

BOARD OF PSYCHOLOGY

Sunset Review Report

November 1, 2011



**Submitted to the Senate Committee
on Business, Professions & Economic Development**

California Board of Psychology

Board Members

Richard Sherman, Ph.D., President
Emil Rodolfa, Ph.D., Vice-President
Lucille Acquaye-Baddoo, Public Member
Barbara Cadow, Ph.D., Licensed Member
Michael Erickson, Ph.D., Licensed Member
Gail Evans, Public Member
Miguel Gallardo, Psy.D., Licensed Member

Executive Officer

Robert I. Kahane, J.D.

2005 Evergreen Street, Suite 1400
Sacramento, CA 95815
(916) 263-2699 Fax (916) 263-2697
bopmail@dca.ca.gov
www.psychboard.ca.gov

TABLE OF CONTENTS

| | |
|---|----|
| Section 1 - Background and Description of the Board and Regulated Profession..... | 1 |
| HISTORY AND FUNCTION OF THE BOARD | 1 |
| BOARD COMMITTEES..... | 2 |
| Table 1a. Attendance | 3 |
| Table 1b. Board Member Roster | 14 |
| MEETINGS AND QUORUM ISSUES | 14 |
| MAJOR CHANGES SINCE LAST SUNSET REVIEW | 15 |
| LEGISLATION..... | 16 |
| REGULATIONS..... | 24 |
| MAJOR STUDIES | 36 |
| NATIONAL ASSOCIATIONS | 36 |
| Section 2 - Performance Measures and Customer Satisfaction Surveys | 38 |
| PERFORMANCE MEASURES | 38 |
| CUSTOMER SATISFACTION SURVEYS | 38 |
| Section 3 – Fiscal and Staff | 41 |
| FISCAL ISSUES..... | 41 |
| Table 2. Budget Change Proposals (BCPs) | 41 |
| Table 3. Fee Schedule and Revenue | 42 |
| Table 4. Fund Condition | 43 |
| Table 5. Expenditures by Program Component..... | 44 |
| STAFFING ISSUES | 44 |
| Section 4 - Licensing Program..... | 45 |
| LICENSING PERFORMANCE TARGETS/EXPECTATIONS | 45 |
| INCREASE/DECREASE IN AVERAGE TIME TO PROCESS APPLICATIONS..... | 45 |
| Table 6. Licensee Population | 46 |
| Table 7a. Licensing Data by Type | 46 |
| Table 7b. Total Licensing Data | 47 |
| VERIFICATION OF APPLICANT INFORMATION | 47 |

| | |
|--|----|
| OUT-OF-STATE AND OUT-OF-COUNTRY APPLICANTS | 48 |
| CONTINUING EDUCATION/COMPETENCY REQUIREMENTS | 49 |
| EXAMINATIONS | 53 |
| Table 8. Examination Data | 53 |
| Table 8a. Pass Rate for First Time vs. Retakes | 55 |
| SCHOOL APPROVALS | 56 |
| Section 5 - Enforcement Program | 57 |
| PERFORMANCE AND EXPECTATIONS | 57 |
| ADMINISTRATIVE IMPROVEMENTS | 58 |
| STAFFING AND INFORMATION TECHNOLOGY (IT) RESOURCES | 58 |
| LEGISLATIVE CHANGES..... | 59 |
| ENFORCEMENT TRENDS AND CHALLENGES | 61 |
| Table 9a. Enforcement Statistics | 62 |
| Table 9b. Enforcement Statistics (continued) | 63 |
| Table 9c. Enforcement Statistics (continued) | 64 |
| Table 10. Enforcement Aging | 65 |
| EXPLANATION OF STATISTICS | 65 |
| PROBATION | 66 |
| MANDATORY REPORTING REQUIREMENTS | 66 |
| STATUTE OF LIMITATIONS | 68 |
| CITE AND FINE | 68 |
| COST RECOVERY AND RESTITUTION..... | 69 |
| Table 11. Cost Recovery | 70 |
| Table 12. Restitution..... | 70 |
| Section 6 - Public Information Policiess..... | 71 |
| BOARD WEBSITE: MEETINGS..... | 71 |
| COMPLAINT DISCLOSURE/PUBLIC DISCLOSURE POLICIES | 71 |
| Table 13. Complaint Disclosure Information..... | 72 |
| PUBLIC INFORMATION DISCLOSURE | 72 |

| | |
|---|----|
| Section 7 - Online Practice Issues..... | 74 |
| Section 8 - Workforce Development and Job Creation..... | 75 |
| WORKFORCE DEVELOPMENT AND JOB CREATION | 75 |
| Section 9 - Current Issues | 77 |
| UNIFORM STANDARDS FOR SUBSTANCE ABUSING LICENSEES | 77 |
| CONSUMER PROTECTION ENFORCEMENT INITIATIVE (CPEI) REGULATIONS | 77 |
| BreEZe | 77 |
| OSHPD DATA COLLECTION EFFORTS | 78 |
| UNLICENSED ACTIVITY EFFORTS/UNDERGROUND ECONOMY | 78 |
| Section 10 - Board Action and Response to Prior Sunset Issues..... | 80 |
| Section 11 - New Issues | 83 |
| Section 12 - Attachments..... | 84 |

BOARD OF PSYCHOLOGY

Background and Description of the Board and Regulated Profession

HISTORY AND FUNCTION OF THE BOARD

The California Board of Psychology (Board) regulates psychologists, registered psychologists, and psychological assistants. Only licensed psychologists can practice psychology independently in the private sector in California. Registered psychologists are registered to work and train under supervision in non-profit agencies that receive government funding and registered psychological assistants are employed and supervised by a qualified licensed psychologist in private settings. With the Certification Act of 1958, the psychology profession became regulated in California. While the Certification Act protected the title “psychologist,” it did not take into consideration the interests of the consumers of psychological services. Later, the regulation of the profession evolved when the California Legislature recognized the potential for consumer harm by those practicing psychology and shifted the focus of the regulation of the profession to protection of the public.

This redirection resulted in legislation in 1967 that protected the “psychologist” title, defined the practice, and required licensure in order to legally practice. During these early licensing days, the Board was an “examining committee” under the jurisdiction of what was then the Division of Allied Health Professions of the Medical Board. During the 1970s, the Psychology Examining Committee gradually became more independent, and began taking responsibility for its own operations including the authority to adopt regulations and administrative disciplinary actions without the endorsement of the Medical Board. The Psychology Examining Committee officially became the Board of Psychology in 1990 (Assembly Bill 858, Margolin, 1989).

Over the past several decades, there have been amendments to the licensing law that have enhanced the Board’s ability to protect the public through appropriate discipline of those licensees who violate the licensing law. For example, the Board’s ability to appropriately discipline those psychologists found guilty of sexual misconduct was greatly enhanced in 1994 when the Legislature mandated administrative law judges (ALJs) to issue a penalty for license revocation as part of their proposed decisions in sexual misconduct cases. Appropriate discipline for such acts has been defined by the Board as revocation. The Board has adopted this “zero tolerance” philosophy regarding sexual misconduct because revocation is the only way consumers of psychological services can be protected from the psychologist who would engage in such behavior.

BOARD COMMITTEES

The Board protects and advocates for Californians by promoting the highest professional standards through its licensing, regulation, legislation, enforcement, continuing education, and outreach programs. The Board makes effective use of committees, which include the following:

Contemporary and Emerging Issues Committee – The Contemporary and Emerging Issues Committee is comprised of two licensed members. This committee monitors and reviews trends, issues and relevant changes to the profession of psychology and reports its findings and recommendations to the full Board.

Continuing Education – The Continuing Education Committee is comprised of two licensed members. This committee reviews continuing education policies and recommends regulatory changes to keep the Board’s continuing education program consistent with the evolution of the profession.

Credentials Committee – The Credentials Committee is currently comprised of three licensed members. This committee considers issues such as education and supervised professional experience to determine qualifications and competence for all applicants and licensees.

Outreach and Consumer Education Committee – The Outreach and Consumer Education Committee is currently comprised of two licensed members and one public member. This committee provides critical information to all Californians regarding the evolving practice of psychology, relevant and emerging issues in the field of psychology, and the work of the Board.

Enforcement Committee – The Enforcement Committee is currently comprised of one public member and one licensed member. Board policy requires that the chair of this committee be a public member. This committee provides public protection against the negligent, incompetent, unethical, unlicensed and unlawful activities related to the practice of psychology by maintaining and applying the Board’s Disciplinary Guidelines and retaining a qualified pool of expert case reviewers.

Examination Committee – The Examination Committee is currently comprised of two licensed members. This committee works with the Association of State and Provincial Psychology Boards (ASPPB) and with the Department of Consumer Affairs’ (DCA) Office of Professional Examination Services (OPES) to ensure valid and reliable national and California examinations.

Legislation Committee – The Legislation Committee is currently comprised of two public members and one licensed member. This committee reviews and tracks legislation that affects the Board, consumers and the profession of psychology, and it recommends positions on such legislation for consideration by the full Board.

Included as Attachment 1 is a current organizational chart showing the relationship of each of the Board’s committees to the Board as well as the membership of each committee.

The following tables represent the attendance of the Board members since the last Sunset Review as well as a roster of current Board members:

| Table 1a. Attendance | | | |
|---|-----------------------------|-------------------------|------------------|
| Jacqueline Horn, Ph.D. | | | |
| Date Appointed – Date Term Expired: | May 30, 2002 – June 1, 2009 | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | Yes |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | Yes |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | Yes |
| Special Meeting re: Recruitment Process for New Executive Officer | June 10, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | Yes |
| Quarterly Board Meeting | November 18-19, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | February 3-4, 2006 | San Francisco | Yes |
| Closed Session Meeting | February 24, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | May 5-6, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | August 4-5, 2006 | San Diego | Yes |
| Quarterly Board Meeting | November 17-18, 2006 | Sacramento | Yes |
| Quarterly Board Meeting | February 9-10, 2007 | San Jose | Yes |
| Quarterly Board Meeting | May 4-5, 2007 | Los Angeles | Yes |
| Quarterly Board Meeting | August 3-4, 2007 | San Diego | Yes |
| Quarterly Board Meeting | November 16-17, 2007 | Sacramento | Yes |
| Quarterly Board Meeting | February 8-9, 2008 | Burlingame | Yes |
| Quarterly Board Meeting | May 9-10, 2008 | Burbank | Yes |
| Quarterly Board Meeting | August 8-9, 2008 | San Diego | Yes |
| Quarterly Board Meeting | November 21-22, 2008 | Los Angeles | Yes |
| Quarterly Board Meeting | February 20-21, 2009 | San Jose | Yes |
| Quarterly Board Meeting | May 8-9, 2009 | Manhattan Beach | Yes |

| William Thomas, Ph.D. | | | |
|---|----------------------|------------------------------|---|
| Date Appointed – Date Term Expired: | | May 30, 2002 – June 26, 2007 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | Yes |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | Yes – February 4 th No – February 5 th |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | Yes |
| Special Meeting re: Recruitment Process for New Executive Officer | June 10, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | No |
| Quarterly Board Meeting | November 18-19, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | February 3-4, 2006 | San Francisco | Yes |
| Closed Session Meeting | February 24, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | May 5-6, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | August 4-5, 2006 | San Diego | Yes |
| Quarterly Board Meeting | November 17-18, 2006 | Sacramento | Yes |
| Quarterly Board Meeting | February 9-10, 2007 | San Jose | Yes |
| Quarterly Board Meeting | May 4-5, 2007 | Los Angeles | No |
| Howard Adelman, Ph.D. | | | |
| Date Appointed – Date Term Expired: | | May 30, 2002 – June 1, 2007 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | Yes |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | Yes |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | Yes |
| Special Meeting re: Recruitment Process for New Executive Officer | June 10, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | Yes |
| Quarterly Board Meeting | November 18-19, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | February 3-4, 2006 | San Francisco | Yes |
| Closed Session Meeting | February 24, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | May 5-6, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | August 4-5, 2006 | San Diego | Yes |
| Quarterly Board Meeting | November 17-18, 2006 | Sacramento | Yes |
| Quarterly Board Meeting | February 9-10, 2007 | San Jose | Yes |
| Quarterly Board Meeting | May 4-5, 2007 | Los Angeles | No – May 4 th Yes – May 5 th |

| Ellen Graff, Ph.D. | | | |
|---|----------------------|---------------------------------------|-----------|
| Date Appointed – Date Term Expired: | | September 25, 2003 – October 31, 2008 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | Yes |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | Yes |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | Yes |
| Special Meeting re: Recruitment Process for New Executive Officer | June 10, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | Yes |
| Quarterly Board Meeting | November 18-19, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | February 3-4, 2006 | San Francisco | Yes |
| Closed Session Meeting | February 24, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | May 5-6, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | August 4-5, 2006 | San Diego | No |
| Quarterly Board Meeting | November 17-18, 2006 | Sacramento | Yes |
| Quarterly Board Meeting | February 9-10, 2007 | San Jose | Yes |
| Quarterly Board Meeting | May 4-5, 2007 | Los Angeles | Yes |
| Quarterly Board Meeting | August 3-4, 2007 | San Diego | Yes |
| Quarterly Board Meeting | November 16-17, 2007 | Sacramento | Yes |
| Quarterly Board Meeting | February 8-9, 2008 | Burlingame | Yes |
| Quarterly Board Meeting | May 9-10, 2008 | Burbank | Yes |
| Quarterly Board Meeting | August 8-9, 2008 | San Diego | No |

| James McGhee, Public Member | | | |
|---|-----------------------|-----------------------------------|---|
| Date Appointed – Date Term Expired: | | September 25, 2003 – June 1, 2011 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | Yes |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | Yes |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | Yes |
| Special Meeting re: Recruitment Process for New Executive Officer | June 10, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | Yes |
| Quarterly Board Meeting | November 18-19, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | February 3-4, 2006 | San Francisco | Yes |
| Closed Session Meeting | February 24, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | May 5-6, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | August 4-5, 2006 | San Diego | Yes |
| Quarterly Board Meeting | November 17-18, 2006 | Sacramento | Yes |
| Quarterly Board Meeting | February 9-10, 2007 | San Jose | Yes |
| Quarterly Board Meeting | May 4-5, 2007 | Los Angeles | Yes |
| Quarterly Board Meeting | August 3-4, 2007 | San Diego | Yes |
| Quarterly Board Meeting | November 16-17, 2007 | Sacramento | Yes |
| Quarterly Board Meeting | February 8-9, 2008 | Burlingame | Yes |
| Quarterly Board Meeting | May 9-10, 2008 | Burbank | Yes |
| Quarterly Board Meeting | August 8-9, 2008 | San Diego | Yes |
| Quarterly Board Meeting | November 21-22, 2008 | Los Angeles | Yes |
| Quarterly Board Meeting | February 20-21, 2009 | San Jose | Yes |
| Quarterly Board Meeting | May 8-9, 2009 | Manhattan Beach | Yes |
| Teleconference Board Meeting for Election of Officers | July 1, 2009 | N/A | Yes |
| Quarterly Board Meeting | September 10-11, 2009 | Sacramento | Yes |
| Quarterly Board Meeting | November 13-14, 2009 | San Diego | Yes |
| Quarterly Board Meeting | February 26-27, 2010 | Burlingame | Yes |
| Quarterly Board Meeting | May 14-15, 2010 | Costa Mesa | Yes |
| Quarterly Board Meeting | August 20-21, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | December 2-3, 2010 | Sacramento | No – December 2 nd Yes – December 3 rd |

| | | | |
|---|---------------------------------|-------------------------|------------------|
| Quarterly Board Meeting | February 18-19, 2011 | Tiburon | Yes |
| Quarterly Board Meeting | May 20-21, 2011 | Newport Beach | Yes |
| Myra Scott Reifman, Public Member | | | |
| Date Appointed – Date Term Expired: | May 30, 2002 – April 21, 2005 | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | Yes |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | No |
| Ronald Ruff, Ph.D. | | | |
| Date Appointed – Date Term Expired: | May 30, 2002 – May 31, 2005 | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | Yes |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | Yes |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | No |
| William Lew Tan, Public Member | | | |
| Date Appointed – Date Term Expired: | February 1, 2002 – June 1, 2007 | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | Yes |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | Yes |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | Yes |
| Special Meeting re: Recruitment Process for New Executive Officer | June 10, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | Yes |
| Quarterly Board Meeting | November 18-19, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | February 3-4, 2006 | San Francisco | Yes |
| Closed Session Meeting | February 24, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | May 5-6, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | August 4-5, 2006 | San Diego | Yes |
| Quarterly Board Meeting | November 17-18, 2006 | Sacramento | Yes |
| Quarterly Board Meeting | February 9-10, 2007 | San Jose | Yes |
| Quarterly Board Meeting | May 4-5, 2007 | Los Angeles | Yes |

| Sylvia Johnson, Public Member | | | |
|---|----------------------|------------------------------------|---|
| Date Appointed – Date Term Expired: | | August 28, 2003 – November 2, 2005 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 19-20, 2004 | Sacramento | No |
| Quarterly Board Meeting | February 4-5, 2005 | San Jose | Yes – February 4 th No – February 5 th |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | Yes |
| Special Meeting re: Recruitment Process for New Executive Officer | June 10, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | No |
| Linda Lindholm, Public Member | | | |
| Date Appointed – Date Term Expired: | | April 21, 2005 – March 14, 2007 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | May 6-7, 2005 | Los Angeles | Yes |
| Special Meeting re: Recruitment Process for New Executive Officer | June 10, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | Yes |
| Quarterly Board Meeting | November 18-19, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | February 3-4, 2006 | San Francisco | Yes |
| Closed Session Meeting | February 24, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | May 5-6, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | August 4-5, 2006 | San Diego | Yes – August 4 th No – August 5 th |
| Quarterly Board Meeting | November 17-18, 2006 | Sacramento | Yes |
| Quarterly Board Meeting | February 9-10, 2007 | San Jose | Yes |

| Sharon OConnor, Ph.D. | | | |
|-------------------------------------|----------------------|-----------------------------|-----------|
| Date Appointed – Date Term Expired: | | July 9, 2005 – June 1, 2009 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | August 11-12, 2005 | San Diego | Yes |
| Quarterly Board Meeting | November 18-19, 2005 | Sacramento | Yes |
| Quarterly Board Meeting | February 3-4, 2006 | San Francisco | Yes |
| Closed Session Meeting | February 24, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | May 5-6, 2006 | Los Angeles | Yes |
| Quarterly Board Meeting | August 4-5, 2006 | San Diego | Yes |
| Quarterly Board Meeting | November 17-18, 2006 | Sacramento | No |
| Quarterly Board Meeting | February 9-10, 2007 | San Jose | Yes |
| Quarterly Board Meeting | May 4-5, 2007 | Los Angeles | Yes |
| Quarterly Board Meeting | August 3-4, 2007 | San Diego | Yes |
| Quarterly Board Meeting | November 16-17, 2007 | Sacramento | Yes |
| Quarterly Board Meeting | February 8-9, 2008 | Burlingame | Yes |
| Quarterly Board Meeting | May 9-10, 2008 | Burbank | Yes |
| Quarterly Board Meeting | August 8-9, 2008 | San Diego | Yes |
| Quarterly Board Meeting | November 21-22, 2008 | Los Angeles | Yes |
| Quarterly Board Meeting | February 20-21, 2009 | San Jose | Yes |
| Quarterly Board Meeting | May 8-9, 2009 | Manhattan Beach | Yes |

| Richard Sherman, Ph.D. | | | |
|---|--|------------------|---|
| Date Appointed – Date Term Expires: | June 27, 2007 – June 1, 2011, Still serving 1 yr. grace period | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | August 3-4, 2007 | San Diego | Yes |
| Quarterly Board Meeting | November 16-17, 2007 | Sacramento | Yes |
| Quarterly Board Meeting | February 8-9, 2008 | Burlingame | Yes |
| Quarterly Board Meeting | May 9-10, 2008 | Burbank | Yes – May 9 th No – May 10 th |
| Quarterly Board Meeting | August 8-9, 2008 | San Diego | Yes |
| Quarterly Board Meeting | November 21-22, 2008 | Los Angeles | Yes |
| Quarterly Board Meeting | February 20-21, 2009 | San Jose | Yes – February 20 th No – February 21 st |
| Quarterly Board Meeting | May 8-9, 2009 | Manhattan Beach | Yes |
| Teleconference Board Meeting for Election of Officers | July 1, 2009 | N/A | Yes |
| Quarterly Board Meeting | September 10-11, 2009 | Sacramento | Yes |
| Quarterly Board Meeting | November 13-14, 2009 | San Diego | Yes |
| Quarterly Board Meeting | February 26-27, 2010 | Burlingame | Yes |
| Quarterly Board Meeting | May 14-15, 2010 | Costa Mesa | Yes |
| Quarterly Board Meeting | August 20-21, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | December 2-3, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | February 18-19, 2011 | Tiburon | Yes |
| Quarterly Board Meeting | May 20-21, 2011 | Newport Beach | Yes |
| Quarterly Board Meeting | August 18-19, 2011 | Sacramento | Yes |

| Celinda Vazquez, Public Member | | | |
|---|----------------------------------|------------------|---|
| Date Appointed – Date Term Expired: | June 1, 2007 – September 1, 2011 | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | August 3-4, 2007 | San Diego | Yes |
| Quarterly Board Meeting | November 16-17, 2007 | Sacramento | No |
| Quarterly Board Meeting | February 8-9, 2008 | Burlingame | Yes |
| Quarterly Board Meeting | May 9-10, 2008 | Burbank | Yes |
| Quarterly Board Meeting | August 8-9, 2008 | San Diego | No – August 8 th Yes – August 9 th |
| Quarterly Board Meeting | November 21-22, 2008 | Los Angeles | No |
| Quarterly Board Meeting | February 20-21, 2009 | San Jose | Yes |
| Quarterly Board Meeting | May 8-9, 2009 | Manhattan Beach | Yes |
| Teleconference Board Meeting for Election of Officers | July 1, 2009 | N/A | Yes |
| Quarterly Board Meeting | September 10-11, 2009 | Sacramento | Yes |
| Quarterly Board Meeting | November 13-14, 2009 | San Diego | Yes |
| Quarterly Board Meeting | February 26-27, 2010 | Burlingame | Yes |
| Quarterly Board Meeting | May 14-15, 2010 | Costa Mesa | Yes |
| Quarterly Board Meeting | August 20-21, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | December 2-3, 2010 | Sacramento | No |
| Quarterly Board Meeting | February 18-19, 2011 | Tiburon | No |
| Quarterly Board Meeting | May 20-21, 2011 | Newport Beach | Yes |
| Quarterly Board Meeting | August 18-19, 2011 | Sacramento | No |

| Emil Rodolfa, Ph.D. | | | |
|---|---|------------------|---|
| Date Appointed – Date Term Expires: | November 1, 2007 – June 1, 2011, Still serving 1 yr. grace period | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 16-17, 2007 | Sacramento | Yes |
| Quarterly Board Meeting | February 8-9, 2008 | Burlingame | Yes |
| Quarterly Board Meeting | May 9-10, 2008 | Burbank | Yes |
| Quarterly Board Meeting | August 8-9, 2008 | San Diego | Yes |
| Quarterly Board Meeting | November 21-22, 2008 | Los Angeles | Yes |
| Quarterly Board Meeting | February 20-21, 2009 | San Jose | Yes |
| Quarterly Board Meeting | May 8-9, 2009 | Manhattan Beach | No – May 8 th Yes – May 9 th |
| Teleconference Board Meeting for Election of Officers | July 1, 2009 | N/A | Yes |
| Quarterly Board Meeting | September 10-11, 2009 | Sacramento | Yes |
| Quarterly Board Meeting | November 13-14, 2009 | San Diego | Yes |
| Quarterly Board Meeting | February 26-27, 2010 | Burlingame | Yes |
| Quarterly Board Meeting | May 14-15, 2010 | Costa Mesa | Yes |
| Quarterly Board Meeting | August 20-21, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | December 2-3, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | February 18-19, 2011 | Tiburon | Yes |
| Quarterly Board Meeting | May 20-21, 2011 | Newport Beach | Yes |
| Quarterly Board Meeting | August 18-19, 2011 | Sacramento | Yes |
| Alex Calero, Public Member | | | |
| Date Appointed – Date Term Expired: | November 1, 2007 – June 1, 2009 | | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | November 16-17, 2007 | Sacramento | Yes |
| Quarterly Board Meeting | February 8-9, 2008 | Burlingame | Yes |
| Quarterly Board Meeting | May 9-10, 2008 | Burbank | Yes |
| Quarterly Board Meeting | August 8-9, 2008 | San Diego | Yes |
| Quarterly Board Meeting | November 21-22, 2008 | Los Angeles | Yes |
| Quarterly Board Meeting | February 20-21, 2009 | San Jose | Yes |
| Quarterly Board Meeting | May 8-9, 2009 | Manhattan Beach | Yes |

| Lucille Acquaye-Baddoo, Public Member | | | |
|---|-----------------------|----------------------------------|---|
| Date Appointed – Term Expires: | | February 12, 2009 – June 1, 2014 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | February 20-21, 2009 | San Jose | No |
| Quarterly Board Meeting | May 8-9, 2009 | Manhattan Beach | Yes |
| Teleconference Board Meeting for Election of Officers | July 1, 2009 | N/A | Yes |
| Quarterly Board Meeting | September 10-11, 2009 | Sacramento | Yes |
| Quarterly Board Meeting | November 13-14, 2009 | San Diego | Yes |
| Quarterly Board Meeting | February 26-27, 2010 | Burlingame | Yes |
| Quarterly Board Meeting | May 14-15, 2010 | Costa Mesa | Yes |
| Quarterly Board Meeting | August 20-21, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | December 2-3, 2010 | Sacramento | No – December 2 nd Yes – December 3 rd |
| Quarterly Board Meeting | February 18-19, 2011 | Tiburon | Yes |
| Quarterly Board Meeting | May 20-21, 2011 | Newport Beach | Yes |
| Quarterly Board Meeting | August 18-19, 2011 | Sacramento | Yes |
| Michael Erickson, Ph.D. | | | |
| Date Appointed – Date Term Expires: | | August 6, 2010 – June 1, 2014 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | August 20-21, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | December 2-3, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | February 18-19, 2011 | Tiburon | Yes |
| Quarterly Board Meeting | May 20-21, 2011 | Newport Beach | Yes |
| Quarterly Board Meeting | August 18-19, 2011 | Sacramento | Yes |
| Barbara Cadow, Ph.D. | | | |
| Date Appointed – Date Term Expires: | | August 6, 2010 – June 1, 2012 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | August 20-21, 2010 | Sacramento | No |
| Quarterly Board Meeting | December 2-3, 2010 | Sacramento | Yes |
| Quarterly Board Meeting | February 18-19, 2011 | Tiburon | Yes |
| Quarterly Board Meeting | May 20-21, 2011 | Newport Beach | Yes |
| Quarterly Board Meeting | August 18-19, 2011 | Sacramento | Yes – August 18 th No – August 19 th |

| | | | |
|-------------------------------------|----------------------|-------------------------------|---|
| Miguel Gallardo, Psy.D. | | | |
| Date Appointed – Date Term Expires: | | August 6, 2010 – June 1, 2012 | |
| Meeting Type | Meeting Date | Meeting Location | Attended? |
| Quarterly Board Meeting | August 20-21, 2010 | Sacramento | No |
| Quarterly Board Meeting | December 2-3, 2010 | Sacramento | Yes – December 2 nd No – December 3 rd |
| Quarterly Board Meeting | February 18-19, 2011 | Tiburon | Yes |
| Quarterly Board Meeting | May 20-21, 2011 | Newport Beach | Yes – May 20 th No – May 21 st |
| Quarterly Board Meeting | August 18-19, 2011 | Sacramento | Yes |

| Table 1b. Board Member Roster | | | | | |
|--------------------------------------|----------------------|-------------------|-------------------|-------------------------|----------------------------------|
| Member Name (Include Vacancies) | Date First Appointed | Date Re-appointed | Date Term Expires | Appointing Authority | Type (public or professional) |
| Vacant | - | - | - | Governor | Public |
| Barbara Ann Cadow, Ph.D. | 08/06/10 | - | 06/01/12 | Governor | Licensee |
| Miguel Gallardo, Psy.D. | 08/06/10 | - | 06/01/12 | Governor | Licensee |
| Vacant | - | - | - | Governor | Public |
| Michael Erickson, Ph.D. | 08/06/10 | - | 06/01/14 | Governor | Licensee |
| Richard Sherman, Ph.D. | 06/27/07 | - | 06/01/11 | Governor | Licensee |
| Emil Rodolfa, Ph.D. | 11/01/07 | - | 06/01/11 | Governor | Licensee |
| Lucille Acquaye-Baddoo | 02/12/09 | 06/01/11 | 06/01/14 | Speaker of the Assembly | Public |
| Gail Evans | 09/01/11 | - | 06/01/15 | Senate Rules Committee | Public |

Included as Attachment 2 is a memorandum from the Board's Executive Officer regarding the progress of the Board's administrative manual and the draft manual as well a list of resources provided to the Board members.

MEETINGS AND QUORUM ISSUES

The Board was unable to meet in August 2009 due to lack of quorum. At that time, the Board was down to five members, which constitute a quorum. One member was unable to attend the noticed Board meeting for August due to H1N1 contracted by three members of her family. Therefore, she was unable to attend, and the Board meeting had to be rescheduled for September 2009. As a result, one administrative hearing and one regulation hearing had to be rescheduled, and invited speakers had to be contacted to reschedule.

MAJOR CHANGES SINCE LAST SUNSET REVIEW

Since the Board's last Sunset Review, the following internal changes have occurred:

- Robert Kahane was appointed as the new Executive Officer effective March 22, 2006.
- In March 2008, the Board's headquarters moved from the Howe Avenue complex to its current location on Evergreen Street.
- The Board has conducted six Strategic Planning sessions. In 2009, the Board began using a two-year model for its Strategic Plan. The Board is currently using a 2011-2013 plan.
- Other major changes are discussed further in this report under the applicable sections.

LEGISLATION

The following legislative actions sponsored by the Board or affecting the Board were submitted and/or enacted during the past eight years:

SB 541 (Price), Chapter 339, Statutes of 2011

Subject Matter: Regulatory Boards: Expert Consultants

Section Affected: B&P 40

Effective Date: Urgency Statute, effective immediately. Chaptered by Secretary of State September 26, 2011

This bill authorizes any boards within the Department of Consumer Affairs (DCA), the State Board of Chiropractic Examiners, and the Osteopathic Medical Board to enter into agreements with private consultants to provide expert opinions for enforcement-related matters, assist in examination development, and evaluate the physical and mental health of licensees. In addition, this bill specifically exempts these boards from state contracting laws for purposes of these agreements. The Board sent a letter of support for this bill to the Governor on September 8, 2011.

SB 747 (Kehoe)

Subject Matter: Continuing Education: Lesbian, Gay, Bisexual, and Transgender Patients

Section Affected: B&P 2915

Effective Date: **None**, Governor vetoed this bill October 9, 2011

This bill would have required physicians and surgeons, registered nurses, licensed vocational nurses, psychologists, psychiatric technicians, marriage and family therapists, and clinical social workers, to take at least one continuing education course that provides instruction on cultural competency, sensitivity, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender persons (LGBT) on and after January 1, 2013, as specified. The Board sent a letter of opposition to Senator Kehoe on May 31, 2011.

SB 943 (Committee on Business, Professions and Economic Development), Chapter 350, Statutes of 2011

Subject Matter: Healing Arts

Section Affected: B&P 2936

Effective Date: January 1, 2012

This omnibus bill included an update to reflect the Board's current address of record, 2005 Evergreen Street, Suite 1400, Sacramento, CA 95815-3894, for posting on the "Notice to Consumers" required by this section. The Board moved to this location in March 2008.

AB 415 (Logue), Chapter 547, Statutes of 2011

Subject Matter: Healing Arts: Telehealth
Section Affected: B&P 2290.5
Effective Date: January 1, 2012

This bill enacts the Telehealth Advancement Act of 2011. This bill repeals and recasts existing laws related to the delivery of health care services via telemedicine and replaces the term telemedicine with telehealth. Although B&P Section 2290.5 is contained within Chapter 5, Medicine, the Board of Psychology incorporates these provisions into psychology law via section 2904.5. Due to the recent amendments made to section 2290.5, section 2904.5 will need to be amended to reflect the correct reference.

AB 611 (Gordon), Chapter 103, Statutes of 2011

Subject Matter: Private Postsecondary Education: Unaccredited Doctoral Degree Program
Section Affected: Education Code 94897
Effective Date: January 1, 2012

This bill sets forth certain disclosure requirements pertaining to accreditation status, licensure, and related limitations for unaccredited doctoral programs. Section 2914(g) of the Business and Professions Code requires the Board to accept doctoral degrees in psychology from schools that have been approved by the Bureau of Private Postsecondary Education (BPPE) that meet specific criteria. There are currently 11 schools approved by BPPE that meet the criteria. The Board has no authority over school approvals or their operation and curriculum. The Board feels very strongly about full disclosure in regards to the restrictions an unaccredited degree program in psychology has on California students in regards to mobility and membership in various professional organizations and programs within the profession.

SB 294 (Negrete McLeod), Chapter 695, Statutes of 2010

Subject Matter: Department of Consumer Affairs: Regulatory Boards
Sections Affected: B&P 2920 and 2933
Effective Date: January 1, 2011, repealed January 1, 2013

This bill changed the sunset date for the Board of Psychology and its Executive Officer from 2011 to 2013.

AB 583 (Hayashi), Chapter 436, Statutes of 2010

Subject Matter: Health Care Practitioners: Disclosure of Education
Section Affected: B&P 680.5
Effective Date: January 1, 2011

This bill requires specified health care practitioners to disclose the type of license and, except as specified, the highest level of academic degree he or she holds either in a prominent display in his or her office or in writing, in a specified format given to be given to a patient on his or her initial office visit. This bill exempted certain health care practitioners from these requirements, as specified.

AB 2435 (Lowenthal), Chapter 552, Statutes of 2010

Subject Matter: Elder and Dependent Adult Abuse

Sections Affected: B&P 28 and 2915.5

Effective Date: January 1, 2011, operative January 1, 2012

This bill amended B&P Code section 28 to remove the sunset date of January 1, 2007, and to encourage the Board of Psychology and the Board of Behavioral Sciences to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues, prior to licensure or license renewal. B&P Code section 2915.5 was amended to require that on and after January 1, 2012, in addition to the current provision requiring a minimum of 10 contact hours of coursework in aging and long-term care, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect. The Board approved draft language to amend CCR section 1382.6 at the May 2011 Board Meeting to incorporate this mandate.

AB 2500 (Hagman), Chapter 389, Statutes of 2010

Subject Matter: Professions and Vocations: Licenses: Military Service

Section Affected: B&P 114

Effective Date: January 1, 2011

This bill authorizes a licensee or registrant whose license expired while on active duty as a member of the California National Guard or the United States Armed Forces to, upon application, reinstate his or her license without examination or penalty, unless the licensing agency determines that the applicant has not actively engaged in the practice of his or her profession while on active duty, in which case the licensing agency may require the applicant to pass an examination, and also makes other conforming changes. The Board of Psychology also has provisions for an exemption from payment of the renewal fee for specified military personnel, contained in Business & Professions Code Section 2987.5.

AB 2699 (Bass), Chapter 270, Statutes of 2010

Subject Matter: Healing Arts: Licensure Exemption

Sections Affected: B&P 900 and 901

Effective Date: January 1, 2011

This bill creates a state license exemption for out-of-state licensed health care practitioners who provide free services on a short term, voluntary basis to uninsured persons. It exempts from state licensure, until January 1, 2014, specified health care practitioners that are licensed or certified in good standing in another state, district, territory of the United States and who offer or provide health care services in California under specified requirements. The Board of Psychology has existing provisions in B&P Section 2912 that allow persons licensed as a psychologist at the doctoral level in another state or territory of the United States or in Canada to provide psychological services in California for a period not to exceed 30 days in any calendar year. Typically, psychologists do not participate in the type of sponsored events covered by this bill, as "sponsored event" is defined as an event that does not exceed ten calendar days. Psychologists' work is performed over a continued period of time, rather than at a time-restricted event. Therefore, the Board is not considering promulgating regulations at this time.

AB 48 (Portantino), Chapter Chapter 310, Statutes of 2009

Subject Matter: Private Postsecondary Education: California Private Postsecondary Education Act of 2009

Effective Date: January 1, 2010

This bill established and renamed the former Bureau for Private Postsecondary and Vocational Education (BPPVE) as the Bureau for Private Postsecondary Education (BPPE) within the Department of Consumer Affairs, and provides for Bureau oversight and regulation of private postsecondary institutions operating in California. This bill established the California Private Postsecondary Education Act of 2009 (Act) and provides that any statutory or regulatory reference to the Private Postsecondary and Vocation Education Reform Act (Former Act) or former Bureau shall be construed as referring to the Act and Bureau. This bill includes many provisions which establish the act.

On March 23, 2009, the Board sent a letter to Assemblyman Portantino outlining it's concerns regarding licensing graduates from California state-approved schools of psychology and requested exclusion of professional psychology education and training from any bureau or body reconstituted under AB 48 for purpose of state-approved school oversight. The Board also requested a minimum requirement of regional accreditation become the standard, for individuals to qualify to sit as candidates for the psychology licensure in California.

Due to the passage of this legislation, the Board withdrew its rulemaking action on November 17, 2009 titled "Criteria for Evaluation of Education" which would have amended CCR 1386, as explained below under the regulation summary.

SB 1111 (Negrete-McLeod)

Subject Matter: Regulatory Boards

Section Affected: B&P 27, 116, 125.9, 155, 159.5, 160, 726, 802.1, 803, 803.5 and 803.6

Effective Date: N/A

This bill was introduced by Senator Negrete-McLeod on February 17, 2010 and sponsored by the DCA to establish the Consumer Health Protection Enforcement Act and make enforcement processes more efficient. On April 22, 2010, SB 1111 failed to make it out of the Senate BP&ED Committee. DCA reviewed SB 1111 and determined that some of the provisions of this bill could be implemented through regulatory changes.

SB 963 (Ridley-Thomas), Chapter 385, Statutes of 2008

Subject Matter: Department of Consumer Affairs: Regulatory Boards

Section Affected: B&P 2920

Effective Date: January 1, 2009

This bill changed the sunset date for the Board of Psychology and its Executive Officer from 2009 to 2011.

SB 1441 (Ridley-Thomas), Chapter 548, Statutes of 2008

Subject Matter: Healing Arts Practitioners: Substance Abuse
Section Affected: B&P 315
Effective Date: January 1, 2009

This bill required the establishment of a Substance Abuse Coordination Committee comprised of the executive officers of the DCA healing arts boards. This bill required the committee to formulate by January 1, 2010, uniform and specific standards that each healing arts board would be required to use in dealing with substance-abusing licensees.

SB 1498 (Committee on Judiciary), Chapter 179, Statutes of 2008

Subject Matter: Maintenance of the Codes
Sections Affected: B&P 480 and 490
Effective Date: January 1, 2009

This bill made numerous technical changes in the California codes that were recommended by the Legislative Counsel's Office. The proposed changes did not make any substantive change in the law, and included minor updates to B&P Sections 480 and 490.

SB1048 (Committee on Business, Professions and Economic Development), Chapter 588, Statutes of 2007

Subject Matter: Healing Arts
Section Affected: B&P 337
Effective Date: January 1, 2008

This bill required the Department to prepare and disseminate an informational brochure for victims of psychotherapist-patient sexual contact, and advocates for those victims. This brochure shall be developed by the department in consultation with members of the Sexual Assault Program of the Office of Criminal Justice Planning and the office of the Attorney General. This bill specifies what the brochure shall include, and specifies that it shall be provided to each individual contacting the Medical Board of California and affiliated health boards or the Board of Behavioral Sciences regarding a complaint involving psychotherapist-patient sexual relations.

The Department's publication titled "Professional Therapy Never Includes Sex" is a publication used and provided by the Medical Board, the Board of Behavioral Sciences, and the Board of Psychology. The 2011 version of this publication was recently updated to include additional license types (Licensed Professional Clinical Counselors, Professional Clinical Counselor Interns, and Licensed Educational Psychologists) regulated by the Board of Behavioral Sciences, and to make other conforming changes.

SB 822 (Aanestad), Chapter 36, Statutes of 2007

Subject Matter: Immunity: Evaluation of Practitioner of Healing Arts
Section Affected: Civil Code Section 43.8
Effective Date: January 1, 2008

This bill, sponsored by the California Psychological Association, added "psychology" to the list of professional fields covered by an existing law that grants immunity from liability for statements made in the context of professional evaluations of students who are training to become medical practitioners. The purpose of the existing law is to protect patient safety by encouraging the supervising medical professionals who make these evaluations to be as

honest and as forthcoming as possible when communicating relevant information about student performance to the medical school. Existing law granted this immunity to supervising professionals who evaluate students in medical, dental, podiatric, and veterinary schools. This bill added graduate schools of psychology to that list.

AB 1852 (Yee), Chapter 557, Statutes of 2006

Subject Matter: Licensed Mental Health Service Provider Education Program

Section Affected: Health and Safety Code Section 128454 and 128456

Effective Date: January 1, 2007

This bill revised the definition of licensed mental health care practitioner relating to the Licensed Mental Health Services Provider Education Program (Program) to include a marriage and family therapist (MFT) intern, associate clinical social worker (ACSW), a psychologist licensed by the Board, and a registered psychologist, postdoctoral psychological assistant, or postdoctoral psychology trainee employed in an exempt setting, as specified. This allows eligible candidates to apply for grants under this program, administered by the Office of Statewide Health Planning.

AB 2257 (Committee on Business and Professions), Chapter 89, Statutes of 2006

Subject Matter: Psychologists: Records Retention

Section Affected: B&P 2919

Effective Date: January 1, 2007

This bill added section 2919 to the Business and Professions Code which requires psychologists to maintain a patient's records for seven years from the patient's discharge date, or in the case of a minor, seven years after the minor reaches 18 years of age.

SB 1476 (Figueroa), Chapter 658, Statutes of 2006

Subject Matter: Professions and Vocations

Section Affected: B&P 2920 and 2933

Effective Date: January 1, 2007

Existing law provides for the licensure and regulation of psychologists by the Board of Psychology, requires the Board to employ necessary personnel, and authorizes the Board to employ an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009. This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

SB 229 (Figueroa), Chapter 658, Statutes of 2005

Subject Matter: Professions and Vocations

Sections Affected: B&P 25, 2909, 2911, 2912, 2914, 2936, 2946, 2983, 2987, and 2988

Effective Date: January 1, 2006

This bill made the following changes to the Business and Professions Code relevant to psychology law:

- Section 25 deleted "Psychology Examining Committee" and added "Board of Psychology."
- Section 2909 established the title "registered psychologist" and increased the amount of time one can work as a registered psychologist from 24 months to 30 months.

- Section 2911 added postdoctoral placements overseen by the American Psychological Association (APA), the Association of Psychology Postdoctoral and Internship Centers (APPIC) and the California Psychology Internship Council (CAPIC) as acceptable post-doctoral placement programs.
- Section 2912 deleted the word “certified” as it is obsolete with regard to the regulation of the profession of psychology in North America, and added “at the doctoral level,” and deleted foreign country, and added Canada.
- Section 2914 added that the Board shall make the final determination as to whether a degree from an accredited university, college, or professional school meets the requirements of this section.
- Section 2936 deleted “code of ethics” and added “Ethical Principles and Code of Conduct.”
- Section 2946 deleted the reference to the California Jurisprudence and Professional Ethics Examination and added “supplemental licensing examination.”
- Section 2983 deleted the reference to a license issued for less than 45 days, since the shortest amount of time that any applicant would be issued an initial license would be twelve months and one day.
- Section 2987 deleted the reference to licenses expiring in less than one year and updated the section by deleting reference to July 1, 1993.
- Section 2988 added “retirement” to the list of reasons to place a license on inactive status.

AB 2182 (Koretz), Chapter 59, Statutes of 2004

Subject Matter: Minors: Consent to Counseling

Section Affected: Family Code 6929

Effective Date: January 1, 2005

This bill revised the definition of a “professional person” in section 6929 of the Family Code to include, among others, a psychological assistant when appropriately employed and supervised pursuant to section 2913 of the Business and Professions Code. This statute is regarding the diagnosis and treatment of minors 12 years of age and over for drug or alcohol related problems. Existing law allows such minors to consent to medical treatment and counseling related to drug and alcohol issues.

SB 1913 (Committee on Business and Professions), Chapter 695, Statutes of 2004

Subject Matter: Professions

Sections Affected: 2902, 2915.7 and 2936

Effective Date: January 1, 2005

This bill made changes pertaining to psychology law including: updating the notice that psychologists are required to post to include information on how to file a question or complaint with the State Department of Consumer Affairs; added a requirement for licensees to obtain a one-time, three-hour continuing education course in aging and long-term care prior to renewal, but allows a licensee whose practice does not include the direct provision of mental health services to apply for an exemption; and made several clarifying changes.

AB 1669 (Chu), Chapter 777, Statutes of 2003

Subject Matter: Peace Officers: Psychological Evaluations

Section Affected: 2960.2

Effective Date: January 1, 2004, operative January 1, 2005

This bill added B&P section 2960.2 to revise the qualifications for physicians and psychologists who evaluate a peace officer's mental and emotional fitness for duty, and provides that only physicians and psychologists meeting those qualifications can perform such evaluations.

REGULATIONS

Since the Board's last Sunset Review, the following regulation changes have been promulgated by the Board:

Subject Matter: Applications

Section Affected: CCR 1381

Effective Date: October 23, 2004

This section was amended to delete application filing deadlines due to the Board's examinations transitioning from a paper/pencil examination to computer-based testing. Previously the Board gave each of its examinations twice a year on specific dates and applicants were required to submit applications at least 90 days prior to the date of the examination. Examinations are now given continuously, therefore application deadlines are no longer required.

Subject Matter: Continuing Education Requirements

Section Affected: CCR 1397.61

Effective Date: October 24, 2004

These regulations adopted a new subsection (c) which established criteria, mandated by SB 564, Chapter 481, Statutes of 2002, to require all licensees renewing their license after January 1, 2004 to take a course in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Such course shall be no less than one (1) hour in length and shall be taken within two (2) years prior to the licensee's renewal date. This is a one-time only continuing education requirement.

These regulations adopted a new subsection (d) which established criteria, mandated by SB 953, Chapter 541, Statutes of 2002, to require all licensees renewing their license after January 1, 2005 to take a course in the biological, social, and psychological aspects of aging and long-term care. Such course shall be no less than three (3) hours in length and shall be taken within the two years prior to the licensee's renewal date. This is a one-time only continuing education requirement. The current subsections (d), (e), and (f) were deleted and updated to reflect an inoperative effective date of December 31, 2003.

These regulations amended the current subsection (c) to delete the phrase "acquired immune deficiency syndrome (AIDS)" and add "HIV disease, and issues of human diversity." By making this change, this section no longer refers to the final diagnosis of AIDS, rather the virus that causes AIDS.

The current subsections were re-lettered as follows: subsection (c) was re-lettered as subsection (e), subsection (g) was re-lettered as subsection (f), and subsection (h) was re-lettered as subsection (g).

Subject Matter: Spousal or Partner Abuse Assessment, Detection, and Intervention Strategies and Training Requirements; and Aging and Long-Term Care Training Requirements

Sections Affected: CCR 1382.5 and 1382.6
Effective Date: November 21, 2004

These regulations amended CCR Section 1382.5, pursuant to SB 564, Chapter 481, Statutes of 2002, to require all persons applying for a license as a psychologist who began their graduate training on or after January 1, 2004 to complete a course in spousal or partner abuse assessment, detection, and intervention strategies. The required course shall consist of at least fifteen (15) contact hours. Prior to these amendments, only two classroom hours on this topic were required. This section provides that an applicant may request an exemption from this requirement if he or she intends to practice in an area that does not include the direct provision of mental health services.

These regulations adopted section 1382.6, pursuant to SB 953, Chapter 481, Statutes of 2002, which require all persons applying for a license as a psychologist who began their graduate training on or after January 1, 2004 to complete a course in aging and long-term care in the biological, social, and psychological aspects of aging. The required course shall consist of at least ten (10) contact hours.

Subject Matter: Distance Learning Continuing Education

Section Affected: CCR 1397.60
Effective Date: January 1, 2005

These regulations increased the amount of distance learning that can be obtained for acceptable continuing education from 22% (8 hours) to 50% (18 hours) in each renewal cycle. Distance learning courses must meet all standards of an approved continuing education course. Due to an increasing number of approved providers who now offer a variety of courses available via the internet, CD-ROM, satellite downlink, home study, correspondence, etc., the number of distance learning hours allowed was increased, thereby allowing licensees to accrue the mandatory continuing education in a more convenient manner.

Subject Matter: Supervised Professional Experience, Registered Psychologists, and Psychological Assistants

Sections Affected: CCR 1387 – 1391.10
Effective Date: January 1, 2005

These regulations updated the Board's approach regarding the training of psychologists. Supervised Professional Experience (SPE) is the primary method by which psychology trainees gain skills to apply in their practice of psychology. These regulations updated the training methods in the mental health professions based on evolving factors such as advances in the profession, changes in our health care system, changes in HMO coverage for mental health services and changes in technology in an effort to promote quality training without impeding such training by inadvertently limiting training settings, or limiting those willing to supervise, and/or limiting consumer access to trainees' services.

The purpose of these regulations was to foster clear communication between the supervisor, trainee and the training program, thereby establishing requirements for supervisors to prepare for unexpected emergencies, and to require supervisors and trainees to develop a document which clearly spells out goals and objectives of the training experience, and other information adding to the clarity of the training requirements. These regulations were promulgated to remove bureaucratic barriers inherent in the current regulations and substantially increase the clarity of the language to ensure that those trainees accruing supervised professional experience can understand the language and comply with the direction they provide.

Subject Matter: Continuing Education Exemptions and Exceptions

Section Affected: CCR 1397.62

Effective Date: January 9, 2005

These regulations amended section 1397.62 to allow for an exemption from continuing education requirements for licensed psychologists engaged in active military service during the two year period immediately preceding the expiration date of the license. Previously, the regulations required that a licensee be absent from California for at least one year due to military service during the two year period immediately preceding the expiration date of the license, reasonably preventing completion of the continuing education requirements.

Subject Matter: Amount of Fines

Section Affected: CCR 1397.51

Effective Date: August 10, 2005

These regulations amended section 1397.51 pursuant to SB 362, statutes of 2003. Section 125.9 of the Business and Professions Code was amended to increase the maximum amount of an administrative fine to \$5,000. These regulations allow the Board to impose a civil penalty between \$2,501 and \$5,000 where exceptional circumstances are present. The enhanced civil penalty would be appropriate where a violation has an immediate relationship to the health and safety of another person, the cited person has a history of two or more prior citations of the same or similar violations, the citation involves multiple violations that demonstrates a willful disregard of the law, or the citation involves a violation or violations perpetrated against a senior citizen or disabled person.

Subject Matter: Supervised Professional Experience, Registered Psychologists, and Psychological Assistants

Sections Affected: CCR 1387 – 1387.6 & 1390 - 1391

Effective Date: August 27, 2005

These regulations amended sections 1387 – 1387.7 to define the custodial tasks for trainees, define the term “trainee,” and state that the delegated supervisor(s) shall be employed in the same work setting as the trainee. Additionally, the regulations require that the internship training director be a licensed psychologist who possesses a valid, active license, free of any disciplinary action.

These regulations amended section 1387.3 to define the training requirements for trainees preparing for practice in non-mental health services. These regulations amended section 1387.5 to require that the written weekly log of all hours of SPE include an indication that the weekly work completed was satisfactory.

These regulations retitled the heading for Article 5 from “Registered Psychologists and Psychological Assistants” to “Registered Psychologists” and adopted Article 5.1 titled “Psychological Assistants” and amended section 1387.6 to refer to the new Article 5.1.

Subject Matter: Proration of Continuing Education Requirements

Section Affected: CCR 1397.61(a)
Effective Date: December 21, 2005

These regulations amended section 1397.61(a) to provide that a licensee who renews his or her license for the first time after the initial issuance of the license is only required to accrue continuing education for the number of months that the license was in effect at the rate of 1.5 hours of approved continuing education per month.

Subject Matter: Continuing Education Requirements

Section Affected: CCR 1397.61(f)
Effective Date: January 1, 2006

These regulations increased the number of quality continuing education courses by accepting those courses provided by sponsors approved by the American Psychological Association (APA), the California Medical Association (CMA), the Accreditation Council for Continuing Medical Education (ACCME), and the American Board of Professional Psychology (ABPP).

Subject Matter: Examinations

Sections Affected: CCR 1388, 1388.6, 1389, & 1392
Effective Date: May 12, 2006

These regulations changed the name of the current written examination known as the California Jurisprudence and Professional Ethics Examination (CJPEE) to the California Psychology Supplemental Examination (CPSE) based on a recommendation by the DCA Office of Examination Resources (OER). The above sections were amended to reflect the amended examination title.

Subject Matter: Continuing Education – Independent Learning

Sections Affected: CCR 1397.60(d) and (g), 1397.61(a) and 1397.62(c) and (d)
Effective Date: December 16, 2006

These regulations increased the amount of distance learning that can be obtained for acceptable continuing education from 50% (18 hours) to 75% (27 hours) in each renewal cycle. These regulations also updated the term “distance” learning to “independent” learning to more accurately reflect the manner in which psychologists are allowed to accrue continuing education.

Subject Matter: Disciplinary Guidelines

Section Affected: CCR 1397.12
Effective Date: January 4, 2007

These regulations deleted the reference to the Board’s previous version of the Disciplinary Guidelines and added a reference to the Board’s current Disciplinary Guidelines which were amended February 4, 2006 in compliance with Government Code Section

11425.50(e), which provide that a penalty in an administrative disciplinary action may not be based on a guideline unless the guideline has been adopted as a regulation.

Subject Matter: Continuing Education Requirements (Laws and Ethics)

Section Affected: CCR 1397.61

Effective Date: January 19, 2007

These regulations broadened the means by which the laws and ethics requirement can be fulfilled by allowing licensed psychologists to fulfill this requirement through training and/or experience. These regulations also deleted the term “ethics codes” and make reference to the actual document adopted and published by the American Psychological Association (APA) titled “Ethical Principles of Psychologists and Code of Conduct”.

Subject Matter: Disciplinary Guidelines

Section Affected: CCR 1397.12

Effective Date March 10, 2007

This was a CCR Section 100 change submitted to clean up numbered sections referenced incorrectly throughout the Disciplinary Guidelines. Shortly after the recently amended guidelines were approved, it was noted that the number sections were not correct due to a new number section that was added.

Subject Matter: Consumer Information

Section Affected: CCR 1396.5

Effective Date: March 30, 2007

These regulations require licensed psychologists who provide services to a client in a language other than English to provide to the client, as appropriate, the translations of required or approved notices or publications made available by the Board in that language. It also requires licensed psychologists to discuss with the client the content of any required or approved notice or publication for those notices or publications only available in English. Lastly, it requires licensees to post the Notice to Consumer pursuant to section 2936 of the Business and Professions Code, if made available by the Board in that language.

Subject Matter: Waiver of Examination Under Section 2946

Sections Affected: CCR 1388.6 & 1381.5

Effective Date: May 9, 2007

These regulations amended section 1388.6 to waive the Examination for Professional Practice in Psychology (EPPP) for an applicant currently certified by the American Board of Professional Psychology (ABPP), and who has been licensed based on a doctoral degree in another state, Canadian province, or U.S. territory for a minimum of five years. Such applicants shall be deemed to have met the educational and experience requirements of subdivisions (b) and (c) of the B&P Code section 2914. Like others for whom the EPPP is waived, such applicants would also be required to file a complete application and meet all other current licensing requirements, including payment of any fees, take and pass the California Psychology Supplemental Examination (CPSE), and not been subject to discipline.

These regulations also amended section 1381.5 to reflect the correct reference to changes made to section 1388.6 subsection (e), which was re-lettered to subsection (f).

Subject Matter: Supervised Professional Experience; Registered Psychologists

Sections Affected: CCR 1387 & 1390.3

Effective Date: May 27, 2007

These regulations amended section 1387 to make specific changes pursuant to SB 229, Chapter 658, Statutes of 2005, to accept experience accrued in a formal internship placement that is accredited by the American Psychological Association (APA), or a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC) or the California Psychology Internship Council (CAPIC), or in a formal postdoctoral placement overseen by the APA or APPIC, as acceptable supervised professional experience.

These regulations also amended section 1390.3 to extend the registration period for registered psychologists from 24 months to 30 months consistent with section 2909(d) of the B&P Code. These regulations also amended section 1387(b)(9) to delete the word "credential" as this reference inadvertently disallowed supervised professional experience accrued at a public school by a person working as a school psychologist.

Subject Matter: California Laws and Ethics Examination

Sections Affected: CCR 1381.5, 1388, 1388.6 & 1392

Effective Date: April 1, 2008

These regulations incorporate a new examination for applicants seeking licensure in California who are currently licensed in another state, Canadian province, or U.S. territory and who meet the criteria in sections 1388 and 1388.6. Sections 1388 and 1388.6 were amended to add this new examination, the California Psychology Law and Ethics Examination (CPLEE). Section 1392 was amended to add a new subsection (c) to include the CPLEE and the fee associated with this examination. Previously, such applicants were required to take the California Psychology Supplemental Examination (CPSE). The CPLEE is a subset of the CPSE, containing only those questions from the CPSE regarding laws and ethics.

Subject Matter: Supervised Professional Experience for Trainees Preparing for Practice in Non-Mental Health Services

Section Affected: CCR 1387.3

Effective Date: May 24, 2008

These regulations amended section 1387.3 to further define and make specific the requirements for the accrual of supervised professional experience for those trainees who, once licensed, are preparing for practice in the non-mental health areas of the profession of psychology. SPE is the primary method by which psychology trainees gain the skills to apply in their practice of psychology. Section 1387.3 was amended to provide adequate guidelines on how trainees preparing for practice in non-mental health areas of the profession can accrue the 3,000 hours of supervised professional experience required for licensure.

Subject Matter: Supervised Professional Experience

Section Affected: CCR 1387

Effective Date: December 30, 2008

These regulations amended section 1387(a)(2)(A) to accept postdoctoral supervised professional experience (SPE) for applicants in a formal postdoctoral training program which is a member of the California Psychology Internship Council (CAPIC).

Previously, subsection 1387(a)(2)(A) allowed applicants for licensure as a psychologist to accrue postdoctoral supervised professional experience in formal postdoctoral training programs which are accredited by the American Psychological Association (APA) or which was a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC). These regulations amended section 1387(a)(2)(A) to allow SPE in a formal postdoctoral training program which is a member of CAPIC.

A revision to Business and Professions Code section 2911 became effective on January 1, 2006, although the revision allowed acceptance of CAPIC they were not accepting postdoctoral membership at that time. Since then, CAPIC has created a postdoctoral membership status, therefore, the Board amended section 1387(a)(2)(A) to include supervised professional experience in a formal postdoctoral training program which is a member of CAPIC.

Subject Matter: Psychological Assistant Plans for Supervised Professional Experience (SPE)

Sections Affected: CCR 1387 & 1387.6

Effective Date: August 23, 2009

These regulations amended sections 1387(b)(10) and 1387.6 and adopted section 1387(b)(11) to require psychological assistants in private practice settings to submit a plan for supervised professional experience to the Board for approval prior to the accrual of supervised professional experience. The plan must describe the qualifications and responsibilities of the supervised and/or delegated supervisor and is developed for, and demonstrates appropriate preparation of, the psychological assistant to practice effectively, and within the specific private practice setting. The plan must address how the quality of work done by the psychological assistant will be monitored to assure protection of the client. These amendments also changed the term "trainee" to "supervisee" to more accurately reflect the supervisor/supervisee relationship required.

Subject Matter: Psychological Assistant Renewals

Sections Affected: CCR 1391.10 & 1391.12

Effective Date: August 23, 2009

These regulations changed the current renewal date for psychological assistant registrations from on or before January 31 of each year to one year from the date of the initial issuance of the registration and annually thereafter. Previously, sections 1391.10 and 1391.12 required that all psychological assistant registrations be renewed no later than January 31 of each year regardless of when the registration was issued. Therefore, any registrations issued after February 1 of each year would receive a registration for a period of less than one year. Additionally, with approximately 1,400 psychological assistant registrations expiring at the same time, this created a major increase in workload on Board staff during the months of January, February and March each year. These regulations

equally distribute the psychological assistant renewal workload on staff equally throughout the year, and also ensure that all registrations are issued and effective for the same period of time.

Subject Matter: Criteria for Evaluation of Education

Section Affected: CCR 1386

Effective Date: Regulatory Action Withdrawn November 17, 2009

This proposal was to amend section 1386(a) and adopt section 1386(b) to establish the requirements for a degree from an approved educational institution for meeting the qualifications for licensure as a psychologist.

Existing law requires applicants for licensure as a psychologist to have an earned doctoral degree in psychology from an accredited university in order to qualify for licensure. Business and Professions Code section 2914(g) adds that an applicant holding a doctorate degree in psychology from an unaccredited school that is approved by the California Bureau for Private Postsecondary and Vocational Education (BPPVE) is deemed to meet the educational requirements for licensure if all the following are true: (1) the school was approved by the BPPVE prior to July 1, 1999; (2) the school has not since July 1, 1999, had a new location and; (3) the school is not a franchise institution. Existing law (Business & Professions Code Section 2902(e)) also defines “approved” as it applies to an academic institution as “having ‘approval to operate,’” thus requiring the school’s approval to be current.

The Private Postsecondary and Vocational Education Reform Act of 1989 (Act) became inoperative on July 1, 2007 and the Act itself was repealed on January 1, 2008. Therefore, during this period, there was no agency tasked with ensuring the ongoing approval of unaccredited institutions. SB 45, Chapter 635, Statutes of 2007 addressed this issue by extending an educational institution’s previous approval to operate for purposes of qualifying for licensure or examination through January 1, 2009. At the time the Board promulgated these regulations, no further legislation had been enacted to address this issue.

This proposal would have adopted section 1386(b) to define the requirements for a degree from an approved educational institution for the purpose of meeting the qualifications for licensure as a psychologist, and made other nonsubstantive changes.

The purpose of this proposal was to provide a means for the Board to accept degrees from non-accredited institutions. Absent the BPPVE, this proposal would provide the Board a method to review degrees awarded from unaccredited schools to determine if the degree qualifies an applicant for examination. The proposed language provides applicants who matriculated at an approved institution on or before December 31, 2008 to qualify for examination or licensure, and will provide prospective applicants, absent BPPVE, the opportunity to enroll in a doctoral program thereafter and obtain their degree on or before December 31, 2013.

The Board held a regulatory hearing on this proposal September 11, 2009, and received several comments in opposition of this proposal. At that time, the Board decided to postpone making a decision on the approval of the proposed regulations until the outcome of AB 48 (Portantino) had been determined. AB 48, if approved, would reconstitute the Bureau of Private Postsecondary and Vocational Education (BPPVE), the entity with

oversight over state-approved schools. AB 48, Chapter 310, Statutes of 2009, was chaptered on October 11, 2009, and became effective January 1, 2010. At the Board's November 13-14, 2009 meeting, the Board voted to withdraw this rulemaking file.

Subject Matter: Psychological Assistant Limitation of Registration Period

Section Affected: CCR 1391.1

Effective Date: October 23, 2010

These regulations amended section 1391.1 to establish the maximum period of time that a psychological assistant can be registered. Registration as a psychological assistant is a training category that provides a method by which an unlicensed person can perform limited psychological functions to accrue the 3,000 hours of qualifying supervised professional experience (SPE) that are required to become licensed as a psychologist.

Previous regulations did not limit the registration period that a psychological assistant could be registered. These regulations limit the registration period for psychological assistants to a cumulative total of six years (72 months) from the date of their initial registration with the Board unless registered prior to the implementation of these regulations. Psychological Assistants registered prior to the effective date of these amendments would be limited to a cumulative total of six years (72 months) from the date of the psychological assistant's next registration or renewal, whichever occurs first. These regulations also allow the Board, based on a showing of good cause as determined by the Board, to consider reasonable modifications to these specified time limitations as necessary.

Subject Matter: Renewal of License – Disclosure of Discipline & Criminal Convictions

Sections Affected: 1381.7, 1381.8, & 1381.9

Effective Date: March 4, 2011

These regulations require all licensees who have not previously submitted fingerprints to the DOJ or for whom an electronic record of the submission of the fingerprints does not exist with DOJ, to complete a state and federal level criminal offender record information (CORI) search conducted through the DOJ before his or her license renewal date. These regulations also apply to licensees upon reactivation or reinstatement of an expired license in addition to any other requirements. In order to protect the public from incompetent, unethical and unprofessional practitioners, it is necessary for the Board to be informed of past and current criminal convictions and disciplinary actions that are substantially related to the qualifications, functions, or duties of their professional service for which they are licensed or registered.

These regulations require all licensees, as a condition of renewal, to disclose on the renewal form whether they have been convicted of any violation of the law in this or any other state, the United States or its territories, military court, or other country since he or she last renewed his or her license. The purpose of this provision is to ensure the Board receives subsequent conviction information in order to protect the public from unprofessional practitioners who have been convicted of any violation of law, excluding traffic infractions under \$500.00 not involving alcohol, a dangerous drug, or controlled substance since their last renewal date.

These regulations require all licensees, as a condition of renewal, to disclose on the renewal form whether they have had a license disciplined by a government agency or other disciplinary body, including, but not limited to suspension, revocation, voluntary surrender,

probation, reprimand, or any other restriction placed on a license held by any licensee of the Board since he or she last renewed his or her license, The purpose of this provision is to ensure the Board receives subsequent discipline information in order to protect the public from unprofessional practitioners who have been disciplined by other jurisdictions since their last renewal date.

These regulations make an applicant ineligible to renew a license or registration for failure to provide all required information specified in proposed section 1381.7 on or before the date required for renewal of the license, and is a ground for discipline by the Board if an applicant fails to comply with this section. The purpose of this provision is to require licensees who have not previously been fingerprinted to submit fingerprints prior to renewal of the license or registration in order to continue practicing in California.

These regulations ensure that the Board receives criminal background and subsequent conviction information on all Board registrants and licensees in order to protect the public from unprofessional practitioners and to fully implement the Board's mandate to enforce the unprofessional conduct statutes of Board licensing laws (BPC 2960, 2960.6, 2961 and 2963). The unprofessional conduct statutes allow the Board to deny a license or a registration, or suspend or revoke a license or registration for unprofessional conduct, including the conviction of a crime substantially related to the qualifications, functions or duties of a licensee or registrant.

Subject Matter: Continuing Education Requirements

Sections Affected: CCR Sections 1397.60 – 1997.71

Effective Date: Pending Review

This regulatory proposal would amend Title 16, Division 13.1, Article 10, Continuing Education, California Code of Regulations Sections 1397.60–1397.71 to become inoperative on January 1, 2013, and to adopt sections 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, and 1397.70 to apply to a license that expires, is reinstated, or issued on or after January 1, 2013, to re-define the Board of Psychology's Continuing Education Provider Approval System, to make it consistent with other states, and agencies within California, and to restructure the process for compliance monitoring and reporting requirements. This proposal also makes other non-substantive formatting changes to consolidate portions of existing law that are to remain in effect, and eliminate provisions that are no longer applicable.

Licensed psychologists are required to certify to the completion of 36 hours of continuing education every two years as a condition for active license renewal. Business and Professions Code (BPC) Section 2915 requires that continuing education instruction shall be completed within the State of California, or shall be approved for continuing education credit by the American Psychological Association or its equivalent as approved by the Board. It also states that the Board may recognize continuing education courses that have been approved by an experienced private, nonprofit organization.

Currently the Board's continuing education program is administered by the Mandatory Continuing Education for Psychologists Accrediting Agency (MCEPAA). The MCEPAA is a non-profit, fee-for-service program, administered by the California Psychological Association (CPA). The MCEPAA program was approved by the Board as an accrediting agency in 1994 and is currently the sole organization responsible for approving and

maintaining a list of qualified providers and courses for California psychologists, and for reporting each licensee's compliance with continuing education requirements to the Board.

Effective January 1, 2006, the Board amended California Code of Regulations Section 1397.61(f) to recognize and accept continuing education credit courses that are: A) provided by American Psychological Association (APA) approved sponsors; B) Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association (CMA), or the Accreditation Council for Continuing Medical Education (ACCME); or C) sponsored by the Academies of the specialty boards of the American Board of Professional Psychology (ABPP).

This proposal would eliminate any accrediting agency as the Board's designated organization responsible for approving and maintaining a list of qualified providers and courses for California psychologists, and for reporting each licensee's compliance to the Board. This proposal will designate the entities whose courses the Board will recognize and accept for continuing education credit, and will eliminate the individual repetitive course review that is currently required of all providers approved by the MCEPAA.

This proposal would eliminate the American Board of Professional Psychology (ABPP) as a recognized provider authorized by the Board to provide approved continuing education courses as it is already a provider approved by APA, and would add the California Psychological Association (CPA) or its approved sponsors.

This proposal would require providers currently approved by MCEPAA and any new providers interested in providing continuing education acceptable for California psychologists, to obtain approval from an APA approved sponsor, CMA, ACCME, or CPA on or before January 1, 2013 if they wish to continue offering continuing education to psychologists in California.

Subject Matter: Delegation of Functions and Unprofessional Conduct

Sections Affected: CCR 1380.4, 1397.2, and the title of Article 7

Effective Date: Pending

This regulatory proposal is in response to the Department of Consumer Affairs request to implement regulations to enhance the Board's mandate of consumer protection. The Department launched the Consumer Protection Enforcement Initiative (CPEI) to overhaul the enforcement processes used by healing arts boards within the Department, in order to reduce the average enforcement completion timeline from 36 months to between 12 and 18 months.

This proposal would amend section 1380.4 to delegate authority to the Executive Officer to approve settlement agreements for revocation, surrender, or interim suspension of a license or registration which would allow the Board to focus on more egregious disciplinary matters and will shorten the timeline for stipulated surrender cases to take effect, thus adding to consumer protection by allowing the orders to become effective in a more timely manner.

This proposal would clarify the authority of the Executive Officer to order an applicant for licensure or registration or a licensee or registrant to submit to a physical or mental examination if it appears that the applicant, licensee, or registrant may be unable to

safely perform the duties and functions of a psychologist, psychological assistant, or registered psychologist due to physical or mental illness affecting competency. This proposal would also clarify the authority of the Executive Officer to deny the application if the applicant is unable to safely practice, based on the review of the evaluation report.

This proposal would amend the title of Article 7 of Division 13.1 from Restoration of Suspended or Revoked Licenses, to Standards Related to Denial, Discipline, and Reinstatement of Licenses or Registrations, to provide clarification of the subject matter of the regulations contained within Article 7.

This proposal would, in addition to conduct described in Business and Professions Code Section 2960, further define “Unprofessional Conduct” to also prohibit the inclusion of provisions in agreements to settle civil disputes that would forbid another party to the dispute from contacting, cooperating with, or filing a complaint with the Board, or that would require another party to the dispute to attempt to withdraw a complaint the party has filed with the Board, either before or after the filing of an action to which the licensee or registrant is or expects to be named as a party. “Agreements not to pursue” can delay and thwart the Board’s effort to investigate possible cases of misconduct, thereby preventing the Board from protecting the public. These clauses delay action by the Board and tarnish the reputation of competent and reputable licensed and registered health care professionals. By allowing repeat offenders who injure patients to hide their legal acts from the Board further prevents the Board from protecting consumers.

This proposal would also define as “Unprofessional Conduct” failure to provide the Board with lawfully requested copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever occurs later unless the licensee or registrant is unable to comply for good cause. “Good cause” is specified to include physical inability to access the requested records in the time allowed due to an illness or travel. This will enable the Board to more quickly investigate the underlying allegations and offenses and act accordingly to provide better consumer protection. If a licensee or registrant is able to demonstrate “good cause” for being unable to comply with a records request, they may contact the Board and may be granted an extension of time to return the records depending on the circumstances.

Also defined as “Unprofessional Conduct” is the failure to cooperate and participate in any Board investigation pending against a licensee or registrant. This proposal would not, however, deprive a licensee or registrant of any privilege guaranteed by the Fifth Amendment of the Constitution or other constitutional or statutory privileges. Additionally, this proposal would not require the licensee or registrant to cooperate with a request that would require them to waive any constitutional or statutory privilege.

MAJOR STUDIES

Through the support of the Department of Consumer Affairs Office of Professional Examination Services, the Board has overseen numerous studies of its examinations and of the national occupational analysis for the profession of psychology. These studies have resulted in the Board's licensing examinations being in compliance with BPC section 139.

NATIONAL ASSOCIATIONS

The Board is currently a member of the Association of State and Provincial Psychology Boards (ASPPB). This organization is the alliance of state, provincial, and territorial agencies responsible for the licensure and certification of psychologists throughout the United States and Canada. Currently, the psychology boards of all fifty states of the United States, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, Guam and all ten provinces of Canada are members of ASPPB.

ASPPB was formed in 1961 to serve psychology boards in the two countries. ASPPB is the owner and developer of the national examination in psychology, the Examination for Professional Practice in Psychology (EPPP). Although the Board is not directly involved in the development and scoring of this examination, as a member of ASPPB, the Board's delegate provides feedback and raises jurisdictional concerns in contribution to the development of future forms of the examination. The Board contracts with the Professional Examination Service, which is the vendor recognized by ASPPB, for the administration of the examination. The passing score for the EPPP in California is established by regulation. Currently, the Board applies a scaled score of 500 as recommended by ASPPB.

In addition to creating the EPPP, ASPPB coordinates cooperative efforts of boards, facilitates communication among boards, maintains a Disciplinary Data Bank, issues a Certificate of Professional Qualification in Psychology (CPQ), advocates for the advancement of mobility by encouraging board acceptance of the CPQ and the ASPPB Agreement of Reciprocity (AOR), maintains a Credentials Verification Program (CVP), and provides a Score Transfer Service. ASPPB acts as a voice for those responsible for the regulation of the practice of psychology. ASPPB has drafted a Model Act, Model Regulations, a Code of Conduct, and guidelines for the use and/or adoption by state and provincial psychology boards.

The Board's membership in ASPPB includes voting privileges when the delegate is present at the biannual meetings. The Board's Executive Officer, as the California delegate, belongs to the Board Administrator's Committee. He was also selected to the ASPPB Bylaws Task Force Revision Committee in 2009 for a one-year term. Additionally, the Executive Officer has facilitated discipline workshops and presented as a speaker regarding Board procedure within the complaint process. As the California delegate, the Executive Officer is asked to facilitate or speak at each meeting the he attends.

ASPPB conducts its Annual Meeting in April of each year, and its Mid-Winter Meeting in October of each year. In the last five years, the Board had representation at the following meetings:

| MEETING | DATE | LOCATION | # OF REPRESENTATIVES |
|------------|--------------|----------------------|----------------------|
| Mid-Winter | October 2006 | San Diego, CA | 3 |
| Annual | April 2007 | Colorado Springs, CO | 1 |
| Annual | April 2008 | Coeur d'Alene, ID | 1 |
| Annual | April 2009 | Boston, MA | 1 |

The Board's Executive Officer was also scheduled to participate in a mock trial during the APA conference in 2009. However, due to travel restrictions, he was unable to attend.

Section 2

BOARD OF PSYCHOLOGY

Performance Measures and Customer Satisfaction Surveys

PERFORMANCE MEASURES

Included as Attachment 3 are the Board's quarterly and annual enforcement performance measure reports as published on the DCA website.

CUSTOMER SATISFACTION SURVEYS

The Board is committed to improving the way the Board's licensing unit conducts business. To this end, the Board initiated a satisfaction survey in 2006 that is sent to all psychologists, registered psychologists and psychological assistants upon issuance of their license or registration. Additionally, the survey is currently posted on the Board's website and is also attached to all email correspondences sent by the licensing unit. The survey results are presented to the Board members at each Board meeting. Following is a list of the questions currently being asked on the survey and the results for each question by fiscal year:

How did you first contact the Board's Licensing Unit?

| | <u>Telephone</u> | <u>In Person</u> | <u>Website/Email</u> | <u>Other</u> |
|--------------|------------------|------------------|----------------------|--------------|
| FY 2006/2007 | 12 | 0 | 26 | 2 |
| FY 2007/2008 | 60 | 4 | 135 | 5 |
| FY 2008/2009 | 70 | 2 | 115 | 7 |
| FY 2009/2010 | 103 | 4 | 261 | 11 |
| FY 2010/2011 | 102 | 5 | 375 | 13 |

Please rate the ability of the analyst to address your questions or concerns.

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |
|--------------|------------------|------------------|-------------|-------------|-------------|
| FY 2006/2007 | 17 | 10 | 10 | N/A* | 2 |
| FY 2007/2008 | 123 | 57 | 18 | N/A* | 17 |
| FY 2008/2009 | 116 | 38 | 18 | 2 | 17 |
| FY 2009/2010 | 209 | 78 | 33 | 15 | 23 |
| FY 2010/2011 | 298 | 54 | 24 | 10 | 10 |

Please rate the courteousness and professionalism of the staff person who responded to your questions or concerns.

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |
|--------------|------------------|------------------|-------------|-------------|-------------|
| FY 2006/2007 | 19 | 13 | 6 | N/A* | 1 |
| FY 2007/2008 | 140 | 44 | 19 | N/A* | 6 |
| FY 2008/2009 | 131 | 30 | 25 | 0 | 10 |
| FY 2009/2010 | 231 | 60 | 41 | 9 | 17 |
| FY 2010/2011 | 314 | 65 | 25 | 6 | 8 |

How would you rate the timeliness of the response you received from the staff person?

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |
|--------------|------------------|------------------|-------------|-------------|-------------|
| FY 2006/2007 | 14 | 12 | 10 | N/A* | 4 |
| FY 2007/2008 | 112 | 35 | 30 | N/A* | 31 |
| FY 2008/2009 | 107 | 29 | 36 | 0 | 24 |
| FY 2009/2010 | 187 | 70 | 43 | 20 | 37 |
| FY 2010/2011 | 280 | 80 | 31 | 12 | 16 |

Type of Application?

| | <u>Registration</u> | <u>License</u> |
|--------------|---------------------|----------------|
| FY 2006/2007 | 27 | 12 |
| FY 2007/2008 | 97 | 95 |
| FY 2008/2009 | 79 | 90 |
| FY 2009/2010 | 88 | 168 |
| FY 2010/2011 | 10 | 157 |

Please rate the ease of completing the application.

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |
|--------------|------------------|------------------|-------------|-------------|-------------|
| FY 2006/2007 | 11 | 17 | 10 | N/A* | 5 |
| FY 2007/2008 | 64 | 78 | 35 | N/A* | 9 |
| FY 2008/2009 | 53 | 64 | 39 | 0 | 11 |
| FY 2009/2010 | 99 | 79 | 40 | 19 | 14 |
| FY 2010/2011 | 88 | 103 | 38 | 19 | 3 |

Was the application processed in a timely manner?

| | <u>Yes</u> | <u>No</u> |
|--------------|------------|-----------|
| FY 2006/2007 | 31 | 9 |
| FY 2007/2008 | 98 | 80 |
| FY 2008/2009 | 106 | 45 |
| FY 2009/2010 | 190 | 56 |
| FY 2010/2011 | 222 | 36 |

Were you contacted in a timely manner regarding any deficiencies in your application?

| | <u>Yes</u> | <u>No</u> | <u>N/A</u> |
|--------------|------------|-----------|------------|
| FY 2006/2007 | 16 | 8 | 15 |
| FY 2007/2008 | 84 | 46 | 50 |
| FY 2008/2009 | 81 | 37 | 45 |
| FY 2009/2010 | 132 | 46 | 81 |
| FY 2010/2011 | 151 | 17 | 78 |

How would you rate the courteousness helpfulness and responsiveness of the state person who processed your application?

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |
|--------------|------------------|------------------|-------------|-------------|-------------|
| FY 2006/2007 | 17 | 13 | 8 | N/A* | 1 |
| FY 2007/2008 | 104 | 39 | 24 | N/A* | 12 |
| FY 2008/2009 | 94 | 24 | 28 | 1 | 11 |
| FY 2009/2010 | 147 | 54 | 28 | 7 | 15 |
| FY 2010/2011 | 159 | 42 | 26 | 6 | 1 |

If a licensing application, how did you apply?

| | <u>Online</u> | <u>U.S. Mail</u> | <u>In Person</u> |
|--------------|---------------|------------------|------------------|
| FY 2006/2007 | 5 | 21 | 0 |
| FY 2007/2008 | 40 | 89 | 32 |
| FY 2008/2009 | 34 | 93 | 2 |
| FY 2009/2010 | 65 | 125 | 0 |
| FY 2010/2011 | 57 | 139 | 0 |

How would you rate your experience with the scheduling process to sit for the Examination for Professional Practice in Psychology (EPPP)?

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> | <u>N/A</u> |
|--------------|------------------|------------------|-------------|-------------|-------------|------------|
| FY 2006/2007 | 5 | 2 | 1 | N/A* | 0 | 7 |
| FY 2007/2008 | 42 | 2 | 33 | N/A* | 9 | 20 |
| FY 2008/2009 | 35 | 7 | 27 | 1 | 8 | 28 |
| FY 2009/2010 | 50 | 38 | 20 | 4 | 8 | 1 |
| FY 2010/2011 | 56 | 37 | 13 | 4 | 1 | 0 |

How would you rate your experience with the scheduling process for the California Psychology Supplemental Examination (CPSE)?

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> | <u>N/A</u> |
|--------------|------------------|------------------|-------------|-------------|-------------|------------|
| FY 2006/2007 | 3 | 2 | 2 | N/A* | 2 | 9 |
| FY 2007/2008 | 18 | 3 | 20 | N/A* | 5 | 47 |
| FY 2008/2009 | 20 | 2 | 17 | 0 | 6 | 52 |
| FY 2009/2010 | 46 | 30 | 14 | 9 | 7 | 1 |
| FY 2010/2011 | 48 | 35 | 12 | 0 | 0 | 0 |

How would you rate your overall experience with the BOP's Licensing /Registration Unit?

| | <u>Excellent</u> | <u>Very Good</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> |
|--------------|------------------|------------------|-------------|-------------|-------------|
| FY 2006/2007 | 7 | 5 | 6 | N/A* | 4 |
| FY 2007/2008 | 83 | 42 | 17 | N/A* | 33 |
| FY 2008/2009 | 73 | 33 | 23 | 2 | 17 |
| FY 2009/2010 | 148 | 123 | 68 | 40 | 51 |
| FY 2010/2011 | 241 | 80 | 32 | 9 | 10 |

* The "Fair" rating was not added to the survey until FY 2008/2009.

BOARD OF PSYCHOLOGY

Fiscal and Staff

FISCAL ISSUES

The Board's current reserve level is \$3,104,000. The Board's current program expenditures are \$4,260,000. The Board's current reserve is at 8.4 months, and the statutory reserve dictates no more than two years. The Board does not anticipate any budget deficit or any need for a fee adjustment in the near future.

BCP 1110-34 was proposed in FY 07/08 for DCA boards leasing space at the Howe Avenue (Sacramento) location. The Department of General Services indicated that tenants at this location would be required to pay higher rent in FY 2005-06 effective January 1, 2006, and that DCA tenants would probably be required to move from the Howe Avenue location effective January 2007. Thus, Howe Avenue tenants were required to fund one-time moving costs and ongoing higher rent. DCA tenants moved from the Howe Avenue location to the current Evergreen Street location in March 2008.

BCP 1110-1A was proposed in FY 10/11 to streamline and standardize the complaint intake/analysis, reorganize investigative resources, and decrease the average processing time for complaint intake, investigation, and prosecution from three years to 12-18 months by FY 12-13. This request also included a two-year limited term Association Governmental Program Analyst (AGPA) position for Complaint Intake/Analysis.

The following table reflects the Board's approved Budget Change Proposals (BCPs) submitted in the past four fiscal years:

| Table 2. Budget Change Proposals (BCPs) | | | | | | | | |
|---|-------------|-------------------------------|--|--|--------------|-------------|--------------|-------------|
| BCP ID # | Fiscal Year | Description of Purpose of BCP | Personnel Services | | | | OE&E | |
| | | | # Staff Requested (include classification) | # Staff Approved (include classification) | \$ Requested | \$ Approved | \$ Requested | \$ Approved |
| 1110-34 | 07/08 | Howe Ave. Move | | | | | 65,000 | 65,000 |
| 1110-1A | 10/11 | Enforcement Reform | 1.8 (1.0 Medical Consultant, .8 AGPA [LT]) | 1.8 (1.0 Medical Consultant, .8 AGPA [LT]) | 241,713 | 241,713 | 214,287 | 214,287 |

Additionally, a technical adjustment was made for FY 10/11, for the Consumer Protection Enforcement Initiative (CPEI) BCP, to include an additional 1.5 special investigator positions. In FY 11/12, Special Investigator positions increased from .75 (2x) to 2.0.

In FY 11/12, BCP 1110-1A increases the AGPA position from .8 to 1.0; and the medical consultant positions from 0.5 (2 x) to 2.0.

| Fee | Current Fee Amount | Statutory Limit | FY 2007/08 Revenue | FY 2008/09 Revenue | FY 2009/10 Revenue | FY 2010/11 Revenue | % of Total Revenue |
|--|--------------------|----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Application Fee (Psychologist) | \$40 | \$50 | \$41,520 | \$37,960 | \$35,990 | \$40,880 | 1.14% |
| Application Fee (Psych. Assistant) | \$40 | \$75 | \$32,320 | \$33,120 | \$34,600 | \$34,640 | .97% |
| Initial License Fee (Psychologist) | \$400 | \$500 | \$226,400 | \$321,100 | \$334,400 | \$283,200 | 7.9% |
| Examination for Professional Practice in Psychology (EPPP) | \$450 | N/A | Paid to Vendor | Paid to Vendor | Paid to Vendor | Paid to Vendor | N/A |
| California Psychology Supplemental Examination (CPSE) | \$129 | Actual cost to Board | \$111,576 | \$121,785 | \$110,423 | \$101,394 | 2.8% |
| California Psychology Laws & Ethics Examination (CPLEE) | \$129 | Actual cost to Board | \$774 | \$9,546 | \$9,546 | \$9,804 | .27% |
| Biennial Renewal Fee (Psychologist) | \$410* | \$500 | \$2,647,540 | \$2,656,193 | \$2,787,515 | \$2,880,086 | 80.41% |
| Inactive Renewal Fee (Psychologist) | \$50* | \$40 | \$49,370 | \$55,510 | \$51,360 | \$53,255 | 1.48% |
| Annual Renewal Fee (Psych. Asst.) | \$40 | \$75 | \$45,920 | \$46,960 | \$36,320 | \$30,560 | .85% |
| Delinquent Fee (Psychologist) | \$25 | \$25 | \$11,575 | \$11,370 | \$11,055 | \$10,675 | .30% |
| Delinquent Fee (Psych. Asst.) | \$20 | *** | \$1,400 | \$2,480 | \$1,880 | \$1,720 | .05% |
| Duplicate License Fee | \$5 | \$5 | \$1,470 | \$1,473 | \$1,330 | \$1,330 | .04% |
| Certification/Letter of Good Standing | \$5 | \$5 | \$505 | \$450 | \$685 | \$730 | .02% |
| Endorsement Fee | \$5 | \$5 | \$315 | \$380 | \$350 | \$460 | .01% |
| Refunded Reimbursements | Variable | N/A | N/A | N/A | N/A | \$3 | 0% |
| Refunded – OSHP | \$10 | \$10 | N/A | N/A | -\$20 | \$10 | 0% |
| Over/Short Fees (Applications) | Variable | N/A | \$51 | -\$3 | \$64 | \$78 | 0% |
| Suspended Revenue | Variable | N/A | \$8,910 | \$6,060 | \$60 | \$3,610 | .10% |
| Prior Year Revenue Adjustment | Variable | N/A | -\$9,824 | -\$11,430 | -\$7,632 | -\$5,208 | -.15% |
| Over/Short Fees (Renewals) | Variable | N/A | \$189 | \$145 | \$165 | \$140 | 0% |
| Investigative Cost Recovery | Varies | N/A | \$24,708 | \$67,191 | \$50,931 | \$56,606 | 1.6% |
| Probation Monitoring | Varies | N/A | \$20,218 | \$25,711 | \$26,483 | \$22,993 | .64% |
| Citations & Fines | Varies | \$5,000 | \$750 | \$5,915 | \$16,515 | \$2,790 | .08% |
| Sale of Documents | \$10.00 | N/A | \$146 | \$2,189 | \$2,210 | \$1,752 | .05% |
| Miscellaneous Services to the Public | Variable | N/A | \$344 | \$124 | \$352 | \$398 | .01% |
| Income from Surplus Money Invest | Variable | N/A | \$192,069 | \$76,601 | \$19,502 | \$18,810 | .53% |
| Revenue Cancelled Warrants | Variable | N/A | \$1,346 | \$810 | \$950 | \$406 | .01% |
| Dishonored Check Fee | \$10.00 | N/A | \$100 | \$380 | \$195 | \$505 | .01% |
| Misc. Revenue Franchise Tax Board | Variable | N/A | N/A | N/A | \$509 | \$557 | .02% |
| Miscellaneous Income | Variable | N/A | N/A | N/A | N/A | \$16 | 0% |
| ILicense Convenience Fees | Variable | N/A | \$18,211 | \$18,322 | \$20,201 | \$21,386 | .60% |
| Fingerprint Fees | Variable | N/A | \$1,694 | \$1,078 | \$1,633 | \$1,964 | .05% |
| Public Sales Reimbursements/OIS | Variable | N/A | \$7,425 | \$7,485 | \$5,995 | \$6,045 | .17% |

| Table 4. Fund Condition | | | | | | |
|--------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| (Dollars in Thousands) | FY 2007/08 | FY 2008/09 | FY 2009/10 | FY 2010/11 | FY 2011/12 | FY 2012/13 |
| Beginning Balance | 3,985 | 4,475 | 2,661 | 3,358 | 4,111 | 3,104 |
| Revenues and Transfers | 3,365 | 879 | 3,448 | 3,473 | 3,365 | 3,354 |
| Total Revenue | \$7,350 | \$5,354 | \$6,109 | \$6,831 | \$7,476 | \$6,458 |
| Budget Authority | 3,350 | 3,411 | 3,500 | 3,949 | 4,284 | 4,284 |
| Expenditures | 2,966 | 2,774 | 2,793 | 2,713 | 4,260 | 4,345 |
| Fund Balance | \$4,382 | \$2,579 | \$3,308 | \$4,111 | \$3,104 | \$2,034 |

Psychologists renew their license biennially and are required to complete 36 hours continuing education as a condition for active renewal. Psychological Assistants renew their registration annually. Prior to August 23, 2009, all psychological assistant registrations expired on January 31st of each year. Psychological assistant registrations issued after this date expire one year from the date of issuance. Registered Psychologist registrations are issued for a period of 30 months, and are non-renewable.

The Board has had the following fee changes in the last 10 years:

Effective August 10, 2005, CCR Sections 1397.51(c) - (c)(4) were added to increase the fine amount for an administrative citation issued pursuant to CCR section 1397.50, when exceptional circumstances are present. These amendments allow the board to impose a civil penalty between \$2501 and \$5,000, as specified.

Effective April 1 2008, CCR Section 1392(c) was adopted to add a new examination titled, the California Psychology Law and Ethics Examination (CPLEE), and the required \$129.00 fee associated with this examination.

The Board made loan to the General Fund in the amount of \$5,000,000 in FY 2002/2003. In FY 2008/2009, the Board made an additional loan to the General Fund in the amount of \$2,500,000. The Board has received no payments toward the loans, therefore, the current outstanding balance owed to the Board is \$7,500,000.

The following table represents the Board's expenditures by program component. Since the Board's examination process is contained within the application process, all Personnel Services are included in Licensing since the Board does not have separate licensing and examination staff. However, the expenditures for examination development and administration are included in the OE&E column for Examination.

| Table 5. Expenditures by Program Component | | | | | | | | |
|---|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| | FY 2007/08 | | FY 2008/09 | | FY 2009/10 | | FY 2010/11 | |
| | Personnel Services | OE&E |
| Enforcement | 502,500 | 1,440,500 | 511,650 | 1,466,730 | 525,000 | 1,505,000 | 600,756 | 1,711,521 |
| Examination | | 268,000 | | 272,880 | | 280,000 | | 304,541 |
| Licensing | 268,000 | 301,500 | 272,880 | 306,990 | 280,000 | 315,000 | 295,703 | 344,790 |
| Administration | 335,000 | 234,500 | 341,100 | 238,770 | 350,000 | 245,000 | 401,945 | 289,744 |
| Diversion (if applicable) | N/A |
| TOTALS | \$1,105,500 | \$2,244,500 | \$1,125,630 | \$2,285,370 | \$1,155,000 | \$2,345,000 | \$1,298,404 | \$2,650,596 |

STAFFING ISSUES

As with all boards during this time, we are all working within the limitations of the current fiscal emergency and the resulting Executive Orders. As a result, we continue to experience vacancies and have experienced difficulty in refilling them due to the hiring limitations in place at this time. As a small board without any redundant positions, all vacancies directly affect the productivity and timeliness of the Board's processes as the workload resulting from these vacancies must be absorbed by remaining staff. Though the Board continues to improve our timeliness, the vacancies reduce the amount of progress that can be made. Currently, 41% of the Board's allotted positions, including the positions that were granted as a result of the Consumer Protection Enforcement Initiative (CPEI), are vacant. Given the classification of some of these positions, the Board has received disappointingly low interest from potential candidates.

The Board encourages staff to participate in relevant workshops and courses to enhance their abilities to carry out the Board's mission. However, we also have to be mindful of vacancies and other staff outages in order to ensure proper office coverage prior to approving such training. Over the past four fiscal years, the Board has spent approximately \$1,100 annually on staff development.

Included as Attachment 4 are the Board's year-end organizational charts for the last four fiscal years.

BOARD OF PSYCHOLOGY

Licensing Program

LICENSING PERFORMANCE TARGETS/EXPECTATIONS

Section 1381.6 of the California Code of Regulations establishes the permit processing times for the Board. This section defines permit as any license, certificate, registration permit or any other form of authorization required by a state agency to engage in a particular activity or act. The processing times are established for each of the Board's licensure/registration categories as follows:

| Type of application: | Maximum time for notifying the applicant that the application is complete and accepted, or that the application is deficient and what specific information is required | Maximum time after receipt of a complete application to issue or deny license |
|--------------------------------------|--|---|
| Psychologist: | 60 | 180 |
| Registered Psychologist: | 180 | 0* |
| Registered Psychological Assistants: | 60 | 60 |

* The reference to zero processing days after receipt of a completed application for registered psychologist applications is an outdated reference to the Board's previous process of making approvals for this type of application retroactive.

Currently, the Board's licensing unit is well within the maximum time allowed for the processing of applications. As of the most recent report to management from the licensing unit, all applications are acknowledged as either complete or deficient within 30 days, and the figures below represent the current processing times for completed applications:

| <u>Type of application:</u> | <u># of days</u> |
|-------------------------------------|------------------|
| Psychologist: | 77 days |
| Registered Psychologist: | 14 days |
| Registered Psychological Assistant: | 21 days |

INCREASE/DECREASE IN AVERAGE TIME TO PROCESS APPLICATIONS

Although the current application processing times are within the timeframe allowed by regulation, these figures have been increasingly higher within the last year due to staff vacancies and the difficulties in filling these positions. Additionally, the Board experienced a 37% increase in the number of applications received in FY 2010/2011. As a result, the Board has redirected two retired annuitants on staff to assist with the licensing unit's workload in an effort to keep the processing times as low as possible. Board management continues to advertise and recruit for the vacant positions.

The Board's examination process is integrated into the licensure application process. Once an applicant applies for licensure and documents the completion of a qualifying doctoral degree and 1,500 hours of qualifying supervised professional experience, the applicant is approved to take the EPPP and their eligibility is submitted to the Professional Examination Service (PES). Once the

Board is notified that the applicant has passed the EPPP, and he or she accrues an additional 1,500 hours of qualifying supervised professional experience, the applicant is approved to take the California Psychology Supplemental Examination (CPSE). A separate examination application to the Board is not required.

| Table 6. Licensee Population | | | | | |
|------------------------------|-------------------|------------|------------|------------|------------|
| | | FY 2007/08 | FY 2008/09 | FY 2009/10 | FY 2010/11 |
| PSYCHOLOGISTS | Active | 16194 | 16746 | 17320 | 17814 |
| | Inactive/Military | 2786 | 2862 | 2962 | 3012 |
| | Out-of-State | 1547 | 1596 | 1623 | 1651 |
| | Out-of-Country | 101 | 103 | 106 | 111 |
| | Suspended | 3 | 4 | 6 | 4 |
| | Delinquent | 668 | 694 | 731 | 697 |
| REGISTERED PSYCHOLOGISTS | Active | 371 | 324 | 320 | 312 |
| | Out-of-State* | N/A | N/A | N/A | N/A |
| | Out-of-Country* | N/A | N/A | N/A | N/A |
| | Delinquent | N/A | N/A | N/A | N/A |
| PSYCHOLOGICAL ASSISTANT | Active | 1455 | 1402 | 1431 | 1472 |
| | Out-of-State* | N/A | N/A | N/A | N/A |
| | Out-of-Country* | N/A | N/A | N/A | N/A |
| | Delinquent | 0 | 2 | 4 | 38 |

* Registered psychologists and psychological assistants are not registered to practice outside of California.

| Table 7a. Licensing Data by Type | | | | | | | | | | |
|----------------------------------|------------------|----------|----------|--------|--------|----------------------|------------------------|-----------------------|---------------|-----------------|
| FY | Application Type | Received | Approved | Closed | Issued | Pending Applications | | | Cycle Times | |
| | | | | | | Total (Close of FY) | Outside Board control* | Within Board control* | Complete Apps | Incomplete Apps |
| 2008/09 | (Exam)** | | | | | | | | | |
| | (License) | 2313 | 1570 | 85 | 1606 | - | - | - | 1606 | 707 |
| 2009/10 | (Exam)** | | | | | | | | | |
| | (License) | 2300 | 1578 | 18 | 1821 | - | - | - | 1821 | 479 |
| 2010/11 | (Exam)** | | | | | | | | | |
| | (License) | 3158 | 4022 | 93 | 2731 | 1533 | 711 | 822 | 2731 | 427 |

* Optional. List if tracked by the Board.
 ** NOTE: The Board exams are integrated in the application for licensure process.

| Table 7b. Total Licensing Data | | | |
|--|------------|------------|------------|
| | FY 2008/09 | FY 2009/10 | FY 2010/11 |
| Initial Licensing Data: | | | |
| Initial License/Initial Exam Applications Received | 2313 | 2300 | 3158 |
| Initial License/Initial Exam Applications Approved | 1570 | 1578 | 4022 |
| Initial License/Initial Exam Applications Closed | 85 | 18 | 93 |
| License Issued | 1606 | 1821 | 2731 |
| Initial License/Initial Exam Pending Application Data: | | | |
| Pending Applications (total at close of FY) | - | - | 1533 |
| Pending Applications (outside of Board control)* | - | - | 711 |
| Pending Applications (within the Board control)* | - | - | 822 |
| Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE) | | | |
| Average Days to Application Approval (All - Complete/Incomplete) | - | - | 50 |
| Average Days to Application Approval (incomplete applications)* | - | - | - |
| Average Days to Application Approval (complete applications)* | - | - | - |
| * Optional. List if tracked by the Board. | | | |
| ** This number reflects all applications currently pending with the Board. This includes applicants who have failed to take the exam pursuant to Section 1381.4 of the California code of Regulations which states: "Any applicant approved to take or retake a Board licensing examination who fails to appear for such examination in any twelve month period shall have his or her application withdrawn. An applicant who subsequently decides to take the examination shall be required to file a new application and pay the current application and examination fees." The majority of these applications have not yet been withdrawn, however, staff is working on this project as time allows. This figure also includes applicants who are eligible to take an exam (either the EPPP or CPSE) but have not scheduled their exam with the Testing Vendor or applicants who need to submit hours of supervised professional experience. These are all counted as being within the Board's control but the onus is on the applicant to complete the requirements. | | | |

VERIFICATION OF APPLICANT INFORMATION

The Board's licensing and registration applications require each applicant for licensure or registration to disclose all misdemeanor and felony convictions, including whether they are required to register as a sex offender pursuant to Section 290 of the Penal Code. The Board also requires fingerprint clearance from both the California Department of Justice and the Federal Bureau of Investigation prior to the issuance of a license or registration.

The Board promulgated regulations that became effective March 4, 2011 that require all licensees who have not previously submitted fingerprints to the DOJ or for whom an electronic record of the submission of the fingerprints does not exist with DOJ, to complete a state and federal level criminal offender record information (CORI) search conducted through the DOJ before his or her license renewal date. These regulations also apply to licensees upon reactivation or reinstatement of an expired license in addition to any other requirements. The purpose of this provision is to require licensees who have not previously been fingerprinted to submit fingerprints prior to renewal of the license or registration in order to continue practicing in California.

Additionally, these regulations require all licensees, as a condition of renewal, to disclose on the renewal form whether they have been convicted of any violation of the law in this or any other state, the United States or its territories, military court, or other country since he or she last renewed his or her license. The purpose of this provision is to ensure the Board receives subsequent conviction information in order to protect the public from unprofessional practitioners who have been convicted of any violation of law, excluding traffic infractions under \$500.00 not involving alcohol, a dangerous drug, or controlled substance since their last renewal date.

The Board's licensing and registration applications require each applicant for licensure or registration to disclose whether they have had a license disciplined by a government agency or other disciplinary body. Additionally, staff checks the Association of State and Provincial Psychology Boards' Disciplinary Databank prior to issuing any license or registration. The Board promulgated regulations that became effective March 4, 2011 that require all licensees, as a condition of renewal, to disclose on the renewal form whether they have had a license disciplined by a government agency or other disciplinary body, including, but not limited to suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction placed on a license held by any licensee of the Board since he or she last renewed his or her license. The purpose of this provision is to ensure the Board receives subsequent discipline information in order to protect the public from unprofessional practitioners who have been disciplined by other jurisdictions since their last renewal date.

The Board also performs primary source verification by reviewing official transcripts submitted directly by the educational institution in addition to requiring that all verification of applicants' supervised professional experience be submitted directly by the primary supervisor to ensure that all applicants for licensure as a psychologist meet all education and experience requirements as required by Section 2914 of the Business and Professions Code.

OUT-OF-STATE AND OUT-OF-COUNTRY APPLICANTS

Section 2914 of the Business and Professions Code requires each applicant for licensure to possess a doctoral degree in psychology, educational psychology, or in education with a field of specialization in counseling psychology or educational psychology from a regionally accredited educational institution in the United States or Canada, or from an educational institution in California that is approved by the Bureau for Private Postsecondary Education (BPPE). It provides that applicants for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the Board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. To this end, these applicants shall provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and any other documentation the Board deems necessary.

Section 2914 also requires each applicant to have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist. Section 1387.4(a) requires that all out-of-state supervised professional experience be supervised by a psychologist licensed at the doctoral level in the State, U.S. territory or Canadian province in which the experience is taking place, in compliance with all laws and regulations of the jurisdiction in which the experience was accrued, and in substantial compliance with all the supervision requirements of section 1387. Additionally, section 1387.4(c) provides that supervised professional experience can be accrued in countries outside the United States or Canada which regulate the profession of psychology pursuant to the same requirements as set forth in section 2914 of the Code. Supervision accrued

outside the United States, its territories, or Canada must comply with all the supervision requirements of section 1387, and the burden shall be on the applicant to provide the necessary documentation and translation that the Board may require to verify the qualification of the experience.

Section 1388.6 of the California Code of Regulations sets forth a waiver of the Examination for Professional Practice in Psychology (EPPP) and the California Psychology Supplemental Examination (CPSE) for applicants for licensure as a psychologist who have been licensed in another state, Canadian province or U.S. territory for at least five years. Although the EPPP and CPSE are waived under this section, an applicant must file a complete application and meet all current licensing requirements, including payment of any fees, take and pass the California Psychology Law and Ethics Examination (CPLEE), and not been subject to discipline. Those out-of-state applicants who have been licensed for at least five years and who hold a Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB), is credentialed as a Health Service Provider in Psychology by the National Register of Health Service Providers in Psychology (NRHSPP), or is certified by the American Board of Professional Psychology (ABPP) are deemed to have met the educational and experience requirements of subdivisions (b) and (c) of section 2914 of the Code.

CONTINUING EDUCATION/COMPETENCY REQUIREMENTS

Section 2915 of the Business and Professions Code requires licensees to complete 36 hours of continuing education within the 24 months immediately prior to the expiration date of their licenses. Currently the Board's continuing education program is administered by the Mandatory Continuing Education for Psychologists Accrediting Agency (MCEPAA). The MCEPAA is a non-profit, fee-for-service program, administered by the California Psychological Association (CPA). The MCEPAA program was approved by the Board as an accrediting agency in 1994 and is currently the sole organization responsible for approving and maintaining a list of qualified providers and courses for California psychologists, and for reporting each licensee's compliance with continuing education requirements to the Board.

In addition to courses that are approved by MCEPAA, the Board also recognizes and accepts continuing education credit courses that are provided by American Psychological Association (APA) approved sponsors, Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association (CMA) or the Accreditation Council for Continuing Medical Education (ACCME), or sponsored by the Academies of the specialty boards of the American Board of Professional Psychology (ABPP).

The following changes have been made to the Board's continuing education regulations since the last Sunset Review:

October 24, 2004 - section 1397.61 of Division 13.1 of Title 16 of the California Code of Regulations was amended to clarify the Board's continuing education requirements in spousal or partner abuse assessment, detection, and intervention strategies as well as aging and long-term care.

January 1, 2005 - section 1397.60 Division 13.1 of Title 16 of the California Code of Regulations were amended to increase the number of hours of distance learning continuing education allowed to be accrued by licensees each renewal period from 22% to 50%.

January 9, 2005 - section 1397.62 of Division 13.1 of Title 16 of the California Code of Regulations was amended to eliminate the language to require licensees engaged in active military service to be out of California in order to qualify for a continuing education exemption.

December 21, 2005 - section 1397.61 of Division 13.1 of Title 16 of the California Code of Regulations was amended to allow proration of licensees' continuing education for their first renewal if their initial license was in effect for less than 24 months.

January 1, 2006 - subsection (f) of section 1397.61 of Division 13.1 of Title 16 of the California Code of Regulations was amended to allow continuing education provided by specific entities to be recognized by the Board.

December 16, 2006 - subsections (d) and (g) of section 1397.60 and subsections (c) and (d) of section 1397.62 of Division 13.1 of Title 16 of the California Code of Regulations were amended to increase the number of hours of distance learning continuing education allowed to be accrued by licensees each renewal period from 50% to 75%.

January 19, 2007 - subsection (b) of section 1397.61 of Division 13.1 of Title 16 of the California Code of Regulations was amended to allow licensees to comply with the Board's laws and ethics continuing education requirement in a variety of ways other than only by taking a specific continuing education course on the subject.

The MCEPAA tracks all continuing education earned by California-licensed psychologists and provides the Board with monthly lists of those licensees who are deficient in the continuing education requirements. If the course taken by a licensee is MCEPAA approved, then the course gets reported directly to MCEPAA by the provider of the course. If a licensee takes a continuing education course that is not approved by the MCEPAA (i.e. APA, CME, etc.), he or she is responsible for reporting the credit to the MCEPAA. This process allows the Board to conduct a 100 percent audit of all licensees' continuing education. The Board also requires every licensee to certify that they have updated their education and training in laws and ethics every renewal cycle. Since the Board's continuing education regulations currently provide for a 100% audit of licensee's continuing education compliance, there is no need for a policy regarding continuing education audits.

If a psychologist fails to complete the required hours of continuing education, the license will become invalid for renewal upon expiration. The licensee is prohibited from practicing psychology until the continuing education is completed and the license is restored to a valid status. If the deficiency is not made up within six months following the license expiration date, the licensee will be subject to disciplinary action and/or citation and fine.

Due to the fact that the regulations provide for a 100% audit of licensees' compliance, MCEPAA reviews approximately 9,000 psychologists' records every year. MCEPAA keeps individual education records for each licensed California psychologist based on attendance information from approved providers and/or individual reports from psychologists. This information provides the basis to confirm each licensee's compliance of the continuing education requirements. Based on

the reports from MCEPAA to the Board, there is an average of approximately 8% non-compliance upon initial review of psychologists' continuing education records. Oftentimes, the report of a licensee's non-compliance is due to failure to submit documentation of the courses already attended by the licensee. Upon notification to the licensees, most document compliance immediately.

MCEPAA has the responsibility for reviewing and approving all providers and courses on behalf of the Board. However, the requirements for such review and approval are set forth in section 1397.65 of the California Code of Regulations which reads as follows:

§ 1397.65. Requirements for Approved Providers:

(a) Providers of continuing education courses in psychology shall apply to a board recognized accreditation agency for approval as a provider, and for approval of each course, prior to offering any such courses.

(b) (1) Upon satisfactory completion of the provider requirements of the accreditation agency, including payment of the appropriate fees and receipt of written approval therefrom, a continuing education provider may represent itself as a California approved provider of continuing education courses for psychologists for one year.

(2) Upon presentation of satisfactory evidence, organizations approved by the American Psychological Association (APA) as Sponsors of Continuing Education for Psychologists will be recognized as California approved providers of continuing education courses for psychologists during the duration of their APA approval, and shall be exempt from the annual continuing education provider fee described in section 1397.68. Such APA providers shall be held to all other requirements of California approved providers of continuing education for psychologists except for the individual course review requirement.

(c) The provider is responsible for assuring the educational quality of its course material. All continuing education course material shall meet the standards set forth in section 1397.64(a)(1) of these regulations and shall be:

(1) approved in advance by an accreditation agency (except for those courses offered by providers defined in section 1397.61(d), (e) and (f));

(2) specifically applicable and pertinent to the practice of psychology;

(3) accurate and timely;

(4) presented in an organized manner conducive to the learning process;

(5) complete and objective, and not reflecting predominantly any commercial views of the provider or presenter or of anyone giving financial assistance to the provider or presenter;

(6) based on stated educational goals and objectives; and

(7) accompanied by a syllabus which contains, at a minimum, the instructional objectives for each course and a summary containing the main points of each topic.

(d) All providers shall furnish a list of course participants, with the accompanying course attendee fee as required in section 1397.68, to the accreditation agency, and verification of attendance certificates to all participants within 45 days of course completion. The list and the certificate shall contain the name of the licensee and license number, name and number of the provider, title of the course, number of completed hours, date of completion, course number, if applicable, and the name of the accreditation agency.

(e) Every approved provider shall apply to the accreditation agency, on forms approved by the board (see form No. 07M-BOP-14(New 10/94)), at least 30 days in advance, for each continuing education course offered or presented, whether for the first time or repeated.

(f) The approved provider shall be required to maintain attendance records for three (3) years for each continuing education course. Acceptable documentation of participation shall include attendance rosters, sign-in and sign-out sheets, and completed course evaluation forms.

(g) The approved provider's course shall be valid for up to one year following the initial approval provided a notification and activity registration fee is submitted to the accreditation agency at least 30 days in advance for each time the course is offered or presented.

(h) The approved provider's advertisements for approved courses shall clearly indicate the provider's name, course title, course approval number, the number of credit hours, and the name of the accrediting agency.

(i) The approved provider shall have a written policy, available upon request, which provides information on:

- 1. Refunds in case of non-attendance*
- 2. Time period for return of fees*
- 3. Notification if course is canceled.*

(j) Providers may not grant partial credit for continuing education courses. However, conferences, in-service training programs and grand rounds consisting of a series of presentations may obtain approval for the entire conference, in-service training program or grand round as one course wherein credit may be granted to participants separately for each individual presentation in such courses.

(k) Provider approval is non-transferable. Approved providers shall inform the accrediting agency in writing within 30 days of any changes in organizational structure and/or person(s) responsible for continuing education program, including name and address changes.

(l) Providers are responsible for meeting all applicable local, state and federal standards which include, but are not limited to, the Americans with Disabilities Act.

(m) Providers may obtain approval for grand rounds activities for an entire year with one application provided the staff person responsible for grand rounds submits to the accreditation agency a general descriptive outline of grand rounds activities for the year. This outline shall be of sufficient detail regarding content to be covered in the weekly grand rounds activities to allow the accreditation agency to determine whether the activities are appropriate for continuing education credit for licensed psychologists.

Given the above criteria, the MCEPAA approves providers and courses pursuant to the Board's regulations. MCEPAA works with provider organizations to ensure that both their educational programs and their administration meet the standards set forth in the Board's regulations. Within the past year, MCEPAA received applications for 210 providers and 670 individual courses. Of these applications, 206 providers and 605 courses were approved.

The Board does not directly audit continuing education providers, however, as the Board's recognized accrediting agency, MCEPAA evaluates and approves each course offering, including the course syllabus and curriculum vitae, and monitors the quality of the approved continuing education courses to ensure compliance with the Board's regulations. In addition to a 100% review of all continuing education courses, all participants of MCEPAA-approved continuing education courses are provided with a course evaluation form, and the course providers are required to submit a summary of these forms to the MCEPAA along with the list of participants within 45 days of course completion. Additionally, section 1397.66 of the California Code of Regulations requires each approved provider, upon written request from the accreditation agency or the Board, to submit any materials relating to an audit of a course as required by the accreditation agency or the Board.

The issue of continued professional development/competency has been an issue on the agenda for the Board's Committee on Contemporary and Emerging Issues for the past several Board meetings. The committee has been looking at how licensees can demonstrate competency beyond continuing education. At the most recent Board meeting, The Committee on Contemporary and Emerging Issues recommended referral of this topic to the Board's Continuing

Education Committee. That committee will be reviewing models regarding continued professional development/competency created by the Association of State and Provincial Psychology Boards and the American Psychological Association at the upcoming Board meeting in November. The Board is also planning to partner with the California Psychological Association to address this developing issue.

EXAMINATIONS

| Table 8. Examination Data | | | |
|---|--------------------------------------|--|---|
| California Examination (include multiple language) if any: | | | |
| License Type | | Psychology | |
| Exam Title | | California Psychology Supplemental Examination (CPSE) | California Psychology Laws and Ethics Examination (CPLEE) |
| FY 2007/08 | # of 1 st Time Candidates | 293 | 14 |
| | Pass % | 66% | 78% |
| FY 2008/09 | # of 1 st Time Candidates | 718 | 64 |
| | Pass % | 81% | 60% |
| FY 2009/10 | # of 1 st Time Candidates | 718 | 62 |
| | Pass % | 92% | 50% |
| FY 2010/11 | # of 1 st time Candidates | 681 | 46 |
| | Pass % | 90% | 52% |
| Date of Last OA | | 2004 | 2004 |
| Name of OA Developer | | Office of Professional Examination Service | Office of Professional Examination Service |
| Target OA Date | | 2012 | 2012 |
| National Examination (include multiple language) if any: | | | |
| License Type | | Psychology | |
| Exam Title | | Examination for Professional Practice in Psychology | |
| FY 2007/08 | # of 1 st Time Candidates | 385 | |
| | Pass % | 79% | |
| FY 2008/09 | # of 1 st Time Candidates | 734 | |
| | Pass % | 75% | |
| FY 2009/10 | # of 1 st Time Candidates | 704 | |
| | Pass % | 75% | |
| FY 2010/11 | # of 1 st time Candidates | 720 | |
| | Pass % | 78% | |
| Date of Last OA | | 2010 | |
| Name of OA Developer | | Association for State and Provincial Psychology Boards | |
| Target OA Date | | 2017 | |

* Data Collection began 01/08

** CPLEE was implemented on 05/2008

The Board requires applicants to take and pass both the national and state examination prior to licensure. The national examination, the Examination for Professional Practice in Psychology (EPPP) is developed and owned by the Association of State and Provincial Psychology Boards. This examination is provided to state and provincial boards of psychology to assist them in their evaluation of the qualifications of applicants for licensure and certification. This standardized examination is constructed by ASPPB with the assistance of the Professional Examination Service (PES). The EPPP is intended to evaluate the knowledge that the most recent practice analysis has determined as foundational to the competent practice of psychology. Candidates are expected to have acquired a broad basic knowledge of psychology, regardless of individual specialties. This knowledge and the candidate's ability to apply it are assessed through the candidate's responses to objective, multiple-choice questions representative of the field at large. This examination covers eight content areas: biological bases of behavior; cognitive-affective bases of behavior; social and cultural bases of behavior; growth and lifespan development; assessment and diagnosis; treatment, intervention, prevention and supervision; research methods and statistics; and ethical, legal, and professional issues. Each form of the EPPP consists of 225 items, of which 175 are scored and 50 are unscored pre-test items.

The state examination, the California Psychology Supplemental Exam (CPSE), is developed and maintained by the Office of Professional Examination Services (OPES), a division of the California Department of Consumer Affairs. The OPES staff consists of test validation and development specialists who are trained to develop and analyze occupational licensing examinations. Individual examination items are developed in item writers' workshops in a multiple-choice question format. Each item is carefully researched and validated with published references to ensure accuracy and consistency with entry-level psychology practice. The Board requires passage of two examinations because the occupational analysis process has determined that the national examination does not adequately measure the knowledge and skills necessary to meet minimum acceptable competency standards to practice as a psychologist in the State of California. This examination covers four content areas: crisis assessment and intervention; clinical assessment and evaluation; treatment interventions; and legal and ethical standards. Each form of the CPSE consists of 100 scored questions and 25 pretest (unscored) questions, all multiple choice.

The California Psychology Laws and Ethics Exam is another state examination developed by the OPES. This examination was created to administer to candidates seeking licensure in California who are currently licensed in another state, Canadian province, or U.S. territory and who meet the criteria set forth in the Board's regulations. This examination is only available to applicants who have been licensed for at least five years or who hold a Certificate of Professional Qualification (CPQ) issued by ASPPB, is credentialed as a Health Service Provider in Psychology by the National Register of Health Services Providers in Psychology (NRHSPP), or is certified by the American Board of Professional Psychology and have been licensed for a minimum of five years in another State, Canadian Province or U.S. territory. The CPLEE is a subset of the CPSE, containing only those questions from the CPSE regarding laws and ethics. Each form of the CPLEE consists of 40 scored questions, all multiple choice.

The statistics provided in the table below demonstrate the pass rate on these examinations for candidates who took the examination for the first time versus retakes in the past four fiscal years:

| Table 8a. Pass Rate for First Time vs. Retakes | | | | |
|---|-------------------|--|---|---|
| License Type | | Psychology | | |
| | Exam Title | California Psychology Supplemental Examination | California Psychology Laws and Ethics Examination | Examination for Professional Practice in Psychology |
| FY 2007/08 | Retakes Pass % | 69% | 0% | 56% |
| | First Time Pass % | 66% | 78% | 79% |
| FY 2008/09 | Retakes Pass % | 77% | 80% | 37% |
| | First Time Pass % | 81% | 60% | 75% |
| FY 2009/10 | Retakes Pass % | 81% | 50% | 40% |
| | First Time Pass % | 92% | 50% | 75% |
| FY 2010/11 | Retakes Pass % | 89% | 72% | 41% |
| | First Time Pass % | 90% | 52% | 78% |

All state and national examinations required by the Board are computer-based. The EPPP is administered continuously in computerized delivery format through the Prometric network of computer testing centers. Prometric maintains a network of more than 320 Prometric Test Centers (PTCs) in the United States and Canada. Once an applicant has been approved to sit for the EPPP, the Board submits the candidate's eligibility to PES. Candidates pay the examination fee directly to PES. Once the fee is paid, candidates schedule their examination with Prometric. Examination results are sent to the Board, and the Board mails the results to the candidates. If a candidate fails the examination, their eligibility is automatically resent to PES.

The CPSE and CPLEE are also administered continuously in computerized delivery format through the PSI licensure:certification (PSI) network of computer testing centers. PSI maintains a network of 24 testing centers nationwide with 14 of those located in California. The examination fee for the CPSE and the CPLEE are paid directly to the Board. Once an applicant has paid the examination fee and has been approved to sit for the examination, the Board submits the candidate's eligibility to PSI. Candidates schedule their examination with PSI. Examination results are given to the candidates at the examination site immediately after the examination is completed. If a candidate fails the examination, the Board requests another examination fee.

There are currently no existing statutes that create a hindrance to the Board's processing of applications and approving applicants to sit for the examinations.

SCHOOL APPROVALS

Section 2914(g) of the Business and Professions Code requires the Board to accept doctoral degrees in psychology from approved schools that meet specific criteria. This section reads as follows:

Section 2914(g)

An application holding a doctoral degree in psychology from an approved institution is deemed to meet the requirements of this section if all of the following are true:

(1) The approved institution offered a doctoral degree in psychology designed to prepare students for a license to practice psychology and was approved by the Bureau for Private Postsecondary and Vocational Education on or before July 1, 1999.

(2) The approved institution has not, since July 1, 1999, had a new location, as described in Section 94721 of the Education Code.

(3) The approved institution is not a franchise institution, as defined in Section 94729.3 of the Education Code.

The Board has no authority over school approvals or their operation and curriculum. School approvals are conducted solely by the Bureau for Private Postsecondary Education (BPPE). The Board was involved in submitting ideas and recommendations regarding the approved school process prior to the reconstitution of the BPPE on January 1, 2010. There are currently 11 schools approved by BPPE that meet the above criteria. The Board continually works with BPPE to ensure the accuracy of the list of acceptable schools used by the Board's licensing analysts to review applicants' credentials. The Board is not involved in the review of approved schools.

The Board does not approve international schools. However, Section 2914 of the Business and Professions Code provides that applicants for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the Board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. To this end, these applicants shall provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and any other documentation the Board deems necessary.

BOARD OF PSYCHOLOGY

Enforcement Program

PERFORMANCE AND EXPECTATIONS

The Board has a responsibility to protect consumers from dangerous practitioners in the most efficient, effective and timely manner possible. Pursuant to Business and Professions code 101.6, the Board was established to protect the public health, safety, and welfare, and must provide the following:

“ . . . a means of redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity brought to their attention by members of the public and institute the disciplinary action against persons licensed or registered under the provisions of this code when such action is warranted. . . ”

To this end, the Board has an aggressive enforcement program designed to protect consumers. The goal is to provide a fair and unbiased review and investigation process. Generally, most psychologists serve consumers in a safe and professional manner. However, when a licensee fails to uphold their professional or ethical responsibilities, the Board conducts swift and just enforcement to protect the integrity of the profession and the safety of those consumers who are utilizing psychological services.

The Board's responsibility for regulation and enforcement is enormous. The state's budget crisis has greatly affected the Board's ability to protect consumers and meet its goals and expectations. Over the last several years, the Board has faced hiring freezes, furloughs, and budget cuts. Yet in spite of less than optimal circumstances, the Board has managed to meet and exceed most targeted expectations of the Department and maximizes the resources available to continue to improve the Board's process and timeframes.

In 2008, various media outlets reported that Department of Consumer Affairs (DCA) and many of the healing arts boards were taking over three years to complete investigations and take appropriate disciplinary actions. The healing arts boards continue to be scrutinized in news articles, annual reports, and audits, which identify various program issues. This continued scrutiny led Governor Arnold Schwarzenegger to mandate that all healing arts boards overhaul their enforcement and disciplinary processes. The Governor charged the DCA Director, Brian Stiger, with reforming the enforcement processes for the healing arts boards. DCA took a comprehensive, systematic approach and launched the Consumer Protection Enforcement Initiative (CPEI) to overhaul the enforcement programs at healing arts boards. CPEI is designed to address three specific areas:

- Administrative Improvements;
- Staffing and Information Technology (IT) Resources; and
- Legislative Changes

Once fully implemented, DCA expects the healing arts boards to reduce the average enforcement completion timeline from over three years to between 12-18 months.

ADMINISTRATIVE IMPROVEMENTS

The Board established performance measures for four key areas: complaint intake, intake and investigation, formal discipline, and probation intake. The enforcement measures established a performance target and show how the Board is meeting its goals. Consumers can see the efforts the Board has made towards accountability in enforcement on the Board's website (Attachment 3).

To date, with existing staff, the Board has significantly reduced the processing times for complaint intake and desk investigations. In the last two years, the processing time for complaint intake was reduced by 40% and desk investigation has been reduced from 133 days to 32 days which represents a 76% decrease in processing time. The Board established a goal for formal discipline to reduce the processing time from an average of 1,000 days to 540 days. The Board's current processing time for formal discipline is an average of 894 days.

The Board's administrative improvements include the development of enforcement process guidelines for staff to clearly establish expected processing times. New procedures for complaint intake and overall monitoring were implemented and resulted in a 40% reduction to our processing time. The newly developed enforcement process guideline provides all enforcement staff with the Board's expectations regarding the handling of complaints.

The Board reviewed and updated its complaint procedure manuals to reflect current processes and provide staff with streamlined and detailed direction for all enforcement processes. Further administrative improvements include enhanced training for staff in investigative techniques and report writing.

STAFFING AND INFORMATION TECHNOLOGY (IT) RESOURCES

Effective January 2011, the Board received budget approval to hire 2 investigators, 2 medical consultants, and one limited term analyst. The Board is working with DCA Office of Human Resources (OHR) to fill these CPEI positions. Although these positions were funded in January 2011, the Board is unable to fill them due to the hiring freeze implemented on August 31, 2010.

There are two technology related projects DCA has initiated that are important to the success of the CPEI and will provide additional tools to further enhance the Boards efforts to improve its enforcement processes and reduce processing times. In the short-term, DCA implemented modifications to the existing Consumer Affairs System (CAS) that will assist the Boards to administer, track and report time spent and progress achieved on complaint resolution and enforcement activities. The enhanced reporting tool allows the Board to closely monitor complaints throughout the various enforcement processes.

Although the existing CAS system has been updated and expanded over the years, it still has inadequate performance measures, data quality errors, an inability to quickly adapt to changing laws and regulations, and a lack of available public self-service options. DCA is in the process of procuring a replacement system to support enforcement monitoring, automate manual processes, streamline processes, and integrate information about licensees. DCA intends to procure a Modifiable Commercial Off-The-Shelf (or "MOTS") enterprise licensing and enforcement case management system.

LEGISLATIVE CHANGES

On February 17, 2010, SB 1111 was introduced by Senator Negrete-McLeod and sponsored by the DCA. The proposed legislation was introduced to establish the Consumer Health Protection Enforcement Act and make enforcement processes more efficient. The following provisions were included in SB 1111:

- Allow an administrative law judge (ALJ) to direct a licensee to pay the Board's reasonable costs of probation.
- Require an ALJ to provide an explanation as to how the amount ordered for reasonable costs was determined if the actual costs are not ordered.
- Require that payment in full for recovery of costs is due and payable in 30 days after the effective date of the order unless the Board agrees to a payment plan.
- Authorize a board to contract with a collection agency for the collection of outstanding fees, fines, or cost recovery amounts.
- Allow healing arts boards or committees to hear the appeal of a citation or fine assessment.
- Investigators used by the healing arts boards shall not be required to be employees of the DOI and the healing arts boards may contract for investigative services provided by the Attorney General's Office (AG).
- Establish within the DOI the Health Quality Enforcement Unit to investigate complaints against licensees and applicants from healing arts boards.
- Allow a healing arts board to delegate to its executive officer (EO) the authority to adopt a proposed default decision to revoke a license.
- Allow a healing arts board to delegate to its EO the authority to adopt a proposed settlement agreement where an administrative action to revoke a license has been filed and the licensee has agreed to the license revocation or surrender.
- Allow a healing arts board to enter into a settlement with a licensee or applicant in lieu of the issuance of an accusation or statement of issues.
- Allow the EO of a healing arts board, upon receipt of evidence that a licensee has engaged in conduct that poses an imminent risk of serious harm, to petition the Director of the DCA to issue a temporary order against the licensee to cease practice.
- Require the automatic suspension of any licensee incarcerated after conviction of a felony.
- Specify certain requirements for any applicant or licensee required to register as a sex offender.
- Allow a healing arts board, its investigators or representatives, to inspect documents relevant to those investigations provided that a patient consent is given.
- A licensee or health facility that fails or refuses to comply with a court order, issued in the enforcement of a subpoena mandating the release of records to a healing arts board, shall pay a civil penalty to the Board.
- Require a state agency to immediately provide to a healing arts board all records in the custody of the state agency upon receiving a written request from the Board.
- Require the AG to serve or submit for service to a healing arts board an accusation within 60 days after receipt of the case from the healing arts board.
- Require the AG to serve or submit for service to a healing arts board a default decision within 5 days after the period allowed for the filing of a notice of defense.
- Require the AG to set a hearing date within 3 days of receiving a notice of defense, unless otherwise instructed by the healing arts board.
- Authorize healing arts boards to require applicants to be examined by one or more physicians or psychologists if the applicant appears to be unable to practice safely due to a mental or physical illness affecting competency.

- Specify that it is unprofessional conduct for any licensee to fail to furnish information in a timely manner or cooperate and participate in any investigation or other disciplinary proceeding pending against the licensee.
- Require a licensee to submit a written report to the Board if an indictment or information charging a felony against the licensee is filed; upon any arrest; upon any misdemeanor or felony conviction; and upon any disciplinary action taken by another licensing entity or authority of this state or another state.
- Require a licensee of a healing arts board to identify him or herself as a licensee to law enforcement or court officials upon being arrested or charged with a crime.
- Require the district attorney, city attorney other prosecuting agency or clerk of the court to notify the appropriate healing arts board if a licensee has been charged with a felony immediately upon obtaining information that the defendant is a licensee.

On April 22, 2010, SB 1111 failed to make it out of the Senate BP&ED Committee. DCA reviewed SB 1111 and determined that some of the provisions of this bill could be implemented through regulatory changes. The DCA Legal Affairs Division was directed to develop the specific language and the Initial Statement of Reasons to serve as a template for boards/bureaus to use. On December 2, 2010, the Board approved regulatory language to address some of the provisions identified in SB 1111. On May 21, 2011 a regulation hearing was conducted. On August 18, 2011 the Board voted to issue a 15-day notice of proposed changes based on public comments.

Additionally, SB 1441 (Chapter 548, Statutes of 2008) was authored by Senator Ridley-Thomas, Chair of the Senate Business, Professions and Economic Development Committee. SB 1441 created the Substance Abuse Coordination Committee (SACC) and required the committee, by January 1, 2010, to formulate uniform and specific standards in specified areas that each healing arts board shall use in dealing with substance-abusing licensees. These standards are outlined in the Uniform Standards Regarding Substance Abusing Healing Arts Licensees.

The DCA Director encouraged the boards to promptly implement those standards that do not require legislation or regulatory changes. He also requested that the boards develop proposed statutory and/or regulatory changes, as needed, to fully implement the standards. On February 18, 2011, the Board voted to adopt proposed regulatory language to implement the Uniform Standards for substance abusing licensees. A public hearing will be conducted at an upcoming Board meeting.

ENFORCEMENT TRENDS AND CHALLENGES

During the last several years, the Board has faced many challenges that impact the Board's ability to adjudicate complaints in a timely manner. Over the last seven years the workload has grown beyond current staffing resources.

Extended processing times is directly related to the following challenges and workload increases:

- 72% increase in the number of complaints received;
- Inadequate staff to handle the current workload
- Loss of productivity due to the state hiring freeze and the inability to recruit and train the five positions for CPEI;
- Loss of productivity due the state hiring freeze and the inability to recruit for and train one current enforcement office technician vacancy;
- Loss of productivity due to the ongoing furloughs.

The majority of complaints received by the Board involve allegations of unprofessional conduct. The bulk of the remaining licensee complaints were for unlicensed activity, criminal arrest or conviction, fraud, sexual misconduct, and substance abuse.

Consumer complaints are received (by telephone, e-mail, or via written communication), logged, responded to, and entered into the computer-based system. If a complaint alleges multiple violations, the most egregious is used as the primary violation in order to effectively categorize the complaint. The amount of upfront data triage varies and typically results in additional contact with the complainants and licensees. The Board is striving to resolve cases through desk investigations rather than referring them to formal investigation.

As complaints are received, Board staff immediately reviews each complaint to determine the appropriate course of action based on the Board's complaint prioritization guideline. Each category of complaint is given a priority of "urgent" (requiring the most immediate resources), "high" (the next highest priority) or "routine" (handled in the ordinary course of business). The Board's complaint prioritization guideline is similar to DCA's model established in 2009 as part of the enforcement process improvement plan. The Board established that complaints regarding sexual misconduct, substance abuse, and mental illness are categorized as urgent. Cases that are designated as urgent are immediately referred for formal investigation.

Most complaints are investigated by in-house staff analysts who conduct "desk" investigations by gathering data and documents via written communication. Desk investigations do not include field work or interviews. Any investigation that requires field work, interviews, service of subpoenas or a sworn peace officer involved due to safety concerns or criminal activity, is referred to the Medical Board Division of Investigation.

The Board works with the Medical Board Investigation Division, the Office of the Attorney General, and, when necessary, local district attorneys to remove incompetent practitioners and reduce fraud. Resulting disciplinary action could include an Interim Suspension Order (ISO), as well as probation, suspension, and license revocation. The Board also has the authority to issue citations and assess fines, letters of reprimand, and cease-and-desist orders. In less serious cases, enforcement staff will work with licensees to ensure compliance with Board statutes and regulations as well as the ethical standards.

Table 9a. Enforcement Statistics

| | 04/05 | 05-06 | 06-07 | 07-08 | 08-09 | 09-10 | 10-11 |
|---|-------|-------|-------|-------|-------|-------|-------|
| COMPLAINTS RECEIVED BY TYPE | | | | | | | |
| Incompetence/Negligence | 22 | 19 | 4 | 13 | 26 | 16 | 66 |
| Unprofessional Conduct | 291 | 301 | 277 | 321 | 394 | 377 | 394 |
| Fraud | 12 | 14 | 13 | 17 | 81 | 35 | 20 |
| Criminal Arrest/Conviction | 26 | 28 | 27 | 32 | 72 | 54 | 49 |
| Substance/Drug-Related Abuse | 8 | 5 | 4 | 6 | 3 | 5 | 4 |
| Sexual Misconduct | 15 | 20 | 16 | 18 | 19 | 11 | 11 |
| Unlicensed Activity | 48 | 57 | 56 | 87 | 104 | 120 | 105 |
| Discipline by Other Agency | 8 | 5 | 1 | 0 | 5 | 4 | 12 |
| Non-Jurisdiction | 26 | 120 | 121 | 114 | 82 | 91 | 125 |
| Total Complaints Received | 456 | 569 | 519 | 608 | 786 | 713 | 786 |
| COMPLAINT | | | | | | | |
| Intake | | | | | | | |
| Received | 430 | 541 | 492 | 576 | 714 | 659 | 737 |
| Closed | 0 | 0 | 0 | 0 | 0 | 51 | 144 |
| Referred to INV | 432 | 534 | 496 | 576 | 724 | 599 | 599 |
| Average Time to Close | 8 | 10 | 10 | 10 | 8 | 8 | 6 |
| Pending (close of FY) | 7 | 14 | 10 | 10 | 0 | 9 | 3 |
| Source of Complaint | | | | | | | |
| Public | 326 | 458 | 423 | 482 | 526 | 511 | 572 |
| Licensee/Professional Groups | 18 | 11 | 10 | 6 | 34 | 35 | 17 |
| Governmental Agencies | 34 | 32 | 26 | 21 | 58 | 42 | 38 |
| Other | 78 | 68 | 60 | 99 | 168 | 125 | 159 |
| Conviction / Arrest | | | | | | | |
| CONV Received | 26 | 28 | 27 | 32 | 72 | 54 | 49 |
| CONV Closed | 26 | 26 | 27 | 34 | 72 | 54 | 48 |
| Average Time to Close | 8 | 9 | 22 | 11 | 7 | 8 | 6 |
| CONV Pending (close of FY) | 0 | 2 | 2 | 0 | 0 | 0 | 1 |
| Total Complaints Received* | 456 | 569 | 519 | 608 | 786 | 713 | 786 |
| LICENSE DENIAL (Use CAS Reports EM 10 and 095) | | | | | | | |
| License Applications Denied | 10 | 4 | 9 | 6 | 11 | 10 | 4 |
| SOIs Filed | 9 | 3 | 8 | 5 | 9 | 8 | 4 |
| SOIs Withdrawn | 0 | 0 | 4 | 1 | 5 | 0 | 2 |
| SOIs Dismissed | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SOIs Declined | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Average Days SOI | 630 | 504 | 771 | 202 | 203 | 359 | 392 |
| ACCUSATION (Use CAS Report EM 10) | | | | | | | |
| Accusations Filed | 14 | 12 | 20 | 12 | 8 | 23 | 21 |
| Accusations Withdrawn | 1 | 0 | 2 | 1 | 0 | 0 | 2 |
| Accusations Dismissed | 0 | 0 | 1 | 1 | 0 | 1 | 0 |
| Accusations Declined | 3 | 3 | 3 | 3 | 2 | 2 | 5 |
| Average Days Accusations | 605 | 979 | 599 | 1137 | 1226 | 1029 | 770 |
| Pending (close of FY) | 36 | 39 | 38 | 31 | 23 | 39 | 44 |

* This data does not include applicant cases that required record of conviction history reviews by the enforcement staff each year. To conduct applicant reviews, enforcement staff must review criminal histories, obtain court documents and police reports, and correspond with the applicant to obtain additional information relative to probation compliance and rehabilitation efforts. Prior to licensure, the Enforcement Unit must make a recommendation on whether or not to license an applicant based upon his/her conviction history. If denied, a Statement of Issues must be filed with the Office of the Attorney General, settlement terms considered, a hearing conducted, Proposed Decisions sent to Board members for their vote and the final Decision mailed to the applicant.

Table 9b. Enforcement Statistics (continued)

| | 04/05 | 05/06 | 06-07 | 07-08 | 08-09 | 09-10 | 10-11 |
|--------------------------------------|-------|-------|-------|-------|-------|-------|-------|
| DISCIPLINE | | | | | | | |
| Disciplinary Actions | | | | | | | |
| Proposed/Default Decisions | 5 | 6 | 3 | 9 | 11 | 13 | 6 |
| Stipulations | 17 | 16 | 17 | 12 | 13 | 8 | 13 |
| Average Days to Complete | 961 | 617 | 1056 | 911 | 1067 | 731 | 913 |
| AG Cases Initiated | 28 | 25 | 32 | 18 | 24 | 37 | 37 |
| AG Cases Pending (close of FY) | 36 | 39 | 38 | 31 | 23 | 39 | 44 |
| Disciplinary Outcomes | | | | | | | |
| Revocation | 1 | 2 | 2 | 3 | 1 | 3 | 2 |
| Voluntary Surrender | 8 | 2 | 8 | 3 | 8 | 3 | 2 |
| Suspension | 0 | 0 | 1 | 1 | 3 | 4 | 1 |
| Probation with Suspension | 3 | 1 | 1 | 0 | 3 | 0 | 0 |
| Probation | 4 | 8 | 5 | 2 | 3 | 4 | 9 |
| Probationary License Issued | 1 | 4 | 1 | 6 | 4 | 5 | 3 |
| Reprimands | 3 | 3 | 2 | 0 | 0 | 0 | 1 |
| Other | 5 | 5 | 1 | 1 | 2 | 2 | 2 |
| Total Disciplinary Actions | 25 | 25 | 21 | 16 | 24 | 21 | 20 |
| PROBATION | | | | | | | |
| New Probationers | 8 | 13 | 8 | 8 | 11 | 10 | 12 |
| Probations Successfully Completed | 0 | 0 | 3 | 2 | 1 | 1 | 4 |
| Probationers (close of FY) | 12 | 16 | 11 | 36 | 43 | 48 | 60 |
| Petitions to Revoke Probation | 2 | 1 | 0 | 2 | 0 | 0 | 1 |
| Probations Revoked | 0 | 0 | 0 | 2 | 1 | 0 | 0 |
| Probations Modified | 0 | 1 | 1 | 1 | 2 | 1 | 1 |
| Probations Extended | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Probationers Subject to Drug Testing | 6 | 5 | 2 | 6 | 8 | 12 | 16 |
| Drug Tests Ordered | 6 | 5 | 12 | 36 | 64 | 144 | 192 |
| Positive Drug Tests | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Petition for Reinstatement Granted | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| DIVERSION | | | | | | | |
| New Participants | N/A |
| Successful Completions | N/A |
| Participants (close of FY) | N/A |
| Terminations | N/A |
| Terminations for Public Threat | N/A |
| Drug Tests Ordered | N/A |
| Positive Drug Tests | N/A |

Table 9c. Enforcement Statistics (continued)

| | 04/05 | 05/06 | 06-07 | 07-08 | 08-09 | 09-10 | 10-11 |
|---|-------|-------|-------|--------|--------|--------|--------|
| INVESTIGATION | | | | | | | |
| All Investigations | | | | | | | |
| First Assigned | 458 | 560 | 523 | 610 | 796 | 653 | 641 |
| Closed | 567 | 516 | 508 | 478 | 830 | 821 | 628 |
| Average days to close | 174 | 108 | 143 | 175 | 136 | 137 | 93 |
| Pending (close of FY) | 159 | 203 | 218 | 350 | 316 | 148 | 161 |
| Desk Investigations | | | | | | | |
| Closed | 476 | 423 | 437 | 421 | 772 | 729 | 544 |
| Average days to close | 150 | 70 | 101 | 133 | 115 | 89 | 32 |
| Pending (close of FY) | 102 | 135 | 172 | 289 | 225 | 69 | 83 |
| Non-Sworn Investigation | | | | | | | |
| Closed | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Average days to close | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Pending (close of FY) | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Sworn Investigation | | | | | | | |
| Referred for Investigation | 95 | 104 | 49 | 72 | 88 | 80 | 83 |
| Closed | 91 | 93 | 71 | 57 | 58 | 92 | 84 |
| Average days to close | 298 | 284 | 401 | 489 | 418 | 525 | 491 |
| Pending (close of FY) | 57 | 68 | 46 | 61 | 91 | 79 | 78 |
| COMPLIANCE ACTION (Use CAS Report 096) | | | | | | | |
| ISO & TRO Issued | 2 | 1 | 1 | 0 | 0 | 1 | 1 |
| PC 23 Orders Requested | 0 | 0 | 0 | 1 | 2 | 1 | 0 |
| Other Suspension Orders | 0 | 0 | 0 | 0 | 1 | 2 | 0 |
| Public Letter of Reprimand | 3 | 3 | 2 | 0 | 0 | 0 | 1 |
| Cease & Desist/Warning | 19 | 13 | 9 | 5 | 8 | 5 | 27 |
| Referred for Diversion | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Compel Examination | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| CITATION AND FINE (Use CAS Report EM 10 and 095) | | | | | | | |
| Citations Issued | 19 | 19 | 3 | 4 | 5 | 10 | 9 |
| Average Days to Complete | 76 | 10 | 194 | 86 | 631 | 239 | 223 |
| Amount of Fines Assessed | 7,750 | 4,700 | 7,500 | 10,000 | 14,250 | 17,000 | 12,250 |
| Reduced, Withdrawn, Dismissed | 1,600 | 300 | 3,400 | 5,900 | 0 | 2,500 | 6,000 |
| Amount Collected | 5,650 | 4,000 | 2,755 | 4,100 | 5,815 | 14,500 | 2,750 |
| CRIMINAL ACTION | | | | | | | |
| Referred for Criminal Prosecution | 1 | 3 | 0 | 0 | 4 | 3 | 3 |

| Table 10. Enforcement Aging | | | | | | | | | |
|---|-------|-------|-------|-------|-------|-------|-------|--------------|-----------|
| | 04/05 | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | Cases Closed | Average % |
| Attorney General Cases (Average %) | | | | | | | | | |
| Closed Within: | | | | | | | | | |
| 1 Year | 1 | 2 | 1 | 2 | 0 | 2 | 2 | 10 | 11% |
| 2 Years | 6 | 11 | 4 | 6 | 6 | 7 | 5 | 45 | 28% |
| 3 Years | 6 | 4 | 5 | 1 | 4 | 2 | 3 | 25 | 17% |
| 4 Years | 7 | 2 | 9 | 7 | 10 | 3 | 8 | 46 | 44% |
| Over 4 Years | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| Total Cases Closed | 20 | 19 | 19 | 16 | 20 | 14 | 18 | 126 | |
| Investigations (Average %) | | | | | | | | | |
| Closed Within: | | | | | | | | | |
| 90 Days | 194 | 333 | 240 | 181 | 441 | 488 | 511 | 2388 | 81% |
| 180 Days | 179 | 106 | 135 | 148 | 158 | 144 | 37 | 907 | 6% |
| 1 Year | 132 | 43 | 93 | 90 | 177 | 115 | 27 | 677 | 5% |
| 2 Years | 54 | 25 | 32 | 46 | 42 | 44 | 35 | 91 | 4% |
| 3 Years | 8 | 7 | 7 | 13 | 12 | 27 | 17 | 91 | 3% |
| Over 3 Years | 0 | 2 | 1 | 0 | 0 | 3 | 1 | 7 | 1% |
| Total Cases Closed | 567 | 516 | 508 | 478 | 830 | 821 | 628 | 4348 | |

EXPLANATION OF STATISTICS

The Board is responsible for regulating approximately 20,000 active licensees and registrants. Each year, the Board receives approximately 786 complaints and completes approximately 682 desk investigations and approximately 85 formal investigations. Our enforcement statistics show significant increases since the last review in the following areas:

- 72% increase in the number of complaints received
- 41% increase in the number of Accusations filed
- 400% increase in the number of probationers

This growth is expected to continue as the number of consumers in California increases and the demand for psychological services expands.

The Board has experienced a 72% increase in the number of complaints received from 2004 to 2011. The number of cases referred for formal investigation has remained consistent at an average of 85 cases per year. 84% of desk investigations are completed within 90 days. The number of probationers increased from a yearly average of 12 to 60 while staffing remained the same.

On average, the Board transmitted approximately 5% of its total complaints each year to the AG for formal discipline. The percentage of complaints which ultimately result in formal disciplinary action has remained stable since the last review. Overall, 39% of the Board's formal discipline cases are completed within 2 years.

The State's budget crisis has affected the Attorney General's Office ability to prepare and prosecute cases as timely as we would prefer. In addition, case aging is greatly affected by how long it takes the Office of Administrative Hearings to schedule a hearing.

In an effort to reduce case aging and costs, the Board will settle a case when the respondent is willing to stipulate to revocation or voluntary surrender of the license. In addition, the Board will also consider settlement terms when the violation does not necessarily warrant license revocation or surrender. In some cases, the Board runs into evidentiary problems such as key witness(es) no longer being available or willing to testify or witnesses giving conflicting or contradicting statements to the Board's Deputy Attorney General (DAG) compared to the information provided to the investigator during the investigation. In cases of evidentiary problems, the DAG may contact the Board about the case and recommend that the Board consider settlement.

PROBATION

Approximately 51% of the Board's disciplinary actions result in probation. The average term of probation is three to five years. The Board monitors approximately 60 licensees on probation per year. Since the last sunset review, the Board has experienced a 400% increase in the number of probationers that the Board is responsible for monitoring. This has a significant impact on existing staff and continues to be a challenge.

Probationers must be adequately monitored to ensure compliance with the terms and conditions imposed by the discipline order. The Board has the additional challenge of implementing the Uniform Standards imposed by SB 1441. The Board has one half-time position at the Associate Governmental Program Analyst classification assigned to monitor all probationers. With the additional terms imposed by the Uniform Standards and the increase in the number of probationers requiring monitoring, the Board struggles to manage the workload.

The Board has taken a proactive approach in implementing new procedures to reduce the strain on staffing resources and improve consumer protection. In July 2010, the Board entered into the DCA master contract with Phamatech, Inc. for drug testing services. Utilization of Phamatech services resulted in automation of drug testing procedures for the Board's probationers, automated receipt of test results within 24 hours of testing, and access to experts in the interpretation of test results. All current and future probationers required to be drug tested as a condition of probation are now required to go through Phamatech, Inc.

The Board implemented a requirement for an annual face to face meeting with all probationers. The annual probation meeting ensures that probationers maintain full compliance with all probation terms and conditions. This has resulted in fewer probation violations which represents a cost savings for the Board.

MANDATORY REPORTING REQUIREMENTS

The Board receives information from numerous sources pursuant to laws and regulations currently in place. Mandatory reports are received from specific entities including settlements and malpractice judgments pursuant to Business and Professions code section 801 et.seq., and 805 reports from peer review bodies, including health care service plans, medical care foundations, educational institutions, professional institutions, professional schools or colleges, general law corporations, public entities, and nonprofit organizations that employ, retain, or contract with a licensee.

The most frequent type of report is arrest and conviction information from the Department of Justice (DOJ). All applicants for licensure are required to be fingerprinted via Livescan for DOJ and Federal Bureau of Investigation (FBI). This results in subsequent reports to the Board of all arrest and conviction information. Additionally, licensees are required to disclose at the time of renewal all convictions since their last renewal.

Business and Professions code section 801 requires providers of professional liability insurance to report malpractice settlements, arbitration awards, and judgments to the Board whenever the awarded amount exceeds \$3,000. The report must be sent to the Board within 30 days of the disposition of the civil case.

Business and Professions code section 802 requires a licensee who does not possess professional liability insurance or his or her counsel to report every settlement, judgment, or arbitration award over \$3,000 within 30 days after the written settlement agreement.

Business and Professions code section 803 requires a clerk of the court to report a judgment by a court that a licensee has committed a crime or is liable for any death or injury resulting in a judgment over \$30,000.

Business and Professions code section 803.5 requires a district attorney, city attorney or other prosecuting agency to report any filing against a licensee of felony charges and the clerk of the court must report a conviction within 48 hours.

Business and Professions code section 805(b) requires peer review bodies, such as health care service plans, and committees that review quality of care, to report to the Board whenever one of the following situations occurs:

- A licentiate's application for staff privileges or membership is denied or rejected for a medical disciplinary cause or reason,
- A licentiate's membership, staff privileges, or employment is terminated or revoked for a medical disciplinary cause or reason, or
- Restrictions are imposed, or voluntarily accepted, on staff privileges, membership of employment for a cumulative total of 30 days or more for any 12-month period, for a medical disciplinary reason.

Penal Code Section 11105.2 establishes a protocol whereby the DOJ reports to the Board whenever Board licensees are arrested and convicted of crimes. In such instances, the DOJ notifies the Board of the identity of the convicted licensee in addition to specific information concerning the conviction.

The Board is not currently experiencing any problems regarding the receipt of reports from entities required to report identified incidents to the Board.

STATUTE OF LIMITATIONS

The Board is subject to a limitation period as set forth in Business and Professions code section 2960.05. An accusation must be filed within three years from the date the Board discovers the alleged act or violation or within seven years from the incident date, whichever occurs first. Cases regarding procurement of a license by fraud or misrepresentation are not subject to the limitations. An Accusation alleging sexual misconduct must be filed within three years after the Board discovers the act or omission alleged as the ground for disciplinary action, or within ten years after the act or omission alleged as the ground for disciplinary action occurs, whichever occurs first. In cases involving a minor patient, the seven and ten year limitation is tolled until the child reaches 18 years of age.

In the last three years the Board has lost jurisdiction in only one case due to the limitation period. The Board implemented monitoring procedures to ensure that limitation deadlines are identified and that cases are tracked closely through the review and investigation process. If a case is forwarded for formal investigation, the investigator is informed of the limitation deadline and staff frequently follows up with the assigned investigator to track the progress. If violations are confirmed and the case is transmitted to the office of the Attorney General, the Deputy Attorney General assigned to the case is informed of the limitations deadline to ensure prompt filing of charges.

CITE AND FINE

A citation and fine order is an alternative means by which the Board can take an enforcement action against a licensed or unlicensed individual who is found to be in violation of the Psychology Licensing Law. The citation and fine program increases the effectiveness of the Board's disciplinary process by providing a more effective method to address relatively minor violations that normally would not warrant more serious license discipline in order to protect the public. Citations and fine orders are not considered formal disciplinary actions, but they are matters of public record.

B&P code section 125.9 authorizes the Board to issue citations and fines for certain types of violations. A list of citable violations and the range of fines associated with each can be found in California Code of Regulations, Title 16, Division 13.1, Article 9, section 1397.51. Both sections allow for a fine amount of no more than \$5,000 under specified circumstances.

A citation and fine order typically contains a description of the violation, an Order of Abatement which directs the subject to discontinue the illegal activity, a fine (based on gravity of the violation, intent of the subject and the history of previous violations), and procedures for appeal. Payment of a fine does not constitute an admission of the violation charged, but only as satisfactory resolution of the citation and fine order.

The majority of the citations issued are for violations related to unlicensed practice of psychology, practicing with an expired license, aiding and abetting the unlicensed practice of psychology, advertising violations or failure to provide medical records in accordance with the law. Fines assessed for such violations typically range from \$500 to \$2,500.

An individual to whom a citation is issued may choose to plead their case at an informal conference. The informal conference is a forum for the individual to state his or her case. Documentary evidence such as sworn witness statements and other records will be accepted. The individual can be present at the conference with or without counsel or he or she may choose to be

represented by counsel alone. All information submitted will be considered. The Board may affirm, modify or withdraw the citation.

Most citations are uncontested and result in full payment. Since the last review the Board averages 2-3 informal office conferences each year and has had no formal appeals.

In assessing a fine, the Board, considers the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

A licensee who fails to pay an uncontested fine cannot renew his/her license until the fine is paid in full. In addition, the Board can utilize the Franchise Tax Board Intercept Program which allows tax returns to be intercepted as payment for any outstanding fines. Typically, uncollected fines are related to unlicensed individuals that the Board has limited information on to pursue collection.

Issuance of a citation for minor violations is a cost effective way to address violations that do not rise to the level of formal discipline.

COST RECOVERY AND RESTITUTION

Most cases referred to the AG's office have the potential for a cost recovery order. The Board seeks cost recovery in every case although Administrative Law Judges often reduce the amount of cost recovery payable to the Board.

Pursuant to Business and Professions code Section 125.3, the Board is authorized to request that its licensees who are disciplined through the administrative process reimburse the Board for its costs of investigating and prosecuting the cases. The Board's request is made to the Administrative Law Judge (ALJ) who presides over the hearing. The ALJ may award full or partial cost recovery to the Board or may reject the Board's request for cost recovery.

In an effort to reduce the cost of prosecution and hearings, the Board will reduce the actual cost recovery amount due as an incentive to settle a case prior to a hearing, as hearings cause expenses to the Board that cannot be recovered. The Board cannot order cost recovery for cases which are categorized as "default decisions." These cases involve respondents that fail to file a Notice of Defense or fail to appear at his/her scheduled hearing. As noted above, only an ALJ can award costs unless a stipulated settlement is reached.

Most of the individuals ordered to pay cost recovery are placed on probation and payment is considered a condition of probation. Payment plans are established to ensure that all costs are paid prior to the end of the probationary period. Failure to pay cost recovery by the end of the probationary period is considered a violation and can result in further discipline or revocation.

In addition to cost recovery ordered to recoup enforcement expenses, the Board also orders all of its probationers to pay for their own probation monitoring costs pursuant to B&P code section 2964.6.

The Board may impose a probation term requiring restitution. In cases regarding violations involving economic exploitation, fraud or unprofessional conduct, restitution is a necessary term of probation. The Board may order that restitution be ordered in cases regarding Medi-Cal or other insurance fraud. In addition, restitution would be ordered in cases where a patient paid for services that were never rendered or the treatment or service was determined to be negligent.

The amount of restitution will be at a minimum the amount of money that was fraudulently obtained by the licensee. Evidence relating to the amount of restitution would be introduced at the administrative hearing. Failure to pay restitution would be considered a violation of probation and can result in further discipline or revocation.

| Table 11. Cost Recovery | | | | |
|---|------------|------------|------------|------------|
| | FY 2008/09 | FY 2009/10 | FY 2010/11 | FY 2011/12 |
| Total Enforcement Expenditures | 989,391 | 1,009,437 | 919,292 | 112,512 |
| Potential Cases for Recovery * | 19 | 15 | 20 | 9 |
| Cases Recovery Ordered | 14 | 9 | 15 | 5 |
| Amount of Cost Recovery Ordered | 147,671 | 54,767 | 129,001 | 38,954 |
| Amount Collected | 67,191 | 50,931 | 56,607 | 15,573 |
| * "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on a violation(s) of the license practice act. | | | | |

| Table 12. Restitution | | | | |
|------------------------------|------------|------------|------------|------------|
| | FY 2007/08 | FY 2008/09 | FY 2009/10 | FY 2010/11 |
| Amount Ordered | 0 | 0 | 5,000 | 2,734 |
| Amount Collected | 0 | 0 | 5,000 | 2,734 |

BOARD OF PSYCHOLOGY

Public Information Policies

BOARD WEBSITE: MEETINGS

The Board continually updates its website to reflect upcoming Board activities, changes in laws or regulations, licensing and registration application processing times, and other relevant information of interest to our stakeholders. Board meeting calendars are reviewed and approved by the Board in February of each year for the following calendar year and are posted on the website immediately thereafter. Therefore, future meetings are posted at least one year in advance. Prior to all Board meetings, the agenda is posted on the Board's website, including links to all available agenda items that are included in the Board meeting packets. This information is posted at least 10 days prior to the meeting, and additional post-agenda items are added as they become available. This information remains available on the website for a minimum of two years.

Minutes from each Board meeting are posted on the Board's website once they have been formally approved and adopted by the Board at the subsequent meeting. Once posted, they are kept on the website indefinitely based on server space availability. The Board currently posts minutes dating back to calendar year 2005. Draft minutes are not made available, however, Board staff creates and posts a document entitled "Board Meeting Highlights" and makes it available to the public as soon as possible following the Board meeting to inform the public of the major actions or discussions of each Board meeting without waiting for the approved minutes.

In August 2011, the Board began webcasting its meetings. Although as of this date only one meeting has been webcast, the Board intends on utilizing this technology for all future meetings. Once the webcast is available, it is immediately posted on the Board's website.

COMPLAINT DISCLOSURE/PUBLIC DISCLOSURE POLICIES

The Board provides information regarding enforcement actions against licensees to members of the public, upon request, by telephone, in person, or in writing (including fax or e-mail). Such information, when feasible and to the extent required or permitted by law, is made available by the Board in writing or by telephone. The Board will disclose complaint information after a formal investigation has been concluded and when it has been determined that:

- 1) The complaint information has a direct and immediate relationship to the health and safety of another person; and
- 2) One or more of the following have occurred:
 - a) A complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in death bodily injury or severe consequences and the disclosure may protect the consumer and/or prevent additional harm to the public.
 - b) A series of complaints against a party alleging a pattern of unlawful activity have been received by the Board and it has been determined that disclosure may protect the consumer and/or prevent additional harm to the public;

- c) A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or
- d) A complaint has been referred to another law enforcement entity for prosecution.

This is consistent with DCA’s complaint disclosure and public disclosure policies. The table below demonstrates the type of information that is provided to the public:

| Table 13. Complaint Disclosure Information | | |
|---|-----|----|
| TYPE OF INFORMATION PROVIDED | YES | NO |
| Complaint Filed * | | X |
| Citation | x | |
| Fine | x | |
| Letter of Reprimand | x | |
| Arbitration Decision | x | |
| Pending Investigation | | X |
| Investigation Completed | | X |
| Referred to AG: Pre-Accusation | | X |
| Referred to AG: Post-Accusation | x | |
| Settlement Decision | x | |
| Disciplinary Action Taken | x | |
| Civil Judgment | x | |
| Malpractice Decision | x | |
| Criminal Violation: Felony or Misdemeanor ** | x | |
| *Complaint information may be disclosed if it is determined the disclosure may protect consumers and prevent additional harm to the public. | | |
| **Criminal violations would only be disclosed if included in the disciplinary action decision or the result of a Board investigation. | | |

PUBLIC INFORMATION DISCLOSURE

The Board is committed to ensuring consumers are provided information regarding license status and disciplinary or enforcement actions against psychologists, registered psychologists, registered psychological assistants, and unlicensed persons subject to the Board’s jurisdiction.

Information subject to the public information is disclosed to members of the public, upon request, by telephone, in person, or in writing (including fax or e-mail). Such information, when feasible and to the extent required or permitted by law, is made available by the Board in writing or by telephone. Requests for information are responded to within ten (10) days.

The Board discloses the following information regarding past and current licensees:

- (1) The name of the licensee or registrant, as it appears in the Board’s records;
- (2) The license or registration number;
- (3) The address of record;
- (4) The license or registration issue date;
- (5) The license or registration expiration date; and
- (6) The license or registration status and history.

Unless otherwise required or prohibited by law, the Board discloses the following information regarding disciplinary or enforcement action taken against licensees, registrants, or unlicensed persons, if applicable:

- (1) Total number of disciplinary and enforcement actions taken by the Board;
- (2) Brief summary of disciplinary and enforcement actions taken by the Board (citations that have been satisfactorily resolved shall be disclosed as such);
- (3) Current status of pending Accusations, Statements of Issues, and citations filed by the Board (disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the person is/are alleged and no final legal determination has yet been made); and
- (4) Information which is statutorily mandated to be disclosed.

The Board currently provides publications in various languages to assist consumers in understanding the profession of psychology, the services available, and its limitations. The Board's brochure "For Your Peace of Mind: A Consumer Guide to Psychological Services" is published in seven languages (English, Spanish, Cantonese, Korean, Vietnamese, Tagalog, and Russian). Board research indicates that these are the seven major languages used in healthcare throughout California. Additionally the Board's brochure "Professional Therapy Never Includes Sex" is available in English and Spanish. These publications are available online and requests for hardcopies can be obtained in writing (U.S. Mail, fax, email), by phone and are also made available at all public Board functions and outreach events.

Executive staff of the Board also attend a variety of consumer and professional outreach events when authorized to do so. These events have included presentations at educational institutions, internship training settings, professional associations, the State Fair, healthcare expositions, and consumer events (i.e. Black Expo, etc.).

Included as Attachment 5 is the Board's records retention schedule. The Board is currently working with DCA staff to create a new schedule based on current organizational needs.

BOARD OF PSYCHOLOGY

Online Practice Issues

The issue of the practice of psychology by alternative methods such as telephone and online psychotherapy have just recently moved to the forefront of issues facing the profession of psychology. California, along with many other states and provinces, are beginning to look seriously into this topic and how it affects consumers. The Board has acknowledged that there are many issues regarding providing psychological services electronically across state lines, such as the location of the recipient of the services and the location of the provider, however, there are many other issues regarding the provision of psychological services electronically within California that the Board needs to address first. These issues include, but are not limited to, safety, security, informed consent, and ethical practice. The Board has considered conducting a symposium and inviting various individuals and organizations knowledgeable about telehealth, including the Association of State and Provincial Psychology Boards (ASPPB) which is currently developing guidelines that could be useful for all psychology licensing jurisdictions. The California Psychological Association (CPA) has offered to partner with the Board in this endeavor. The Board is aware of the urgency of this issue, as there are licensees who are currently practicing telehealth, and the Board will be determining if regulations regarding this issue are necessary to protect consumers of psychological services in California.

BOARD OF PSYCHOLOGY

Workforce Development and Job Creation

WORKFORCE DEVELOPMENT AND JOB CREATION

The Board continues to adopt procedures to ensure a more streamlined internal process in an effort to license and register applicants to be able enter the psychology workforce. The Board monitors licensing times and consistently addresses issues to ensure the most efficacious process contributing to workforce development. The Board has not actually conducted any assessment on the impact of licensing delays on job creation, nor has it collected data regarding workforce shortages, successful training programs, or the number of jobs created by its licensure program, however, the Board remains vigilant in processing applications as quickly as possible in order to produce more licensees and registrants to provide psychological services to California consumers.

The Board strives to meet its mandate of timely and efficient licensing, continuing education and enforcement processing in order to reduce any negative impact to California business. When promulgating regulations, the Board is required to consider the impact of the proposed regulatory changes on small businesses. To this end, the Board is mindful of any possible unintended consequences when carrying out its mission.

Since the last Sunset Review, the Board has partnered with the California Department of Corrections and Rehabilitation (CDCR) during a time in which CDCR was experiencing difficulties in recruiting psychologists to fill vacant positions at this level in the prison system. The Board agreed to place a link on its website to a listing of CDCR's employment opportunities for psychologists. Board staff also promoted this link when attending outreach functions at professional events.

In addition, the Board's Executive Officer represented the Board during the Governor's statewide emergency disaster planning event conducted in San Jose in February 2007. The four-day event consisted of roundtable discussions, presentations, and evaluation of workforce shortages in the various professions, including psychology, needed for any disaster scenario.

The Board also collects, in addition to the fees charged pursuant to section 2987 of the Business and Professions Code for the biennial renewal of a license, an additional fee of ten dollars at the time of renewal. This fee is transferred to the Mental Health Practitioner Education Fund which is administered by the Health Professions Education Foundation (HPEF), under the Office of Statewide Health Planning and Development (OSHPD) who offers a number of scholarship and loan repayment programs for eligible health professional students and graduates. All program recipients are required to provide direct patient care in a medically underserved area of California as designated by OSHPD. The period of obligated professional service is one to four years depending upon program.

The Board's executive staff and the Board President attend and present programs at various internship settings and academic institutions whenever authorized to do so. Most recently, presentations have been made by Board representatives at numerous educational institutions including U.C. Davis, the University of San Diego, the Wright Institute, and U.C. Berkeley. When the Board receives a request from an educational institution for the Board to speak to its students and/or interns, the Board makes every effort to attend such events.

BOARD OF PSYCHOLOGY

Current Issues

UNIFORM STANDARDS FOR SUBSTANCE ABUSING LICENSEES

SB 1441 (Chapter 548, Statutes of 2008) was authored by Senator Ridley-Thomas, Chair of the Senate Business, Professions and Economic Development Committee. SB 1441 created the Substance Abuse Coordination Committee (SACC) and required the committee, by January 1, 2010, to formulate uniform and specific standards in specified areas that each healing arts board shall use in dealing with substance-abusing licensees.

The DCA Director encouraged the boards to promptly implement those standards that do not require legislation or regulatory changes. He also requested that the boards develop proposed statutory and/or regulatory changes, as needed, to fully implement the standards. On February 18, 2011, the Board voted to adopt proposed regulatory language to implement the Uniform Standards for substance abusing licensees. A public hearing will be conducted at an upcoming Board meeting.

CONSUMER PROTECTION ENFORCEMENT INITIATIVE (CPEI) REGULATIONS

SB 1111 was introduced by Senator Negrete-McLeod on February 17, 2010 and sponsored by the DCA to establish the Consumer Health Protection Enforcement Act and make enforcement processes more efficient. On April 22, 2010, SB 1111 failed to make it out of the Senate BP&ED Committee. DCA reviewed SB 1111 and determined that some of the provisions of this bill could be implemented through regulatory changes. The DCA Legal Affairs Division was directed to develop the specific language and the Initial Statement of Reasons to serve as a template for boards/bureaus to use.

On December 2, 2010, the Board approved regulatory language to address some of the provisions identified in SB 1111. On May 21, 2011 a regulation hearing was conducted. On August 18, 2011 the Board voted to issue a 15-day notice of proposed changes based on public comments.

BreEZe

Board staff has worked diligently with BreEZe staff to assist in the development of the project's requirement flow diagrams and system requirements to ensure that full Board functionality will be supported by the new system. This consisted of numerous meetings with administrative, licensing, continuing education and enforcement staff. The Board volunteered to be in the first group of agencies to be implemented in the BreEZe system.

OSHPD DATA COLLECTION EFFORTS

The Board is available to conduct and assist in any data mining requests from OSHPD regarding our Board, its mission or anything else needed. As of this juncture, our joint ventures have been limited. Our interaction is limited to our contributions to the Mental Health Provider education Fund, which they oversee.

UNLICENSED ACTIVITY EFFORTS/UNDERGROUND ECONOMY

Unlicensed activity is a growing problem in California. Unlicensed activity creates significant risk to both consumers and licensees. Complaints regarding unlicensed activity are designated as a high priority because of the potential for significant patient harm and are typically referred for formal investigation. Unlicensed practice cases require the use of a sworn investigator to conduct the investigation. When possible, the Board will pursue criminal prosecution for the unlicensed practice of psychology. In cases that are not accepted for criminal prosecution, the Board will issue a citation and fine.

The Board has had great success in uncovering unlicensed practice, including false advertisements through Craigslist and other online directories. Since 2009, the Board has seen a 43% increase in the number of complaints regarding unlicensed practice. In addition to harming consumers, unlicensed activity undermines the credibility and undercuts the business of licensed professionals, and costs California billions of dollars in lost revenue.

Beginning November 2008, the Department of Consumer Affairs implemented the automated “No Longer Interested” (NLI) process. This process created a report of licenses that are eligible to be taken off the Department of Justice reporting efforts. This process also created a file of licenses that could be electronically transferred to DOJ via a secure FTP process.

Licenses become eligible for NLI reporting to DOJ when a license has been in canceled, deceased, revoked, and/or surrendered status for at least 90 days. The Board determines which license type and which statuses to report. The licensee also must have a valid birth date on file. NLI reports are reported on a quarterly basis. Below is the NLI Process flow:

1. CAS licensing data is accessed to extract licenses that are in canceled, deceased, revoked, and/or surrendered status and also meet the other criteria described above. The extract will identify all licenses where these statuses became 90 days old since the last extract.
2. At the same time, a report is generated listing which licenses were extracted and why, and also lists those that were eligible for extraction but not chosen and why.
3. When the data extract and report have been successfully generated, an email is sent to the Board. The email lets the receiver (user) know that the report and file are available for processing.
4. After receiving the email, the user accesses the report via the CAS Reports system, reviews the licenses listed on the report, and notes any NLI eligible license that they do not want to send to the DOJ.
5. Using Secure FTP software, the user accesses the extract file and deletes the license records noted in step 4.
6. The user transfers the extract file to the DOJ.
7. When the transfer is complete, the user accesses the CAS Index of Tables and changes the “Transmitted to DOJ” flag from N to Y to ensure that the next extract will begin with records that have become eligible since the last extract.

There is currently no backlog in this process as the Board is current in processing NLI reports and will continue its notification process on a regular and ongoing basis.

BOARD OF PSYCHOLOGY

Board Action and Response to Prior Sunset Issues

Issue 1: Whether the Board should be continued.

Should California continue regulating the profession of psychology?

Psychologists are licensed in all 50 states, Guam, the U.S. Virgin Islands and all Canadian Provinces. The potential for harm to consumers in this profession is great. Psychological services involve a highly intimate process in which patients discuss very personal feelings and details of their lives with a licensed psychologist, in an attempt to resolve severe conflict from the past, deal with highly traumatic incidents, and develop new patterns of behavior to live their lives more effectively. Patients in these situations are highly vulnerable and seek therapy to deal with the most confidential and emotional issues, such as prior incidences of sexual abuse and rape. Professionals in this field practice services behind locked doors and are therefore bound by the strict tenets of confidentiality.

Within this context especially, the Board agrees with the previous recommendations that there is a strong need for the regulation of the profession. The consumers of psychological services who encounter problems require, more than other kinds of consumers, need an independent regulatory Board to address their grievances.

Issue 2: Whether the Board should have authority to discipline licensees for incompetence

Is the Board authorized to discipline licensees for incompetence? If not, should the Board be given that authority?

B&P code section 2960 currently authorizes the Board to discipline licensees for an number of violations including "Functioning outside of his or her particular fields of competence as established by his or her education training and experience," (subdivision (p)) and gross negligence (subdivision (j)). The Board has struggled with the question of whether incompetence falls within either one of these categories. A licensee may be practicing in their field of competence, but may be doing so incompetently in a particular case. Within these regulations the legal concept of gross negligence in subdivision (j) may not be met. In addition, a licensee may fall below the level of competent practice without being grossly negligent.

The absence of incompetence as a cause for discipline has never impaired the Board's ability to successfully pursue a case involving this issue.

As we know, continued education does not ensure competent practice. As the Board continues with its discussion regarding competency based testing for current licensees, the results of these issues may or may not include some needed regulatory changes. Continued competence (Continued Professional Development) models and paradigms are being newly introduced as this issue comes to the forefront, to ensure that consumers are protected after initial licensure and practice. The issue is currently in the Contemporary and Emerging Issues committee and is being recommended to the Continuing Education Committee for further discussion and research.

Issue 3: Whether the Board should be more actively involved in repayment of the 2002/03 loan that was made to the states general fund.

Should the Board be required to reduce its fees in order to avoid a lawsuit over the loan that was made to the General Fund in 2002/03?

The major issues regarding loans to the general fund have been clearly decided since the loan of 2002/03. Most recently, in 2009, another 2 million dollars was taken from the Board of Psychology fund and loaned to the General Fund. Multiple issues are involved with these loans, not just the Board of Psychology funding. The Board has a long history of managing its fund and the fees it charges in a fair and responsible manner. Prior to the imposed loan to the General Fund in 2002, the Board had nearly completed the rulemaking process to substantially lower psychologists' fees. When the loan was imposed, the Board had no option but to withdraw the proposed regulations just days prior to final approval by the Office of Administrative Law. To allow the change in regulation and fees to occur, in light of the imposed loan would have created insolvency for the Board. In 2004, Board staff requested a current Psychology Fund condition from the Department of Consumer Affairs budget office and was advised that reducing fees at that time would not be recommended as the Psychology Fund reserve was not projected to be at excessive levels during the next few fiscal years.

The Board has not received any payments to our fund from the General Fund. The Board continues to remain solvent within our allowable budget and with recommended reserve. Due to the continuing fiscal emergency and these uncertain economic times, the Board has no plans for a fee increase or reduction as long as the Board continues to remain more than fiscally viable. The loans from special funds to the General Fund is a crosscutting issue that would most appropriately be addressed inclusively for all those programs affected by the loans. The Board was not involved, nor party to, any lawsuit regarding the last minute withdrawal of the fee reduction rulemaking file.

Issue 4: Whether the public can benefit by being able to learn from the Board's website of non-licensees who have been convicted of the unlicensed practice of psychology.

Should the Board be given statutory authority to prominently post relevant information on its website to alert the public to non-licensees who have been convicted of the unlicensed practice of psychology? Doesn't the Board have such inherent authority already, given that it already lists some of those individuals?

When the public visits our website, they can search for information on licensees and find out any actions taken by the Board under the verification of license screen. This screen is maintained under the Consumer Affairs System (CAS). Our current system may create some consumer confusion regarding those who are unlicensed. The licensee search feature allows the consumer to check and see if someone has a valid license. The unlicensed person would not come up within the present system. There is a separate section under Enforcement regarding Board actions. A knowledgeable or motivated consumer may be able to find that page. There, all Board actions are posted, which would include those of unlicensed practice. This is not linked to the key features most consumers would be using at the time this information would be most relevant to them.

The Board believes that the disclosure of a citation and fine or conviction for unlicensed practice would be very relevant and important to the public. This would require the current IT system to allow the posting of such information in a similar place as license verification or a link to same.

Unlicensed activity continues to be a problem. To alleviate some of these non-licensed persons from hurting consumers, the Board has aggressively sought out those in unlicensed practice through their advertising, websites and publications. Many more cases have been opened the last few years. These persons are also detrimental to the state by contributing to an underground economy and misrepresenting the profession of psychology and the protected title of Psychologist.

The Board is currently involved with the Department and IT regarding changes to our website to disclose actions taken regarding unlicensed practice. The information would be posted on our website in a visible and easily accessible manner to the consumer.

Issue 5: Restitution- Whether the Board should have the authority to order restitution to consumers who have been seriously harmed by licensees.

During the 2004 sunset review, DCA recommended that all Boards examine their authority to order restitution to consumers and develop policies to execute our authority. Previously, the Board did not have the authority to order restitution to consumers. Restitution is a very particular type of remedy. It is a form of equitable relief that (in present context) would require a licensee who has harmed a consumer to return any unjust enrichment or benefit they have gained from the harm caused.

In the many years since the previous Sunset review, the Board now has the authority to order restitution, as stated in our discipline guidelines under the California Code of Regulations section 1397.12. Restitution is a standard term in any case involving Medi-Cal or insurance fraud. The amount of restitution would be the minimum amount of money that was fraudulently obtained by the licensee. Restitution is also a part of the probation process. Failure to pay restitution is considered a violation of probation. Restitution is also ordered regardless of the tolling of probation. The Board also uses restitution as part of our stipulation process.

Board of Psychology Disciplinary Guidelines:

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

An order of restitution eliminates the process of an additional action in Civil Court for harmed and fragile consumers in trying to obtain restitution.

BOARD OF PSYCHOLOGY

New Issues

As discussed earlier in this report, the delivery of telehealth services will become more of a norm than an exception in the coming years. Whether legislation or some basic regulations are needed is yet to be determined. There are many similar discussions in other jurisdictions regarding telehealth. Since this delivery of mental health services will encompass much more than our state, we also must ensure that our consumers are not harmed if receiving services from another jurisdiction. Working with the other jurisdictions (Boards) in assessing what is needed for the best practice in telehealth will also benefit the California consumer when they leave the state. Telehealth would allow the continuation of therapy without interruption due to proximity to your practitioner. The issue of interstate commerce has yet to be decided or challenged.

Currently, California is not part of any reciprocity agreements with other states. The Board is the only state which allows students from unaccredited schools to sit for their licensing examinations. All other states require students to be from accredited institutions, accredited by either a regional or national accrediting body. This leaves California as an outlier in the profession. The Board also would like all our psychologists and students in California to be included in national organizations, able to be accepted into internship placement programs and have the ability to become licensed in other states. These limitations are among many which those practitioners from California, who attended an unaccredited school, will be subject to. We are currently monitoring statistics and passing rates. The Board has recently sent out letters to all national organizations questioning their reasoning regarding the limitations they have set for those who have not attended accredited institutions. With the re-establishment of the BBPE, the Board is hopeful that these unaccredited institutions, while having their students continue to apply for licensure, will be held accountable within the new regulations, to the minimum standard of notifying those students prior to attending of the limitations of their graduation and degree from a non-accredited program.

The Board has no Budget Change Proposals presently pending, although the Board looks forward to being able to hire and fill the 41% remainder of our allotted positions under our current budget.

BOARD OF PSYCHOLOGY

Attachments

1. Current organizational chart showing relationship of committees to the Board and membership of each committee
2. Memorandum from the Board's Executive Officer regarding the progress of the Board's administrative manual and the draft manual as well a list of resources provided to the Board members
3. Quarterly and annual performance measure reports as published on the DCA website
4. Year-end organization charts for last four fiscal years
5. Records retention schedule.