

BOARD OF PSYCHOLOGY

Proposed Modified Text of Regulations

Single underline indicates originally proposed new language. Single strikeout indicates originally proposed deleted language.

Changes to the originally proposed language are shown by double underline for new text and double strikeout for deleted text.

Changes to the first modified text are highlighted blue with by double underline for new text and with double strikeout for deleted text.

DISCIPLINARY GUIDELINES AND UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE

Section 1397.12 of Division 13.1 of Title 16 of the California Code of Regulations is renumbered as section 1395.2 to now be included in Article 7, Standards Related to Denial, Discipline, and Reinstatement of Licenses or Registrations, and is amended to read as follows:

~~§ 1397.12.~~ § 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees.

(a) In reaching a decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Psychology shall consider ~~the disciplinary guidelines entitled and~~ apply the “Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees (~~29/144/15~~)”, as amended 2/07” which ~~are~~ is hereby incorporated by reference. The Board shall also apply as required the Department of Consumer Affairs’ Substance Abuse Coordination Committee’s Uniform Standards Regarding Substance Abusing Healing Arts Licensees (April 2011), which is hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards describe the mandatory conditions that apply to a substance-abusing licensee, except that the Board may impose more restrictive conditions if necessary to protect the public.

(b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of section 315 of the Code. If the licensee does not rebut that presumption, in addition to any and all relevant terms and conditions contained in the Disciplinary Guidelines, the Uniform Standards Related to Substance Abusing Licensees for a substance abusing licensee shall apply as written and be used in the order placing the license on probation.

(c) Deviation from these Disciplinary Guidelines and orders, including the standard terms of probation, is appropriate where the Board of Psychology in its sole discretion determines that the facts of the particular case warrant such a deviation; -for example:

the presence of mitigating or aggravating factors; the age of the case; or evidentiary ~~problems~~ issues.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 315, 315.2, 315.4, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions Code; and Section 11425.50(e), Government Code.