

MEMORANDUM

DATE	October 31, 2025
TO	Psychology Board Members
FROM	Jacklyn Mancilla, Legislative and Regulatory Affairs Analyst
SUBJECT	Agenda Item 22(a) – Discussion and Possible Action of Proposed Changes to Language to the Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees

Background

The Board proposes updates to its Disciplinary Guidelines to align with recent statutory and regulatory changes. These revisions incorporate requirements from AB 2138, Board regulations addressing criminal convictions and substantial relationship criteria, and the Department's Uniform Standards for Substance-Abusing Licensees.

On August 18, 2023, the Board voted to adopt regulatory amendments to Title 16, California Code of Regulations (CCR), section 1395.2, which originally established the Disciplinary Guidelines in 1992. The Guidelines serve as a standardized framework for imposing discipline under the Administrative Procedure Act and are a critical reference in all enforcement matters. However, the version last amended in 2015 contains outdated language and probationary conditions inconsistent with current law and the modern probation process.

At its August 22, 2025, meeting, the Board directed the Enforcement Committee to review the Disciplinary Guidelines and staff to make additional revisions to section 1395.2 and the incorporated document. The Enforcement Committee convened on September 26, 2025, to review and discuss proposed revisions which include both substantive and technical updates:

- Establishing the psychological evaluation as a standard probation condition to optional probation condition.
- Clarifies 2-year probation tolling.

- Adds provisions allowing voluntary license surrender. Allows reinstatement petitions after:
 - 3 years for surrenders not related to mental/physical illness; or
 - 1 year for surrenders due to mental/physical illness.
- Standardizing probation terms to up to five years rather than variable terms.
- Revising timeframes for securing a practice monitor from 90 days to 60 days.

Attached are the proposed regulatory text and incorporated reference document reflecting the Board's recommended changes.

Action Requested

Board staff requests that the Board review and approve the proposed revisions to Section 1395.2, Article 7, Division 13.1, Title 16 of the California Code of Regulations. These revisions modify the regulatory text previously approved at the August 2023 Board Meeting. Board staff also requests approval of changes to the Document Incorporated by Reference.

Attachment #1: California Code of Regulations Section 1395.2

Attachment #2: Document Incorporated by Reference.

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGY

**PROPOSED REGULATORY LANGUAGE REGARDING
DISCIPLINARY GUIDELINES**

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend section 1395.2 of Article 7 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:

§ 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees.

(a) In reaching a ~~d~~Decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Psychology shall consider and apply the “Disciplinary Guidelines, Model Disciplinary Orders, and Uniform Standards Related to Substance-Abusing Licensees ~~(4/15)~~[Amended (11/2025)],” which is hereby incorporated by reference.

(b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of ~~S~~Section 315 of the Code. If the licensee does not rebut that presumption, in addition to any and all other relevant terms and conditions contained in the Disciplinary Guidelines, the terms and conditions that incorporate the Uniform Standards Related to Substance-Abusing Licensees shall apply as written and be used in the order placing the license on probation.

(c) Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Board of Psychology in its sole discretion determines that the facts of the particular case warrant such a deviation; for example: the presence of mitigating or aggravating factors; the age of the case; or evidentiary issues.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 315, 315.2, 315.4, 2936, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions Code; and Sections 11425.50(e) and 11519, Government Code.

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGY



DISCIPLINARY GUIDELINES, MODEL
DISCIPLINARY ORDERS, AND
UNIFORM STANDARDS RELATED TO
SUBSTANCE-ABUSING LICENSEES

ADOPTED 11/92 - EFFECTIVE 1/1/93 –
AMENDED 7/1/96, AMENDED 4/1/99, AMENDED 9/1/02,
AMENDED 2/07, AMENDED 4/15, AMENDED (11/2025)

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**DISCIPLINARY GUIDELINES, MODEL DISCIPLINARY ORDERS, AND UNIFORM
STANDARDS RELATED TO SUBSTANCE-ABUSING LICENSEES**

Article 7. Standards Related to Denial, Discipline, and Reinstatement of Licenses.

§ 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees.

(a) In reaching a ~~d~~Decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Psychology shall consider and apply the “Disciplinary Guidelines, Model Disciplinary Orders, and Uniform Standards Related to Substance-Abusing Licensees (~~4/15~~)[Amended (11/2025)],” which is hereby incorporated by reference.

(b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of Ssection 315 of the Code. If the licensee does not rebut that presumption, in addition to any and all other relevant terms and conditions contained in the Disciplinary Guidelines, the terms and conditions that incorporate the Uniform Standards Related to Substance-Abusing Licensees shall apply as written and be used in the order placing the license on probation.

(c) Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Board of Psychology in its sole discretion determines that the facts of the particular case warrant such a deviation; for example: the presence of mitigating or aggravating factors; the age of the case; or evidentiary issues.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 315, 315.2, 315.4, 2936, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions Code; and Sections 11425.50(e) and 11519, Government Code.

I. INTRODUCTION

The Board of Psychology of the California Department of Consumer Affairs (hereinafter “the Board”) is a consumer protection regulatory agency with the priority of responsible for protecting consumers of psychological services from unsafe, incompetent, or negligent practitioners, ~~in exercising its licensing, regulatory, and disciplinary functions.~~ By statute, protection of the public is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions (Business and Professions Code (Code) Section 2920.1). In keeping with its statutory mandate, to this particularly vulnerable population, the Board has adopted the following recommended guidelines for disciplinary orders and conditions of probation for violations of the Psychology Licensing Law (Code Section 2900 et seq.) and the Psychology Regulations (Title 16 of the California Code of Regulations (16 CCR) Section 1380 et seq.). This document, designed for use by administrative law judges, attorneys, psychologists, ~~registered psychologists, registered psychological assistants, associates, registered psychological testing technicians, research psychoanalyst, student research psychoanalyst, and others involved in the disciplinary process, and ultimately the Board, may be revised from time to time.~~

For purposes of this document, in addition to licensure as a psychologist, the term “license” includes a registered psychological assistant-associate registration, and registered psychologist psychological testing technician registration, research psychoanalyst, and student research psychoanalyst. The term “designee” refers to the Executive Officer, Assistant Executive Officer, Enforcement Program Manager, and Probation Monitor, of the Board of Psychology. The terms and conditions of probation are divided into two general categories:

- (1) Standard Terms and Conditions are those conditions of probation ~~which that~~ will generally appear in all cases involving probation ~~as a standard term and condition;~~ and
- (2) Optional Terms and Conditions are those conditions that address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board of Psychology’s Uniform Standards Related to Substance-Abusing Licensees, which are derived from the Department of Consumer Affairs’ Substance Abuse Coordination Committee’s “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (4/13/2019)” pursuant to Section 315 of the Code, describe those terms or conditions that shall be applied to a substance-abusing licensee, and are incorporated into the terms and conditions of probation. These standards and the rationale therefore appear in the optional terms and conditions of probation and are fully set forth in section VI of these guidelines.

The Board recognizes that an individual case may necessitate a departure from these guidelines for disciplinary orders. However, in such a case, the mitigating or aggravating circumstances must be detailed in the “Finding of Fact,” which is in every Proposed Decision, so that the circumstances can be better understood and evaluated by the Board before final action is taken.

If at the time of hearing, the Administrative Law Judge finds that ~~the~~ respondent, for any reason, is not capable of safe practice, the Board expects outright revocation or denial of the license.

This is ~~statutorily~~particularly required~~true~~ in any case of ~~patient~~client sexual ~~contact~~abuse with a licensee. In less egregious cases, a stayed revocation with probation pursuant to the attached Penalty-Disciplinary Guidelines would be appropriate.

II. DISCIPLINARY GUIDELINES

A. GENERAL CONSIDERATIONS

~~Factors to be considered~~—In determining whether revocation, suspension, or probation is to be imposed in a given case, ~~factors such as the following should be considered~~the Board must consider the following:

Substantial Relationship Criteria set forth in 16 CCR Section 1394:

- ~~1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
- ~~2. Actual or potential harm to any consumer, client, or the public.~~
- ~~3. Prior record of discipline or citations.~~
- ~~4. Number and/or variety of current violations.~~
- ~~5. Mitigation and aggravation evidence.~~
- ~~6. Rehabilitation evidence.~~
- ~~7. In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
- ~~8. Overall criminal record.~~
- ~~9. Time passed since the act(s) or offense(s) occurred.~~
- ~~10. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.~~
- ~~11. Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.~~

(a) For the purposes of denial, suspension, or revocation of a license or registration pursuant to Section 141, or Division 1.5 (commencing with Section 475) of the Code, or Sections 2960 or 2960.6 of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or registration under the Psychology Licensing Law (Chapter 6.6 of Division 2 of the Code), if to a substantial degree it evidences present or potential unfitness of a person holding a license or registration to perform the functions authorized by the license or registration, or in a manner consistent with the public health, safety, or welfare.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

- (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of the Psychology Licensing Law.
- (2) Conviction or act involving fiscal dishonesty.
- (3) Conviction or act involving child abuse.
- (4) A conviction requiring a person to register as a sex offender pursuant to Section 290 of the Penal Code.
- (5) Conviction or act involving lewd conduct or sexual impropriety.
- (6) Conviction or act involving assault, battery, or other violence.
- (7) Conviction or act involving the use of drugs or alcohol to an extent or in a manner dangerous to the individual or the public.
- (8) Conviction or act involving harassment, trespass, or stalking.

Rehabilitation Criteria for Suspensions or Revocations as set forth in 16 CCR Section 1395.1:

(a) When considering the suspension or revocation of a license or registration of a person holding a license or registration under the Psychology Licensing Law (Chapter 6.6 of Division 2 of the Code) has been convicted of a crime, the Board shall consider whether the licensee or registrant has made a showing of rehabilitation if the person completed the criminal sentence without a violation of parole or probation. In making this determination, the Board shall use the following criteria in (1) through (5), as available:

- (1) Nature and gravity of the crime(s).
- (2) The reason for granting and the length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's or registrant's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the licensee or registrant has not completed the criminal sentence at issue without a violation of parole or probation, the suspension or revocation is based on a disciplinary action as described in Section 141 of the Code, the suspension or revocation was based one or more of the grounds specified in Sections 2960 or 2960.6 of the Code, or the Board determines that the licensee or registrant did not make a showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating the licensee's or registrant's rehabilitation:

- (1) Total criminal record, record of discipline or other enforcement action, including the nature and gravity of the acts underlying the discipline or enforcement action.
- (2) The time that has elapsed since commission of the act(s) or crime(s).
- (3) Whether the licensee or registrant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
- (4) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(5) The criteria in subdivision (a)(1)-(5), as applicable.

(6) Evidence, if any, of rehabilitation submitted by the licensee or registrant demonstrating that he or she has a mature, measured appreciation of the gravity of the misconduct, and remorse for the harm caused, and showing a demonstrated course of conduct by the licensee or registrant that convinces and assures the Board that the public will be safe if the person is permitted to remain licensed or registered to practice psychology.

Pursuant to Section 2960.1 of the Code ~~(set out below in the Penalty Guidelines)~~, any ~~Proposed~~ Decision or ~~Decision~~ that contains any ~~Finding of Fact~~ that the licensee respondent ~~or registrant~~ engaged in any act of sexual contact, when that act is with a patient/client, or with a former patient/client within two (2) years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the Administrative Law Judge.

Pursuant to Section 2964.3 of the Code, any person required to register as a sex offender pursuant to Section 290 of the Penal Code is not eligible for licensure or registration by the Board.

Except where an order is required by statute, deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Board determines that the facts of the particular case warrant such a deviation. The Board shall impose more restrictive terms and conditions if necessary to protect the public.

B. ~~PENALTY~~ GUIDELINES FOR DISCIPLINARY ACTIONS

The ~~general statutory~~ bases for discipline are listed below, along with the names and numbers for the applicable optional terms and conditions. ~~by statute number in the Business & Professions Code.~~ An accusation, statement of issues, or other charging document may also allege violations of other related statutes or regulations. ~~The bases are followed by the Board-determined penalty, including the names and numbers for the optional terms and conditions.~~ The standard terms of probation as stated shall be included in all decisions and orders. Except where there is a finding that respondent is a substance-abusing licensee, the Board recognizes that the penalties-proposed disciplinary action, terms and conditions of probation listed are merely guidelines and that individual cases will necessitate variations that take into account unique circumstances.

~~If there are deviations or omissions from the guidelines in formulating a Proposed Decision, the Board requires that~~ The Administrative Law Judge hearing the case must include an explanation of the any deviations or omissions from the Disciplinary Guidelines in the Proposed Decision so that the circumstances can be better understood by the Board during its review and consideration of the Proposed Decision for final action.

Business and Professions Code § 2960

2960 GENERAL UNPROFESSIONAL CONDUCT

MAXIMUM: Revocation; denial of license ~~or registration.~~

~~MINIMUM: Revocation stayed, depending upon the circumstances, up to 5-year probation, psychological evaluation and/or therapy if appropriate (2) and (6), California Psychology Law and Ethics Examination (CPLÉE) (7), and standard terms and conditions (14-31).~~

MINIMUM: Revocation stayed, up to five (5) years' probation, standard terms and conditions (14-32), and depending on the circumstances, California Law and Ethics Examination (CPLÉE) (6).

865.2 SEXUAL ORIENTATION CHANGE EFFORTS (CONVERSION THERAPY)

MAXIMUM: Revocation; denial of license.

MINIMUM: Revocation stayed, up to five (5) years' probation, standard terms and conditions (14-32), and depending on the circumstances, practice monitor (3), practice restriction (4), psychotherapy (5), and examination(s) (6).

2960(a) CONVICTION OF A CRIME SUBSTANTIALLY RELATED TO THE PRACTICE OF PSYCHOLOGY

MAXIMUM: Revocation; denial of license or registration.

~~MINIMUM: Revocation stayed, 5-year probation, billing monitor (if financial crime) (4), therapy (6), CPLÉE (7), restitution (if appropriate) (8), and standard terms and conditions (14-31).~~

MINIMUM: Revocation stayed, up to five (5) years' probation, standard terms and conditions (14-32), and depending on the circumstances, billing monitor (if financial crime) (3), restitution (7), psychotherapy (5), and CPLÉE (6).

2960(b) USE OF CONTROLLED SUBSTANCE OR ALCOHOL IN A DANGEROUS MANNER

MAXIMUM: Revocation; denial of license or registration.

~~MINIMUM: Revocation stayed, 5-year probation, physical examination (if appropriate) (3), practice monitor (4), psychological evaluation and ongoing therapy (if appropriate) (2) and (6), clinical diagnostic evaluation (9), participation in an alcohol/drug abuse treatment program (10) and ongoing support group (11), abstain from all non-prescribed, controlled drugs and alcohol, biological fluid and specimen testing [required for substance-abusing licensees] (12), and standard terms and conditions (14-31).~~

MINIMUM: Revocation stayed, up to five (5) years' probation, standard terms and conditions (14-32), and depending on the circumstances, physical examination (2), worksite monitor (3), psychotherapy (if recommended by psychological evaluator) (5), clinical diagnostic evaluation (8), participation in an alcohol/drug abuse treatment program (9), ongoing support group (10), abstain from drugs and alcohol, and submit to tests and samples (11).

2960(c) FRAUDULENTLY OR NEGLECTFULLY MISREPRESENTING THE TYPE OR STATUS OF LICENSE OR REGISTRATION ACTUALLY HELD

MAXIMUM: ~~Revocation; denial of license or registration.~~

~~MINIMUM: Revocation stayed, 5 years probation, and standard terms and conditions (14-31).~~

MINIMUM: Revocation stayed, up to five (5) years' probation, standard terms and conditions (14-32), and depending on the circumstances, CPLEE (6).

2960(d) IMPERSONATING ANOTHER PERSON HOLDING A PSYCHOLOGY LICENSE OR ALLOWING ANOTHER PERSON TO USE HIS OR HER THEIR LICENSE OR REGISTRATION

MAXIMUM: ~~Revocation; denial of license or registration.~~

MINIMUM: Revocation stayed, up to five (5-) years' probation, standard terms and conditions (14-32), and depending on the circumstances psychological evaluation (2), and CPLEE (7-6), and standard terms and conditions (14-31).

2960(e) PROCURING APPLYING FOR A LICENSE OR PASSING AN EXAMINATION BY FRAUD OR DECEPTION

~~Penalty~~ DISCIPLINE: ~~Revocation is the only suitable penalty discipline inasmuch as the license would not have been issued but for the fraud or deception. If the fraud is substantiated prior to issuance of the license or registration, then denial of the application is the only suitable penalty discipline.~~

2960(f) ACCEPTING REMUNERATION OR PAYING FOR REFERRALS TO OTHER PROFESSIONALS PAYING, OR OFFERING TO PAY, OR ACCEPTING PAYMENT, MONETARY OR OTHERWISE, FOR REFERRAL OF CLIENTS

MAXIMUM: Revocation; denial of license ~~or registration~~.

MINIMUM: Revocation stayed, up to five (5-) years' probation, standard terms and conditions (14-32), and depending on the circumstances, billing monitor (43), and CPLEE (76), and standard terms and conditions (14-31).

2960(g) VIOLATING SECTION 17500 OF THE BUSINESS AND PROFESSIONS CODE REGARDING ADVERTISING

~~Penalty-DISCIPLINE:~~ Revocation stayed, up to five (5-) years' probation and standard terms and conditions (14-31) (14-32).

2960(h) WILLFUL VIOLATION OF CONFIDENTIALITY

MAXIMUM: Revocation; denial of license ~~or registration~~.

MINIMUM: Revocation stayed, up to five (5-) years' probation, standard terms and conditions (14-32), and depending on the circumstances, practice monitor (43), and CPLEE (76), and standard terms and conditions (14-31).

2960(i) VIOLATION OF RULES OF PROFESSIONAL CONDUCT

MAXIMUM: Revocation; denial of license ~~or registration~~.

MINIMUM: Revocation stayed, up to five (5-) years' probation, standard terms and conditions (14-32), and depending upon the circumstances, psychological evaluation and/or therapy if appropriate (2) and (6), and CPLEE (76), and standard terms and conditions (14-31).

2960(j) ~~GROSS NEGLIGENCE IN THE PRACTICE OF PSYCHOLOGY~~

MAXIMUM: Revocation; denial of license ~~or registration~~.

MINIMUM: Revocation stayed, up to five (5-) years' probation, standard terms and conditions (14-32), and depending on the circumstances, psychological evaluation prior to resumption of practice (condition precedent) (2), practice monitor/billing monitor (43), patient population restriction of practice (if appropriate) (54), therapy/psychotherapy (65), and examination(s) CPLEE (76) and standard terms and conditions (14-31).

2960(k) VIOLATING ANY PROVISION OF THE PSYCHOLOGY LICENSING LAW OR RELATED REGULATIONS THIS CHAPTER OR REGULATIONS DULY ADOPTED THEREUNDER

Refer to underlying statute or regulation.

2960(l) AIDING OR ABETTING UNLICENSED PRACTICE

MAXIMUM: Revocation; denial of license ~~or registration~~.

MINIMUM: Revocation stayed, up to five (5-) years' probation, standard terms and conditions (14-32), and depending on the circumstances, CPLEE (76), and standard terms and conditions (14-31).

2960(m)/2960.6 DISCIPLINARY ACTION BY ANOTHER AGENCY, STATE, OR COUNTRY AGAINST A LICENSE OR REGISTRATION

DISCIPLINE: In evaluating the appropriate ~~penalty-discipline~~, identify the comparable California statute(s) or regulation(s), and corresponding ~~penalty(s)~~ discipline.

2960(n) DISHONEST, CORRUPT, OR FRAUDULENT ACT

MAXIMUM: Revocation; denial of license ~~or registration~~.

MINIMUM: Revocation stayed, up to five (5-) years' probation, standard terms and conditions (14-32), and depending on the circumstances, psychological evaluation and ongoing therapy psychotherapy if appropriate (2)(5), billing monitor (43), CPLEE (7-6), and full restitution (87), and standard terms and conditions (14-31).

2960(o); 726; 729 ~~ANY ACT OF SEXUAL ABUSE, OR SEXUAL RELATIONS WITH A PATIENT CLIENT OR FORMER PATIENT CLIENT WITHIN TWO YEARS FOLLOWING TERMINATION OF THERAPY, SEXUAL EXPLOITATION, OR SEXUAL MISCONDUCT THAT IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS OR DUTIES OF A PSYCHOLOGIST OR PSYCHOLOGICAL ASSISTANT OR REGISTERED PSYCHOLOGIST.~~

Penalty DISCIPLINE: ~~When a finding of sexual misconduct occurs, r~~Revocation or surrender of license/~~registration~~ and/or denial of license ~~or registration~~ MUST ~~must~~ be the ~~penalty~~ discipline ordered by the Administrative Law Judge.

~~NO MINIMUM PENALTY.~~

NOTE: ~~Business and Professions Code~~ Section 2960.1 of the Code states: "Notwithstanding Section 2960, any proposed Decision or Decision issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any Finding of Fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 2960, shall contain an order

of revocation. The revocation shall not be stayed by the Administrative Law Judge.”
“~~Notwithstanding Section 2960, any proposed decision or decision issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any acts of sexual contact, as defined in Section 728, when that act is with a patient, or with a former patient within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the Administrative Law Judge.~~”

2960(p) FUNCTIONING OUTSIDE FIELD(S) OF COMPETENCE

MAXIMUM: Revocation; denial of license ~~or registration~~.

MINIMUM: Revocation stayed, up to five (5-) years’ probation, standard terms and conditions (14-32), and depending on the circumstances, practice monitor (43), patient population restriction (5) restriction of practice (4), and CPLEE examination(s) (76), and standard terms and conditions (14-31).

2960(q) WILLFUL FAILURE TO VERIFY AN APPLICANT’S SUPERVISED EXPERIENCE

PenaltyDISCIPLINE: Revocation stayed, up to five (5-) years’ probation and standard terms and conditions (14-32)(14-31).

2960(r) REPEATED NEGLIGENT ACTS

MAXIMUM: Revocation; denial of license ~~or registration~~.

MINIMUM: Revocation stayed, ~~depending on circumstances, up to up to five (5-) years’ probation, standard terms and conditions (14-32), and depending on the circumstances, psychological evaluation prior to resumption of practice (condition precedent) (2), practice monitor (4-3), CPLEE examination(s) (76), and standard terms and conditions (14-31).~~

III. TERMS AND CONDITIONS OF PROBATION

Terms and conditions of probation are divided into two categories. The first category consists of **optional terms and conditions** that may be appropriate as demonstrated in the **Penalty**Disciplinary Guidelines depending on the nature and circumstances of each particular case. The second category consists of the **standard terms and conditions**, which must appear in all Proposed Decisions and Stipulated Settlements.

To enhance the clarity of a Proposed Decision or ~~Stipulation~~ Settlement, the Board requests that all optional terms and conditions of probation (1-13) that are being imposed be listed first in sequence followed immediately by all of the standard terms and conditions of probation, which includes cost recovery (15-31-14-32).

A. OPTIONAL TERMS AND CONDITIONS OF PROBATION

Listed below are optional terms and conditions of probation that the Board would expect to be included in any Proposed Decision or Stipulated Settlement as appropriate.

1. **Actual Suspension**

As part of probation, respondent is suspended from the practice of psychology for _____ days beginning with the effective date of this Decision. During the suspension, any probation period is tolled and will not commence again until the suspension is completed.

RATIONALE: A suspension longer than six (6) months is not effective, and a violation or violations warranting a longer suspension should result in revocation, not stayed.

2. **Psychological Evaluation**

Within ninety (90) days of the effective date of this Decision, and on a periodic basis thereafter, as ~~may be~~ required by the Board or its designee, respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board-~~appointed~~approved California-licensed psychologist (“evaluator”), as provided by the Board to the respondent. Respondent shall sign a release that authorizes the evaluator to: (1) furnish the Board a ~~current~~ DSM-V diagnosis in accordance with the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5); (2) ~~provide and~~ a written ~~report~~evaluation regarding the respondent’s judgment and/or ability to ~~function~~practice independently and safely; ~~as a psychologist with safety to the public~~; and (3) disclose any ~~whatever other~~ additional information the Board deems relevant to the case. The completed evaluation is the sole property of the Board. ~~The evaluation should not be disclosed to anyone not authorized by the Board or by court order.~~

If the Board concludes from the results of the evaluation that respondent is unable to practice independently and safely, upon written notice from the Board, respondent shall immediately cease accepting new ~~patients~~clients and, in accordance with professional standards, shall appropriately refer/terminate existing ~~patients~~clients within thirty (30) days of the date of the Board’s written notice, and shall not resume practice until a Board-~~appointed~~approved evaluator determines that respondent is safe to practice. The term of probation shall be extended for this additional ~~by this~~ period of time that ~~he or she~~respondent was ordered to cease practice. Recommendations for treatment made as a result of the evaluation will be instituted and followed by respondent.

If not otherwise ordered herein, if ongoing psychotherapy is recommended in the psychological evaluation, the Board will notify respondent in writing to submit to such psychotherapy and to select a ~~psychologist~~therapist for approval by the Board or its designee within thirty (30) days of the date of such written notification. The psychotherapist shall (1) be a California-licensed psychologist with an active, unrestricted and clear ~~and~~ current license; (2) have no ~~previous~~ current or formal financial ~~business~~, professional, personal,

familial or other social or business relationship with respondent; (3) not be the same person as respondent's practice, ~~or~~ billing, or worksite monitor. Frequency of psychotherapy shall be determined upon recommendation of the treating psychologist~~therapist~~ with approval by the Board or its designee. Respondent shall continue psychotherapy until receiving written notice of released by the Board-approved psychologist and approved by the Board or its designee. The Board or its designee may order a re-evaluation upon receipt of the ~~therapist's~~psychologist's recommendation.

~~Respondent shall execute a release authorizing the therapist to provide to the Board any information the Board or its designee deems appropriate, including quarterly reports of respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the therapist. If the therapist determines that the respondent cannot continue to independently render psychological services, with safety to the public, he/she shall notify the Board immediately.~~

If not otherwise ordered herein, if a client population or psychological service restriction is recommended in the psychological evaluation, the Board will notify respondent in writing as to the limitation and its duration.

Respondent shall pay all costs associated with the psychological evaluation and ongoing psychotherapy. ~~Failure to pay costs will be considered a violation of the probation order.~~

Option of Evaluation as a Condition Precedent:

In some cases, including but not limited to gross negligence or dishonest, corrupt, or fraudulent acts, the psychological evaluation may be imposed as either a condition precedent to the continued practice of psychology, or to the issuance or reinstatement of a license, so that the respondent or petitioner is not ~~entitled~~allowed to begin or continue practice until found to be safe to do so. In such cases, the following language shall be ~~used~~substituted as the first sentence of the first paragraph of this ~~term~~condition:

As a condition precedent to the [continued practice of psychology][issuance of a license] [reinstatement of a license], within ninety (90) days of the effective date of this Decision, and on a periodic basis thereafter as may be required by the Board or its designee, ~~R~~respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board-~~appointed~~approved California-licensed psychologist. The term of probation shall be extended ~~by~~for the additional period of time during which respondent is not ~~entitled~~allowed to practice.

In addition, the following language shall also be used as a substitute for the first sentence of the second paragraph of this ~~term~~condition:

If the Board concludes from the results of the evaluation that [respondent][petitioner] is unable to practice independently and safely, upon written notice from the Board [respondent shall, in accordance with professional standards, appropriately refer/terminate existing

~~patients~~clients within thirty (30) days and shall not resume practice until a Board-~~appointed~~approved evaluator determines that respondent is safe to practice][respondent or petitioner shall not be issued or have a reinstated-a license until a Board-~~appointed~~approved evaluator determines that respondent or petitioner is safe to practice].

RATIONALE: Psychological evaluations shall be utilized when an offense calls into question the judgment and/or emotional and/or mental condition of the respondent or where there has been a history of abuse or dependency of alcohol or controlled substances. When appropriate, respondent shall be barred from rendering psychological services under the terms of probation until ~~he or she~~respondent has undergone an evaluation, the evaluator has recommended resumption of practice, and the Board has accepted and approved the evaluation.

3. Physical Examination

Within ~~ninety (90)~~forty-five (45) days of the effective date of this Decision, respondent shall undergo a physical examination by a ~~physician and surgeon (physician)~~medical evaluator licensed in California and approved by the Board.

For purposes of these guidelines, a “medical evaluator” means a physician and surgeon, a physician’s assistant or a nurse practitioner holding a license in good standing, as issued by the appropriate agency within the Department of Consumer Affairs. “Good standing” shall mean a current, active and unrestricted license.

The medical evaluator shall have no current or former financial, personal, familial, or other social or business relationship with respondent that could reasonably be expected to compromise the ability of the medical evaluator to render impartial and unbiased reports to the Board.

Respondent shall sign a release authorizing the ~~physician~~medical evaluator to furnish the Board with a report that shall provide an assessment of respondent’s physical condition and ~~capability~~ability to safely provide psychological services to the public. If the ~~evaluating physician~~medical evaluator determines that respondent’s physical condition prevents safe practice, or that ~~he or she~~respondent can only practice with restrictions, the ~~physician~~medical evaluator shall notify the Board, in writing, within five (5) working days.

The Board shall notify respondent in writing of the ~~physician’s~~medical evaluator’s determination of unfitness to practice, and shall order ~~the~~ respondent to cease practice or place restrictions on respondent’s practice. Respondent shall comply with any order to cease practice or restriction of ~~his or her~~their practice, and shall immediately cease accepting new ~~patients~~clients and, in accordance with professional standards, shall appropriately refer/terminate existing ~~patients~~clients within thirty (30) days. Respondent shall not resume practice until a Board-~~appointed~~approved evaluator determines that respondent is safe to practice, and the Board is satisfied of respondent’s fitness to practice safely and has so notified respondent in writing. The term of probation shall be extended by the period of time during which respondent is ordered to cease practice. If the ~~evaluating physician~~medical

evaluator determines it to be necessary, a recommended treatment program will be instituted and followed by ~~the respondent with the physician~~ an appropriately licensed healthcare practitioner providing written progress reports to the Board on a quarterly basis, or as otherwise determined by the Board or its designee.

It shall be ~~the respondent's~~ responsibility to assure that the required quarterly progress reports are filed by ~~the treating physician~~ an appropriately licensed healthcare practitioner in a timely manner. Respondent shall pay all costs of such examination(s). Failure to pay these costs shall be considered a violation of probation.

RATIONALE: This condition permits the Board to require ~~the probationer~~ respondent to obtain appropriate treatment for ~~physical problems/disabilities~~ conditions that could affect the safe practice of psychology. The physical examination can also be conducted to ensure that there is no physical evidence of alcohol/drug abuse.

4. Practice Monitor/Billing Monitor/Worksite Monitor

Within ~~ninety (90)~~ sixty (60) days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval, the name and qualifications of a psychologist who has agreed to serve as a [practice monitor][billing monitor][worksite monitor]. The [practice monitor][billing monitor] shall (1) be a California-licensed psychologist with an ~~a~~ clear active, unrestricted, and current license of at least five (5) years duration; (2) have ~~no prior business, professional, personal, or other relationship with respondent~~ current or former financial, personal, familial, or other social or business relationship with respondent that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board; and (3) ~~not be the same person as respondent's therapist~~ have completed six (6) hours of supervision coursework. The monitor's education and experience shall be in the same field of practice as that of ~~the~~ respondent. The [practice monitor][billing monitor] may also serve as a worksite monitor, **if ordered for a substance-abusing licensee**, as long as ~~he or she~~ the monitor also meets the requirements for a worksite monitor.

Once approved, the monitor(s) shall submit to the Board or its designee a plan by which respondent's [practice] [billing] [worksite] shall be monitored. The Board may amend the plan to increase or decrease the frequency of monitoring sessions with thirty (30) days written notice to both the monitor and respondent. Monitoring frequency shall consist of at least one hour per week of individual in-person face-to-face meetings and shall continue during the entire probationary period unless modified or terminated by the Board or its designee. ~~The R~~respondent shall provide the [practice][billing] monitor with a copy of this Decision and access to respondent's fiscal and/or ~~patient~~ client records. Respondent shall obtain any necessary ~~patient~~ client releases to enable the [practice][billing] monitor to review records and to make direct contact with ~~patients~~ clients. Respondent shall execute a release authorizing the monitor to divulge any information that the Board may request. It shall be respondent's responsibility to assure that the monitor submits written reports to the Board or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of respondent's performance.

Respondent shall secure written authorizations for releases of personal information from the clients for review of the entirety of their client records by a [practice monitor][billing monitor][worksite monitor], consistent with the releases obtained, including billing and charge records. Records for review shall be presented in their original format and in the order in which the files are maintained so the monitor may select and review records at respondent's worksite. If respondent has more than one worksite, all worksites shall be made available for review. The Board or its designee, upon fifteen (15) day written notice to respondent, may require respondent to have more than one monitor, based on multiple worksites, monitor availability, or other similar factors.

Respondent shall notify all current and potential ~~patients~~clients of any term or condition of probation that will affect their ~~therapy~~psychotherapy or the confidentiality of their records (such as this condition, which requires a [practice monitor][billing monitor]). Such notifications shall be signed by each ~~patient~~client prior to continuing or commencing treatment.

The following paragraph regarding billing monitoring must be included in the Order, if a billing monitor has been ordered:

The Board shall require an annual audit of respondent's billings. Within sixty (60) days of the date of a written notice requiring an audit, respondent shall provide the Board with the names and qualifications of three (3) auditors, who must be certified public accountants authorized to practice in this State; the auditor will be selected by the Board. The auditor shall not have a current or former financial, personal, familial, or other social or business relationship with respondent that could reasonably be expected to compromise the ability of the auditor to render an impartial audit. Respondent shall obtain client releases, pursuant to the audit requirements, to enable the auditor to perform the audit. The audit shall include randomly selected client billing records. Within one hundred-eighty (180) days of the date of the Board's written notice of approval of the auditor, a final audit report shall be completed and submitted to the billing monitor and the Board. The cost of the audits shall be borne by respondent. Failure to cooperate or pay for an audit shall constitute a violation of probation.

The following paragraphs ~~Add the language of the next 3 paragraphs~~ regarding reporting by a worksite monitor, if one is ordered, for a substance-abusing licensee must be included in the Order:

The worksite monitor shall not have a ~~current or former financial, personal, or familial relationship with the licensee, or other relationship~~current or former financial, personal, familial, or other social or business relationship with respondent that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Board. All other requirements for a worksite monitor shall meet the requirements of a worksite monitor under Uniform Standards #7. Reporting by the worksite monitor to the Board shall be as follows:

Any suspected substance abuse must be orally reported to the Board and ~~the licensee's~~ respondent's employer within one (1) business day of occurrence. If the occurrence is not during the Board's normal business hours, the oral report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within forty-eight (48) hours of occurrence.

The worksite monitor shall complete and submit a written report every ~~monthly~~ or as directed by the Board. The report shall include: ~~the licensee's~~ respondent's name; license number; worksite monitor's name and signature; worksite monitor's license number; worksite location(s); dates ~~licensee~~ respondent had in-person face-to-face contact with monitor; worksite staff interviewed as applicable; attendance report; any change in behavior and/or personal habits; and any indicators that can lead to suspected substance abuse.

~~The licensee~~ Respondent shall complete the required consent forms and sign an agreement with the worksite monitor and the Board to allow the Board to communicate with the worksite monitor.

If the monitor(s) quit(s) or is otherwise no longer available, respondent shall notify the Board within ten (10) days and get approval from the Board for a new monitor within ~~thirty~~ sixty (60) days. If no new monitor is approved within ~~thirty~~ sixty (60) days, respondent shall not practice until a new monitor has been approved by the Board or its designee. The term of probation shall be extended by the period of time during which respondent is ordered to cease practice. Respondent shall pay all costs associated with this monitoring requirement. Failure to pay these costs shall be considered a violation of probation.

RATIONALE and APPLICATION OF UNIFORM STANDARD #7: Monitoring shall be utilized when respondent's ability to function independently is in doubt or when fiscal improprieties have occurred, as a result of a deficiency in knowledge or skills, or as a result of questionable judgment. A worksite monitor may be ordered where the Uniform Standards Related to a Substance-Abusing Licensee apply, if necessary, for the protection of the public.

5. ~~Restriction of Patient Population~~ Practice Restriction

Respondent's practice shall be ~~[limited to]~~ [restricted to exclude patients/clients who are _____] for [months/years]. Within thirty (30) days from the effective date of the ~~d~~Decision, respondent shall submit to the Board or its designee, for prior approval, a plan to implement this restriction. Respondent shall submit ~~proof~~ satisfactory proof to the Board or its designee of compliance with this term of probation. Respondent shall notify their supervisor, if they have one of the restrictions imposed on their practice.

RATIONALE: In cases wherein some factor of ~~the~~ respondent's ~~patient~~ client population at large (e.g. age, gender, practice setting) may ~~put at risk~~ expose a patient/client to at risk, ~~if in therapy with the respondent~~, language appropriate to the case may be developed to restrict

such a population, setting, or psychological service. The language would be tailored to each specific case, vary greatly by case.

6. Psychotherapy

Within ~~ninety (90)~~thirty (30) days of the effective date of this Decision, a psychotherapist shall be selected by ~~the~~ respondent for approval by the Board. The psychotherapist shall (1) be a California-licensed psychologist with an clear, active, unrestricted and current license; (2) have no previous business, professional, personal, or other relationship with respondent current or former financial, personal, familial, or other social or business relationship with respondent; and (3) not be the same person as respondent's practice, billing, or worksite monitor. Respondent shall furnish a copy of this Decision to the psychotherapist. Psychotherapy shall, at a minimum, consist of one (1) hour per week over a period of fifty-two (52) consecutive weeks after which it may continue or terminate upon the written recommendation of the psychotherapist with written approval by the Board or its designee. The Board or its designee may order a psychological evaluation upon receipt of the psychotherapist's recommendation.

Respondent shall execute a release authorizing the psychotherapist to provide to the Board or its designee any information the Board deems appropriate, including quarterly reports of respondent's therapeutic progress. It shall be respondent's responsibility to assure that the required quarterly reports are filed by the psychotherapist in a timely manner. If the psychotherapist notifies the Board that ~~the therapist believes the respondent cannot continue to safely render psychological services, upon notification from the Board, the Board shall~~ order respondent shall to immediately cease accepting new patients/clients and, in accordance with professional standards, shall appropriately refer/terminate existing patients/clients within thirty (30) days and shall not resume practice until a Board-appointed approved evaluator determines that respondent is again safe to practice. The term of probation shall be extended by the period of time during which respondent is ordered to cease practice.

If, prior to the termination of probation, respondent is found not to be mentally fit to resume the practice of psychology without restrictions, the Board shall retain continuing jurisdiction over ~~the~~ respondent's license and the term of probation shall be extended until the Board or its designee determines that ~~the~~ respondent is mentally fit to resume the practice of psychology without restrictions.

Cost of psychotherapy is to be paid by ~~the~~ respondent.

RATIONALE: The need for psychotherapy may be determined pursuant to a psychological evaluation or as evident from the facts of the case. The frequency of psychotherapy shall be related to the offense involved and the extent to which the offense calls into question the judgment, motivation, and emotional and/or mental condition of ~~the~~ respondent.

7. Examination(s)

Examination for Professional Practice in Psychology (EPPP) or California Psychology Law and Ethics Examination (CPLEE) Term ~~MUST INCLUDE~~ must include either Option 1 or Option 2:

Option 1 (Condition Subsequent)

Within ninety (90) days of the effective date of the ~~Decision~~, respondent shall take and pass the [EPPP][CPLEE]. If respondent fails to take or fails such examination, the Board shall order respondent to cease practice and upon such order respondent shall immediately cease practice, refrain from accepting new ~~patients~~clients and, in accordance with professional standards, shall appropriately refer/terminate existing ~~patients~~clients within thirty (30) days and shall not resume practice until the re-examination has been successfully passed, as evidenced by written notice to respondent from the Board or its designee. The term of probation shall be extended by the period of time during which respondent's practice was ordered ceased. It is respondent's responsibility to contact the Board in writing to make arrangements for such examination. Respondent shall pay the established examination fee(s). Re-examination after a failure shall be consistent with the examination requirements for an applicant set forth in 16 (CCR) C.C.R. section 1388(f), and any applicable sections of the ~~Business & Professions Code~~.

Option 2 (Condition Precedent to either continued practice; or ~~to~~ reinstatement of a license)

Respondent [is ordered to cease the practice of psychology][shall not be reinstated] until respondent has taken and passed the [EPPP][CPLEE]. The term of probation shall be extended by the period of time during which respondent is ordered to cease practice. The term of probation shall be extended by the period of time during which respondent's practice was ordered ceased. It is respondent's responsibility to contact the Board in writing to make arrangements for such examination(s). Respondent shall pay the established examination fee(s). Re-examination after a failure must be consistent with the examination requirements for an applicant set forth in 16 C.C.R. (CCR) section 1388(f), and any applicable sections of the ~~Business & Professions Code~~.

RATIONALE: In cases involving evidence of serious deficiencies in the body of knowledge required to be minimally competent to practice independently, it may be appropriate to require the respondent to take and pass the EPPP, the national examination for psychologists, ~~because the Board no longer administers an examination that tests knowledge of the field, during the course of the probation period. In some instances, it may be appropriate to order that practice be ceased until the examination has been taken and passed (condition precedent).~~ In cases involving deficiencies in knowledge of laws and ethics, the CPLEE may be ordered. Either one or both examinations may be appropriate, depending on the nature of the violation(s). It may be appropriate to order that practice be ceased until the examination(s) has been taken and passed, such as when violations involve competency or knowledge deficiencies (condition precedent).

8. Restitution

Within ninety (90) days of the effective date of this Decision, respondent shall provide proof to the Board or its designee of restitution in the amount of \$ _____ paid to _____. Failure to pay restitution shall be considered a violation of probation. Restitution is to be paid regardless of the tolling of probation.

RATIONALE: In offenses cases involving economic exploitation harm or injury, restitution is a necessary term of probation may be ordered. For example, restitution would be a standard term ordered in any case involving Medi-Cal or other insurance fraud. The amount of restitution shall be, at a minimum, the amount of money that was fraudulently wrongfully obtained by the licensee respondent. Evidence Documentation relating to the amount of restitution would have to be introduced at the Administrative hearing establish the amount of restitution owed by the respondent and to whom the restitution should be paid.

9. Clinical Diagnostic Evaluation

Within thirty (30) days of the effective date of the Decision and at any time upon order of the Board, respondent shall undergo a clinical diagnostic evaluation by a Board-approved evaluator. Respondent shall provide the evaluator with a copy of the Board's Decision prior to the clinical diagnostic evaluation being performed.

The evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, and has three (3) years' of experience in providing evaluations of health-care professionals with substance abuse disorders. The evaluator shall not have a current or former financial, personal, familial, or other social or business relationship with respondent or ever had a financial, personal, business, or other relationship with the licensee that could reasonably be expected to compromise the ability of the Board-approved evaluator to render impartial and unbiased reports to the Board. Respondent shall cause the evaluator to submit to the Board a written clinical diagnostic evaluation report within ten (10) days from the date the evaluation was completed, unless an extension, not to exceed thirty (30) days, is granted to the evaluator by the Board.

Respondent shall pay all costs associated with the clinical diagnostic evaluation. Failure to pay costs will be considered a violation of the probation order.

The following language is mandatory for a cease practice order where the evaluation is ordered under the Uniform Standards Related to Substance-Abusing Licensees is mandatory, and discretionary in other cases where it may be relevant:

Respondent is ordered to cease any practice of psychology, beginning on the effective date of the Decision, pending the results of the clinical diagnostic evaluation. During this time, Respondent shall submit to random drug testing at least two (2) times per week. At any other time that respondent is ordered to undergo a clinical diagnostic evaluation, he or she respondent shall be ordered to cease any practice of psychology for a minimum of thirty

(30) days pending the results of a clinical diagnostic evaluation and shall, during such time, submit to drug testing at least two (2) times per week.

Upon any order to cease practice, respondent shall not practice psychology until the Board determines that ~~he or she~~ respondent is able to safely practice either full-time or part-time and has had at least thirty (30) days of negative drug test results. The term of probation shall be extended by the period of time during which respondent is ordered to cease practice. Respondent shall comply with any terms or conditions made by the Board as a result of the clinical diagnostic evaluation.

RATIONALE and APPLICATION OF UNIFORM STANDARD #s 1, 2, and 3: This condition is to be considered in cases where the grounds for discipline involve drugs and/or alcohol, or where the Uniform Standards Related to a Substance-Abusing Licensee apply. The cease practice order pending the evaluation is mandatory where the evaluation is ordered for a substance-abusing licensee, and discretionary in other cases where ordered.

10. Alcohol and Drug Abuse Treatment Program

Within thirty (30) days from the effective date of the Decision, respondent shall enter an inpatient or outpatient alcohol or other drug abuse recovery program or an equivalent program as approved by the Board or its designee. Components of the treatment program shall be relevant to the violation and to ~~the~~ respondent's current status in recovery or rehabilitation. Respondent shall provide the Board or its designee with proof that the approved program was successfully completed. Terminating the program without permission or being expelled for cause shall constitute a violation of probation by respondent. If respondent so terminates or is expelled from the program, respondent shall be ordered by the Board to immediately cease any practice of psychology, and may not practice unless and until notified by the Board. The term of probation shall be extended by the period of time during which respondent is ordered to cease practice.

Respondent shall pay all costs associated with the program. Failure to pay costs will be considered a violation of the probation order.

~~However, if~~ respondent has already ~~attended~~ completed such an inpatient or outpatient alcohol or other drug abuse recovery program, as described above, commencing with or during the current period of sobriety, respondent shall provide the Board or its designee with proof that the program was successfully completed and this ~~shall~~ may, at the Board's discretion such as, completion of a court-ordered drug or alcohol treatment program, suffice to comply with this term of probation.

RATIONALE and APPLICATION OF UNIFORM STANDARD # 6: This condition is to be considered in cases where the grounds for discipline involve drugs and/or alcohol, or where the Uniform Standards Related to a Substance-Abusing Licensee apply.

11. Ongoing Support Group Program

Within thirty (30) days of the effective date of the Decision, respondent shall begin and continue attendance at a support/recovery group (e.g., Twelve Step meetings or the equivalent, or a facilitated group support ~~meeting with a psychologist trained in alcohol and drug abuse treatment~~) as ordered by the Board or its designee.

When determining the type and frequency of required support group meeting attendance, the Board shall give consideration to the following:

- the licensee's history;
- the documented length of sobriety/time that has elapsed since substance use;
- the recommendation of the clinical evaluator;
- the scope and pattern of use;
- the licensee's treatment history; and,
- the nature, duration, and severity of substance abuse.

Verified documentation of attendance shall be submitted by respondent with each quarterly report. Respondent shall continue attendance in such a group for the duration of probation unless notified by the Board that attendance is no longer required.

If a facilitated group support meeting is ordered for a substance-abusing licensee, add the following language regarding the facilitator:

The group facilitator shall meet the following qualifications and requirements:

- a. The meeting facilitator must have a minimum of three (3) years of experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or other nationally certified organizations.
- b. The meeting facilitator must not have had a financial relationship, personal relationship, or business relationship with the licensee in the last five (5) years.
- c. The meeting facilitator shall provide to the ~~b~~Board a signed document showing the licensee's name, facilitator's qualifications, the group name, the date and location of the meeting, the licensee's attendance, and the licensee's level of participation and progress.
- d. Respondent shall provide the facilitator with a copy of the Decision.
- ~~de.~~ The facilitator shall report any unexcused absence within twenty-four (24) hours.

RATIONALE and APPLICATION OF UNIFORM STANDARD # 5: Alcohol and/or other drug abuse treatment shall be required in addition to other terms of probation in cases where the use of alcohol or other drugs by respondent has impaired respondent's ability to safely provide psychological services. This condition must be accompanied by condition #129. This term is to be considered in cases where the grounds for discipline involve drugs and/or alcohol, or where the Uniform Standards Related to a Substance-Abusing Licensee apply. ~~If the Uniform Standards do not apply, where relevant, non-~~

~~facilitated support group attendance, such as Twelve Step meetings, may be ordered instead of a facilitated group support meeting, or in addition to it.~~

12. Abstain from Drugs and Alcohol and Submit to Tests and Samples

Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4022 of the ~~Business and Professions~~ Code, or any drugs requiring a prescription unless respondent provides the Board or its designee with documentation from the prescribing healthcare professional that the prescription was legitimately issued and is a necessary part of the treatment of respondent.

Respondent shall abstain completely from the intake of alcohol in any form.

Respondent shall undergo random and directed biological fluid or specimen testing as determined by the Board or its designee. ~~Respondent shall be subject to [a minimum of fifty-two (52)] random tests [per year within the first year of probation, and a minimum of thirty-six (36) random tests per year thereafter,] for the duration of the probationary term.~~

Testing Frequency Schedule:

Level	Segments of Probation	Minimum Range of Number of Random Tests
I	Year 1	52-104 per year
II	Year 2+	36-104 per year

After five (5) years, administration of biological fluid or specimen testing as determined by the Board, may be reduced to one (1) time per month if there have been no positive drug tests in the previous five (5) consecutive years of probation.

Nothing precludes the Board from increasing the number of random tests for any reason.

Any confirmed positive finding will be considered a violation of probation. Respondent shall pay all costs associated with such testing. If respondent tests positive for a banned substance, respondent shall be ordered by the Board to immediately cease any practice of psychology and to suggest alternative service providers to their clients as appropriate, and may not practice unless and until notified by the Board. Respondent shall make daily contact as directed by the Board to determine if ~~he or she~~respondent must submit to alcohol and/or drug testing. Respondent shall submit to his or her alcohol and/or drug test on the same day that ~~he or she~~respondent is notified that a test is required. ~~All alternative testing sites~~Any alternative to the respondent drug testing requirements (including frequency, alternative testing sites, or cessation of practice) due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel. The term of probation shall be extended by the period of time during which respondent is ordered to cease practice.

Drugs - Exception for Personal Illness

Orders forbidding respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a licensed health-care professional and used for the purposes for which they were prescribed. Respondent shall provide the Board or its designee with written documentation from the treating licensed health-care professional who prescribed medication(s) within fourteen (14) days from the date of the written request by the Board or its designee. The documentation shall identify the medication, dosage, number of refills, if any; the date the medication was prescribed, ~~the~~ respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

RATIONALE and APPLICATION OF UNIFORM STANDARD #s 4 and 8: This condition provides documentation that ~~the probationer~~ respondent is ~~substance or chemical-free, not using drugs or alcohol~~. It also provides the Board with a mechanism through which to require additional laboratory analyses for the presence of narcotics, alcohol and/or dangerous drugs when ~~the probationer~~ respondent appears to be in violation of the terms of probation or appears to be under the influence of mood altering substances. The Board will consider the following factors in making an exception to the testing frequency:

- **PREVIOUS TESTING/SOBRIETY:** In cases where the Board has evidence that a licensee has participated in a treatment or monitoring program requiring random testing prior to being subject to testing by the Board, the Board ~~may~~ shall give consideration to that testing in altering the testing frequency schedule so that it is equivalent to this standard.
- **VIOLATION(S) OUTSIDE OF EMPLOYMENT:** An individual whose license is placed on probation for a single conviction or incident, or two (2) convictions or incidents, spanning greater than seven (7) years from each other, where those violations did not occur at work or while on the licensee's way to work, where alcohol or drugs were a contributing factor, may bypass level I and participate in level II of the testing frequency schedule.
- **SUBSTANCE USE DISORDER NOT DIAGNOSED:** In cases where no current substance use disorder diagnosis is made, a lesser period of monitoring and toxicology screening may be adopted by the Board, but not to be ~~less~~ fewer than twenty-four (24) times per year.

• **LICENSED SUPERVISION DURING PRACTICE:**

The Board may reduce testing frequency to a minimum of twenty-four (24) times per year for any person who is a practicing licensee if the licensee's supervisor is at the same location at least 50% of the day and is licensed by the Board.

~~The~~Term 11 is mandatory in cases where the Uniform Standards Related to a Substance-Abusing Licensee apply. Where the Uniform Standards do not apply, where relevant, ~~the~~respondent should be ordered to submit to random and directed testing, but need not be ordered to submit to the minimum frequency of random tests.

13. Request for Modification Pursuant to Uniform Standards

“Request” as used in this condition is a request under the Uniform Standards made to the probation monitor, and not under the Administrative Procedure Act.

Before the request is considered, respondent shall demonstrate that the following criteria have been met:

- a. Sustained compliance with current recovery program.
- b. The ability to practice safely as evidenced by current worksite monitor reports, evaluations, and any other information relating to respondent’s substance abuse.
- c. Negative alcohol and drug screening reports for at least six (6) months, two (2) positive worksite monitor reports, and complete compliance with other terms and conditions of the program.

RATIONALE and APPLICATION OF UNIFORM STANDARD #11: This term is a standard term for all substance-abusing licensees, and applies to a request for a modification of terms and conditions that are within the purview of the Board’s probation monitor.

143. Educational Review

~~Respondent shall submit to an educational review concerning the circumstances that resulted in this administrative action. Within ninety (90) days from the effective date of the Decision, Tthe educational review shall be conducted and submitted to the respondent and to the Board by a bBoard-appointedapproved California licensed psychologist (“reviewer”). expert familiar with the case. Educational reviews are informational only and intended to benefit respondent’s practice. Respondent shall pay all costs associated with this educational review. If a reviewer makes recommendations for essential training, education, consultation, experiential opportunities, techniques, or technologies to enhance respondent’s professional competency in the discipline of psychology and its application in serving the public, respondent shall develop and submit a plan to the Board for approval within thirty (30) days after receiving the results of the educational review. The plan shall have measurable goals by which enhancement to areas of competency will be addressed within the probationary period. Respondent shall have met the requirements of the plan no later than six (6) months prior to the end of probation. Respondent shall pay all costs associated with this educational review and any costs associated with completing respondent’s Board-approved plan.~~

RATIONALE: In cases involving evidence of deficiencies in the body of knowledge required to be minimally competent to practice independently, it may be appropriate

to require the respondent to submit to an educational review during the course of the probation period.

B. STANDARD TERMS AND CONDITIONS OF PROBATION
(To be included in ~~ALL~~ all Proposed Decisions and Stipulations)

1514. Notification to Employer

When currently employed, applying for employment or negotiating a contract, or contracted to provide psychological services, respondent shall provide to each employers, supervisor, or contractor, or prospective employer or contractor where respondent is providing or would provide psychological services, a copy of ~~theis~~ Decision ~~and the Accusation or Statement of Issues~~ before accepting or continuing employment. Notification to ~~the~~ respondent's current employer shall occur no later than the effective date of the Decision. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this ~~term~~ condition of probation.

~~The R~~ Respondent shall provide to the Board the names, physical addresses, mailing addresses, email addresses, and telephone numbers of all employers and supervisors, or contractors, and shall inform the Board in writing of the facility or facilities at which the person is providing psychological services, and the name(s) of the person(s) to whom the Board's d Decision was provided. Respondent shall not interfere with the Board's authority to communicate with respondent's employer, supervisor, or workplace contacts with whom they are contracted to provide psychological services.

If respondent offers psychological services through court appointment, respondent must provide a copy of the Decision to the division of the Court where services are offered prior to the appointment.

~~Respondent shall complete the required consent forms and sign an agreement with the employer and supervisor, or contractor, and the Board to allow the Board to communicate with the employer and supervisor, or contractor.~~

1615. Coursework

Respondent shall take and successfully complete not less than _____ hours each year of probation in the following area(s) _____ as approved by the Board or its designee. Coursework ~~must~~ shall be pre-approved by the Board or its designee and be taken from a continuing education provider approved by the American Psychological Association (APA), California Psychological Association (CPA), California Medical Association (CMA), Accreditation Council for Continuing Medical Education (ACCME), or Association of Black Psychologists (ABPsi). Coursework shall be taken in real time, with live interaction with the course instructor. On-demand, recorded courses, or home study coursework will not count toward meeting this requirement. ~~All coursework shall be taken at the graduate level at an accredited educational institution, or by an approved continuing education provider. Classroom attendance correspondence or home study coursework shall~~

~~not count toward meeting this requirement.~~ The coursework must be in addition to any continuing education courses that may be required for license renewal. Respondent shall provide proof, pursuant to Section 1397.61.1 of completion of the required coursework to the Board.

~~Within ninety (90) days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.~~

1746. Law and Ethics Course

Respondent shall take and successfully complete a course in law and ethics of not less than six (6) hours, within the first year from the effective date of the Decision. Coursework shall be pre-approved by the Board and be taken from a continuing education provider approved by American Psychological Association (APA), California Psychological Association (CPA), California Medical Association (CMA), Accreditation Council for Continuing Medical Education (ACCME), or Association of Black Psychologists (ABPsi). Coursework shall be taken in real time, with live interaction with the course instructor. On-demand, recorded courses, or home study coursework will not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal. Respondent shall provide proof of completion of the required coursework to the Board. The cost associated with the law and ethics course shall be paid by respondent.

~~Within ninety (90) days of the effective date of this Decision, shall submit to the Board or its designee for prior approval a course in laws and ethics as they relate to the practice of psychology. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. This course must be in addition to any continuing education courses that may be required for license renewal. The cost associated with the law and ethics course shall be paid by the respondent.~~

1817. Investigation/Enforcement Cost Recovery

Respondent shall pay to the Board its costs of investigation and enforcement in the amount of \$ _____ within the first year ~~of probation of the effective date of the Decision~~ unless an alternative payment plan is approved by the Board or its designee after written request from respondent as provided in this section. Such costs shall be payable to the Board of Psychology and are to be paid regardless of whether the probation is tolled. ~~Failure to pay such costs shall be considered a violation of probation.~~

Any and all requests for ~~an~~ an alternative payment plan shall be submitted in writing by respondent to the Board. However, full payment of any and all costs required by this condition must be received by the Board no later than six (6) months prior to the scheduled termination of probation.

The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay investigation and enforcement costs.

1918. Probation Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation as designated by the Board or its designee, which may be adjusted on an annual basis. Such costs shall be payable to the Board of Psychology at the end of each fiscal year (June 30). ~~Failure to pay such costs shall be considered a violation of probation.~~

The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay probation monitoring costs.

2019. Obey All Laws

Respondent shall obey all federal, state, and local laws and all regulations governing the practice of psychology in California including the eEthical Principles of Psychologists and Code of Conduct ~~guidelines~~ of the American Psychological Association. A full and detailed account of any and all violations of law shall be reported by ~~the~~ respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence.

CRIMINAL COURT ORDERS: If respondent is under criminal court orders by any governmental agency, including probation or parole, and the orders are violated, this shall be deemed a violation of probation and may result in the filing of an aAccusation or pPetition to rRevoke pProbation or both.

OTHER BOARD OR REGULATORY AGENCY ORDERS: If respondent is subject to any other disciplinary order from any other health-care related board or any professional licensing or certification regulatory agency in California or elsewhere, and violates any of the orders or terms and conditions imposed by other agencies, this shall be deemed a violation of probation and may result in the filing of an aAccusation or pPetition to rRevoke pProbation or both.

2120. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury ~~on forms provided by the Board or its designee,~~ stating whether there has been compliance with all the conditions of probation. Quarterly reports attesting to non-practice status are to be submitted if probation is tolled.

Respondent shall submit a quarterly report that covers the entire quarter no later than seven (7) calendar days from after the beginning of the assigned quarter ends. ~~The quarterly reporting periods and due dates are as follows:~~

- Quarter 1 January 1 – March 31 - Report no earlier than April 1st. Due no later than April 7th.

- Quarter 2 April 1 – June 30 - Report no earlier than July 1st. Due no later than July 7th.
- Quarter 3 July 1 – September 30 - Report no earlier than October 1st. Due no later October 7th.
- Quarter 4 October 1 – December 31 - Report no earlier than January 1st. Due no later than January 7th

2221. Probation Compliance

Respondent shall comply with the Board’s probation program and shall, upon reasonable notice, report to the assigned Board of Psychology probation monitor. Respondent shall contact the assigned probation monitor regarding any questions specific to the ~~probation order~~Decision. As it relates to the Decision, Respondent shall not have any unsolicited or unapproved contact with (1) complainants associated with the case; (2) Board members or members of its staff; or (3) persons serving the Board as expert evaluators.

2322. Interview with Board or Its Designee

Respondent shall appear in person for interviews or meetings as directed by~~with~~ the Board or its designee upon request at various intervals and with reasonable notice.

2423. Changes of Employment/Address

Respondent shall, at all times, keep the Board informed of respondent’s business and residence addresses. Respondent shall notify the Board in writing, through the assigned probation monitor, of any and all changes of employment, location, and address within ~~thirty (30)~~ten (10) days of such change.

2524. Tolling for Out-of-State Practice, Residence or Extension of Probation for In-State Non-Practice **Tolling for Non-Practice and Out-of-State Practice**

Respondent’s probation is tolled when Respondent ceases practicing in California (“non-practice”). Respondent shall notify the Board in writing within ten (10) days of any periods of non-practice lasting more than thirty (30) days and within ten (10) days of respondent’s return to practice.

Non-practice is defined as any period of time exceeding (30) days in which respondent is not rendering those psychological services identified in Section 2903 of the Code for at least forty (40) hours in a calendar month in the State of California.

If respondent resides in California and is in non-practice, respondent shall comply with all of the terms and conditions of probation.

Periods of non-practice for a respondent residing outside of California will relieve respondent of the responsibility to comply with the probationary terms and conditions, with the exception of the following terms and conditions:

- Restitution,
- Abstain from Drugs and Alcohol, and Submit to Tests and Samples,
- Cost Recovery,
- Probation Costs,
- Obey all Laws,
- Quarterly Reports,
- Probation Compliance,
- Interview with the Board or Its Designee
- Changes of Employment/Address,
- Violation of Probation,
- License Surrender.

Periods of non-practice will not apply to reduction of the probationary term.

A Board-ordered suspension of practice shall not be considered a period of non-practice.

Respondent's cumulative, total time of non-practice while on probation shall not exceed two (2) years. Absent a showing of good cause to the Board, including but not limited to health issues of respondent or immediate family member, a cumulative period of non-practice exceeding two (2) years constitutes a violation of probation and subject's respondent's license to surrender or revocation.

~~In the event respondent should leave California to reside or to practice outside the State for any reason, respondent shall notify the Board or its designee in writing within ten (10) days of the dates of departure and return to California. All provisions of probation other than the quarterly report requirements, restitution, cost recovery, and coursework requirements, shall be held in abeyance until respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California, and the term of probation shall be extended for the period of time respondent was out of state.~~

~~Unless by Board order, in the event respondent is not engaging in the practice of psychology while residing in California, respondent shall notify the Board or its designee in writing within ten (10) days of the dates of cessation of practice and expected return to practice. Non-practice is defined as any period of time exceeding thirty (30) days in which respondent is not engaging in any activities defined in Sections 2902 and 2903 of the Business and Professions Code. All provisions of probation shall remain in effect, and the term of probation shall be extended for the period of time respondent was not engaged in the practice of psychology as required by other employment requirements of this order.~~

26. Tolling for Ceased Practice

The term of probation shall be extended for any period of time during which respondent is ordered to cease practice. Respondent's cumulative, total time of ceased practice while on

probation shall not exceed two (2) years. A cumulative period of ceased practice exceeding two (2) years constitutes a violation of probation.

2725. Employment and Supervision of Trainees

~~If respondent is licensed as a psychologist, he/she~~respondent shall not employ or supervise ~~or apply to employ or supervise psychological assistants/associates,~~ interns, or trainees. Any such supervisorial relationship in existence on the effective date of this Decision ~~and Order~~ shall be terminated by respondent and/or the Board.

2826. Instruction of Coursework Qualifying for Continuing Education

Respondent shall not be an instructor of any coursework for continuing education credit required by any license issued by the Board.

2927. Future Registration or Licensure

~~If respondent is registered as a psychological assistant or registered psychologist and subsequently obtains other psychological assistant or registered psychologist registrations or becomes licensed as a psychologist during the course of this probationary order, [this~~ Decision shall remain in full force and effect through any registration or license issued by the Board until the probationary period is successfully ~~terminated~~completed. Future registrations or licensure shall not be approved, ~~however,~~ unless respondent is currently in compliance with all of the terms and conditions of probation.

28. Request for Modification

~~“Request” as used in this condition is a request made to the Board’s designee, and not under the Administrative Procedure Act.~~

~~The licensee shall demonstrate that he or she has met the following criteria before being granted a request to modify a practice restriction ordered by the Board staff pursuant to the Uniform Standards:~~

- ~~a. Demonstrated sustained compliance with current recovery program.~~
- ~~b. Demonstrated the ability to practice safely as evidenced by current work site reports, evaluations, and any other information relating to the licensee’s substance abuse.~~
- ~~c. Negative alcohol and drug screening reports for at least six (6) months, two (2) positive worksite monitor reports, and complete compliance with other terms and conditions of the program.~~

~~RATIONALE and APPLICATION OF UNIFORM STANDARD #11: This term is a standard term for all substance abusing licensees. It applies to request for a notification of terms and conditions that are within the purview of the Board’s Probation Monitor.~~

3029. Violation of Probation

If respondent violates probation ~~in any respect~~, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall ~~have continuing~~ to have jurisdiction until the matter is final, and the term of probation shall be extended until the matter is final. No Petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.

3130. Completion of Probation

Upon successful completion of probation, respondent's license shall be fully restored.

3234. License Surrender

Following the effective date of this Decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request in writing the voluntary surrender of ~~his or her~~ their license ~~or registration~~. Respondent's written request to surrender their license shall include the following: their name, license number, case number, address of record, and an explanation of the reason(s) why respondent seeks to surrender their license. The Board of Psychology or its designee reserves the right to evaluate respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall, within fifteen (15) calendar days, deliver respondent's pocket and/or wall certificate to the Board or its designee and respondent shall no longer practice psychology. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. ~~If respondent reapplies for a psychology license or registration, the application shall be treated as a petition for reinstatement of a revoked license or registration.~~

A respondent who surrenders their license may petition the Board for reinstatement of the surrendered license no sooner than the following minimum periods from the effective date of the disciplinary Decision for the surrender:

- a) Three (3) years for reinstatement of a license surrendered for any reason other than a mental or physical illness; or
- b) One (1) year for a license surrendered for a mental or physical illness.

C. STANDARD TERMS AND CONDITIONS FOR REVOCATIONS OR STIPULATIONS FOR SURRENDER

(To be included in ~~ALL~~ all Revocations or Stipulations for Surrender or Revocation)

3332. Reinstatement and Investigation/Enforcement Cost Recovery

Respondent may not petition for reinstatement of a revoked or surrendered license/~~registration~~ for three (3) years from the effective date of this Decision. If the Board grants future reinstatement, respondent agrees to reimburse the Board for its costs of

investigation and enforcement of this matter in the amount of \$ _____ payable to the Board upon the effective date of such reinstatement Decision.

3433. Relinquish License

Respondent shall ~~deliver respondent's pocket and wall certificate~~ relinquish his/her wall and pocket certificate of licensure or registration to the Board or its designee once this Decision becomes effective ~~and upon request~~.

IV. PROPOSED DECISIONS

A. Contents: ~~The Board requests that~~ Proposed Decisions must include the following:

- a. Specific code section(s) violated ~~with the definition of the code(s)~~ in the Determination of Issues.
- b. Clear description of the acts or omissions which caused the violation.
- c. Respondent's explanation of the violation(s) in the Findings of Fact if ~~he/she~~ respondent was present at the hearing.
- d. Description of all evidence of mitigation, rehabilitation, and aggravation presented at the hearing.
- e. Explanation of any deviation from the Board's Disciplinary Guidelines.

When a probation order is ~~ordered imposed~~, the Board requests that the Decision ~~order first must~~ list any combination of the Optional Terms and Conditions (1-13) that are imposed, as they may pertain to the particular case followed by all of the Standard Terms and Conditions (14-312).

If the respondent fails to appear for his/her scheduled hearing or does not submit a Notice of Defense form, ~~such inaction shall result in a default decision to revoke licensure or deny application.~~

B. ~~Recommended Language for Issuance and Placement of a License on Probation, and Reinstatement of License~~ Model Disciplinary Orders

1. ~~Disciplining~~ Placement of a License on Probation/Registration:

"IT IS HEREBY ORDERED that the ~~[registration]~~[license] issued to respondent is REVOKED. However, the order of revocation is STAYED and the ~~[registration]~~[license] is placed on probation for [#] years subject to the following terms and conditions²²:"

2. ~~Applicant Placed on Probation~~ Issuance and Placement of a License on Probation:

"IT IS HEREBY ORDERED that the application for ~~[licensure]~~[registration] is GRANTED, and upon successful completion of all ~~[licensing]~~[registration] requirements a ~~[license]~~[registration] shall be issued, provided that all ~~[licensing]~~[registration] requirements are completed within two (2) years of the effective date of this ~~d~~Decision. If a ~~[license]~~[registration] is not issued within two (2) years of the effective date of this ~~d~~Decision, the application is ordered denied, and a new application will be required. Upon

issuance, ~~however~~, said {license}{registration} shall immediately be REVOKED. However, the order of revocation shall be STAYED, and the {license}{registration} is placed on probation for [#] years subject to the following terms and conditions²²:"

3. Reinstatement of a License:

"The petition of [name], [Ph.D.][PsyD.][EdD], for reinstatement of licensure is hereby GRANTED. Psychologist license number [#] shall be reinstated provided that all licensing requirements are completed within two (2) years of the effective date of this ~~d~~Decision. If the license is not reinstated within two (2) years of the effective date of this ~~d~~Decision, the petition is ordered denied, and a new petition for reinstatement will be required. Upon reinstatement, ~~however~~, the license shall be immediately ~~revoked~~ REVOKED. However, the order of revocation shall be STAYED, and petitioner's license shall be placed on probation for a period of [#] years subject to the following terms and ~~following~~ conditions:"

V. REHABILITATION CRITERIA FOR REINSTATEMENT/~~PENALTY~~DISCIPLINE RELIEF HEARINGS

The primary concerns of the Board at reinstatement or ~~penalty discipline~~ relief hearings are (1) the Rehabilitation Criteria for Denials and Reinstatements in ~~California Code of Regulations, Title 16 CCR, Section 1395~~; and (2) the evidence presented by the petitioner of ~~his/her~~ their rehabilitation. The Board will not retry the original ~~revocation or probation eased~~ disciplinary action.

The Board will consider, pursuant to 16 CCR Section 1395, the ~~following~~ criteria of rehabilitation for Denials and Reinstatements as follows:

- ~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~
- ~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under section 480 of the Code.~~
- ~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~
- ~~(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~
- ~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~

a) When considering the denial of a license or registration under sections 480, 2960, or 2960.6, or a petition for reinstatement or modification of penalty under section 2962 of the Code, on the ground(s) that the applicant or petitioner has been convicted of a crime, the Board shall consider whether the applicant or petitioner made a showing of rehabilitation if the person completed the criminal sentence without a violation of parole or probation.

In making this determination, the Board shall consider the following criteria in (1) through (5), as available:

(1) The nature and gravity of the crime(s).

(2) The reason for granting and the length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's or petitioner's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the applicant or petitioner has not completed the criminal sentence without a violation of parole or probation, or the Board determines that the applicant or petitioner did not make a showing of rehabilitation based on the criteria in subdivision (a), the denial is, or the surrender or revocation was, based upon professional misconduct, or the denial is, or the surrender or revocation was, based on one or more grounds under sections 2960 or 2960.6 of the Code, the Board shall apply the following criteria in evaluating an applicant's or petitioner's rehabilitation:

(1) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial or that were grounds for surrender or revocation.

(2) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (b)(1).

(3) Whether the applicant or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant or petitioner.

(4) The criteria in subdivision (a)(1)-(5), as applicable.

(5) Evidence, if any, of rehabilitation submitted by the applicant or petitioner demonstrating that he or she has a mature, measured appreciation of the gravity of the misconduct, and remorse for the harm caused, and showing a course of conduct that convinces and assures the Board that the public will be safe if the person is permitted to be licensed or registered to practice psychology.

The Board may also consider denial of a license or registration pursuant to Section 141 of the Code.

The Board requests that comprehensive information be elicited from the petitioner regarding ~~his/her~~ their rehabilitation. The petitioner should provide details that include:

A. Why the ~~penalty~~ discipline should be modified or why the license should be reinstated.

- B. Specifics of rehabilitative efforts and results which should include programs, psychotherapy, medical treatment, etc., and the duration of such efforts.
- C. Continuing education pertaining to the offense and its effect on ~~his or her~~ their practice of psychology.
- D. If applicable, copies of court documents pertinent to conviction, including documents specifying conviction and sanctions, and proof of completion of sanctions.
- E. If applicable, copy of Certificate of Rehabilitation or evidence of expungement proceedings.
- F. If applicable, evidence of compliance with and completion of terms of probation, parole, restitution, or any other sanctions.

Rehabilitation is evaluated according to an internal subjective measure of attitude (state of mind) and an external objective measure of conduct (state of facts). The state of mind demonstrating rehabilitation is one that has a mature, measured appreciation of the gravity of the misconduct and remorse for the harm caused. Petitioner must take responsibility for the misconduct and show an appreciation for why it is wrong. Petitioner must also show a demonstrated course of conduct that convinces and assures the Board that the public would be safe if petitioner is permitted to be licensed to practice psychology. Petitioner must show a track record of reliable, responsible, and consistently appropriate conduct.

In the ~~Petition~~-Decision, the Board requests a summary of the offense and the specific codes violated that resulted in the Decision~~revocation, surrender or probation of the license.~~

If the Board should deny a request for reinstatement of licensure or penalty relief, the Board requests that the Administrative Law Judge provide technical assistance in the formulation of language clearly setting forth the reasons for denial. Such language would include methodologies or approaches that demonstrate rehabilitation. ~~Petitioners for reinstatement must wait three (3) years from the effective date of their revocation decisions or one (1) year from the last petition for reinstatement decisions before filing for reinstatement.~~

If a petitioner fails to appear for ~~his/her~~ their scheduled ~~reinstatement or penalty relief~~ hearing, such inaction shall result in a ~~Default~~ Decision to deny ~~the petition~~ reinstatement of the license or registration or reduction of penalty.

VI. UNIFORM STANDARDS RELATED TO SUBSTANCE-ABUSING LICENSEES

The following Uniform Standards describe the conditions that apply to a substance-abusing applicant or licensee, and have been incorporated into the terms and conditions of probation. If the ground(s) for discipline involves drugs and/or alcohol, the applicant or licensee shall be presumed to be a substance-abusing applicant or licensee for purposes of Section 315 of the Code. If the applicant or licensee does not rebut that presumption, there shall be a finding that ~~he or she~~ they are is a substance-abusing applicant or licensee, and the Uniform Standards for a substance-abusing applicant or licensee shall apply as written and be used in the order placing the license on probation.

Clinical Diagnostic Evaluations [Uniform Standard #1]:

(Reflected in Optional Term # 98)

Whenever a licensee is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, and has three (3) years of experience in providing evaluations of health care professionals with substance abuse disorders. The evaluator shall be approved by the Board, and unless permitted by the Board or its designee, shall be a California-licensed psychologist or physician and surgeon. The evaluations shall be conducted in accordance with acceptable professional standards for conducting substance abuse clinical diagnostic evaluations.

Whether the clinical diagnostic evaluation is ordered is discretionary.

Clinical Diagnostic Evaluation/Cease Practice Order [Uniform Standard #2]:

(Reflected in Optional Term # 98)

Unless the presumption that the applicant or licensee is a substance-abusing applicant or licensee is rebutted, and the public can be adequately protected, the Board shall order the applicant or licensee to cease any practice of psychology pending the clinical diagnostic evaluation and a Board determination upon review of the diagnostic evaluation report that the applicant is safe to begin or the licensee is safe to return to practice.

If the evaluation is ordered, a cease practice order is mandatory.

Clinical Diagnostic Evaluation Report [Uniform Standard #31,2,6]:

(Reflected in Optional Term # 98)

The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the licensee has a substance abuse problem, whether the licensee is a threat to ~~himself or herself~~ themselves or others, and recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the licensee's rehabilitation and safe practice.

The evaluator shall not have or have ever had a financial, personal, business or other social relationship with the licensee. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee is a threat to ~~himself or herself~~ themselves or others, the evaluator shall notify the Board within twenty-four (24) hours of such a determination.

For all evaluations, a final written report shall be provided to the Board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed thirty (30) days.

The Board shall review the clinical diagnostic evaluation to help determine whether or not the licensee is safe to return to either part-time or full-time practice and what restrictions or

recommendations should be imposed on the licensee based on the application of the following criteria:

License type, licensee's history, documented length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse problem, and whether the licensee is a threat to ~~himself or herself~~ themselves or others.

When determining if the licensee should be required to participate in inpatient, outpatient or any other type of treatment, the Board shall take into consideration the recommendation of the clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to ~~himself or herself~~ themselves or others.

If the evaluation is ordered, this standard is mandatory.

Communication with Employer [Uniform Standard #4]:
(Reflected in Standard Term # ~~44~~15)

If the licensee whose license is on probation has an employer, the licensee shall provide to the Board the names, physical addresses, mailing addresses, email, and telephone numbers of all employers and supervisors and shall give specific, written consent that the licensee authorizes the Board and the employers and supervisors to communicate regarding the licensee's work status, performance, and monitoring.

Facilitated Group Support Meetings [Uniform Standard #5]:
(Reflected in Optional Term # ~~10~~4)

If the Board requires a licensee to participate in facilitated group support meetings, the following shall apply:

1. When determining the frequency of required group meeting attendance, the Board shall give consideration to the following:
 - the licensee's history;
 - the documented length of sobriety/time that has elapsed since substance use;
 - the recommendation of the clinical evaluator;
 - the scope and pattern of use;
 - the licensee's treatment history; and,
 - the nature, duration, and severity of substance abuse.
2. Group Meeting Facilitator Qualifications and Requirements:
 - a. The meeting facilitator must have a minimum of three (3) years² of experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by

- the State or other nationally certified organizations.
- b. The meeting facilitator must not have had a financial relationship, personal relationship, or business relationship with the licensee within the last five (5) years.
- c. The meeting facilitator shall provide to the Board a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance, and the licensee's level of participation and progress.
- d. The meeting facilitator shall report any unexcused absence within twenty-four (24) hours.

Whether facilitated support group meetings are ordered is discretionary. (Under the Disciplinary Guidelines, non-facilitated support group attendance, such as Twelve Step meetings, may also be ordered.)

Treatment Program – Inpatient, Outpatient, or Other [Uniform Standard #6]
(Reflected in Optional Term #10)

In determining whether inpatient, outpatient, or other type of treatment is necessary, the ~~b~~Board shall consider the following criteria:

- recommendation of the clinical diagnostic evaluation (if any) pursuant to Uniform Standard #1;
- license type;
- licensee's history;
- documented length of sobriety/time that has elapsed since substance abuse;
- scope and pattern of substance use;
- licensee's treatment history;
- licensee's medical history and current medical condition;
- nature, duration, and severity of substance abuse, and
- threat to themselves ~~himself/herself~~ or the public.

Whether a treatment program is ordered is discretionary.

Worksite Monitor Requirements [Uniform Standard # 7]:
(Reflected in Optional Term # 43)

If the Board determines that a worksite monitor is necessary for a particular licensee, the worksite monitor must meet the following requirements to be considered for approval by the Board:

The worksite monitor shall not have a current or former financial, personal, or familial relationship with the licensee, or other social or business relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Board. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this requirement may be waived by the Board; however, under no circumstances shall a licensee's worksite monitor be an employee or supervisee of the licensee.

The ~~worksite monitor's~~ license scope of practice of the worksite monitor shall include the scope of practice of the licensee who is being monitored or be another health care professional if no monitor with like scope of practice is available, or, as approved by the Board, be a person in a position of authority who is capable of monitoring the licensee at work.

If the worksite monitor is a licensed healthcare professional ~~they-he or she~~ shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

The worksite monitor shall sign an affirmation that ~~he or she~~they ~~has~~have reviewed the terms and conditions of the licensee's disciplinary order and agrees to monitor the licensee as set forth by the Board.

The worksite monitor must adhere to the following required methods of monitoring the licensee:

- (1) Have ~~face-to-face~~in-person contact with the licensee in the work environment on as frequent a basis as determined by the Board, but at least once per week.
- (2) Interview other staff in the office regarding the licensee's behavior, if applicable.
- (3) Review the licensee's work attendance and behavior.

Reporting by the worksite monitor to the Board shall be as follows:

Any suspected substance abuse must be orally reported to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours the oral report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within forty-eight (48) hours of occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the Board. The report shall include: the licensee's name; license number; worksite monitor's name and signature; worksite monitor's license number; worksite location(s); dates licensee had ~~face-to-face~~in-person contact with monitor; worksite staff interviewed, if applicable; attendance report; any change in behavior and/or personal habits; and any indicators that can lead to suspected substance abuse.

The licensee shall complete the required consent forms and sign an agreement with the worksite monitor and the Board to allow the Board to communicate with the worksite monitor.

Whether a worksite monitor is ordered is discretionary.

Major and Minor Violations [Uniform Standard # 8]:

(Reflected in Optional Term #s ~~108, 11, 13~~)

If a licensee commits a major violation, the Board may order the licensee to cease any practice of psychology, inform the licensee that ~~he or she~~they ~~has~~have been so ordered and that ~~he or she~~they may not practice unless notified by the Board, and refer the matter for disciplinary action or other action as determined by the Board.

Major Violations include, but are not limited to, the following:

1. Failure to complete a ~~b~~Board-ordered program;
2. Failure to undergo a required clinical diagnostic evaluation;
3. Committing multiple minor violations of probation conditions and terms;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code, or other state or federal law;
6. Failure to obtain biological testing for substance abuse when ordered;
7. Testing positive for a banned substance;
8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

If a licensee ~~or registrant~~ commits a major violation, the Board shall automatically suspend the license or registration and refer the matter for disciplinary action or other action as determined by the Board.

The consequences for a major violation include, but are not limited to, the following:

1. License ~~or registration~~ shall be suspended;
2. Licensee ~~or registrant~~ must undergo a new clinical diagnostic evaluation;
3. Licensee ~~or registrant~~ must test negative for at least one month of continuous drug testing before being allowed to resume practice;
4. Contract or agreement previously made with the Board shall be terminated; and
5. Licensee ~~or registrant~~ shall be referred for disciplinary action, such as suspension, revocation, or other action determined appropriate by the Board.

If a licensee commits a minor violation, the Board shall determine what action is appropriate.

Minor Violations include, but are not limited to, the following:

1. Failure to submit required documentation in a timely manner;
2. Unexcused absence from required meetings;
3. Failure to contact a monitor as required;
4. Any other violations that do not present an immediate threat to the licensee or to the public.

If a licensee ~~or registrant~~ commits a minor violation, the Board shall determine what action is appropriate.

The consequences for a minor violation include, but are not limited to, the following:

1. Removal from practice;
2. Practice limitation(s);
3. Required supervision;

4. Increased documentation;
5. Issuance of citation and fine or a warning notice;
6. Required re-evaluation and/or testing.

~~DRUG TESTING STANDARDS~~ Drug Testing Standards [Uniform Standard # 9]:
(Reflected in Optional Term #1211)

If a licensee tests positive for a banned substance, the Board shall order that the licensee cease any practice of psychology, and contact the licensee to inform ~~them~~ him or her that ~~they~~ he or she ~~has~~ have been ordered to cease practice and that ~~they~~ he or she may not practice until the Board determines that ~~they~~ he or she ~~are~~ is able to safely practice. The Board shall also notify the licensee's employer and worksite monitor, if any, that the licensee has been ordered to cease practice, and that ~~they~~ he or she may not practice until the Board determines that ~~they~~ are ~~he or she~~ is able to safely practice. The Board shall determine whether the positive alcohol or drug test is, in fact, evidence of prohibited use, a ~~Major~~ Violation. If not, the Board shall immediately lift the cease practice order.

Nothing precludes the Board from increasing the number of random tests for any reason. If the Board finds or has suspicion that a licensee has committed a violation of the Board's testing program or who has committed any Major Violation referenced in the Disciplinary Guidelines, the matter shall be referred for disciplinary action to revoke the probation.

The following minimum ~~drug~~ testing standards shall apply to each licensee subject to alcohol or drug testing:

1. Licensees shall ~~be~~ undergo randomly alcohol or drug ~~testing~~ tested at least fifty-two (52) times per year for the first year of probation, and at any time as directed by the Board or its designee. After the first year, licensees who are practicing, shall be randomly tested for alcohol or drugs ~~tested~~ at least thirty-six (36) times per year, and at any time as directed by the Board.
2. Alcohol or drug testing may be required on any day, including weekends and holidays.
3. Licensees shall be required to make daily contact as directed to determine if alcohol or drug testing is required.
4. Licensees shall be tested for alcohol or drugs ~~tested~~ on the date of notification as directed by the Board.
5. Collection of specimens shall be observed.
6. Prior to vacation or absence, any alternative to the licensee's alcohol or drug testing location(s) requirements (including frequency or drug testing location(s)) must be approved by the Board.

The Board may reduce testing frequency to a minimum of 12 times per year for any licensee who is not practicing OR working in any health care field. If a reduced testing frequency schedule is established for this reason, and if a licensee wants to return to practice or work in a health care field, the licensee shall notify and secure the approval of the ~~licensee's~~ Board. Prior to returning to any health care employment, the licensee shall be subject to level I testing frequency for at least 60 days. At such time the licensee returns to employment (in a health care field), if the

licensee has not previously met the level I frequency standard, the licensee shall be subject to completing a full year at level I of the testing frequency schedule, otherwise level II testing shall be in effect. The Board may reduce testing frequency to a minimum of 24 times per year for any person who is a practicing licensee if the licensee receives a minimum of 50% supervision per day by a supervisor licensed by the Board.

Drug testing standards are mandatory and shall apply to a substance-abusing licensee, and the required testing frequency shall be ordered.

Petitioning for Modification to of Terms and Conditions of Probation ~~Return to Full Time Practice~~ [Uniform Standard #10]:

(Reflected in Optional Term #~~28~~12)

“Petition” as used in this standard is an informal request for any term or condition that is within the discretion of the Executive Officer or probation monitor to modify as opposed to requiring a “Petition for Modification” under the Administrative Procedure Act.

The licensee shall meet the following criteria before submitting a request (petition) to the Executive Officer or probation monitor ~~return to full time practice~~:

1. Demonstrated sustained compliance with current recovery program.
2. Demonstrated the ability to practice safely as evidenced by current work site reports, evaluations, and any other information relating to the licensee’s substance abuse.
3. Negative drug screening reports for at least six (6) months, two (2) positive worksite monitor reports, and complete compliance with other terms and conditions of the program.

Petitioning for Modification for Reinstatement of a Full and Unrestricted License [Uniform Standard #11]:

(Reflected in Rehabilitation Criteria for Reinstatement/~~Penalty~~Discipline Relief Hearings)

“Petition for Reinstatement of a Full and Unrestricted License” as used in this standard can only be considered as a formal Petition for Early Termination of Probation under the Administrative Procedure Act.

In addition to the factors set out in section V, Rehabilitation Criteria for Reinstatement/~~Penalty~~Discipline Relief Hearings, the licensee must meet the following criteria to request (petition) for a full and unrestricted license:

1. Demonstrated sustained compliance with the terms of the disciplinary order, if applicable.
2. Demonstrated successful completion of recovery program, if required.
3. Demonstrated a consistent and sustained participation in activities that promote and support their recovery including, but not limited to, ongoing support meetings, therapy, counseling, relapse prevention plan, and community activities.
4. Demonstrated that they~~he or she~~ are~~is~~ able to practice safely.

5. Continuous sobriety for three (3) to five (5) years.

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COMMENT FOR AGENDA ITEM #23: Update and Discussion on the Development of the Integrated Examination for Professional Practice in Psychology (J. Burke)

Janet Farrell, Ph.D.

Many thanks to the Board and to Board member Seyron Foo for requesting that Executive Director Jonathan Burke talk with the Texas Board's Executive Director regarding Texas's development of an alternative licensing examination in psychology. I regret that I am unable to attend the November 7 Board meeting in which Mr Burke will report on his conversation with his Texas counterpart. It will be interesting to hear Mr Burke's report on how Texas uses the funds allocated from its legislature to develop a simpler, less costly test that still accurately assesses the knowledge a psychologist needs to be an effective clinician.

Because both the proposed Texas test and the proposed ASPPB revised/integrated test have yet to be rolled out, I am urging our Board members to keep an open mind in considering both of these alternatives. When the Texas legislature funded the development of an alternative test, ASPPB immediately pointed out that it would lack reciprocity with the licensing exams of the other States. However, many States have expressed interest in Texas's proposed alternative, including other populous States like New York. If Texas's end product proves psychometrically and contentually valid and several other States end up adopting it, ASPPB's argument becomes invalid. Unlike ASPPB, Texas is not invested in making a profit off its exam; Texas's purpose in offering its exam to other States is to increase reciprocity of licensing requirements across States. So a good new licensing exam out of Texas could be a win-win for everyone.

Janet Farrell, Ph.D.

October 31, 2025