

**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The current Disciplinary Guidelines contain outdated terms and conditions of probation.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 “CPLLE” 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 “CPLLE” 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 “CPLPEE” 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”, “CPLPEE”, 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 have 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 fill 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.