

Journal

***** The California Department of Consumer Affairs, Board of Psychology Newsletter *****

IN THIS ISSUE:

Legislator Profile— Assembly Member Susan Eggman	2
How do Regulatory Agencies Prepare for the Challenges Presented by an Aging Licensing Population?	3
Continuing Education Audits: Understanding the Process and Knowing How to Pass	6
Licensed Mental Health Services Provider Education Program	7
Why Did the Board Deny My Trainee's Hours of Supervised Experience?	8
The Prohibition Against Referral Fees	8
Legislative and Regulatory Update	9
Disciplinary Actions: April 1 to June 30, 2015	15

President's Message

Michael Erickson, Ph.D., Board of Psychology

Welcome to the summer 2015 edition of the California Board of Psychology Journal!

The Board continues to be actively involved in promoting change and development in the regulations, guidelines, and policies that govern licensing, continuing education (CE), and enforcement of the practice of psychology in California. Some of the highlights thus far in 2015 include replacement of the one of the tests for licensure (CPSE), with one that focuses more on State law and ethics (CPLEE), proposed changes in CE requirements that would allow a wider range of options for satisfying CE requirements, and involvement with legislation (SB 479) that would provide for licensure under the Board for individuals involved in providing Behavior Analysis.

The agenda for the Board's quarterly meeting August 13-14 at the Wright Institute in Berkeley included a wide range of items:

- New instructional video on how to apply to be a registered psychologist.
- A regulatory hearing regarding proposed amendments for filing of addresses with the Board.
- Legislative update and review regarding a number of bills that affect psychology.
- Further review and consideration of public comments regarding proposed changes to regulations for CE requirements.
- Licensing Committee report and recommendations.

The Board welcomes attendance and public comment at Board meetings, and if it is not feasible to attend in person, meetings may be viewed online either live or recorded (http://www.psychology.ca.gov/about_us/meetings/index.shtml).

www.psychology.ca.gov



[www.facebook.com/
BoardofPsychology](http://www.facebook.com/BoardofPsychology)



twitter.com/BDofPsychology
Twitter handle: @BDofPsychology



To verify a license: www.breeze.ca.gov

To update address of record or
e-mail address: [www.breeze.ca.gov/
datamartloginCADCA.do](http://www.breeze.ca.gov/datamartloginCADCA.do)

Contact us: bopmail@dca.ca.gov

Sign up for our e-mail list:
www.psychology.ca.gov



Legislator Profile—Assembly Member Susan Eggman

By Jonathan Burke, Administrative Coordinator, Board of Psychology

Dr. Susan Talamantes Eggman was elected in November 2012 and re-elected in 2014 to represent the 13th Assembly District, which draws together the San Joaquin Delta communities of Stockton, Tracy, Thornton, and Mountain House.

Susan grew up on her family's small almond orchard and apiary in Turlock. It was a farm-to-market family business, with Eggman's father and brother tending the orchard and hives, her mother keeping the books, and later her partner, Renee Hall, bottling and selling the honey at farmers markets in San Francisco. Though much of the open space and farmland Eggman explored on horseback as a child has since been paved over, her family is still farming. Continuing three generations of growing and beekeeping in California's Central Valley, with more than 40 acres of almonds and 2,000 beehives, the Eggman family is connected to a great variety of agriculture, including tree fruit and livestock.

Eggman joined the U.S. Army out of high school and served four years as a medic. After her service, she attended California State University, Stanislaus, where she completed a bachelor's degree in psychology and a master's degree in social work. She worked as a mental health provider and medical social worker before completing a Ph.D. at Portland State University. An associate professor of social work at California State University, Sacramento, Eggman has taken a leave of absence to serve on the State Assembly. A lifelong learner, Eggman passed the Licensed Clinical Social Worker examination shortly after assuming office.

The chair of the Assembly Democratic Caucus, Eggman also serves on the committees of Agriculture, Appropriations, Business, Professions and Consumer Protection, and Utilities and Commerce. She was elected in January 2015 to serve as the chair of the California LGBT Caucus. She was the first out LGBT person from the Central Valley elected to State legislative office.

A former member of Stockton's City Council—and the first Latina elected to that office—Eggman is committed to policies that advance the good of her whole community, including improving access to health care, expanding educational opportunities and

addressing her district's critical need for resources to address crime. She has a proven record of working across partisan divides to find working solutions to real problems.



Her experience as a social worker informs her policymaking on a variety of issues, particularly in mental health and end-of-life legislation. She authored Board of Psychology-sponsored legislation, AB 705, which will enhance consumer protection of particularly vulnerable populations by ensuring that employees in exempt settings are properly supervised and working towards licensure. This will be done by requiring employees in these settings to be supervised by licensed psychologists, to be earning supervised professional experience hours toward licensure, and to be working towards licensure within a timeframe of five years. The bill was signed by the Governor and will become effective January 1, 2016.

She was also the co-author, with Senators Lois Wolk and Bill Monning, of SB 128, which would have established in California end-of-life care options very similarly to those established in Oregon in 1994 under that state's Death with Dignity Act.

(continued on page 5)



How do Regulatory Agencies Prepare for the Challenges Presented by an Aging Licensing Population?

By Antonette Sorrick, Executive Officer, Board of Psychology

As of April 30, 2015, the California Board of Psychology (Board) had 5,413 total licensees age 65 or older. Twenty-five percent of all psychologists in the State with active licenses are age 65 or older. Of the total practitioners in this age bracket, 1,295 hold an inactive license. Given this data, the Board must be aware of the changing demographics of the workforce.

Psychologists are expected to be competent in their practice of psychology, and to be mindful of any limitations in their abilities. Specific standards of competency are outlined in section two of the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. When psychologists become aware of problems that may interfere with the performance of their duties, they should take appropriate measures and determine whether they should limit, terminate, or suspend those duties. (2.06 (b))

"Competency is Not Forever" was the theme of the mid-year meeting of the Association of State & Provincial Psychology Boards (ASPPB) held in April 2015, in Atlanta, Georgia. Psychology board representatives and subject matter experts from U.S. states and Canadian provinces gave presentations on topics ranging from maintaining professional competency and avoiding professional incapacity, to the regulatory challenges of dealing with impaired psychologists.

As an aid to professionals, ASSPB has published a noteworthy and comprehensive list of the professional competencies on their website entitled **ASPPB Competencies Expected of Psychologists at the Point of Licensure**.

Recently, one healthcare professional association moved to take action in the area of competency. The American Medical Association (AMA) voted in May 2015 to begin preliminary work on competency assessment guidelines for their aging membership. Much like California's actively licensed psychologist population, nearly one in four medical doctors practicing in the U.S. is aged 65 or older. A **U.S. News and World Report** story summarized the AMA's reasoning as "doctors themselves should help decide when one of their own needs to stop working."



"Competence, like truth, beauty, and contact lenses, is in the eye of the beholder."

Laurence J. Peter, author of
"The Peter Principle."

Whenever it appears that any person holding a license may be unable to practice safely because of impairment due to mental illness, or a physical illness affecting competency, the Board must act to protect the public by:

- Ordering an examination to determine the effect of the illness.
- Placing a license on probation or suspension.
- Revoking the impaired professional's license.

If after an examination, there is insufficient evidence to bring an action that affects a license, the Board's records of the proceedings are kept confidential and are not subject to discovery or subpoena.

(continued on page 4)



How do Regulatory Agencies Prepare for the Challenges (continued from page 3)

When there is enough evidence that shows a lack of competence exists, for any reason, the Board must intervene to protect the public. Although impairments to safe practice can be attributed to many illnesses, there is no distinction made in the hearing process. See Business and Professions Code 820-823.

As a term of art, *Black's Law Dictionary* defines a disciplinary proceeding as "An action brought to reprimand, suspend, or expel a licensed professional or other person from a profession or other group because of unprofessional, unethical, improper, or illegal conduct." Discipline is a word normally associated with punishment alone, yet more dimensions are at play as a mechanism of consumer protection.

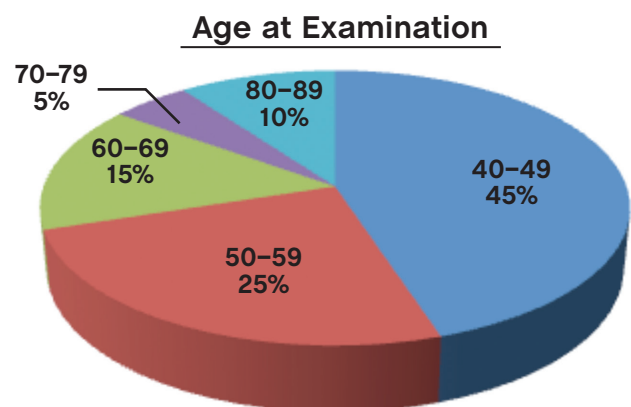
There have been suggestions lately that cognitive degeneration is different from any other type of impairment, and the best action the Board could take would be to simply change the license status to "inactive" or "retired" after an examination determines cognitive impairment. The Board should just stop there, they say.

The Board is mindful of the emotional call behind the suggestion. However, an unresolved action circumvents the Board's consumer protection mandate. The Board places limits on a license only through the due process system of disciplinary orders. Without the limitations of an order, license statuses can be changed at the request of a license holder. If the Board failed to follow through with a formal order, an incompetent license holder could simply change their license status on a voluntary basis, or seek a license in another jurisdiction.

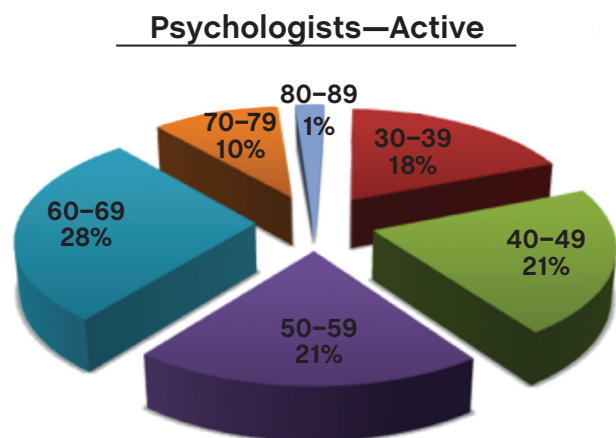
A review of historical actions by the Board shows few instances where the Board was compelled to act to protect consumers. Since 1985, only 20 such instances exist. The rate of intervention remains consistent and low. To date, there is no indication that the number of interventions is increasing.

Period	Actions
1985-1989	1
1990-1994	7
1995-1999	3
2000-2004	4
2005-2009	2
2010-2014	2
2015	1

Moreover, the data show that Board intervention is less likely to involve older licensees. The majority of professionals subject to Board of Psychology petitions for mental exams are licensees in their 40s. Whether older licensees are better able to self-identify or if peer-to-peer resolutions are involved as professionals age, is information outside the scope of Board records.



TRENDS: Age study of licensed California psychologists



The Board took a look in its records and found that the majority of licensees qualify for AARP membership.

Sixty percent of active licensed psychologists are aged 50 or older.

(continued on page 5)



How do Regulatory Agencies Prepare for the Challenges (continued from page 4)

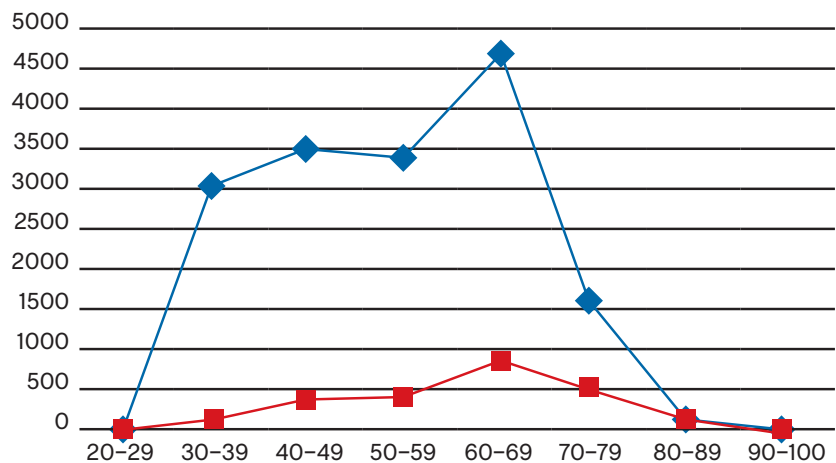
Twenty five percent of all active licensed psychologists are age 65 or older.

Age	Active	Inactive	Total
20-29	97	0	97
30-39	3046	160	3206
40-49	3548	385	3933
50-59	3385	448	3833
60-69	4682	912	5594
70-79	1656	590	2246
80-89	214	160	374
90-100	12	12	24
	16,640	2,667	19,307

Trends show that California psychologists keep active licenses throughout their 60s, their numbers tapering off at a time of retirement in the general population. The counts of psychologists who hold an active license remains fairly consistent for licensees age 40 to 70.

Compared to other Department of Consumer Affairs license populations, the percentage of older psychologists falls in the middle range.

Active licenses verses inactive / Trend by age



California Licensed Mental Health Providers	Total	65 or older	Percentage over 65
Psychiatrists	6813	2176	32%**
with active licenses:	6678	2053	31%**
Psychologists	19307	5413	28%
with active licenses:	16640	4118	25%
Licensed Marriage and Family Therapists	35854	8611	24%*
Licensed Clinical Social Workers	21382	10554	49%*
Licensed Educational Psychologists	1782	412	23%*
Licensed Professional Clinical Counselors	1261	108	12%*

* Included licenses whose birthdates are unknown. An estimate was developed from trends in the known values for each license type population.

** From a self-reported survey to the Medical Board.

Legislator Profile—Assembly Member Susan Eggman (continued from page 2)

She has also authored legislation to accelerate the adoption of Laura's Law in California counties and to ensure that a patient's entire medical history, not just the appearance of imminent harm, is used in determining whether a 5150 hold is required.

And throughout California's recent and ongoing drought, Eggman has been a champion for the Delta region she represents against attempts to exploit it, which endanger its species and habitat, as well as local industry and agriculture. At the same time, she has been a key mover of crafting practical solutions to the State's water problem, as she represented the Delta on the State Assembly's Water Working Group, which successfully drafted a negotiated water bond to address California's immediate and long-term water needs.

Eggman and Renee, her partner for more than 30 years, live in Stockton's Victory Park neighborhood, where they are raising Renee's niece, Eme.



Continuing Education Audits: Understanding the Process and Knowing How to Pass

By Jacquelin Everhart, Continuing Education and Renewals Coordinator, Board of Psychology

Upon license renewal, psychologists are required to self-certify that they have accrued the required 36 hours of continuing education (CE), nine of which must be “live,” within the preceding two years of their license expiration date. If it is your first renewal, the amount of required CE hours is prorated depending upon the amount of months in your first renewal cycle multiplied by 1.5.

The Board of Psychology (Board) conducts random CE audits to ensure that licensees are obtaining the required amount of hours and that these hours meet the CE guidelines specified in section 1397.61 in the California Code of Regulations.

So, how does the audit process work? The following outline can answer this question and others you may have:

1. When a licensee is selected for a CE audit, he or she is notified with a letter mailed to his or her address of record (AOR). Tip: Always maintain a current AOR. You can update your AOR anytime by emailing bopmail@dca.ca.gov.
 - a. The Board grants the licensee 30 days from the date of the letter to submit the documents via mail, e-mail, or fax.
 - b. Only official certificates of completion will be accepted. The certificate must include the participant’s name, date of completion, course title, number of CE hours, indication of live or distance, and approval by a Board-recognized entity. The Board-recognized entities are:
 - American Psychological Association (APA)
 - California Psychological Association (CPA)
 - California Medical Association (CMA)
 - Accreditation Council for Continuing Medical Education (ACCME)

- AMA (American Medical Association) PRA (Physician’s Recognition Award) Category 1 Credits™ are also acceptable.
2. CE documents are reviewed in the order they are received. Tip: If you prefer to send your certificates via certified mail and wish to have a staff member at the Board sign for it, send it via FedEx or UPS. If you send it certified mail via USPS, it will not be signed by a staff member at the Board.
 3. If the licensee is found to have complied with the CE requirements, he or she is notified via mail or e-mail.
 4. If the licensee does not submit all 36 hours, or submits certificates that do not include the necessary information to meet the CE requirements, he or she is notified via mail or e-mail and is given an additional 30 days to provide more hours accrued within the renewal period being audited and/or corrected certificates.
 5. If the Board does not receive a response from the licensee within 30 days of the initial audit letter, a final notice is sent that gives the licensee an additional 30 days to submit CE documentation.

Still unclear? Here are some guidelines to help you pass an audit:

- Obtain the required 36 hours of CE within each renewal period. Excess hours cannot be carried over to the following renewal cycle.
- Ensure that the course meets all of the CE requirements.
 - ◆ Courses must be approved by APA, CPA, CMA, or ACCME. AMA PRA Category 1 Credits™ are also acceptable.
 - ◆ Courses less than one hour in duration will not be accepted.
- Maintain a current AOR to ensure that you will receive correspondence from the Board.

(continued on page 7)



Licensed Mental Health Services Provider Education Program

By Jaseon Outlaw, Ph.D., 2013-14 Licensed Mental Health Services Provider Education Program, San Leandro, CA

Being awarded the Health Professions Education Foundation award has had a positive effect on my career. The award has allowed me to serve a broader subset of our population, particularly individuals who are unable to cover my fee. By serving Oakland and the surrounding cities of Oakland, I reach a fairly wide range of clients, who are less likely to seek mental health services.

I completed graduate studies, the pre-doctoral residency, and a postdoctoral fellowship out-of-state and I really wanted to give back to my community. I am honored to serve as one of the few African-American male psychologists under 40 in the area.

I thank the Health Professions Education Foundation for allowing me this opportunity.



Continuing Education Audits (continued from page 6)

- Submit certificates of completion that include all of the necessary information.
- Send the requested documents on time.

Here are the reasons that a licensee might not pass an audit:

- Does not respond to the Board's request on time or at all.
- AOR is not current.
- Accrued some or all of the 36 hours outside of the renewal period.
- Submitted courses that were not approved by APA, CPA, CMA, or ACCME.
- Did not obtain enough "live" hours.
- Did not obtain enough total hours.
- Does not submit corrected certificates.
 - ◆ What does this mean? Sometimes certificates are missing either the participant's name or the number of hours. The licensee is notified of the deficiency and is given the opportunity to contact the provider for the issuance of a corrected certificate; however, if the licensee does not respond to this request, he or she is found to be in noncompliance.

- ◆ In other cases, courses are approved by APA, CPA, CMA, or ACCME, but the certificate does not reflect this. Licensees are notified of the missing information and are encouraged to contact the provider to get a corrected certificate. Again, if the licensee does not respond to this request, he or she is found to be in noncompliance.

If a licensee is found to be in noncompliance after the initial letter, notice of deficiency, and final notice, he or she is issued a citation. The citation has two parts: the first is the order of abatement, which requires the licensee to accrue the hours he or she is short, and the second is the fine. The fine amount varies depending on the circumstance. The licensee may choose to request an informal conference to discuss his or her case. The informal conference must be requested in writing to the Board within 10 days upon receipt of the citation.

CE plays a vital role in the practice of psychology. The audit process is a method the Board uses to ensure that this role is being fulfilled. Make sure you know the mechanics of this process so you can pass if selected.



Why Did the Board Deny My Trainee's Hours of Supervised Experience?

By Karen Johnson, Licensing Coordinator, Board of Psychology

The Board just informed you and your trainee that his or her hours of supervised professional experience (SPE) are denied. A year or two of time and experience down the drain. Has this happened to you?

The Board is seeing more frequent instances of supervisors failing to fulfill the responsibilities that go along with the title. It is the responsibility of the licensed psychologist serving as a supervisor to be aware of the Board's supervision requirements. The most common reason for the denial of SPE is the absence of a supervision agreement document and plan for supervised experience. The Board and its staff have seen many trainees lose thousands of hours of SPE simply because there was a failure on the part of the supervisor and/or trainee to know and abide by the laws and regulations.

Since January 1, 2005, section 1387 (b)(10) of the California Code of Regulations (CCR) has required the primary supervisor and trainee to prepare a supervision agreement document confirming that they have discussed and understand each term of SPE as required in the CCR prior to the start of SPE. The purpose of the agreement is to ensure that both the supervisor and trainee understand and have a plan to comply with laws and regulations. The agreement is to be reviewed, completed, and signed by both the primary supervisor and trainee prior to the commencement of the SPE. Any SPE accrued prior to the preparation of the agreement will not count toward qualifying the trainee for licensure.

The Board holds the supervisor accountable for the actions of his or her trainee and their own failure to properly document the supervision. The altering of forms and/or creating documents and plans after SPE has commenced is unethical, and may result in enforcement or disciplinary action.

Don't let this happen to you and your trainee. It's a simple matter of being proactive and informed. The supervision agreement form can be downloaded off the Board's website at http://www.psychology.ca.gov/applicants/sup_agree.shtml. The Board's licensing staff is here to help if you have a question or are in need of clarification. Staff can be reached at (916) 574-7720 or by e-mail at bopmail@dca.ca.gov.

The Prohibition Against Referral Fees

By Stephen C. Phillips, J.D., Psy.D., Licensed Member

Referral fees are impermissible in professional psychology in California. For most licensees and registrants of the Board of Psychology (Board), this is likely old news. But for those who are not familiar with the prohibition, a brief review of the law and the ethical strictures may be in order. Business and Professions Code section 2960 provides as follows:

The Board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the

registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to (subsections (a) through (e) omitted):

(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

(continued on page 16)



Legislative and Regulatory Update

By Jonathan Burke, Administrative Coordinator, Board of Psychology

AB 705 (Eggman)

Psychologists: Licensure Exemption

Summary: This bill will revise and recast the current exempt settings provisions, and specify that those persons are not restricted or prevented from conducting activities of a psychological nature or using the official title of their position provided that they do not offer to render psychological services, as specified. This bill would instead provide that the law does not restrict the practice of psychology on the part of a person who is a salaried employee of an accredited or approved academic institution, public school, or governmental agency, and would delete the prohibition on providing direct health or mental health services. The bill would additionally require an employee of an accredited or approved academic institution, public school, or governmental agency to primarily be gaining the supervised professional experience required for licensure, as specified, in order to practice psychology without a license. The bill would exempt those persons from licensure for no more than five years from the date of employment, or from January 1, 2016, if those persons are currently employed in an exempt setting.

POSITION: Sponsor and support.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB705

AB 773 (Baker)

Psychologists: Licensure Exemption

Summary: The Psychology Licensing Law establishes the Board of Psychology (Board) to license and regulate the practice of psychology. The law expires the initial term of a license based on the licensee's birth date. This bill would instead expire the initial term of a license at the end of a two-year period from the date the license was issued and expire every two years from such date.

POSITION: Sponsor and support.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB773

AB 1374 (Levine)

Psychologists: Licensure: Requirements

Summary: This bill would require the supervisor to submit verification of the experience to the Board and authorize an applicant who obtains the experience in the United States or Canada to send verification directly to the Board as determined by the Board if the supervisor fails to submit the verification. The bill also removes the "fee" language from the definition of the practice of psychology. This bill would delete or update obsolete provisions and make conforming or nonsubstantive changes to the Board's Practice Act.

POSITION: Sponsor and support.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1374

Board Support

AB 750 (Low)

Business and Professions: Licenses.

Summary: Would authorize any of the boards, bureaus, commissions, or programs within the Department of Consumer Affairs, except as specified, to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required.

POSITION: Support.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB750

AB 832 (Garcia)

Child Abuse: Reportable Conduct

Summary: This bill would provide that "sexual assault" for these purposes does not include voluntary sodomy, oral copulation, or sexual penetration, if there

(continued on page 10)



Legislative and Regulatory Update (continued from page 9)

are no indicators of abuse, unless that conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age.

POSITION: Support.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB832

AB 1542 (Mathis)

Workers' Compensation: Neuropsychologists

Summary: The bill would list neuropsychologists among the specialty workers' compensation providers, as defined in the Labor Code, who may be appointed as qualified medical examiners (QMEs) for purposes of evaluating medical-legal issues in the workers' compensation system.

Neuropsychology is a field within psychology with expertise in the applied science of brain-behavior relationships. Having a general psychologist list for QMEs could result in an injured worker having to wait for a referral to a neuropsychologist from one of the QME psychologists or having a new panel created in hopes of there being a neuropsychologist on the panel. This process could delay the evaluation resulting in harm to the injured worker. When a worker suffers a traumatic brain injury, he or she should be seen by a neuropsychologist, not a general psychologist.

POSITION: Support.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1542

Board Oppose

AB 85 (Wilk)

Open Meetings

Summary: This bill would specify that the definition of "State body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a State body that consists of three or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that

State body and that is supported, in whole or in part, by funds provided by the State body, whether the multimember body is organized and operated by the State body or by a private corporation.

POSITION: Oppose.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB85

AB 796 (Nazarian)

Health Care Coverage: Autism and Pervasive Developmental Disorders

Summary: This bill would expand the eligibility for a person to be a qualified autism service professional to include a person who possesses a bachelor of arts or science degree and meets other specified requirements, a registered psychological assistant, a registered psychologist, or an associate clinical social worker. The bill would also expand the eligibility for a person to be a qualified autism service paraprofessional to include a person with a high school diploma or equivalent and, among other things, six months experience working with persons with developmental disabilities.

POSITION: Oppose.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB796

Board's Position Changed

AB 468 (Hill)

Bureau of Security and Investigative Services: Licensees.

Summary: This bill would require an applicant to undergo a psychological evaluation, reviewed by a licensed psychologist shall be of the applicant's choice, in order to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, as provided.

POSITION: Oppose Unless Amended position rescinded and Neutral position adopted after requested amendments were made.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB468

(continued on page 11)



Legislative and Regulatory Update (continued from page 10)

AB 333 (Melendez)

Healing Arts: Continuing Education

Summary: Allows specified healing arts licensees to apply a unit of continuing education credit toward units for attending courses that results in the licensee becoming a certified instructor of cardiopulmonary resuscitation or the proper use of an automated external defibrillator. Allows such licensees to apply a specified number continuing education credits toward any required for conducted first-aid training sessions for employees of school districts and community college districts in the State.

POSITION: Oppose position rescinded and Neutral position adopted after requested amendments were made.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB333

AB 479 (Bates)

Healing Arts: Applied Behavior Analysis

Summary: This bill would declare the intent of the Legislature to enact legislation to license and regulate the profession of applied behavior analysis.

POSITION: The Board adopted an Oppose Unless Amended position at its August meeting. The Board supports and agrees with author's intention to regulate the discipline of applied behavior analysis (ABA) under jurisdiction of the Board. However, the Board has some significant concerns with the proposed language:

The Board has requested the deletion of the exemption for individuals vendorized through the regional centers in proposed Business and Professions Code (BPC) section 2999.37 (g). Exempting an entire category from licensure because of their relationship to the regional centers potentially places a large number of ABA practitioners beyond the Board's jurisdiction and does not ensure minimal competency of these individuals. The Board is aware of concerns regarding access to care. However, if the Legislature believes minimum standards of competency must be obtained by an individual to provide ABA services to

the public, the threshold for such services should not be determined by one's financial status or insurance. Californians should be confident that ABA services are being given by a trained, ethical individual free of criminal history. Additionally, financially disadvantaged individuals should not be deprived of the ability to pursue administrative action if there is a deviation from the standard of care.

The Board has also requested amendments to the exemption language for family members contained in proposed BPC section 2999.37 (d). The Board does not initiate actions against parent or legal guardians who administer treatment on a child as prescribed by the licensee as part the child's therapy. However, the Board agrees that a parent, guardian, or a designee of a licensed professional should be able to provide behavior analytic services under the direction of that licensed professional.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB479

REGULATORY UPDATE

Uniform Standards Related to Substance Abuse and Disciplinary Guidelines Title 16, CCR, Section 1397.12

The current Disciplinary Guidelines are being amended to be made consistent with current law. The proposal incorporates the Uniform Standards Related to Substance Abusing Licensees to describe the mandatory conditions that apply to a substance abusing applicant or licensee, updates the standard and optional terms and conditions of probation, and adopts uniform and specific standards that the Board must use in dealing with substance-abusing licensees, registrants, or applicants to increase consumer protection.

The Uniform Standards that are being incorporated into the Board's existing Disciplinary Guidelines are mandated by Senate Bill 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008).

The hearing took place on August 22, 2014, at the

(continued on page 12)



Legislative and Regulatory Update (continued from page 11)

Board meeting. The Board issued a 15-Day Notice of modified text for newly amended language that was submitted to the Board for approval at the November Board meeting. The Board approved the language and the Final Rulemaking File was submitted to the Department of Consumer Affairs for review. The following areas were identified to be amended:

- Language relating to suspending licenses when the Board has the authority to order a respondent to cease practice.
- Under the Major and Minor Violations, the Board was asked by the Legislative and Regulatory Review Unit to include five consequences of minor violations, when the Uniform Standards call for six. “Required re-evaluation and/or testing” was added to the minor violations.
- Several grammatical and consistency issues have been fixed.

The Board received no negative comments and approved the amended language. The Rulemaking File has been approved by DCA and the Business, Consumer Services, and Housing Agency. The file is currently being reviewed by the Department of Finance.

Definitions, Continuing Education Requirements, Continuing Education Exemptions and Exceptions, Renewal After Inactive or Delinquent Status

Title 16, CCR, Sections 1397.60, 1397.61, 1397.62, 1397.67

Current regulations only allow for “traditional” continuing education (CE) courses. The proposed language provides a wide variety of options for licensees to obtain their CE, including conferences or convention attendance, practice outcome monitoring, peer consultation, academic instruction, etc. The proposed regulations also establish a requirement that licensees engage in learning activities pertinent to cultural diversity and social justice issues as they apply to the practice of psychology in California.

The Board voted at the August 2014 Board meeting to approve the language changes for the continuing educational requirements to be noticed

for the rulemaking process. The hearing took place on November 21, 2014, at 9 a.m., at the Board meeting. The Board received three comments and opted to make some changes to the original proposal. A 15-Day Notice was issued and the Board delegated authority to the Executive Officer to adopt the language as modified when the comment period closed.

In February, the Board voted to raise the cap of “traditional” CE coursework in the proposed regulations from 18 hours to 27 hours per renewal cycle. A 15-Day Notice has been issued and the comment period closes on Tuesday, March 24, at 5 p.m. The comments were addressed by the Board on June 23, 2015, and the Board voted to delay implementation of the regulation until January 1, 2017, to allow for more time outreach and education. A third 15-Day Notice was published and those comments were reviewed by the Board at the August meeting in Berkeley.

On July 14, 2015, the Licensing Committee met to discuss acceptable methods of accruing CE/CPD under the proposed regulations. The Committee identified some significant areas of concern with the proposed language relating to supervision, peer consultation, and case consultation. Additionally, the verification form requires a licensee to submit the “applicability to practice” for each category. This requirement may be appropriate in some categories, but not in others. The matrix and the definitions were deemed confusing and conflicted in some areas.

As a result of this review of the language, the Board voted to withdraw the Rulemaking File at the August meeting and a notice of withdrawal was published on September 4, 2015.

Filing of Addresses

Title 16, CCR, Section 1380.5

Current regulations ask licensees to provide their proper and current mailing address. The Board is seeking to amend the regulations to allow a licensee to additionally provide an address of record that

(continued on page 13)



Legislative and Regulatory Update (continued from page 12)

differs from this address. The Board is also seeking to require a licensee report his or her electronic mailing address. Within 30 days of any change to the address of record, alternate address, or electronic address, the applicant or licensee must notify the Board.

The Board voted at the November 2014 Board meeting to proceed with a rulemaking file and that the initial proposal be submitted to the Office of Administrative Law (OAL). DCA legal counsel made some significant changes to the proposed language and the proposal was brought back to the full Board in February. A number of comments were made by the public expressing concern with the proposed inclusion of a residential address. The Board approved language at its May meeting in Riverside and a rulemaking file was prepared and noticed with OAL. No comments were received in writing or at the hearing and the Board adopted the language. The rulemaking file has been submitted to DCA for review.

Approved Regulations

Examinations, License Requirements and Waiver of Examination, Reconsideration of Examinations, Psychologist Fees

Title 16, CCR, Sections 1388, 1388.6, 1389, 1392

The proposed regulation will change the law and ethics examination that is taken by applicants for licensure. Currently, applicants take the California Psychology Supplemental Examination (CPSE), but this has been determined to be duplicative of certain knowledge points on the Examination for Professional Practice in Psychology (EPPP). The proposed change will instead require applicants to take the California Psychology Law and Ethics Examination (CPLEE).

The Board is also seeking to have regulations on the accommodations for English as second language (ESL) candidates. Currently, the Board has a policy, but this will place conditions in the regulations.

The hearing took place on August 22, 2014, at the Board meeting. The Board voted to modify the text to correct an error in the noticed language. A 15-Day

Notice was issued and the Board delegated authority to the Executive Officer to adopt the language as modified when the comment period closed if no negative comments are received. The Board received no negative comments.

The Final Rulemaking File has been approved and was filed with the Secretary of State on June 10, 2015. The regulations took effect July 1, 2015.

AB 705 Advisory (Jon Burke)

Dear California Board of Psychology stakeholders:

Assembly Bill 705 (Eggman, Chapter 218, Statutes of 2015) was enrolled on August 3, 2015, and chaptered on August 17, 2015. Changes to the affected Business and Professions Code sections will become effective January 1, 2016. Provided below are explanations of the changes and how they may affect you.

Changes: The revised law requires that unlicensed salaried employees who are practicing psychology in an exempt setting are properly supervised and working towards licensure. Such employees must be supervised by a California-licensed psychologist and primarily be earning supervised professional experience hours of supervised professional experience towards licensure within a timeframe of five years from the date of employment or from January 1, 2016, if already employed in an exempt setting.

Such employees may only practice psychology in one of the following settings to qualify for the temporary exemption:

- Accredited or approved academic institutions
- Public schools
- Governmental agencies

Changes for unlicensed practitioners of psychology in the exempt settings specified above:

- The length of time an employee is exempt will be limited to a cumulative total of five years. This timeframe is consistent with the exemption period specified in the Welfare and Institutions Code (WIC) section 5751.2 (d).
- The employee must be primarily gaining the

(continued on page 14)



Legislative and Regulatory Update (continued from page 13)

supervised professional experience required for licensure by the Board and the employees have as the primary supervisor a California- licensed psychologist.

New Language:

Sections 2909, 2909.5 and 2910 of the Business and Professions Code are amended to read:

SECTION 1. Section 2909 of the Business and Professions Code is amended to read:

2909. This chapter shall not be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed, and do not render or offer to render psychological services, as defined in Section 2903:

- (a) Persons who hold a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing.
- (b) Persons who are employed in positions as psychologists or psychological assistants by accredited or approved colleges, junior colleges, or universities, or by federal, state, county, or municipal governmental organizations that are not primarily involved in the provision of direct health or mental health services, may conduct research and disseminate their research findings and scientific information.

SEC. 2. Section 2909.5 is added to the Business and Professions Code, to read:

2909.5. This chapter shall not be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which persons were employed on the part of persons who meet the educational requirements of subdivision (b) of Section 2914 and who have one year or more of the supervised professional experience referenced in subdivision (c) of Section

2914, if they are employed by nonprofit community agencies that receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not render or offer to render psychological services, as defined in Section 2903. Those persons shall be registered by the agency with the board at the time of employment and shall be identified in the setting as a “registered psychologist.” Those persons shall be exempt from this chapter for a maximum period of 30 months from the date of registration.

SEC. 3. Section 2910 of the Business and Professions Code is amended to read:

2910. (a) This chapter shall not be construed to restrict the practice of psychology on the part of persons who are salaried employees of accredited or approved academic institutions, public schools, or governmental agencies, if those employees are complying with the following:

- (1) Performing those psychological activities as part of the duties for which they were hired.
 - (2) Performing those activities solely within the jurisdiction or confines of those organizations.
 - (3) Do not hold themselves out to the public by any title or description of activities incorporating the words “psychology,” “psychological,” or “psychologist.”
 - (4) Are primarily gaining the supervised professional experience required for licensure that is being accrued consistent with the board’s regulations and the employees have as the primary supervisor a psychologist licensed in the state.
- (b) Commencing January 1, 2016, an individual employed or who becomes employed by one or more employers as described in subdivision (a) shall be exempt under this section for a cumulative total of five years.



Disciplinary Actions: April 1 to June 30, 2015

Willie Garfield Brown, PhD (PSY 7897), Oxnard *Action: License surrendered*
Stipulated Decision effective 4/16/2015
Business and Professions (B&P) Code section 2960: General unprofessional conduct
B&P Code section 2960 (a): Conviction of a crime substantially related to the practice of psychology
B&P Code section 2960 (n): Commission of dishonest, corrupt, or fraudulent acts

William Steve Coysh, PhD (PSY 9468), Piedmont *Action: License surrendered*
Stipulated Decision effective 4/22/2015
B&P Code sections 2960 (a); 2963: Conviction of a crime substantially related to the practice of psychology
B&P Code section 2960 (b): Use of controlled substance or alcohol in a dangerous manner
B&P Code section 2960 (e): Procurement of a license by fraud or deception
B&P Code section 2960 (n): Commission of dishonest, corrupt, or fraudulent acts

Ko Bruce Fang, PhD (PSY 18841), Sacramento *Action: Public reproof*
Stipulated Decision effective 5/1/2015
B&P Code section 2960 (i): Violation of Rules of Professional Conduct
B&P Code section 2960 (k): Violation of Code
B&P Code section 2960 (n): Commission of dishonest, corrupt, or fraudulent acts
Title 16 California Code of Regulations section 1397.2 (d)(1): Failure to report misdemeanor conviction

Nathan M. Griffith, PhD (PSY 25249), Ontario *Action: Three years' probation with revocation stayed*
Stipulated Decision effective 5/3/2015
B&P Code section 2960: General unprofessional conduct
B&P Code sections 2960 (a); 2963: Conviction of a crime substantially related to the practice of psychology
B&P Code section 2960 (b): Use of controlled substance or alcohol in a dangerous manner

Debra Lynn Kotler, PhD (PSY 13849), Fresno *Action: License surrendered*
Stipulated Decision effective 5/14/2015
B&P Code sections 2960 (a); 2963: Conviction of a crime substantially related to the practice of psychology
B&P Code section 2960 (n): Commission of dishonest, corrupt, or fraudulent acts

Jacqueline E. Silk, PhD (PSY 17084), Pasadena *Action: Three years' probation with revocation stayed*
Stipulated Decision effective 5/17/2015
B&P Code section 2960 (h): Violation of confidentiality
B&P Code section 2960 (j): Gross negligence
B&P Code section 2960 (r): Repeated negligent acts

Greg Bohall, PsyD (PSB 94021624), Rosemead *Action: Five years' probation with revocation stayed*
Stipulated Decision effective 6/11/2015
B&P Code sections 475 (a)(2); 480 (a)(1): Denial of license—conviction of a crime
B&P Code sections 475 (a)(4); 480 (a) (3): Denial of license—grounds for suspension or revocation of license
B&P Code sections 2960 (a); 2963: Conviction of a crime substantially related to the practice of psychology
B&P Code section 2960 (b): Use of controlled substance or alcohol in a dangerous manner



The Prohibition Against Referral Fees (continued from page 8)

The American Psychological Association (APA) Ethical Principles of Psychologists and Code of Conduct, section 6.07 (Referrals and Fees) states in more general terms:

When psychologists pay, receive payment from, or divide fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. (See also Standard 3.09, Cooperation With Other Professionals.)

So, when taking on a new patient or client, or referring to another professional, it is best to avoid any suggestion of direct or indirect compensation for the referral itself. It is only when a psychologist or registrant is actually providing services that directly benefit the patient or client, such as the supervision of a psychological assistant by a licensed psychologist, that fee splitting can occur within the context of the professional relationship. Further, ethical principles regarding informed consent appear to require that any such arrangement be disclosed to the patient or client (Standards 4.05, 8.02, 9.03, and 10.01 of the APA Ethical Principles of Psychologists and Code of Conduct). For further information about the ethical and legal prohibitions see the APA Practice Organization's Legal and Regulatory Affairs staff's September 25, 2014, Practice pointer: Patient referral fees raise red flags at www.apapracticecentral.org/update/2014/09-25/referral-fees.aspx.

Board Members

Michael Erickson, Ph.D. (President)

Nicole J. Jones (Vice President)

Lucille Acquaye-Baddoo

Johanna Arias-Bhatia, J.D.

Miguel Gallardo, Psy.D.

Andrew Harlem, Ph.D.

Linda L. Starr

Stephen Phillips, J.D., Psy.D.

Jacqueline Horn, Ph.D.

Board Meeting Calendar

NOVEMBER 12-13, 2015 (San Diego)

FEBRUARY 25-26, 2016 (Sacramento)

MAY 19-20, 2016 (Los Angeles)

AUGUST 18-19, 2016 (Bay Area)

NOVEMBER 17-18, 2016 (San Diego)



1625 North Market Blvd., Suite N-215
Sacramento, CA 95834

E-mail: bopmail@dca.ca.gov
Website: www.psychology.ca.gov
Telephone: (916) 574-7720
Toll-Free: (866) 503-3221
Fax: (916) 574-8672

