

TITLE 16. BOARD OF PSYCHOLOGY

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

November 21, 2014 at 9:00 a.m.
Board of Psychology Board Meeting
Doubletree Hotel
1646 Front Street
San Diego, CA 92101

at 9:00 a.m., or as soon as practicable thereafter, on November 21, 2014. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on November 17, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2915(g) and 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 29, 32, 2915, 2915.7, 2984, and 2988 of the Business and Professions Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

The Board of Psychology (Board) is seeking to amend existing regulations that cover continuing education (CE) content and approved providers of CE.

A. Informative Digest

The Board is seeking to change the continuing education guidelines and metrics that must be completed by prospective and current licensed psychologists. The Board desires to move from the Continuing Education model to the Continuing Professional Development (CPD) model of ensuring competence.

CPD stands as a professional and ethical obligation of every psychologist. In psychology, the traditional way of defining this ongoing professional development has been in terms of CE, which usually refers to formal learning activities conducted in classroom or workshop settings. CPD is a broader concept, referring to the continuing development of the multi-faceted competencies needed for quality professional performance in one's area of practice.

Assuring that psychologists maintain their competence serves the primary mandate of the Board. Consequently, appropriate CPD encompasses more than training in ethics and laws; it also addresses the knowledge, skills, and attitudes necessary to maintain and enhance competent practice.

Not only is it expected that psychologists will continue to update their knowledge throughout their careers, but also that they will maintain and enhance their existing knowledge, skills and professional competencies. Further, it is anticipated that psychologists will maintain their competencies based on published advances in theory, practice and empirical research. Participation in continuing education is one way that psychologists maintain and enhance their knowledge and skills.

The definitions in the existing regulation are based on the old CE model of professional development. The Board is seeking to abandon this format because CPD, in addition to laws and ethics training, also addresses the knowledge, skills, and attitudes necessary to maintain and enhance competent practice. This is a change that has been recommended by the Association of State and Provincial Psychology Boards (ASPPB) as reported in their "ASPPB Guidelines for Continuing Professional Development".

The "CE Verification Log rev. 09/2014" is a new form that will be incorporated by reference. This is the form that licensees will fill out to demonstrate to the Board that they have completed the necessary 36 hours for renewal. Only those licensees who have been selected for an audit will be required to submit the log along with the certificates and evidence that the CE/CPD has been completed.

Amend Title 16 CCR Sections 1397.60, 1397.61, 1397.62, and 1397.67.

More specifically, the proposed regulations would:

- Define the following terms: Academic Course, Academic Instruction, Attendance at a California Board of Psychology Meeting (Full Board or Committee), Board Certification, Conference/Convention, Examination Functions, Peer Consultation, Practice Outcome Monitoring, Professional Activities, provider, Publications, Sponsored Continuing Education Coursework, and Supervision; and
- Establish criteria whereby providers of CPD will be recognized by the Board;
- Establish CE exemptions and exceptions, specifically pertaining to active duty military personnel.

B. Anticipated Benefits of Proposal

The benefits are that a licensee will have a more varied means of attaining the 36 hours of CPD required for renewal. The benefit for California consumers is that licensed psychologists will be required to undergo more varied professional development activities that address the knowledge, skills, and attitudes necessary to maintain and enhance competent practice.

The benefits of the expansion of the CPD provider criteria are that more entities, associations, and organizations will be considered eligible to provide CPD coursework. This will permit different perspectives and new subject areas being accepted by the Board as part of the 36 hours of CPD.

C. Consistency and Compatibility with Existing State Regulations

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

Forms Incorporated by Reference

1. CE Verification Log rev. 09/2014

FISCAL IMPACT ESTIMATES

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

The Board does not foresee anything beyond a negligible fiscal impact.

This impact includes costs to the Board that will be minor and absorbable with the updating of forms and creation of a new FAQ section on the website.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact

The Board has made an initial determination that the proposed regulatory action would

have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

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

The change from the CE model to the CPD model may negatively impact businesses in California, because the expansion of CPD opportunities will result in licensed psychologists having to perform 18 of the 36 hours in avenues other than traditional CE. Businesses that exist solely to provide CE to licensed psychologists could see reduced demand for their service.

Cost Impact on Representative Private Person or Business:

The Board has determined that representative private person or business in reasonable compliance with the proposed action would incur a minor cost impact for the following reasons:

The change from the CE model to the CPD model will have a minor/negligible financial impact on the individual licensees as the 36 hour CPD requirement will remain the same. There will now be more ways in which the hours can be accrued, so the costs for the licensee should be largely consistent with the current costs.

Licensed psychologists already engage in activities that will be included in the new regulations. Peer review, conference attendance, Board Meeting attendance, and teaching are activities that are actively encouraged by professional associations, and the employers of psychologists, and will now count towards the 36 hour continuing education renewal requirement.

A licensed psychologist who is not currently engaging in any of the above activities could incur an increase in conference fees, travel and accommodation costs, and enrollment fees; however, the Board is of the opinion that such actions are necessary to reduce professional isolation and increase the competence of the licensing population.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESSES:

The Board has determined that the proposed regulations may affect small businesses. California small business may be affected by the proposed regulatory change if they solely provide CE courses to Board of Psychology licensees as the new CPD guidelines reduce the traditional CE courses required for license renewal by 50%. However, the new activities that are required will be beneficial to organizations and entities that offer graduate level courses, conferences, or other categories that now will count towards the 36 hour continuing education requirements.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has made an initial determination that the proposed regulatory action regarding CPD would have a limited statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. This proposal may impact multiple industries with hospitals, mental health facilities and institutions of higher learning because the licensed population will now have new requirements placed upon them in order to qualify for renewal.

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

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring mental health practitioners are maintaining both subject matter competence and legal and ethical requirements.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained

at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.psychology.ca.gov

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

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

CONTACT PERSON:

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

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

The backup contact person is:
Name: Jeffrey Thomas
Address: 1625 North Market Blvd., Suite N215
Sacramento, CA 95834
Telephone No.: (916) 574-7116
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Website Access: Materials regarding this proposal can be found at: www.psychology.ca.gov. Click on "Laws/Regulations," "Proposed Regulations."