

From: [K P](#)
To: bopmail@DCA
Subject: Public Comment – Request to Agendize California PSYPACT Participation
Date: Sunday, August 2, 2026 10:38:16 AM

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To the California Board of Psychology,

I am writing as a California resident to request that the Board place California's participation in the Psychology Interjurisdictional Compact (PSYPACT) on the agenda of a future meeting, and to carry its reconstituted telepsychology committee's review forward toward membership. I'd like to offer my own situation as one concrete reason that this matters.

I relocated from Virginia (Washington, DC area) to California in late 2025 for work. Before moving, I had an established (5 years), ongoing therapeutic relationship with a licensed psychologist in Virginia. My psychologist holds a PSYPACT credential, the authorization that preserves continuity of care across state lines in the more than 40 states that participate. Because California does not, that credential does nothing for me here.

This is not a hypothetical situation for me right now. I recently experienced a sudden and traumatic loss and am in a period of acute grief, where continuity with a therapist who already knows my history is exactly what clinical best practice calls for. California's 30-day temporary allowance under Business and Professions Code section 2912 (now limited by SB 775 to 30 consecutive days, once per calendar year) cannot bridge ongoing care. While I appreciate the availability, it is a courtesy for a traveler, not a solution for a resident.

I understand and appreciate the Board's long-standing concerns, particularly around delegating authority to an interstate commission and around eligibility tied to program accreditation. I also understand PSYPACT has since added a new eligibility pathway, and that the Board voted in early 2026 to reconstitute its telepsychology committee to re-examine the compact. I'm grateful for that, and I'm asking the Board to carry that review through to membership.

Every month California remains outside PSYPACT, residents like me must either abandon an effective therapeutic relationship or stitch together temporary workarounds during some of the hardest periods of our lives. I'd like to respectfully ask the committee to weigh that cost alongside the real questions it is already considering.

Thank you for reopening this question, and for your time.



Mountain View, CA

From: [REDACTED]
To: bopmail@DCA
Subject: Public Comment for 8/14/2026 Board Meeting
Date: Thursday, August 6, 2026 11:00:22 AM

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Hello,

Thank you for agreeing to take public comment ahead of the board meeting. My comment pertains to the upcoming "Integrated EPPP" with an ask for the board to affirm a stance of having a larger overlap period before the existing EPPP and the one proposed by ASPPB.

In prior board meetings, discussion included the possibility of California granting a 1-2 year extension for individuals preparing for the existing EPPP, noting the lack of available study materials and the significant cost/burden of individuals, like me, actively preparing for what will be the "wrong" exam come Fall of 2027. We've heard your comments of wondering why someone would study for so long, it is because the exam is so important and so many people have struggled before us.

At present, ASPPB will be granting an "extension" for individuals who have failed the EPPP to still take the existing exam by the end of March, 2028. However, this itself is not a long enough extension, and any first time test taker would be required to take the Integrated EPPP next year upon the initial launch in Q4, 2027.

This timeline ASPPB has put forth is highly anxiety provoking to myself and fellow colleagues who continue to study for the existing exam. Please consider pushing back on the timeline proposed by ASPPB to allow a greater overlap period of 1-2 years from the launch of the new exam for individuals to take the existing EPPP for *both* the first/subsequent time.

We understand the exam is changing and a 1-2 year overlap period will significantly assist those of us caught within the transition period.

Thank you for your consideration,
[REDACTED]

MEMORANDUM

DATE	August 6, 2026
TO	Psychology Board Members
FROM	Cynthia Whitney, Central Services Manager
SUBJECT	Agenda Item 8 – Budget Report

Background

The current projections below are based on Fiscal Month (FM) 12 totals for the 2025-26 Fiscal Year.

The Board was projected to collect \$9.779 million in revenue. As of June 2026, the Board collected \$10.046 million in revenue.

The Board's budgeted expenditures were \$8.130 million. The Board has expended \$7.717 million, leaving a projected balance of approximately \$413 thousand.

Action Requested

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

Attachment #1: Budget Report: FY 2025-26 through Fiscal Month 12

Attachment #2: Fund Condition

Attachment #3: Revenue Projection Report FY 2025-26 through Fiscal Month 12

Attachment #4: Expenditure and Revenue Comparison

Department of Consumer Affairs

Expenditure Projection Report

Board of Psychology

Reporting Structure(s): 11112100 Support

Fiscal Month: 12

Fiscal Year: 2025 - 2026

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$1,980,000	\$1,674,066	\$0	\$1,674,066	\$1,829,260	\$2,026,000	\$150,680	\$1,679,767	\$0	\$1,679,767	\$1,828,821	\$197,179
5100	TEMPORARY POSITIONS	\$47,000	\$29,590	\$0	\$29,590	\$49,857	\$47,000	\$2,693	\$59,478	\$0	\$33,381	\$34,060	\$12,940
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$22,000	\$51,116	\$0	\$51,116	\$58,871	\$22,000	\$2,309	\$14,326	\$0	\$59,954	\$66,060	-\$44,060
5150	STAFF BENEFITS	\$1,202,000	\$1,005,554	\$0	\$1,005,554	\$1,098,516	\$1,275,000	\$95,858	\$1,084,937	\$0	\$1,084,937	\$1,179,764	\$95,236
PERSONAL SERVICES		\$3,251,000	\$2,760,326	\$0	\$2,760,326	\$3,036,504	\$3,370,000	\$251,540	\$2,838,508	\$0	\$2,838,508	\$3,108,704	\$261,296

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY YTD	PY Encumbrance	PY YTD + Encumbrance	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$81,000	\$35,748	\$33,070	\$68,818	\$78,142	\$33,000	\$1,596	\$35,981	\$25,038	\$61,019	\$82,635	-\$49,635
5302	PRINTING	\$53,000	\$22,628	\$23,418	\$46,046	\$46,046	\$53,000	\$327	\$4,431	\$13,718	\$18,149	\$20,149	\$32,851
5304	COMMUNICATIONS	\$29,000	\$3,663	\$0	\$3,663	\$4,607	\$29,000	\$583	\$5,405	\$343	\$5,748	\$7,168	\$21,832
5306	POSTAGE	\$17,000	\$8,092	\$0	\$8,092	\$9,842	\$17,000	\$0	\$5,629	\$0	\$5,629	\$9,113	\$7,887
5308	INSURANCE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$38	\$0	\$38	\$38	-\$38
53202-204	IN STATE TRAVEL	\$23,000	\$17,298	\$0	\$17,298	\$23,392	\$23,000	\$2,754	\$27,891	\$0	\$27,891	\$35,000	-\$12,000
5322	TRAINING	\$15,000	\$0	\$0	\$0	\$0	\$15,000	\$0	\$0	\$0	\$0	\$0	\$15,000
5324	FACILITIES	\$203,000	\$212,948	\$19,083	\$232,031	\$234,244	\$203,000	\$19,566	\$215,599	\$19,238	\$234,837	\$236,337	-\$33,337
53402-53403	C/P SERVICES (INTERNAL)	\$1,274,000	\$990,798	\$8,483	\$999,281	\$1,170,392	\$1,274,000	\$90,812	\$1,079,155	\$13,662	\$1,092,818	\$1,204,890	\$69,110
53404-53405	C/P SERVICES (EXTERNAL)	\$636,000	\$370,868	\$53,642	\$424,510	\$452,227	\$636,000	\$27,888	\$308,304	\$21,936	\$330,239	\$374,296	\$261,704
5342	DEPARTMENT PRORATA	\$2,174,000	\$1,921,667	\$0	\$1,921,667	\$1,965,201	\$2,453,000	\$228,167	\$2,224,834	\$0	\$2,224,834	\$2,453,000	\$0
5342	DEPARTMENTAL SERVICES	\$53,000	\$44,515	\$0	\$44,515	\$50,843	\$53,000	\$38	\$113,493	\$0	\$113,493	\$143,768	-\$90,768
5344	CONSOLIDATED DATA CENTERS	\$15,000	\$0	\$0	\$0	\$18,732	\$15,000	\$0	\$0	\$0	\$0	\$17,684	-\$2,684
5346	INFORMATION TECHNOLOGY	\$7,000	\$2,682	\$894	\$3,576	\$3,576	\$7,000	\$298	\$5,247	\$4,283	\$9,530	\$55,862	-\$48,862
5362-5368	EQUIPMENT	\$0	\$5,921	\$1,136	\$7,057	\$7,057	\$0	\$155	\$5,534	\$220	\$5,754	\$6,890	-\$6,890
5390	OTHER ITEMS OF EXPENSE	\$0	\$974	\$0	\$974	\$1,128	\$0	\$0	\$4,849	\$2,685	\$7,534	\$8,508	-\$8,508
54	SPECIAL ITEMS OF EXPENSE	\$0	\$114,690	\$0	\$114,690	\$115,449	\$0	\$1	\$3,201	\$0	\$3,201	\$3,932	-\$3,932
OPERATING EXPENSES & EQUIPMENT		\$4,580,000	\$3,752,491	\$139,725	\$3,892,216	\$4,180,876	\$4,811,000	\$372,185	\$4,039,591	\$101,123	\$4,140,714	\$4,659,270	\$151,730

OVERALL TOTALS	\$7,831,000	\$6,512,816	\$139,725	\$6,652,542	\$7,217,380	\$8,181,000	\$623,725	\$6,878,100	\$101,123	\$6,979,222	\$7,767,974	\$413,026
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REIMBURSMENTS	-\$51,000				-\$185,533	-\$51,000					-\$51,000	
OVERALL NET TOTALS	\$7,780,000	\$6,512,816	\$139,725	\$6,652,542	\$7,031,847	\$8,130,000	\$623,725	\$6,878,100	\$101,123	\$6,979,222	\$7,716,974	\$413,026

5.08%

0310 - Board of Psychology Fund
Analysis of Fund Condition
(Dollars in Thousands)
2026 Budget Act with FM 12 Projections

Prepared 8.06.2026

	Actuals 2024-25	CY 2025-26	BY 2026-27	BY +1 2027-28	BY +2 2028-29
BEGINNING BALANCE					
Prior Year Adjustment	\$ 5,405	\$ 7,913	\$ 9,750	\$ 11,233	\$ 12,566
Adjusted Beginning Balance	\$ 1	\$ -	\$ -	\$ -	\$ -
	\$ 5,406	\$ 7,913	\$ 9,750	\$ 11,233	\$ 12,566
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 116	\$ 111	\$ 141	\$ 141	\$ 141
4127400 - Renewal fees	\$ 8,315	\$ 8,298	\$ 8,142	\$ 8,142	\$ 8,142
4129200 - Other regulatory fees	\$ 262	\$ 239	\$ 238	\$ 238	\$ 238
4129400 - Other regulatory licenses and permits	\$ 1,049	\$ 993	\$ 1,034	\$ 1,034	\$ 1,034
4163000 - Income from surplus money investments	\$ 352	\$ 401	\$ 443	\$ 530	\$ 578
4171400 - Escheat of unclaimed checks and warrants	\$ 12	\$ 3	\$ -	\$ -	\$ -
4172500 - Miscellaneous revenues	\$ 1	\$ 1.00	\$ -	\$ -	\$ -
Totals, Revenues	\$ 10,107	\$ 10,046	\$ 9,998	\$ 10,085	\$ 10,133
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 10,107	\$ 10,046	\$ 9,998	\$ 10,085	\$ 10,133
TOTAL RESOURCES	\$ 15,513	\$ 17,959	\$ 19,748	\$ 21,318	\$ 22,699
Expenditures:					
1111 Department of Consumer Affairs (State Operations)	\$ 7,032	\$ 7,566	\$ 7,895	\$ 8,132	\$ 8,376
9892 Supplemental Pension Payments (State Operations)	\$ 23	\$ -	\$ -	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 545	\$ 643	\$ 620	\$ 620	\$ 620
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 7,600	\$ 8,209	\$ 8,515	\$ 8,752	\$ 8,996
FUND BALANCE					
Reserve for economic uncertainties	\$ 7,913	\$ 9,750	\$ 11,233	\$ 12,566	\$ 13,703
Months in Reserve	11.6	13.7	15.4	16.8	18.3

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

Department of Consumer Affairs
Revenue Projection Report

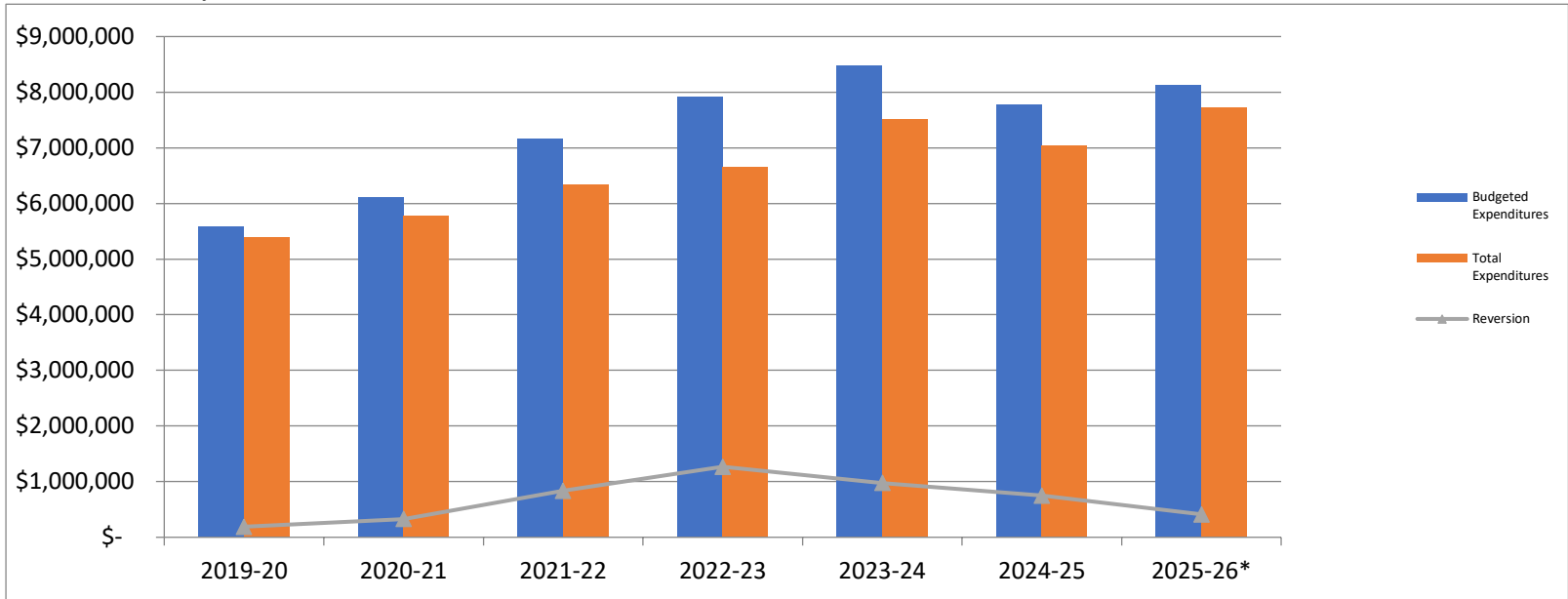
Reporting Structure(s): 11112100 Support
Fiscal Month:
Fiscal Year: 2025 - 2026

Revenue																
Fiscal Code	Line Item	Budget	July	August	September	October	November	December	January	February	March	April	May	June	Year to Date	Projection To Year End
	Delinquent Fees	\$140,000	\$8,552	\$7,559	\$9,498	\$7,814	\$10,536	\$9,014	\$6,404	\$11,591	\$11,092	\$8,191	\$13,547	\$6,912	\$103,796	\$110,707
	Other Regulatory Fees	\$238,000	\$24,545	\$21,947	\$32,058	\$24,400	\$20,670	\$17,895	\$15,700	\$14,165	\$21,220	\$14,485	\$18,045	\$13,595	\$225,130	\$238,725
	Other Regulatory License and Permits	\$1,023,000	\$111,780	\$113,244	\$107,646	\$99,504	\$58,785	\$64,748	\$72,384	\$62,538	\$75,316	\$65,903	\$73,649	\$87,315	\$905,495	\$992,810
	Other Revenue	\$263,000	\$1,514	\$536	\$336	\$96,552	\$7,071	\$51	\$107,220	(\$550)	\$125	\$102,497	\$486	\$89,572	\$315,838	\$405,411
	Renewal Fees	\$8,115,000	\$769,963	\$702,713	\$1,150,208	\$1,277,602	\$596,808	\$689,710	\$673,341	\$680,567	\$736,549	\$511,561	\$349,391	\$159,879	\$8,138,413	\$8,298,292
	Revenue	\$9,779,000	\$916,353	\$846,000	\$1,299,745	\$1,505,872	\$693,870	\$781,417	\$875,048	\$768,310	\$844,302	\$702,637	\$455,118	\$357,272	\$9,688,672	\$10,045,945

Reimbursements																
Fiscal Code	Line Item	Budget	July	August	September	October	November	December	January	February	March	April	May	June	Year to Date	Projection To Year End
	Scheduled Reimbursements	\$51,000	\$784	\$637	\$294	\$784	\$441	\$490	\$931	\$588	\$588	\$245	\$637	\$662	\$6,419	\$7,081
	Unscheduled Reimbursements	\$0	\$22,716	\$12,654	\$6,406	\$34,276	\$6,511	\$9,589	\$16,626	\$5,808	\$6,159	\$18,427	\$50,172	\$6,031	\$189,342	\$195,373
	Reimbursements	\$51,000	\$23,500	\$13,291	\$6,700	\$35,060	\$6,952	\$10,079	\$17,557	\$6,396	\$6,747	\$18,672	\$50,809	\$6,693	\$195,761	\$202,454

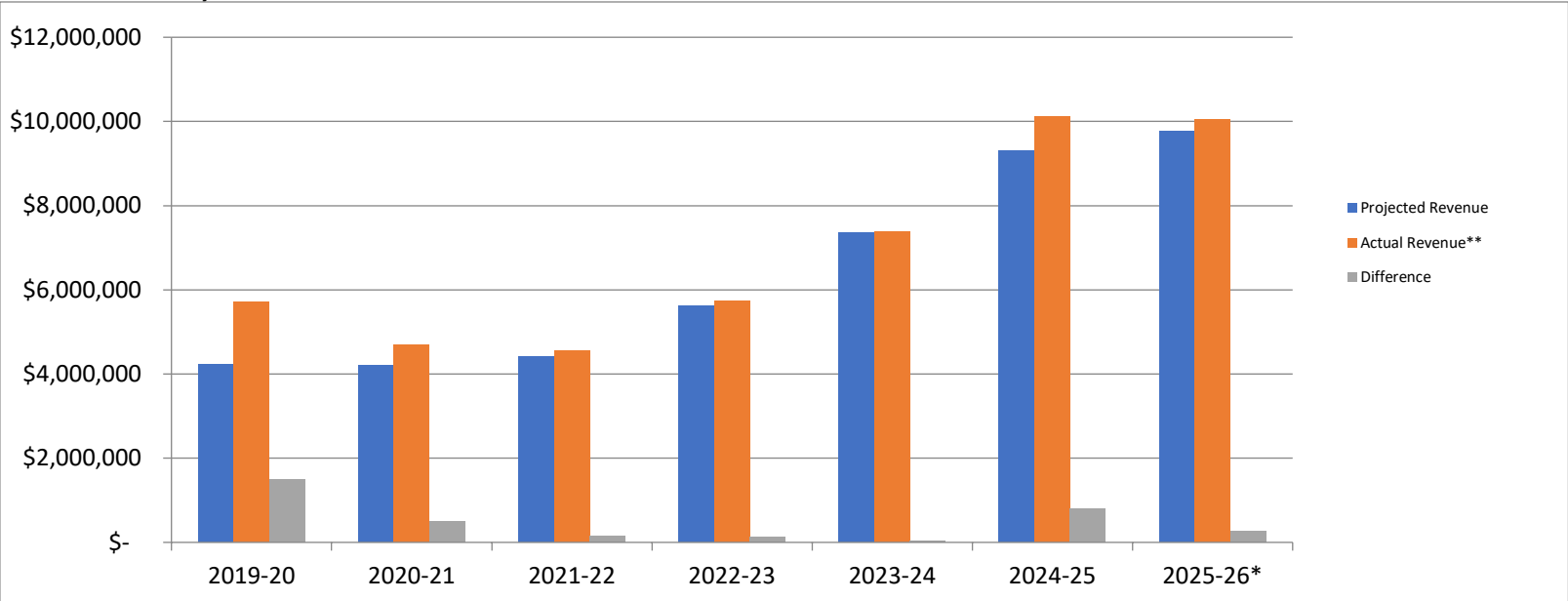
Psychology Expenditure Comparison (Budgeted vs. Actual)							
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26*
Budgeted Expenditures	\$ 5,586,000	\$ 6,111,000	\$ 7,171,000	\$ 7,919,000	\$ 8,481,000	\$ 7,780,000	\$ 8,130,000
Total Expenditures	\$ 5,396,000	\$ 5,783,000	\$ 6,334,000	\$ 6,651,000	\$ 7,505,000	\$ 7,032,000	\$ 7,717,000
Reversion	\$ 190,000	\$ 328,000	\$ 837,000	\$ 1,268,000	\$ 976,000	\$ 748,000	\$ 413,000

*Based on FM 12 Projections



Psychology Revenue Comparison (Projected vs. Actual)							
	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26*
Projected Revenue	\$ 4,219,000	\$ 4,201,689	\$ 4,411,000	\$ 5,623,000	\$ 7,344,000	\$ 9,314,000	\$ 9,779,000
Actual Revenue**	\$ 5,716,000	\$ 4,690,000	\$ 4,565,000	\$ 5,742,000	\$ 7,378,000	\$ 10,107,000	\$ 10,046,000
Difference	\$ 1,497,000	\$ 488,311	\$ 154,000	\$ 119,000	\$ 34,000	\$ 793,000	\$ 267,000

*Based on FM 12 Projections



MEMORANDUM

DATE	August 6, 2026
TO	Psychology Board Members
FROM	Cynthia Whitney, Central Services Manager
SUBJECT	Agenda Item 13(a) – Status Review of Regulations in Development Discussion, Consideration of Comments and Possible Action to Amend California Code of Regulations, Title 16, Section 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees

Background

The California Board of Psychology (Board) is responsible for licensing, regulating, and investigating complaints involving psychologists and associated professionals. Under Chapter 6.6 of Division 2 of the Business and Professions Code (BPC), the Board's primary mandate—as outlined in BPC §2920.1—is the protection of the public.

The Board proposed updates to its Disciplinary Guidelines to align with recent statutory and regulatory changes. These revisions reflect requirements stemming from the enactment of AB 2138, new Board regulations regarding criminal convictions and substantial relationship criteria, and the Department's Uniform Standards for Substance-Abusing Licensees.

This package is currently in the Initial Stage. This phase includes Agency approval for completed initial regulatory package. This phase also includes the public comment period of the proposed regulatory changes.

At its August 18, 2023, meeting, the Board voted to adopt proposed regulatory language amending the Disciplinary Guidelines, which were last amended in April 2015. The Board's vote included amendments to the document incorporated by reference and the addition of uniform standards related to substance-abusing licensees. Following the Board's adoption, the regulatory package underwent multiple reviews by Budget staff and Regulatory Counsel. Budget staff and Regulatory Counsel recommended that the Board review and adopt revised proposed regulatory text and the updated document incorporated by reference.

At the August 22, 2025, meeting, the Board reviewed the revised proposed regulatory text and updated document incorporated by reference and voted to refer the Disciplinary Guidelines to the Enforcement Committee for further review and additional revisions. The revised package was subsequently presented to the Board at the November 6–7, 2025, Board Meeting. The Board voted to adopt the updated Disciplinary Guidelines.

On March 27, 2026, the regulatory package was approved by Agency and sent to OAL for approval of publishing. The regulatory package was approved for publishing by OAL on April 3, 2026. The 45-public comment period started on April 10, 2026.

The Board inadvertently omitted the document incorporated by reference in the original posting. The Board extended the public comment period on May 1, 2026, and added the document incorporated by reference to address the oversight and allow for the public to have the appropriate amount of time to review the amendments to the regulation as well as the document incorporated by reference. The Board posted the Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees rulemaking documents to its website on Friday, May 1, 2026, and the extended 45-day comment period started at that time.

The Board staff noticed the proposed rulemaking with a 45-day comment period ending on June 16, 2026. The Board received five comments during the comment period. There were no requests for a public hearing, and no separate public hearing was held.

The comments received during the 45-day comment period are attached and the Board's responses to the summarized comments are presented below.

Comment 1:

The Board received the following comment on April 12, 2026:

"Would you consider changing the pejorative and stigmatizing language of "substance-abusing" licensees? This is outdated language now replaced by "licensees with substance use disorders" or "licensees with addictive disorders." Disorders could be interchanged with problems. I am a board-certified addiction psychologist and President-Elect for the Society of Addiction Psychology (Division 50 of the American Psychological Association).

The Board responds to this comment as follows:

The Board rejects this comment. Senate Bill 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) created the Substance Abuse Coordination Committee (Committee) under the Department of Consumer Affairs (DCA). The Committee was tasked with creating a set of uniform standards to be used by the healing arts boards to deal with substance-abusing licensees in the health care professions. Any program regarding substance-abusing licensees within DCA must adhere to the Uniform Standards. The Board elected to use the language specified in the Uniform Standards that was most

recently updated in March 2019.

Comment 2:

The Board's summary of the comment received on May 19, 2026, is presented below:

The comment is related to proposed changes to section 2960(b) Use of Controlled Substances or Alcohol in a Dangerous Manner

The minimum penalties appear to be guided by the principal that "more is better." The presence of substantial penalties often interferes with the positive changes the individual needs to make, because the penalties require so much time and expense. That time and money could be spent building the new way of living that will be the best method of preventing future problems.

The most important requirement is to "submit to tests and samples." This is a requirement for public safety more than a penalty. "Penalty" suggests punishment is your primary objective. "Requirement" would suggest that your primary objective was rehabilitation, which would keep a highly trained individual available for public service as a psychologist. When this testing requirement is in place, the other requirements are often less significant. If there is a pattern of positive tests the individual may lose their license. If that possible loss is not sufficient to motivate them to make the necessary changes, it is unlikely that any other requirements will do so. To my knowledge there is no scientific evidence that clearly establishes the "monitoring plus treatment" is more effective than "monitoring" alone. More may not be better, and it may be counterproductive or harmful.

"Up to 5 years' probation." This is a major improvement. However, I suggest adding consideration for the time that has elapsed since the original incident or discovery of it and placement on probation. Included in that consideration should be what the individual has done during that time to remediate the problem. If it has been several years between the original incident and placement on probation, and then the requirements for probation are substantial, with no consideration being given to what has occurred during those several years, the Board simply looks punitive. If your purpose is to be punitive, what is your rationale for this approach? How well does it protect public safety? I hope that your approach to protecting public safety and enhancing the public good is to focus on rehabilitation. The individual will be well-punished in any event.

Furthermore, if public safety were at issue, why has so much time elapsed? For many individuals 1-2 years of probation, plus the time already elapsed, if well spent, will be sufficient to establish that a new way of living has been established.

"depending on circumstances, physical examination." No objection.

"worksite monitor." I would add "depending on circumstances." If probation were ordered based on a one-time incident (e.g., a DUI), with no workplace involvement, this requirement could be onerous and unnecessary.

“psychotherapy (if recommended by psychological evaluator).” I would add “depending on circumstances.” This individual is already testing (which requires daily effort) and possibly meeting with a worksite monitor. Psychologists tend to recommend psychotherapy, but in the bigger picture (with possibly 2 more time-intensive requirements mentioned below), is it needed? There is the additional issue that the benefit of required psychotherapy may be significantly lower than freely chosen psychotherapy. I suggest that requiring psychotherapy should be a last resort, and only in the presence of a substantial mental disorder. If you are highly concerned about this individual, you could add a second form of monitoring or have more frequent monitoring.

“clinical diagnostic evaluation.” No objection.

“participation in an alcohol/drug abuse treatment program.” I object. If monitoring is not sufficient to maintain motivation to change, it is unlikely that treatment will maintain motivation. This requirement takes time and money away from the individual working to develop a new way of living. You might consider what your life would be like, if YOU had to comply with what could be the full requirements of the “minimum penalties.” You would likely be rather stressed, including having to deal with high expenses. High stress is not conducive to changing how one lives. Further, a substantial portion and possibly most individuals who resolve substance problems *do so on their own*. To suggest that treatment is essential for change is to ignore this evidence. If you have already required psychotherapy, this requirement is redundant.

“ongoing support group.” I would add “depending on circumstances, for a period of time that may be shorter than the term of probation, or for a specific number of attendances.” More specifically, you could require “4-12 group meetings, of at least two different groups, occurring no more frequently than once per week, all occurring within 6 months of the start of probation.” At least this requirement can be free, and the timing of groups will not be dictated by a treatment program’s schedule (which might interfere with work or other life activities). The evidence to date suggests that mutual help groups for addictive problems are comparably effective (generalizing from the evidence that AA, SMART Recovery, Women for Sobriety, and LifeRing are equally effective for alcohol). Therefore, if these groups are required, I suggest the burden of proof should be on the Board to establish that a proposed mutual help group is not eligible.

“abstain from drugs and alcohol, and submit to tests and samples.” No objection.

The Board responds to this comment as follows:

The Board rejects this comment.

Senate Bill 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) created the Substance Abuse Coordination Committee (Committee) under the Department of Consumer Affairs (DCA). The Committee was tasked with creating a set of uniform standards to be used by the healing arts boards to deal with substance-abusing licensees in the health care professions. Any program regarding substance-abusing licensees within DCA must adhere to the Uniform Standards.

Licensees may petition for reduced monitoring during the settlement phase of disciplinary proceedings, contingent upon the mitigating documentation submitted to the Board for consideration. Furthermore, licensees retain the right to present their arguments before an administrative law judge and request a modification resulting in a lower level of monitoring.

“Up to 5 years’ probation.” The Board considers both the time elapsed, and the rehabilitative efforts completed by the licensee during that period. Once an Accusation is filed, the licensee may submit a Notice of Defense, which affords them the opportunity to pursue settlement. At that stage, the licensee may provide evidence of rehabilitation, and the Board will reevaluate the time elapsed and the rehabilitation submitted when determining appropriate probation terms. For this reason, the language is being revised to “up to 5 years,” allowing the Board the necessary discretion in establishing the duration of probation.

“depending on circumstances, physical examination.” The Board appreciates the commenter’s support for this proposed edit.

“worksite monitor.” The Board evaluates the circumstances that led to the disciplinary action. The requirement for a worksite monitor is not automatic; rather, it is imposed based on the nature and severity of the violation underlying the discipline.

“psychotherapy (if recommended by psychological evaluator). The Board evaluates the circumstances that led to the violation. Psychotherapy is not automatically required; its necessity is determined by the rehabilitation and mitigation evidence submitted during the settlement phase.

“clinical diagnostic evaluation.” The Board appreciates the commenter’s support for this proposed edit.

“participation in an alcohol/drug abuse treatment program.” The Board evaluates the circumstances that led to the violation. Participation in alcohol and drug abuse programs is not automatically required; rather, the necessity of such programs is determined by the rehabilitation and mitigation evidence submitted during the settlement phase.

“ongoing support group.” The Board evaluates the circumstances that led to the violation. Ongoing support group is not automatically required; its necessity is determined by the rehabilitation and mitigation evidence submitted during the settlement phase.

“abstain from drugs and alcohol, and submit to tests and samples.” The Board appreciates the commenter’s support for this proposed edit.

Comment 3:

The Board’s summary of the comment received on May 23, 2026, is presented below:

Recommendation to introduce “Moderate” Category to current Maximum and Minimum Categories.

Recommendation to Publish Definitions of Minor, Moderate, and Major Deviations from the Standard of Care, with Examples for Each Category.

The Board responds to this comment as follows:

The Board rejects this comment.

The Board investigates each case individually to determine whether a violation of the laws and regulations governing the license or registration has occurred. If a violation is substantiated, additional disciplinary action against the license will be warranted. Depending on the nature and severity of the violation, disciplinary measures may range from issuance of a letter of education to revocation of licensure. The Board collaborates with the Office of the Attorney General to assess whether the violation merits formal discipline prior to filing any pleadings.

Comment 4:

The Board’s summary of the comment received on June 16, 2026, is presented below:

CONCERN 1: The proposed changes refer the term “substance-abusing licensees” with some noted changes to hyphenation and capitalizing letters.

In fact, the term “substance-abusing licensees” should not be used at all to be in line with how we are training practitioners and to use best practices in training, treatment, and professionally to support health, wellness, and healing. There are many reasons:

- The language is outdated.
- The language is stigmatizing and has the potential to interfere with the intended purpose of helping professionals recover.
- Embrace Wiser Practice: Label behavior not people.

CONCERN 2: The proposed language defines non-practice as providing fewer than 40 hours of psychological services per month. It is unclear where this definition originated and what the full impact of the definition may be. Specifically, the proposed language change asserts, “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.”

- Please provide a citation and/or argument for where the operational definition of “nonpractice” as fewer than 40 hours per month originated.
- Is there any legal possibility that this definition of nonpractice could be used in any way to affect other psychologists who may practice fewer than 40 hours per month? Many licensees recovering from family transitions such as births, deaths, illnesses, moves, transitions to retirement or other job changes, etc., may work part time and may not work more than 40 hours per month. As such, I wanted to raise a concern to make sure there is no way this definition could somehow have the potential to harm

or otherwise affect other licensees, their insurance, or other items related to employment, including self-employment.

The Board responds to this comment as follows:

The Board rejects this comment.

Senate Bill 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) created the Substance Abuse Coordination Committee (Committee) under the Department of Consumer Affairs (DCA). The Committee was tasked with creating a set of uniform standards to be used by the healing arts boards to deal with substance-abusing licensees in the health care professions. Any program regarding substance-abusing licensees within DCA must adhere to the Uniform Standards. The Board elected to use the language specified in the Uniform Standards that was most recently updated in March 2019.

The definition of “nonpractice” was approved by our Enforcement Committee in March 2018 and the Board in May 2018. This definition pertains specifically to the Terms and Conditions of Probation, Tolling for Non-Practice and Out-of-State Practice.

Comment 5:

The Board received the following comment on June 16, 2026:

“The California Psychological Association (CPA) respectfully submits this letter on the Board of Psychology’s proposed Disciplinary Guidelines. CPA represents licensed psychologists, educators, researchers, graduate students, and others committed to advancing the science and practice of psychology in California.

We are thankful to the Board for the engagement with CPA and revising the guidelines to allow probation terms “Up to Five Years” rather than a fixed minimum of five years, removing psychological evaluations as a standard condition of probation, maintaining reasonable compliance deadlines for securing monitors or a psychotherapist, and incorporating reference to the Spectrum of Administrative Action. These changes will promote flexible and fair outcomes, particularly for minor, administrative and first-time violations.

We would like to note that there is a typo in 2960 (i) Violations of Rules of Professional Conduct that the word “and” prior to CPLEE is not necessary and does not read cleanly in the current version.

We thank the Board for its commitment to the profession and consumer protection. If you have any questions, please do not hesitate to reach out to me at trinde@cpapsych.org.”

The Board responds to this comment as follows:

The Board accepts this comment. The Board appreciates the commenter’s support for this proposed rulemaking. The Board has made the nonsubstantive change to the

typo that was pointed out in the comment.

Action Requested:

Consider and approve the staff-recommended responses to the public comments.

Staff recommends the Board adopt the motion as follows:

- Adopt the staff recommended response to the comments as attached to this item.
- Vote to reject the comments for the reasons provided and maintain the proposed text for CCR, section 1395.2 as originally noticed with no changes. Direct staff to take all steps necessary to complete the rulemaking process.
- Authorize the Executive Officer to make any technical and nonsubstantive changes to the proposed regulations, as necessary.

Attachments

Attachment #1: Public Comments 1-5

Attachment #2: Proposed Text Disciplinary Guidelines and Uniform Standards
Related to Substance- Abusing Licensees

Attachment #3: Proposed Text Disciplinary Guidelines and Uniform Standards
Related to Substance-Abusing Licensees with Document Incorporated by
Reference

Attachment #4: Initial Statement of Reasons Disciplinary Guidelines and Uniform
Standards Related to Substance-Abusing Licensees

Attachment #5: Notice of Proposed Action Disciplinary Guidelines and Uniform
Standards Related to Substance-Abusing Licensees

Attachment #6: Notice of Extension of Public Comment Period for Proposed
Regulatory Action Concerning Disciplinary Guidelines and Uniform Standards
Related to Substance-Abusing Licensees

From: [Nancy A. Haug, PhD](#)
To: [Whitney, Cynthia@DCA](mailto:Whitney.Cynthia@DCA)
Subject: Re: Notice of Proposed Rulemaking (Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees) – Documents Posting April 10, 2026
Date: Sunday, April 12, 2026 9:23:04 PM

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Cynthia,
Would you consider changing the pejorative and stigmatizing language of "substance-abusing" licensees? This is outdated language now replaced by "licensees with substance use disorders" or "licensees with addictive disorders." Disorders could be interchanged with problems.
I am a board-certified addiction psychologist and President-Elect for the Society of Addiction Psychology (Division 50 of the American Psychological Association).
Thank you,
Nancy

On Fri, Apr 10, 2026 at 2:51 PM Psychology Board <00000013d0ed399d-dmarc-request@subscribe.dcalists.ca.gov> wrote:

Dear Interested Parties,

The California Board of Psychology has posted the following Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees rulemaking documents to its website on Friday, April 10, 2026:

- Notice of Proposed Action
- Initial Statement of Reasons
- Proposed Text of Regulations

The materials are available on the Board's website at:

https://www.psychology.ca.gov/laws_regs/regulations.shtml

Instructions for submitting written comments, attending any public hearing (if requested), and other participation details are contained in the Notice of Proposed Action.

If you require this notice or the attached documents in an alternative format, please contact Cynthia Whitney at cynthia.whitney@dca.ca.gov.

Sincerely,

Board of Psychology

Unsubscribe from the PSYCH-LICENSEES List:

<http://subscribe.dcalists.ca.gov/cgi-bin/wa?SUBED1=PSYCH-LICENSEES&A=1>

--

Nancy A. Haug, PhD, ABPP
Licensed Psychologist, CA PSY19655
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From: [Tom Horvath](#)
To: Whitney_Cynthia@DCA
Subject: comments due by June 16, 2026
Date: Tuesday, May 19, 2026 5:47:24 PM
Attachments: [response.docx](#)

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attached. Please confirm that you have received them.

Thank you!
Tom

A. Tom Horvath, PhD, ABPP, President
[Practical Recovery](#)
Office: 858-546-1100
Direct Line: 858-888-5398
Intake Line: 800-977-6110
FAX: 858-455-0141
tom.horvath@practicalrecovery.com
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From: martipeck@san.rr.com
To: [Whitney, Cynthia@DCA](mailto:Whitney_Cynthia@DCA)
Subject: Proposed Amendments to BOP Disciplinary Guidelines
Date: Saturday, May 23, 2026 10:28:25 AM
Attachments: [Handout#1 for 82225 BoP BoardMeeting.docx](#)
[Handout#2BoP BoardMtg82225.docx](#)

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Dear Cynthia,

Regarding the Notice of Proposed Action Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees, I am attaching two documents (Handout #1 and Handout #2) to this email. The information provided in them was presented as Public Comments at the 8/22/25 quarterly BOP Board Meeting in San Diego. I respectfully request that the information in them be given consideration by the Board of Psychology. If not considered for incorporation into the current proposed changes, I would also like to ask that they be forwarded to Daniel Philips, Program Manager of the BOP Enforcement Unit, for consideration in training of enforcement Analysts, Investigators and Expert Reviewers.

Please confirm receipt of this email and t

hank you so much for your collaboration and assistance with this matter.

Sincerely,
Marti E. Peck, Ph.D.
CA License # PSY12131
619-291-9164

From: [Nancy A. Piotrowski, Ph.D.](#)
To: [Whitney, Cynthia@DCA](mailto:Whitney_Cynthia@DCA)
Cc: [Burke, Jonathan@DCA](mailto:Burke_Jonathan@DCA)
Subject: Public Comment regarding Disciplinary Guidelines and Uniform Standards related to "Substance-Abusing Licensees"
Date: Tuesday, June 16, 2026 5:03:26 AM
Attachments: [piotrowski.june2026.comments.to.bop.on.sab.disc.gl.pdf](#)

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NOTE 1: A copy of this letter below is included as a PDF attached to this email.

NOTE 2: Please acknowledge receipt

DATE: June 16, 2026

TO: Cynthia Whitney
Board of Psychology
1625 N. Marke Blvd., Suite – 215
Sacramento, CA 95834
Email: Cynthia.Whitney@dca.ca.gov

CC: Jonathan Burke
Email: Jonathan.Burke@dca.ca.gov

RE: Public Comment regarding Disciplinary Guidelines and Uniform Standards related to "Substance-Abusing Licensees"

Dear Colleague:

I am writing to make a public comment regarding the proposed changes to the "Disciplinary Guidelines and Uniform Standards related to Substance-Abusing Licensees" that is in review by the California Board of Psychology (BOP). I understand comments are due to you as of June 16, 2026 and so I am writing now to register my comments.

Please know I am writing from the perspective of my experience in the field. The comments

made are solely my own and should not be construed to represent any organization. I do wish to assert, however, the breadth and depth of my experience in the field. First, please know I am a licensed psychologist in California for 30+ years. I have worked in the area of addiction for over four decades. I am a past president of the Society of Addiction Psychology (Division 50 of the American Psychological Association [APA]) and former board member of the Society for Psychopharmacology and Substance Use (Division 28 of APA). In Division 50, I worked extensively over eight years to support use of evidence-based practice in addictions treatment and training. I am currently serving on the Executive Committee of the APA Board of Scientific Affairs. Additionally, I am serving on the National Certification Commission for Addiction Professionals where I occupy a seat designated for a representative from APA, following APA's transfer of its proficiency credential to NAADAC, the Association for Addiction Professionals, more than seven years ago. I concurrently serve on the Clinical Supervision Committee for NAADAC. I am also published in the area of addictions and have served as a trainer for research and clinical work in this area for over 30 years.

In this letter I raise issues related to concern about the use of stigmatizing language. Additionally, I raise concern over a proposed operational definition noted in the items under review.

CONCERN 1: The proposed changes refer the term "substance-abusing licensees" with some noted changes to hyphenation and capitalizing letters.

COMMENT ON CONCERN 1: In fact, the term "substance-abusing licensees" should not be used at all to be in line with how we are training practitioners and to use best practices in training, treatment, and professionally to support health, wellness, and healing. There are many reasons.

- **The language is outdated.** Though the term substance abuse was in versions of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) prior to DSM5, it ceased being used when DSM5 was adopted in 2013. Our reliance in law, regulations, and guidelines of an antiquated term is not helpful. We no more want to go back to using old terms and the biases they bring from the early 2000s, just like we do not want to go back to the days of DSM2 and before when substance use issues were thought to be wedded to personality. Again, we need to use current terms such as substance-related and addictive disorders, or substance use disorders.

- **The language is stigmatizing and has the potential to interfere with the intended purpose of helping professionals recover.**

- o The term "substance abuse" and labeling individuals needing treatment as

“substance abusers” has been recognized by many colleagues in psychology over many decades as pejorative and stigmatizing. For over 20 years, training graduate students in psychology and professionals getting addictions credentials in the US and other countries, I used an exercise in my classes to teach students about language and labeling patients to avoid stigma (Piotrowski, 2018). And while leading the Society of Addiction Psychology in my presidential address I presented on how phrases like “substance abuse” and “substance abuser” conjured different images and biases in patients, their families, and treatment professionals (Piotrowski, 2008) that had the potential to affect treatment engagement. This was later mirrored in work by Kelly, Dow, and Westerhoff (2010) where they asserted that compared to individuals described as having a substance use disorder, the substance abuser “was perceived as engaging in willful misconduct, a greater social threat, and more deserving of punishment. The “abuser” label may perpetuate stigmatizing attitudes and serve as a barrier to help-seeking.” This has been further reviewed and argued as an area where there is a strong need for revised policy around language use to avoid harms (Kelly, Saitz, & Wakeman, 2016; Piotrowski, 2009; White & Kelly, 2011).

- We must keep in mind that the intention of having disciplinary guidelines and standards is not only to protect the public, but to give professionals a path towards due process under the law. We do not simply discipline professionals, or take a license away, but aim to support a process of recovery so the individual can correct and continue to pursue their work. This is particularly important too when the work force to address the mental health needs of those seeking treatment is stretched thin. As such, every care should be taken in the disciplinary process to foster the best possible context to support the licensee in engaging in their recommended plan for remediation and recovery. This means that we should not use language that might weaken their ability to be successful in their efforts to recover and correct. The potential impacts of self-stigma and stigmatization from others are strong forces that poor language choices promote. The combination of these forces, driven further by strong labels of licensees as people, may diminish the ability of the licensees to successfully engage in treatment. Labels such as abuser and abusing can foster resistance, through stigma, and potentially weaken licensee’s sense of belonging in treatment. The social psychology of needing to identify as belonging in treatment is vital to treatment engagement (Piotrowski, 2020). While the BOP has a need to enforce standards, it is imperative that we remember that substance-related and addictive disorders are recognized as medical issues. Using fair and impartial language to support a positive change process is a reasonable behavior to add to our process to truly help colleagues.

This also helps us to adhere to a more general, age-old process of labeling the maladaptive behavior, and not the person. There is a world of difference in recognizing that these are licensees with substance-related disorders, not “substance-abusing licensees.” Please consider the amount of stigma the latter promotes to the licensee, all to whom they are connected, and to our legal and professional systems. We can and should do better.

- **Embrace Wiser Practice: Label behavior not people.** In all our exams, the NCC AP, which writes exams for more than 21 states and 14 countries, does not use or support the use of stigmatizing language. That is because it is not best practice and serves no good. Research suggests that training to reduce stigma is important because stigmatizing language affects treatment along with many other aspects of patients’ experiences (Cazalis, Lambert, & Auriacombe, 2023; Zwick, Appleseth, & Arndt, 2020). As such, to be in line with best practices in this area, it behooves the board to avoid using such language in this proposed regulatory action language change. Please note that this type of change is long overdue. Back in 2008, professionals in addiction worked to remove the term “substance abuse” in the Mental Health and Addiction Parity Act in our federal laws (Piotrowski, 2009). The term “substance abuse” was not included in the finalized law, reducing stigma in the minds of lawmakers, while also making sure the bill at the time properly represented the scope of substance-related disorders and their treatment needs. Sadly, 18 years later, the great state of California is not yet embracing healthier language. Truly, we can do better. And frankly, it behooves us all to systematically work to remove the term from any and all of our laws and regulations that use this term in California. We do not need to stigmatize people who obviously need help, particularly those where it is affecting their ability to perform their jobs.

CONCERN 2: The proposed language defines non-practice as providing fewer than 40 hours of psychological services per month. It is unclear where this definition originated and what the full impact of the definition may be. Specifically, the proposed language change asserts, “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.”

COMMENTS ON CONCERN #2:

- Please provide a citation and/or argument for where the operational definition of “nonpractice” as fewer than 40 hours per month originated.
- Is there any legal possibility that this definition of nonpractice could be used in any

way to affect other psychologists who may practice fewer than 40 hours per month? Many licensees recovering from family transitions such as births, deaths, illnesses, moves, transitions to retirement or other job changes, etc., may work part time and may not work more than 40 hours per month. As such, I wanted to raise a concern to make sure there is no way this definition could somehow have the potential to harm or otherwise affect other licensees, their insurance, or other items related to employment, including self-employment.

Thank you for your consideration of these comments – I appreciate your attention to these matters. I'm happy to provide additional citations or background information on stigmatizing language in ways that we could do better in the state of California were we often lead the nation in terms of how we address health problems.

Most sincerely,

nap

Nancy A. Piotrowski, Ph.D.
PSY14254
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(707) 561-2358
piotrowskiconsultation@gmail.com
Owner, Piotrowski Consultation

REFERENCES

- Cazalis, A., Lambert, L., & Auriacombe, M. (2023). Stigmatization of people with addiction by health professionals: Current knowledge. A scoping review. *Drug and Alcohol Dependence Reports*, 9, 100196, <https://doi.org/10.1016/j.dadr.2023.100196>
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Nancy A. Piotrowski, Ph.D.
Licensed Psychologist (California, PSY14254)
She/Her/Hers

Executive Committee, Board of Scientific Affairs, American Psychological Association (APA)

Convention Chair 2026, Society of Environmental, Population, & Conservation Psychology, Division 34, American Psychological Association (APA)

Commissioner, National Certification Commission for Addiction Professionals

Member, Clinical Supervision Committee, NAADAC

Treasurer, Napa Solano Psychological Association

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From: [Tyler Rinde](#)
To: [Whitney, Cynthia@DCA](#); [Burke, Jonathan@DCA](#)
Cc: [Elizabeth Winkelman](#)
Subject: Board of Psychology Disciplinary Guidelines
Date: Tuesday, June 16, 2026 1:28:50 PM
Attachments: [Comment Letter Disciplinary guidelines letter to BOP.pdf](#)

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Hi Cynthia and Jonathan,

Please find attached CPA's comments on the Disciplinary Guidelines.

Sincerely,

Tyler Rinde (he/him)

Director of Government Affairs | California Psychological Association
3104 O St #286 | Sacramento, CA 95816-6519
trinde@cpapsych.org | Cell: (916) 225-3861
www.cpapsych.org | facebook.com/cpapsych

CPA – The Voice of Psychology in California

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 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)

1625 North Market Blvd., Suite N-215
Sacramento, CA 95834
Phone: (916) 574-7220 Fax: (916) 574-8671
www.psychology.ca.gov

TABLE OF CONTENTS

§ 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees	Page- 2 <u>3</u>
I. Introduction	Page- 3 <u>4</u>
II. Disciplinary Guidelines	Page- 4 <u>5</u>
A. General Considerations	Page- 4 <u>5</u>
B. Penalty Guidelines for Disciplinary Actions	Page- 5 <u>7</u>
III. Terms and Conditions of Probation	Page- 13 <u>12</u>
A. Optional Terms and Conditions of Probation (1- 13 <u>14</u>)	Page <u>13</u>
B. Standard Terms and Conditions of Probation (14 <u>15</u> - 31 <u>32</u>)	Page- 25 <u>27</u>
C. Standard Terms and Conditions for <u>Revocations or Stipulations for Surrender or Revocation</u> (32 - 33 - <u>34</u>)	Page- 29 <u>33</u>
IV. Proposed Decisions	Page- 30 <u>34</u>
A. Contents	Page- 20 <u>34</u>
B. Recommended Language for Issuance and Placement of a License on Probation, and Reinstatement of License <u>Model Disciplinary Orders</u>	Page- 31 <u>34</u>
V. Rehabilitation Criteria for Reinstatement/ Penalty <u>Discipline Relief Hearings</u>	Page- 32 <u>35</u>
VI. Uniform Standards for Substance-Abusing Licensees	Page- 33 <u>37</u>
VII. Spectrum of Administrative Action	Page <u>45</u>

**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 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 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.

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 on 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 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 (15-32), 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 (15-32), 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 (15-32), 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 (15-32), 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 (15-32), 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 (15-32), 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 (15-32), 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) (15-32).

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 (15-32), 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 (15-32), and depending upon the circumstances, psychological evaluation and/or therapy if appropriate (2) and (6), 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 (15-32), 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 (15-32), 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 (15-32), 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 (15-32), 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

~~Penalty~~DISCIPLINE: Revocation stayed, up to five (5-) years’ probation and standard terms and conditions (15-32)(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 (15-32), 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 PenaltyDisciplinary 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 Stipulated Settlement, the Board requests that all optional terms and conditions of probation (1-1314) 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 (15-31-15-32).

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 release 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) 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~~ ninety (90) days. If no new monitor is approved within ~~thirty~~ ninety (90) 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 (CPLÉE) 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 ~~d~~Decision, respondent shall take and pass the [EPPP][CPLÉE]. 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][CPLÉE]. 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 CPLÉE 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) years² 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, The educational review shall be conducted and submitted to the respondent and to the Board by a bBoard-appointed approved 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 ~~e~~Ethical 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 ~~a~~Accusation or ~~p~~Petition to ~~r~~Revoke ~~p~~Probation 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 ~~a~~Accusation or ~~p~~Petition to ~~r~~Revoke ~~p~~Probation 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~~c~~Decision shall remain in full force and effect through any registration or license issued by the Board until the probationary period is successfully terminated]~~ompleted. 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 (1-1314) that are imposed, as they may pertain to the particular case followed by all of the Standard Terms and Conditions (1415-3432).

~~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 conditions":

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

~~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 conditions”:

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 ~~Decision~~. If the license is not reinstated within two (2) years of the effective date of this ~~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) of 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.

VII. SPECTRUM OF ADMINISTRATIVE ACTION

The Board recognizes a spectrum of actions that are available when dealing with consumer complaints against licensed psychologists. Such actions may be categorized in terms of whether they represent "disciplinary" or "non-disciplinary" procedures, and whether they are actions that are to be made available to the public or actions that are kept confidential ("non-public"). The following is a summary of the spectrum of actions available to the BOP along with their descriptions and the conditions under which they might be applied in the administrative process.

Non-disciplinary Administrative Options

1. **Case closed - no action:** These complaints may involve non-jurisdictional issues, or they may be complaints where it has been determined through the gathering of additional information (either informally through written or telephonic requests or formally through field investigations) that the allegations in the complaint present no violations of law. It may be that there is insufficient evidence to prove a violation in an administrative hearing. Such cases are closed without administrative action and remain confidential from the general public.
2. **Educational Letter:** Complaints resulting from minor infractions by the licensee, that involve no consumer harm, can be resolved by a letter of warning. Such a letter outlines the allegations, informs of the law, and warns the licensee that if the situation is true and repeated, formal action could result. An example of the use of such a letter would be in the case of a complaint involving an advertisement in which the licensee does not include his or her license number. The intent of such a letter is to educate the licensee of the requirements of the law so as to avoid continued violations and possible disciplinary action. These letters are not considered to be disciplinary and remain confidential from the general public.
3. **Citation and Fine:** Citation and fine was first enacted on June 1, 1996, and is a tool which is used for various less egregious violations such as false advertising or misrepresentation. In cases where the statute of limitations prevents criminal prosecution for unlicensed practice, citation and fine also may be used along with telephone disconnect if the unlicensed person fails to pay the fine. Fines range from \$100 to \$2,500 per violation depending on the number of violations, the severity of those violations and the number of similar violations in prior cases. Orders of Abatement are included in all citation and fine cases and specifically require the cessation of certain activities or behaviors. An Order of Abatement may be used to follow a warning letter if the individual fails to heed the warning. Citations and fines are public information but are not considered to be disciplinary actions.

Disciplinary Administrative Options

1. **Letter of reproof:** The letter of reproof is an option that is negotiated between the BOP, the licensee and his/her counsel. Such a letter is an option in settlement of an Accusation (an Accusation is a document listing the formal administrative charges).

Typically, the letter of reproof is a viable option if the violations alleged are relatively minor and no patient harm occurred. The letter is written by the BOP President to the licensee and includes a summary of the allegations. It acknowledges the impropriety of the acts summarized, can include mandated coursework that the licensee must take, cost recovery to the BOP for investigation and essentially may include any other term or condition listed in the Board's Disciplinary Guidelines. The letter of reproof is considered a disciplinary action and, as such, is public information and is provided to consumers upon request.

2. **Probation:** A licensee is placed on probation subsequent to the filing of an Accusation (formal statement of charges). A decision to place a licensee on probation could come about either as a result of a stipulated settlement or as ordered by an Administrative Law Judge subsequent to an administrative hearing. The optional and standard terms and conditions of probation are outlined in detail in the Board's Disciplinary Guidelines. To be placed on probation, the license always is revoked; however, the revocation is stayed, and the period of probation and terms and conditions are specified in the probation order. In the event the licensee does not comply with the terms and conditions of probation, the probation and therefore the license can be revoked. Decisions ordering probation are considered disciplinary actions and, as such, are public information and provided to consumers upon request.
3. **Suspension:** As part of a disciplinary probation order, a period of suspension may be imposed prior to the effective date of the probation. The Board's Disciplinary Guidelines provide details of the conditions under which a suspension may be made a part of the probation order. During suspension, licensees may not practice psychology or refer to themselves as psychologists. As indicated above in "Probation," suspensions are considered disciplinary actions associated with probation orders and, as such, are public information and provided to consumers upon request.
4. **Interim Suspension Order:** In cases where the evidence indicates that the licensee is likely to engage in behaviors that present an immediate threat to the public health, safety and welfare, the BOP can, through the Office of the Attorney General, request a hearing to immediately suspend the practice of a licensee. If such an Interim Order of Suspension is granted by an Administrative Law Judge, the licensee must immediately cease practicing psychology. The Board must file an Accusation (formal statement of charges) within fifteen days of the issuance of the Interim Suspension Order, and an administrative hearing must be held within thirty days. Interim Suspension Orders are disciplinary actions and, as such, are public information and provided to consumers upon request.
5. **Surrender of License:** Rather than taking a case through the administrative hearing process, a licensee may elect to surrender his/her license. Surrender is accomplished through the stipulated agreement process and is only entertained by the Board subsequent to the filing of an Accusation (formal statement of charges). Stipulations to surrender license may or may not contain admissions to the allegations contained in the Accusation, but the licensee must stipulate that the allegations will be deemed true upon a future petition to reinstate the license. Those who surrender a license must wait three years before petitioning the BOP for reinstatement of licensure. Surrenders of license are considered disciplinary actions and, as such, are public information and provided to consumers upon request.

6. **Revocation:** This option is tantamount to loss of license. Revocation typically is the result of a decision proposed by an Administrative Law Judge after a full administrative hearing and adoption of such proposed decision by the BOP. However, revocation of a license also can take place prior to a hearing and subsequent to an Accusation (formal statement of charges) as a result of stipulated negotiations between the licensee, his/her counsel and the BOP. The Board's Disciplinary Guidelines illustrate those serious types of cases wherein revocation is the likely remedy. Those whose licenses are revoked must wait three years before petitioning the BOP for reinstatement of licensure. Revocations of license are considered disciplinary actions and, as such, are public information and provided to consumers upon request.

#

**TITLE 16. BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: The California Board of Psychology (Board) has not scheduled a hearing on the proposed changes. However, a hearing will be scheduled upon request by any interested party if the request is received no later than 15 days prior to the close of the written comment period.

Subject Matter of Proposed Regulations: Disciplinary Guidelines, Model Disciplinary Orders, and Uniform Standards Related to Substance-Abusing Licensees.

Section(s) Affected: Section 1395.2 of Article 7 of Division 13.1 of Title 16 of the California Code of Regulations (CCR)¹.

Introduction and Statement of the Problem:

The Board of Psychology (Board) licenses, regulates, and investigates complaints against psychologist and psychological associate registrants which are separate license categories in California, totaling approximately 21,876 licensees. The Board is responsible for discipline and enforcement of Chapter 6.6 of Division 2 of the Business and Professions Code which regulates the profession. Business and Professions Code (BPC) Section 2920.1 mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

The Board's Disciplinary Guidelines were adopted in regulation under CCR, Title 16, Section 1395.2 in November of 1992. CCR Section 1395.2 requires the Board to reach a decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), to consider the Disciplinary Guidelines.

The current Disciplinary Guidelines contain outdated terms and conditions of probation. In many instances, they do not reflect recent updates to statutory law as well as the other changes that have occurred in the probationary environment. If the Disciplinary Guidelines are amended, the corresponding regulation, CCR Section 1395.2, must also be amended to incorporate by reference the revised Disciplinary Guidelines as revised and approved by the Board in November 2025.

¹ All CCR references are to title 16 unless otherwise noted.

The specific changes to the Disciplinary Guidelines and the reasons are provided in detail below.

Specific Purpose, Anticipated Benefits, and Rationale:

Amend Section 1395.2 of Article 7 of Division 13.1 of Title 16 of the CCR

Purpose: The purpose of this regulatory proposal is to update the Disciplinary Guidelines to reflect recent updates to statutory law and other changes that have occurred in the probationary environment since the last update in 2015. This proposal includes an update to the title of CCR Section 1395.2 by adding the phrase “Model Disciplinary Orders,” and hyphenating “Substance Abusing” changing it to “Substance-Abusing”. A period is added after “Reinstatement of Licenses” which is part of the statute title. A hyphen is added to the phrase “Substance Abusing”, which is part of the statute title, changing it to “Substance-Abusing”.

This proposal updates CCR Section 1395.2 (a)—which capitalizes the “D” in “decision”, adds the phrase “Model Disciplinary Orders”, hyphenates “Substance Abusing” changing it to “Substance-Abusing”, and incorporates the Disciplinary Guidelines by reference—with the revision date from “4/15” to “[Amended 11/2025]”. The proposal also updates CCR Section 1359.2 (b)—which capitalizes the “S” in “section” and adds a hyphen to the phrase “Substance Abusing”, changing it to “Substance-Abusing”. The authority cited is updated to include BPC Section 2936 and Section 11519 of the Government Code (GC). An “s” is also added to “Section” changing it to “Sections” in the authority cited.

Anticipated Benefits: The proposed amendments align the Disciplinary Guidelines with current law and the existing probationary environment, clarify probation terms and conditions to reduce the misinterpretation, provide model orders, and strengthen consumer protection. The Board anticipates that the updated Disciplinary Guidelines will be a more effective tool for the Board, applicants, licensees, Administrative Law Judges (ALJs), legal counsel, and the public by providing a more accurate overview of the Board’s disciplinary processes. The updated Disciplinary Guidelines will also serve as an educational and guidance tool for the ALJs who administer hearings on the Board’s behalf.

The proposed amendments improve the consistency of penalties for violations and promote fairness and standardization in disciplinary action, by clarifying the conditions and terms under which licensees and applicants shall be subject to varying levels of enforcement actions—including denial and formal discipline—as applicable.

Rationale: CCR Section 1395.2 and the documents it incorporates by reference were last amended in 2015 and currently contain outdated and inconsistent language. It is updated to reflect changes to statutory law and the probationary environment that require clarification as well as minor grammatical updates. This regulatory proposal amends CCR Section 1395.2 (a) by capitalizing the "D" in "decision" to be consistent with the language of the Disciplinary Guidelines and Proposed Decisions, subsection B, revising the date of the Disciplinary Guidelines from "4/15" to "11/2025" so it provides the updated date to licensees. CCR Section 1395.2 (a) also adds the phrase "Model Disciplinary Orders" to the title as incorporated by reference in the Disciplinary Guidelines.

This regulatory proposal is also necessary to update the authority and reference citations of CCR Section 1395.2. Amendments to the regulation include adding authority citations to BPC Section 2936, which provides an additional source of the Board's authority to establish standards of ethical conduct related to the practice of psychology and discipline licensees. Amendments to this regulation also include adding authority citations to GC Section 11519, which provides an additional source of the Board's decisions to become effective 30 days after delivery or mailing, unless altered by reconsideration, Board action, or a stay, and may include probation terms like restitution, with compliance required only upon proper notice or actual knowledge, while the Board may act immediately to protect the public interest. These amendments clarify the Board's authority to promulgate the Disciplinary Guidelines and the statutes that the regulation and the Disciplinary Guidelines, incorporated by reference, implement, interpret, and make specific.

Amend Disciplinary Guidelines Cover Page

Purpose: The purpose of this proposal is to amend the Disciplinary Guidelines' cover page that identifies the title of the document and to add the words "Model Disciplinary Orders" to the title. It also includes a change from the revision date from 2015 to the latest revision date of "Amended 11/2025".

Anticipated Benefits: The Board anticipates that the public, psychology licensees, and Board staff will more easily locate the Disciplinary Guidelines and clearly identify the correct, updated title and revised version with the new cover page.

Rationale: The proposal is necessary to provide clear and transparent identification of the document. The proposal would provide current language and notify the public, psychology licensees, and Board staff that the document contains the Board's current Disciplinary Guidelines and Model Disciplinary Orders to avoid any confusion.

Amend Table of Contents

Purpose: The purpose of this proposal is to amend the table of contents for the Disciplinary Guidelines to align the items with updated page numbers. The page and item numbers throughout the document are adjusted according to the edits made.

- Adds hyphen to “Substance Abusing” changing it to “Substance-Abusing”.
- Updates page numbers to match corresponding sections.
- Removes the term “Penalty” from subsection B under “II. Disciplinary Guidelines”.
- Updates subsection A under “III. Terms and Conditions of Probation” to reference applied uniform standards “1-14” and removes number “13”.
- Updates subsection B under “III. Terms and Conditions of Probation” to reference applied uniform standards “15-32” and removes number “14” and number “31”.
- Updates subsection C under “III. Terms and Conditions of Probation” to add the words “Revocations or” before “Stipulations for Surrender” and removes “or Revocation”.
- Updates subsection C under “III. Terms and Conditions of Probation” to reference applied uniform standards “33-34” and removes “32”.
- Updates subsection B under “IV. Proposed Decisions” to replace the title of “Recommended Language for Issuance and Placement of a License on Probation, and Reinstatement of License” with the title “Model Disciplinary Orders”.
- Replaces the term “Penalty” with “Discipline” and adds the term “Hearings” after Relief from title “V. Rehabilitation Criteria for Reinstatement/Penalty Relief”.
- Adds a hyphen to “Substance Abusing”, which is part of the title “V. Uniform standard for Substance Abusing Licensees” changing it to “Substance-Abusing.
- Adds new section “VII. Spectrum of Administrative Action” and adds “Page 45”

Anticipated Benefits: The Board anticipates that ALJs, Deputy Attorney General (DAGs), the public, psychology licensees and Board staff will benefit from the amendments to the table of contents, which identify the subjects currently covered and specify their page locations within the Disciplinary Guidelines.

Rationale: The proposal is necessary to make the Disciplinary Guidelines more user-friendly and provide transparency and clarity as to the disciplinary authority of the Board and the potential disciplinary outcomes for psychology licensees.

Amend Disciplinary Guidelines, Model Disciplinary Orders, and Uniform Standards related to Substance-Abusing Licensees

Purpose: The purpose of this proposal is to update the title to reflect recent updates to statutory law and make changes to Section 1395.2 to align with the proposed text. Please see “Amend Section 1395.2 of Article 7 of Division 13.1 of Title 16 of the CCR” above for the specific edits to the text and rationale.

Anticipated Benefits: The proposed amendments make this section consistent with current law, the current probationary environment, and clarify the terms and conditions of probation. The Board anticipates that these proposed changes will be a more effective tool for the Board, applicants, licensees, ALJs, legal counsel, and the public by providing a more accurate overview of the Board’s disciplinary processes.

Rationale: CCR Section 1395.2 was last amended in 2015. It currently contains outdated and inconsistent language. It is updated to reflect changes to statutory law and the probationary environment that require clarification. These proposed changes also update CCR Section 1395.2 to change the revision date of the Disciplinary Guidelines, so it provides the updated title to licensees. By adding “Model Disciplinary Orders” it incorporates the enforced orders into the title as outlined in subsection B under VI. Proposed Decisions.

Amend Section I, Introduction

Purpose: The purpose of this proposal is to amend the existing introduction in the Disciplinary Guidelines to:

- Removes “consumer protection” and adds “regulatory” and removes “with the priority of” and adds “responsible for” in relation to the Board’s responsibility of protecting consumers. Adds a period at the end of the sentence.
- Removes the statement “in exercising its licensing, regulatory, and disciplinary functions.”.
- Adds the statement “By statute, protection of the public is the Board’s highest priority in exercising its licensing, regulatory, and disciplinary functions” and adds reference to BPC Section 2920.1.
- Adds the term “statutory” before “mandate”, a comma after “mandate”, and removes the statement “to this particularly vulnerable population”.
- Adds reference to BPC Section 2920 and cites Title 16 of the CCR, Section 1380.
- Removes the registration category of “registered psychologist” and adds the term “registered” in front of psychological throughout this section. Removes comma after “registered psychologists”.
- Removes the term “assistants” and adds “associates” in reference to the registration category throughout this section.

- Adds the registration category for “registered psychological testing technicians” and adds comma.
- Adds the registration category for “research psychoanalysts” and “student research psychoanalyst” and adds comma and the term “and” to fix sentence structure in paragraph one and two.
- Removes the term “assistant” and adds “associate” in reference to the registration category throughout this section.
- Removes the term “psychologist” and adds “psychological testing technician”.
- Adds the statement “The term “designee” refers to the Executive Officer, Assistant Executive Officer, Enforcement Program Manager, and Probation Monitor, and Probation Monitor, of the Board of Psychology.” to define who is a “designee” as it will be referred to throughout the Disciplinary Guidelines.
- Adds “Terms and” to “Standard Conditions” to read as “Standard Terms and Conditions”.
- Replaces the term “which” with “that” and removes the term “generally”.
- Removes the statement “as standard terms and conditions”.
- Adds “Terms and” to “Optional Conditions” to read “Optional Terms and Conditions”.
- Adds a hyphen to “Substance Abusing” changing it to “Substance-Abusing”.
- Adds the revised date of “3/2019” and removes the previous date of “4/11”.
- Capitalizes “S” in “section”.
- Adds the statement “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”.
- Removes the term “the” before “respondent” throughout the section.
- Replaces the terms “particularly” with “statutorily”, “true” with “required”, “patient” with “client”, “abuse” with “contact” and adds the statement “with a licensee.”.
- Removes the term “Penalty” and adds “Disciplinary” as pertains to the “Guidelines”.

Anticipated Benefits: The Board anticipates that the public and psychology licensees will better understand what the term “designee” refers to throughout the Disciplinary Guidelines, and who qualifies as the Board’s “designee”. Including reference to the Business and Professions Code (BPC), provides the public with the statutes the Board draws their authority from. The proposed amendments also update the previous language with current terms to benefit the public, psychology licensees and Board staff, so that the Disciplinary Guidelines do not reference outdated terms.

Rationale: The proposal is necessary as it will separate the two concepts in relation to the Board as a “regulatory agency” and its responsibility for protecting consumers of psychological services. The proposal references BPC Section 2920.1 because it is important for the public and psychology licensees to know that by statute, the Board’s highest priority is protection of the public. It is necessary to include BPC Section 2900 in the proposal to inform the public and psychology licensees about the Board’s authority to adopt and apply the necessary guidelines for disciplinary orders and the conditions of probation for violations of the Psychology Licensing Law.

The proposal to remove the category of “registered psychologist” as well as “assistant(s)” and replace them with “associate(s)” is necessary due to the Board no longer having a registration category for “registered psychologist” or the title of “registered psychological assistant”. It was updated to “registered psychological associate” effective January 1, 2022. The proposal to include the category of “registered psychological testing technicians” is necessary as this registration category has an effective date of January 1, 2024. The proposal to define “designee” is necessary to align with the Board’s practices and clarify the different positions of the “designee” for the public and psychology licensees.

The proposal to include “Terms and” to the general categories of terms and conditions of probation is so that the language is consistent with specific guideline documents. The proposal to include the statement, “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”, is necessary as the statement is referenced in the above section in paragraph (b).

The proposal to remove the terms “particularly”, “true”, “patient” and “abuse”, and add the terms of “statutorily”, “required”, “client”, “contact” and “with a licensee” and replace “Penalty” with the term “Disciplinary” as pertains to the “Guidelines” is necessary as the language is consistent with BPC Sections 2960(o) and 2960.1.

Amend Section II, Disciplinary Guidelines – A. General Considerations

Purpose: The purpose of this proposal is to amend the General Considerations in the Guidelines to:

- Removes the statement of “Factors to be considered -” and removes “factors such as the following should be considered” and adds the statement of “the Board must consider the following:”.
- Adds the subtitle of “Substantial Relationship Criteria set forth in 16 CCR Section 1394:” and removes outdated language in 1-11 as previously provided in CCR Section 1394.

- Provides the specific relationship criteria set forth in the CCR Section 1394 and breaks the criteria down in subparagraphs (a), (b) and (c).
- Adds the subtitle “Rehabilitation Criteria for Suspensions or Revocations as set forth in 16 CCR Section 1395.1:”.
- Provides the specific rehabilitation criteria set for in the CCR Section 1395.1 and breaks the criteria down in subparagraphs (a) and (b).
- Capitalizes “S” in “section” throughout this section and removes the statement “(set out below in the Penalty Guidelines)”.
- Capitalizes the terms “Proposed”, “Decision”, and “Finding” and “Fact”.
- Removes the terms “the licensee” and adds “respondent”.
- Removes the term “patient” and adds “client” throughout section.
- Removes the terms “or registrant” and adds “(2)” after the term “two”.
- Adds the statement “The Board shall impose more restrictive terms and conditions if necessary to protect the public.”.

Anticipated Benefits: The Board anticipates that the public and psychology licensees will better understand what factors the Board must consider when determining whether to impose revocation, suspension, or probation. The proposed amendments clarify the criteria for substantial relationships and rehabilitation for suspensions or revocations. By updating the terms to be consistent with BPC Section 2960.1, as amended by SB 401 (Pan, Chapter 298, Statutes of 2022), the revised law clarifies the Board’s authority to allege conduct as sexually related to unprofessional contact where it previously could not. The updated term for “sexual contact” now clarifies the terms as touching of an intimate part of a client or a former client.

Rationale: The proposal is necessary as it updates the language to be consistent with CCR Section 1394, effective February 8, 2021, BPC Section 141 that became effective January 1, 1995, Penal Code Section 1203.4, effective July 10, 2023, for operational use, and CCR Section 1395.1 that became effective February 8, 2021. By updating the terms, it makes the language consistent with BPC Section 2960.1 that was effective January 1, 2023.

By adding the statement, “The Board may impose more restrictive terms and conditions if necessary to protect the public”, the Board provides clarification to the public and psychology licensees that the Disciplinary Guidelines are in fact guidelines, and the Board may ask for additional terms and conditions if warranted for consumer protection as referred to in Section B.

Amend Section II, Disciplinary Guidelines – B. Guidelines for Disciplinary Actions

Purpose: The purpose of this proposal is to amend the Guidelines for Disciplinary Actions to:

- Removes the term “PENALTY” from subsection B’s title.
- Removes the term “general” and adds “statutory”.
- Adds the statement “below, along with the names and numbers for the applicable optional terms and conditions.”
- Removes the statement “by statute number in the Business & Professions Code.”.
- Removes the statement “The bases are followed by the Board determined penalty, including the names and numbers for the optional terms and conditions.”.
- Removes the term “penalties” and “penalty”.
- Adds the statement “proposed disciplinary action, terms”.
- Removes the statement “If there are deviations or omissions from the guidelines in formulating a Proposed Decision, the Board requires that” and capitalizes the “T” in “the”.
- Adds the terms “must” and “any”.
- Adds the statement “from the Disciplinary Guidelines” and removes “the”, “or omissions” and “for final action”.

Anticipated Benefits: The Board anticipates that the public and psychology licensees will better understand what factors the Board must consider when determining whether to impose revocation, suspension, or probation.

Rationale: The proposal is necessary as it updates the language to be more concise and reflects the existing language accurately. By removing the term “penalty” or “penalties” from the Disciplinary Guidelines, it provides that the Board is more focused on rehabilitation, and less focused on punishment. The updated language makes specific which terms and conditions will be applied to what violation.

Business and Professions Code 2960 – General Unprofessional Conduct

Purpose: The purpose of this proposal is to establish maximum and minimum disciplinary actions and update existing disciplinary actions for practicing psychological licensees who are found in violation of general unprofessional conduct and the associated subsections 2960(a) through (r) and add Section 865.2 – Sexual Orientation Change Efforts (Conversion Therapy).

- Removes “or registration” from maximum.
- Removes the previous minimum penalties:

- “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).”
- Adds the minimum penalties:
 - “Revocation stayed, up to five (5) years’ probation, standard terms and conditions (15-32), and depending on the circumstances, and CPLÉE (6).”

865.2 Sexual Orientation Change Efforts (Conversion Therapy)

- Adds the subsection title of “865.2 SEXUAL ORIENTATION CHANGE EFFORTS (CONVERSION THERAPY)”.
- Adds the maximum penalties:
 - “Revocation; denial of license.”
- Adds the minimum penalties:
 - “Revocation stayed, up to five (5) years’ probation, standard terms and conditions (15-32), 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

- Removes “or registration” from maximum.
- Removes the previous minimum penalties:
 - “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).”
- Adds the current minimum penalties:
 - “Revocation stayed, up to five (5) years’ probation, standard terms and conditions (15-32), and depending on the circumstances, billing monitor (if financial crime) (3), restitution (7), psychotherapy (5), and CPLÉE (6).”

2960(b) Use of Controlled Substances or Alcohol in a Dangerous Manner

- Removes “or registration” from maximum.
- Removes the previous minimum penalties:
 - “Revocation stayed, 5-years’ 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).”

- Adds the current minimum penalties:
 - “Revocation stayed, up to five (5) years’ probation, standard terms and conditions (15-32), 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

- Removes “or registration” from maximum.
- Removes the previous minimum penalties:
 - “Revocation stayed, 5 years of probation, and standard terms and conditions (14-31).”
- Adds the current minimum penalties:
 - “Revocation stayed, up to five (5) years’ probation, standard terms and conditions (15-32), and depending on the circumstances, CPLEE (6).”

2960(d) Impersonating Another Person Holding a Psychology License or Allowing Another Person to Use Their License

- Amends 2960(d) title to current language by removing gender specific terms of “HIS OR HER” and adds the term “THEIR”.
- Removes the terms “OR REGISTRATION” from title.
- Removes “or registration” from maximum.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)”, adds “and depending on the circumstances”, adds the term “and” before “CPLEE”, and replaces number “7” with number “6”. The amendments also remove “psychological evaluation (2)”, and removes “and standard terms and conditions (14-31)”.

2960(e) Applying for a License or Passing an Examination by Fraud or Deception

- Amends 2960(e) title to current language by removing the term “PROCURING” and adding “APPLYING FOR” and “OR PASSING AN EXAMINATION”.

- Removes the term “Penalty” and adds “DISCIPLINE” in subtitle.
- Removes the term “penalty” and adds “discipline” throughout paragraph.
- Removes the terms “or registration”.

2960(f) Paying, or Offering to Pay, or Accepting Payment, Monetary or Otherwise, for Referral of Clients

- Amends 2960(f) title to current language by removing “ACCEPTING REMUNERATION OR PAYING FOR REFERRALS TO OTHER PROFESSIONALS” and adding “PAYING, OR OFFERING TO PAY, OR ACCEPTING PAYMENT, MONETARY OR OTHERWISE, FOR REFERRALS OF CLIENTS”.
- Removes “or registration” from maximum.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)”, adds “and depending on the circumstances”, adds the term “and” before “CPLEE” and replaces number “7” with number “6”. The amendments also correct the standard term and condition of billing monitor from number “4” to number “3”, and removes “and standard terms and conditions (14-31)”.

2960(g) Violating Section 17500 of the Business and Professions Code Regarding Advertising

- Removes to the term “Penalty” and replaces with “DISCIPLINE” in subtitle.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “(15-32)” and removes “(14-31)”.

2960(h) Willful Violation of Confidentiality

- Amends 2960(h) title by adding the term “WILLFUL”.
- Removes “or registration” from maximum.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)”, adds “and depending on the circumstances”, adds the term “and” before “CPLEE” and replaces number “7” with number “6”. The amendments also

correct the standard term and condition of practice monitor from number “4” to number “3, and removes “and standard terms and conditions (14-31)”.

2960(i) Violation of Rules of Professional Conduct

- Removes “or registration” from maximum.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)”, adds “and depending on the circumstances”, adds the term “and” before “CPLEE” and replaces number “7” with number “6”. Removes “psychological evaluation and/or therapy if appropriate (2) and (6),” and removes “and standard terms and conditions (14-31)”.

2960(j) Gross Negligence

- Amends 2960(j) title to remove “IN THE PRACTICE OF PSYCHOLOGY”.
- Removes “or registration” from maximum.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)” and adds “and depending on the circumstances”. The amendments also correct the standard term and condition of practice monitor from number “4” to number “3”, adds “restriction of practice”, and replaces number “5” with number “4”. Adds “psychotherapy”, replaces number “6” with number “5”. Adds “examination(s)” and replaces number “7” with number “6”. Removes “psychological evaluation prior to resumption of practice (2),”, “patient population”, “(if appropriate)”, “therapy”, “CPLEE”, and “and standard terms and conditions (14-31)”.

2960(k) Violating any Provision of the Psychology Licensing Law or Related Regulations

- Amends title 2960(k) title to include “THE PSYCHOLOGY LICENSING LAW OR RELATED REGULATIONS” and removes “THIS CHAPTER OR REGULATIONS DULY ADOPTED THEREUNDER”.

2960(l) Aiding or Abetting Unlicensed Practice

- Removes “or registration” from maximum.

- Amends the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)”, adds “and depending on the circumstances”, and replaces number “7” with number “6”. The amendments also remove “and standard terms and conditions (14-31)”.

2960(m)/2960.6 Disciplinary Action by Another Agency, State, or Country Against a License

- Amends title of 2960(m) to also add Section 2960.6 and adds “AGENCY”, “OR “COUNTRY”, and removes “OR REGISTRATION”. Adds comma after “AGENCY” and “STATE”.
- Adds the term “DISCIPLINE:”.
- Removes the terms “penalty” and “penalty(s)” and adds “discipline”.
- Adds the terms “or regulation(s)”.

2960(n) Dishonest, Corrupt, or Fraudulent Act

- Removes “or registration” from maximum.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)” and “and depending on the circumstances”. The amendments also correct the standard term and condition of billing monitor from number “4” to number “3”, adds “psychotherapy (5)”, and replaces number “7” with number “6” in reference to CPLEE. Replaces number “8” with number “7” in reference to full restitution. Removes “psychological evaluation and ongoing therapy, if appropriate (2)”, and removes “and standard terms and conditions (14-31)”.

2960(o); 726; 729 Sexual Abuse, Sexual Relations with Client or Former Client, or Sexual Misconduct

- Amends 2960(o) to add Sections 726 and 729.
- Amends 2960(o) title to add the terms “CLIENT” and “SEXUAL EXPLOITATION” and removes reference to “PATIENT”. Removes the terms “ANY ACT OF”, “OR”, “WITHIN TWO YEARS FOLLOWING TERMINATION OF THERAPY” and “THAT IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS, FUNCTIONS OR

DUTIES OF PSYCHOLOGIST OR PSYCHOLOGICAL ASSISTANT OR REGISTERED PSYCHOLOGIST”.

- Removes the term “Penalty” and replaces it with “DISCIPLINE” in subtitle.
- Removes the statement “When a finding of sexual misconduct occurs,” and removes the forward slash and term “/registration” and “or registration”.
- Capitalizes “R” in “revocation” and lowercases the term “MUST” changing it to “must”.
- Removes the term “penalty” and adds “discipline”.
- Removes “NO MINIMUM PENALTY.”.
- Removes the phrase “Business and Professions Code” and adds “of the Code”.
- Amends the Note with current language “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.”
- Removes the previous language from the Note “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

- Removes “or registration” from maximum.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)” and “and depending on the circumstances”. The amendments also correct the standard term and condition of practice monitor from number “4” to number “3”. Adds “restriction of practice (4), and examination(s)”, and replaces number “7” with number “6”. Removes “patient population restriction (5)”, “CPLEE”, and “and standard terms and conditions (14-31)”.

2960(q) Willful Failure to Verify an Applicant’s Supervised Experience

- Removes the term “Penalty” and adds “DISCIPLINE” in subtitle.
- Amends the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “(15-32)” and removes “(14-31)”.

2960(r) Repeated Negligent Acts

- Removes “or registration” from maximum.
- Amends to the minimum penalties to add the terms “up to five”, add parenthesis to number “5”, add “s” to “year” changing it to “years”, and removes the hyphen in reference to 5 years’ of probation. Adds “standard terms and conditions (15-32)”, adds “and depending on circumstances”, and corrects the standard term and condition of practice monitor from number “4” to number “3”. The amendments also add “examination(s)” and replaces number “7” with number “6”. Removes “depending on circumstances, up to”, “psychological evaluation prior to resumption of practice (condition precedent) (2)”, “CPLEE”, and “and standard terms and conditions (14-31)”.

Anticipated Benefits: The Board anticipates that ALJs, DAGs, the public, psychological licensees, and Board staff will benefit from knowing and understanding the maximum and minimum penalties for individuals who are found in violation of general unprofessional conduct and the associated violations of unprofessional conduct.

Rationale: This proposal is necessary to provide the Disciplinary Guidelines with the maximum (revocation) and minimum (revocation stayed, up to 5 years’ probation) penalties that may be imposed by an ALJ or a DAG when drafting a proposed decision. The maximum and minimum penalties inform respondents and their counsel when determining whether to negotiate a settlement or strategize for an administrative hearing. It also provides guidance to the Board when reviewing proposed decisions and stipulated settlements. Individual cases that depart from the Disciplinary Guidelines, the mitigating or aggravating circumstances must be detailed in the “Finding of Fact” which is in every Proposed Decision. The language provided is consistent with current language of terms and conditions, as well as current BPCs.

By adding Section 865.2 – Sexual Orientation Change Efforts (Conversion Therapy), the Board is addressing Conversion Therapy that was presented at the Boards Sunset review by the Chair of the Senate Business and Professions Committee. In a situation where the Board receives a complaint, it has the terms and conditions in place. The Board considers Conversion Therapy a specific practice issue. The Board made the determination to restrict licensees from seeing certain client types and has terms and

conditions in place. The Board shall designate a restriction monitor to ensure the licensee is practicing correctly with restrictions.

Amend Section III, Terms and Conditions of Probation

Purpose: The purpose of this proposal is to amend the language in defining the two categories for the terms and conditions of probation. The amendments including the removal of “Penalty” and updating the language to include “Disciplinary” and including the terms of “ed Settlement, “terms and” and “of probation”. Additionally, “15-32” was added and “14-31” was removed. An “s” was also added to the word “include” changing it to “includes”.

Anticipated Benefits: The public and psychology licensees will better understand what the two categories are. The language has been revised to be consistent with the terminology used in terms and conditions throughout the document.

Rationale: The proposal is necessary as it updates the language to be more concise and reflects the existing language accurately. By removing the term “penalty” from the Disciplinary Guidelines, it again reinforces that the Board is more focused on rehabilitation, and less focused on punishment.

A. Optional Terms and Conditions of Probation

Purpose: The purpose of this proposal is to amend the Optional Terms and Conditions of Probation to:

- Adds the terms “OF PROBATION” to title for subsection A.
- Adds the terms “terms and” to the optional conditions.
- Removes “ion” from “Stipulation” and adds “ed” changing it to “Stipulated” and adds the term “Settlement”.
- Amends the numbering of the Optional Terms and Conditions.

1. Actual Suspension

- Adds the term “six”.
- Adds parenthesis to number “6”.

2. Psychological Evaluation

- Adds comma after the term “thereafter”.
- Removes the terms “or its designee” throughout section.

- Removes the term “appointed” and adds “approved” changing the terms “Board-appointed” to “Board-approved” throughout section.
- Adds the statement “(“evaluator”), as provided by the Board to the respondent”.
- Adds semicolon after the term “to” and parenthesis and the number one “(1)”.
- Removes the terms “current DSM V”.
- Adds the statement “diagnosis in accordance with the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5);”.
- Adds parenthesis and the number two “(2)” and the term “provide”.
- Removes the terms “and”, “report”, “the”, and “function” and adds the terms “evaluation” and “practice”.
- Removes forward-slash term “or” from “and/or”.
- Removes the statement “as a psychologist with safety to the public,”.
- Adds parenthesis and the number three “(3)” and adds the terms “disclose any additional”.
- Removes the terms “whatever other”.
- Removes the statement “The evaluation should not be disclosed to anyone not authorized by the Board or by court order.”
- Removes the term “patients’ and adds the term “client” throughout section.
- Adds the statement “of the date of the Board’s written notice,”.
- Adds the terms “for this additional” and removes the terms “by this”.
- Removes the terms “he or she” and adds “respondent” throughout section.
- Adds the statement “Recommendations for treatment made as a result of the evaluation will be instituted and followed by respondent.”
- Adds the term “psycho” to “therapy” and “therapist” amending the terms to “psychotherapy” and “psychotherapist” throughout section.
- Removes the term “therapist” from “psychotherapist” and adds “logist” changing the term to “psychologist” throughout section.
- Adds “n” to “an” and adds the terms and comma “active, unrestricted and” and removes the terms “clear and”.
- Removes the terms “previous” and “business” and adds the terms “current or formal financial”.
- Adds the terms “familial” and “social or business”.
- Adds the terms and comma “or worksite” and “receiving written notice of”.
- Removes “d” from the term “released” changing the term to “release”.
- Adds the term “Board” and a hyphen to the term “approved” changing the terms to “Board-approved”.
- Removes “ed” from the term “approved” and adds “al” changing the term to “approval”.

- Removes the paragraph “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.”
- Adds the statement “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.”
- Removes the sentence “. Failure to pay costs will be considered a violation of the probation order.”
- Adds the statement and comma “including but not limited to gross negligence or dishonest, corrupt, or fraudulent acts,”.
- Removes the terms “entitled”, “used”, and “term” and adds “allowed”, “substituted” and “condition” throughout this section.
- Lowercases the “R” in “respondent”.
- Removes the term “by” and adds “for”.
- Adds the term “additional”.
- Adds the terms “a substitute for”.
- Adds the term “a” before “reinstated” and removes the “a” after “reinstated”.
- Removes forward-slash and the term “/or” throughout rationale.

3. Physical Examination

- Amends the optional terms and conditions for Physical Examination to include “forty-five (45)” days and removes “ninety (90)” days.
- Removes “physician and surgeon (physician)” and adds “medical evaluator” throughout section.
- Adds the statement “For purposes of these Disciplinary 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.”.
- Adds the statement “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.
- Adds the term “with”.
- Removes the term “capability” and adds “ability”.

- Removes gender specific terms “he or she” and adds “respondent” throughout section.
- Removes the term “the” in front of “respondent” throughout section.
- Removes gender specific terms “his or her” and adds “their” throughout section.
- Removes the term “patients” and adds “clients” throughout section.
- Removes the term “appointed” and adds “approved”.
- Removes the phrase “the physician” and “the treating physician” and adds “an appropriately licensed healthcare practitioner”.
- Amends the rationale to remove “the probationer” and “problems/disabilities” and adds “respondent” and “conditions”.
- Adds the term “the” in front of “safe”.

4. Practice Monitor/Billing Monitor/Worksite Monitor

- Removes comma after “approval”.
- Removes the terms “a clear” and adds “an active, unrestricted,” and clarifies that the current license of the psychologist/monitor must have an active unrestricted license “of at least five (5) years duration”.
- Removes the requirement of no “prior business, professional, personal, or other relationship with respondent” and adds “current or formal financial, personal, familial, or other social or business relationship with the respondent that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board;”.
- Removes the requirement that the monitor shall “not be the same person as the respondent’s therapist”.
- Amends the term and condition to include the requirement of the monitor to “have completed six (6) hours of supervision coursework”.
- Removes the term “the” before “respondent” throughout section.
- Removes gender specific terms “he or she” and replaces with “the monitor”.
- Adds brackets to the term “practice” and adds the terms “[billing] [worksite]”.
- Adds “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.”
- Adds the term “frequency” and adds a “t” to “a” changing it to “at”.
- Adds the term “in-person” in reference to face-to-face contact and adds hyphens to “face-to-face” throughout.
- Removes “patient” and adds “client” and removes “patients” and adds “clients” throughout section.

- Amends the terms and conditions to require the respondent to secure written authorization for releases of personal information and requires the respondent with fifteen (15) days' notice to obtain more than one monitor based on worksites, availability or similar factors.
- Replaces "therapy" with "psychotherapy".
- Amend the terms and conditions to require a paragraph addressing the billing monitor to be included in the order if the Board has ordered the respondent to undergo an annual audit of their billings. Within 90 days of receiving written notice, the respondent must submit three qualified, conflict-free CPA candidates for the Board to select an auditor. The respondent must obtain client releases to facilitate the audit, which will include a random review of billing records. A final audit report must be submitted within 180 days of the Board approving the auditor. The respondent must pay all audit costs. Failure to cooperate, complete, report, or pay for the audit on time is a probation violation.
- Adds the statement "The following paragraphs" and "must be included in the Order" and removes "Add the language of the next 3 paragraphs".
- Removes the statement "current or former financial, personal, or familial relationship with the licensee, or other relationship," and adds "current or former financial, personal, familial, or other social or business relationship with respondent".
- Amends the terms and conditions to reference "respondent" instead of "the licensee" throughout section.
- Adds the term "every" and removes "ly" from "monthly" changing it to "month".
- Adds the term "and" and capitalizes "R" in "respondent".
- Amends the "thirty (30)" days to "ninety (30)" days requirement for the respondent to submit to the Board or its designee the name and qualifications of a psychologist who has agreed to serve as a replacement monitor following respondents submission to the Board of a request for approval of a new monitor.
- Adds comma after "if necessary" in rationale.

5. Practice Restriction

- Removes title of "Restriction of Patient Population" and adds "Practice Restriction".
- Adds the terms "[limited to]", adds brackets to "restricted to exclude clients who are _____", and adds "for [months/years]".
- Removes "clients" and "client" and adds "patients" and "patient" throughout.
- Capitalizes "D" in "decision".

- Reorders the term “proof” before the term “satisfactory” and adds “proof” after “satisfactory”.
- Amends the terms and conditions to require the respondent to notify their supervisor, if they have one of the restrictions imposed on their practice.
- Removes the term “the” before “respondents”.
- Removes “at large”, “put a”, “at”, “if in therapy with the respondent,”, and “vary greatly by case.”
- Adds comma after the terms “risk” and “population”.
- Adds “expose a”, “to”, “setting, or psychological service”, and “be tailored to each specific case.”.

6. Psychotherapy

- Amends the term and condition to from “ninety (90)” days to “thirty (30)” days of the effective date that the psychotherapist must be selected.
- Adds term “psycho” to existing term “therapist” throughout the section.
- Removes the term “the” before “respondent” and “respondents” throughout the section.
- Adds an “n” after “a” changing it to “an”.
- Removes the term “clear” and adds the terms “active, unrestricted” and clarifies that the current license of the psychologist/monitor must has an active unrestricted license for at least five years.
- Removes the requirement of no “previous business, professional, personal, or other relationship with respondent” and adds “current or formal financial, personal, familial, or other social or business relationship with the respondent”.
- Adds the terms “practice, billing, or worksite”.
- Adds number and parenthesis “(1)” in reference to one hour per week.
- Removes the statement “the therapist believes the”.
- Removes the statement “upon notification from the Board,” and adds “the Board shall order”.
- Removes the term “shall” and adds “to”.
- Amends the term and condition to reference “clients” instead of “patients”.
- Removes the term “shall”.
- Removes “appointed” and adds “approved”.

7. Examination(s)

- Lowercases “MUST INCLUDE” to read as “must include”.
- Capitalizes the “D” in decision throughout section.
- Amends the term and condition to reference “clients” instead of “patients”.

- Adds hyphen to “Reexamination” changing it to “Re-examination”.
- Amends the terms and conditions to reference Title 16 CCR 1388 in regard to the requirement of examination in paragraphs 1 and 2.
- Removes comma after “practice” and removes “to” from Option 2.
- Amends the term and condition to include the requirement of probation shall be extended by the period of time during the respondent’s practice was ordered ceased.
- Removes the terms “Business & Professions” from Option 1 and 2.
- Removes the term “the” before “respondent”.
- Adds period and removes comma after the term “psychologists” in rationale.
- Amends the rationale to remove the statement regarding the Board no longer administering an examination that tests knowledge of the field during probation, and that in some cases practice may be ceased until the CPLEE is completed when violations involving competency of law and ethics are found.
- Adds the statement “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

- Removes the terms “the” and “of probation”.
- Amends the rationale to reference “cases” instead of “offenses” and “harm or injury” instead of “exploitation”.
- Removes the statement “is a necessary term of probation” and adds “may be ordered”.
- Removes the terms “a standard term” and adds “ordered”.
- Removes the term “other”.
- Adds comma after the terms “be” and “minimum”.
- Removes the term “fraudulently” and adds “wrongfully”.
- Removes the terms “the licensee” and adds “respondent”.
- Removes the term “Evidence” and adds “Documentation”.
- Removes the statement “have to be introduced at the Administrative hearing” and adds “establish the amount of restitution owed by the respondent and to whom the restitution should be paid.”.

9. Clinical Diagnostic Evaluation

- Amends the term and condition to clarify that the clinical diagnostic evaluations must be done “by a Board-approved evaluator.”.

- Removes the statement “Respondent shall provide the evaluator with a copy of the Board’s Decision prior to the clinical diagnostic evaluation being performed.”.
- Removes apostrophe from “(3) years” and adds “of”.
- Removes the statement “or ever had a financial, personal, business, or other relationship with the licensee” and adds “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 Board-approved evaluator to render impartial and unbiased reports to the Board”.
- Reorders the mandatory language regarding a cease of practice order.
- Hyphenates “Substance Abusing” changing it to “Substance-Abusing”.
- Lowercases the term “Respondent”.
- Removes gender specific terms of “he or she” and adds “respondent” throughout section.
- Adds “a” before “minimum”.
- Adds comma after uniform standard number “2” in rationale.

10. Alcohol and/or Drug Abuse Treatment Program

- Amends the title to remove “/or”.
- Removes the term “the” before “respondent”.
- Removes “However” and capitalizes the “I” in “if”.
- Removes “attended” and adds “completed” in reference to an outpatient or inpatient alcohol or other drug abuse recovery program.
- Adds the terms “or during” in reference the period of current sobriety.
- Amends the term and conditions to allow the Board at its discretion such as, completion of a court-ordered drug, or alcohol treatment program to receive proof that the program was successful to comply with this term of probation.

11. Ongoing Support Group Program

- Amends the term and conditions to clarify the group support as a meeting and removes the requirement of a meeting conducted by a psychologist trained in alcohol and drug abuse treatment.
- Adds the term “of” to item a of qualifications and requirements.
- Adds the term “had” to item b of qualifications and requirements.
- Capitalizes “B” in “board” in item c of qualifications and requirements.
- Amends the term and condition to add item d which requires that respondents shall provide the facilitator with a copy of the decision.
- Adds item “e”.
- Replaces number “12” with number “9”.

- Removes the statement “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

- Removes the terms “Business and Professions”
- Adds “care” to “health” changing it to “healthcare”.
- Amends the term and condition to clarify that the respondent shall abstain from alcohol “in any form”.
- Amends the term and condition to remove language related to testing timeframes during probation as the timeframes are provided in the testing schedule.
- Amends the term and condition to clarify that after 5 years, administration of biological fluid or specimen testing as determined by the Board, may be reduced by one year.
- Adds “and to suggest alternative service providers to their clients as appropriate.”
- Removes gender specific terms of “he or she” and adds “respondent”.
- Amends the term and condition to remove “All alternative testing sites” and adds “Any alternative to the licensee’s drug testing requirements (including frequency, alternative testing sites, or cessation of practice)”.
- Removes reference to “vacation or” and “the vacation or” as the term and condition applies to all travel.
- Amends the term and condition to clarify the term of probation will be extended by the period of time the respondent was ordered to cease practice.
- Amends the terms and conditions to clarify that prescribed medication can only be used for the purposes in which they were prescribed and requires a written notice by the licensed health-care professional who prescribed the medication must be submitted within fourteen (14) days from the date the written request by the Board or its designee.
- Removes the term “the” before “respondent” throughout section.
- Removes the terms “the probationer” and adds “respondent”.
- Amends the rationale and removes “substance or chemical fee” and adds “not using drugs or alcohol”.
- Removes the term “may” and adds “shall”.
- Removes the term “less” and adds “fewer”.
- Adds the terms “twenty-four” and parenthesis to number “24”.
- Amends the Application of Uniform Standard #4 to include licensed supervision during practice, and the Board may reduce testing to a minimum of 24 times a

year if the licensee's supervisor is at the same location at least 50% of the day and if licensed by the Board.

- Removes the term "The" and capitalizes the "T" in "term".
- Adds the number "11" and adds the term "frequency".
- Adds bullet points to format the factors the Board will consider in making an exception to the testing frequency.

13. Request for Modification Pursuant to Uniform Standards

- Adds the Optional Terms and Conditions to include Request for Modifications Pursuant to Uniform Standards including requirements.
- Adds "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."
- Adds "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."
- Adds the rationale and application of Uniform Standard #11.

14. Educational Review

- Amends the term and condition to require the educational review to be conducted and submitted within ninety (90) days from the effective date of the Decision by the respondent to the Board. The educational review shall be conducted and submitted to the respondent and the Board and must be approved by a Board-approved California licensed psychologist, the "reviewer".
- Lowercases "t" in "The" and capitalizes "B" in "board".
- Amends to previous passage so that the "reviewer" is no longer appointed and must be approved by the Board.
- Removes the statement "Educational reviews are informational only and intended to benefit respondent's practice. Respondent shall pay all costs associated with this educational review."
- Amends the term and conditions to include any recommendations made by the reviewer, the respondent shall develop and submit a plan to the Board for approval within thirty (30) days after receiving the results of the educational review.

- Amends the term and condition to include any recommendations made by the reviewer, the respondent shall have met the requirements of the plan no later than six (6) months prior to the end of probation shall pay all costs associated with this educational review and any costs associated with completing respondent's Board-approved plan.
- Removes the term "the" before "respondent".

Anticipated Benefits: The Board anticipates that ALJs, DAGs, the public, psychological licensees, and Board staff will benefit from knowing and understanding the optional terms and conditions for individuals that are placed on probation.

Rationale: This proposal updates the optional terms and conditions for probation. By amending the psychological evaluation, this proposal strengthens the Board's ability to monitor and enforce licensee conduct that raises concerns about judgment, mental health, or fitness to practice. The changes improve clarity, consistency with professional standards, enforceability of conditions, and communication between treating professionals and the Board, thereby advancing the Board's consumer protection mandate.

Additional rationale for certain terms is provided below.

Physical Examination

The proposed language in the optional terms and conditions for "physical examination" will expand to more options for which probationers can complete a physical examination. By adding language that defines a "medical evaluator" throughout the Disciplinary Guidelines document, it provides the clarification and requirements needed for licensees and Board staff as to who qualifies as a "medical evaluator". By expanding the medical evaluator definition, the physical evaluation can be obtained sooner and more easily which will ultimately help increase consumer protection.

Practice Monitor/Billing Monitor/Worksite Monitor

By adding the statement "The medical evaluator shall have no current or formal financial, personal, familial, or other social or business relationship with the respondent that could reasonably be expected to compromise the ability of the medical evaluator to render impartial and unbiased report to the Board", it provides further clarification on who can be accepted as a "medical evaluator". The Board also defines "social" as a friend, neighbor, coworker, or any interpersonal relationship between two or more people, individually or within/between groups.

By updating the timeframe from 90 days to 60 days for optional terms and conditions regarding "Practice Monitor/Billing Monitor/Worksite Monitor", a licensee will need to obtain a monitor more efficiently. It is the Board's understanding that decreasing the

timeframe to 60 days will not cause undue hardship in obtaining a monitor. The Board may amend the plan to increase or decrease the frequency of the monitoring sessions with 30 days' written notice to both the monitor and respondent. By giving both parties 30 days' notice, this will grant the respondent time to reschedule appointments or contracts to meet the new monitoring requirements. This will also allow the respondent to comply with the terms and conditions earlier, when possible.

Practice Restriction

Updating the optional terms and conditions of "Restriction of Patient Population" to "Practice Restriction" not only restricts the respondent's practice but, also restricts the type of services offered. By requiring the respondent to notify their supervisor if a restriction is imposed, it allows for further consumer protection, and further clarification that if a respondent is under supervision, they must notify their supervisor. For respondents who are self-employed and who are found to be unsafe to practice, restrictions on certain patient populations would be put into place.

Psychotherapy

The updated language for optional terms and conditions for "psychotherapy" is to make the language consistent with current industry standards as the previous language provided in the optional terms and conditions for "psychotherapy" were outdated because the previous language was too limiting.

Examinations

By updating the language in optional terms and conditions for "Examinations", it now covers re-examinations by citing the requirements set forth in CCR section 1388. It provides clarification that the timeframe to extend probation doesn't start until the respondent has met the conditions of reinstatement. By moving the statement of "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 and/or knowledge deficiencies (condition precedent)" it allows for better readability and provides clarification that in certain cases respondents are not able to practice until knowledge and competency are demonstrated.

Restitution

The updated language as provided in the optional terms and conditions for "Restitution" no longer limits the type of evidence that can be used or presented in the determination of restitution. Limiting the type of evidence involving economic or injury restitution will allow for review of all evidence presented or found and will allow for the correct amount of restitution owed by the respondent to be fully established.

Clinical Diagnostic Evaluation

The language provided in the optional terms and conditions for “Clinical Diagnostic Evaluation” clarifies the requirements of evaluators and makes the language consistent with the other evaluators as provided in the optional terms and conditions.

Alcohol and/or Drug Abuse Treatment Program

By removing the term of “attended” and replacing the term with “completed”, it provides clear instructions to the respondent that the recovery program must be completed in order to satisfy the term and condition of their probation, however, the determination of completion will be decided by the Board or the Board’s designee.

Ongoing Support Group Program

By adding the term of “meeting” and removing the requirement of the group being run by a psychologist trained in alcohol and drug abuse to the optional terms and conditions for “Ongoing Support Group Program”, it reduces the burden on the respondent as it was evident that respondents were having difficulty in finding a support group that met all the requirements. By requiring the respondent to provide the meeting facilitator with a copy of the decision they clarify the expectations of what the respondent will receive during the meeting which will in turn improve the meeting experience for the respondent.

Abstain from Drugs and Alcohol and Submit to Tests and Samples

The updated language in optional terms and conditions for “Abstain from Drugs and Alcohol and Submit to Tests and Samples” is necessary as it updates terms to be consistent with current industry terms. It notifies respondents that as a term they must abstain from the intake of alcohol in any form and removes unnecessary duplicative language provided in the testing schedule chart. The updated language includes new testing modalities such as hair testing and provides clarification that if a respondent tests positive, they must cease practice. The language suggests alternative service providers not be provided to clients, as referrals may be considered as practice. In the case the respondent must travel, any alternatives to testing or testing sites must be approved by the Board prior to travel, this includes vacation and family leave. The terms and conditions also provide clarifying language related to prescribed medication. The respondent must provide written documentation of the prescribed medication from the treating licensed healthcare professional who prescribed the medication, this will aid in protection of consumers and ensure the respondent is using the prescribed medication appropriately.

Request for Modification Pursuant to Uniform Standards

“Request for Modification Pursuant to Uniform Standards” was added as optional terms and conditions #12. The language was previously in term #28 and was moved as the term is consistent with the previous optional terms and conditions because the

consideration to request a modification to a uniform standard is in-part with the requirements of the terms and conditions for abstaining from drugs and alcohol.

Educational Review

The changes to optional term and condition for “Educational Review” is necessary, as this section was broadened to clarify the respondent’s expectation of the educational review. The language conforms to the Board’s current practice and removes any delay in receiving the required plan which must be approved by the Board. The plan must include measurable goals such as, number of courses, hours, hours of supervision and course units.

B. Standard Terms and Conditions of Probation

Purpose: The purpose of this proposal is to amend the Standard Terms and Conditions of Probation:

- Adds “OF PROBATION” to subsection B title.
- Lowercases “ALL” to “all”.

15. Notification to Employer

- Removes the “s” from the term “employers”.
- Removes the term “is” from “this” and adds “e” changing the term “this” to “the”.
- Removes the statement “and the Accusation or Statement of Issues”.
- Removes the term “the” before “respondent’s”.
- Removes the term “term” and adds “condition”.
- Removes the term “The” before “respondent” and capitalizes “R”.
- Amends the term and conditions to include employer’s email address.
Adds the term “and” and capitalizes “D” in decision”.
- Adds the statement “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.”.
- Adds the statement “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.”.
- Removes the statement “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.”.
- Makes grammatical changes for clarity throughout the paragraphs.

16. Coursework

- Adds the statement “as approved by the Board or its designee.”
- Removes the term “must” and adds “shall”.
- Amends the terms and conditions to clarify the approved providers.
- Removes the terms “or its designee”.
- Amends the term and conditions to clarify the coursework requirements regarding on-demand, recording, home study, and real time.
- Amends the term and condition to remove the requirement of coursework must be completed at the graduate level, and the statement of classroom attendance and home study does not count towards the term and condition requirement.
- Amends the term and condition to reference Section 1397.61.1.
- Amends the term and condition to remove the requirement of ninety 90 days of the effective date of the decision, the respondent shall submit a prior approval for a plan for meeting the educational requirements.

17. Law and Ethics Course

- Amends the term and condition to include “Law and” in title.
- Amends the term and conditions to add requirement of six hours of law and ethics within the first year.
- Amends the terms and conditions to clarify the approved providers.
- Amends the term and conditions to remove the requirement of ninety 90 days of the effective date of the decision, within which the respondent needs to submit for prior approval for a course in laws and ethics.

18. Cost Recovery

- Amends the term and condition title from “Investigation/Enforcement” to “Cost Recovery”.
- Amends the term and condition to remove “of probation” and reference to probation and require the respondent from the date of the decision unless an alternative payment plan is approved by the Board or it’s designee, the respondent shall pay the cost of investigation and enforcement.
- Amends the term and condition to remove the statement regarding failure to pay shall be considered a violation of probation.
- Removes the term “a” and adds “an alternative” to clarify the type of payment plan.

19. Probation Costs

- Adds the statement “as designated by the Board or its designee, which may be adjusted on an annual basis”.
- Removes the statement “Failure to pay such costs shall be considered a violation of probation.”.

20. Obey All Laws

- Amends the term and condition to include the “Ethical Principles of Psychologists and Code of Conduct” of the American Psychological Association that the respondent shall obey.
- Removes the term “guidelines”.
- Removes the term “the” before “respondent”.
- Makes grammatical edits.
- Removes hyphen between “health-care” changing it to “healthcare”.
- Capitalizes the terms “Accusation”, “Petition”, “Revoke”, and “Probation”.
- Adds “terms and”.

21. Quarterly Reports

- Amends the terms and condition to remove reference of forms provided by the Board or its designee.
- Adds the statement “that covers the entire quarter”.
- Removes the term “from” and adds “after”.
- Removes the statement “beginning of the assigned” and adds “ends”.
- Amends the terms and conditions to provide the quarterly reporting periods and due dates.

22. Probation Compliance

- Removes the terms “probation order” and adds “Decision”.
- Adds the statement “As it relates to the Decision,”.
- Lowercases the “r” in “Respondent”.
- Amends the term and conditions to remove reference respondent shall not have any unsolicited or unapproved contact with members of Board staff.

23. Interview with the Board or Its Designee

- Adds the statement “or meetings as directed by”.
- Removes the term “with”.

24. Changes of Employment/Address

- Removes “thirty (30)” and adds “ten (10)” in reference to the number of days a responder has to notify the Board in writing of change of employment.

25. Tolling for Non-Practice and Out-of-State Practice

- Amends the term and condition title to remove “Tolling for Out of State Practice, Residence or Extension of Probation for In State Non-Practice” and adds “Tolling for Non-Practice and Out-of-State Practice”.
- Amends the term and condition to define “non-practice” and include current language and requirements that the respondent must notify the Board in writing within 10 days if they stop practicing for more than 30 days or when they return to practice. Non-practice means providing fewer than 40 hours of psychological services per month in California. If the respondent lives in California, they must follow all probation terms during non-practice. If they live outside California, they are only required to follow certain probation terms, such as:
 - Restitution
 - Drug/alcohol abstinence and testing
 - Cost recovery and probation costs
 - Obeying laws
 - Submitting quarterly reports
 - Board interviews
 - Reporting changes in job/address
 - Not violating probation
 - Surrendering license if required
- Amends the term and conditions to include current language and requirements that non-practice time does not reduce the probation period. Suspensions ordered by the Board don’t count as non-practice. Total non-practice time cannot exceed two years during probation, unless good cause (e.g., health issues) is shown. Exceeding the two-year limit without valid reason may lead to license surrender or revocation.
- Adds reference to the authority in Business and Professions Code Section 2903.
- Removes the term and condition that requires if the respondent moves out of California or stops practicing psychology in the state for more than 30 days, they must notify the Board in writing within 10 days; most probation terms will pause during this

period, but the total probation term will be extended by the time spent out of state or not practicing.

26. Tolling for Ceased Practice

- Adds “Tolling for Ceased Practice” to the Standard Terms and Conditions of Probation”.
- Adds “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.”

27. Employment and Supervision of Trainees

- Removes the terms “respondent is.”
- Amends the term and condition to remove gender specific terms “he/she” and adds “respondent”.
- Removes the statement “or apply to employ or supervise”.
- Amends the term and condition to reference “associates” replacing “assistants”
- Adds comma after “interns”.
- Removes the terms “and Order”.

28. Instruction of Coursework Qualifying for Continuing Education

- As mentioned in the table of contents, item numbers were changed for consistency throughout the document.

29. Future Licensure

- Amends the title of the term and condition to remove “Registration or” to change the title to “Future Licensure”.
- Amends the term and condition to remove “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,”.
- Capitalizes the “T” in “this” and removes “is” from “This” and adds “e” changing “This” to “the”.
- Adds the statement “through any registration or license issued by the Board”.
- Removes the term “terminated” and adds “completed”.

- Removes the term and comma “however,”.

Request for Modification

- This entire item has been removed from standard terms and conditions of probation and added as #12 under optional terms and conditions of probation. The request for modification is an optional term and added to #12 to be consistent with the previous optional terms and conditions because the consideration to request a modification to a uniform standard is in-part with the requirements of the terms and conditions for abstaining from drugs and alcohol.

30. Violation of Probation

- Amends the term and condition to remove reference to “in any respect” and make other clarifying changes to the language for clarity throughout the paragraph.
- Removes the term “have”.
- Removes “ing” from “continuing” and adds “e” changing it to “continue” and adds “to have”.

31. Completion of Probation

- As mentioned in the table of contents, item numbers were changed for consistency throughout the document.

32. License Surrender

- Amends the term and condition to clarify the request for voluntary surrender may be requested “in writing”.
- Amends the term and condition to remove gender specific terms “his or her” and adds “their”.
- Amends the term and condition to remove reference to “or registration” throughout the paragraph.
- Amends the terms and conditions to clarify the required information that must be submitted in the written request to surrender a license.
- Removes “of Psychology” leaving simply “The Board”.
- Removes “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.”

- Adds a term and condition clarifying that a respondent who surrenders their license may petition the Board for reinstatement no sooner than three (3) years if the surrender was for reasons other than a mental or physical illness, or one (1) year if the surrender was due to a mental or physical illness.

Anticipated Benefits: The Board anticipates that ALJs, DAGs, the public, psychological licensees, and Board staff will benefit from knowing and understanding the standard terms of conditions for individuals that are placed on probation.

Rationale: This proposal is necessary as the updated language uses current terms of use and removes outdated language and terms.

Additional rationale for certain terms is provided below.

Notification to Employer

The updated language for the standard terms and conditions provides clarification that the respondent shall not interfere with the Board's authority to communicate with the respondent's employer, supervisor or workplace. By adding the statement "If the 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", the court is made aware prior to an appointment or providing services that the respondent has a practice restriction and allows for the court to make a different decision.

Coursework

Updating the standard terms and conditions for coursework allows the respondent to take courses in-person or online that are not provided by the listed organizations and allows the respondent to take courses in other states while still allowing the probation monitor to approve the courses outside of the required area(s). The updated language also cites CCR section 1397.61.1 which outlines the requirements of coursework. All of this provides further clarity for the respondent.

Law and Ethics Course

The updated title of standard terms and conditions to "Law and Ethics Course" makes the title consistent with current course title. The updated language provides the requirements the course must meet to be accepted in the standard terms and conditions and includes that the course must be taken by an approved provider. The requirements ensure consumer protection by confirming that the respondent has knowledge of current California law and ethics.

Cost Recovery

The changes to standard terms and conditions of “Cost Recovery” are necessary as the language provided in the first paragraph now clarifies and connects the language to the second paragraph regarding payment plans. The Board removed language regarding the number of days within which the payment in full has to be received, due to the respondents and the Board not knowing the respondent’s financial situation. The changes are applied to the standard terms and conditions for probation costs, obeying all laws, probation compliance, interview with board or its designee language, and changes to employment/address as the language is updated to be consistent with current practices.

Quarterly Reports

The Board removed the reference to forms being provided for quarterly reports, as the forms are not required and are only provided for convenience. The Board also added the quarter periods and due dates for clarity.

C. Standard Terms and Conditions for Revocations or Stipulations for Surrender

Purpose: The purpose of this proposal is to amend the standard terms and conditions to include revocations or stipulations for surrender and amend the following sections:

- Adds the terms “FOR REVOCATIONS OR STIPULATIONS FOR SURRENDER” to title.
- Lowercases the term “ALL” to “all” and reorders “Revocations or” to before “stipulations” and removes “or Revocation”.

33. Reinstatement and Investigation/Enforcement Cost Recovery

- Removes the forward slash and term “/registration”.

34. Relinquish License

- Adds the statement “deliver respondent’s pocket and wall certificate” and removes “relinquish his/her wall and pocket certificate of licensure or registration”.
- Removes the statement “and upon request”.

Anticipated Benefits: The Board anticipates that ALJs, DAGs, the public, psychological licensees, and Board staff will benefit from knowing and understanding the updated standard terms of conditions for revocations or stipulations for surrender.

Rationale: This proposal is necessary as the updated language makes the standard terms and conditions consistent with current practices and clarifies the requirements. The language also clarifies that the respondent is automatically required to deliver their pocket and wall certificate to the Board or its designee. Removes gender specific language to be consistent throughout the document.

Amend Section IV, Proposed Decisions

Purpose: The purpose of this proposal is to amend the Proposed Decisions for:

A. Contents

- Removes the colon and the statement “The Board requests that”.
- Adds the term “must” to the Proposed Decision requirement.
- Removes the statement “with the definition of the code(s)”.
- Removes gender specific terms “he or she” and adds “respondent”.
- Adds comma after rehabilitation.
- Removes “a”, “order”, “imposed”, “the Board requests that”, and “order first”.
- Adds the terms “is ordered”, “Decision”, “must”, and “that are imposed”.
- Removes number “13” of the Optional Terms and Conditions and adds number “14”.
- Removes number “14” of the Standard Terms and Conditions and adds number “15”.
- Removes number “31” of the Standard Terms and Conditions and adds number “32”.
- Removes the statement “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. Model Disciplinary Orders

- Amends subsection B title to “Model Disciplinary Orders” from “Recommended Language for Issuance and Placement of a License on Probation, and Reinstatement of License”.
- Adds section numbers “1”, “2”, and “3”.
- Removes the term “Disciplining” and adds “Placement” and adds “on Probation” from subsection 1.
- Removes forward slash and term “/Registration” and “[registration]” from subsection 1 and 2.

- Removes brackets from “license” and reorders quotation marks before colon to after colon from subsection 1 and 2.
- Amends title for subsection 2 to “Issuance and Placement of a License on Probation”, from “Applicant Placed on Probation”.
- Capitalizes “D” in “decision” in section 2 and section 3.
- Removes term and comma “however,”.
- Removes periods from “[Ph.D.]” and “[PsyD.]” changing it to “[PhD]” and “[PsyD]” and adds “[EdD]” to section 3.
- Removes “however” and capitalizes “revoked” changing it to “REVOKED”.
- Reorders the term “following” before “terms” to fix sentence structure.

Anticipated Benefits: The Board anticipates that ALJs, DAGs, the public, psychological licensees, and Board staff will benefit from knowing and understanding updated requirements and orders of the proposed decisions.

Rationale: This proposal is necessary as the updated language is consistent with current practices and clarifies the requirements. By including “must” in the contents it clarifies that the contents are required and not being requested. In updating the title for subsection B, the requirements are firm, not implied.

Amend V, Rehabilitation Criteria for Reinstatement/Discipline Relief Hearings

Purpose: The purpose of this proposal is to update the criteria for hearings related to reinstatement or discipline relief hearing, provide the items the Board will evaluate when considering denial, and the criteria that is considered when evaluating an applicant’s or petitioner’s rehabilitation.

- Removes reference to “PENALTY” and adds “DISCIPLINE” in title.
- Removes the term “penalty” and adds “discipline” throughout section.
- Removes gender specific term of “his or her” and replaces the term with “their” throughout section.
- Removes “California Code of Regulations, Title” and replaced with “CCR” and removes comma.
- Capitalizes “S” in “section”.
- Removes the terms “revocation or probation” and adds “disciplinary action.”
- Remove sections (1), (2), (3), (4) and (5).
- Adds language pursuant to 16 CCR 1395, referencing criteria for deciding on license denial, reinstatement, or penalty modification, the Board evaluates if the applicant shows rehabilitation and current fitness to practice. If based on criminal conviction, the Board considers factors like: completion of sentence without

parole/probation violations, nature of the crime, length and terms of parole/probation, any modifications and reasons, if no conviction or if based on professional misconduct, or if no rehab is shown under the first criteria, the Board looks at, any new misconduct, compliance with sanctions, same parole/probation criteria as above, proof of rehabilitation, remorse, and assurance of public safety.

- Adds the phrase, “The Board may also consider denial of a license or registration pursuant to Section 141 of the Code.”
- Removes the term “Petition” and adds “Decision”.
- Removes the statement “revocation, surrender or probation of the license”.
- Removes the term “Petition” and removes the statement “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.”
- Removes the statement “reinstatement or penalty relief”.
- Capitalizes “D” in “default” and “decision”.
- Adds the terms “the petition” and removes “reinstatement of the license or registration or reduction of penalty”.

Anticipated Benefits: The Board anticipates that ALJs, DAGs, the public, psychological licensees, and Board staff will benefit from having the criteria and information that is used to evaluate during hearings.

Rationale: The language removes gender specific term such as “his/her” and replaces the terms with gender neutral term as “their”. The language also includes references to regulatory text in this section for the reader’s convenience and ease of use in applying the Disciplinary Guidelines and includes the new requirements as outlined in CCR Section 1395 to provide further clarity on the process.

Amend VI, Uniform Standards Related to Substance-Abusing Licensees

Purpose: The purpose of this proposal is to update and state the conditions of probation that apply to a substance-abusing applicant or licensee.

- Adds hyphen to “SUBSTANCE ABUSING” in title changing it to “SUBSTANCE-ABUSING”.
- Adds hyphen to “substance abusing” changing it to “substance -abusing” throughout section and removes comma after licensee.
- Removes gender specific term of “he or she” and replaces the term with “they” throughout section.
- Removes the term “is” and adds “are”.

- Makes grammatical changes for clarity throughout the paragraph.

Clinical Diagnostic Evaluation [Uniform Standard #1]

- Removes reference to number “9” and updates the Optional Term number to “8”.
- Adds the term “of”.

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

- Removes reference to number “9” and updates the Optional Term number to “8”.

Clinical Diagnostic Evaluation Report [Uniform Standard #1,2,6]

- Updates the Uniform Standard from number “3” to numbers “1”, “2”, and “6”.
- Removes reference to number “9” and updates the Optional Term number to “8”.
- Removes gender specific terms of “himself or herself” and adds the term “themselves” throughout.
- Adds the term “social” to the prohibited relationship types for respondent and evaluator.

Communication with Employer [Uniform Standard #4]

- Removes reference to number “14” and updates the Optional Term number to “15”.
- Adds “email,” to the required contact information for the respondent’s employer.

Facilitated Group Support Meeting [Uniform Standard #5]

- Removes reference to number “11” and updates the Optional Term number to “10”.
- Adds the term “of” and removes apostrophe after “years” in section a under subsection 2 Group Meeting Facilitator Qualification and Requirements.

Treatment Program – Inpatient, Outpatient, or Other [Uniform Standard #6]

- Capitalizes the “B” in “board”.
- Removes gender specific terms of “himself/ herself” and adds the term “themselves”.

Worksite Monitor Requirements [Uniform Standard #7]

- Removes reference to number “4” and updates the Optional Term number to “3”.
- Adds the terms “social or business” to the prohibited relationship types for respondent and worksite monitor.
- Removes the terms “worksite monitor’s license” and adds “of the worksite monitor”.
- Removes gender specific terms of “he or she” and adds the term “they” throughout section.
- Removes the term “has” and adds “have”.
- Removes the requirement of “face-to-face” and replaces with the requirement of “in-person” for the worksite monitor’s required methods of monitoring throughout section.
- Adds the term “and”.

Major and Minor Violations [Uniform Standard #8]

- Removes reference to number “10” and number “13”, and updates to Optional Terms to reflect number “8” and number “11”.
- Removes gender specific terms of “he or she” and adds the term “they” throughout section.
- Removes the term “has” and adds “have”.
- Capitalizes the “B” in “board”
- Adds semicolon after “suspended”.
- Removes the terms “or registration” and “or registrant” throughout section.
- Adds parenthesis to “s” in “limitations” changing it to “limitation(s)”.

Drug Testing Standards [Uniform Standard #9]

- Lowercases the title “DRUG TESTING STANDARDS” changing it to “Drug Testing Standards”.
- Removes reference to number “12” and updates the Optional Term number “11”.
- Removes gender specific terms of “him or her” and “he or she” and replaces the terms with “they” and “them” throughout section.
- Removes the terms “has” and “is” and adds “have” and “are”.
- Capitalizes the “M” in “major” and “V” in “violation”
- Removes the term “drug” and adds the terms “alcohol or” to the testing standards.
- Removes the term “be” and adds “undergo” while removing “ly” from “randomly” changing it to “random” from testing standard number 1.

- Removes “ed” from “tested” and adds “ing” changing it to “testing” from testing standard number 1.
- Adds the terms “or its designee” from testing standard number 1.
- Removes the term “tested” and adds “tested for” to testing standard number 1 and 4.
- Removes “s” from the term “drugs” from testing standard number 1 and 4.
- Adds the term “any” and “requirements (including frequency or drug testing location(s))” to testing standard number 6.
- Removes the terms “alcohol or” and “location(s)” from testing standard number 6.
- Removes the term “licensee’s” and capitalizes “B” in “board”.
- Adds the statement “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.”.

Petitioning for Modification to Return to Full Time Practice [Uniform Standard #10]

- Updates the Uniform Standard title from “Petitioning for Modification to Return to Full Time Practice to “Petitioning for Modification of Terms and Conditions of Probation.
- Removes reference to number “28” and updates the Optional Term number to “12”.
- Adds the term “requiring” in reference to submitting a petition.
- Adds the statement “the Executive Officer or probation monitor” to whom the licensee shall submit the petition to and removes “return to full time practice”.

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

- Removes the term “Penalty” and adds “Discipline” throughout section.
- Adds the term “Hearings” to rehabilitation criteria reflection.
- Removes gender specific terms of “he or she” and adds the term “they” in criteria number 4.
- Removes “is” and adds “are” to criteria number 4.

Anticipated Benefits: The Board anticipates that ALJs, DAGs, the public, psychological licensees, and Board staff will benefit from knowing which standards and conditions apply to substance-abusing applicants or licensees.

Rationale: Removes clinical diagnostic evaluation report as uniform standard #1, as only the first half of uniform standard #1 would apply. Updates uniform standard #9 Drug Testing Standards refines testing procedures and clarifies frequency. Updates to uniform standard #6 Treatment Program language were added to match revised language of uniform standard. The clarifying language does not go against the intent of the uniform standard and allows the Board to make changes based on information received. The addition of the statement of “The Board may reduce testing frequency to a minimum of 24 times per year for any person who is practicing licensee if the licensee receives a minimum of 50% supervision per day by a supervisor licensed by the Board”, reflects the changes in the 2019 revision. The proposal to update title and language for uniform standard #10 provides that “return to full time practice” is not a term normally used by the Board or referenced in the Disciplinary Guidelines. The Board does not impose time-based practice restrictions, only imposes terms and conditions of probation, and maintains the uniform standards that may apply.

Add VII, Spectrum of Administrative Action

Purpose: The Board adds Section VII, Spectrum of Administrative Action to the Disciplinary Guidelines to formally incorporate by reference a comprehensive description of the range of administrative actions available to the Board when addressing consumer complaints against licensees.

- Adds new section titled “VII. Spectrum of Administrative Action”.
- Identifies non-disciplinary administrative options, including case closed with no action, educational letters, and citation and fine.
- Identifies disciplinary administrative options, including letter of reproof, probation, suspension, interim suspension order, surrender of license, and revocation.

Anticipated Benefits: Incorporation of the Spectrum of Administrative Action into the Disciplinary Guidelines will promote greater understanding among licensees, applicants, consumers, and stakeholders regarding the Board’s enforcement authority and available administrative remedies. This addition is anticipated to enhance consistency in enforcement decision-making, support proportional responses to violations based on severity and risk to the public and improve transparency for consumers seeking information about potential Board actions. Clear articulation of these options also supports due process by informing licensees of possible outcomes at various stages of the administrative process.

Rationale: The Board utilizes a range of administrative actions—both disciplinary and non-disciplinary—when resolving complaints; however, this information has not been

expressly incorporated into the Disciplinary Guidelines by reference. Formal inclusion of the Spectrum of Administrative Action aligns the Guidelines with current enforcement procedures and provides a structured framework for understanding how complaints may be resolved. Adding this section does not create new enforcement authority or standards of conduct, but documents and organizes existing options in a single, accessible reference to support consistent application of the Board's Disciplinary Guidelines and protection of the public.

Underlying Data:

Technical, theoretical, or empirical studies or reports relied upon (if any):

1. Board Meeting Agenda, relevant Materials, and Minutes from May 11, 2018.
2. Board Meeting Agenda, relevant Materials, and Minutes from July 10, 2020.
3. Board Meeting Agenda, relevant Materials, and Minutes from November 19, 2021.
4. Board Meeting Agenda, relevant Materials, and Minutes from August 18, 2023.
5. Board Meeting Agenda, relevant Materials, and Minutes from August 22, 2025.
6. Board Meeting Agenda, relevant Materials, and Minutes from November 6-7, 2025.
7. Revised Uniform Standards – March 2019.

Business Impact:

This regulation will not have a significant statewide adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action only impacts Licensed Psychologist and Registered Psychological Associates who are disciplined by the Board for violations of the laws and regulations within its jurisdiction. The Board does not have the authority to take administrative action against a business.

The Board currently regulates approximately 22,707 licensed Psychologists and 1,834 Registered Psychological Associates, and 2,290 applicants who are in the process of meeting examination and licensure requirements. The proposed regulatory action only adversely affects a negligible number of Licensed Psychologists and Registered Psychological Associates who, through their conduct, subject themselves to disciplinary action for violations of the laws and regulations within the Board's jurisdiction. Any "adverse economic impact" would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the laws and/or regulations within the Board's jurisdiction. Any potential "adverse economic impact" may be avoided simply by complying with the laws and regulations governing the practice of Psychology in California.

Economic Impact Assessment:

The Board has determined this regulatory proposal will have the following effects:

The proposed amendments to CCR Section 1396.8 will not create or eliminate jobs in the State of California. The changes are limited to clarifying and updating the Standards of Practice for Telehealth Services and do not affect employment conditions. Any compliance-related costs—such as updating informed consent procedures, securing data transmission, or verifying legal obligations across jurisdictions—are expected to be minimal and aligned with existing telehealth practices. Additionally, by offering clearer regulatory guidance, the amendments may help reduce legal and liability risks, which could lower costs associated with potential disciplinary actions or legal disputes. As such, the impact on job creation or elimination is considered insignificant.

The proposed regulatory action will not create new businesses or eliminate existing ones in California. The amendments primarily clarify existing requirements and align telehealth regulations with current laws, technologies, and professional standards. The Board does not have authority to take administrative action against businesses and does not maintain data on how many licensed psychologists or psychological associate registrants operate businesses.

There will be no significant effect on the expansion of businesses operating in California. The proposal solely affects licensed psychologists and psychological associate registrants regulated by the Board who provide services via telehealth. Businesses operated by or employing such licensees will not incur additional fiscal impacts, nor will their ability to expand be hindered. Further, clarifying supervision requirements for trainees and supervised individuals may improve access to psychological services, potentially increasing the availability of lower-cost care and contributing to broader public health benefits. Therefore, the proposal is not expected to have a significant impact on existing or new businesses.

This regulatory proposal will have no impact on worker safety or the environment, as it does not involve provisions related to occupational hazards or environmental conditions.

This proposal benefits the health, safety, and welfare of California residents by enhancing regulatory clarity and ensuring consistent oversight of psychological services delivered via telehealth. It strengthens public protection while avoiding significant new economic burdens on licensees or businesses.

Specific Technologies or Equipment:

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

Consideration of Alternatives:

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

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

The Board considered keeping the status quo; however, the alternative was rejected because the revision made to the Board's Disciplinary Guidelines will conform to recent statutory amendments and requirements by the passage of AB 2138, regarding criminal convictions and substantial relationship criteria, and the Department's Uniform Standards for Substance-Abusing Licensees.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 13.1.

BOARD OF PSYCHOLOGY

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
**Disciplinary Guidelines and Uniform Standards Related to Substance-
Abusing Licensees**

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereafter “Board”) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later May 26, 2026** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 2930 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC Section(s) 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, 2969 and Sections 11425.50(e) and 11519 of the Government Code, the Board of Psychology is considering amending section 1395.2 of Division 13.1 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

This regulatory proposal will allow the Board to address the substance-abuse issue within the psychology profession. In this regulatory proposal the Board will amend section 1395.2 of Division 13.1 of Title 16 of the California Code of Regulations

to update the Disciplinary Guidelines which are incorporated by reference as the “Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees.” In addition, the process will allow the Board to utilize more current methods for standards of discipline and disciplinary actions.

A brief summary of proposed changes include:

- A change from the previous revision date of 4/15 to the latest revision date of “11/2025.”
- Adds the words “Model Disciplinary Orders” to Subsection (a) of the amended section 1395.2 of Article 7 of Division 13.1 of Title 16 of the CCR.
- Updates the authority and reference citations to include a new statute.
- Adds “Model Disciplinary Orders” to the title of the Disciplinary Guidelines incorporated by reference.
- Revisions to the amended date.
- Updates to the Table of Contents.
- Revisions to Section I. Introduction.
- Revisions to Section II. Disciplinary Guidelines.
- Revisions to Section III. Terms and Conditions of Probation.
- Revisions to Section IV. Proposed Decisions.
- Revisions to Section V. Rehabilitation Criteria for Reinstatement/Penalty, Relief title and Subsections.
- Revisions to Section VI. Uniform Standards for Substance-Abusing Licenses title and Subsections.
- Adds a new Section “VII. Spectrum of Administrative Action”

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents because it provides the mechanism to protect consumers by providing standards for the consistent application and enforcement of the laws and regulations under the Board’s jurisdiction. This proposal is also anticipated to benefit Administrative Law Judges (ALJs), Deputy Attorneys General (DAGs), and others involved in the disciplinary process by providing updated guidelines to reference when imposing disciplinary action against licensees and applicants. This regulatory proposal does not affect worker safety or the state’s environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search for any similar regulations on this topic and has concluded

that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

This proposal would incorporate by reference the documents entitled “Disciplinary Guidelines, Model Disciplinary Orders, and Uniform Standards Related to Substance-Abusing Licensees, rev 11/2025.” The Disciplinary Guidelines are incorporated by reference as they are too lengthy and cumbersome to be included in the CCR.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulations do not result in a fiscal impact on the state.

This proposal provides a more accurate overview of the Board’s processes in formal disciplinary actions, which will provide greater clarity to licensees, consumers, the Board, the Office of Attorney General, and ALJs by outlining relevant and transparent standards directly related to violations outlined in law.

The Board does not anticipate additional workload or costs resulting from the proposed regulations. This proposal does not change the fines for violations, so no additional revenues are anticipated.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None.

BUSINESS IMPACT ESTIMATES

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

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

The proposed regulatory action only impacts licensees and applicants who are disciplined by the Board for violations of the laws and regulations within its jurisdiction. The Board does not have the authority to take administrative action against a business. The Board currently regulates approximately 22,000 licensees and registrants.

The proposed regulatory action only affects a negligible number of licensees and registrants subject to disciplinary action for violations of the laws and regulations within the Board's jurisdiction. Any "adverse economic impact" would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the laws and/or regulations within the Board's jurisdiction. Any potential "adverse economic impact" may be avoided simply by complying with the existing laws and regulations governing the practice of psychology in California.

Cost Impact on Representative Private Person or Business

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

The proposed regulatory action only affects a negligible number of licensees and registrants subject to disciplinary action for violations of the laws and regulations within the Board's jurisdiction. Any "adverse economic impact" would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the laws and/or regulations within the Board's jurisdiction. Any potential "adverse economic impact" may be avoided simply by complying with the existing laws and regulations governing the practice of psychology in California.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Impact on Jobs / Businesses

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

The proposed regulatory action only impacts licensees and applicants who are disciplined by the Board for violations of the laws and regulations within its jurisdiction. The Board does not have the authority to take administrative action against a business. The Board currently regulates approximately 22,000 licensees and registrants.

The proposed regulatory action only affects a negligible number of licensees and registrants subject to disciplinary action for violations of the laws and regulations within the Board's jurisdiction. Any "adverse economic impact" would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the laws and/or regulations within the Board's jurisdiction. Any

potential “adverse economic impact” may be avoided simply by complying with the existing laws and regulations governing the practice of psychology in California.

Benefits of Regulation

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents because it provides the mechanism to protect consumers by providing standards for the consistent application and enforcement of the laws and regulations under the Board’s jurisdiction. This proposal is also anticipated to benefit Administrative Law Judges (ALJs), Deputy Attorney Generals (DAGs), and others involved in the disciplinary process by providing updated guidelines to reference when imposing disciplinary action against licensees and applicants.

This regulatory proposal does not affect worker safety or the state’s environment as this proposal is not related to any of those issues.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulation would not affect small businesses as it only affects licensees and applicants who are disciplined for violations of current law and/or Board regulations. Businesses operated by licensees and applicants who are in compliance with the law will not incur any economic impact. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Psychology, at 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

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

Name:	Cynthia Whitney
Address:	Board of Psychology 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834

Telephone No.: (916) 905-5408
Fax No.: (916) 574-8671
E-Mail Address: cynthia.whitney@dca.ca.gov

The backup contact person is:

Name: Jonathan Burke
Address: Board of Psychology
1625 North Market Blvd., Suite N-215,
Sacramento, CA 95834
Telephone No.: (916) 574-8072
Fax No.: (916) 574-8671
E-Mail Address: jonathan.burke@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET: Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Board's website at https://www.psychology.ca.gov/laws_regs/regulations.shtml.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 13.1

BOARD OF PSYCHOLOGY

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD FOR PROPOSED
REGULATORY ACTION CONCERNING:

**Disciplinary Guidelines and Uniform Standards Related to Substance-
Abusing Licensees**

NOTICE IS HEREBY GIVEN that the Board of Psychology (Board) is proposing to amend section 1395.2 of Title 16 of the California Code of Regulations (CCR) relating to Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees.

The regulation was initially noticed on April 10, 2026. The Board inadvertently omitted the document incorporated by reference when it initially filed the Notice of Proposed Action, Initial Statement of Reasons and the proposed regulatory language. The Board is extending the public comment period while adding the document incorporated by reference to address the oversight and allow for the public to have the appropriate amount of time to review the amendments to the regulation as well as the document incorporated by reference. A copy of the proposed regulatory language and the incorporated document are provided with this notice. The rulemaking documents were posted to the Board's website, mailed, and emailed to interested parties on May 1, 2026. Therefore, the Board is extending the final date of the public comment period from May 26, 2026, to June 16, 2026.

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under "Contact Person" in this Notice, must be **received by the Board at its office no later than June 16, 2026**, or must be received by the Board at the hearing, should one be scheduled.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such

request in writing addressed to the individuals listed under “Contact Person” in this notice.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board’s website at https://www.psychology.ca.gov/laws_regs/regulations.shtml.

CONTACT PERSONS

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

Name: Cynthia Whitney
Address: Board of Psychology
1625 North Market Blvd., Suite N-215
Sacramento, CA 95834
Telephone No.: (916) 905-5408
Fax No.: (916) 574-8671
E-Mail Address: cynthia.whitney@dca.ca.gov

The backup contact person is:

Name: Jonathan Burke
Address: Board of Psychology
1625 North Market Blvd., Suite N-215,
Sacramento, CA 95834
Telephone No.: (916) 574-8072
Fax No.: (916) 574-8671
E-Mail Address: jonathan.burke@dca.ca.gov

All written comments received by the new end date listed above that pertain to the rulemaking will be reviewed and responded to by the Board’s staff as part of the compilation of the final rulemaking file.