

## MEMORANDUM

<b>DATE</b>	November 1, 2018
<b>TO</b>	Board of Psychology Members
<b>FROM</b>	Sandra Monterrubio, Enforcement Program Manager
<b>SUBJECT</b>	Agenda Item 20(c) Voluntary Surrender of a License-Procedure and Possible Statutory Change

### **Background:**

In October 2018, the Executive Officer, enforcement staff, and DCA legal counsel met to discuss a possible mechanism for licensees with a cognitive impairment or incapacity, **and without a pending complaint involving client harm**, to request the Board's consent to voluntarily surrender a license without formal discipline. The following is a preliminary outline of this proposed policy:

- 1) Complaint is opened
- 2) Request formal investigation. Investigator and Board expert to interview licensee, family, coworkers, and witnesses. Board expert determines whether or not licensee understands the decision they would be making by voluntarily surrendering their license.
- 3) Final investigative report is submitted to board staff for review
- 4) Board staff sends licensee a letter offering voluntary surrender
- 5) Licensee has 30 days to submit written request for surrender, containing the licensee's signature (scanned letters are acceptable)
- 6) Board issues letter to licensee acknowledging and consenting to the surrender with an explanation of petition for reinstatement process
- 7) No public record of discipline but letter acknowledging and consenting to surrender can be released to the public through Public Record Act (PRA)
- 8) If licensee refuses to surrender license, Board may proceed with formal discipline
- 9) If a complaint involving client harm is submitted anytime during this process, the Board suspends the option to voluntarily surrender license and proceeds with formal investigation and discipline

### **Action Requested:**

Review and approve proposed policy and approve draft statutory language.

**Attachments:**

A: Draft Letters

B: Proposed Statutory Language

October 12, 2018

[Licensee], PhD/PsyD  
Address  
City, CA Zip

**Re: Voluntary Surrender of License No. PSY [###]**

Dear [Licensee],

On [Date], you met with an Investigator from the Division of Investigation and a Board of Psychology ("Board") Expert to discuss the possibility of surrendering your license to practice psychology. The Board has completed its initial investigation regarding this matter.

If you would like to voluntarily surrender your license:

1. Please submit to the Board a signed, written request to surrender your license within thirty (30) days of receipt of this letter.
2. The Board will consider your request and notify you in writing of its decision.
3. If the Board consents to the surrender of your license, you will cease practicing upon the effective date specified by the Board.

Upon surrender, you will no longer be eligible to practice psychology in the State of California unless you successfully petition the Board for reinstatement.

Failure to submit a written request to voluntarily surrender your license, as described above, may result in the Board pursuing revocation of your license.

Respectfully,

**[NAME]**  
Executive Officer  
Board of Psychology

October 12, 2018

[Licensee], PhD/PsyD  
Address  
City, CA Zip

**Re: Voluntary Surrender of License No. PSY [###]**

Dear **[Licensee]**,

On **[Date]**, the Board of Psychology ("Board") received your request to voluntarily surrender your license to practice psychology in the State of California.

The Board hereby consents to and accepts the voluntary surrender of your license. Effective **[Date]**, you will no longer be eligible to practice psychology in California. Please return your wall certificate and pocket license to the Board.

If you have any questions, please contact the Board at (866) 503-3221 or (916) 574-7720 or via email at [BOPEenforcement@dca.ca.gov](mailto:BOPEenforcement@dca.ca.gov).

Respectfully,

**[NAME]**  
Executive Officer  
Board of Psychology

### **Draft Statutory Language**

The board may, in its discretion, accept the offer of a surrender of a license. The acceptance of the offer of a surrender shall be in writing.

(a) The license surrender shall be public information.

(b) The holder of the license that was surrendered pursuant to this section may petition the board for reinstatement after a period of not less than one year after the effective date of the acceptance.

The reinstatement proceeding shall be conducted pursuant to Section 2965.