


ISSUE MEMORANDUM

DATE	October 24, 2016
TO	Board of Psychology
FROM	 Cherise Burns Central Services Manager
SUBJECT	Agenda Item #15(b) – Regulatory Update and Review

Background:

This report covers the verification of experience regulatory package currently underway by the Board.

b) Title 16, CCR Section 1387 (b) 10-11 and 1387.1 – Verification of Experience and Supervision Agreement Forms

Status: Pending Department of Finance Review

This Rulemaking File was noticed for the initial 45-day comment period on April 1, 2016. The hearing took place at the May Board meeting. The final regulatory package was completed by staff and submitted to the Department of Consumer Affairs for review on June 28, 2016. The regulatory package was approved by Agency as of October 24, 2016 and now will be sent to the Department of Finance for Review.

Attachment B is the regulatory language for the Verification of Experience and Supervision Agreement Forms.

Action Requested:

This item is for information purposes only. No action is required.

California Board of Psychology

PROPOSED LANGUAGE

Proposed additions are shown as underlined
Proposed deletions are shown as ~~strike through~~

1. Amend section 1387 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:

(10) ~~Except for the accrual of SPE by a psychological assistant in a private practice setting as provided for in section 1387(b)(11).~~ Prior to the start of the experience, the primary supervisor and the supervisee shall together prepare an agreement document that outlines the structure and sequence of the planned program of supervision to accomplish the goals and objectives of the plan ("plan") experience. Accrual of hours prior to preparing such an agreement may result in those hours not counting toward the licensure requirements. The original agreement shall accompany the application for registration, if any, and identify ~~identifies~~ at least the following:

- Name, license number and signature of primary supervisor;
- Name and signature of supervisee;
- Statutory authority under which the supervisee will function;
- Start date of the experience and the anticipated completion date;
- Duties to be performed in a sequential structured plan as defined in this section;
- Address of the locations at which the duties will be performed; and
- Goals and objectives of the plan for SPE, including how socialization into the profession will be achieved; and
- How and when the supervisor will provide periodic assessments and feedback to the supervisee as to whether or not he or she is performing as expected.

Additionally, the agreement ~~document~~ shall reflect that both supervisor and supervisee have discussed and understand each term of SPE as required by the California Code of Regulations. ~~The primary supervisor shall maintain the document until the hours of supervised experience are completed.~~

(11) ~~Once the supervised experience SPE outlined in the agreement document has been completed, the primary supervisor shall submit to the supervisee both the agreement, unless previously submitted to the Board, pursuant to Section 1387 (b) (10) and a verification of experience form signed by the primary supervisor under penalty of perjury, directly to the Board both the document and a verification of the experience signed by the primary supervisor under penalty of perjury. in a sealed envelope, signed across the seal for submission to the Board by the supervisee along with his or her application.~~ The verification shall certify to completion of the hours consistent with the terms of the supervision agreement document. The supervisor must indicate, in his / or her best professional judgment, whether the supervisee demonstrated an overall

performance at or above the level of minimal competence expected for the supervisee's level of education, training and experience. When SPE is accrued in a formal pre-doctoral internship or postdoctoral training program, the program's training director shall be authorized to perform the verification and rating duties of the primary supervisor provided that the internship training director is a licensed psychologist who possesses a valid, active license free of any disciplinary action.

If the SPE is not consistent with the terms of the agreement or if the supervisee did not demonstrate an overall performance at or above level of competence expected for the supervisee's level of education, training and experience, the SPE may not count towards the licensure requirements.

~~(11) Due to lack of standardization in training, a psychological assistant in a private practice setting shall submit the plan as described in subsection (b)(10) for supervised professional experience to the Board for prior approval as provided for in section 2914(c) of the Code prior to the accrual of SPE. A private practice setting is defined as those settings allowed pursuant to section 1387(a)(1)(C) and 1387(a)(2)(D), except a Welfare and Institutions Code section 5614 clinic or a Health and Safety Code section 1204.1 clinic. SPE that is accrued prior to the approval of the plan will not count toward qualifying the applicant for licensure.~~

(c) Delegated Supervision Requirements:

(1) Except as provided in section 1391.5, which regulates the supervision of psychological assistants, primary supervisors may delegate supervision to other qualified psychologists or to other qualified mental health professionals including licensed marriage and family therapists, licensed educational psychologists, licensed clinical social workers and board certified psychiatrists.

(2) The primary supervisor remains responsible for providing the minimum one hour per week of direct, individual face-to-face supervision.

(3) The primary supervisor remains responsible for ensuring compliance with this section.

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 2911 and 2914, Business and Professions Code.

2. Amend section 1387.1 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:

§ 1387.1. Qualifications and Responsibilities of Primary Supervisors.

All primary supervisors shall be licensed psychologists, except that board certified psychiatrists may be primary supervisors of their own registered psychological assistants. In this regard, a maximum of 750 hours of experience out of the required 3000, can be supervised by a board certified psychiatrist and can be counted toward meeting the SPE licensing requirements.

(a) Primary supervisors shall possess and maintain a valid, active license free of any formal disciplinary action, and shall immediately notify the supervisee of any disciplinary action, including revocation, surrender, suspension, probation terms, or changes in licensure status including inactive license, delinquent license or any other license status change that affects the primary supervisor's ability or qualifications to supervise.

(b) Primary supervisors who are licensed by the ~~b~~Board shall complete a minimum of six (6) hours of supervision coursework every two years.

(1) Primary supervisors shall certify under penalty of perjury to completion of this coursework requirement each time the supervisor completes a verification form as referenced in section 1387(b)(10).

(c) Primary supervisors shall be in compliance at all times with the provisions of the Psychology Licensing Law and the Medical Practice Act, whichever is applicable, and the regulations adopted pursuant to these laws.

(d) Primary supervisors shall be responsible for ensuring compliance at all times by the trainee with the provisions of the Psychology Licensing Law and the regulations adopted pursuant to these laws.

(e) Primary supervisors shall be responsible for ensuring that all SPE including record keeping is conducted in compliance with the Ethical Principles and Code of Conduct of the American Psychological Association.

(f) Primary supervisors shall be responsible for monitoring the welfare of the trainee's clients.

(g) Primary supervisors shall ensure that each client or patient is informed, prior to the rendering of services by the trainee (1) that the trainee is unlicensed and is functioning under the direction and supervision of the supervisor; (2) that the primary supervisor shall have full access to the treatment records in order to perform supervision responsibilities and (3) that any fees paid for the services of the trainee must be paid directly to the primary supervisor or employer.

(h) Primary supervisors shall be responsible for monitoring the performance and professional development of the trainee and how and when the supervisor will provide periodic assessments and feedback to the supervisee as to whether or not he or she is performing as expected.

(i) Primary supervisors shall ensure that they have the education, training, and experience in the area(s) of psychological practice they will supervise.

(j) Primary supervisors shall have no familial, intimate, business or other relationship with the trainee which would compromise the supervisor's effectiveness, and/or which would violate the Ethical Principles and Code of Conduct of the American Psychological Association.

(k) Primary supervisors shall not supervise a trainee who is now or has ever been a psychotherapy client of the supervisor.

(l) Primary supervisors shall not exploit trainees or engage in sexual relationships or any other sexual contact with trainees.

(m) Primary supervisors shall require trainees to review the pamphlet "Professional Therapy Never Includes Sex."

(n) Primary supervisors shall monitor the supervision performance of all delegated supervisors.

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Section 2914, Business and Professions Code.