

**BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: August 14, 2015

Subject Matter of Proposed Regulations: Filing of Addresses

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

Introduction

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

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

Problem Being Addressed:

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

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

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

Specific Purpose

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

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

Anticipated Benefits from this Regulatory Action:

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

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

Factual Basis/Rationale

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

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

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

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

Underlying Data

None

Business Impact

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

Economic Impact Assessment

This regulatory proposal will have the following effects:

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

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

- It will not affect the expansion of businesses currently doing business within the State of California because it requires only a physical residential or business address be provided in instances where a licensee has a post office box or other alternate address as his or her address of record. Electronic mail is a quick and cost effective means of communicating with licensees, but this requirement will not affect the expansion of businesses currently doing business as the field already exists in the Board's system.
- It will benefit the health and welfare of California residents because it provides for timely notification to licensees of pending enforcement actions taken by the Board that often address the quality of services provided to California residents.
- It will not affect worker safety because it requires only a physical residential or business address be provided in instances where a licensee has a post office box or other alternate address as his or her address of record. Electronic mail is a quick and cost effective means of communicating with licensees, but this requirement impact Board commutations and not worker safety.
- It will positively affect the state's environment because it requires an electronic mail address be submitted if the licensee possesses one. Electronic mail is a quick and cost effective means of communicating with licensees, and the Board will be able to utilize electronic mail rather than paper mail in some instances. This may benefit the state's environment through a reduction in the usage of paper.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

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