

## MEMORANDUM

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|----------------|---|
| <b>DATE</b>    | January 29, 2018  |
| <b>TO</b>      | Board Members   |
| <b>FROM</b>    | <i>Stephanie Cheung</i><br>Stephanie Cheung<br>Licensing Manager  |
| <b>SUBJECT</b> | <b>Agenda Item 18(e)</b><br>Retired Psychologist License: Consideration of revisions to proposed 16 CCR Sections 1381.9, 1381.10, and 1392 related to the issuance of a License in Retired Status |

### **Background:**

Senate Bill (SB) 1193 (Hill) Chapter 484, Statutes of 2016, added Section 2988.5 to the Business and Professions Code which allows the Board to issue a retired license to a psychologist who is currently licensed by the Board.

During the November 2017 Board Meeting, the Board approved proposed retired status regulatory language and delegated authority to the Executive Officer to make any non-substantive changes, and proceed with the rulemaking process.

Before proceeding with the rulemaking process, staff was asked whether an individual on inactive status is eligible to apply for a retired status.

The Licensing Committee met and reviewed the proposed language (Attachment A) on January 22, 2018. The Committee agreed that a license in inactive status is eligible to apply for a retired status if they meet the requirements. The Committee approved the proposed language and tasked staff to work with Legal Counsel to make any necessary non-substantive amendments. Staff was also tasked to provide draft forms (Attachment B) that are referenced in the proposed language for the Board's review. These forms were previously approved by the Board.

### **Attachment:**

- A: Proposed language to Title 16 of the California Code of Regulations relating to Retired Psychologist License.
- B: Proposed Forms (PSY900 & PSY905)
- C: License Status Table

### **Action Requested:**

Approve the proposed language as written and direct staff to proceed with the rulemaking file.

### **§ 1381.10. Retired Status**

(a) Pursuant to Section 2988.5 of the Code, ~~a licensed psychologist~~ a psychologist who holds a current Active or Inactive license issued by the Board may apply for a license in retired status by submitting the Form PSY 900 (Rev. 10/20XX), which is hereby incorporated by reference.

(b) To apply to restore the license to active status if the license in retired status was issued less than three (3) years prior, the licensee shall:

(1) Submit Form PSY 905 (Rev. 7/20XX), which is incorporated by reference, and pay the biennial renewal fee and all additional fees as prescribed in ~~S~~sections 2987, of the Code, and ~~section~~ 1397.69 of the California Code of Regulations at the time the request to restore to active status is received;

(2) Furnish to the Department of Justice, a full set of electronic fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search if the licensee has not been previously fingerprinted for the Board or for whom an electronic record of the submission of fingerprints does not exist in the Department of Justice's criminal offender identification database.

(c) The Board will not grant an application for a license to be placed in a retired status more than twice. A licensee who has been granted a license in retired status twice, must apply for a new license in order to obtain a license in active status.

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 118 and 2988.5, Business and Professions Code.

### **§ 1392. Psychologist Fees**

(a) The application fee for a psychologist is \$40.00.

(b) The fee for the California Psychology Laws and Ethics Examination (CPLEE) is \$129.00.

(c) An applicant taking or repeating the licensing examination shall pay the full fee for that examination.

(d) The initial license fee and the biennial renewal fee for a psychologist are \$400.00, except that if an initial license will expire less than one year after its issuance, then the initial license fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(e) The biennial renewal fee for an inactive license is \$40.00.

(f) The application fee for a retired license is \$75.00.

Note: Authority cited: Sections 2930, 2987, 2988.5 and 2989, Business and Professions Code. Reference: Sections 2987, 2988, 2988.5 and 2989, Business and Professions Code.

**§ 1397.69. Continuing Professional Development Audit Fee Licensee Fees.**  
**[Effective January 1, 2013.]**

~~This section shall be applicable to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013.~~

For the administration of this article, in addition to any other fees due the Board, and as a condition of renewal or reinstatement, a \$10 fee is to be paid to the Board by a licensee renewing in an active status or after inactive, ~~or delinquent,~~ or reactivating from a retired status.

Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 2915(j) and 2988.5, Business and Professions Code.

**INSTRUCTIONS:**

- Mail completed form and \$75 application fee to: Board of Psychology, 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834
- If your license has expired, but has not canceled, a payment of all accrued renewal and delinquency fees must be submitted with the \$75 application fee.
- Make checks or money orders payable to the Board of Psychology.
- A licensee in Retired Status is prohibited from engaging in the practice of psychology or assisting in the provision of psychological services. A license in Retired Status is not subject to renewal.
- Please print or type. Illegible applications will be returned.

**SECTION I: APPLICANT INFORMATION**

|                |                        |                |                  |
|----------------|------------------------|----------------|------------------|
| Last Name      | First Name             | Middle Initial | Date of Birth    |
| Street Address | City                   | State          | Zip Code         |
| License Number | Social Security Number | Email Address  | Telephone Number |

**SECTION II: MANDATORY CONVICTION AND LICENSE DISCIPLINED DISCLOSURE QUESTIONS**

Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body? Yes \*  No

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Since you last renewed your license, have you been convicted of or pled guilty or nolo contendere to any felony, misdemeanor, infraction or other criminal offense under the laws of any state, the United States, or a foreign country? If you are awaiting judgment and sentencing following entry of a plea or jury verdict, you must still disclose the conviction.

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\*If you answered yes to any of these questions, please complete the [Conviction/License Discipline Form](#). If you have had a license disciplined, provide certified copies of the disciplinary order and any documentation of rehabilitation to the Board. If you have been convicted, please provide CERTIFIED TRUE COPIES of the court and arrest records for each criminal offense to the Board.

**SECTION III: STATEMENT OF APPLICANT**

I have read the foregoing application in its entirety and know the contents thereof. By signing below, I am requesting my license be placed in Retired Status. I understand that I am prohibited from engaging in the practice of, or assisting in the provision of psychology. I hereby certify under penalty of perjury under the laws of the State of California, that any statements made herein or attached hereto are true in every respect. I understand that any misstatements or omissions of material fact may be cause for denial, suspension, or revocation of a license.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**INSTRUCTIONS:**

- Mail completed form to: Board of Psychology, 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834.
- If it has been less than 3 years since you were issued a retired license, complete this form and pay the biennial renewal fee.
- If it has been 3 or more years since you were issued a retired license, do not use this form. Complete the [CPLEE Request form](#) and the [Application for Licensure as a Psychologist Form](#) and pay the appropriate fees.
- Please print or type. Illegible applications will be returned.

**SECTION I: APPLICANT INFORMATION**

|                         |                                 |                         |                           |
|-------------------------|---------------------------------|-------------------------|---------------------------|
| _____<br>Last Name      | _____<br>First Name             | _____<br>Middle Initial | _____<br>Date of Birth    |
| _____<br>Street Address | _____<br>City                   | _____<br>State          | _____<br>Zip Code         |
| _____<br>License Number | _____<br>Social Security Number | _____<br>Email Address  | _____<br>Telephone Number |

**SECTION II: APPLICATION QUESTIONS (IF LESS THAN 3 YEARS)**

|  |                                 |                                |
|--|---------------------------------|--------------------------------|
| <p><b>CONVICTION/DISCIPLINE:</b> Since you last renewed your license, omitting traffic infractions under \$500.00 not involving alcohol, dangerous drugs, or a controlled substance, have you been convicted of any violations of law in this or any other state, the United States or its territories, military court, or other county, or have you been disciplined by a government agency or other disciplinary body?</p> <p>If yes, please complete the <a href="#">Conviction/License Discipline Form</a>. If you have been convicted, please provide CERTIFIED TRUE COPIES of the court and arrest records for each criminal offense to the Board.</p> | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| <p><b>CONTINUING PROFESSIONAL DEVELOPMENT:</b> I completed 36 hours of approved continuing professional development within the preceding 24 months.</p> <p><i>You must include proof pursuant to Section 1397.61 of the California Code of Regulations of 36 hours of continuing professional development with this application. Independent learning can be used to meet no more than 75% (27 hours) of the required 36 hours.</i></p>  | <input type="checkbox"/>        | <input type="checkbox"/>       |
| <p><b>FINGERPRINT REQUIREMENT:</b> Submit a full set of fingerprints to the Board for purposes of conducting a criminal history record check with criminal history information obtained and received from the Department of Justice and the United States Federal Bureau of Investigation.</p>   | <input type="checkbox"/>        | <input type="checkbox"/>       |

**SECTION III: STATEMENT OF APPLICANT**

I have read the foregoing application in its entirety and know the contents thereof. By signing below, I am requesting that my retired license be returned to active status. I understand that I am prohibited from engaging in the practice of, or assisting in the provision of psychology until my license has been restored to active status. I hereby certify under penalty of perjury under the laws of the State of California, that any statements made herein or attached hereto are true in every respect. I understand that any misstatements or omissions of material fact may be cause for denial, suspension, or revocation of a license.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Revised 11/17)

PSY 905

| <b>LICENSING STATUS CODES</b> |   |
|-------------------------------|---|
| <b>Status Code/Type</b>       | <b>Definition</b>   |
| <b>Current - 20</b>           | Active and allowed to practice.   |
| <b>Current Inactive - 21</b>  | Renewed but chooses to be inactive. Practice is not permitted   |
| <b>Expired - 45</b>           | License has not been renewed. Practice is not permitted   |
| <b>Cancelled - 50</b>         | License has been expired for at least 3 years and has not been renewed. Practice is not permitted.              |
| <b>Retired – 51*</b>          | License is in retired status and the licensee is exempt from renewal requirements. Practice is not permitted.** |

\*Pending regulatory change.

\*\*Current, Current Inactive and Expired statuses can request retired status, but a cancelled license is not eligible. Licensee can apply to restore the license to active status if less than 3 years but must reapply for a license if more than 3 years. A licensee who has been granted a license in retired status twice must apply for a new license to obtain active status.