

1 **Board of Psychology**
2 **BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT**
3 **REGULATORY PROGRAM**
4 **As of November 28, 2015**
5

6
7 **Section 1**
8
9

10 Provide a short explanation of the history and functions of the board. Describe the
11 occupations/professions that are licensed and/or regulated by the board (Practice Acts vs. title Acts).

12 **HISTORY AND FUNCTION OF THE BOARD**
13

14 The California Board of Psychology (Board) regulates psychologists, registered psychologists, and
15 psychological assistants. Only licensed psychologists can practice psychology independently in the
16 private sector in California. Registered psychologists are registered to work and train under
17 supervision in non-profit agencies that receive government funding and registered psychological
18 assistants are employed to provide psychological services under the supervision of a qualified
19 licensed psychologist or board certified psychiatrist.
20

21 With the Certification Act of 1958, the psychology profession became regulated in California. While
22 the Certification Act protected the title “psychologist,” it did not take into consideration the interests of
23 the consumers of psychological services. Later, the regulation of the profession evolved when the
24 California Legislature recognized the potential for consumer harm by those practicing psychology and
25 shifted the focus of the regulation of the profession to protection of the public.
26

27 This redirection resulted in legislation in 1967 that protected the “psychologist” title, defined the
28 practice, and required licensure in order to practice legally. During these early licensing days, the
29 Board was an “examining committee” under the jurisdiction of what was then the Division of Allied
30 Health Professions of The Board of Medical Quality Assurance (BMQA). During the 1970s, the
31 Psychology Examining Committee gradually became more independent and began taking
32 responsibility for its own operations, including the authority to adopt regulations and administrative
33 disciplinary actions without the endorsement of BMQA. The Psychology Examining Committee
34 officially became the Board of Psychology in 1990 (Assembly Bill 858, Margolin, 1989).
35

36 Over the past several decades, there have been amendments to the licensing law that have
37 enhanced the Board’s ability to protect the public through appropriate discipline of those licensees
38 who violate the licensing law. For example, the Board’s ability to appropriately discipline those
39 psychologists found guilty of sexual misconduct was greatly enhanced in 1994 when the Legislature
40 mandated Administrative Law Judges (ALJs) to issue a penalty for license revocation as part of their
41 proposed decisions in sexual misconduct cases. The Board has adopted this “zero tolerance”
42 philosophy regarding sexual misconduct to protect consumers from psychologists who engage in
43 such behavior.
44

45 **1. Describe the make-up and functions of each of the Board’s committees.**
46

47 Board Members serve on the listed committees. Historically, committees met during the noticed
48 Board meeting, bringing recommendations back to the full Board. Many of the committees have
49 recently met separate from the Board meetings, allowing the committees sufficient time to address
50 the items assigned to each and to formulate recommendations to the full Board.

51 BOARD COMMITTEES

52
53
54 The Board protects and advocates for Californians by promoting the highest professional standards
55 through its licensing, regulation, legislation, enforcement, continuing education, and outreach
56 programs.

57
58 The Board makes effective use of committees, which include the following standing committees and
59 various ad hoc committees:

60 **Standing Committees**

61
62
63 Outreach and Education Committee – The goal of this Committee is to provide critical information to
64 all Californians regarding the evolving practice of psychology, relevant and emerging issues in the
65 field of psychology, and the work of the Board. The Committee proactively educates, informs, and
66 engages consumers, licensees, students, and other stakeholders about the practice of psychology
67 and the laws that govern it.

68
69 Policy and Advocacy Committee – The goal of this Committee is to advocate and promote legislation
70 and regulations that advance the ethical and competent practice of psychology in order to protect
71 consumers of psychological services. The Committee reviews, tracks, and analyzes legislation that
72 affects the Board, consumers, and the profession of psychology. The Committee makes
73 recommendations on adopting positions on legislation for consideration by the Board. The Committee
74 also reviews and recommends changes and amendments to the California Code of Regulations
75 (CCR).

76
77 Licensing Committee – The goal of this Committee is to ensure valid licensing policies and
78 procedures, making recommendations on changes as appropriate. The Committee also ensures valid
79 and reliable examination processes to assess appropriate professional knowledge and the laws and
80 ethics that govern the profession. The Board works with such entities as the Association of State and
81 Provincial Psychology Boards (ASPPB) and the Department's Office of Professional Examination
82 Services (OPES) to meet this goal. This Committee also makes policy and procedural
83 recommendations to ensure that licensure renewal occurs for those licensees who continue to meet
84 appropriate standards of practice.

85 **Ad Hoc Committees**

86
87
88 Enforcement Committee – The goal of this Committee is to protect the health and safety of
89 consumers of psychological services through the active enforcement of the statutes and regulations
90 governing the safe practice of psychology in California. The Committee reviews the Board's
91 Disciplinary Guidelines and enforcement statutes and regulations and submits recommended
92 amendments to the full Board for consideration.

93
94 Sunset Review Committee – The goal of this Committee is to review staff's responses to the
95 questions asked by the Senate Committee on Business, Professions, and Economic Development.
96 The Committee will help formulate and review the responses before submission by the Board.

Telepsychology Committee – The goal of this Committee is to develop regulatory language for the practice of psychology within the State of California that is conducted remotely. This is a rapidly developing area of the profession, and technology has outpaced the current guidelines. The Committee will also review interstate implications of the remote delivery of psychological services.

Applied Behavior Analysis Task Force – The goal of this Task Force is to review, analyze, and discuss the potential impact of the Board regulating new license categories in the profession of applied behavior analysis in order to protect the public. The Task Force includes representatives from the Board and other stakeholders.

Below is a list of Board Member attendance at all noticed Board and Committee meetings since the last Sunset Review and dates that Board Members were appointed to the Board:

Table 1a. Attendance			
Richard Sherman, PhD			
Date Appointed:	June 27, 2007		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	November 18-19, 2011	San Diego	Y
Quarterly Board Meeting	February 23-24, 2012	Long Beach	Y
Emil Rodolfa, PhD			
Date Appointed:	November 1, 2007		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	November 18-19, 2011	San Diego	Y
Quarterly Board Meeting	February 23-24, 2012	Long Beach	Y
Barbara Cadow, PhD			
Date Appointed:	August 6, 2010		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	November 18-19, 2011	San Diego	Y
Quarterly Board Meeting	February 23-24, 2012	Long Beach	Y
Quarterly Board Meeting	June 21-22, 2012	San Francisco	Y
Quarterly Board Meeting	October 18-19, 2012	San Diego	Y
Quarterly Board Meeting	February 21-22, 2013	Sacramento	Y
Gail Evans, Public Member			
Date Appointed:	September 1, 2011		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	November 18-19, 2011	San Diego	Y
Quarterly Board Meeting	February 23-24, 2012	Long Beach	Y

Quarterly Board Meeting	June 21-22, 2012	San Francisco	Y
John Preston, PsyD			
Date Appointed:	August 20, 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	October 18- 19, 2012	San Diego	Y
Michael Erickson, PhD			
Date Appointed:	August 6, 2010		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	November 18-19, 2011	San Diego	Y
Quarterly Board Meeting	February 23- 24, 2012	Long Beach	Y
Quarterly Board Meeting	June 21-22, 2012	San Francisco	Y
Quarterly Board Meeting	October 18- 19, 2012	San Diego	Y
Quarterly Board Meeting	February 21- 22, 2013	Sacramento	Y
Quarterly Board Meeting	June 20-21, 2013	Sacramento	Y
Special Meeting re: Recruitment Process for New Executive Officer & Continuing Education Committee Meeting	July 11, 2013	Sacramento	Y
Quarterly Board Meeting	October 24- 25, 2013	Sacramento	Y
Quarterly Board Meeting	February 20- 21, 2014	Sacramento	Y
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	Y
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	Y
Quarterly Board Meeting	August 21- 22, 2014	San Francisco	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	Y
Quarterly Board Meeting	February 26- 27, 2015	Sacramento	Y
Policy & Advocacy Committee Teleconference Meeting	April 27, 2015	Sacramento	Y
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	Y
Quarterly Board Meeting	August 13- 14, 2015	Berkeley	Y

Lucille Acquaye Baddoo, Public Member			
Date Appointed:		February 12, 2009	
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	November 18-19, 2011	San Diego	Y
Quarterly Board Meeting	February 23-24, 2012	Long Beach	Y
Quarterly Board Meeting	June 21-22, 2012	San Francisco	Y
Quarterly Board Meeting	October 18-19, 2012	San Diego	Y
Quarterly Board Meeting	February 21-22, 2013	Sacramento	Y
Quarterly Board Meeting	June 20-21, 2013	Sacramento	Y
Special Meeting re: Recruitment Process for New Executive Officer & Continuing Education Committee Meeting	July 11, 2013	Sacramento	Y
Quarterly Board Meeting	October 24-25, 2013	Sacramento	Y
Quarterly Board Meeting	February 20-21, 2014	Sacramento	Y
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	Y
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	Y-Teleconference
Quarterly Board Meeting	August 21-22, 2014	San Francisco	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	N
Quarterly Board Meeting	February 26-27, 2015	Sacramento	Y
Outreach & Education Committee Teleconference Meeting	May 1, 2015	Sacramento	Y – Teleconference
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	Y
Quarterly Board Meeting	August 13-14, 2015	Berkeley	Y
Miguel Gallardo, PsyD			
Date Appointed:		August 6, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	November 18-19, 2011	San Diego	Y
Quarterly Board Meeting	February 23-24, 2012	Long Beach	Y

Quarterly Board Meeting	June 21-22, 2012	San Francisco	Y – June 21 st N – June 22 nd
Quarterly Board Meeting	October 18-19, 2012	San Diego	Y
Quarterly Board Meeting	February 21-22, 2013	Sacramento	N
Quarterly Board Meeting	June 20-21, 2013	Sacramento	Y
Special Meeting re: Recruitment Process for New Executive Officer & Continuing Education Committee Meeting	July 11, 2013	Sacramento	Y
Quarterly Board Meeting	October 24-25, 2013	Sacramento	Y
Quarterly Board Meeting	February 20-21, 2014	Sacramento	Y
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	Y
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	N
Quarterly Board Meeting	August 21-22, 2014	San Francisco	N
Applied Behavior Analysis Task Force Teleconference Meeting	October 13, 2014	Sacramento	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	N
Applied Behavior Analysis Task Force Teleconference Meeting	January 9, 2015	Sacramento	Y
Quarterly Board Meeting	February 26-27, 2015	Sacramento	Y
Applied Behavior Analysis Task Force Teleconference Meeting	April 29, 2015	Sacramento	Y - Teleconference
Outreach & Education Committee Teleconference Meeting	May 1, 2015	Sacramento	Y – Teleconference
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	Y – Teleconference
Quarterly Board Meeting	August 13-14, 2015	Berkeley	Y
Johanna Arias-Bhatia, Public Member			
Date Appointed:	August 10, 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	October 18-19, 2012	San Diego	Y
Quarterly Board Meeting	February 21-22, 2013	Sacramento	Y
Quarterly Board Meeting	June 20-21,	Sacramento	Y

	2013		
Special Meeting re: Recruitment Process for New Executive Officer & Continuing Education Committee Meeting	July 11, 2013	Sacramento	Y
Quarterly Board Meeting	October 24-25, 2013	Sacramento	Y
Quarterly Board Meeting	February 20-21, 2014	Sacramento	Y
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	Y
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	Y - Teleconference
Quarterly Board Meeting	August 21-22, 2014	San Francisco	Y
Applied Behavior Analysis Task Force Teleconference Meeting	October 13, 2014	Sacramento	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	Y - Teleconference
Applied Behavior Analysis Task Force Teleconference Meeting	January 9, 2015	Sacramento	Y - Teleconference
Quarterly Board Meeting	February 26-27, 2015	Sacramento	Y
Policy & Advocacy Committee Teleconference Meeting	April 27, 2015	Sacramento	Y - Teleconference
Applied Behavior Analysis Task Force Teleconference Meeting	April 29, 2015	Sacramento	Y
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	Y – Teleconference
Quarterly Board Meeting	August 13-14, 2015	Berkeley	Y
Andrew Harlem, PhD			
Date Appointed:	August 10, 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	October 18-19, 2012	San Diego	Y
Quarterly Board Meeting	February 21-22, 2013	Sacramento	Y
Quarterly Board Meeting	June 20-21, 2013	Sacramento	Y – June 20 th N – June 21 st
Special Meeting re: Recruitment Process for New Executive Officer & Continuing Education Committee Meeting	July 11, 2013	Sacramento	Y
Quarterly Board Meeting	October 24-25, 2013	Sacramento	Y – October 24 th N – October 25 th
Quarterly Board Meeting	February 20-	Sacramento	Y

	21, 2014		
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	N
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	Y - Teleconference
Quarterly Board Meeting	August 21-22, 2014	San Francisco	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	N
Quarterly Board Meeting	February 26-27, 2015	Sacramento	Y
Licensing Committee Teleconference Meeting	May 7, 2015	Sacramento	Y - Teleconference
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	N
Licensing Committee Teleconference Meeting	July 14, 2015	Sacramento	Y - Teleconference
Quarterly Board Meeting	August 13-14, 2015	Berkeley	Y
Nicole J. Jones, Public Member			
Date Appointed:	August 10, 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	October 18-19, 2012	San Diego	Y
Quarterly Board Meeting	February 21-22, 2013	Sacramento	Y
Quarterly Board Meeting	June 20-21, 2013	Sacramento	Y
Special Meeting re: Recruitment Process for New Executive Officer & Continuing Education Committee Meeting	July 11, 2013	Sacramento	Y
Quarterly Board Meeting	October 24-25, 2013	Sacramento	Y
Quarterly Board Meeting	February 20-21, 2014	Sacramento	Y
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	Y
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	Y - Teleconference
Quarterly Board Meeting	August 21-22, 2014	San Francisco	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	Y – Teleconference

Quarterly Board Meeting	February 26-27, 2015	Sacramento	Y
Policy & Advocacy Committee Teleconference Meeting	April 27, 2015	Sacramento	Y
Licensing Committee Teleconference Meeting	May 7, 2015	Sacramento	Y - Teleconference
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	Y
Licensing Committee Teleconference Meeting	July 14, 2015	Sacramento	Y - Teleconference
Quarterly Board Meeting	August 13-14, 2015	Berkeley	Y

111

Linda Starr, Public Member			
Date Appointed:	January 9, 2013		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	February 21-22, 2013	Sacramento	Y
Quarterly Board Meeting	June 20-21, 2013	Sacramento	Y
Special Meeting re: Recruitment Process for New Executive Officer & Continuing Education Committee Meeting	July 11, 2013	Sacramento	Y
Quarterly Board Meeting	October 24-25, 2013	Sacramento	Y
Quarterly Board Meeting	February 20-21, 2014	Sacramento	Y
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	N
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	N
Quarterly Board Meeting	August 21-22, 2014	San Francisco	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	Y
Quarterly Board Meeting	February 26-27, 2015	Sacramento	Y
Applied Behavior Analysis Task Force Teleconference Meeting	April 29, 2015	Sacramento	Y
Outreach & Education Committee Teleconference Meeting	May 1, 2015	Sacramento	Y
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	Y

Quarterly Board Meeting	August 13-14, 2015	Berkeley	Y
Jacqueline Horn, PhD			
Date Appointed:	October 23, 2013		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	October 24-25, 2013	Sacramento	N – October 24 th Y – October 25 th
Quarterly Board Meeting	February 20-21, 2014	Sacramento	Y
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	Y
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	Y
Quarterly Board Meeting	August 21-22, 2014	San Francisco	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	Y
Quarterly Board Meeting	February 26-27, 2015	Sacramento	Y
Licensing Committee Teleconference Meeting	May 7, 2015	Sacramento	Y
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	Y
Licensing Committee Teleconference Meeting	July 14, 2015	Sacramento	Y
Quarterly Board Meeting	August 13-14, 2015	Berkeley	Y
Stephen Phillips, PhD			
Date Appointed:	September 25, 2013		
Meeting Type	Meeting Date	Meeting Location	Attended?
Quarterly Board Meeting	October 24-25, 2013	Sacramento	Y
Quarterly Board Meeting	February 20-21, 2014	Sacramento	Y
Quarterly Board Meeting	May 15-16, 2014	Los Angeles	N
Special Teleconference Board Meeting re: Legislation	June 17, 2014	Sacramento	Y – Teleconference
Quarterly Board Meeting	August 21-22, 2014	San Francisco	Y
Quarterly Board Meeting	November 20-21, 2014	San Diego	Y
Special Teleconference Board Meeting re: Legislation	January 9, 2015	Sacramento	Y – Teleconference
Quarterly Board Meeting	February 26-	Sacramento	Y

	27, 2015		
Licensing Committee Teleconference Meeting	May 7, 2015	Sacramento	Y - Teleconference
Quarterly Board Meeting	May 14-15, 2015	Riverside	Y
Special Teleconference Board Meeting re: Legislation	June 23, 2015	Sacramento	Y
Licensing Committee Teleconference Meeting	July 14, 2015	Sacramento	Y - Teleconference
Quarterly Board Meeting	August 13-14, 2015	Berkeley	Y

The following table lists the current composition of the Board, including dates of appointment to the Board:

Table 1b. Board/Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Michael Erickson, PhD (President)	8/06/10	07/11/14	06/01/18	Governor	Licensed Member
Nicole J. Jones (Vice-President)	08/10/12	06/06/14	06/01/18	Governor	Public Member
Miguel Gallardo, PsyD	08/06/10	12/17/12	06/01/16	Governor	Licensed Member
Lucille Acquaye-Baddoo	02/12/09	05/27/15	06/01/18	Speaker	Public Member
Johanna Arias-Bhatia	08/10/12		06/01/16	Governor	Public Member
Andrew Harlem, PhD	08/10/12		06/01/15	Governor	Licensed Member
Linda L. Starr	01/09/13		06/01/15	Senate	Public Member
Stephen Phillips, JD, PsyD	09/25/13		06/01/16	Governor	Licensed Member
Jacqueline Horn, PhD	10/23/13	06/03/15	06/01/19	Governor	Licensed Member

2. In the past four years, was the Board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

There have been no issues with establishing a quorum in the past four years.

3. Describe any major changes to the Board since the last Sunset Review, including:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)
- All legislation sponsored by the Board and affecting the Board since the last sunset review.
- All regulation changes approved by the Board since the last sunset review. Include the status of each regulatory change approved by the Board.

Executive Officer Robert Kahane resigned July 8, 2013. Antonette Sorrick was appointed as the new Executive Officer on November 25, 2013.

The Board's headquarters moved in September 2012 from Evergreen Street to its current location on North Market Boulevard in Sacramento.

134
135 The Board adopted a new Strategic Plan on May 16, 2014. This current Strategic Plan will be in effect
136 through 2018.

137
138 The Board began utilizing social media platforms to reach out to consumers and the regulated
139 community. In addition to webcasting all Board meetings, the Board develops informational
140 presentations to provide assistance and guidance to license applicants. The use of Facebook and
141 Twitter has provided an additional medium of communication and fact sharing.

142
143 The Board has revitalized its quarterly newsletter publication, which ensures timely dissemination of
144 important information to the Board's stakeholders.

145
146 Three positions were added to the Board's licensing unit on July 1, 2014, to reduce what was then a
147 16 week backlog in processing applications for registration and licensure to the current two-week
148 timeframe.

149
150 Advisories are now prepared regarding legislative and regulatory changes and are emailed to all
151 stakeholders as an additional means of communicating important information.

152 LEGISLATION

153
154 The following legislative actions sponsored by the Board or affecting the Board were submitted and/or
155 enacted since the Board's last Sunset Report.

156 **SB 1134 (Yee), Chapter 149, Statutes of 2012**

157
158 Subject Matter: Persons of Unsound Mind: Psychotherapist Duty to Protect
159 Section Affected: Civil Code 43.92
160 Effective Date: January 1, 2013

161
162 This bill clarified a provision of law that gave immunity to psychotherapists for failing to warn and
163 protect a potential victim from a patient's violent behavior. This bill also declared the intent of the
164 Legislature to change only the name of the duty for clarification purposes, and not waive liability
165 for psychotherapists.

166 **SB 1236 (Price), Chapter 332, Statutes of 2012**

167
168 Subject Matter: Professions and Vocations
169 Sections Affected: B&P 2900 - 2999
170 Effective Date: Chaptered by Secretary of State September 14, 2012

171
172 This bill extended the sunset date for the Board of Psychology until January 1, 2017. The Board
173 sent a letter of support to Governor Brown.

174 **SB 1172 (Lieu), Chapter 835, Statutes of 2012**

175
176 Subject Matter: Sexual Orientation Change Efforts
177 Section Affected: B&P 865
178 Effective Date: January 1, 2013

179
180 This bill prohibits a mental health provider from engaging in sexual orientation change efforts with
181 a patient under 18 years of age. The bill specifically defined the term "sexual orientation change
182 efforts," and made any such efforts conducted with a patient under 18 "unprofessional conduct,"
183

184 for which the mental health provider would be subject to disciplinary action by his or her licensing
185 entity.

186
187 **AB 1588 (Atkins), Chapter 742, Statutes of 2012**

188 Subject Matter: Professions and Vocation: Reservist Licensees: Fees and Continuing
189 Education
190 Section Affected: B&P 114.3
191 Effective Date: January 1, 2013
192

193 This bill requires the Board to waive continuing education requirements and renewal fees for a
194 licensee or registrant while he or she is called to active duty as a member of the United States
195 Armed Forces or the California National Guard if he or she meets certain requirements.
196

197 **AB 1904 (Block), Chapter 339, Statutes of 2012**

198 Subject Matter: Professions and vocations: military spouses: expedited licensure
199 Section Affected: B&P 115.5
200 Effective Date: January 1, 2013
201

202 This bill requires the Board to expedite the licensing process of an applicant who is the spouse of
203 a military member assigned to active duty in California if that person holds a current license for the
204 same profession in another state.
205

206 **AB 2570 (Hill), Chapter 561, Statutes of 2012**

207 Subject Matter: Licensees: Settlement Agreements
208 Section Affected: B&P 901
209 Effective Date: January 1, 2013
210

211 This bill closed a loophole in the law that allowed a Board licensee or registrant to prohibit a
212 consumer who settles a civil suit with that licensee or registrant from filing a complaint with or
213 cooperating in an investigation of the Board. The intent of the bill was to protect consumers by
214 disallowing "gag clauses" that hamper the ability of a regulatory board to take disciplinary action
215 against a negligent practitioner.
216

217 **AB 1733 (Logue), Chapter 782, Statutes of 2012**

218 Subject Matter: Healing Arts: Licensure Exemption
219 Section Affected: B&P 686
220 Effective Date: January 1, 2013
221

222 This bill replaced the term 'telemedicine' with 'telehealth' in various code sections; clarified that
223 health care practitioners shall only practice telehealth within the parameters of their scope of
224 practice; and clarified the ability for all healing arts boards to regulate telehealth.
225

226 **AB 512 (Rendon), Chapter 111, Statutes of 2013**

227 Subject Matter: Healing Arts: Licensure Exemption
228 Section Affected: B&P 901
229 Effective Date: January 1, 2014
230

231 This bill extended provisions allowing a health care practitioner who is licensed out-of-state to
232 participate in a free, sponsored health care event in California. The provisions were set to expire
233 on January 1, 2014, and are now extended to January 1, 2018.
234

235 **AB 1057 (Medina), Chapter 693, Statutes of 2013**

236 Subject Matter: Professions and Vocations: Licenses: Military Service

237 Section Affected: B&P 114.5

238 Effective Date: January 1, 2014

239
240 This bill required all boards under DCA to ask on licensing applications if the individual applying
241 for licensure is serving in or has served in the military.

242
243 **AB 809 (Logue), Chapter 404, Statutes of 2014**

244 Subject Matter: Healing Arts: Telehealth

245 Section Affected: B&P 2290.5

246 Effective Date: September 18, 2014

247
248 This bill required a health care provider to obtain informed consent for the agreed upon course of
249 telehealth treatment. The bill required the informed consent to be documented in the patient's
250 medical record. The Board supported this legislation, sent letters, and provided testimony to the
251 Legislature. A letter urging the Governor's signature was sent on August 24, 2014.

252
253 **AB 1702 (Maienschein), Chapter 410, Statutes of 2014**

254 Subject Matter: Professions and Vocations: Incarceration

255 Section Affected: B&P 480.5

256 Effective Date: January 1, 2015

257
258 This bill provided that an individual who has satisfied the requirements needed to obtain a license
259 while incarcerated, who applies for that license upon release from incarceration, and who is
260 otherwise eligible for the license, shall not be subject to a delay in processing or a denial of the
261 license solely on the basis that some or all of the licensure requirements were completed while the
262 individual was incarcerated. The Board opposed this legislation and sent letters and provided
263 testimony to the Legislature.

264
265 **AB 1711 (Cooley), Chapter 779, Statutes of 2014**

266 Subject Matter: Administrative Procedures Act: Economic Impact Assessment

267 Sections Affected: GC 11346.2, 11346.3, and 11357

268 Effective Date: January 1, 2015

269
270 This bill required state agencies to include an economic impact assessment of any proposed
271 regulation in its published Initial Statement of Reasons document. The bill also required the
272 Department of Finance to include and update instructions on how to prepare the economic impact
273 assessment in the State Administrative Manual.

274
275 **AB 1775 (Melendez), Chapter 264, Statutes of 2014**

276 Subject Matter: Professions and Vocations: Incarceration

277 Section Affected: PC 11165.1

278 Effective Date: January 1, 2015

279
280 This bill made downloading, streaming, or accessing through electronic or digital media, material
281 in which a child is engaged in an obscene sexual act a mandated report under the Child Abuse
282 and Neglect Reporting Act (CANRA).

283
284 **AB 1843 (Jones), Chapter 283, Statutes of 2014**

285 Subject Matter: Child Custody Evaluations: Confidentiality

286 Sections Affected: B&P 129, Family Code (FC) 3025.5, 3111

287 Effective Date: September 18, 2014

288 This bill gives the licensing entity of a child custody evaluator the ability to access a child custody
289 report in order to investigate alleged unprofessional conduct of one of its licensees related to a
290 child custody evaluation. This bill also requires the licensing entity to ensure the confidentiality of
291 the information contained in the child custody report. The Board supported this legislation and
292 sent letters and provided testimony to the Legislature. A letter urging the Governor's signature
293 was sent on August 25, 2014.
294

295
296 **AB 2058 (Wilk), Vetoed**

297 Subject Matter: Open Meetings

298 Section Affected: GC 11124

299 Effective Date: Vetoed by the Governor, September 27, 2014
300

301 This bill would have amended the Bagley Keene Open Meeting Act by modifying the definition of
302 state body to exclude an advisory body with less than three individuals, except for certain standing
303 committees.

304 **AB 2198 (Levine), Vetoed**

305 Subject Matter: Mental Health Professionals and Suicide Prevention

306 Section Affected: B&P 2915.3, 2915.4

307 Effective Date: Vetoed by the Governor, September 18, 2014
308

309 This bill would have required psychologists, educational psychologists, marriage and family
310 therapists, professional clinical counselors, and clinical social workers who began graduate study
311 on or after January 1, 2016, to complete a training program in suicide assessment, treatment, and
312 management prior to licensure. Additionally, this bill would have required an applicant or licensee
313 to take a one-time six-hour continuing education course in suicide assessment, treatment, and
314 management as a condition of license renewal beginning January 1, 2016. The Board opposed
315 this legislation and was active in the legislative process. A letter urging the Governor to veto this
316 legislation was sent on August 26, 2014.

317 **AB 2396 (Bonta), Chapter 737, Statutes of 2014**

318 Subject Matter: Convictions: Expungement: Licenses

319 Section Affected: B&P 480

320 Effective Date: January 1, 2015
321

322 This bill prohibits a vocational or professional licensing board under the Department of Consumer
323 Affairs from denying a license based solely on a conviction that has been dismissed pursuant to
324 certain provisions of existing law. The Board opposed this legislation and sent letters and provided
325 testimony to the Legislature. A letter urging the Governor's veto was sent on August 27, 2014.
326

327 **AB 2720 (Ting), Chapter 510, Statutes of 2014**

328 Subject Matter: Meetings: Record of Action Taken

329 Section Affected: GC 11123

330 Effective Date: January 1, 2015
331

332 This bill amends the Open Meeting Act to require a state body to publicly report any action taken
333 and the vote or abstention on that action of each member present for the action.
334

335 **SB 1226 (Correa), Chapter 657, Statutes of 2014**

336 Subject Matter: Veterans: Professional Licensing

337 Section Affected: GC 11123

338 Effective Date: January 1, 2015
339

340 This bill authorizes programs under the Department of Consumer Affairs to expedite the licensure
341 process for individuals honorably discharged from the United States Armed Forces who return to
342 California and seek professional and occupational licensure.
343

344 **SB 1466 (Committee on Business, Professions and Economic Development), Chapter 316,**
345 **Statutes of 2014**

346 Subject Matter: Health Care Professionals
347 Sections Affected: B&P 2930.5, 2936, and 2987.3
348 Effective Date: January 1, 2015
349

350 This bill removed fictitious name permit provisions from the Board of Psychology's statutes. This
351 bill also updated the Board of Psychology's physical and Internet addresses included on the
352 "Notice to Consumers" that licensees must post in their business office, and added the Board of
353 Psychology's email address to the "Notice to Consumers." The Board supported this legislation
354 and sent letters and provided testimony to the Legislature. A letter urging the Governor's signature
355 was sent on September 7, 2014.
356

357 **SB 1159 (Lara), Chapter 752, Statutes of 2014**

358 Subject Matter: Health Care Professionals
359 Sections Affected: B&P 30, 2103, 2111, 2112, 2113, 2115, 3624, 6533, and 135.5. FC 17520.
360 Revenue & Taxation Code (R&T) 19528
361 Effective Date: September 09, 2014
362

363 This bill requires the Board to require an applicant for licensure, other than a partnership, to
364 provide either a federal tax identification number or a social security number to the Board. It also
365 requires the Board to report that information to the Franchise Tax Board, and subjects a licensee
366 to a penalty for failure to provide that information. The Board must require these items no later
367 than January 1, 2016.
368

369 **AB 1758 (Patterson), Vetoed**

370 Subject Matter: Healing Arts: Initial License Fees: Proration
371 Sections Affected: B&P 1724, 1944, 2435, 2538.57, 2570.16, 2688, 2987
372 Effective Date: Vetoed by the Governor, September 28, 2014
373

374 This bill would have required the Board of Psychology, among other Boards, to prorate their initial
375 fees for licensure of psychologists on a monthly basis. For an initial license that expires in less
376 than 12 months, the Board would have had the authority to charge an additional fee to ensure that
377 reasonable costs of issuing licenses were covered.

378 **AB 705 (Eggman), Chapter 752, Statutes of 2015**

379 Subject Matter: Psychologists: Licensure Exemption
380 Sections Affected: B&P 2909, 2909.5, 2910
381 Effective Date: January 1, 2016
382

383 This bill ensures that a salaried employee of an accredited or approved academic institution,
384 public school, or governmental agency may provide direct health or mental health services. The
385 bill additionally requires an employee of an accredited or approved academic institution, public
386 school, or governmental agency to be gaining the supervised professional experience required for
387 licensure and would exempt those persons from licensure for no more than five years from the

388 date of employment or five years from January 1, 2016, for those individuals already employed in
389 these settings. The Board sponsored and supported this legislation.

390 **AB 773 (Baker), Chapter 336, Statutes of 2015**

391 Subject Matter: Psychology Licensing
392 Section Affected: B&P 2982
393 Effective Date: January 1, 2016
394

395 This bill changes the initial term of a license from a birthdate-based expiration to a full two-year
396 period from the date that the license is first issued. The Board sponsored and supported this
397 legislation.

398 **AB 1374 (Levine), Chapter 529, Statutes of 2015**

399 Subject Matter: Psychologists: Licensure: Requirements
400 Sections Affected: B&P 2903, 2913, & 2914
401 Effective Date: January 1, 2016
402

403 This bill requires a supervisor to submit verification of experience to the trainee in a manner
404 prescribed by the Board to allow the trainee to submit documentation of the supervised
405 experience to the Board with his or her application. This bill also removes the reference to 'fees for
406 service' from the definition of the practice of psychology. The bill further made technical
407 modifications to the definition of the practice of psychology. The Board sponsored and supported
408 this legislation.

409 **AB 1542 (Mathis), Vetoed**

410 Subject Matter: Workers' compensation: neuropsychologists
411 Section Affected: Labor Code (LC) 139.2
412 Effective Date: N/A
413

414 This bill would have reinstated the category of "neuropsychologists" as a specialization among
415 those listed and who may be appointed as specialty workers' compensation physicians, who may
416 be appointed as Qualified Medical Examiners for purposes of evaluating medical-legal issues in
417 the workers' compensation system. The Board supported this legislation.

418 **AB 85 (Wilk), Vetoed**

419 Subject Matter: Open Meetings
420 Section Affected: GC 11121
421 Effective Date: N/A
422

423 This bill would have specified that the definition of "state body" includes an advisory board,
424 advisory commission, advisory committee, advisory subcommittee, or similar multimember
425 advisory body of a state body that consists of three or more individuals, as prescribed, except a
426 board, commission, committee, or similar multimember body on which a member of a body serves
427 in his or her official capacity as a representative of that state body and that is supported, in whole
428 or in part, by funds provided by the state body, whether the multimember body is organized and
429 operated by the state body or by a private corporation. The Board opposed this legislation and
430 sent letters and provided testimony to the Legislature. A letter urging the Governor's veto was sent
431 on September 7, 2015.
432

433 **AB 750 (Low), Held: Assembly Appropriations Committee**

434 Subject Matter: Business and professions: licenses.
435 Section Affected: B&P 463

436 Effective Date: Two-Year Bill
437

438 This bill would authorize any of the boards, bureaus, commissions, or programs within the
439 Department of Consumer Affairs, except as specified, to establish by regulation a system for a
440 “Retired” category of license for persons who are not actively engaged in the practice of their
441 profession or vocation, and would prohibit the holder of a retired license from engaging in any
442 activity for which a license is required. The Board supports this legislation.

443 **AB 832 (Garcia), Held: Assembly Floor**

444 Subject Matter: Child Abuse: Reportable Conduct.

445 Section Affected: PC 11165.1

446 Effective Date: Bill Withdrawn
447

448 This bill would provide that “sexual assault” does not include voluntary sodomy, oral copulation, or
449 sexual penetration, if there are no indicators of abuse, unless that conduct is between a person
450 who is 21 years of age or older and a minor who is under 16 years of age. The Board supported
451 this legislation.

452 **SB 479 (Bates), Held: Assembly Appropriations Committee**

453 Subject Matter: Healing Arts: Applied Behavior Analysis.

454 Section Affected: PC 11165.1

455 Effective Date: Bill Withdrawn
456

457 This bill would have established two new license categories and a registrant category under the
458 Board of Psychology: Licensed Behavior Analyst, Licensed Assistant Behavior Analyst, and a
459 Behavior Analyst Technician.

460
461 Although the Board agreed with the author’s intent to regulate the discipline of Applied Behavior
462 Analysis (ABA) under the jurisdiction of the Board, the Board had some significant concerns with
463 the proposed language and adopted an “Oppose Unless Amended” position at its August 2015
464 meeting. The Board communicated its position to the author before the bill was withdrawn.
465

466 **REGULATIONS**

467 **Approved Regulatory Changes**

468 **Examinations, License Requirements and Waiver of Examination, Reconsideration of**
469 **Examinations, Psychologist Fees**

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

471 This regulation changed the law and ethics examination that was taken by applicants for licensure.
472 Previously, applicants took the California Psychology Supplemental Examination (CPSE), but this
473 was determined to be duplicative of certain areas of knowledge on the Examination for Professional
474 Practice in Psychology (EPPP). The change now requires applicants to take the California
475 Psychology Law and Ethics Examination (CPLEE).

476 The Board also sought to have regulations addressing accommodations for English as Second
477 Language (ESL) candidates. Previously, the Board had a policy for accommodating such applicants;
478 however, this proposal would set standards for review in regulation.

479 A hearing took place at the Board meeting on August 22, 2014. The Board voted to modify the text to
 480 correct an error in the noticed language. A 15-Day Notice was issued and the Board delegated
 481 authority to the Executive Officer to adopt the language as modified when the comment period closed
 482 if no negative comments were received. The Board received no negative comments.

483 The Final Rulemaking File was approved and filed with the Secretary of State on June 10, 2015. The
 484 regulations became effective on July 1, 2015.

CCR Section	Description of Change	Status	Effective Date
1380.1	Location of Principal Office – Updated the address of the Board of Psychology’s principal office.	Approved	7/1/13
1380.4	Delegation of Functions – To further consumer protection by delegating and conferring additional specific functions and authorities relative to investigative and administrative proceedings.	Approved	8/22/12
1388	Examinations – Eliminated the California Psychological Supplemental Examination (CPSE) and implemented the California Psychology Law & Ethics Examination (CPLEE).	Approved	7/1/15
1388.6	License Requirements and Waiver of Examination - Eliminate the CPSE and implement the CPLEE.	Approved	7/1/15
1389	Reconsideration of Examinations - Eliminated the CPSE and implemented the CPLEE.	Approved	7/1/15
1392	Psychologist Fees – Eliminated the CPSE fee.	Approved	7/1/15
1395.2	Disciplinary Guidelines – Amend guidelines to include Uniform Standards Related to Substance Abusing Licensees and incorporate by reference.	Disapproved	11/10/15
1397.2	Other Actions Constituting Unprofessional Conduct - Defined in regulation conducts other than those referenced in Business and Professions Code section 2960 as unprofessional.	Approved	8/22/12
1397.60	Definitions – Amended the definition of the Board’s continuing education program.	Approved	1/1/13
1397.61	Continuing Education Requirements – Refined the Board’s continuing education requirements.	Approved	1/1/13

1397.62	Continuing Education Exemptions and Exceptions - Refined the Board's continuing education exemption and exception requirements.	Approved	1/1/13
1397.63	Hour Value System – Deleted the Board's continuing education hour value system.	Approved	1/1/13
1397.64	Accreditation Agencies – Deleted the Board's continuing education section regarding accrediting agencies.	Approved	1/1/13
1397.65	Requirements for Approved Providers – Deleted the Board's continuing education requirements for approved providers.	Approved	1/1/13
1397.66	Provider Audit Requirements – Deleted the Board's continuing education provider audit requirements.	Approved	1/1/13
1397.67	Renewal After Inactive or Delinquent Status – Refined the Board's requirement for renewal after inactive or delinquent status.	Approved	1/1/13
1397.68	Provider Fees – Deleted the Board's requirements for provider fees.	Approved	1/1/13
1397.69	Participant Fees – Amended the Board's requirements for participant fees.	Approved	1/1/13
1397.70	Sanctions for Noncompliance – Refined the sanctions for noncompliance with the Board's continuing education requirements.	Approved	1/1/13
1397.71	Denial, Suspension and Revocation of CE Provider Status – Deleted the Board's requirements for the denial, suspension and revocation of continuing education provider status.	Approved	1/1/13

485

486 Currently Noticed Proposals

487 **Uniform Standards Related to Substance Abuse and Disciplinary Guidelines**

488 **Title 16, CCR, Section 1397.12**

489 The current Disciplinary Guidelines are being amended to make them consistent with current law.
 490 The proposal incorporates the Uniform Standards Related to Substance Abusing Licensees that
 491 describe the mandatory conditions that apply to a substance-abusing applicant or licensee, updates
 492 the standard and optional terms and conditions of probation, and adopts uniform and specific

standards that the Board must use in dealing with substance-abusing licensees, registrants, or applicants in order to increase consumer protection.

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

The hearing took place on August 22, 2014. The Board issued a 15-Day Notice of Modified Text. The Board approved the language and the Rulemaking File was submitted to the Department of Consumer Affairs for review. The Department's Legislative and Regulatory Review unit identified areas in the package that needed clarification and the Board made the amendments. The Board issued a second 15-Day Notice of Modified Text.

The Board received no negative comments, approved the amended language and submitted the Rulemaking File to the Office of Administrative Law (OAL). On November 6, 2015, the Board received an official rejection from the OAL citing clarity and consistency deficiencies in the regulatory package. The Board will be correcting the deficiencies, noticing the amended language, and resubmitting a corrected rulemaking to OAL within the 120-day timeframe.

Filing of Addresses

Title 16, CCR, Sections 1380.5

Current regulations require licensees to provide their proper and current mailing address. The Board is seeking to amend the regulations to require a licensee to additionally provide an address of record that differs from this address if their current mailing address is a PO Box. The Board is also seeking to require a licensee to report his or her electronic mailing address. Within 30 days of any change to the address of record, alternate address or electronic address, the applicant or licensee must notify the Board.

The Board voted at the November 2014 Board meeting to proceed with a rulemaking file and that the initial proposal be submitted to the OAL. DCA Legal Counsel made some significant changes to the proposed language and the proposal was brought back to the full Board in February 2015. A number of comments were made by the public expressing concern with the proposed inclusion of a residential address. The Board approved new language addressing this concern at its May 2015 meeting and a rulemaking file was prepared and noticed with OAL. A hearing was held at the Board's August 2015 meeting. No comments were received in writing or at the hearing, and the Board adopted the language. The Rulemaking File has been submitted to DCA for review.

Withdrawn Regulations

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

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

Current regulations allow for "traditional" classroom-style continuing education (CE) courses to be counted toward licensure renewal. The proposed language provided a wide variety of options for licensees to obtain Continuing Professional Development (CPD)/CE in a variety of activities which

530 included conferences or convention attendance, practice outcome monitoring, peer consultation,
531 academic instruction, etc. The proposed regulations also established a requirement that licensees
532 engage in learning activities pertinent to cultural diversity and social justice issues as they apply to
533 the practice of psychology in California.

534 The Board voted at the August 2014 Board meeting to approve the language changes for the
535 continuing educational requirements to be noticed for the rulemaking process. The hearing took place
536 on November 21, 2014, at 9 a.m. The Board received three comments and opted to make some
537 changes to the original proposal. A 15-Day Notice was issued.

538 In February 2015, the Board voted to raise the cap of “traditional” CE coursework in the proposed
539 regulations from 18 hours to 27 hours per renewal cycle. A second 15-Day Notice was issued, and
540 comments were addressed by the Board on June 23, 2015. The Board voted to delay implementation
541 of the regulations until January 1, 2017, in order to allow for more time for outreach and education of
542 licensees. A third 15-Day Notice was issued, and the comments were scheduled to be reviewed by
543 the Board at its August 2015 meeting.

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

550 As a result of this review of the language, the Board voted to withdraw the Rulemaking File at its
551 August 2015 meeting and a Notice of Withdrawal was published on September 4, 2015. The
552 Licensing Committee is now reviewing the draft regulations and making changes that were identified
553 previously, and expects to bring the package back to the Board in 2016.

554 **4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).**

555
556 The Board has not conducted any major studies since the last Sunset Review.
557

558 **5. List the status of all national associations to which the board belongs.**

- 559 • **Does the board’s membership include voting privileges?**
- 560 • **List committees, workshops, working groups, task forces, etc., on which the board**
561 **participates.**
- 562 • **How many meetings did board representative(s) attend? When and where?**
- 563 • **If the board is using a national examination, how is the board involved in its**
564 **development, scoring, analysis, and administration?**

565
566 The Board is currently a member of the Association of State and Provincial Psychology Boards
567 (ASPPB). This organization includes state, provincial, and territorial agencies responsible for the
568 licensure and certification of psychologists throughout the United States and Canada. Currently, the
569 psychology boards of all 50 states of the United States, the District of Columbia, the U.S. Virgin
570 Islands, Puerto Rico, Guam and all 10 provinces of Canada are members of ASPPB. The Board’s
571 membership includes voting privileges, and the Board’s Executive Officer is a standing member of

ASPPB's Board Administrators and Regents Committee (BARC). Attendance is required to exercise voting privileges in this association.

ASPPB was formed in 1961 to serve psychology boards in their mission of public protection. ASPPB is the owner and developer of the national licensing 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 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. The Board utilizes the services of the Department of Consumer Affairs' Office of Professional Examination Services to conduct an audit of the national examination every seven years. The ASPPB conducts a complete occupational analysis every five to seven years. Its next occupational analysis is scheduled to be conducted in June 2016. ASPPB conducts a review of the EPPP every six months.

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, maintains a Credentials Verification Program (CVP) and Credentials Bank, and provides an EPPP Score Transfer Service. ASPPB acts nationally as the 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 use and/or adoption by state and provincial psychology boards.

ASPPB conducts its Annual Meeting of Delegates in October of each year, and its Midyear Meeting in April of each year. Unfortunately, due to budget constraints, since the last Sunset Review, the Board has only been able to attend two of the last eight meetings. The meetings attended were in October 2012 in San Francisco and October 2014 in Rancho Mirage.

6. Provide each quarterly and annual performance measure report for the Board as published on the DCA website.

See attached quarterly and annual performance measure reports in section 12 Attachment D. The reports are available on the DCA website and are current through December 2014.

7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The Board is committed to improving the way the licensing unit conducts business. A satisfaction survey 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 every email correspondence sent by the licensing analysts. The following is the list of the questions being asked on the satisfaction survey and the results for each question by fiscal year.

1. How did you first contact the Board's Licensing/Registration Unit?

Fiscal Year	By Telephone	In Person	Website/E-mail	Other
2011/2012	47	10	209	9
2012/2013	7	0	12	5
2013/2014	17	0	22	2
2014/2015	61	3	141	13

2. Please rate the ability of staff in addressing your questions or concerns.

Fiscal Year	Excellent	Very Good	Good	Fair	Poor
2011/2012	156	40	27	2	2
2012/2013	9	7	2	7	7
2013/2014	8	9	8	7	11
2014/2015	103	42	22	16	30

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

Fiscal Year	Excellent	Very Good	Good	Fair	Poor
2011/2012	166	43	16	9	1
2012/2013	11	8	4	4	7
2013/2014	13	7	8	6	11
2014/2015	111	38	14	15	19

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

Fiscal Year	Excellent	Very Good	Good	Fair	Poor
2011/2012	150	33	24	5	3
2012/2013	8	3	3	3	13
2013/2014	8	7	3	6	19
2014/2015	103	37	24	11	37

APPLICATION PROCESS

5. Type of Application

Fiscal Year	Licensing Application	Registration Application
2011/2012	96	80
2012/2013	6	17
2013/2014	23	16
2014/2015	163	44

6. Please rate the ease of completing the application.

Fiscal Year	Excellent	Very Good	Good	Fair	Poor
2011/2012	54	39	26	6	0
2012/2013	5	5	7	2	4
2013/2014	6	11	8	8	5
2014/2015	52	73	41	12	14

7. Was the application processed in a timely manner?

Fiscal Year	Yes	No
20/11/2012	142	17
2012/2013	6	17
2013/2014	13	22
2014/2015	127	52

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

Fiscal Year	Yes	No
2011/2012	124	44
2012/2013	8	2
2013/2014	12	10
2014/2015	104	53

9. How would you rate the courteousness, helpfulness and responsiveness of the staff person who processed your application?

Fiscal Year	Excellent	Very Good	Good	Fair	Poor
2011/2012	107	22	20	4	3
2012/2013	4	4	4	3	5
2013/2014	15	5	3	5	9
2014/2015	111	27	19	12	22

10. How did you apply?

Fiscal Year	On-line	U.S. Mail
2011/2012	28	101
2012/2013	1	16
2013/2014	5	26
2014/2015	41	141

EXAMINATION PROCESS (LICENSURE APPLICANTS ONLY)

11. How would you rate your experience with the scheduling process to sit for the Examination for Professional Practice of Psychology (EPPP)? (if applicable)

Fiscal Year	Excellent	Very Good	Good	Fair	Poor
2011/2012	26	19	8	4	1
2012/2013	4	2	0	6	3
2013/2014	4	3	8	2	1
2014/2015	39	32	21	6	3

12. How would you rate your experience with Psychological Services, Inc. (PSI) and the scheduling process for the California Psychology Supplemental Examination (CPSE) or the California Psychology Laws and Ethics Examination (CPLEE)?

Fiscal Year	Excellent	Very Good	Good	Fair	Poor
2011/2012	23	15	6	0	0
2012/2013	4	3	0	0	2
2013/2014	3	2	5	2	2
2014/2015	38	26	22	5	11

OVERALL EXPERIENCE

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

Fiscal Year	Excellent	Very Good	Good	Fair	Poor
2011/2012	153	37	20	10	6
2012/2013	3	3	0	2	6
2013/2014	1	8	3	5	11
2014/2015	74	47	20	17	31

**Section 3
Fiscal and Staff**

Fiscal Issues

8. Describe the board's current reserve level, spending, and if a statutory reserve level exists.

The Board is authorized to spend \$4,863,000 in Fiscal Year 2015/16. The Board's current reserve level is 12.8 months.

The Board is in compliance with Business and Professions Code section 128.5 by ensuring its reserves do not exceed more than its operating budget for the next two fiscal years.

9. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The Board does not anticipate a deficit, nor does it expect to increase or decrease any of its fees.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17
Beginning Balance	\$4,168	\$4,616	\$5,247	\$5,649	\$5,211	\$4,242
Revenues and Transfers	\$3,612	\$3,669	\$3,888	\$4,034	\$3,902	\$5,803
Total Revenue	\$7,780	\$8,285	\$9,135	\$9,683	\$9,113	\$16,345
Budget Authority	\$4,266	\$4,390	\$4,525	\$4,669	\$4,863	\$5,239
Expenditures	\$3,160	\$3,203	\$3,526	\$4,472	\$4,871	\$5,239
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$1,861
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$6,300
Fund Balance*	\$4,620	\$5,082	\$5,609	\$5,211	\$4,242	\$11,106
Months in Reserve	17.3	17.3	15.1	12.8	9.7	24.9

*Fund balance displays pre-adjustment total.

10. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

A loan of \$5.0 million was made from the Board to the General Fund in Fiscal Year (FY) 2002/03. \$3.8 million is scheduled for repayment in FY 2016/17; \$1.2 million is scheduled for repayment in FY 2017/18.

A loan of \$2.5 million was made from the Board to the General Fund in FY 2008/09, and is scheduled for repayment in FY 2016/17.

Interest is scheduled to be paid in FY's 2016/17 and 2017/18, at which time there will be no remaining balance.

	02-03	08-09	16-17	17-18	16-17	17-18	
Budget Act of 2002	\$5,000	\$0	\$3,800	\$1,200	\$1,270	\$478	\$0
Budget Act of 2008	\$0	\$2,500	\$2,500	\$0	\$591	\$	\$0

11. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

The Board operates on an annual budget of \$4.8 million, with approximately --% of its budget devoted to enforcement activities, --% to examination and licensing functions, --% to DCA pro rata costs, and administration making up the remaining --%.

	FY 2011/12		FY 2012/13		FY 2013/14		FY 2014/15	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$432,252	\$1,552,573						
Examination	\$16,191							
Licensing	\$345,802							
Administration *	\$182,501							
DCA Pro Rata	N/A	\$368,858						
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	\$	\$	\$	\$	\$	\$	\$	\$

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

All licenses expire at 12 midnight of the legal birth date of the licensee during the second year of a two-year term, and biennially thereafter. Psychological assistants renew annually on the date of issuance of the registration. There have been no changes to the renewal cycle in the last 10 years;

670
671
672
673
674
675

however, effective January 1, 2016, the renewal cycle for the licensed psychologist will change to two years from the date of issuance. Prior to January 1, 2013, the psychology license renewal fee was \$410 (California Code of Regulations section 1392(e) (\$400)) and Business and Professions Code section 2987.2 (plus \$10)). The fee increased on January 1, 2013, to \$420 (California Code of Regulations section 1397.69 (plus \$10)).

Table 4. Fee Schedule and Revenue (list revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	FY 2014/15 Revenue	% of Total Revenue
LICENSING FEES							
Application Fee (Psychologist) B&P Code 2987/CCR 1392	\$40	\$50	46,720	49,680	56,840	45,560	
Application Fee (Psych. Assistant) B&P Code 2987/CCR 1392.1	\$40	\$75	36,920	37,960	39,080	46,640	
Initial License Fee (Psychologist) B&P Code 2987/CCR 1392	\$400	\$500	306,000	300,800	252,888	357,680	
MHPEF* B&P 2987.2	\$10	\$10	N/A	N/A	N/A	N/A	
California Psychology Supplemental Examination (CPSE) B&P Code 2987/CCR 1392	\$129	Actual cost to Board	112,593	117,399	129,902	149,898	
California Psychology Laws & Ethics Examination (CPLEE) B&P Code 2987/CCR1392	\$129	Actual cost to Board	8,514	10,719	8,127	36,058	
CE Evaluation Fee**	\$10	\$10	N/A	N/A	48,130	79,430	
Biennial Renewal Fee (Psychologist) B&P Code 2987	\$400	\$500	2,971,684	3,019,800	3,144,851	3,136,771	
Inactive Renewal Fee (Psychologist) B&P Code 2988/CCR 1392	\$50	\$40	55,125	52,160	59,280	56,895	
Annual Renewal Fee (Psych. Asst.) B&P Code 2987/CCR 1392.1	\$40	\$75	33,480	38,880	32,420	31,620	
Delinquent Fee (Psychologist) B&P Code 2987	\$25	\$25	6,450	4,400	13,405	12,610	
Delinquent Fee (Psych. Asst.) CCR 1392.1	\$20	***	1,680	2,320	1,360	1,140	
Duplicate License Fee B&P Code 2987	\$5	\$5	1,570	1,835	1,715	2,240	
Delinquent Inactive Renewal Fee	\$25	\$25	4,025	6,250	350	10	
Certification/Letter of Good Standing***	\$5	\$5	215	425	740	1,390	
Endorsement Fee*** B&P Code 2987	\$5	\$5	1,040	940	385	0	
FINES & PENALTIES							
Investigative Cost Recovery	Varies	N/A	77,255	58,048	74,092	42,834	
Probation Monitoring	Varies	N/A	18,491	46,756	34,473	30,427	
Citations & Fines	Varies	\$5,000	5,500	8,025	5,400	22,701	
OTHER							
Sale of Documents	\$10.00	N/A	1,346	1,160	1,329		
Revenue Cancelled Warrants	Variable	N/A	441.00	1,310.00	375.00		

Dishonored Check Fee	\$10.00	N/A	565.00	0.00	150.00		
License Convenience Fees	Variable	N/A	25,552	25,600	8,181	0	
Fingerprint Fees	Variable	N/A	14,375	5,454	3,083	3,183	

*In addition to the \$400 for the biennial renewal of a license the Board collects a fee of \$10 pursuant to B&P Code section 2987.2 at the time of renewal. The Board transfers this amount to the Controller who deposits the funds in the Mental Health Practitioner Education Fund (MHPEF).

**Beginning 10/31/13 an additional \$10.00 fee for conducting random CE audits is collected at the time of renewal for active status. CCR 1397.69 eff 1/1/13.

***This revenue category has been discontinued effective May 9, 2013. All fees for Endorsements will be deposited into Acct Code 125600 3V - Cert/Letters of Good Standing.

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

The Board of Psychology submitted one Budget Change Proposal (BCP) in the past four fiscal years. In fiscal year 2014/15, the Board requested 3.0 Staff Services Analyst positions to address the increasing workload and what was then a significant backlog in the Board's licensing unit. The Board indicated it would fund the request within existing resources. This BCP was approved.

Table 5. 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
1110-33	2014/2015	Licensing Application and Registration Analysts	3.0	3.0	\$0	\$0	\$0	\$0

Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Once the hiring freeze and furloughs were lifted, the Board's staffing issues were greatly minimized. The Board has engaged the services of Cooperative Personnel Services (CPS) Human Resource Consulting. CPS conducted an analysis of the Board's programs. As a result of the analysis, the Board will be pursuing classification changes and reorganization of its programs. The Board will be engaging CPS to assist in the future with succession planning.

15. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

In addition to on-the-job training and cross-training measures, the Board utilizes the Department of Consumer Affairs' Strategic Organization, Leadership and Individual Development (SOLID) for staff development purposes. SOLID provides a wide variety of options for staff to consider when seeking or recommending developmental opportunities.

In addition to SOLID, Board staff has participated in developmental opportunities offered by such entities as Los Rios Community College and Council on Licensure, Enforcement and Regulation (CLEAR), in the following amounts:

FY 2014/15	\$3,206
FY 2013/14	\$1,837
FY 2012/13	\$458
FY 2011/12	\$2,515

Section 4

16. What are the board’s performance targets/expectations for its licensing¹ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

Section 1381.6 of the California Code of Regulations (CCR) establishes the permit processing times for the Board. The permit processing times are established for each of the Board’s licensure/registration categories as follows:

<u>Type of application:</u>	<u>Maximum time for notification</u>
Licensed Psychologist:	60 days
Registered Psychologist:	60 days
Registered Psychological Assistant:	180 days

The Board’s licensing unit is well within the maximum time allowed for the processing of applications. As of the most recent report to the Board from the licensing unit (November 2015), all applicants are informed if their applications are complete or deficient within an average of 14 business days from receipt of the application. The data below represents the current time frames to process new applications:

<u>Type of application:</u>	<u># of business days*</u>
Licensed Psychologist:	14
Registered Psychologist:	9
Registered Psychological Assistant:	4

*Data as of November 23, 2015

17. Describe any increase or decrease in the board’s average time to process applications, administer examinations and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

¹The term “license” in this document includes a license certificate or registration.

The current application processing times have significantly improved in the 2013/14 and 2014/15 fiscal years due to the increase of staff in the Licensing Unit and with the improvement of application processing procedures. Licensing staff has maintained a two-week or less process time frame for new applications, which is far below what is required by Section 1381.6 of the CCR. Pending applications have not grown at a rate that exceeds completed applications.

The Board has identified parts of the application process that are barriers to processing applications. For example, B&P Code section 2914 requires supervisors to submit documentation of supervised professional experience (SPE) directly to the Board. Legislation recently signed will allow the applicant to include this required documentation along with their application. This change will speed up the application process and eliminate unnecessary paperwork from the licensing process. The Board will promulgate regulations to implement the new process.

Beginning July 1, 2015, automated performance measures were implemented to track processing times from receipt of an application to issuance of a license or registration. These performance measures can also track the processing times for each licensing analyst.

18. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population					
		FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
PSYCHOLOGIST	Active	20183	22682	22240	20509
	Out-of-State****	N/A	N/A	N/A	N/A
	Out-of-Country****	N/A	N/A	N/A	N/A
	Delinquent	745	835	1751	1837
REGISTERED PSYCHOLOGIST	Active	321	317	307	286
	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	1832	1717	1707	1671
	Out-of-State*	N/A	N/A	N/A	N/A
	Out-of-Country*	N/A	N/A	N/A	N/A
	Delinquent	45	79	***846	***914

* Registered Psychologists and Psychological Assistants are not registered to practice outside of California.

** Registered Psychologists do not renew so there is no delinquent status

***BreEZe calculates this information differently. Prior year information was a snapshot of data versus what appears to be a collective running total under BreEZe.

**** Licensed Psychologist who reside outside of California hold the same active or inactive license status code as those who are located in California. Therefore, BreEZe does not distinguish this data.

Table 7a. Licensing Data by Type cells are blank because BreEZe cannot provide accurate information. BreEZe fix went into effect 7/1/15 for future reporting purposes- Lani is confirming and will explain why fiscal year data prior to Breeze is not available											
Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2011/12	(Examination)**	1412	2528	n/a	n/a	-	-	-	-	-	-
	(License)	1412	2528	636	636	-	-	-	-	-	-

	(Renewal)	8624	8921	n/a	n/a	-	-	-	-	-	-
FY 2012/13	(Examination)**	1242	2583	n/a	n/a	-	-	-	-	-	-
	(License)	1242	2583	686	686	-	-	-	-	-	-
	(Renewal)	8739	8629	n/a	n/a	-	-	-	-	-	-
FY 2013/14	(Examination)**	1412	1851	n/a	n/a	-	-	-	-	-	-
	(License)	1412	1851	747	747	-	-	-	-	-	-
	(Renewal)	9389	9778	n/a	n/a	-	-	-	-	-	-

* Optional. List if tracked by the board.

** NOTE: The Board's examinations are integrated in the application for licensure process. The number of applications received to take examinations will be the same as the number of applications received for licensure. The number of approved examinations will be the same as the number of approved license applications. The numbers for the approved examinations are considerably higher than the received applications because these numbers reflect approved first timers and repeat takers. The Table also reflects the total number of test takers for the year (CPSE, CPLEE and EPPP)

778

Table 7b. Total Licensing Data			
	FY 2012/13	FY 2013/14	FY 2014/15
Initial Licensing Data:			
Initial License/Initial Examination Applications Received	1962	4851	5054
Initial License/Initial Examination Applications Approved	1509	3603	4552
Initial License/Initial Examination Applications Closed	104	713	450
License Issued	1494	1945	3941
Initial License/Initial Examination Pending Application Data:			
Pending Applications (total at close of FY)	1069	1577	1592
Pending Applications (outside of board control)*	0	2	75
Pending Applications (within the board control)*	322	496	630
Initial License/Initial Examination Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	87	69	Pending
Average Days to Application Approval (incomplete applications)*	0	48	32
Average Days to Application Approval (complete applications)*	282	242	266
License Renewal Data:			
License Renewed	9518	9606	10010

* Optional. List if tracked by the board.

779

780

19. How does the board verify information provided by the applicant?

781

782

a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

783

784

785

786

787

788

789

The Board requires every applicant for a registration and license to be fingerprinted for a criminal history background check. Once the applicant has completed the fingerprinting process, the Department of Justice (DOJ)/Federal Bureau of Investigation provides the background information directly to BreEZe. Authorized Board staff retrieves the applicant's background report. Applicants with a clear criminal history report continue with the application review process. Applicants with a conviction history are requested to provide court certified documentation regarding the arrest and the conviction. Enforcement staff reviews the criminal history documentation to determine if the

790 conviction is substantially related to the practice of psychology. If a substantial relationship exists, the
791 application may be denied.

792 Prior to the issuance of a license or registration, Board staff checks BreEZe to determine if any
793 disciplinary action has been filed against the applicant. The Board also accesses the ASPPB
794 Disciplinary Data Bank to determine if an applicant has ever been disciplined by another state board
795 or jurisdiction.

796 Once the applicant is licensed or registered, the Board will receive subsequent arrest information
797 from the DOJ via a secure mailer server system. Staff checks the secure mail server daily for
798 subsequent arrest or conviction records and forwards any applicable records to the Board's
799 Enforcement Unit for further review.

800 **b. Does the board fingerprint all applicants?**

801 Every applicant for a license or registration must complete the fingerprint process.

802 **c. Have all current licensees been fingerprinted? If not, explain.**

803 Effective March 2011, Board licensees and registrants who had not previously submitted fingerprints
804 to the DOJ, or for whom an electronic fingerprint record did not exist, were required as a condition of
805 renewal of the license or registration to submit a set of fingerprints to the DOJ for the purpose of
806 conducting a criminal history record check (California Code of Regulations section 1381.7).

807 The Board obtained information from the DOJ to identify each of its current licensees and registrants
808 who had not previously submitted fingerprints to the DOJ, or for whom an electronic fingerprint record
809 did not exist. Through notifications, renewal delays, and tracking, the Board was able to gain
810 compliance with all but approximately 35 licensees. The Board is communicating with those
811 individuals and expects to obtain compliance by the expiration dates of the licenses.

812 **d. Is there a national databank relating to disciplinary actions? Does the board check the
813 national databank prior to issuing a license? Renewing a license?**

814 The ASPPB maintains a national data bank of disciplinary actions taken against licensees in every
815 state, Canadian province and U.S. territory. Licensing staff conducts a manual check of the databank
816 for each of its applicants prior to the issuance of every license or registration. Renewing licensees
817 and registrants are required to disclose on their renewal application, under penalty of perjury, whether
818 or not, since their last renewal, they have had any license disciplined by a government agency or
819 other disciplinary body. In 2012, the Board promulgated regulation section 1397.2(d)(2) to include in
820 the definition of unprofessional conduct any failure to disclosure disciplinary action taken by another
821 licensing entity or authority of this state or of another state or an agency of the federal government or
822 United States military.

823 The Board will begin requesting disciplinary records from the national databank for renewal purposes.

824 **e. Does the board require primary source documentation?**

825 The Board performs primary source verification by reviewing official transcripts submitted directly by
826 the educational institution. Additionally, the Board requires verification of applicants' supervised
827 professional experience to be signed by all relevant supervisors.

828 **20. Describe the board's legal requirement and process for out-of-state and out-of-country
829 applicants to obtain licensure.**

830 Section 2914(b) of the B&P Code requires each applicant for licensure to possess a doctoral degree
831 in psychology, educational psychology, or in education with a field of specialization in counseling
832 psychology or educational psychology from a regionally accredited educational institution in the
833 United States or Canada, or from an educational institution in California that is approved by the
834 Bureau for Private Postsecondary Education (BPPE). It provides that applicants for licensure trained

835 in an educational institution outside the United States or Canada shall demonstrate to the satisfaction
836 of the Board that they possess a doctorate degree in psychology that is equivalent to a degree
837 earned from a regionally accredited university in the United States or Canada. These applicants shall
838 provide the Board with a comprehensive evaluation of their degree by a foreign credential evaluation
839 service that is a member of the National Association of Credential Evaluation Services (NACES), and
840 any other documentation the Board deems necessary.

841
842 Section 2914(c) of the B&P Code also requires each applicant to have engaged for at least two years
843 in supervised professional experience under the direction of a licensed psychologist. Section
844 1387.4(a) of the CCR requires that all out-of-state supervised professional experience be supervised
845 by a psychologist licensed at the doctoral level in the State, U.S. territory or Canadian province in
846 which the experience is taking place, in compliance with all laws and regulations of the jurisdiction in
847 which the experience was accrued, and in substantial compliance with all the supervision
848 requirements of section 1387. SPE can be accrued at a U.S. military installation so long as the
849 experience is supervised by a qualified psychologist licensed at the doctoral level in the U.S. or
850 Canada. Additionally, section 1387.4(c) provides that supervised professional experience can be
851 accrued in countries outside the United States or Canada that regulate the profession of psychology
852 pursuant to the same requirements as set forth in section 2914 of the B&P Code. Supervision
853 accrued outside the United States, its territories, or Canada must comply with all the supervision
854 requirements of section 1387, and the burden shall be on the applicant to provide the necessary
855 documentation and translation that the Board may require to verify the qualification of the experience.

856
857 Section 1388.6 of the California Code of Regulations sets forth a waiver of the Examination for
858 Professional Practice in Psychology (EPPP) for applicants for licensure as a psychologist who have
859 been licensed in another state, Canadian province or U.S. territory for at least five years. Although the
860 EPPP is waived under this section, an applicant must file a complete application and meet all current
861 licensing requirements, including payment of any fees, take and pass the California Psychology Law
862 and Ethics Examination (CPLEE), and not have been subject to discipline. Those out-of-state
863 applicants who have been licensed for at least five years and who hold a Certificate of Professional
864 Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB), is
865 credentialed as a Health Service Provider in Psychology by the National Register of Health Service
866 Providers in Psychology (NRHSPP), or is certified by the American Board of Professional Psychology
867 (ABPP) are deemed to have met the educational and experience requirements of subdivisions (b)
868 and (c) of section 2914 of the B&P Code.

869
870 **21. Describe the board's process, if any, for considering military education, training, and**
871 **experience for purposes of licensing or credentialing requirements, including college**
872 **credit equivalency.**

873 **a. Does the board identify or track applicants who are veterans? If not, when does the**
874 **board expect to be compliant with BPC § 114.5?**

875 The Board requires applicants to identify if the applicant has served in the military as required by BPC
876 § 114.5. The Department of Consumer Affairs is currently working on adding a tracking mechanism in
877 BreZE for the Board to be in compliance with this section.

878 **b. How many applicants offered military education, training or experience towards meeting**
879 **licensing or credentialing requirements, and how many applicants had such education,**
880 **training or experience accepted by the board?**

881 The Board does not make a distinction between applicants with military education, training or
882 experience from those submitting education, training or experience accrued in other settings.
883 Supervised professional experience can be accrued at a U.S. military installation if the experience is

supervised by a doctoral level psychologist who is licensed in the U.S. or Canada. Military education and experience is evaluated the same as any qualifying experience accrued under the supervision of a doctoral level psychologist.

c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

Section 1387.4(b) of the CCR permits supervised professional experience to be accrued at a U.S. military installation so long as the experience is supervised by a qualified psychologist who is licensed at the doctoral level in the U.S. or Canada.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

The Board has received and processed one waiver from the renewal fee of a licensed psychologist who had been called to active duty. The licensee had already completed the required CE; therefore, there was no need to waive the CE requirement.

e. How many applications has the board expedited pursuant to BPC § 115.5?

The Board has expedited 22 applications.

22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The Board sends No Longer Interested (NLI) notifications to DOJ on a regular and ongoing basis. The NLI's are submitted manually to the DOJ and there is no backlog.

Examinations

Table 8. Examination Data			
California Examination (include multiple language) if any:			
License Type		Out-of-State Applicant Psychologist	In-State Applicant Psychologist
Examination Title		California Psychology Laws and Regulations	California Psychology Supplemental Examination
FY 2011/12	# of 1 st Time Candidates	29	625
	Pass %	70%	87.15%
FY 2012/13	# of 1 st Time Candidates	43	604
	Pass %	58.93%	88.84%
FY 2013/14	# of 1 st Time Candidates	36	550
	Pass %	67.39%	86.79%
FY 2014/15	# of 1 st Time Candidates	52	687
	Pass %	59.65%	65.30%
Date of Last OA		2004	2004
Name of OA Developer		Office of Professional Examination Service	Office of Professional Examination Service
Target OA Date		04/2012	Examination eliminated on 06/2015 and was replaced by the CPLEE
National Examination (include multiple language) if any:			
License Type		Psychologist	

Examination Title		Examination for Professional Practice in Psychology
FY 2011/12	# of 1 st Time Candidates	553
	Pass %	84.90%
FY 2012/13	# of 1 st Time Candidates	676
	Pass %	80%
FY 2013/14	# of 1 st Time Candidates	710
	Pass %	78.79%
FY 2014/15	# of 1 st time Candidates	620
	Pass %	66.62%
Date of Last OA		2010
Name of OA Developer		Association for State and Provincial Psychology Boards
Target OA Date		07/2016

Effective July 1, 2015, all applicants must take and pass the CPLEE.

23. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?

The national examination required for licensure is the Examination for Professional Practice in Psychology (EPPP) administered by ASPPB, and the California examination required for licensure is the California Psychology Laws and Ethics Examination (CPLEE) which is administered by the Board.

24. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data)

In the past four fiscal years, the Board has seen a higher pass rate for first time test takers than repeat test takers. The Table below indicates the pass rate percentages of first time test takers versus repeat test takers.

Fiscal Year	CPLEE		CPSE		EPPP	
	(%) Pass Rate of 1st Timers	(%) Pass Rate of Repeaters	(%) Pass Rate of 1st Timers	(%) Pass Rate of Repeaters	(%) Pass Rate of 1st Timers	(%) Pass Rate of Repeaters
2011/12	70%	28.57%	87.45%	45.64%	84.90%	20.25%
2012/13	59.93%	45.09%	88.84%	42.85%	80%	27.15%
2013/14	67.39%	38.46%	86.79%	24.10%	78.79%	28.41%
2014/15	59.65%	38.98%	65.30%	44.03%	66.62%	38.27%

25. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The EPPP and CPLEE are both computer-based examinations. Applicants approved for the EPPP and CPLEE are notified of their eligibility via email by the Board, as well as by the examination vendor. Applicants are instructed to visit a secure website to schedule their examinations. Both examinations are available six days a week at secure testing locations throughout the state. The EPPP is developed and maintained by ASPPB and administered by Pearson VUE. Pearson VUE currently owns 22 examination site locations in California, 249 locations throughout the rest of the

928 U.S. and 40 locations in Canada. Pearson VUE also contracts with additional examination sites
929 located throughout the U.S. and Canada. The CPLEE is administered by Psychological Services, Inc.
930 There are 17 California examination site locations and 22 out-of-state examination sites. Applicants
931 taking the EPPP are allowed to take the examination four times within a 12-month period. The
932 CPLEE has a new examination version available every three months, making the examination
933 available to candidates four times per year.

934 **26. Are there existing statutes that hinder the efficient and effective processing of applications**
935 **and/or examinations? If so, please describe.**

936 The Board is in the process of reviewing and updating all statutes and regulations that affect the
937 pathways to licensure and registration by identifying confusing and obsolete sections that are not in
938 keeping with the realities of current training environments, education and/or new technologies. For
939 example, section 2913 of the Code lists the requirements for registration as a psychological assistant.
940 In subsection (d) the statute indicates which entities can employ a psychological assistant. The list is
941 narrow and outdated. Many applicants are unclear how their employment setting applies to the
942 outdated employment settings permissible in the statute. Consequently, many applications are
943 completed incorrectly, resulting in processing delays and backlogs. This section needs to be
944 amended to reflect working environments currently available to psychological assistants.

945 **School approvals**

946
947
948 **27. Describe legal requirements regarding school approval. Who approves your schools?**
949 **What role does BPPE have in approving schools? How does the board work with BPPE in**
950 **the school approval process?**

951
952 Section 2914(g) of the B&P Code requires the Board to accept doctoral degrees in psychology from
953 certain approved schools. An applicant holding a doctoral degree in psychology from an approved
954 institution is deemed to meet the requirements of this section if all of the following are true: (1) The
955 approved institution offered a doctoral degree in psychology designed to prepare students for a
956 license to practice psychology and was approved by the Bureau for Private Postsecondary and
957 Vocational Education on or before July 1, 1999. (2) The approved institution has not, since July 1,
958 1999, had a new location, as described in Section 94721 of the Education Code. (3) The approved
959 institution is not a franchise institution, as defined in Section 94729.3 of the Education Code.
960 The Board has no authority over school approvals or their operation and curriculum. School approvals
961 are conducted solely by the Bureau for Private Postsecondary Education (BPPE).
962

963 **28. How many schools are approved by the board? How often are approved schools**
964 **reviewed? Can the board remove its approval of a school?**

965 The Board does not approve schools and has no authority to do so. There are currently six (6)
966 schools approved by the BPPE that meet the criteria listed above.

967 **29. What are the board's legal requirements regarding approval of international schools?**

968 The Board does not approve international schools. However, Section 2914 of the B&P Code provides
969 that an applicant for licensure trained in an educational institution outside the United States or
970 Canada shall demonstrate to the satisfaction of the Board that he or she possesses a doctorate
971 degree in psychology that is equivalent to a degree earned from a regionally accredited university in
972 the United States or Canada. These applicants shall provide the Board with a comprehensive
973 evaluation of the degree performed by a foreign credential evaluation service that is a member of the
974 National Association of Credential Evaluation Services (NACES), and any other documentation the
975 Board deems necessary.
976

977 **Continuing Education/Competency Requirements**

978 **30. Describe the board's continuing education/competency requirements, if any. Describe any**
979 **changes made by the board since the last review.**

980 Currently, the Board requires all licensees to accrue 36 hours of continuing education each renewal
981 cycle in order to maintain their license. The Board is now developing proposed regulatory changes
982 that would allow a move from a narrow continuing education model to a broader model that focuses
983 on continuing professional development (CPD).

984 **a. How does the board verify CE or other competency requirements?**

985 The Board's renewal application requests that the licensees self-certify under penalty of perjury the
986 amount of CE hours they accrued. The Board then conducts random CE audits of 10% of the
987 licensees renewing each month to verify that the licensees have obtained the required 36 approved
988 hours as certified on their renewal application. The most common way of verifying CE hours is by
989 requesting and reviewing certificates of attendance.

990 **b. Does the board conduct CE audits of licensees? Describe the board's policy on CE**
991 **audits.**

992 The Board conducts random CE audits of 10% of the licensees renewing each month. Selected
993 licensees are mailed an initial audit notice and are given 30 days from the date of the notice to submit
994 CE course certificates to verify completion of the required CE. If the Board does not receive a
995 response, a final notice is mailed to the licensee that gives him or her an additional 30 days from the
996 date of the final notice to submit the requested documentation. If a licensee does not submit
997 verification of enough hours or submits certificates that do not meet the Board's requirements, he or
998 she is sent a deficiency letter and is given an additional 30 days to submit corrected certificates or
999 additional hours accrued within the applicable renewal period in order to be in compliance. If a
000 licensee passes the audit, he or she is sent a compliance letter.

001 **c. What are consequences for failing a CE audit?**

002 If a licensee fails a CE audit, or fails to submit documentation of his or her CE upon the Board's
003 request, he or she is issued a citation order. The citation requires the individual to comply with an
004 order of abatement to accrue the hours he or she is deficient, and to pay a fine. If the individual wants
005 to contest a citation or fine, they can request an informal conference or an administrative hearing.

006 **d. How many CE audits were conducted in the past four fiscal years? How many fails?**
007 **What is the percentage of CE failure?**

008 Prior to January 2013, the Mandatory Continuing Education for Psychologists Accreditation Agency
009 (MCEPAA), a subdivision of the California Psychological Association (CPA), was responsible for
010 auditing 100% of psychologists renewing each month. Beginning January 2013, the Board assumed
011 the auditing process, auditing 10% of psychologists renewing each month.

012 Since January 2013, a total of 1,664 CE audits have been conducted. Out of those, 108 licensed
013 psychologists, or 6.5%, have failed the audit.

014 **e. What is the board's course approval policy?**

015 Currently, the Board accepts CE courses that are:

- 016 • provided by the American Psychological Association (APA) or its approved sponsors;
- 017 • provided by the California Psychological Association (CPA) or its approved sponsors;
- 018 • Continuing Medical Education (CME) courses specifically applicable and pertinent to the
019 practice of psychology that are accredited by the California Medical Association (CMA) or the
020 Accreditation Council for Continuing Medical Education (ACCME).

f. **Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?**

The Board does not approve CE providers or CE courses. Currently, the APA, CPA, and CMA/ACCME approve CE providers and CE courses. The Board is in the process of updating its CE regulations to include a model of Continuing Professional Development (CPD). That model will provide for additional entities to approve CE providers and CE courses.

g. **How many applications for CE providers and CE courses were received? How many were approved?**

The Board does not approve CE providers or CE courses; therefore, the Board did not receive any applications.

h. **Does the board audit CE providers? If so, describe the board's policy and process.**

The Board does not audit CE providers.

i. **Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.**

The Board's effort to review the CE policy can be seen through its development of the Continuing Professional Development (CPD) model. The model was recommended by the Association of State and Provincial Psychology Boards (ASPPB) and was considered by the Board in order to provide additional avenues for maintaining competence. These additional options are meant to expand the ways licensees increase their learning and maintain competency and include avenues for performance-based assessments of licensees' competence. The use of peer review is an example of CPD that accomplishes performance-based competency. The Board is currently seeking to make changes to statute and regulations in order to move forward with the implementation of this model.

Section 5 Enforcement Program

31. **What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

In 2010, at the direction of Governor Arnold Schwarzenegger, the Department of Consumer Affairs (DCA) developed the Consumer Protection Enforcement Initiative (CPEI) to monitor and streamline the enforcement processes of all health boards. The DCA established measures for each board to complete consumer complaints within 12-18 months. The Board has consistently met all of its performance measures with the exception of Performance Measure 4-Formal Discipline. The DCA set the performance measure at 540 days. However, this measure includes case involvement outside of the Board's control. For example, cases referred to the Office of the Attorney General and the Office of Administrative Hearings is included in Performance Measure 4. The Board is currently working on ways to reduce processing times for Performance Measure 4 by reducing the amount of time given to a respondent during settlement negotiations, and requesting that Accusations/Statement of Issues be filed within 30 days of transmittal to the Office of the Attorney General.

Performance Measure (PM)	Definition	Performance Target
PM 1 Volume	Number of complaints and convictions received.	*

PM 2 Intake	Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.	9 days
PM 3 Intake/ Investigation	Average number of days to complete the entire enforcement process for cases not transmitted to the AG (Includes intake and investigation)	80 days
PM 4 Formal Discipline	Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation and transmittal outcome)	540 days
PM 5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**
PM 6 Customer Satisfaction	Consumer satisfaction with the service received during the enforcement process.	80% Satisfaction
PM 7 Probation/ Intake	Average number of days from monitor assignment, to date the monitor makes first contact with the probationer.	7 days
PM 8 Probation Violation Response	Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.	10 days

* Complaint volume is counted and is not considered a performance measure.

** Data not collected

32. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board's enforcement workload is trending higher and has increased by 24% since the last Sunset Review in 2011. In fiscal year 2014/15, the Board received the largest number of complaints and arrest/convictions totaling 972 cases (see Table 9a). By comparison, the Board's 2011 Sunset Review reported receiving 786 total cases. The increase in consumer complaints can be attributed to the increase in the total population of licensees and registrants in the last several years, as well as consumer awareness, and the Board's outreach efforts in promoting consumer services through social media.

There have been several performance barriers that the Board has faced over the last several years. For instance, prior to June 2014, there was no Enforcement Program Manager to assist in direct oversight of staff and provide guidance. Prior to 2014, an Associate Governmental Program Analyst was responsible for overseeing the program in addition to processing discipline cases. Since the hire of the Enforcement Program Manager, enforcement duties have been reassigned to better streamline processes. For example, all enforcement staff, with the exception of the probation monitor, is responsible for their assigned cases from initial assignment through the adjudication process, improving case quality and efficiency. Also, weekly case reviews are performed by the Enforcement Program Manager to ensure staff is investigating its cases within the allocated performance measure timeframes.

In addition, enforcement processes involving conviction cases were improved. Previously, the Board was referring every conviction case to the DCA's Health Quality Investigative Unit for review, processing, and submission to the Office of the Attorney General. By utilizing the Board's staff, processing of all conviction cases are now performed by the in-house Special Investigator, enabling the investigator to refer these types of cases directly to the Office of the Attorney General for filing of a Statement of Issues or an Accusation.

Furthermore, the Board's Expert Reviewer Training Program was limited to only 40 experts, which at times caused delays for cases to be reviewed. To increase the pool of experienced and qualified expert applicants, the Board approved increasing expert fees. Subsequently, 60 new experts were hired to the program, and the Board has held expert training to discuss new trends in psychology. There are currently 100 Board experts. As a result, the Board expects cases to be reviewed within 30 days of assignment.

The Enforcement Unit is currently performing a comprehensive review of its enforcement processes. The review includes procedural steps of the complaint to closure process and eliminating any repetitive steps and the Enforcement Manuals are updated to reflect improvements. The Enforcement Unit is dedicated to completing all investigations in a complete and expeditious manner.

Last, the enforcement staff is reviewing all statutes and regulations for clarity, effectiveness, and efficiency and making recommendations for additions and amendments to the Board.

Table 9a. Enforcement Statistics			
	FY 2012/13	FY 2013/14	FY 2014/15
COMPLAINT			
Intake (Use CAS Report EM 10)			
Received	668	643	900
Closed	93	138	92
Referred to INV	575	505	808
Average Time to Close			
Pending (close of FY)	0	1	22
Source of Complaint (Use CAS Report 091)			
Public	545	462	556
Licensee/Professional Groups	12	8	16
Governmental Agencies	78	163	255
Other	33	10	73
Conviction / Arrest (Use CAS Report EM 10)			
CONV Received	43	133	72
CONV Closed	5	9	0
Average Time to Close	4	7	8
CONV Pending (close of FY)	0	0	2
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied			
SOIs Filed	5	4	10
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	445	436	68
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed	31	27	30
Accusations Withdrawn	0	1	0

Accusations Dismissed	0	0	1
Accusations Declined	1	2	0
Average Days Accusations	904	749	779
Pending (close of FY)	57	35	22

.113
.114

Table 9b. Enforcement Statistics (continued)			
	FY 2012/13	FY 2013/14	FY 2014/15
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions	3	7	5
Stipulations	19	16	15
Average Days to Complete	799	665	719
AG Cases Initiated	39	39	46
AG Cases Pending (close of FY)	22	35	57
Disciplinary Outcomes (Use CAS Report 096)			
Revocation	2	4	2
Voluntary Surrender	10	10	9
Suspension	3	2	2
Probation with Suspension	0	0	0
Probation	11	11	12
Probationary License Issued	6	3	1
Other			
PROBATION			
New Probationers	13	7	15
Probations Successfully Completed	5	3	5
Probationers (close of FY)	70	70	74
Petitions to Revoke Probation	1	2	2
Probations Revoked	0	0	0
Probations Modified	0	0	2
Probations Extended	0	0	0
Probationers Subject to Drug Testing	10	7	8
Drug Tests Ordered *	-	-	-
Positive Drug Tests *	-	-	-
Petition for Reinstatement Granted	0	0	0
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

* The Board requested this data from Phamatech. Following is the information provided.

.115
.116
.117
.118
.119
.120
.121
.122

Fluid tests performed:
7/1/14 – 6/30/15: 283
7/1/13 – 6/30/14: 268
7/1/12 – 6/30/13: 288
7/1/11 – 6/30/12: 212

Table 9c. Enforcement Statistics (continued)			
	FY 2012/13	FY 2013/14	FY 2014/15
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned	611	643	861
Closed	630	515	736
Average days to close	82	84	87
Pending (close of FY)	128	239	336
Desk Investigations (Use CAS Report EM 10)			
Closed	612	608	769
Average days to close	38	43	54
Pending (close of FY)	53	103	190
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed	0	0	1
Average days to close	0	0	6
Pending (close of FY)	0	0	1
Sworn Investigation			
Closed (Use CAS Report EM 10)	88	67	91
Average days to close	326	387	276
Pending (close of FY)	69	70	85
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued	0	2	3
PC 23 Orders Requested	3	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	2	1
Cease & Desist/Warning	10	21	19
Referred for Diversion	0	0	0
Compel Examination	1	0	1
CITATION AND FINE (Use CAS Report EM 10 and 095)			
Citations Issued	10	2	90
Average Days to Complete	210	319	36
Amount of Fines Assessed	14,250	5,500	27,077
Reduced, Withdrawn, Dismissed	2,500	2,000	17,399
Amount Collected	8,000	925	17,101
CRIMINAL ACTION			
Referred for Criminal Prosecution	1	0	1

Table 10. Enforcement Aging						
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	2	6	3	6	11	3.67
2 Years	8	3	11	7	29	7.25
3 Years	11	3	3	2	19	4.75
4 Years	7	0	0	0	7	1.75
Over 4 Years	0	0	0	0	0	0
Total Cases Closed	28	11	17	15	71	17.75
Investigations (Average %)						
Closed Within:						
90 Days	485	496	413	555	1949	487.25
180 Days	53	57	52	101	263	65.75
1 Year	42	35	15	39	131	32.75
2 Years	39	37	24	34	134	33.5
3 Years	8	3	10	6	27	6.75
Over 3 Years	0	0	0	0	0	0
Total Cases Closed	627	628	514	735	2504	626

127

128

129

33. What do overall statistics show as to increases or decreases in disciplinary action since last review?

130

Overall there has been no increase or decrease in disciplinary action since the last review.

131

132

133

34. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)*? If so, explain why.

134

135

136

137

138

139

140

The Board prioritizes cases in accordance with DCA's August 2009 memorandum, "Complaint Prioritization for Health Care Agencies". There are three levels of prioritization; urgent, high, and routine. Each complaint is reviewed and placed in one of the three categories. Complaints involving sexual misconduct are immediately placed in the "urgent" priority and forwarded to the Health Quality Investigative Unit (HQIU) for formal investigation. All other complaints are opened in the order received and assigned to an analyst. Analysts review the complaint and determine appropriate action.

141

142

143

144

145

35. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

146

The mandatory reporting requirements are as follows:

147

148

149

150

151

152

153

154

- Business and Professions Code section 801(a) requires that every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency specified in subdivision (a) of Section 800 shall send a complete report to that agency as to any settlement of an arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering unauthorized professional services.

- Business and Professions Code, section 802 (a) requires a person who holds a license, certificate, or other similar authority from an agency specified in subdivision of Section 800, to report any settlement, judgement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error or omission in practice, or by his or her rendering unauthorized professional services.
- Business and Professions Code, section 803 (a) requires the clerk of the court, within 10 days after a judgement by a court of this state, to report if any person who holds a license, certificate, or other similar authority from the Board has committed a crime, or is liable for any death or personal injury resulting in a judgement for an amount in excess of thirty thousand dollars (\$30,000) caused by his or her negligence, error or omission in practice, or his or her rendering unauthorized professional services.
- Business and Professions Code, section 803.5, requires the district attorney, city attorney, or other prosecuting agency to notify the Board of any filings against a licensee charging a felony immediately upon obtaining information that the defendant is a licensee of the board. The notice shall identify the licensee and describe the crimes charged and the facts alleged.
- 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 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.

While the Board primarily receives violation reports via B & P Code Section 801(a), we have not had difficulty retrieving reports from any other mandatory reporting entity.

36. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board operates within a statute of limitations. Business and Professions Code, section 2960.5, provides in pertinent part, that any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the Board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or omission involves a minor, the seven-year limitation period provided for by subdivision (a) and the 10-year limitation period provided for by subdivision (e) shall be tolled until the minor reaches the age of majority.

Since the last Sunset Review, the Board has not lost jurisdiction due to statute of limitations.

37. Describe the board's efforts to address unlicensed activity and the underground economy.

The Board continues to investigate all unlicensed activity cases. If the Board receives a complaint alleging false or misleading advertising, the enforcement staff will send a Cease and Desist letter informing the subject that he or she must remove or correct the advertisement immediately. Cases that allege unlicensed practice are referred to the Health Quality Investigate Unit (HQIU) for formal

204 investigation. HQUI can perform undercover sting operations and work with local District Attorney
205 Offices for criminal prosecution.

206
207 **Cite and Fine**

208 **38. Discuss the extent to which the board has used its cite and fine authority. Discuss any**
209 **changes from last review and describe the last time regulations were updated and any**
210 **changes that were made. Has the board increased its maximum fines to the \$5,000**
211 **statutory limit?**

212 A Citation and Fine is an enforcement action the Board can take against a licensee or unlicensed
213 person who is found to be in violation of Psychology Laws and Regulations. Citation and fines are
214 used to address relatively minor violations that typically do not warrant formal discipline.

215
216 Effective August 10, 2005, the Board increased its fine authority to the statutory limit of \$5,000.
217

218 **39. How is cite and fine used? What types of violations are the basis for citation and fine?**

219 A Citation and Fine is an alternative method to cases that do not warrant formal discipline. The types
220 of violations that are the basis for Citation and Fines include, but are not limited to the following:

- 221
- 222 ● Failure to comply with the continuing education requirements;
- 223 ● Failure to disclose conviction information on a renewal application;
- 224 ● False or misleading advertising;
- 225 ● Unlicensed practice;
- 226 ● Failure to maintain proper record keeping.
- 227

228 **40. How many informal office conferences, Disciplinary Review Committees reviews and/or**
229 **Administrative Procedure Act appeals of a citation or fine in the last four (4) fiscal years?**

230
231 The Board of Psychology does not have a Disciplinary Review Committee. In the last four fiscal years
232 the Board held 43 informal conferences and three administrative procedure act appeal hearings.

233
234 **41. What are the five (5) most common violations for which citations are issued?**

235
236 The five most common violations for which citations are issued are as follows:

- 237
- 238 ● Failure to comply with the continuing education requirements;
- 239 ● Failure to disclose conviction information on renewal application;
- 240 ● False or misleading advertising;
- 241 ● Unlicensed practice;
- 242 ● Failure to maintain proper record keeping.
- 243

244 **42. What is average fine pre- and post- appeal?**

245
246 The average pre-appeal for Continuing Education citation orders is \$398 and the average post-appeal
247 fine is \$200.

248
249 The average pre-appeal for enforcement citation orders is \$1950 and the average post-appeal fine is
250 \$1125.

251
252 **43. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.**

In instances of failure to pay a fine within the required time, the licensee or non-licensee's information is forwarded to the Department of Consumer Affairs for referral to Franchise Tax Board for collection through its Offset Program. To date, the Board has referred three unpaid fines totaling \$3,500. The Board has thus far received \$1,000.

Cost Recovery and Restitution

44. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

Business and Professions Code section 125.3 states, in part, that the Board may request the administrative law judge direct any licentiate found to have committed a violation or violations of the licensing act, to pay the Board a sum not to exceed reasonable costs of the investigation and enforcement of the case. Cost Recovery is a standard term and condition specified in the Board's disciplinary guidelines for all proposed decisions and stipulations. There have been no changes in this policy since the last review.

45. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

There is no specific amount of cost recovery ordered for revocations, surrenders, and probationers. Each discipline case has its own amount of cost recovery ordered depending on the investigation and prosecution costs incurred. Most cost recovery is due within 12 months of the order's effective date. During negotiations, a probationer can request a payment plan if he or she needs additional time to reimburse the Board. All cost recovery must be paid six-months prior to the completion of probation. If cost recovery is determined to be unrecoverable, the Board uses the Franchise Tax Board's Offset intercept program to collect the amount due. Generally, licensees pay cost recovery as it is a term and condition of probation, and to not pay could result in the revocation of the license. (See Table 11)

46. Are there cases for which the board does not seek cost recovery? Why?

The Board cannot order cost recovery for cases that are categorized as "Default Decisions". Default Decisions are cases where the subject fails to file a Notice of Defense or fails to appear at his or her scheduled hearing. Additionally, the Board does not seek cost recovery in Statement of Issues cases. Statement of Issues cases are those when the Board denies an application for licensure or registration based on criminal convictions or enforcement history.

The Board cannot order cost recovery for cases that are categorized as "Default Decisions". Default Decisions are cases where the subject fails to file a Notice of Defense or fails to appear at his or her scheduled hearing. Additionally, the Board does not seek cost recovery in cases where it has denied a license or registration and a Statement of Issues has been filed, as cost recovery is applicable to licensees, not license applicants.

47. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

Failure to pay cost recovery is generally a violation of probation, so it is not common for a licensee to fail to pay cost recovery. The Board has only recently begun using the Franchise Tax Board (FTB) to collect outstanding monies due. In the only recent instance where cost recovery was not paid, the Board sent a required intercept letter to the individual as specified by the FTB. The final submission of unpaid debt was sent to the Department of Consumer Affairs' (DCA) Accounting Unit. DCA submits the matter to FTB for collection.

48. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to

collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The Board may impose a probation term compelling restitution. The Board can order restitution in cases involving Medi-Cal or other insurance fraud. Restitution would be ordered in cases where a patient or client paid for services that were never provided or the treatment was determined to be negligent. Evidence relating to the amount of restitution would be introduced at the administrative hearing. Failure to pay the ordered restitution would be deemed a violation of probation and further discipline or revocation would be sought. (See Table 12)

Table 11. Cost Recovery		(list dollars in thousands)		
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Total Enforcement Expenditures	112,512	-	-	-
Potential Cases for Recovery *	9	31	27	30
Cases Recovery Ordered	5	10	19	22
Amount of Cost Recovery Ordered	38,954	206,617	172,404	19,933
Amount Collected	15,573	58,048	-	334,699
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Check Mark's reports for this data. If not there, request. – Dr Erickson want to know why the amount collected in 14/15 is so high compared to prior years. It should be noted that the amount collected is approximately \$29,000 less that the amount ordered collectively.

Table 12. Restitution		(list dollars in thousands)		
	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15
Amount Ordered	0	2734	0	0
Amount Collected	0	0	0	0

Section 6 Public Information Policies

49. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board continually updates its website to reflect upcoming Board activities, changes in laws, regulations, licensing and/or registration, and other relevant information of interest to stakeholders. Board meeting calendars are posted on the website a year in advance. Agendas are posted on the Board's website at least 10 days prior to meeting dates. Meeting materials are also made available on the website. These items remain available on the website for at least seven years. The Board has archived information dating back to 2007. Draft minutes are posted online only as agenda item materials for an upcoming meeting. Minutes from each Board meeting are posted on the Board's website once they have been formally approved and adopted by the Board at a subsequent meeting. Minutes and agenda item materials remain on the Board's website for approximately seven to eight years.

50. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

333 The Board has been webcasting its meetings since 2011 and will continue to request that the
334 Department of Consumer Affairs webcast future Board and Committee meetings. Webcast meetings
335 remain on the website along with the meeting agendas and materials for at least seven years.

336 **51. Does the board establish an annual meeting calendar, and post it on the board's web site?**

337 The Board posts an annual calendar of Board meetings to its website and updates this calendar as
338 various committee and task force meetings are scheduled.

339 **52. Is the board's complaint disclosure policy consistent with DCA's Recommended Minimum
340 Standards for Consumer Complaint Disclosure? Does the board post accusations and
341 disciplinary actions consistent with DCA's Web Site Posting of Accusations and Disciplinary
342 Actions (May 21, 2010)?**

343 The Board's disclosure policy is consistent with the DCA's Recommended Minimum Standards for
344 Consumer Complaint Disclosure as well as the Department's Web Site Posting of Accusations and
345 Disciplinary Actions. The Board posts discipline documents on the licensee's verification page on the
346 website and sends a monthly email of all disciplinary actions initiated or finalized in that month to
347 persons who have requested to receive such information.

348 **53. What information does the board provide to the public regarding its licensees (i.e.,
349 education completed, awards, certificates, certification, specialty areas, disciplinary action,
350 etc.)?**

351 The Board provides license number, license status, issue date of license, expiration date of license,
352 address of record and history of disciplinary actions on its licensees. The Board is interested in
353 pursuing legislation to allow disclosure of licensees' educational information as well. (See Section 11
354 New Issues)

355 **54. What methods are used by the board to provide consumer outreach and education?**

356 The Board has a standing Outreach and Education Committee. The goal of this Committee is to
357 proactively educate, inform and engage consumers, licensees, schools, students and other
358 stakeholders about the practice of psychology and its governing laws. In addition to updating its
359 consumer brochures such as Professional Therapy Never Includes Sex and For your Peace of Mind:
360 A Consumer Guide to Psychological Services, the Board maintains its website with current, relevant
361 information for consumers. Consumers can also sign up on the Board's website to receive email
362 notifications on a variety of topics. The Board also provides consumer updates on its Facebook page
363 and on Twitter. The public also has access to view Board of Psychology meeting webcasts. The
364 Board looks forward to future opportunities to enhance its outreach and education efforts.

365
366 **Section 7**
367 **Online Practice Issues**
368

369 **55. Discuss the prevalence of online practice and whether there are issues with unlicensed
370 activity. How does the board regulate online practice? Does the board have any plans to
371 regulate internet business practices or believe there is a need to do so?**

372 The Board receives numerous inquiries about online practice, but receives very few complaints
373 directly related to on-line practice. The goal of the Telepsychology Committee is to develop regulatory
374 language for the practice of psychology within the State of California that is conducted remotely. This
375 is a rapidly developing area of the profession, and technology has outpaced the current guidelines.
376 The Committee will also review interstate implications of the remote delivery of psychological
377 services.

378
379 **Section 8**
380 **Workforce Development and Job Creation**
381

382 **56. What actions has the board taken in terms of workforce development?**

383 The Board continues to adopt procedures to ensure a more streamlined internal process in an effort
384 to license and register applicants to be able enter the psychology workforce. The Board monitors
385 licensing times and consistently addresses issues to ensure the most efficacious process contributing
386 to workforce development.

387
388 The Board strives to meet its mandate of timely and efficient licensing, continuing education and
389 enforcement processing in order to reduce any negative impact to California business. When
390 promulgating regulations, the Board is required to consider the impact of the proposed regulatory
391 changes on small businesses. To this end, the Board is mindful of any possible unintended
392 consequences when carrying out its mission.

393
394 The Board has committed to engage in a two-year campaign (February 2015-2017) regarding access
395 to mental healthcare in the State of California in an effort to increase the number of mental health
396 providers in California's underserved and un-served communities.

397
398 The Board collects, in addition to the fees charged pursuant to section 2987 of the Business and
399 Professions Code for the biennial renewal of a license, an additional fee of \$10 at the time of renewal.
400 This fee is transferred to the Mental Health Practitioner Education Fund that is administered by the
401 Health Professions Education Foundation (HPEF), under the Office of Statewide Health Planning and
402 Development (OSHPD). The OSHPD offers a number of scholarship and loan repayment programs
403 for eligible health professional students and graduates. All program recipients are required to provide
404 direct patient care in a medically underserved area of California as designated by OSHPD. The
405 period of obligated professional service is one to four years depending upon the program.

406
407 **57. Describe any assessment the board has conducted on the impact of licensing delays.**

408 The Board conducted an assessment of licensing delays on job creation, resulting in an approved
409 Budget Change Proposal to increase licensing staff by three (3) positions to resolve the licensing
410 delays.

411
412 **58. Describe the board's efforts to work with schools to inform potential licensees of the**
413 **licensing requirements and licensing process.**

414
415 Schools are an identified stakeholder to the Board and as such are consulted on statutory and
416 regulatory changes that may impact students and future applicants to the Board. For example, the
417 Suicide Prevention Survey resulted in an advocacy position taken by the Board.

418
419 **59. Provide any workforce development data collected by the board, such as:**

420
421 **a) Workforce Shortages**

422
423 The Board has not collected data regarding workforce shortages.

424
425 **b) Successful Training Programs**

426
427 The Board has not collected data regarding successful training programs.

.428
.429 **Section 9**
.430 **Current Issues**
.431

.432 **60. What is the status of the board's implementation of the Uniform Standards for Substance**
.433 **Abusing Licensees?**

.434 The Board filed a rulemaking with the Office of Administrative Law (OAL) in September 2015 to
.435 amend regulations to implement the Uniform Standards for Substance Abusing Licensees. OAL
.436 disapproved the file on November 6, 2015, stating clarity and consistency issues. The Board will
.437 follow OAL procedures to notice the corrections and resubmit the file to OAL within the 120 day
.438 resubmission period.

.439 **61. What is the status of the board's implementation of the Consumer Protection Enforcement**
.440 **Initiative (CPEI) regulations?**

.441 The Board has adopted the following regulatory changes pursuant to the goals set forth in the CPEI
.442 Initiative:

.443 CCR 1380.4 was amended to further consumer protection by delegating and conferring additional
.444 specific functions and authorities relative to investigative and administrative proceedings.

.445 CCR 1397.2 was adopted to define conducts, other than those currently referenced in law, as
.446 unprofessional.

.447 Last, the Board has, since its report to the Committee in 2012, filled the enforcement positions it
.448 received as a result of the CPEI. Through these increased positions, the Board has been successful
.449 in meeting its statistical benchmarks in the enforcement program.

.450 **62. Describe how the board is participating in development of BreEZe and any other**
.451 **secondary IT issues affecting the board.**

.452 The Board created an Examination/BreEZe Coordinator position specifically to handle any new
.453 developments in BreEZe. The coordinator is responsible for identifying deficiencies, reporting them to
.454 BreEZe and testing the fixes. The coordinator also attends monthly DCA Licensing User's Group
.455 meetings, DCA Reports User's Group meetings, DCA Cashiering User's Group meetings etc. to
.456 discuss issues with other Boards and report back any information that can be beneficial to the Board.
.457

.458 **Section 10**
.459 **Board Action and Response to Prior Sunset Issues**
.460

.461 **Include the following:**

- .462 **1. Background information concerning the issue as it pertains to the board.**
- .463 **2. Short discussion of recommendations made by the Committees/Joint Committee during**
.464 **prior sunset review.**
- .465 **3. What action the board took in response to the recommendation or findings made under**
.466 **prior sunset review.**
- .467 **4. Any recommendations the board has for dealing with the issue, if appropriate.**
.468

.469 **ISSUE # 1 from November 1, 2011: Will the Board be able to successfully fill vacant positions?**

470 Background: As with other regulatory boards, the Board of Psychology has been working within the
471 limitations of the current fiscal emergency and the resulting Executive Orders. As a result, the Board
472 has experienced a number of vacancies and encountered considerable difficulty in filling the
473 vacancies due to the hiring limitations. As a small Board without any redundant positions, all
474 vacancies directly affect the productivity and timeliness of the Board's processes as the workload
475 resulting from these vacancies must be absorbed by remaining staff.

476 Effective January 2011, the Board received additional budget approval through the DCA's Consumer
477 Protection Enforcement Initiative (CPEI) to hire 2 investigators, 2 medical consultants, and one limited
478 term analyst, bringing its staffing level to 19.5 authorized positions. The Board has worked with DCA
479 Office of Human Resources (OHR) to fill these CPEI positions. Although these positions were funded
480 in January 2011, the Board had been unable to fill them due to the hiring freeze implemented in
481 August 2010.

482 Though the Board continues to improve its timeliness, vacancies reduce the amount of progress that
483 can be made. At the time of its November 2011 Report, 41% of the Board's allotted positions (or 8
484 positions), including the positions that were granted as a result of the CPEI, were vacant. Also,
485 because of the classification level of some of these positions, the Board indicated that it has received
486 disappointingly low interest from potential candidates to fill those positions.

487 Staff Recommendation: The Board should inform the Committee of its current staffing levels. Are
488 there current staff vacancies? What are the current challenges to fill vacant positions? What has
489 been the effect of the staff vacancies on the Board's operations?

490 BOARD RESPONSE *at that time*: Issue #1:

491 The Board is currently filling position vacancies, as reported to the committee. Two full-time
492 employees (one Office Technician and one Staff Services Analyst) were hired to fill two of those
493 vacant positions prior to our March 19, 2012 review hearing. Another employee is starting on April
494 18th, 2012 to fill the position of main receptionist/Office Technician. We also expect for our allotted
495 Consumer Protection Enforcement Initiative (CPEI) (four positions) to be offered by June 2012. This
496 includes our non-sworn investigators and Medical Consultants. We are currently working with
497 personnel in order to fill these positions. Interviews will be conducted before May 1, 2012.

498 The challenges with filling the positions are inherent within any large organization. The process itself
499 sometimes delays offering the positions to your first or second choices as determined from the
500 interview. By the time some of the "processes" are completed, those persons have accepted positions
501 elsewhere. This, in turn, begins the whole interview process over again as the best candidates are no
502 longer available.

503 Globally, the effect on staff, besides morale, as far as workload has been severely impacted. As with
504 any less than optimal situation, we adapt as best we can and look for new ways of doing things and
505 reinvention of previous procedures. But, there is a time when we do reach the law of diminishing
506 returns and/or unintended consequence.

507 Some of the previous issues entailed:

- 508 • Cashiering becoming backlogged so we have to pull senior staff to assist on a daily basis.
- 509 • The public is not being responded to in the timeliest manner as per the Board rule of within 24
510 hours.
- 511 • Filing has become backed up.
- 512 • There was a delay in acknowledging applications.
- 513 • BOP mail/calls were not able to be responded to within 24 hours.

- Minor probation violations and Continuing Education deficiencies were not able to be addressed in as timely a manner based on what we use as a standard.
- Licensing processing times have increased substantially.
- Backlogged fingerprint issues related to the new regulations requiring licensees to undergo Live scan.

Not having someone to perform these daily tasks certainly impacts other processes.

As these positions fill in, I expect our Board standards to return to the point of excellence in dealings for all our stakeholders.

Currently, the challenge is to complete our hiring processes for all our allotted desk and CPEI positions, prior to any other order re-instating a hiring freeze. We expect to meet this challenge.

UPDATE:

The Board is not currently experiencing any significant vacancy issues or workload backlogs. The Board is able to fill vacant positions quickly and efficiently.

ISSUE # 2 from November 1, 2011: Improved enforcement workload management in spite of decreased staffing levels.

Background: The Board reported in its November 2011 Report that 41% of the allotted positions were vacant. The organizational chart submitted with the Report showed 8 vacancies out of a staff of 19.5 authorized positions. Despite its vacancies, it appears that the Board has made adjustments to its complaint handling functions that allowed staff to meet or exceed many of its performance expectations.

In recent years, in an effort to improve its administrative functions, the Board established performance measures for four key areas: complaint intake, intake and investigation, formal discipline, and probation intake. 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 processing time.

The Board has further 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.

In light of the reduced staffing levels, noted above, how does the Board explain the seemingly increased efficiencies in a number of its operations?

Staff Recommendation: The Board should discuss with the Committee how it has been able to achieve complaint handling efficiencies while dealing with budget and staffing reductions, vacancies and furloughs in the recent past. Are there additional changes which could be made to enable to Board to address its workload in light of its staffing limitations?

BOARD RESPONSE *at that time*: Issue #2:

554 Process improvement is necessary on a continual basis. During these less than perfect times, the
555 Enforcement team has been able to develop ways to work smarter and more efficiently in order to
556 more effectively meet our CPEI goals. Implementation of new complaint intake and desk investigation
557 procedures resulted in a reduction in our processing times. The Board eliminated unnecessary intake
558 procedures, reduced the time allowed to provide responses and records to the Board when
559 requested, improved monitoring of cases under review by an expert to ensure timely completion,
560 implemented complaint processing time staff expectations, and increased complaint monitoring to
561 more quickly identify processing delays.

562 With improved manuals, increased training for current staff and not settling for the status quo (in
563 policy) just because of difficult fiscal constraints, we have been able to affect change in a few
564 important areas of Enforcement, Complaint intake and desk investigations. These improvements
565 contribute to the reduction of the total times for case resolution and the meeting the CPEI standards.
566 While the Board has no direct control over many of the processes once assigned outside of the
567 Board, this is no reason to not enhance what we can do for the consumer complaint resolution within
568 Board Operations.

569 In light of all the recent challenges, any positive changes and improvements are because of
570 exceptional staff competence and working towards the common Department and Agency goals.

UPDATE:

Since the Board filled the enforcement positions it received as a result of the CPEI Initiative, the Board's enforcement staff is able to meet its performance objectives.

571
572 **ISSUE # 3 from November 1, 2011: Are regulatory or legislative changes needed regarding**
573 **telehealth or the online practice of psychology?**

574 Background: The Board states in its Report that the issue of the practice of psychology by alternative
575 methods such as telephone and online psychotherapy has recently moved to the forefront of issues
576 facing the profession of psychology. The Board states that California, along with many other states
577 and provinces, are beginning to look seriously into this topic and how it affects consumers.

578 The Board acknowledges that there are many issues regarding providing psychological services
579 electronically across state lines, such as the location of the recipient of the services and the location
580 of the provider; however, there are many other issues regarding the provision of psychological
581 services electronically within California that the Board needs to address first. These issues include,
582 but are not limited to, safety, security, informed consent, and ethical practice.

583 The Board has considered conducting a symposium and inviting various individuals and organizations
584 knowledgeable about telehealth, including the Association of State and Provincial Psychology Boards
585 (ASPPB) which is currently developing guidelines that could be useful for all psychology licensing
586 jurisdictions. The California Psychological Association (CPA) has offered to partner with the Board in
587 this endeavor. The Board is aware of the urgency of this issue, as there are licensees who are
588 currently practicing telehealth, and the Board will be determining if regulations regarding this issue
589 are necessary to protect consumers of psychological services in California.

590 According to the Board, whether legislation or some basic regulations are needed is yet to be
591 determined. There are many similar discussions in other jurisdictions regarding telehealth. Since this
592 delivery of mental health services will encompass much more than our state, the Board states that
593 efforts must be made to ensure that consumers are not harmed if receiving services from another
594 jurisdiction. Working with the other jurisdictions (boards) in assessing what is needed for the best
595 practice in telehealth will also benefit the California consumer when they leave the state. Telehealth
596 would allow the continuation of therapy without interruption due to proximity to the practitioner.

597 Staff Recommendation: The Board should update the Committee on its evaluation of whether
598 regulations or legislation are needed regarding telehealth or the online practice of psychology.

599 BOARD RESPONSE *at that time*: Issue #3:

600 The Board of Psychology is in the process of researching and analyzing the various aspects of
601 telehealth and what impact this newer mode of psychotherapy delivery will have on the consumer of
602 these services. Once this is completed, the Board will be in a better position to determine what
603 regulatory changes will be needed.

604 The term “telehealth services” can be defined broadly to include all interactions that are not in-person
605 between health care professionals and their patients. These may include telephonic communication,
606 E-mail, texting, chat rooms, and interactive video.

607 There are some advantages to telehealth services:

- 608 • Telehealth improves access to care for people who live in remote areas or who, due to illness
609 or mobility problems, cannot leave home
- 610 • Also this delivery mode can support clients between regularly scheduled office visits.

611 But, there are some potential ethical and legal issues, inherent in the use of telehealth, that are of
612 concern to the Board of Psychology:

613 These include the following:

- 614 • Competency – Psychologists need to be competent not only in psychological practice, but in
615 the practice of telehealth.
- 616 • Security and patient private – Skype and other live stream video mechanisms may not be
617 totally secure. Further, there is no guarantee that there is confidentiality in these telehealth
618 sessions.
- 619 • Licensing and discipline issues – These are of concern especially related to psychologists who
620 treat clients across state and national borders outside of one’s jurisdiction.
- 621 • Responses to an emergency – There is the serious problem regarding the inability of the
622 psychologist to respond to crisis or emergency situations if the client lives so far away,
623 especially if the psychologist is unfamiliar with resources that are local to where the client is
624 residing.
- 625 • Many clients need fore personal interface and the psychologist may need to assess whether
626 the lack of an in-person interaction may be a potential detriment to successful care.

627 The Board of Psychology is most supportive of embracing the new technologies as stated in our
628 2011-2013 Strategic Plan. Yet, we want to make certain that there are safeguards in place to protect
629 the consumer of these forms of psychological services.

630 The Board of Psychology has a telehealth work group with Dr. Michael Erickson, one of our licensed
631 members, and Ms. Gail Evans, one of our public members, that is studying this issue. They are
632 preparing preliminary recommendations, which will be reviewed and discussed at our next Board of
633 Psychology meeting. Dr. Erickson and Ms. Evans will be meeting with Mr. Kahane, the Executive
634 Officer, on May 7, 2012 to review prepared previously discussed guidelines, in order to submit to the
635 Board for review and then post on our website as “Advisory”, prior to the Board determining or
636 adapting regulations.

637 Further, we are working closely with various organizations that are knowledgeable about telehealth
638 including the Association of State and Provincial Psychology Boards (ASPPB), which is currently

639 developing guidelines that we may be able to adapt for psychologists in California ensuring the best
640 possible care for the consumers of California.

641 Once solid guidelines are established for the breadth of practice in this area, the Board of Psychology
642 will be better able to determine the regulations or further legislation that will be needed.

UPDATE:

643
644 **ISSUE # 4 from November 1, 2011:** Are there regulatory or legislative changes which should be
645 made regarding unaccredited schools?

646 Background: The Board states that California is the only state which allows students from
647 unaccredited schools to sit for psychology licensing examinations. All other states require students to
648 be from accredited institutions, accredited by either a regional or national accrediting body. This
649 leaves California as an outlier in the profession, and stands as an impediment to the Board entering
650 into any reciprocity agreements with other states.

651 The Board indicates that the lack of reciprocity with other states is a barrier to full participation by
652 California-licensed psychologists in national issues. The Board also would like all psychologists and
653 students in California to be included in national organizations, able to be accepted into internship
654 placement programs and have the ability to become licensed in other states. These limitations are
655 among many which those practitioners from California, who attended an unaccredited school, will be
656 subject to.

657 According to the Board, it is currently monitoring statistics and passing rates. The Board has recently
658 sent out letters to all national organizations questioning their reasoning regarding the limitations they
659 have set for those who have not attended accredited institutions. With the re-establishment of the
660 Bureau for Private Postsecondary Education (BPPE), the Board is hopeful that these unaccredited
661 institutions, while having their students continue to apply for licensure, will be held accountable within
662 the new regulations, to the minimum standard of notifying those students, prior to attending, of the
663 limitations of their graduation and degree from a non-accredited program.

664 Section 2914 of the Business and Professions Code requires each applicant for licensure to possess
665 a doctoral degree in psychology, educational psychology, or in education with a field of specialization
666 in counseling psychology or educational psychology from a regionally accredited educational
667 institution in the United States or Canada, or from an educational institution in California that is
668 approved by the BPPE. It provides that applicants for licensure trained in an educational institution
669 outside the United States or Canada shall demonstrate to the satisfaction of the Board that he or she
670 possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally
671 accredited university in the United States or Canada.

There are currently 6 schools approved by the BPPE that meet the educational criteria to qualify for licensure. 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. AB 611 (Gordon, Chapter 103, Statutes of 2011) set forth certain disclosure requirements pertaining to accreditation status, licensure, and related limitations for unaccredited doctoral programs.

Staff Recommendation: The Board should inform the Committee of its current efforts regarding the issue of unaccredited schools. To what extent are California students being harmed by this issue? Is there a way for the Board to better inform potential students of the differences between attending an accredited versus an unaccredited school and to keep a list of both. Are there regulatory or legislative changes that need to be made regarding unaccredited schools? What can be done to enhance the ability of California's licensed psychologists to have reciprocity with other states?

BOARD RESPONSE *at that time*: Issue #4:

The Board of Psychology exists to protect the consumers of psychological services and believes approved schools are truly a consumer and public protection issue.

After more than a year of review culminating at the February 2012 Board meeting, the Board voted to ask the legislature to eliminate from the Business and Professions Code 2914 (g), the requirement that the Board must allow students from approved schools to become candidates for licensure as a psychologist.

In the background paper for the Board of Psychology 2012 Sunset Review, the staff asked if students are being harmed by the issue of approved schools. Based on the Board's review, we believe, yes, the students are being harmed. Students go to these programs with high hopes and big dreams of becoming a psychologist.

Approved schools students graduating from their programs can sit for the BOP licensing examination. Not reported is that only 30 percent of their students pass the licensing examination. This is in comparison to our state pass rate of about 75% for the Examination for Professional Practice in Psychology (EPPP). The EPPP is the only national comparison for psychology students and students from approved schools perform significantly worse than students from regionally or professionally accredited programs. This result is based on either the quality of the program's education or the quality of students who they accept into the program or both. A recent article in the NY Times described how approved schools advertise that students will be able to reach their career goals through their programs. The overwhelming numbers of these students are not able to do so. We should protect these vulnerable students.

Students who graduate from approved schools and become licensed as a psychologist, and the legislature, appear to understand that there are many limitations to those degrees. The legislature passed a law requiring approved schools to describe these limitations to potential applicants. Students rely on the schools to be honest and provide factual information about their degrees.

Dr. Judy Hall, the Executive Director of the National Register of Health Service Providers in Psychology stated: "The most troubling aspects are that these CA state approved schools are not always forthcoming with prospective students about the limitations which will be placed upon their careers." And what are these limitations? The Board received evidence of significant limitations on degrees from approved schools:

- These students cannot become licensed as a psychologist in any other state.
- These students cannot join the national professional association – the American Psychological Association.

- These students cannot become board certified by the American Board of Professional Psychology.
- These students are not eligible to be listed in the National Register of Health Service Providers in Psychology.
- These students cannot be employed by the Veterans Health and Medical Centers, the largest employer of psychologists in the United States.

In addition, these academic programs:

- Cannot join national associations of training programs in professional psychology and they
- Cannot become accredited by Psychology's Commission on Accreditation.

The Board is concerned that psychologists from these approved schools are not eligible to actively participate in their profession. The Board is also concerned for consumers treated by those psychologists. Those practitioners attended a school that has limited oversight and does not participate in the national education and training associations, and dialogues.

The Board emphasizes that approved schools have limited oversight. The Bureau for Private and Post-Secondary Education provides limited guidance to these programs. During the February 2012 Board Meeting, one approved school program director said the school had not been reviewed by the Bureau (BBPVE or BBPE) since 1998 (that is 14 years ago).

Another program training director who recently received national accreditation reported that the program had to extensively revise and improve their program to meet the accreditation standards. Lack of oversight is problematic for the schools, the students and the public that may be served.

- For a number of years, there were only 11 approved schools whose students were eligible to become licensed as a psychologist. There now are only 6 approved schools that grant a psychology degree.
- Two of the 11 programs merged with regionally accredited and APA accredited programs; one program states on their website that they do not grant doctoral degrees – only MA degrees; one states they are not a degree granting program but rather an institute, and one received national accreditation.

The Board encourages these remaining six schools to enhance their programs, seek oversight, and become accredited. The Board believes students from these six approved schools should not be eligible for licensure as a psychologist, unless these programs become accredited. Students from unaccredited medical schools are not eligible to sit for licensure as a physician. This is as it should be for psychologists.

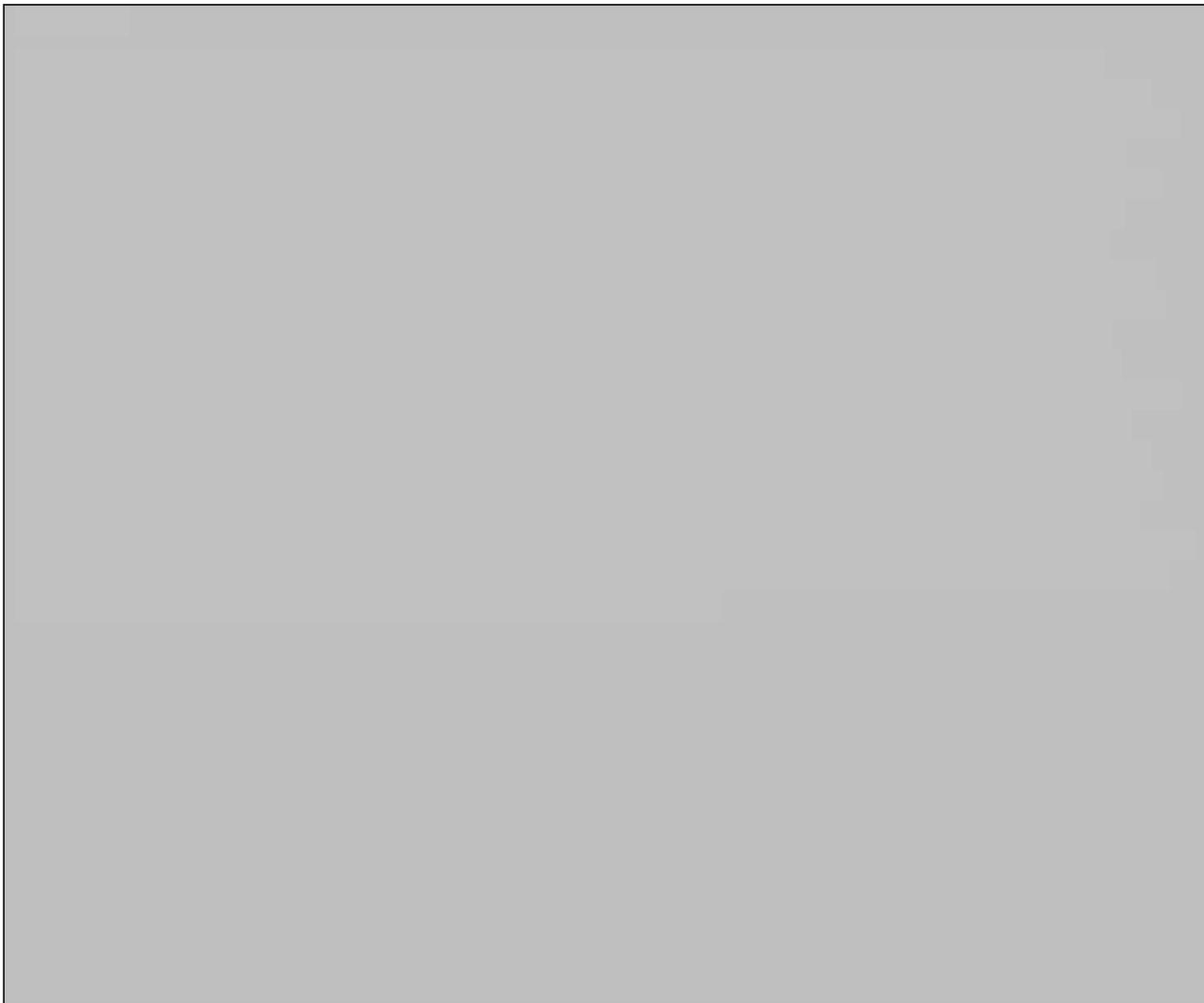
A quote from Dr. David Cox, the Executive Director of the American Board of Professional Psychology stated:

“I suspect that in its efforts to protect the citizens of the State of California, the legislature and the Board of Psychology, would want to at least meet, if not exceed, those minimal standards that have been accepted widely within the profession of psychology.”

Those minimal standards require graduation from an accredited program. The Board believes the time to change Business and Professions Code 2914 (g) is now.

The Board is not able to dictate to the other states regarding reciprocity for California psychologists. Though we are members of the Association of State and Provincial Psychology Boards (ASPPB), with all 50 states, Canadian Provinces and US Commonwealths, each state individually does in fact have reciprocal control. As California licenses psychologists at the lowest level in the United States, though we have 24 % of all the psychologists in the US, these states can choose not to include us in

.762 any direct reciprocity agreements. As we have such a large percentage of the psychologists in the
.763 nation, the actual lack of reciprocity affects many practitioners in the state who did attend accredited
.764 schools.



.765
.766 **ISSUE # 5 from November 1, 2011: What is the status of the Board's efforts to ensure the**
.767 **continued competency of its licensees?**

.768 Background: The Board requires each licensee to complete 36 hours of continuing education for
.769 each two-year license renewal. The Board reports that it averages a 92% compliance rate of licensee
.770 compliance with the continuing education requirements, and that most noncompliance issues deal
.771 with deficiencies in submitting the proper documentation of the completed continuing education
.772 courses.

.773 The Board additionally states that it has also discussed continued professional
.774 development/competency for licensed psychologists. The Board states that continued competency
.775 has been an issue on the agenda for the Board's Committee on Contemporary and Emerging Issues
.776 for the past several Board meetings. The Committee has been looking at how licensees can
.777 demonstrate competency beyond continuing education. In 2011, the Committee on Contemporary

.778 and Emerging Issues recommended referring this topic to the Board's Continuing Education
.779 Committee. The Board stated that the Committee would review models regarding continued
.780 professional development/competency created by the Association of State and Provincial Psychology
.781 Boards and the American Psychological Association at the November 2011 Board meeting. The
.782 Board states that it is also planning to partner with the California Psychological Association to
.783 address this developing issue.

.784 Given that the Board has discussed the issue in the recent past, and more closely considered the
.785 issue of continuing competency through two of its committees, including reviewing models for
.786 demonstrating continuing competency, it would be appropriate for the Board to give its current
.787 assessment of the issue of continuing competency. Are there models for demonstrating continuing
.788 competency that appear viable, in the Board's estimation? Has the Board engaged in discussions
.789 with the California Psychological Association about continuing competency?

.790 Staff Recommendation: The Board should discuss with the Committee its efforts to date to address
.791 continuing competency, and what it expects to accomplish in the near future regarding this issue.

.792 BOARD RESPONSE *at that time*: Issue #5:

.793 The Board of Psychology is working to replace the single requirement of traditional continuing
.794 education courses with a more robust continued competency model which we believe will further
.795 ensure the continued competency of California's psychologists.

.796 Current research shows that traditional continuing education efforts have disappointing results and
.797 that one time continuing education classes do very little to ensure continued competency.

.798 At the most recent Board of Psychology meeting in February, 2012, the Board members discussed
.799 the concept of Continued Professional Development or Continued Competency for our licensees and
.800 we reviewed some of the work done in this area by the Association of State and Provincial
.801 Psychology Boards.

.802 We will be working on further developing our own Continued Competency Model for California
.803 psychologists at our next Board of Psychology Meeting in June, 2012.

.804 We envision developing a Model that requires a psychologist to set professional development goals
.805 and participate in a variety of professional activities such as ongoing peer consultation, academic
.806 courses, teaching, publishing articles, attending educational conferences, in addition to taking
.807 Continued Education courses.

.808 Our current Board President, Dr. Richard Sherman, has also volunteered to participate in a proposed
.809 Department of Consumer Affairs (DCA) Work Group on this issue so we can look at standards across
.810 all California Healing Arts Boards.

UPDATE:

Immediately following the Board's response to the Committee regarding this matter, it began the process of redeveloping and redesigning the continuing education model to replace it with a more comprehensive and relevant Continuing Professional Development (CPD) model. The proposed model expands the number of ways in which a licensed psychologist may obtain the necessary 36 hours of CPD. The newly included CPD activities, such as conference and convention attendance, practice outcome monitoring, peer consultation, academic instruction, etc., are designed to make use of what research indicates contributes to increased learning and maintenance of professional aptitude. The expanded CPD activities also include a variety of modes in which learning can occur and should decrease professional isolation. The proposed model also establishes a requirement that licensees engage in learning activities pertinent to cultural diversity and social justice issues as they apply to the practice of psychology in California.

The Board held a public hearing in August 2014 to approve regulatory changes for the continuing

811

812 **ISSUE # 6 from November 1, 2011: What is the status of pending regulations?**

813 Background: The Board has reviewed and implemented a number of rulemaking changes since the
814 previous sunset review. The two regulatory packages noted above were “pending” at the time the
815 Sunset Report was submitted to the Committee. The Board should update the Committee about the
816 status of these two regulatory proposals, especially the regulations which would streamline and
817 augment the Board’s enforcement processes.

818 This regulatory proposal is in response to the DCA’s request to implement regulations to enhance the
819 Board’s mandate of consumer protection. The DCA launched the Consumer Protection Enforcement
820 Initiative (CPEI) to overhaul the enforcement processes used by healing arts boards within the
821 Department, in order to reduce the average enforcement completion timeline from 36 months to
822 between 12 and 18 months. The regulations implement certain elements that were reflected in
823 SB 1111 (Negrete McLeod) from 2010, and SB 1441 (Ridley-Thomas, Chapter 548, Statutes of
824 2008). The former DCA Director encouraged the boards in the Department to develop regulatory
825 changes, as needed, to implement the changes that could be adopted through the regulatory
826 process.

827 The regulations would make the following changes to enhance the Board’s mandate of consumer
828 protection:

- 829 • Delegate authority to the executive officer to approve settlement agreements for revocation,
830 surrender, or interim suspension of a license or registration.
- 831 • Delegate authority to the executive officer to order an applicant or licensee to submit to a
832 physical or mental examination if it appears the person may be unable to safely perform
833 licensed duties and functions due to physical or mental illness.
- 834 • Clarify the authority of the executive officer to deny an application if the applicant is unable to
835 safely practice, based on the review of the evaluation report.
- 836 • Prohibit “gag clauses” in civil settlement agreements that forbid the party from contacting,
837 cooperating with, or filing a complaint with the Board, or that require a person to withdraw a
838 complaint filed with the Board.
- 839 • Define as unprofessional conduct the failure to cooperate and participate in any Board
840 investigation pending against a licensee or registrant.

841 Staff Recommendation: The Board should inform the Committee of the current status of the
842 proposed regulations relating to delegation of functions to the executive officer and regarding
843 unprofessional conduct for licensees.

844 **BOARD RESPONSE *at that time*: ISSUE #6:**

845 Our two pending regulations since the submission of our Sunset Report in December of 2011 have
846 been our Continuing Education regulation concerning the elimination of the auditing and centralized

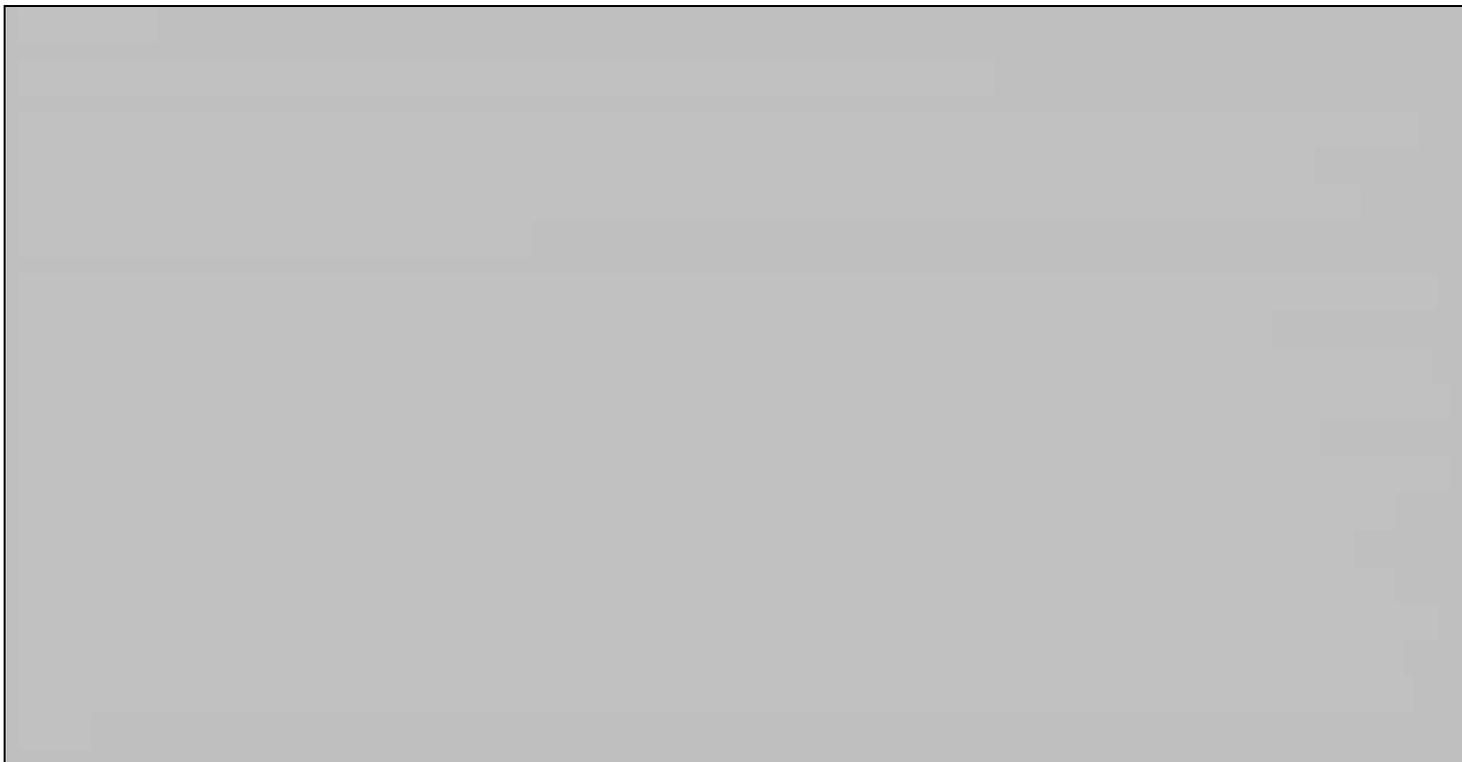
847 entity, Mandatory Continuing Education for Psychologists (MCEP) Accrediting Agency and the
848 Delegation of Functions to the Executive Officer and Unprofessional Conduct.

849 Continuing education audits will continue and be done by the Board, as is more in line with the
850 national standards for the auditing of Continuing Education for psychologists. This model has been
851 approved by national and state associations. This regulation was approved effective March 17, 2012.
852 It will become operative January 1, 2013.

853 Regarding the Delegation of Functions to the Executive Officer and Unprofessional Conduct, the
854 Board has previously had two notices regarding modified text. The last additional comments were
855 reviewed at our February 2012 Board Meeting. This package has been submitted to the legal office
856 as of March 29, 2012.

857 Recently, as of April 12, 2012, a new legal opinion was distributed to the Boards regarding the
858 implementation of the Uniform Standards. This was received after the Sunset Committee hearing. In
859 order to fully comply with this new current opinion, which has been determined by DCA legal as the
860 one to follow, the Board will be reviewing our proposed text for modification at the next Board Meeting
861 in June 2012. This will allow the Board to modify the regulations to be in accordance with to the latest
862 legal opinion regarding any Board discretion vs. the implementation of the Uniform Standards as
863 written.

864 The Board approved the proposed language in our disciplinary guidelines and the matter is being set
865 for public hearing. We remain proactive and are proceeding accordingly.



866

867 **ISSUE # 7 from November 1, 2011:** What is the status of BReEZe implementation by the Board?

868 Background: Although the existing CAS system has been updated and expanded over the years, it
869 still has inadequate performance measures, data quality errors, an inability to quickly adapt to
870 changing laws and regulations, and a lack of available public self-service options. The DCA intends
871 to procure a Modifiable Commercial Off-The-Shelf (or "MOTS") enterprise licensing and enforcement
872 case management system. This system, known as the BreEZe Project will provide the DCA boards,
873 bureaus, and committees with a new enterprise-wide enforcement and licensing system. BreEZe will

874 replace the existing outdated legacy systems and multiple “work around” systems with an integrated
875 solution based on updated technology.

876 BreEZe will provide all DCA organizations with a solution for all applicant tracking, licensing, renewal,
877 enforcement, monitoring, cashiering, and data management capabilities. In addition to meeting these
878 core DCA business requirements, BreEZe will improve the DCA’s service to the public and connect
879 all license types for an individual licensee. BreEZe will be web-enabled, allowing licensees to
880 complete applications, renewals, and process payments through the Internet. The public will also be
881 able to file complaints, access complaint status, and check licensee information. The BreEZe
882 solution will be maintained at a three-tier State Data Center in alignment with current State IT policy.

883 BreEZe is an important opportunity to improve the Board operations to include electronic payments
884 and expedite processing. Staff from numerous DCA boards and bureaus have actively participated
885 with the BreEZe Project. Due to increased costs in the BreEZe Project, last year SB 543 (Steinberg,
886 Chapter 448, Statutes of 2011) was amended to authorize the Department of Finance (DOF) to
887 augment the budgets of boards and bureaus and other entities that comprise DCA for expenditure of
888 non-General Fund moneys to pay BreEZe project costs within the 2011-2012 Budget Year.

889 The DCA intends to roll out BreEZe over a period of 18 months, with the first boards implementing the
890 new changes later this year. According to the current implementation schedule, the Board will begin
891 using BreEZe in the Summer of 2012. It would be helpful to update the Committee about the Board’s
892 current work to implement the BreEZe project.

893 Staff Recommendation: The Board should update the Committee about the current status of its
894 implementation of BreEZe. What have been the challenges to implementing this new system? What
895 are the costs of implementing this system? Is the cost of BreEZe consistent with what the BPM was
896 told the project would cost?

897 BOARD RESPONSE *at that time*: Issue #7:

898 The Board is involved in the first phase rollout of the BreEZe Project. Currently, Board staff is actively
899 participating in Conference Room Pilot and Data Mapping sessions with the BreEZe staff and vendor
900 to ensure that the new system will contain the functionality the Board requires to efficiently utilize the
901 BreEZe system. Additionally, Board staff is reviewing and correcting errors in data identified in the
902 current systems to ensure a smooth transition during data conversion to the new system. Although
903 these processes are very resource-draining due to the amount of time staff must dedicate, they are
904 most certainly necessary to ensure an excellent work product that is usable by the Board.

905 Psychology’s share of the current BreEZe BCP for FY 12/13 is \$76,777 which is consistent with cost
906 information provided in the past.

UPDATE:

The Board went live with BreEZe in October 2014.

907

908 **ISSUE # 8 from November 1, 2011:** Webcasting Board meetings.

909 Background: The Board reports that in August 2011, the Board began webcasting its meetings.
910 Although as of this date only two Board meetings have been webcast, the Board anticipates utilizing
911 this technology for all future meetings. Once the webcast is available, the Board immediately posts it
912 on the Board’s website.

913 Webcasting is an important tool that can allow for remote members of the public and those who may
914 be unable to travel to a board meeting to stay apprised of the activities of the Board as well as well as
915 trends in the profession.

Staff Recommendation: The Board should continue its efforts to webcast future Board meetings in order to allow the public the best access to meeting content and to stay apprised of the activities of the Board and trends in the profession.

BOARD RESPONSE *at that time*: Issue #8:

The Board continues to webcast its meetings and dispenses information to those not in attendance, encouraging viewing during the actual Board Meeting. The Board has also used all outreach events to inform the profession and public that these meetings are posted and available for viewing on our website shortly after the meeting and archived afterwards. As webcasting continues, the Board expects more interest from psychologists and the consumer in the Board's actions and their necessity of understanding the Board's duties, how they are accomplished and the transparency involved in all decision making by the Board.

UPDATE:

The Board has webcast all of its Board meetings since 2011 and will continue to webcast them into the future. Webcast meetings remain on the website along with the meeting agendas and materials for at least seven years.

ISSUE # 9 from November 1, 2011: Loans to the General Fund.

Background: Since FY2002/2003 the Board has made two loans to the General Fund; \$5 million in FY2002/2003, and \$2.5 million in FY2008/2009. To date, the Board has not received any repayment of the loan amounts. The total outstanding loan balance owed to the Board remains at \$7.5 million.

Staff Recommendation: The Committee requests that the Board provide an update about the status of the loans and when the funds are projected to be returned. Has the Board received any report from the Department of Finance regarding the repayment of the loans?

BOARD RESPONSE *at that time*: Issue #9:

As described above in the background, the total outstanding balance remains as noted.

7.5 million dollars. The Board has not received any notification or report from the Department of Finance (or any other entity) regarding any repayment of the General Fund loans.

UPDATE:

A loan of \$5.0 million was made from the Board to the General Fund in Fiscal Year (FY) 2002/03. \$3.8 million is scheduled for repayment in FY 2016/17; \$1.2 million is scheduled for repayment in FY 2017/18.

A loan of \$2.5 million was made from the Board to the General Fund in FY 2008/09, and is scheduled for repayment in FY 2016/17.

Interest is scheduled to be paid in FY's 2016/17 and 2017/18, at which time there will be no remaining balance.

ISSUE # 10 from November 1, 2011: Should the licensing and regulation of the practice of psychology be continued and be regulated by the current Board membership?

Background: The health, safety and welfare of consumers are protected by a well-regulated psychologist profession. The Board has shown over the years a strong commitment to improve the Board's overall efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to bring about necessary changes. The Board should be continued with a four-year

extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Paper and others of the Committee have been addressed.

Staff Recommendation: Recommend that the practice of psychology continue to be regulated by the current Board members in order to protect the interests of the public and be reviewed once again in four years.

BOARD RESPONSE *at that time*: Issue #10:

The Board enthusiastically agrees with the staff recommendation to continue the doctoral level Board of Psychology. The Board continues to work positively in all areas of our Strategic Plan. We look forward to maintaining our outstanding working relationship with the administration, agency and department for the utmost in consumer protection and board service to our stakeholders. Currently, the Board is in the process of addressing future important consumer protection issues regarding Telehealth and Continued Competency, including the new technologies and assessment of national models, to ensure the best guidelines and/or regulations which will be needed to continue our mission of consumer protection.

UPDATE:

The Board continues to support the recommendation of its regulation of the practice of psychology in order to protect the interests of the public.

Section 11 New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

There are no issues that were raised under the prior Sunset Review report that have not been addressed.

2. New issues that are identified by the board in this report.

CONTINUING PROFESSIONAL DEVELOPMENT

Traditional models of continuing education in healing arts professions entail formal learning activities conducted in classroom or workshop settings. While these activities are beneficial, a broader approach to professional development has demonstrated benefits.

The key goals to a professional development program should:

- Provide relevant and current information on the practice, education, and science of the profession;
- enable licensees to keep pace with emerging issues and technologies; and
- allow licensees to maintain, develop, and increase competencies in order to improve services to the public and enhance contributions to the profession.

0990 The Board is seeking to amend existing continuing education statutes and regulations to ensure that
0991 professional development courses and programs use an evidence-based approach to bolster the
0992 knowledge, skills, and abilities of psychologists as well as enhance a responsive practice in broader
0993 areas that reflect the diversity of consumers' needs and cultural backgrounds.
0994

0995 The Board is continuing to refine regulatory changes to continuing education requirements in its
0996 Licensing Committee. As part of this effort, however, statutory changes are also necessary to
0997 Business and Professions Code section 2915 to incorporate non-traditional continuing competency
0998 work into existing continuing education requirements. For example, incorporating peer consultation
0999 and practice outcome monitoring to the list of acceptable activities that can be used to meet
1000 continuing education hours.
1001

1002 Additional revisions to the California Psychology Licensing Law should include:
1003

- 1004 • Redefining "Continuing Education" requirements to "Continuing Professional Development"
1005 requirements;
- 1006 • removing specific course requirements found in the Business and Professions Code;
- 1007 • enabling the Board to approve specific organizations that provide continuing professional
1008 development activities.
1009

1010 An updated regulatory proposal will be presented to the Board in 2016 and a detailed list of specific
1011 recommendations for statutory revisions will also be available at that time.
1012

1013 **EXPANSION OF PSYCHOLOGICAL ASSISTANT PRACTICE AREAS** 1014

1015 The Board has identified requirements to obtain a psychological assistant registration that are
1016 obsolete and not in keeping with the realities of current training environments, education and new
1017 technologies. In order to become a licensed psychologist, applicants must accrue 3,000 hours of
1018 supervised professional experience. A common way applicants accrue these hours is registering as a
1019 psychological assistant with the Board of Psychology. Psychological assistants typically will assess
1020 and provide psychological care to patients while under the close supervision of a licensed
1021 psychologist or psychiatrist. These are individuals that have a Master's Degree and are admitted into
1022 an appropriate doctoral program.
1023

1024 B&P section 2913 requires that a psychological assistant be employed by a specified entity to accrue
1025 the required hours of professional experience. There are a limited number of practice areas where
1026 psychological assistants are allowed to be employed. Specifically, psychological assistants can only
1027 be employed by psychological or medical corporations, psychology clinics licensed as such by the
1028 State of California, Bronzan-McCorquodale contract clinics, licensed psychologists, or board certified
1029 psychiatrists.
1030

1031 In today's environment, psychological assistants often find employment opportunities in settings that
1032 do not meet the legal requirements of section 2913. They also find training and experience
1033 opportunities that do not involve employment, such as volunteer opportunities.
1034

1035 The Board proposes amending the California Business and Professions Code to change the focus of
1036 the experience options from an employment setting to a supervised setting, eliminating the limited six
1037 employment settings currently specified in statute.
1038

1039 **ESTABLISH A RETIRED LICENSE CATEGORY** 1040

0041 Under existing law, a licensee that is retired has the option to pay \$50 every two years to have their
0042 license placed on “inactive” status or can choose not to pay for an inactive status in which case the
0043 license is placed on “delinquent” status for five years after which the license is cancelled. The Board
0044 is seeking to establish a retired licensure category, similar to many other healing arts programs. The
0045 creation of this license type would provide for a one-time fee to place a licensee on “retired” status
0046 and provide a means for a licensee on “retired” status to return to “active” status under certain
0047 circumstances.
0048

0049 Adding this license designation is a consistent request the Board receives from licensees, so it was
0050 added to the 2014-2018 Strategic Plan as Goal 1.9. Legislation on this topic for licensing programs is
0051 also common. Recent legislation developing retired license categories include:

- 0052
- 0053 • Professional Fiduciaries Bureau – AB 2024 (Bonilla, Ch. 336, Statutes of 2014)
- 0054 • Board of Behavioral Sciences – AB 404 (Eggman, Ch. 339, Statutes of 2013)
- 0055 • Board of Optometry – SB 1215 (Emmerson, Ch. 359, Statutes of 2012)
- 0056

0057 In addition, AB 750 (Low, 2015) would have created a retired license category for all licensing
0058 programs within the Department of Consumer Affairs. The Board took a “support” position and will
0059 continue to monitor this legislation, which is currently a “two-year bill.” The Board would propose
0060 adding language similar to that found in AB 750 to a newly added section in the Psychology Licensing
0061 Law.
0062

0063 **REMOVE REFERENCE TO COMMISSIONERS ON EXAMINATION**

0064

0065 Business and Professions Code section 2947 is outdated, referencing the Board’s ability to appoint
0066 examination commissioners. This practice is no longer utilized. The Board works with the Department
0067 of Consumer Affairs’ Office of Professional Examination Services to develop the California Law and
0068 Ethics Examination and all other testing is conducted by the Association of State and Provincial
0069 Psychology Boards.
0070

0071 **3. New issues not previously discussed in this report.**

0072

0073 **APPLIED BEHAVIOR ANALYSIS**

0074

0075 Applied behavior analysis (ABA) is often used to treat adults and children with intellectual disabilities
0076 at home, school or in a clinical setting. ABA has become widely recognized as an effective treatment
0077 for autism. The practice of ABA, however, is unregulated in California. The Board has agreed that the
0078 profession of ABA should be regulated and the most appropriate location for that regulation is the
0079 Board of Psychology. Legislation was introduced last year to require specified licensure and
0080 registration for practitioners under the Board of Psychology. The author chose at the end of session
0081 to not pursue the bill. The Board anticipates introduction by a new author this upcoming legislative
0082 session.

0083 **License Look-Up Information**

0084

0085 Require the Board to post historical information on existing and past licensees’ approved graduate
0086 and post-graduate education, so that consumers may see where licensees obtained their doctoral
0087 degrees. The Board proposes adding Business and Professions Code section 2934.1 with language
0088 similar to that found in the Medical Practice Act, Business and Professions Code section 2027(b)(1).
0089

0090 **4. New issues raised by the Committees.**

0091
0092
0093
0094
0095
0096
0097
0098
0099
0100
0101
0102
0103
0104
0105
0106
0107
0108
0109

At the date of this report, the Board has received no additional issues raised by the Committee, and has addressed all prior issues in the last sunset review.

Section 12
Attachments

Please provide the following attachments:

- A. Board’s administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).
- D. Quarterly and Annual Performance Measures reports from the Department of Consumer Affairs’ website.