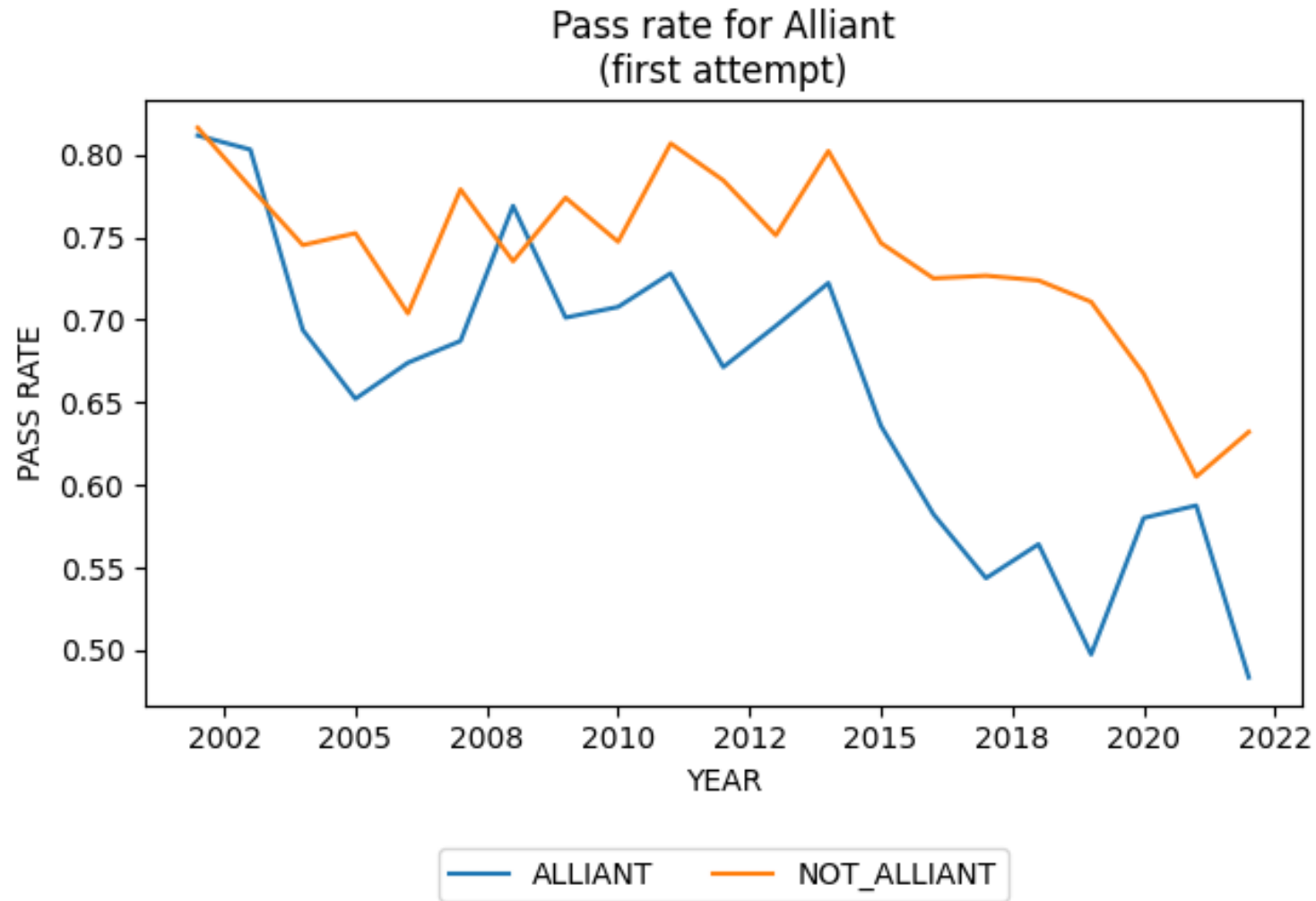
Candidates

Alliant has more students than the next 5 largest schools. All UC schools combined account for approximately 30 attempts per year.

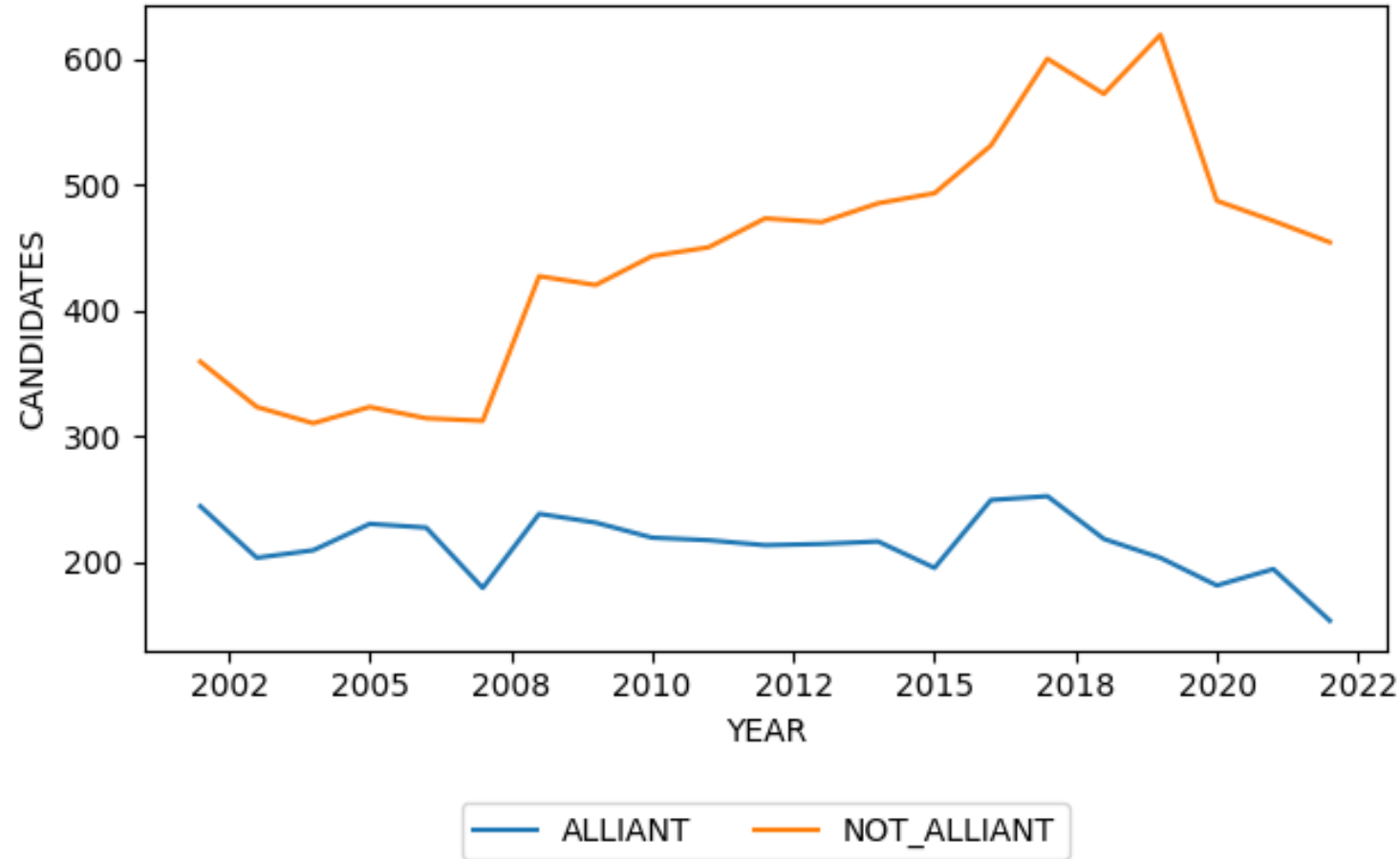
The word "Alliant" is written in a white, sans-serif font against a dark blue background. The background features a large, light blue circular graphic on the right side and a vertical blue bar on the left.

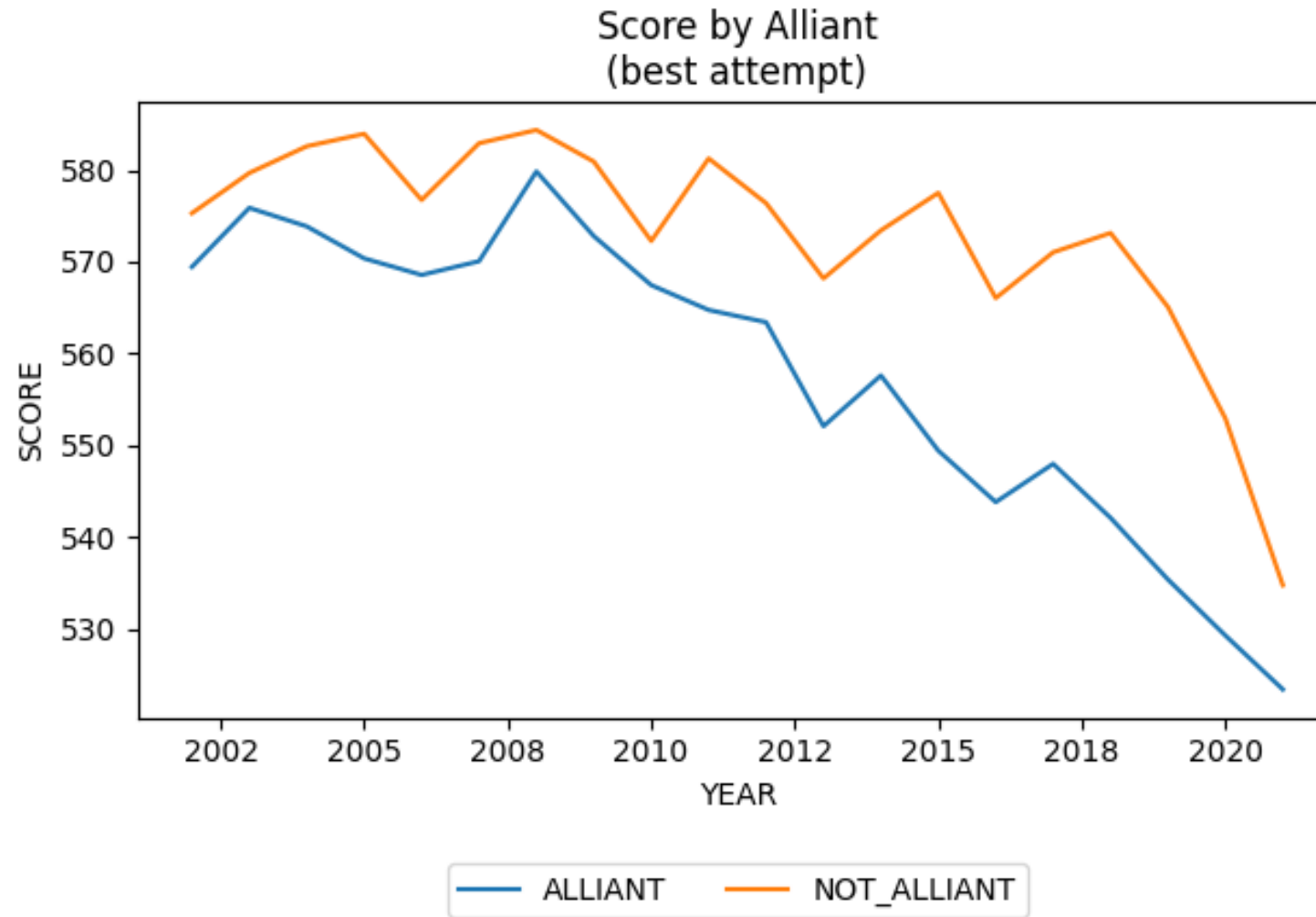
Alliant

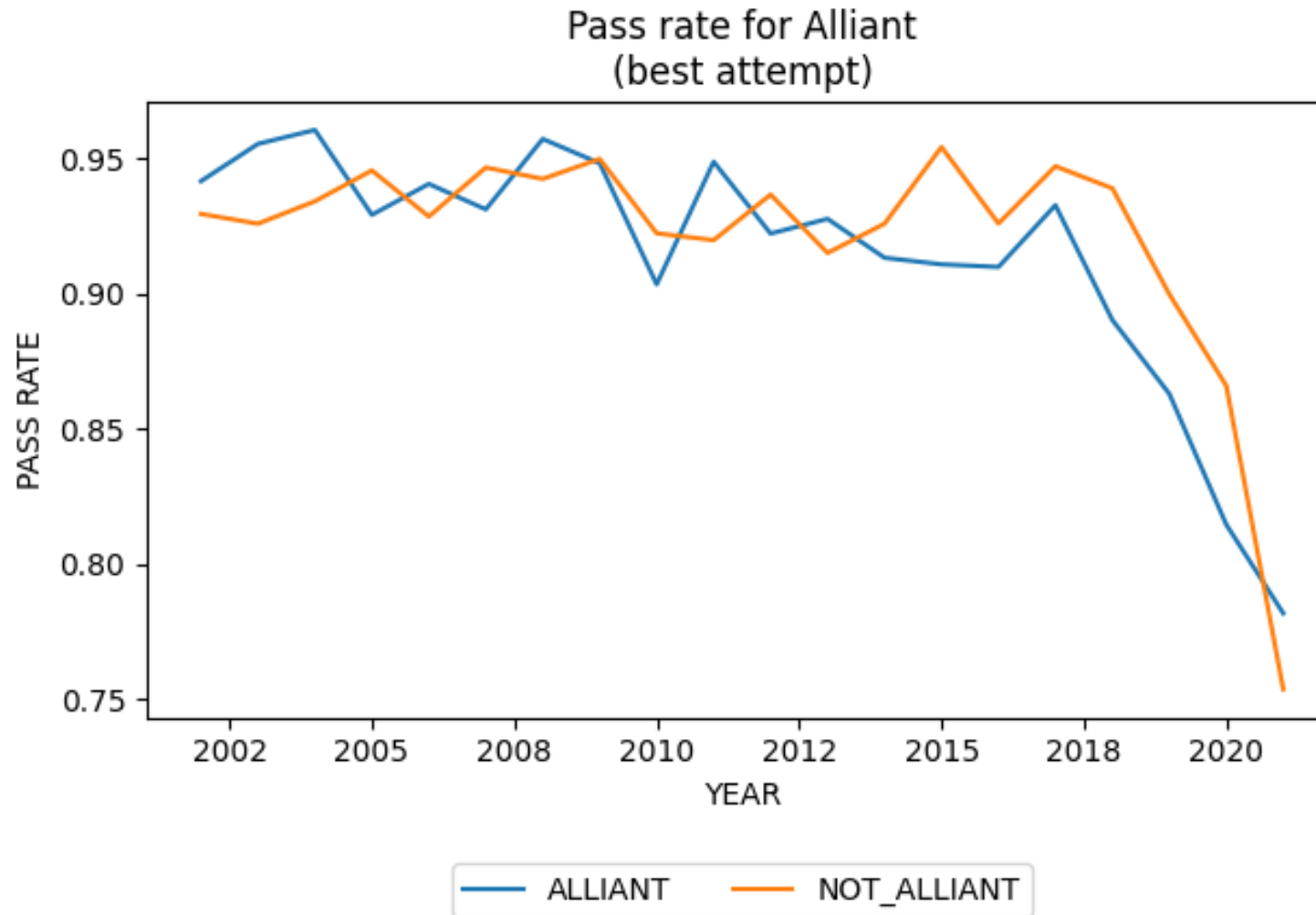


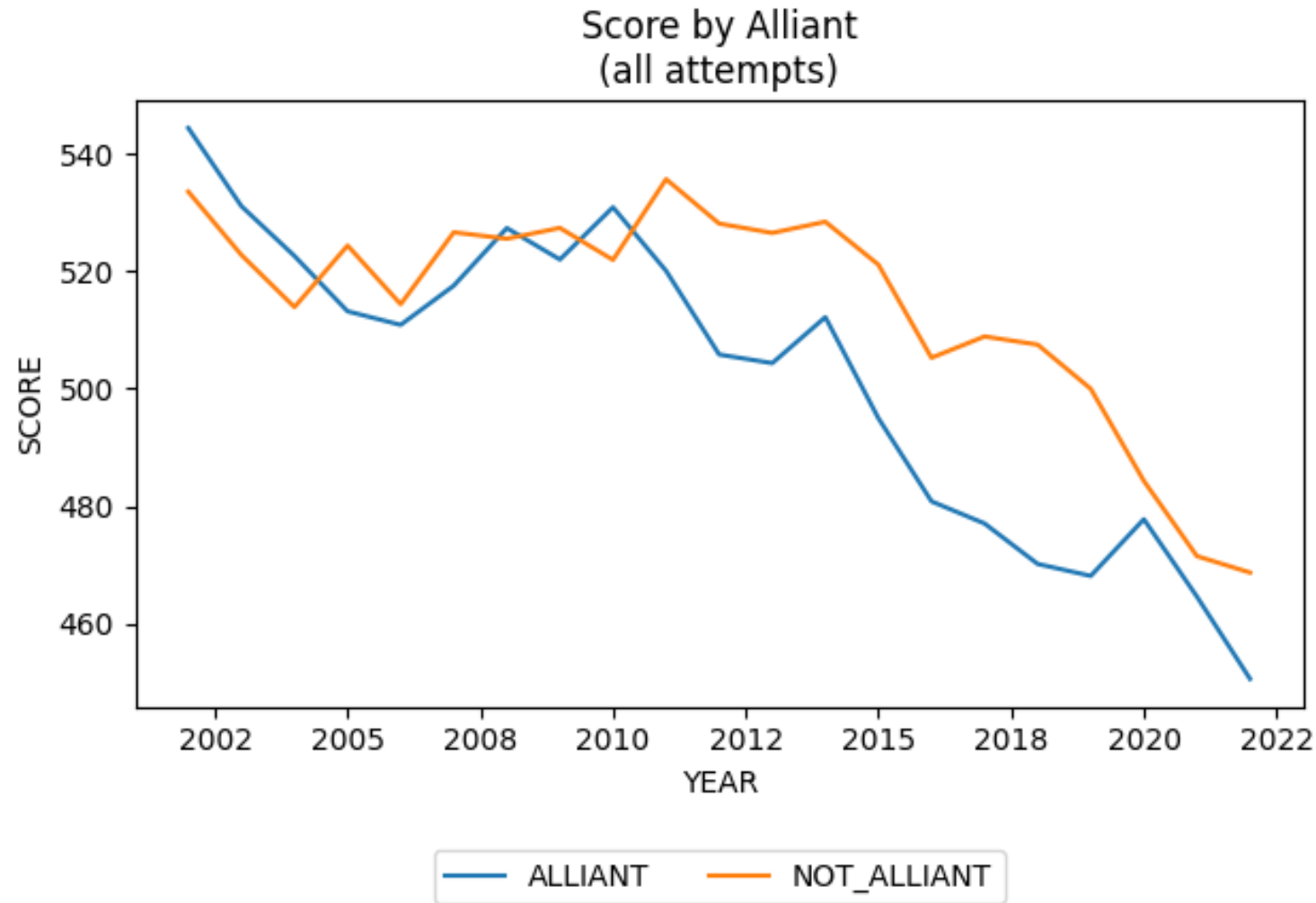


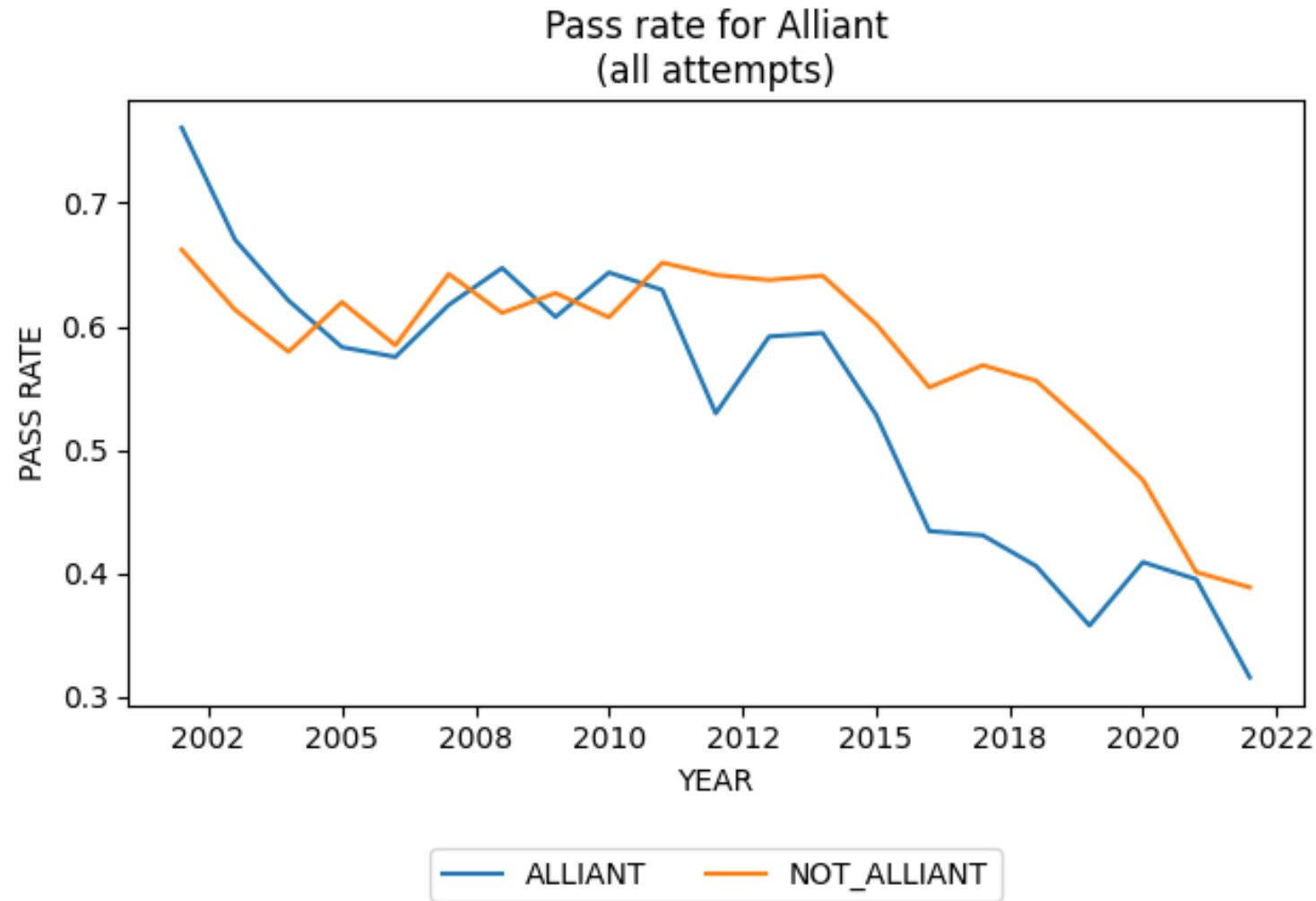
Number of Candidates by Alliant
(first attempt)













Alliant Observations

Relationship

The comparison between Alliant and Non-Alliant shows a slight benefit to Non-Alliant schools.

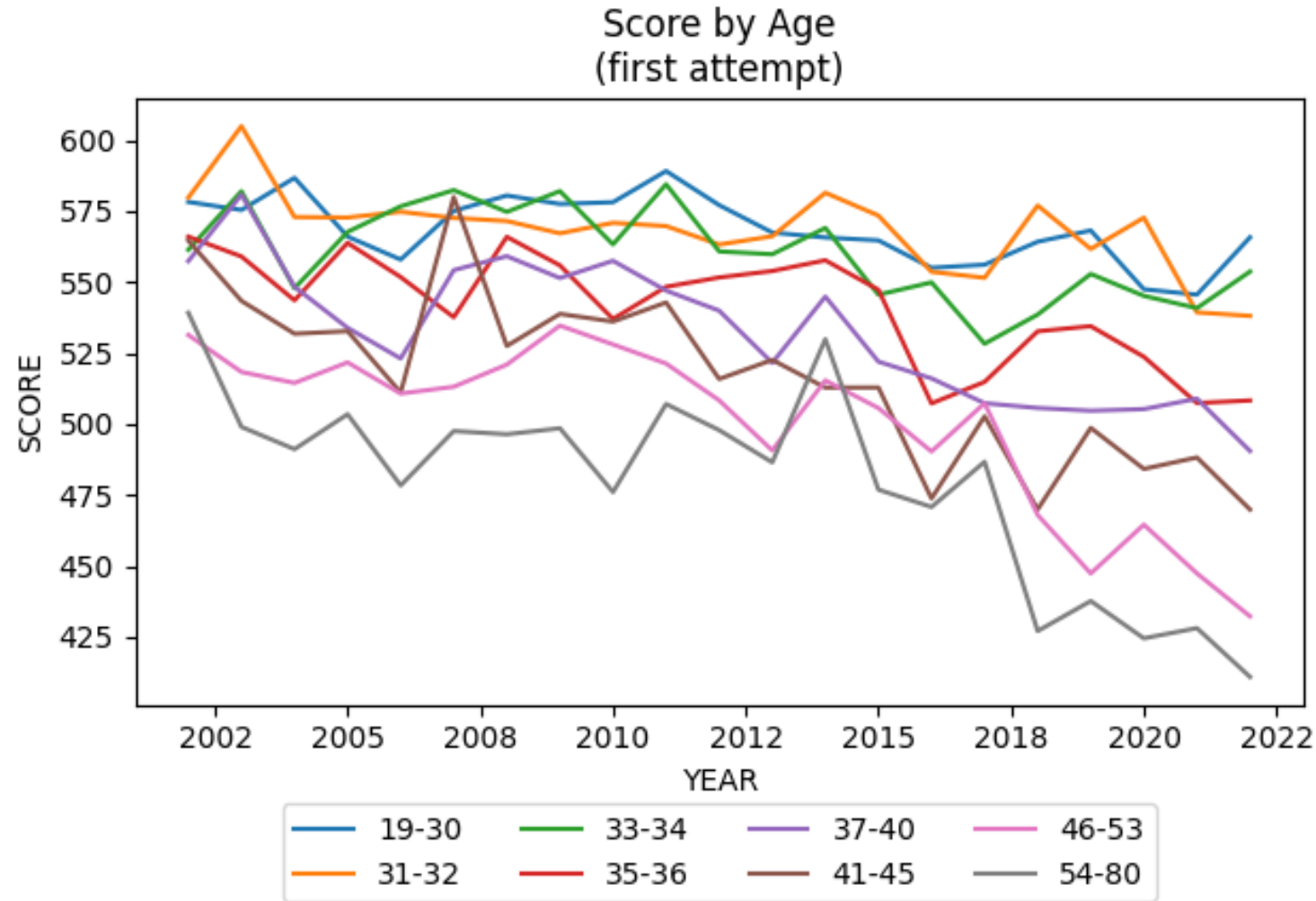
Trend

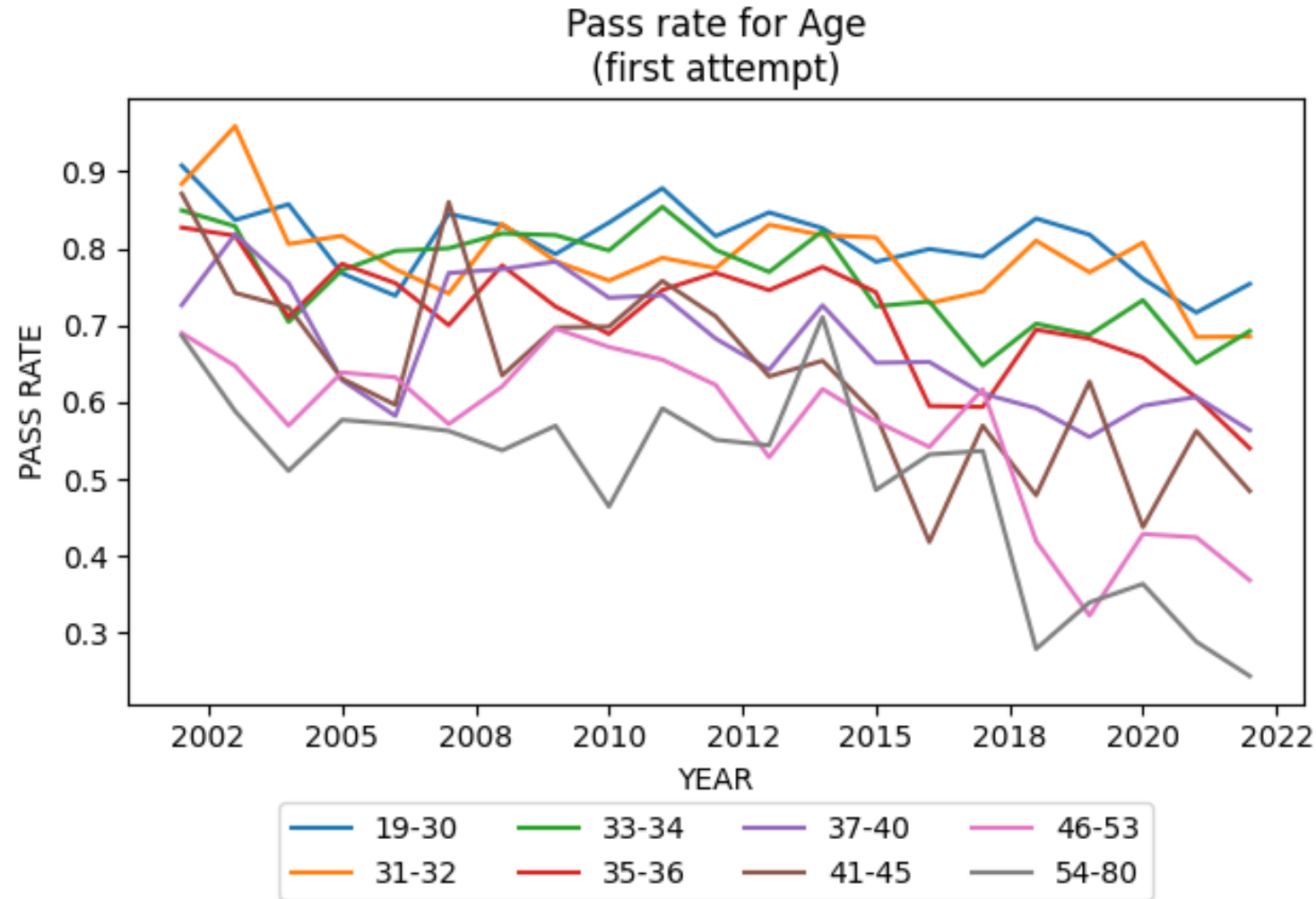
As time passed, performance decreased for both groups.

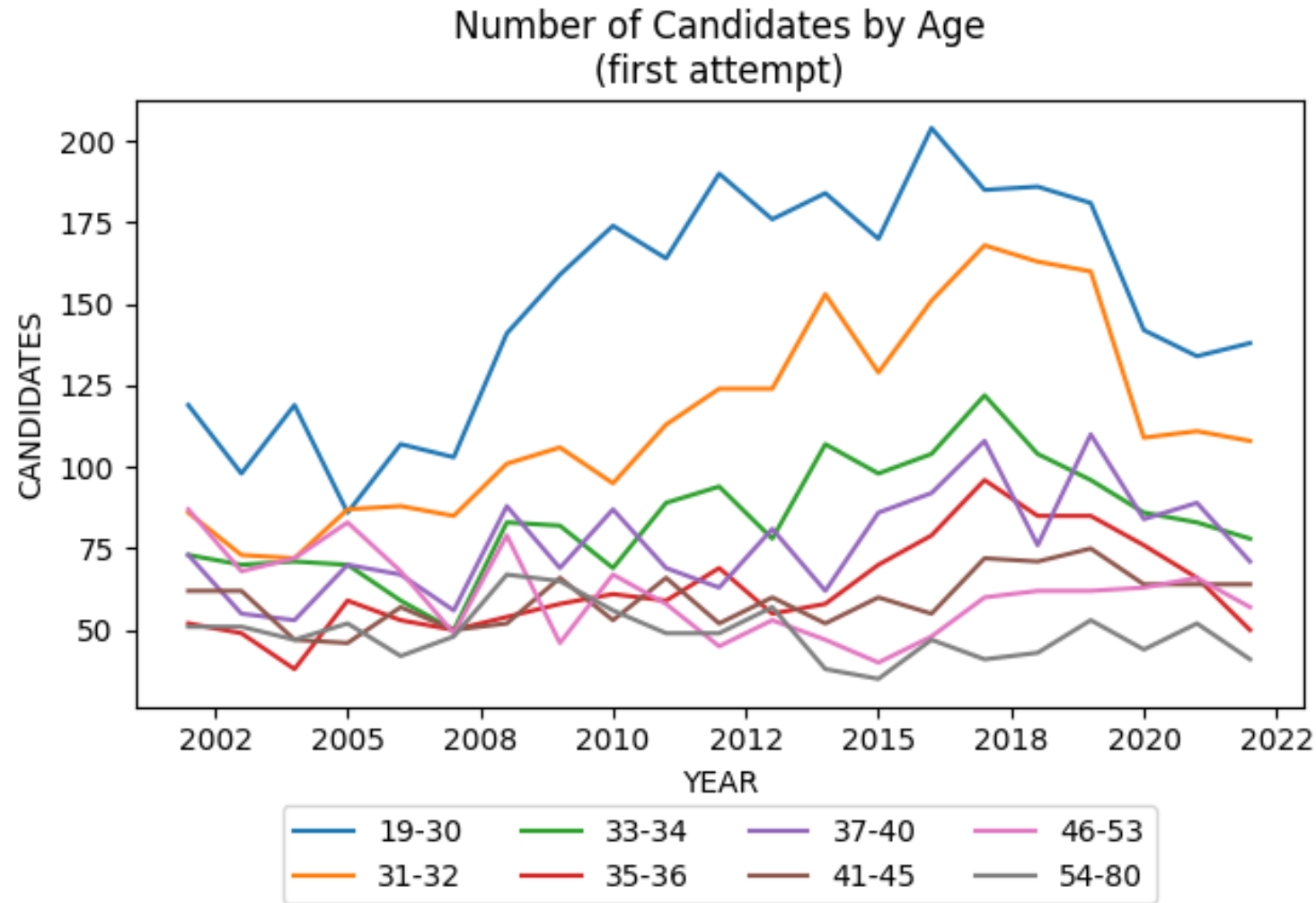
Candidates

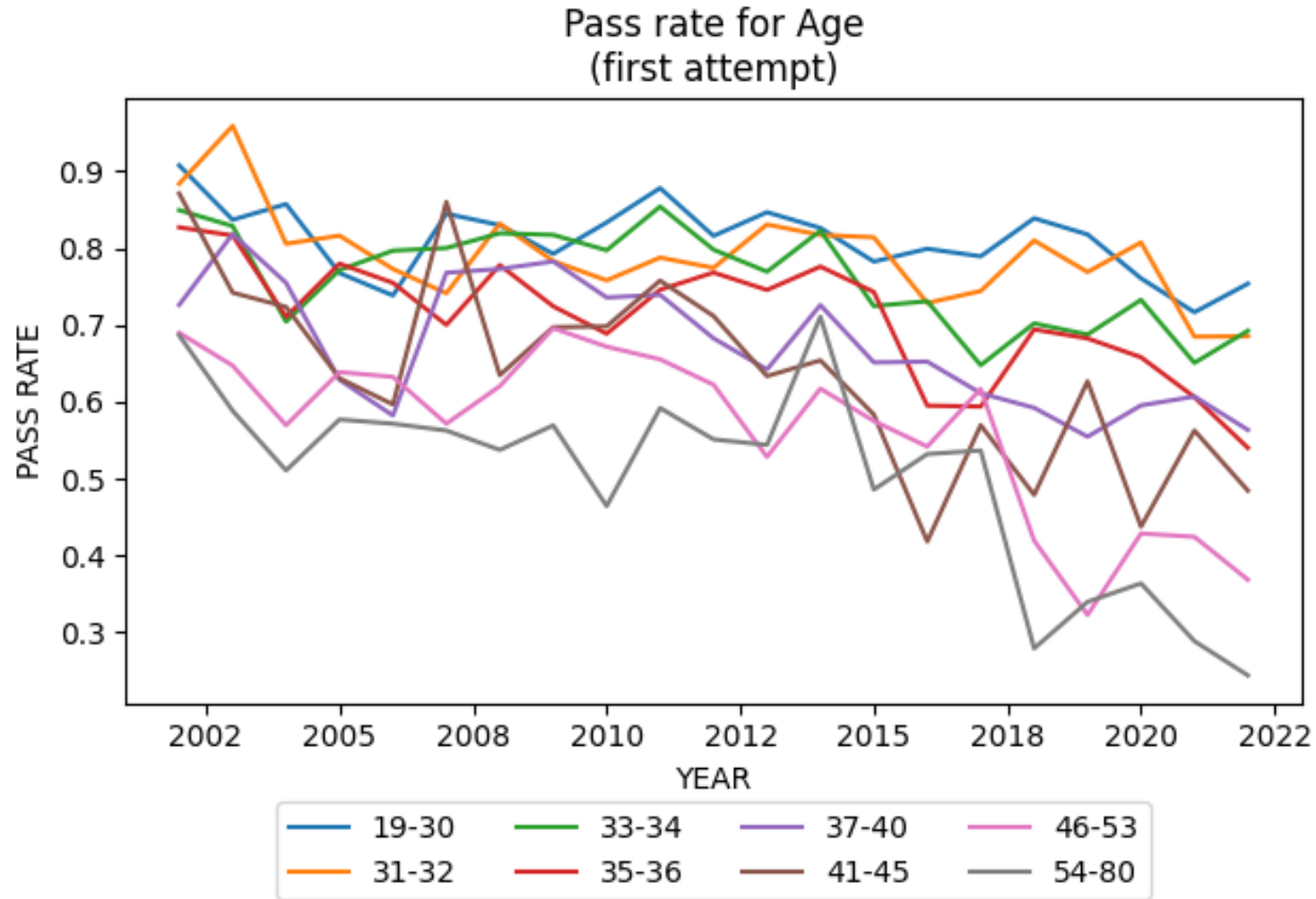
Alliant has decreased its proportion of first-time attempts over time.

Age

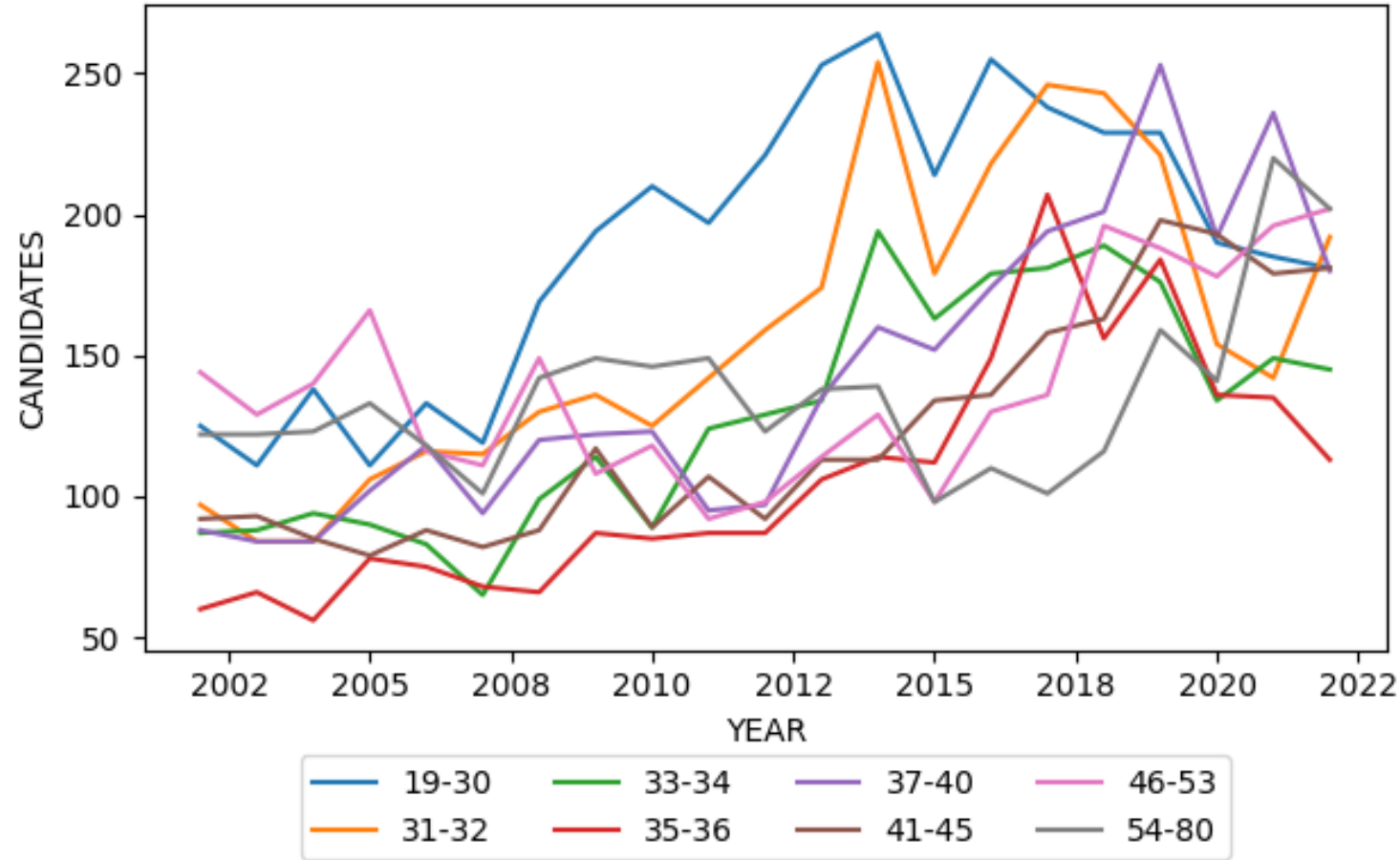


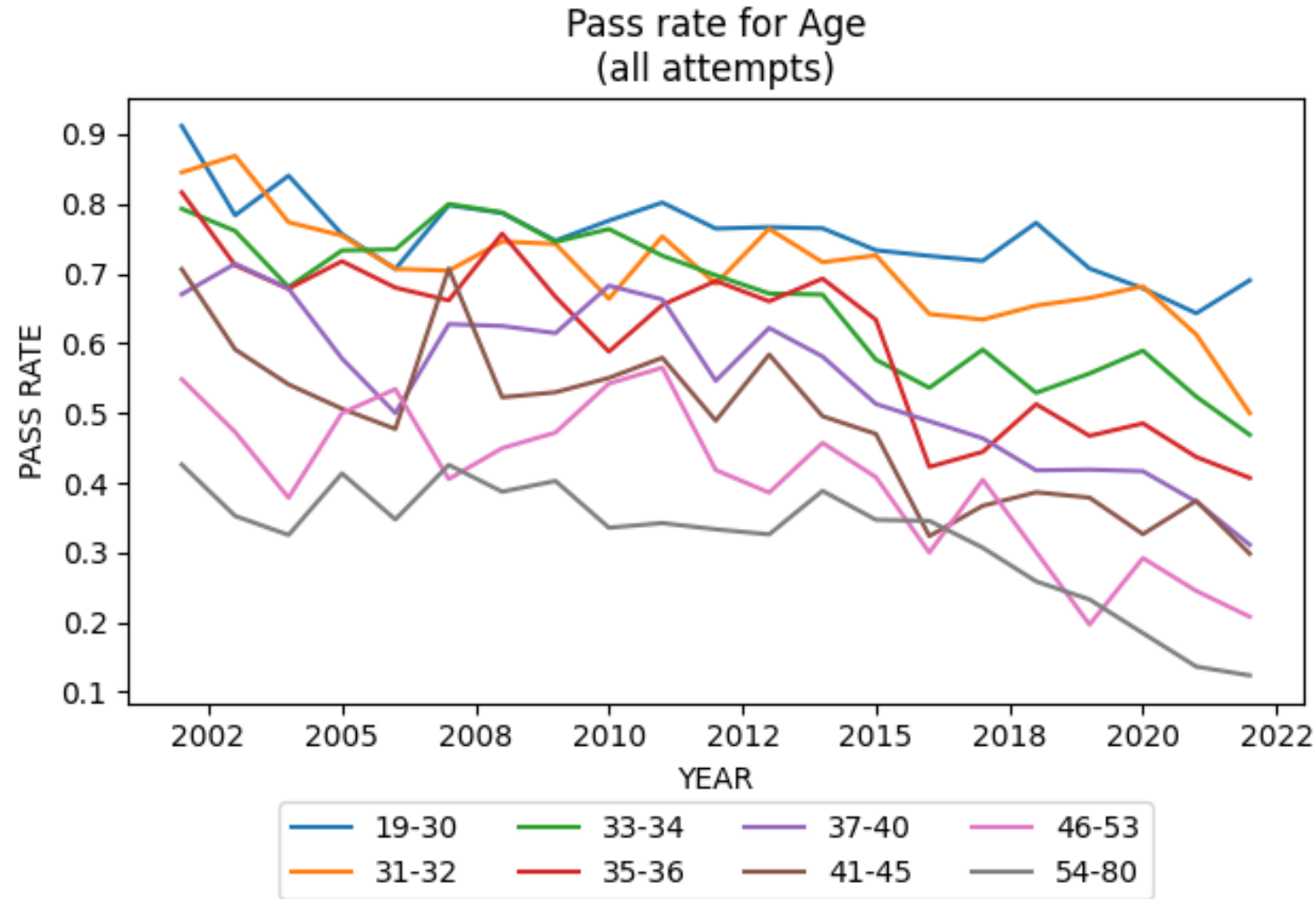






Number of Candidates by Age
(all attempts)







Age Observations

Relationship

As age increases overall, score tends to decrease.

Trend

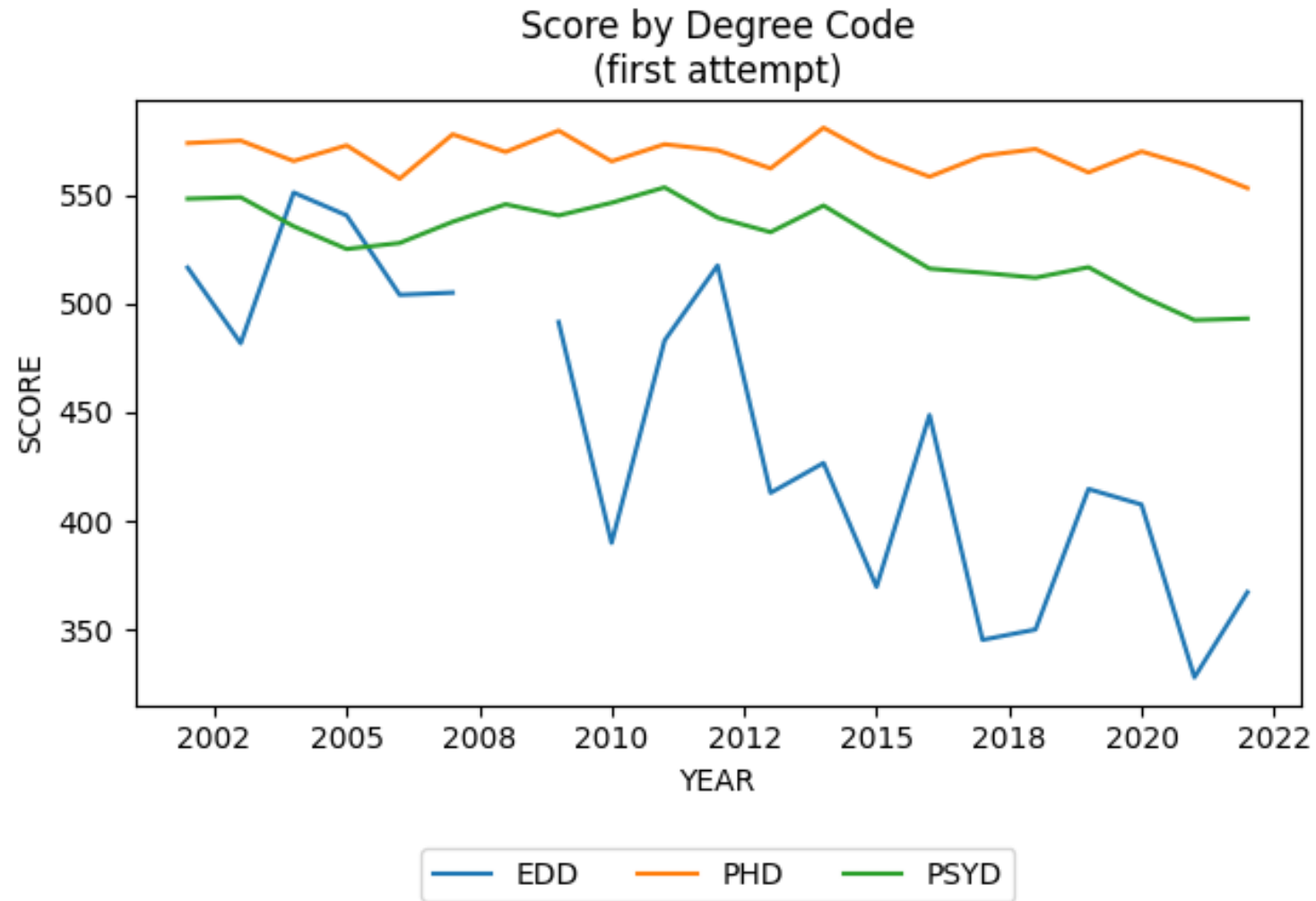
As time passed, performance decreased for all groups. The number of candidates decreases as age increases.

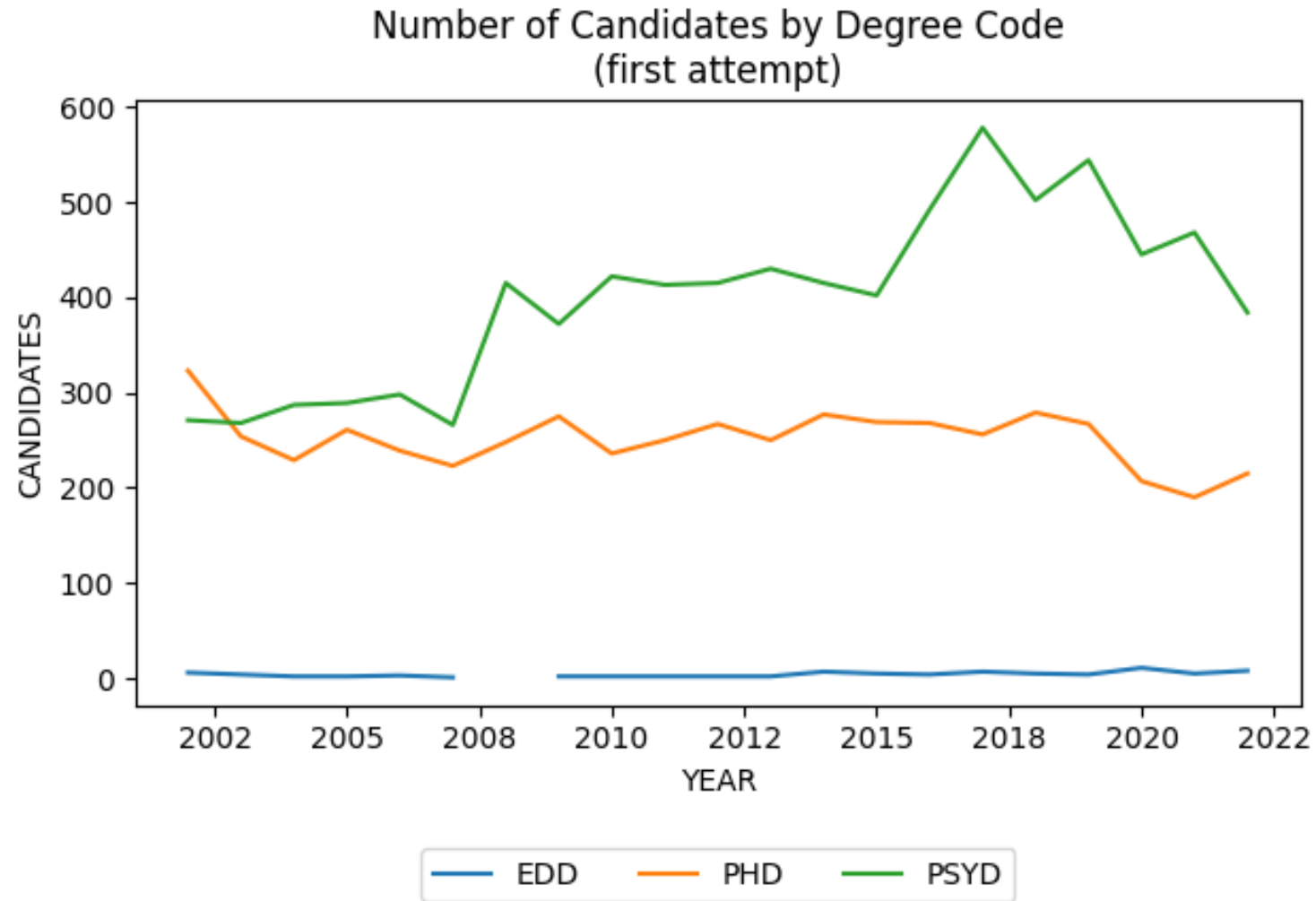
Bias

Difference isn't bias.

There is a difference by age, but more analysis is needed to establish bias.

Degree







Degree Observations

Relationship

PhD scores higher than PsyD, which scores higher than EdD. The sample size for EdD is small.

Trend

As time passed, performance decreased for all groups.

Summary

- There is evidence the test has changed over time.
- The school a candidate attends is a strong predictor of examination performance.
- Most candidates attend APA-accredited programs. These candidates perform slightly better than those attending non-APA-accredited programs.
- Older candidates pass the examination at lower rates, and account for a large proportion of the recent attempts.
- Degree type has become a stronger predictor of success as time has passed, but PhD and PsyD are still similar.



Thank You

Questions?

MEMORANDUM

DATE	May 5, 2025
TO	Psychology Board Members
FROM	Jacklyn Mancilla, Legislative and Regulatory Affairs Analyst
SUBJECT	Agenda Item 14(b)(1) Review of Bills for Review and Consideration for Action Position Recommendation to the Board – SB 775 (Ashby) Board of Psychology and Board of Behavioral Sciences

Background

On February 21, 2025, Senate Bill (SB) 775 was introduced by Senator Angelique Ashby as a sunset bill for the Board of Behavioral Sciences.

On April 30, 2025, SB 775 was amended to include the Board of Psychology (Board).

SB 775 introduces amendments to California's mental health licensing laws. It extends the statutory authorization of the Board of Psychology and the Board of Behavioral Sciences through January 1, 2030, preserving regulatory continuity. The bill expands qualifying academic disciplines for psychological testing technicians to include neuroscience, cognitive science, and behavioral science, while granting the Board discretion to assess program eligibility. It also revises license suspension procedures for felony convictions, allowing the Board to maintain suspensions if it serves the interest of justice, even when convictions are overturned. Additionally, SB 775 clarifies reinstatement protocols, codifies key definitions under the Psychology Licensing Law, and imposes a \$25 fee for supervisor changes to streamline technician oversight and cost recovery.

As of May 1, 2025, SB 775 has been referred to the committee on appropriations.

Action Requested

Board staff recommends the Board Support the Sunset Extension in SB 775, but request that the excluded amendments submitted in the Sunset Report be included.

Attachment #1: Bill Text- [Weblink](#)

Attachment #2: Bill Analysis

2025 Bill Analysis

Author: Senator Angelique Ashby	Bill Number: SB 775	Related Bills:
Sponsor:	Version: Amended	
Subject: Board of Psychology and Board of Behavioral Sciences		

SUMMARY

Senate Bill 775 introduces amendments to California's mental health licensing laws. It extends the statutory authorization of the Board of Psychology (Board) and the Board of Behavioral Sciences through January 1, 2030, preserving regulatory continuity. The bill expands qualifying academic disciplines for psychological testing technicians to include neuroscience, cognitive science, and behavioral science, while granting the Board discretion to assess program eligibility. It also revises license suspension procedures for felony convictions, allowing the Board to maintain suspensions if it serves the interest of justice, even when convictions are overturned. Additionally, SB 775 clarifies reinstatement protocols, codifies key definitions under the Psychology Licensing Law, and imposes a \$25 fee for supervisor changes to streamline technician oversight and cost recovery.

RECOMMENDATION

Board staff recommends the Board take a position of Support for SB 775, but request that the excluded amendments submitted in the Sunset Report be included.

Other Boards/Departments that may be affected:			
<input type="checkbox"/> Change in Fee(s)	<input type="checkbox"/> Affects Licensing Processes	<input type="checkbox"/> Affects Enforcement Processes	
<input type="checkbox"/> Urgency Clause	<input type="checkbox"/> Regulations Required	<input type="checkbox"/> Legislative Reporting	<input type="checkbox"/> New Appointment Required
Legislative & Regulatory Affairs Committee Position:		Full Board Position:	
<input type="checkbox"/> Support	<input type="checkbox"/> Support if Amended	<input type="checkbox"/> Support	<input type="checkbox"/> Support if Amended
<input type="checkbox"/> Oppose	<input type="checkbox"/> Oppose Unless Amended	<input type="checkbox"/> Oppose	<input type="checkbox"/> Oppose Unless Amended
<input type="checkbox"/> Neutral	<input type="checkbox"/> Watch	<input type="checkbox"/> Neutral	<input type="checkbox"/> Watch
Date: _____		Date: _____	
Vote: _____		Vote: _____	

REASON FOR THE BILL

Senate Bill 775 is a sunset bill that extends the statutory authority of the California Board of Psychology and the Board of Behavioral Sciences from January 1, 2026, to January 1, 2030, following the 2025 Sunset Review. The bill reflects the Legislature's assessment of each board's performance and includes targeted updates to address regulatory gaps. By continuing board operations and implementing key amendments, SB 775 supports ongoing oversight, public protection, and professional accountability in California's mental health system.

ANALYSIS

Senate Bill 775 extends the statutory authorization of the Board through January 1, 2030. SB 775 incorporates several new issues raised in the Board of Psychology's 2025 Sunset Review Report, including reinstating the \$25 fee for supervisor changes, expanding qualifying academic disciplines for psychological testing technicians to fields like neuroscience, cognitive science, and behavioral science, and making updates to enforcement provisions. However, key Board priorities remain unaddressed, such as establishing a psychotherapist-client privilege exception for investigations, clarifying foreign degree qualifications, aligning professional corporation provisions with the Moscone-Knox Act, and making technical updates related to Research Psychoanalysts. While SB 775 reflects progress on some regulatory fronts, further amendments or future legislation will be necessary to fully realize the Board's legislative and enforcement goals. Below is a comparative analysis of SB 775 with the Board's proposed amendments.

INCLUDED IN SB 775**1. Change of Supervisor Fee for Psychological Testing Technicians**

Board: The Board seeks to reinstate the \$25 fee for supervisor changes, which was unintentionally removed during SB 816's passage.

SB 775: Included. SB 775 explicitly reinstates the \$25 supervisor change fee under BPC 2987.

Analysis: The bill addresses this request supporting administrative cost recovery and restoring statutory consistency.

2. Expansion of Qualifying Degrees for Psychological Testing Technicians

Board: The Board seeks an expansion of qualifying academic disciplines for psychological testing technicians to better reflect the evolving nature of the field and support workforce development.

SB 775: Included. The proposed amendment adds degrees in neuroscience, cognitive science, and behavioral science to the list of qualifying academic fields.

Analysis: This provision aligns with the Board's request and helps modernize qualification standards by recognizing relevant interdisciplinary fields. It supports a more inclusive and science-aligned pathway into the profession, potentially increasing the pool of qualified applicants. Implementation may require the Board to establish clear

criteria for evaluating degree programs, but overall, the change enhances clarity and supports the Board's broader licensing objectives.

3. Technical Enforcement Provision Updates

Board: The Board seeks to update technical language in BPC sections 2902–2986 to reflect current enforcement practices and improve clarity.

SB 775: Included. SB 775 revises enforcement-related language, such as license suspension procedures and reinstatement processes.

Analysis: The bill revises provisions related to the automatic suspension of a psychologist's license upon incarceration following a felony conviction. It grants the board discretion to maintain the suspension if deemed in the interest of justice, even if the conviction is overturned on appeal. SB 775 updates procedures for reinstating suspended, revoked, or surrendered licenses and clarifies definitions for terms such as "license," "licensee," and "client" within the Psychology Licensing Law.

NOT INCLUDED IN SB 775

4. Psychotherapist-Client Privilege Exception for Board Investigations

Board: The Board seeks to pursue statutory changes to remove barriers to access patient records that will help investigate consumer complaints by establishing an exception to the psychotherapist-client privilege for the Board during investigations, like the Medical Board of California.

The Board aims to streamline investigative processes in cases where access to records is essential, especially in child custody matters.

SB 775: Not included. SB 775 does not address or incorporate language regarding a psychotherapist-client privilege exception.

Analysis: These proposed amendments have encountered opposition from California Psychological Association (CPA), California Association of Marriage and Family Therapists (CAMFT), and other professional groups. In the past four years only four cases have been closed due the lack of access to records.

5. Clarification of Foreign Degree Qualifications

Board: The Board requests clarification to confusing language in BPC 2913 regarding foreign master's degrees and advancement to candidacy for psychological associate applicants.

SB 775: Not included. No amendments to BPC 2913 or clarification of foreign degree qualifications are present in the bill.

Analysis: The bill does not address existing confusion for applicants and staff, which may lead to delays in processing applications and inconsistencies in how regulations are applied.

6. Psychological Corporations / Professional Corporations

Board: The Board requests amendments to BPC 2995 to align with the Moscone-Knox Professional Corporation Act, ensuring consistency in officer eligibility and corporate structure.

SB 775: Not included. No revisions to BPC 2995 or related corporate provisions included in SB 775.

Analysis: Inclusion in future legislation would enhance clarity for licensed psychologists forming corporations.

7. Research Psychoanalyst Statutory Updates

Board: The Board seeks technical amendments across multiple BPC sections (e.g., 25, 28, 2914, and 2950–2966) to ensure consistency and accuracy for Research Psychoanalyst registrations.

SB 775: Not included. None of the proposed Research Psychoanalyst updates are present in the current version of the bill.

Analysis: The lack of updates may hinder streamlined registration and enforcement for this unique licensure category. Technical corrections would promote better alignment with broader licensing laws.

While SB 775 addresses some of the Board's priorities—such as reinstating the supervisor change fee and making limited enforcement updates—it leaves out several important proposals that would improve regulatory clarity and streamline administrative processes. However, since the bill is still early in the legislative process, there remains an opportunity for additional amendments to incorporate the Board's remaining requests raised in the Board of Psychology's 2025 Sunset Review Report.

LEGISLATIVE HISTORY

Senate Bill 775 functions as a sunset bill, a legislative tool used to continue the statutory authority of the California Board of Psychology and the Board of Behavioral Sciences, both of which are currently scheduled to expire on January 1, 2026. The purpose of this bill is to extend their operations through January 1, 2030, based on findings from the Legislature's 2025 Sunset Review process.

The sunset review process is designed to evaluate the performance, efficiency, and effectiveness of state regulatory boards. Through this process, the Legislature assesses whether a board is fulfilling its mandate to protect the public, enforce licensing laws, and uphold professional standards. SB 775 incorporates recommendations from this review and may also include statutory updates to address operational challenges or regulatory gaps.

By extending the Board's authority and making targeted amendments, SB 775 ensures continued oversight of licensed psychologists and supports regulatory clarity, consumer protection, and professional accountability across California's mental health system.

OTHER STATES' INFORMATION

Not applicable at this time.

PROGRAM BACKGROUND

The Board of Psychology protects consumers of psychological services by licensing psychologists and associated professionals, regulating the practice of psychology, and supporting the ethical evolution of the profession.

The Board is responsible for reviewing applications, verifying education and experience, determining exam eligibility, as well as issuing licensure, registrations, and renewals.

FISCAL IMPACT

The fiscal impact is expected to be minimal and manageable within existing resources for the Board.

The bill proposes to extend the operations of the Board of Psychology through January 1, 2030. Since the Board is self-funded through licensing and regulatory fees, the extension is not expected to generate new costs and is already accounted for in the state budget. SB 775 also reinstates a \$25 supervisor change fee for psychological testing technicians, which is expected to produce revenue that had been lost when the fee was erroneously removed, to offset administrative processing costs. The Board received approximately 59 requests for change of supervisor for psychological testing technicians the past year which is an estimate of \$1,475.00 (\$25.00 x 59) dollars lost.

Additionally, the bill expands the list of qualifying academic degrees for psychological testing technicians to include neuroscience, cognitive science, and behavioral science. This change may result in an increase in applications. In 2024, applications increased by 100, however the added workload is anticipated to be absorbed by existing staff without the need for new funding. The bill also revises license suspension and reinstatement procedures, giving the Board greater discretion in cases involving felony convictions. While this may lead to a slight increase in administrative reviews, it falls within the Board's current enforcement responsibilities and is unlikely to impose additional fiscal costs.

SB 775 aims to improve regulatory clarity and operational efficiency without imposing significant new financial burdens. Any minor costs or revenue changes are expected to be absorbed within the existing operational structures of the affected boards.

ECONOMIC IMPACT

Not applicable at this time.

LEGAL IMPACT

Not applicable at this time.

APPOINTMENTS

Seven members of the Board are appointed by the Governor, one by the Speaker, and one by the Senate.

SUPPORT/OPPOSITION

Not applicable at this time.

Support:

Opposition:

ARGUMENTS

Not applicable at this time.

Proponents:

Opponents:

AMENDMENTS

MEMORANDUM

DATE	May 2, 2025
TO	Board Members
FROM	Jonathan Burke Executive Officer
SUBJECT	Agenda Item #17 Consideration and Possible Action on ASPPB Norma P. Simon Regulatory Service Award Nomination

The Norma P. Simon Award is an annual honor presented by the Association of State and Provincial Psychology Boards (ASPPB). Established in 2001, the award recognizes individuals who have made significant contributions to ASPPB and to the regulation of psychology at the national or international level. Both current and past contributions are considered equally important in the selection process.

The award is named after Norma P. Simon, Ed.D., who served as a member of the New York State Board of Psychology from 1979 to 1989, was President of ASPPB from 1991 to 1992, and held leadership roles within the American Psychological Association (APA), including chairing the APA Ethics Committee and the APA Board of Professional Affairs.

Action Requested:

The Board is invited to consider the state, national, and international contributions of Jacqueline Horn, PhD and nominate her for the award.

Attachments:

Attachment 1: Draft Nomination Letter

Attachment 2: Jacqueline Horn, PhD Curriculum Vitae

On behalf of the California Board of Psychology, I am pleased to nominate Dr. Jacqueline Horn for the 2025 ASPPB Norma Simon Regulatory Service Award. For the past 20 years, Dr. Horn has made significant contributions to psychology regulation both on a national and international level, and through her efforts, particularly on the national scene, she has brought a regulatory voice to psychology groups that previously had not been privy to information coming from this community.

Her footprint has been large. On the national level, Dr. Horn:

- Was a member of the MOCAL Task Force that helped shape the move from Continuing Education as the way to ensure ongoing competence to Continuing Professional Development, a broader, more skills-based way to ensure the ongoing competence of licensees.
 - Was part of the CE/CPD Summit held by the American Psychological Association to help change APA's CE offerings to better reflect the work that had been done by the MOCAL Task Force.
 - Is currently a member of the CPD Task Force that is updating the *ASPPB Continuing Professional Development Guidelines* using data from a survey of licensed psychologists in the U.S. and Canada.
- Has been involved in the ASPPB Examination Program since 2008 when she became an ASPPB Board member. In her work with the Exam Program, she has been a part of developing the EPPP (Part 2-Skills) and is now part of the Job Task Analysis Advisory Committee charged with helping to create a blueprint for an integrated EPPP that will combine knowledge and skills into one exam.
- Is Co-Chair, along with Dr. Alex Siegel, of the Potential Regulatory Implications of Licensing Master's (PRI-LM) Task Force that has developed a Model Act and Regulations (and suggested title and scope of practice) for those psychology boards that license at the master's level and for those considering adding a license at the master's level. This Task Force began at the request of the Board and College Administrators and Board and College Chairs Committees of ASPPB.
- Was liaison to the Education and Training community, starting as an ASPPB Board member, and continuing as ASPPB Staff, from 2009-2023, when she stepped back from some of her involvement with ASPPB. During that time, she attended all major conferences of the Education and Training Community and presented at every conference she attended on some aspect of regulation.
 - Worked with all the psychology regulatory boards in the U.S. and Canada to get the information needed to develop (and provide to the training community) the Consumer Disclosure documents that the U.S. Department

of Education requires for all accredited professional programs. She updated that document every year until it was incorporated into PSY/Book.

- Was part of the group that produced the *CCTC 2020: Social Responsiveness in Health Service Psychology Education and Training Toolkit*. Coming out of that work, she helped co-author an article titled, “Socially Responsive Reflective Practice: A Cornerstone of Professionalism for Health Service Psychology” that was published in *Professional Psychology: Research and Practice*.
- Has co-authored several articles about the EPPP and about Continuing Professional Development, one on CPD that is about to be published in *Practice Innovations*. That article, titled “Advances in Evidence-Based Continuing Professional Development,” written by members of the task force that is updating the *CPD Guidelines*, presents findings from the survey ASPPB conducted with psychology licensees about CPD. Currently, she is working with Drs. Hao Song and John Hunsley on an article that hopefully will clear up some misunderstandings about the development process and validation methods used for “high stakes” examinations like the EPPP.
- Was on the task force that created forms for supervisors and directors of training to use to report the educational/training/applied experiences of trainees during COVID restrictions. Those forms included all the information that Boards/Colleges needed to evaluate those experiences.

For ASPPB and regulation on the international level, Dr. Horn was part of the group that created the “International Declaration on Core Competencies in Professional Psychology.” That document, which was ratified by the two largest international psychology associations, outlines internationally recognized competencies for professional psychology with the aim of fostering a global professional identity and to facilitate an international recognition of psychologists’ qualifications – a global professional identity to regulate professional competence, regardless of a psychologist’s particular training program or part of the world. That document was created by representatives from 77 countries around the world and serves as *the* global standard for evaluating psychologists’ credentials.

The above represent just some of the ways that Dr. Horn has had impact for psychology regulation on a national and international level. And, again speaking for the California Board, we have appreciated how, even as a non-board member, Dr. Horn has kept us apprised of what has been happening in ASPPB and in psychology regulation nationally. As you might know, it has been exceedingly difficult for California to participate in many of the ASPPB committees or attend ASPPB membership meetings. Dr. Horn’s steadfast efforts in

keeping us up to date about what is going on, and her ability to voice her understanding of the Board's positions when we are unable to attend such meetings, have been invaluable to us. Dr. Horn was of tremendous service to the California Board over her many years of dedicated work as a Licensed Board Member, President of the Board, Chair of the Board's Licensing Committee, and as a valued participant and source of information and thought in our consideration of several of ASPPB's most important initiatives. The Board has enjoyed the privilege of having had her as one of its most august and dedicated Board members and as a "representative" of ASPPB since leaving the Board.

We hope you will see, as we have, Dr. Horn's outstanding service and impact on psychology regulation both nationally and internationally and will agree that she is the perfect recipient for the Norma Simon Regulatory Service Award.

JACQUELINE B. HORN, PH.D., INC.
CLINICAL PSYCHOLOGY
LIC. #PSY7218

EDUCATION:

B.S. 1968 University of Alabama
M.S. 1977 George Peabody College
Ph.D. 1980 Peabody College of Vanderbilt University (APA-accredited)

1979-1980 Clinical Psychology Internship (APA-accredited)
Indiana University School of Medicine

ACADEMIC EXPERIENCE:

2013 - present Emerita Lecturer in Psychology, University of California at Davis
1981 - 2012 Lecturer in Psychology, University of California at Davis
1984 - 2002 Clinical Professor of Psychiatry, UCDMC
1978 - 1979 Teaching Assistant, Department of Psychology, George Peabody College
1975 - 1976 Instructor, Department of Human Development, Calhoun Community College

OTHER WORK EXPERIENCE:

2024 – present Consultant, Association of State and Provincial Psychology Boards (ASPPB)
2015 – 2023 Director of Educational Affairs, Association of State and Provincial Psychology Boards (ASPPB)

1983 - present Clinical Psychologist, Independent Practice, Sacramento, CA
1985 - 1995 Director of Psychological Services, Heritage Oaks Hospital, Sacramento, CA
1982 - 1985 Clinical Psychologist, Eskaton Outpatient Clinic, Sacramento, CA
1981 - 1982 Staff Psychologist, Napa State Hospital, Imola, CA
1979 - 1980 Clinical Psychology Intern, Indiana University School of Medicine
1978 - 1979 Biofeedback Therapist, Behavior Management Associates, Nashville, TN
1977 - 1978 Psychological Assistant, John F. Kennedy Child Study Center, George Peabody College

1976 - 1977 Counseling Fellow, Psychological & Counseling Center, Vanderbilt University
1970 - 1976 Coordinator, Limestone County Office, North Central Alabama MHC
1968 - 1970 Psychologist I, Bryce State Hospital, Tuscaloosa, AL

SELECTED ACTIVITIES:

2013 – 2019 Member, California Board of Psychology
2009 - 2014 ASPPB Board of Directors, President 2013
2005 - 2009 Education Committee, Northern CA Society of Psychoanalytic Psychology
2002 - 2009 Member, California Board of Psychology, President 2004-2007
1999 - 2004 Clinical Advisory Board, UCD Extension Services
1997 - 2004 Editorial Board, Annual Review of Abnormal Psychology
1993 - 2002 Ethics Committee, California Psychological Association

PROFESSIONAL ORGANIZATIONS:

Life Member, American Psychological Association, Divisions 12 (Clinical) and 29 (Psychotherapy)
Sustaining Member (through 2024), California Psychological Association
Member, Sacramento Valley Psychological Association, Division 1 (Clinical)

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Member, Sacramento Society of Psychoanalytic Psychology

BOARDS:

- 2013 – 2019 California Board of Psychology – Chair, Licensure Committee
- 2009 – 2014 ASPPB Board of Directors, President 2013
- 2002 – 2009 California Board of Psychology, President 2003 – 2007

- 1999 – 2004 Clinical Advisory Board, UCD Extension Services
- 1997 – 2004 Editorial Board, *Annual Review of Abnormal Psychology*

COMMITTEES/TASK FORCES/LIAISONS:

- 2023 – present ASPPB Potential Regulatory Implications of Licensing Masters (PRI-LM) Task Force
- 2021 – present ASPPB Publications Review Committee/Continuing Professional Development Task Force
- 2017 – 2020 ASPPB Social Media Task Force
- 2015 – 2019 ASPPB Committee on Competency Assessment/Implementation Task Force for the EPPP2
- 2014 Chair, ASPPB Annual Meeting Committee
- 2010 – 2014 ASPPB Task Force for Maintenance of Competence and Licensure (MOCAL)
- 2009 – 2014 ASPPB Examination Program Committees
Committee on Examination Coordination, Chair 2012 - 2014
Examination Committee, Board Liaison
Item Development Committee, Chair 2010 – 2011
- 2005 – 2009 Education Committee, Northern CA Society of Psychoanalytic Psychology
- 1993 – 2002 Ethics Committee, California Psychology Association (CPA)

- 2012 – 2023 ASPPB Board Liaison to APA Commission on Accreditation
- 2012 – 2023 ASPPB Liaison to National Council of Schools and Programs of Professional Psychology (NCSPP)
- 2012 – 2023 ASPPB Liaison to Council of University Directors of Clinical Psychology (CUDCP)
- 2016 – 2023 ASPPB Liaison to Council of Counseling Psychology Training Programs (CCPTP)
- 2017 – 2023 ASPPB Liaison to Council of Chairs of Training Councils (CCTC)
- 2010 – 2023 ASPPB Liaison to APA Board of Educational Affairs (BEA)
- 2012 – 2015 Workgroup, International Committee on Psychologist Competence

PUBLICATIONS:

Anchor, K. N., Sandler, H. M. & **Cherones, J. H.** (1977). Maladaptive antisocial aggressive behavior and outlets for intimacy. *Journal of Clinical Psychology*, 33 (4), 947-949.

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Horn-George, J. B. & Anchor, K. N. (1982). Perceptions of the psychotherapy relationship in long- versus short-term psychotherapy. *Professional Psychology, 13* (4), 483-491.

Plas, J. M., Wallston, B. S., **Cherones, J. H.**, Czirr, R. P., Edwards, S. J. & Russo, A. J. (1983). Women oriented toward male-dominated careers: Is the reference group male or female? *Journal of Counseling Psychology, 30* (1), 46-54.

Schaffer, J. B., Rodolfa, E., Owen, J., Lipkins, R., Webb, C. & **Horn, J.** (2012). The Examination of Professional Practice in Psychology: New data – practical implications. *Training and Education in Professional Psychology, 6* (1), 1-7.

Webb, C. & **Horn, J.** (2012). Continuing professional development” A regulatory perspective. In Niemeyer, G. & Taylor, J. (Eds.). *Continuing professional development and lifelong learning: Issues, impacts and outcomes*, pp. 131-151. New York, New York: Nova Science Publishers.

DeMers, S. T., Webb, C. & **Horn, J.** (2014). Psychology licensure and credentialing in the United States and Canada. In Kaslow, N. & Johnson, B. (Eds.). *Handbook on Training*, pp. 201-213. New York, New York: Oxford University Press.

Horn, J., DeMers, S.T., Lightfoot, S. & Webb, C. (2018). Using continuing professional development to improve maintenance of professional competence: A call for change in licensure renewal requirements. *Professional Psychology: Research and Practice, 50*(2), 120-128.

D’Angelo, E. J., Boita, L. A., Hachiya, L. K., Hagstrom, S. L., **Horn, J.**, & Tawfic, S. H. (2023). Socially responsive reflective practice: A cornerstone of professionalism for health service psychology. *Professional Psychology: Research and Practice, 54*(1), 39-48.

Niemeyer, G., **Horn, J. B.**, Messer-Engel, K., Nishi-Strattner, L., Orwig, J., Slusky, A., Taylor, J. M., and Williams, L. (in press). The perceived contribution of continuing professional development activities to professional competence. *Practice Innovations*.

SELECTED PRESENTATIONS:

Horn, J. (2013) What psychology students need to know about obtaining initial registration and promoting their mobility. Presented at the 2013 Canadian Psychological Association Annual Convention, Quebec, Canada.

Horn, J. (2013) ASPPB: EPPP and mobility programs. Presented to APAGS at the 2013 American Psychological Association, Honolulu, HI.

Behnke, S., DeMers, S., Millan, F., **Horn, J.**, Campbell, L., Stagner, B. & Siegel, A. (2013). Ethical conduct, the law, and licensing boards: Crosscutting issues. Symposium presented at the 2013 American Psychological Association, Honolulu, HI.

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Horn, J. (2014) The licensing process: What every trainee should know. Presented at APAGS on The Road – What they didn't teach me in graduate school, Los Angeles, CA and Berkeley, CA.

Horn, J. (2014) Training and education: How regulators and educators can work together for the public. Panel presentation at the 2014 ASPPB Annual Meeting of Delegates, Rancho Mirage, CA.

Horn, J., Webb, C. & Yarrow, C. (2015). Maintenance of competence: What does the future hold? Presented at the 2015 ASPPB Midyear Meeting, Atlanta, GA.

Horn, J. (2016) How regulatory boards can use social media for outreach and education. Panel presentation at the 2016 ASPPB Midyear Meeting, Anchorage, AK.

Rodolfa, E. & **Horn, J.** (with Neuman, G. & Samuels, E.) (2017) The EPPP Part 2: New developments in psychology licensure. Panel presentation “pro” and “con” at the 2017 CPA Annual Meeting, Burlingame, CA.

Horn, J. & Turner, M. (2017) Demystifying the EPPP. Presented to Early Career Psychologists at the 2017 American Psychological Association, Washington, DC.

Rodolfa, E., Webb, C. & **Horn, J.** (2017) The movement toward competency exams: Understanding the EPPP Part 2. Presented at the 2017 American Psychological Association, Washington, DC.

Horn, J. & Rodolfa, E. (2018) The enhanced EPPP. Presented to the California Psychological Association of Graduate Students (CPAGS), April 2018, California Psychological Association Annual Meeting, San Diego, CA.

Horn, J. & Turner, M. (2019) Preparing for the EPPP. Presented at the 2019 American Psychological Association, Washington, DC.

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MEMORANDUM

DATE	May 1, 2025
TO	Psychology Board Members
FROM	Jacklyn Mancilla, Legislative and Regulatory Affairs Analyst
SUBJECT	Agenda Item 18- Discussion and Possible Action of Proposed Changes to Language and Licensure Application Forms Related to AB 282

Assembly Bill 282, authored by Assemblymember Cecilia Aguiar-Curry and enacted as Chapter 425, Statutes of 2023, was signed into law by Governor Newsom on October 8, 2023. The bill amends Section 2914 of the Business and Professions Code and modifies the examination eligibility process for psychologist licensure in California.

Under existing law, applicants must pass both the Examination for Professional Practice in Psychology (EPPP) and the California Psychology Laws and Ethics Examination (CPLEE), with eligibility criteria and examination procedures defined in regulation. AB 282 permits applicants who have completed all academic coursework for a qualifying doctoral degree—excluding internship and dissertation requirements—to sit for the EPPP, the CPLEE, or both. The bill further directs the Board of Psychology to establish a process for verifying any additional eligibility requirements imposed by national examination entities beyond academic coursework.

To implement these statutory changes, the Board approved a regulatory package on May 19, 2023, which served a dual purpose: implementing the EPPP Part 2 Skills Exam, effective January 1, 2026, and incorporating the provisions of AB 282. Amended regulatory language was approved on May 10, 2024, to reflect updates to both components.

However, on October 22, 2024, the Association of State and Provincial Psychology Boards (ASPPB) announced a pause on the planned implementation of the EPPP as a two-part exam. In response, Board staff has

suspended regulatory efforts related to EPPP Part 2 until further guidance is issued by ASPPB.

Given the shift in priorities, the Board is now developing a standalone regulatory package dedicated solely to AB 282. The draft regulatory language has been completed and is currently under review by DCA Legal Counsel and the Budget Office. Once this review is finalized, the Board will incorporate any recommended revisions. The updated regulatory language and accompanying licensure application forms will be presented for Board consideration at the August 22, 2025, meeting. Due to the separation of regulatory efforts and the pause on EPPP Part 2, the anticipated implementation date for AB 282 has been tentatively rescheduled to 2027.

Action Requested

This item is for informational purposes only.

MEMORANDUM

DATE	May 2, 2025
TO	Board Members
FROM	Jonathan Burke Executive Officer
SUBJECT	Agenda Item # 19 Update and Discussion on the Development of the Integrated Examination for Professional Practice in Psychology

The Chair of the of the Board's Licensing Committee and Board staff attended a town hall organized by Association of State and Provincial Psychology Boards (ASPPB) on April 3, 2025. At that meeting the Board heard that the proposed implementation date of the new integrated Examination for Professional Practice in Psychology (EPPP) will be in 2027. A survey will be sent out to member Boards later this year and we will be invited to comment on the proposals. The Board has expressed concerns regarding the likely increased cost of the examination to applicants and a desire by ASPPB to require the examination be taken as the final step of the application process. This would contradict the changes made to California law by AB 282 (Chapter 425, Statutes of 2023) which allows applicants to take the examination after they have completed their coursework. The Board supported this change as it will likely increase the passage rate of the EPPP.

Dr. Hao Song, PhD, , ICE-CCP, Associate Executive Officer of Examination Services at ASPPB, will attend the May 9, 2025 Board meeting to present on the timeline and development of the integrated EPPP.

Action Requested:

This is an informational item.

History of Board Consideration of the EPPP2

In 2017, the Board determined that there was a need for stakeholder input regarding possible implementation of the Association of State and Provincial Psychology Boards (ASPPB) Examination for Professional Practice in Psychology Part 2 (EPPP2). A Task Force with representatives from various stakeholders was created to provide input to the Board regarding consideration and possible implementation of the EPPP Part 2.

The Task Force's role was to consider the pros and cons of the proposed examination to the Board's prospective licensees and consumers, eligibility criteria, the application process, and the impact on the Board's process for licensure. The Task Force met on April 5th and June 29th, 2018 at the Department of Consumer Affairs' (DCA's)

Headquarters in Sacramento. This Task Force was chaired by Board Member Dr. Sheryll Casuga.

The Examination for Professional Practice in Psychology, currently known as the EPPP Part 1 (Knowledge), is a computer-based examination developed and administered by ASPPB. This exam is one of two examinations required for licensure in California. The cost of the exam to the applicant is \$600.00.

EPPP Part 2 (Skills exam), per ASPPB, will provide an independent, standardized, reliable, and valid assessment of the skills necessary for independent practice and enhance consumer protection. The cost of this exam was initially set at \$600.00. ASPPB, at the time of the initial Task Force meeting, announced the plan to make this exam mandatory for all jurisdictions.

After several discussions, the Task Force did not believe the EPPP Part 2 was in the best interests of California consumers for the following reasons:

- Lack of a proven necessity for the examination;
- Concerns related to the exam's ability to assess skills resulting in negligible consumer protections;
- Costs and burden on prospective licensees, and especially on historically underrepresented and socioeconomically disadvantaged students;
- New barriers to licensure and potentially detrimental impact on access to psychological services to California consumers; and
- Clarification on whether the optional Enhanced EPPP is an indefinite alternative or ASPPB is simply postponing the deadline for mandatory adoption. If the implementation date is merely being delayed, the Board would appreciate clarification on the anticipated date for mandatory implementation.

The Task Force also had significant concerns with the loss of license portability with other States if ASPPB decided to mandate the EPPP Part 2. Due to this concern, the Task Force recommended (should part 2 become mandatory) that the Board continue participation in the EPPP, and not create its own version of a national examination. For a copy of the full EPPP 2 task force report please reference attachment A.

In August 2018, ASPPB retracted its decision and made the EPPP Part 2 an optional exam for all state boards and proposed incentives for early adopters. Although ASPPB's announcement clarified that the EPPP Part 2 was now an optional component, it raised concerns regarding whether ASPPB would eventually make the examination mandatory.

These concerns were addressed in the letter dated December 2018 which stated as follows:

"The Board of Psychology supports a competency-based examination but feels that certainty is required as to its mandatory implementation, and that a date certain for all member jurisdictions is necessary. Uncertainty as to implementation results in a current inability to move forward with the required statutory and regulatory changes."

ASPPB would aid its member jurisdictions if it were to identify all statutory and regulatory changes needed to implement the new examination (drafting and supporting statutory and regulatory changes through advocacy, etc.) over a set period of time calibrated to the expected implementation date and the time necessary to effect needed changes.

ASPPB should continue to evaluate the total cost of both examinations and establish a uniform lower total cost as to all jurisdictions, as of the mandatory effective date of the Enhanced EPPP.

In addition, the Board also requests that ASPPB make available to the Board and the Department of Consumer Affairs' Office of Professional Examination Services the following information as it becomes available:

- Data from Beta testing from participating jurisdictions to evaluate the validity of the Enhanced EPPP.*
- Evidence of external validity that substantiates the need for the Enhanced EPPP. This information would help further clarify the need for and validity of the Enhanced EPPP and inform the Board's discussion regarding the prospect for adoption of the Enhanced EPPP."*

ASPPB's response was noted in a letter (Attachment B) dated January 29, 2019. Summarily, ASPPB Board of Directors (BOD) had determined that the jurisdictional use of the Enhanced EPPP would not be mandated during the initial implementation process. The BOD, however, would revisit the implementation process of the examination and determine whether or not to continue delivering the EPPP 1 as a stand-alone option or only to deliver the Enhanced EPPP. They would take into consideration the time it takes for California to develop and implement regulation changes and factor that into their decision.

ASPPB also reduced the exam fee for the EPPP2 from \$600.00 to \$450.00 and to allow the Board access to beta testing information from participating jurisdictions to enable the Department of Consumer Affairs, Office for Professional Examination Services (OPES) to conduct an audit of the EPPP.

This audit (Attachment C) was completed in April 2021. Summary of the audit is as follows:

"Overall, the SMEs concluded that the content of the EPPP Part 1 assesses general knowledge required for entry level psychologist practice in California, with the exception of California law and ethics. This general knowledge should continue to be tested on the California Psychology Law and Ethics Examination.

The SMEs were impressed by the EPPP Part 2, both by the concept of measuring skills and by the design of the scenario-based items. Additionally, the SMEs favored the EPPP Part 2 over the EPPP Part 1 as a single-examination option. However, the SMEs concluded that while the EPPP Part 2 assesses a deeper measure of skills than those measured by the EPPP Part 1, that alone may not support adoption of the EPPP Part 2.

The SMEs further concluded that the skills measured by the EPPP Part 2 may be adequately assessed during supervised clinical experience, and that the EPPP Part 2 could possibly be an unnecessary barrier to licensure. OPES recommends that the Board continue to monitor the beta testing results of the EPPP Part 2 as part of their decision-making process for adopting the EPPP Part 2 as a requirement for licensure in California in the future.”

This audit was presented at the EPPP AdHoc Committee meeting held on October 21, 2021. However further discussion could not be made until the ASPPB Board of Directors decided on their plan for the EPPP2.

In October 2022, the ASPPB Board of Directors announced the implementation of the Enhanced EPPP two-part exam to become effective January 1, 2026, to all member jurisdictions. The announcement and factual overview (Attachment D) are attached for your convenience. ASPPB does not believe that the EPPP2 will create a barrier to practice and promises to smooth the road to licensure amidst a national mental health crisis. ASPPB’s core value is to develop a fair, equitable and accessible exam and that the two-part exam ensures a thorough assessment of competence and promote consumer protection. They will be mindful of the cost and confirmed a 25% reduction in the EPPP2 fee with no current plans to increase the fee.

After the announcement, the Board received several letters of opposition and one in favor of implementing the EPPP2. Copies are attached for your review (Attachment E & F).

The EPPP Ad Hoc Committee met on April 28, 2023, to discuss the EPPP part 2 and make recommendations to the Board. Implementation of the EPPP part 2 meant that statutory and regulatory changes were necessary to continue to conduct business and license portability remains. If the Board decides not to implement the EPPP part 2, this will require the creation of California’s own practice base exam which would add additional cost to the Board’s examination development process, and it would also eliminate license portability for California licensees.

Committee Recommendations were as follows:

- 1) To adopt the two-part EPPP exam for licensure for the State of California effective January 1, 2026, to avoid any interruption of service.
- 2) To have staff conduct an analysis of developing a California practice exam to be reported at the Board’s Q3 2024 meeting.
- 3) Direct the executive officer to continue to work with ASPPB and communicate any barriers to licensure concerns from the Board.

The Committee also reviewed the proposed statutory and regulatory language that would enable Board staff to implement the two-part EPPP exam.

In May 2023, the Board accepted the committee’s recommendation and agreed to adopt the two-part EPPP exam on January 1, 2026.

In August 2024 the Board provided the process, workload, and cost to develop a California practice exam in lieu of adopting the EPPP 2. (Attachment G)

The Texas Behavioral Health Executive Council expressed opposition to the mandated EPPP two-part exam and proposed amending the ASPPB's bylaws. As a response, ASPPB made announcement to the member jurisdictions that a vote would be taken at the annual meeting October 30-November 3, 2024, regarding ASPPB's bylaws amendments. (Attachment H)

In October 2024, the California Psychological Association (CPA) wrote a letter opposing the implementation of the EPPP two-part exam (Attachment I). CPA has requested that the Board do the following at its November 2024 meeting:

1. Reverse its adoption of the EPPP-2 starting January 1, 2026.
2. Cease development of laws and/or regulations relating to EPPP-2.

On October 22, 2024, ASPPB issued a letter to member jurisdictions that they are pausing the 1/1/2026 EPPP 2-part exam mandate. They will explore the feasibility of a single EPPP exam that test on both knowledge and skills. (Attachment J)

Board staff have stopped drafting the regulatory package that was going to implement the EPPP2 examination by January 1, 2026. The same package was going to implement AB 282 and staff will present modified text for Board approval at the February 2025 meeting.

AB 282 allows applicants to take the EPPP or CPLEE, or both exams as soon as they have completed all academic coursework required for a qualifying doctoral degree.

The law also states, "If a national licensing examination entity approved by the board imposes additional eligibility requirements beyond the completion of academic coursework, the board shall implement a process to verify that an applicant has satisfied those additional eligibility requirements."