TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Friday, August 14, 2015 at 9:30 a.m.
Board of Psychology Board Meeting
The Wright Institute
2728 Durant Ave,
Berkeley, CA 94704
(510) 841-9230

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on August 3, 2015 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 12.5, 27, 136, and 2948 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

The Board proposes to amend section 1380.5 of Title 16 of the California Code of Regulations. This regulation requires licensees to file and maintain with the Board his or her mailing address.

The Board proposes to amend regulations to continue to allow licensees to report a mailing address for purposes of establishing an address of record, acknowledging that this information is public record, and to require licensees provide the Board with a physical business or residential address, which will not be disclosed to the public, when the licensee has provided a mailing-address-only as the address of record. The proposal permits the Board to make contact with a licensee's physical address when necessary to meet the mandate of consumer protection. The Board is also proposing to require applicants and licensees who have an electronic mail address to provide and maintain that address with the Board, thus allowing the Board to provide efficient

services to the regulated community.

A. Anticipated Benefits of Proposal

Permitting licensees to continue to report a mail-only address will continue to allow the licensee the option of not publically disclosing personal information that could be accessed by a client/patient or other persons, which may compromise the licensee/patient boundaries, or could result in an unsafe situation for the licensee. Requiring the licensee to provide a current physical address permits the Board to meet its mandate of consumer protection in a more reliable and cost efficient manner.

Requiring that an electronic mail address be provided to the Board provides the Board with an additional tool to expeditiously communicate application deficiencies to applicants, eliminating the need for multiple staff members to receive, review and direct hardcopy correspondence. This will allow one staff member to communicate and receive correspondence from the applicant. This will also permit staff members to solve issues with applications in a more expeditious manner. Last, this change will result in applications being reviewed earlier and licenses issued in a timelier manner.

B. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board does foresee a minor fiscal impact. This impact will come in the additional time it will take staff to input additional addresses to the 2,635 licensees who have only a post office box or alternate address filed with the Board. It takes staff approximately two minutes to update an address in the BreEZe system. The workload will be spread out over the Board's two-year renewal cycle in the case of psychologists and the one-year renewal cycle of psychological assistants.

This impact also includes costs to the Board that will be minor and absorbable with the updating of forms and BreEZe database capabilities to retain the required information.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to any local agency or school district which must be reimbursed in

accordance with Government Code Sections 17500 – 17630: None

Business Impact:

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.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This is because the purpose of the regulation is to require licensees to have a physical address and electronic address with the Board.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring timely delivery of notifications of regulatory violations to mental health practitioners allowing the licensee to quickly implement corrective actions for compliance.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally

effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.psychology.ca.gov

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name:	Jonathan Burke
Address:	1625 North Market Blvd., Suite N215 Sacramento, CA 95834
Telephone No.:	(916) 574-7137
Fax No.:	(916) 574-8672
E-Mail Address:	Jonathan.Burke@dca.ca.gov

The backup contact person is:

Name:	Jeffrey Thomas
Address:	1625 North Market Blvd., Suite N215 Sacramento, CA 95834
Telephone No.:	(916) 574-7116
Fax No.:	(916) 574-8672

E-Mail Address: Jeffrey.Thomas@dca.ca.gov

Website Access:

Materials regarding this proposal can be found at: www.psychology.ca.gov. Click on "Laws/Regulations," "Proposed Regulations."

BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS

Hearing Date: August 14, 2015

Subject Matter of Proposed Regulations: Filing of Addresses

Section Affected: Title 16, California Code of Regulations Section 1380.5

Introduction

The Board has a responsibility to contact licensees for a variety of purposes, such as providing license renewal applications, notifying licensees of law and regulation changes that affect the regulated practice of psychology, the issuance of citations and fines to licensees for violations of laws and regulations, and serving licensees with notification that an Accusation has been filed by the Attorney General's Office. When investigating allegations made against licensees, the Board may have to conduct elements of the investigation by interviewing licensees face-to-face. In egregious cases, this contact may be conducted in an undercover nature. And when licensees have been placed on probation after an administrative ruling, the Board must be able to meet with the licensee and sometimes observe the practice setting to determine compliance with terms and conditions of probation. Current regulation requires licensees to report only a mailing address, and any subsequent changes of address.

License applicants frequently provide an electronic mail (email) address to the Board as a means of communication during the application process. The use of email to communicate between the Board and applicants is often a more efficient means of communication. One-on-one emails clearly establish what information has been communicated, avoiding misunderstandings that sometimes occur during a telephone conversation. Emails are also more cost efficient then long-distance telephone calls. Additionally, the Board maintains email address information for persons requesting to be notified of specific Board actions. The use of bulk/ mass email is more efficient (time and cost) than the traditional hardcopy communication mailed through the United States Postal Service.

Problem Being Addressed:

Under the current regulatory requirement, licensees provide an address of record to receive mail. While this address may be a physical business or residential address, it can also be a post office box or other alternative address where only mail can be delivered. The licensee is not required to identify whether this is an actual physical

address or a mail-only address. This results in an inability for the Board to establish and confirm that information has been provided to the licensee. Certified and registered mail cannot always be delivered to alternative addresses. Considerable resources can be expended in instances where the Board must establish a face-to-face contact with the licensee and it is determined that the address of record is a mail-only address. Additional resources are expended attempting to physically locate licensees.

Because email is such a time and cost efficient method of communication, the Board wants to establish a requirement that those licensees who do avail themselves of this technology do so as a means of communication with the Board.

Specific Purpose

The Board is proposing to continue to allow licensees to report a mailing address for purposes of establishing their address of record, acknowledging that this information is public record. The Board further proposes to require licensees to provide the Board with a physical business or residential address, which will not be disclosed to the public, when the licensee has provided a mailing-address-only as the address of record. The proposed amendment permits the licensee to maintain the level of privacy they require as a practicing psychologist, but also permits the Board to make necessary and efficient contact with the licensee population in order to meet its mandate of consumer protection.

The Board is also proposing to require applicants and licensees who have an email address to provide and maintain that address with the Board. Requiring licensees who have an email address to provide and maintain that address allows the Board to provide more efficient services to its licensee population.

Anticipated Benefits from this Regulatory Action:

Permitting licensees to continue to report a mail-only address will continue to allow the licensee the option of not publically disclosing personal information that could be accessed by a client/patient or other persons, which may compromise the licensee/patient boundaries, or could result in an unsafe situation for the licensee. Requiring the licensee to provide a current physical address permits the Board to meet its mandate of consumer protection in a more cost efficient and reliable manner.

Requiring that email addresses be provided to the Board provides the Board with an additional tool to expeditiously communicate application deficiencies to applicants, eliminating the need for multiple staff members to receive, review and direct hardcopy correspondence, resulting in applications being reviewed sooner.

Factual Basis/Rationale

Pursuant to Business and Professions Code section 2930, the Board has the authority to amend reasonably necessary rules and regulations relating to the practice of psychology.

Board staff experience instances of being unable to contact licensees when mailing important notifications, such as citations and fines and other enforcement actions.

Use of email addresses when provided has proven to expedite the application process, and provide an accurate record of requested and received information.

Thirty (30) days is a reasonable amount of time for a licensee to notify the Board of a change in his or her address. This requirement is consistent with the requirements of the Medical Board of California (Business and Professions Code § 2021(b)) and the Board of Behavioral Sciences (Title 16 Div. 18.1 CCR 1804).

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based upon the fact that applicants currently provide address and email information to the Board; providing additional physical and email address information on an application has no economic business impact.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it requires only a physical residential or business address be provided in instances where a licensee has a post office box or other alternate address as his or her address of record. Electronic mail is a quick and cost effective means of communicating with licensees, but this requirement will not create or eliminate jobs as the field already exists in the Board's system.

- It will not create new business or eliminate existing businesses within the State of California because it requires only a physical residential or business address be provided in instances where a licensee has a post office box or other alternate address as his or her address of record. Electronic mail is a quick and

cost effective means of communicating with licensees, but this requirement will not create new business or eliminate existing business as the field already exists in the Board's system.

- It will not affect the expansion of businesses currently doing business within the State of California because it requires only a physical residential or business address be provided in instances where a licensee has a post office box or other alternate address as his or her address of record. Electronic mail is a quick and cost effective means of communicating with licensees, but this requirement will not affect the expansion of businesses currently doing business as the field already exists in the Board's system.

- It will benefit the health and welfare of California residents because it provides for timely notification to licensees of pending enforcement actions taken by the Board that often address the quality of services provided to California residents.

- It will not affect worker safety because it requires only a physical residential or business address be provided in instances where a licensee has a post office box or other alternate address as his or her address of record. Electronic mail is a quick and cost effective means of communicating with licensees, but this requirement impact Board commutations and not worker safety.

- It will positively affect the state's environment because it requires an electronic mail address be submitted if the licensee possesses one. Electronic mail is a quick and cost effective means of communicating with licensees, and the Board will be able to utilize electronic mail rather than paper mail in some instances. This may benefit the state's environment through a reduction in the usage of paper.

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 to affected private persons and equally effective in achieving the purposes of the regulation 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:

- Not adopt the amendments. This alternative was rejected because this regulatory proposal will provide the Board with an additional tool to meet its consumer protection mandate.

Board of Psychology
Proposed Language

Proposed changes are shown by underlining for new text and ~~strikethrough~~ for deleted text.

Filing of Addresses

Amend Section 1380.5 of Article 1 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:

§ 1380.5. Filing of Addresses.

(a) Each person holding a license as a psychologist shall file with the Board his or her address of record, which shall be used as the mailing address for the licensee and shall be disclosable to the public~~proper and current mailing address, and shall report immediately to the board at its Sacramento office any and all changes of address, giving both his old and new address~~. The licensee may provide a post office box number or other alternate address as his or her address of record; if a post office box number or other alternate address is used as the address of record, however, the licensee shall also provide a physical business or residential address for the Board's internal administrative use, and not for disclosure to the public.

(b) Each applicant and licensee who has an electronic mail address shall provide to the Board that electronic mail address and shall maintain a current electronic mail address, if any, with the Board.

(c) Within 30 days after a change of any address above, the applicant or licensee shall report to the Board any and all changes, giving both his or her old and new address(es).

(d) Failure to comply with the requirements of this section may subject the licensee to enforcement action.

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 12.5, 27, 136, and ~~2982~~ 2948, Business and Professions Code.