

AGENDA

1:00 p.m. – OPEN SESSION

Unless noticed for a specific time, items may be heard at any time during the period of the Board meeting.

The Board welcomes and encourages public participation at its meetings. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment.

1. Call to Order/Roll Call/Establishment of a Quorum
2. President's Welcome
3. Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].
4. Review and Possible Approval of Board's Sunset Report (A. Sorrick)
5. Update Regarding *Mathews v. Becerra* - California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting - Penal Code Sections 261.5, 288, and 11165.1
6. Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)].

CLOSED SESSION

7. The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

RETURN TO OPEN SESSION

ADJOURNMENT

Except where noticed for a time certain, all times are approximate and subject to change. The meeting may be canceled without notice. For verification, please check the Board's Web site at www.psychology.ca.gov, or call (916) 574-7720. Action may be

taken on any item on the agenda. Items may be taken out of order, tabled or held over to a subsequent meeting for convenience, to accommodate speakers, or to maintain a quorum.

In the event a quorum of the Board is unable to attend the meeting, or the Board is unable to maintain a quorum once the meeting is called to order, the president may, at his discretion, continue to discuss items from the agenda and to vote to make recommendations to the full board at a future meeting [Government Code section 11125(c)].

Meetings of the Board of Psychology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard, but the President may, at his discretion, apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Antonette Sorrick, Executive Officer, at (916) 574-7720 or email bopmail@dca.ca.gov or send a written request addressed to 1625 N. Market Boulevard, Suite N-215, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The Board of Psychology protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.

MEMORANDUM

DATE	October 22, 2019
TO	Psychology Board Members
FROM	Antonette Sorrick Executive Officer
SUBJECT	Agenda Item #4 – Review and Possible Approval of Board’s Sunset Report

Background:

On July 22, 2019, the Board received the Sunset Review Oversight Form (Form). The Sunset Review Oversight process allows the Legislature to review the laws and regulations pertaining to each board and evaluate the board’s programs and policies; determine whether the board operates and enforces its regulatory responsibilities and is carrying out its statutory duties; and examine fiscal management practices and financial relationships with other agencies. Through Sunset Review Oversight, boards are also evaluated on key performance measures and targets related to the timeliness of action, enforcement, and other necessary efforts to serve the needs of and adequately protect California consumers while promoting regulatory efficiency and effectiveness.

Board staff reviewed and discussed the draft Form with the Sunset Review Committee (Dr. Stephen C. Phillips and Mr. Seyron Foo) on September 16, 2019. The Board then met on October 3-4 and provided additional amendments to the draft report.

The attached draft Form is provided for the Board’s review and consideration. Please be mindful that the questions and tables with blue shading are provided by the legislature and not Board staff and may not be edited. Additionally, in section 10 “Board Action and Response to Prior Sunset Issues,” we only need to review or consider the text in the “UPDATE” boxes and their relevant tables with current data.

Action Requested:

Review the draft Form and provide final edits to staff for incorporation into the Form, delegating staff to make any additional non-substantive changes necessary and submit the Form to the Legislature.

Attachment A: Draft Sunset Review Oversight Form and relevant attachments

Attachment B: Timeline of Sunset Process

1 **Board of Psychology**
2 **BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT**
3 **REGULATORY PROGRAM**
4 **As of [date]**
5

6
7 **Section 1 –**
8 **Background and Description of the Board and Regulated Profession**
9

10 **Provide a short explanation of the history and function of the board.¹ Describe the**
11 **occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title**
12 **Acts).**

13
14 **HISTORY AND FUNCTION OF THE BOARD**
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16 The California Board of Psychology (Board) regulates psychologists, registered psychologists, and
17 registered psychological assistants. Only licensed psychologists can practice psychology
18 independently in California. Registered psychologists are registered to work and train under
19 supervision in non-profit agencies that receive government funding, and registered psychological
20 assistants provide psychological services under the supervision of a qualified licensed psychologist or
21 board-certified psychiatrist.
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23 With the Certification Act of 1958, the psychology profession became regulated in California. While
24 the Certification Act protected the title “psychologist,” it did not take into consideration the interests of
25 the consumers of psychological services. Later, the regulation of the profession evolved when the
26 California Legislature recognized the potential for consumer harm by those practicing psychology and
27 shifted the focus of the regulation of the profession to protection of the public.
28

29 This redirection resulted in legislation in 1967 that protected the “psychologist” title, defined the
30 practice, and required licensure in order to practice legally. During these early licensing days, the
31 Board was an “examining committee” under the jurisdiction of what was then the Division of Allied
32 Health Professions of the Board of Medical Quality Assurance (BMQA). During the 1970s, the
33 Psychology Examining Committee gradually became more independent and began taking
34 responsibility for its own operations, including the authority to adopt regulations and administrative
35 disciplinary actions without the endorsement of BMQA. The Psychology Examining Committee
36 officially became the Board of Psychology in 1990 (Assembly Bill 858, Margolin, 1989).
37

38 The Mission of the Board is to protect consumers of psychological services by licensing
39 psychologists, regulating the practice of psychology, and supporting the evolution of the profession.
40 The Board’s Values are transparency, integrity, fairness, responsiveness, and professionalism. The
41 Vision of the Board is a healthy California where our diverse communities enjoy the benefits of the
42 highest standard of psychological services.
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44 **1. Describe the make-up and functions of each of the board’s committees (cf., Section 12,**
45 **Attachment B).**

¹ The term “board” in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term “board” throughout this document to appropriately refer to the entity being reviewed.

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Standing Committees

Outreach and Communications Committee – The goal of the Outreach and Communications Committee is to engage, inform, and educate consumers, students, applicants, licensees, and other stakeholders regarding the evolving practice of psychology, the work of the Board, and their relevant laws and regulations.

Legislative and Regulatory Affairs Committee – The goal of this committee is to advocate for legislation and develop regulations that provide for the protection of consumer health and safety. The Committee reviews, monitors and recommends positions on legislation that affects the Board, consumers, and the profession of psychology. The Committee also recommends regulatory changes and informs the Board about the status of regulatory packages.

Licensure Committee – The goal of this committee is to create and maintain a clear and efficient framework for licensure, examination processes, and continuing professional development through the Board’s statutes and regulations to ensure licensees meet the qualifications necessary to practice safely and ethically. The Committee communicates relevant information to its affected stakeholders.

Ad Hoc Committees

Enforcement Committee – The goal of this committee is to protect the health and safety of consumers of psychological services through the active enforcement of the statutes and regulations governing the safe practice of psychology in California. The Committee reviews the Board’s *Disciplinary Guidelines* and enforcement statutes and regulations and submits recommended amendments to the full Board for consideration.

Sunset Review Committee – The goal of this committee is to review staff’s responses to the questions asked by the Assembly Business and Professions and the Senate Business, Professions and Economic Development Committees. The Committee formulates and reviews the responses before submission to the full Board.

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

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			
Lucille Acquaye-Baddoo			
Date Appointed:	June 12, 2009; Re-appointed: June 18, 2011; June 8, 2015		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes

Table 1a. Attendance			
Lucille Acquaye-Baddoo (cont.)			
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Outreach and Education Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Enforcement Committee Meeting	10/20/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Enforcement Committee Meeting	1/19/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/8/2018	Sacramento	Yes
Outreach and Education Committee Mtg	4/6/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Enforcement Committee Meeting	6/22/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Enforcement Committee Meeting	9/21/2018	Sacramento	Yes
Enforcement Committee Meeting	10/12/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/22/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	No
Board Meeting	4/24-26/2019	Los Angeles	Yes
Outreach and Education Committee Meeting	5/17/2019	Sacramento	Yes
Johanna Arias-Bhatia			
Date Appointed:	August 10, 2012; Re-appointed: June 3, 2015		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes

Table 1a. Attendance			
Adelita "Alita" Bernal			
Date Appointed:	August 3, 2016		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/18-19/2016	Berkeley	No
Outreach and Education Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	No
Outreach and Education Committee Mtg	4/6/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	No
Board Meeting	4/24-26/2019	Los Angeles	No
Outreach and Education Committee Mtg	5/17/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Board Meeting	10/3-4/2019	San Diego	No
Board Meeting	11/8/2019	Teleconference	
Sheryll Casuga			
Date Appointed:	August 18, 2017		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
EPPP2 Task Force Meeting	4/5/2018	Sacramento	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
EPPP2 Task Force Meeting	6/29/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	No
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes

Table 1a. Attendance			
Sheryll Casuga (cont.)			
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	No
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	
Marisela Cervantes			
Date Appointed:	April 29, 2019		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Berkeley	Yes
Enforcement Committee	9/20/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	
Michael Erickson			
Date Appointed:	August 6, 2010; Re-Appointed: July 15, 2014		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Telepsychology Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Telepsychology Committee Meeting	2/3/2017	Sacramento	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/13/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Policy and Advocacy Committee Meeting	5/15/2017	Sacramento	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	No
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes

Table 1a. Attendance			
Michael Erickson (cont.)			
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Seyron Foo			
Date Appointed:	May 17, 2017		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	No
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
EPPP2 Task Force Meeting	4/5/2018	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
EPPP2 Task Force Meeting	6/29/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	Yes
Sunset Review Committee Meeting	9/16/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	
Miguel Gallardo			
Date Appointed:	August 6, 2010; Re-appointed: December 28, 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	No
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes

Table 1a. Attendance			
Miguel Gallardo (cont.)			
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	No
Board Meeting	4/4/2016	Teleconference	No
Board Meeting	5/19-20-2016	Los Angeles	Yes
Mary Harb Sheets			
Date Appointed:	December 7, 2018		
Meeting Type	Meeting Date	Meeting Location	Attended?
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	No
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	
Andrew Harlem			
Date Appointed:	August 10, 2012		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	No
Board Meeting	11/28/2015	Sacramento	No
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Jacqueline Horn			
Date Appointed:	October 25, 2013; Re-appointed: June 3, 2015		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes

Table 1a. Attendance			
Jacqueline Horn (cont.)			
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	4/6/2018	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	
Nicole J. Jones			
Date Appointed:	August 10, 2012; Re-appointed June 18, 2014		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	No
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes

Table 1a. Attendance			
Nicole J. Jones (cont.)			
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/13/2017	Sacramento	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Policy and Advocacy Committee Meeting	5/15/2017	Sacramento	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	No
Board Meeting	11/15-16/2018	San Diego	No
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	No
Board Meeting	3/29/2019	Teleconference	No
Stephen Phillips			
Date Appointed:	September 30, 2013; Reappointed June 10, 2016		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes
Telepsychology Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes

Table 1a. Attendance			
Stephen Phillips (cont.)			
Telepsychology Committee Meeting	2/3/2017	Sacramento	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Enforcement Committee Meeting	10/20/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/8/2018	Sacramento	Yes
Policy and Advocacy Committee Meeting	4/19/2019	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Enforcement Committee Meeting	6/22/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Enforcement Committee Meeting	9/21/2018	Sacramento	Yes
Enforcement Committee Meeting	10/12/2018	Sacramento	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Enforcement Committee Meeting	1/19/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes
Enforcement Committee Meeting	3/2/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Telepsychology Committee Meeting	4/19/2019	Sacramento	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Sunset Review Committee	9/16/2019	Sacramento	Yes
Enforcement Committee	9/20/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	

Table 1a. Attendance			
Linda Starr			
Date Appointed:	January 9, 2013		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Lea Tate			
Date Appointed:	December 7, 2018		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Outreach and Education Committee Mtg	5/17/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	No
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	

88

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)
Adelita "Alita" Bernal	8/3/2016		6/1/2020	Senate	Public Member
Sheryll Casuga, PsyD	8/18/2017		6/1/2019	Governor	Licensed Member
Marisela Cervantes	4/29/2019		6/1/2022	Assembly	Public Member
Seyron Foo (Vice-President)	5/17/2017		6/1/2020	Governor	Public Member
Mary Harb Sheets, PhD	12/7/2018		6/1/2020	Governor	Licensed Member
Jacqueline Horn, PhD	10/23/2013	6/3/2015	6/1/2019	Governor	Licensed Member
Stephen Phillips, JD, PsyD (President)	9/25/2013	6/2/2016	6/1/2019	Governor	Licensed Member
Lea Tate, PsyD	12/7/2018		6/1/2022	Governor	Licensed Member
VACANT				Governor	Public Member

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95

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.

96 **3. Describe any major changes to the board since the last Sunset Review, including, but not**
97 **limited to:**

- 98 • **Internal changes (i.e., reorganization, relocation, change in leadership, strategic**
99 **planning)**
- 100 • **All legislation sponsored by the board and affecting the board since the last sunset**
101 **review.**
- 102 • **All regulation changes approved by the board the last sunset review. Include the**
103 **status of each regulatory change approved by the board.**

104
105 **Internal Changes**

106 Since the last Sunset Review, the Board has undertaken major reorganization within its internal
107 structure, including the addition of one Staff Services Manager I (SSM I) and one Staff Services
108 Manager II (SSM II), which has allowed the Board to establish a more effective organizational
109 structure with a Licensing Unit, Enforcement Unit, and Central Services Unit. This reorganization
110 was a result of the 2015 Cooperative Personnel Services (CPS) Human Resource Consulting
111 analysis of the Board's programs.

112
113 The CPS analysis recommended a structural reorganization of the Board into three distinct units
114 by function: Licensing, Enforcement, and Central Services (which includes legislative, regulatory,
115 and cashiering functions, among others). The study also recommended that each of these units
116 have an SSM I to directly supervise staff and recommended a reclassification of the Assistant
117 Executive Officer to an SSM II position to perform higher level support for the Board. This new
118 structure ensures that each unit has appropriate supervisory positions in order to adequately
119 monitor staff performance and aid the Board's program improvement efforts.

120
121 The Board also has added one additional Associate Governmental Program Analyst (AGPA) to
122 the Enforcement Unit to address increased complaint workload and enhance the Board's
123 enforcement performance measures.

124
125 The Board adopted a new Strategic Plan in February 2019, which will direct the Board's activities
126 over the next five years. This plan includes goals related to program efficiencies, process
127 improvements, moving the Board to PaperLite processes, and updating statutes and regulations
128 related to the Board's enforcement and licensing units.

129
130 PaperLite is the Board's initiative to reduce its carbon footprint by minimizing its use of paper in its
131 forms, applications and processes. It is anticipated that this effort will result in cost reductions in
132 coming years.

133
134 **Legislation**

135
136 Since the last Sunset Report, the following legislation was sponsored by the Board or affected the
137 Board, its licensees, or consumers of psychological services. This information is provided in
138 chronological order.

139
140 **Legislation Sponsored by the Board:**

141
142 ***AB 89 (Levine, Chapter 182, Statutes of 2017) Psychologists: Suicide Prevention Training.***

143
144 This bill, commencing January 1, 2020, requires candidates for licensure as a psychologist to
145 complete at least six hours of coursework or applied experience under supervision in suicide risk

146 assessment and intervention. This bill also applied this same one-time requirement to current
147 licensees as a condition of licensure renewal commencing January 1, 2020.

148
149 ***AB 2968 (Levine, Chapter 778, Statutes of 2018) Psychotherapist-Client Relationship:***
150 ***Victims of Sexual Behavior and Sexual Contact: Informational Brochure.***

151
152 This bill modified and modernized requirements for the Department of Consumer Affairs
153 (Department) publication entitled "Professional Therapy Never Includes Sex" (brochure).
154 Specifically, this bill: (1) eliminated the requirement that the Department develop the brochure in
155 consultation with the Attorney General's office; (2) deleted the inclusion of civil and professional
156 association complaint procedures in the brochure; (3) required the brochure to also be provided to
157 victims of psychotherapist-client sexual behavior; (4) defined sexual behavior; and (5) deleted the
158 requirement that the brochure include histories of victims and their families.

159
160 ***SB 275 (Pan, 2019) Psychologist: Prohibition Against Sexual Behavior.***

161
162 This bill would have required an administrative law judge's proposed decision to include an order
163 of licensure revocation when there is a finding that a licensee of the Board of Psychology has
164 engaged in sexual behavior short of sexual contact with a client during therapy, or within two
165 years of termination of therapy.

166
167 **Disposition:** This bill is a 2-year bill and will be taken up in January of 2020.

168
169
170 **Legislation Affecting the Board, its Licensees, and Consumers of Psychological Services**

171
172 ***AB 796 (Nazarian, Chapter 493, Statutes of 2016) Health Care Coverage: Autism and***
173 ***Pervasive Developmental Disorders***

174
175 This bill deleted the sunset date, thereby extending indefinitely the requirement that every health
176 care service plan contract and every health insurance policy provide coverage for behavioral
177 health treatment for pervasive developmental disorder or autism.

178
179 **Position:** Oppose

180 **Disposition:** Signed by the Governor

181
182 ***AB 1715 (Holden, 2016) Healing Arts: Behavior Analysis: Licensing.***

183
184 This bill would have: 1) established the Behavior Analyst Act (Act) and provided authority to the
185 Board of Psychology (Board) to enforce the Act; 2) required a license as either a Behavior Analyst
186 or an Assistant Behavior Analyst in order to practice behavior analysis, registration to act as a
187 Behavior Analyst Intern, and approval to act as a Behavior Analysis Technician; 3) created the
188 Behavior Analyst Committee (Committee) within the Board; 4) increased the size of the Board; 5)
189 required that the Board begin issuing licenses on July 1, 2018 for Behavior Analysis Technicians
190 and Behavior Analysis Interns, and July 1, 2019 for Behavior Analysts and Assistant Behavior
191 Analysts; and 6) vested the Board with authority to enforce the Act until January 1, 2022, among
192 other things.

193
194 **Position:** Support if Amended

195 **Disposition:** Held in the Senate Business, Professions and Economic Development Committee.

196

197 ***AB 2017 (McCarty, 2016) College Mental Health Services Program***

198
199 This bill, until January 1, 2022, would have required the Mental Health Services Oversight and
200 Accountability Commission, subject to appropriation by the Legislature, to create a grant program
201 for public community colleges, colleges, and universities for purposes of improving access to
202 mental health services on those campuses.

203
204 **Position:** Support

205 **Disposition:** Vetoed by the Governor

206
207 ***AB 2086 (Cooley, 2016) Workers Compensation: Neuropsychologists***

208
209 This bill would have authorized a licensed clinical psychologist meeting specified requirements to
210 be appointed as a qualified medical evaluator in neuropsychology. Additionally, it provided that a
211 medical doctor or osteopath who had successfully completed a residency or fellowship program
212 accredited by a predecessor to the Accreditation Council for Graduate Medical Education would
213 satisfy the residency training requirement for an evaluator under the Worker's Compensation Law.

214
215 **Position:** Support If Amended

216 **Disposition:** Vetoed by the Governor

217
218 ***AB 2443 (Baker, 2016) Improving Mental Health Access for Students***

219
220 This bill relates to a Local Control and Accountability Plan by the governing board of a school
221 district. This bill would have required a description of the annual goals to be achieved for each of
222 the state's delineated priorities for all pupils, and certain subgroups of pupils, and add to those
223 factors the number of practicing school psychologists working on school climate issues.

224
225 **Position:** Support

226 **Disposition:** Failed deadline, last location was in Assembly Committee on Appropriations

227
228 ***SB 1034 (Mitchell, 2016) Health Care Coverage: Autism***

229
230 This bill would have modified requirements to be a qualified autism service professional to include
231 providing behavioral health treatment, which would have included clinical management and case
232 supervision under the direction and supervision of a qualified autism service provider. The bill
233 would have required that, unless a treatment plan was modified by a qualified autism service
234 provider, utilization review would be conducted no more than once every six months. The bill
235 would have also provided that coverage for behavioral health treatment for pervasive
236 developmental disorder or autism would be dependent on medical necessity, subject to utilization
237 review, and required to be in compliance with federal mental health parity requirements. The bill
238 would have extended the operation of these provisions to January 1, 2022.

239
240 **Position:** Oppose

241 **Disposition:** Failed deadline, last location was in Assembly Committee on Appropriations

242
243 ***SB 1193 (Hill, Chapter 484, Statutes of 2016) Healing Arts.***

244
245 This bill, among other things, extended the sunset date for the Board of Psychology four years
246 from January 1, 2017, to January 1, 2021, as well as provided several policy changes.
247 Specifically, this bill required an applicant to graduate from a regionally accredited institution;

248 redefined continuing education as continuing professional development, and modified the
249 requirements to satisfy the standard for continuing professional development before license
250 renewal; established policies for posting licensee information on the Board's website; created a
251 "retired" license category; and made technical changes to the psychological assistant registration.

252
253 **Position:** Support

254 **Disposition:** Signed by the Governor

255
256 ***AB 244 (Cervantes, 2017) – Maternal Mental Health***

257
258 This bill would have created a pilot program, in counties that elected to participate, to increase the
259 capacity of health providers that serve pregnant and postpartum women up to one year after
260 delivery to effectively prevent, identify, and manage postpartum depression and other mental
261 health conditions. The pilot program could have included the following: a consultation program
262 utilizing telehealth and e-consult technologies; training and toolkits on screening, assessment, and
263 the range of treatment options; coordination of care for program participants; and access to
264 perinatal psychiatric consultations for program participants.

265
266 **Position:** Support If Amended

267 **Disposition:** Failed deadline, last location was in Assembly Committee on Health

268
269 ***AB 1456 (Low, Chapter 151, Statutes of 2017) Professional Licensure.***

270
271 This bill modifies existing waivers from licensure requirements allowed in specified facilities or
272 settings under the California Department of Public Health, Department of Health Care Services,
273 Department of State Hospitals, and the California Department of Corrections. This bill brings
274 conformity to the various exemption waivers by making all waivers up to a maximum of five years
275 and requires that individuals receiving the exemption waiver must be working to gain the
276 supervised professional experience required for licensure.

277
278 **Position:** Support

279 **Disposition:** Signed by the Governor

280
281 ***AB 1188 (Nazarian, Chapter 557, Statutes of 2017) Health Professions Development: Loan***
282 ***Repayment.***

283
284 This urgency bill increases the fee collected from psychologists, marriage and family therapists,
285 and clinical social workers at the time of licensure renewal for deposit into the Mental Health
286 Practitioner Education Fund (Fund) from \$10 to \$20. This bill also adds licensed professional
287 clinical counselors and associate professional clinical counselors to the list of mental health
288 providers that can apply for grants from the Fund and establishes a \$20 fee for licensed
289 professional clinical counselors at the time of licensure renewal for deposit into the Fund. Although
290 this was an urgency bill, it did not take effect until July 1, 2018.

291
292 **Position:** Support

293 **Disposition:** Signed by the Governor

298 ***SB 547 (Hill, Chapter 429, Statutes of 2017) – Professions and Vocations: Weights and***
299 ***Measures (Board Omnibus Bill)***

300
301 SB 547 removes the specification in statute as to who can pay the psychological assistant
302 registration fee to the Board and specifies that the delinquency for Board licensees is 50 percent
303 of the renewal fee for each license type, not to exceed one hundred and fifty dollars (\$150). This
304 bill also makes various changes to provisions for the Board of Accountancy.

305
306 **Position:** Support

307 **Disposition:** Signed by the Governor

308
309 ***SB 572 (Stone, 2017) – Healing Arts Licensees: Violations: Grace Period***

310
311 This bill would have prohibited healing arts boards under the DCA from issuing a disciplinary
312 action or otherwise penalizing a licensee who commits a violation that does not cause irreparable
313 harm to a consumer and is remedied within 15 days.

314
315 **Position:** Oppose

316 **Disposition:** Failed deadline, last location was in Senate Committee on Business, Professions
317 and Economic Development

318
319 ***AB 282 (Jones-Sawyer, Chapter 245, Statutes of 2018) – Aiding, Advising, or Encouraging***
320 ***Suicide: Exemption from Prosecution***

321
322 This bill codifies that any person whose actions are performed in compliance with the provisions in
323 the End of Life Option Act cannot be prosecuted for those actions under Penal Code Section 401.

324
325 **Position:** Support

326 **Disposition:** Signed by the Governor

327
328 ***AB 1436 (Levine, Chapter 527, Statutes of 2018) – Board of Behavioral Sciences:***
329 ***Licensees: Suicide Prevention Training***

330
331 This bill, on or after January 1, 2021, requires an applicant for any license type under the Board of
332 Behavioral Sciences (BBS), to complete a minimum of 6 hours of coursework or applied
333 experience under supervision in suicide risk assessment and intervention. Additionally, the bill
334 requires, on or after January 1, 2021, as a onetime requirement, any licensee under BBS to have
335 completed this suicide risk assessment and intervention training requirement prior to the time of
336 his or her first renewal. Lastly, the bill also requires, on or after January 1, 2021, a person applying
337 for reactivation or for reinstatement to have completed this suicide risk assessment and
338 intervention training requirement.

339
340 **Position:** Support

341 **Disposition:** Signed by the Governor

342
343 ***AB 2138 (Chiu, Chapter 995, Statutes of 2018) – Licensing Boards: Denial of Application:***
344 ***Revocation or Suspension of Licensure: Criminal Conviction***

345
346 This bill amended various provisions of the Business and Professions Code relating to the Board's
347 ability to deny a license or take disciplinary action in relation to criminal convictions based on
348 various factors related to the crime, and revised requirements related to the criteria of

349 rehabilitation that boards must consider when evaluating the denial of an application, a petition for
350 reinstatement, or a petition for early termination of probation. This bill significantly limited when the
351 Board can deny, revoke or suspend a license based on a conviction or other act.

352
353 **Position:** Oppose

354 **Disposition:** Signed by the Governor

355
356 ***AB 2143 (Caballero, 2018) – Mental Health: Licensed Mental Health Service Provider***
357 ***Education Program***

358
359 This bill would have expanded the Licensed Mental Health Service Provider Education Program to
360 apply to persons eligible under existing law who attain further education in order to practice as
361 psychiatric-mental health nurse practitioners or physician assistants in psychiatric mental health
362 settings, thereby allowing those practitioners to apply for grants under the program for
363 reimbursement of those later-incurred educational loans, but paid for by the fund established for
364 psychology licensees.

365
366 **Position:** Oppose

367 **Disposition:** Vetoed by the Governor

368
369 ***AB 2483 (Voepel, 2018) – Indemnification of Public Officers and Employees: Antitrust***
370 ***Awards***

371
372 This bill would have expanded the Government Claims Act to require a public entity to pay a
373 judgment or settlement for treble damage antitrust awards against a member of a regulatory board
374 within the DCA for an act or omission occurring within the scope of the member's official capacity
375 as a member of the regulatory board. The bill would have also specified that treble damages
376 awarded pursuant to, and for violation of ,specified federal laws are not punitive or exemplary
377 damages for purposes of the act.

378
379 **Position:** Support

380 **Disposition:** Failed deadline, last location was on the Senate Committee on Judiciary

381
382 ***AB 2943 (Low, 2018) – Unlawful Business Practices: Sexual Orientation Change Efforts***
383

384 This bill would have included, as an unlawful practice prohibited under the Consumer Legal
385 Remedies Act, advertising, offering for sale, or selling services constituting sexual orientation
386 change efforts to an individual.

387 This bill would have defined sexual orientation change efforts as follows:

- 388 (1) "Sexual orientation change efforts" means any practices that seek to change an individual's
389 sexual orientation. This includes efforts to change behaviors or gender expressions, or to
390 eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.
391 (2) "Sexual orientation change efforts" does not include psychotherapies that: (A) provide
392 acceptance, support, and understanding of clients or the facilitation of clients' coping, social
393 support, and identity exploration and development, including sexual orientation-neutral
394 interventions to prevent or address unlawful conduct or unsafe sexual practices or to otherwise
395 promote healthy sexual and romantic relationships; and (B) do not seek to change sexual
396 orientation.

397
398 **Position:** Support

399 **Disposition:** Failed deadline, last location was on the Assembly Floor

400 **SB 1125 (Atkins, 2018) – Federally Qualified Health Center and Rural Health Clinic Services**

401
402 This bill would have allowed Medi-Cal reimbursement for a patient receiving medical services at a
403 federally qualified health center or rural health clinic, to receive both medical services and also to
404 obtain mental health services on the same day they receive the medical services.

405
406 **Position:** Support

407 **Disposition:** Vetoed by the Governor

408
409 **AB 1076 (Ting, Chapter 578, Statutes of 2019) Criminal Records: Automatic Relief**

410
411 This bill requires the California Department of Justice (DOJ) to automatically seal specified arrest
412 and conviction records that meet certain criteria and timeframes without requiring the individual to
413 petition the court. This bill also prohibits DOJ from providing any licensing board under the DCA
414 with information on arrests or convictions that have been sealed. Additionally, this bill prohibits the
415 courts from disclosing any information concerning arrests that were granted relief pursuant to the
416 bill's provisions or convictions that have been granted relief pursuant to multiple code sections, to
417 any entity except for criminal justice agencies and California Department of Social Services
418 licensing programs related to facilities and/or services for the elderly, chronically ill, or child day
419 care. Additionally, this bill removes the Board's ability to deny an application for licensure based
420 on a conviction, or the acts underlying the conviction, that has received relief under the provisions
421 of AB 1076 by adding it to the other convictions that were provided relief that the Board cannot
422 use pursuant to AB 2138 (Chapter 995, Statutes of 2018).

423
424 **Position:** Oppose

425 **Disposition:** Signed by the Governor

426
427 **AB 1145 (Garcia, 2019) Child Abuse: Reportable Conduct**

428
429 For the purposes of the Child Abuse Neglect Reporting Act (CANRA), this bill would have revised
430 the definition of sexual assault to no longer include any acts under Penal Code Sections 286
431 (sodomy), 287 (oral copulation) or former Section 288a, and Section 289 (sexual penetration), if
432 committed voluntarily and if there are no indicators of abuse, unless the conduct is between a
433 person 21 years of age or older and a minor who is under 16 years of age.

434
435 **Position:** Support

436 **Disposition:** Failed deadline, last location was on the Assembly Committee on Appropriations

437
438 **SB 53 (Wilk) Open Meetings**

439
440 This bill would have modified the Bagley-Keene Open Meeting Act to require two-member
441 advisory committees of a "state body" to hold open, public meetings if at least one member of the
442 advisory committee is a member of the larger state body, and the advisory committee is
443 supported, in whole or in part, by funds provided by the state body.

444
445 **Position:** Oppose

446 **Disposition:** Failed deadline, last location was on the Assembly Committee on Appropriations

451 **SB 66 (Atkins) Medi-Cal: Federally Qualified Health Center and Rural Health Clinic Services**

452
453 This bill would have allowed Medi-Cal reimbursement for a patient receiving both medical and
454 mental health services at a federally qualified health center or rural health clinic on the same day.

455
456 **Position:** Support

457 **Disposition:** Failed deadline, last location was on the Assembly Floor

458
459 **SB 425 (Hill, Chapter 849, Statutes of 2019) Health Care Practitioners: Licensee's File:**
460 **Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct**

461
462 This bill requires any health care facility, or other entity that arranges for healing arts licensees to
463 practice or provide care for patients at their institution (such as a college), to report any written
464 allegation of sexual abuse or sexual misconduct made against a healing arts licensee by a patient,
465 or the patient's representative, to the relevant state licensing agency within 15 days of receiving
466 the written allegation. This bill also requires the relevant agency to investigate the circumstances
467 underlying a received report. The bill requires such a report to be kept confidential and not subject
468 to discovery or disclosure, except that it may be reviewed and disclosed in any subsequent
469 disciplinary hearing conducted pursuant to the Administrative Procedure Act. Additionally, the bill
470 makes a willful failure to file the report by a health care facility or other entity punishable by a civil
471 fine not to exceed \$100,000 per violation and any other failure to make that report punishable by a
472 civil fine not to exceed \$50,000 per violation.

473
474 **Position:** Support

475 **Disposition:** Signed by the Governor

476
477
478 **Regulatory Changes**

479
480 *Approved Packages*

- 481 • **Verification of Experience Package – Effective October 1, 2017.** This regulatory
482 package amended regulations regarding criteria for the submission of Verification of
483 Experience and Supervision Agreement forms. Specifically, the regulation requires that the
484 Supervision Agreement and Verification of Experience forms be submitted to the Board at
485 the time of application for licensure or registration. This regulatory package also removed
486 the requirement that a training plan be submitted and pre-approved by the Board when a
487 psychological assistant is in a private practice setting.
- 488
489 • **Uniform Standards Related to Substance Abuse and Disciplinary Guidelines –**
490 **Effective January 1, 2017.** In order to implement a 2008 legislation from Senate Bill (SB)
491 1441 (Ridley-Thomas, Chapter 548), which was designated to protect the public by
492 monitoring psychologists (and other healing arts professionals) impaired by drug or alcohol
493 abuse, the Board promulgated regulations which became effective January 1, 2017. The
494 Board now utilizes the revised disciplinary guidelines entitled “Disciplinary Guidelines and
495 Uniform Standards Related to Substance Abusing Licensees” (4/15), which have been
496 incorporated into section 1397.12 (renumbered to 1395.2) of Title 16 of the California Code
497 of Regulations (CCR). The new Guidelines are used when considering discipline against a
498 substance abusing licensee and clarified and restructured existing guidelines used when
499 considering disciplinary action.

- **Filing of Addresses – Effective July 1, 2016.** This regulatory package requires a licensee to provide a physical address if their current address of record is a P.O. Box. This regulatory package also requires licensees to report their electronic mailing address (if they have one) and report any address of record changes to the Board within 30 days.

Current Regulatory Packages

In this section, “Initial Departmental Review” means review by the following entities:

- DCA Legal Affairs Division
- DCA Budget Office
- DCA Division of Legislative Affairs
- DCA Deputy Director of Legal Affairs
- DCA Director
- Secretary of Business, Consumer Services, and Housing Agency

Update on 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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The purpose of this proposed regulatory language is to conform to statutory changes, implementing the requirement that the person responsible for the initial registration, the registration renewal, and any changes in the registration status, is the psychological assistant, not the employer and/or primary supervisor.

This package is under review by Board Legal Counsel and will be begin Initial Departmental Review upon approval by Board Legal Counsel.

Addition to 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating A Psychological Assistant Registration

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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16 CCR section 1391.1 limits the period of a psychological assistant registration to a cumulative total of six years (72 months). The period of registration counts towards the six-year limitation as long as the psychological assistant is holding a current registration. Currently, there is no mechanism available to place a registration on hold. This regulatory package would create an “inactive” status for registered psychological assistants that would be similar to the “inactive” status currently available for a psychologist licensee who is not engaging in the practice of psychology.

Staff is currently preparing this regulatory package and will submit it to Board Legal Counsel upon completion.

548 Update on 16 CCR Section 1396.8 – Standards of Practice for Telehealth

549

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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550
551 The Board regulates licensed psychologists, registered psychological assistants, and registered
552 psychologists, all of whom are entitled to provide psychological services in California. BPC
553 Section 2920.1 states that protection of the public shall be the highest priority for the Board in
554 exercising its licensing, regulatory, and disciplinary functions. BPC Sections 2290.5 and 2904.5
555 allow licensees of the Board to provide psychological health care services via telehealth. BPC
556 Section 2930 authorizes the Board to adopt regulations as may be necessary to enable the
557 Board to effectuate the Psychology Licensing Law. This regulatory package would add 16 CCR
558 section 1396.8 to establish standards of practice for providing services via telehealth by licensed
559 California psychologists and psychology trainees.

560
561 This package is in the Initial Departmental Review Stage.

562
563 Update on 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired
564 License, Psychologist Fees

565

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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566
567 Senate Bill (SB) 1193 (Hill) (Chapter 484, Statutes of 2016) was signed by Governor Brown on
568 September 22, 2016. This bill added BPC Section 2988.5, effective January 1, 2017, which
569 gives the Board the authority to issue a retired license to a psychologist who holds a current
570 license issued by the Board. Although SB 1193 gave the Board the statutory authority to issue
571 retired licenses, it does not specify the provisions and procedures for obtaining such a license
572 status. The purpose of this regulatory language is to specify the requirements for obtaining and
573 maintaining a psychologist license in retired status.

574
575 This package is under review by Board Legal Counsel and will be begin Initial Departmental
576 Review upon approval by Board Legal Counsel.

577
578 Update on 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing
579 Professional Development

580

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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581
582 Currently, the Board requires all licensees to accrue 36 hours of continuing education, including
583 nine hours of live or live-interactive CE, each renewal cycle in order to maintain their license.
584 This regulatory package would replace the current continuing education model with a broader
585 Continuing Professional Development (CPD) model. This model will consist of fourteen
586 continuing professional development activities grouped under four different categories. The four
587 categories and fourteen learning activities include:

- 588
589 1) Professional (Peer Consultation, Practice Outcome Monitoring, Professional Activities,
590 Conferences/Conventions, Examination Functions)
591 2) Academic (Academic Courses, Academic Instruction, Supervision, Publications)
592 3) Sponsored Continuing Education Coursework including Independent/Online Learning, and

4) Board Certification from the American Board of Professional Psychology (ABPP).

This package is in the Initial Departmental Review Stage.

Update on 16 CCR Sections 1394, 1395, 1395.1, 1392 – Substantial Relationship Criteria, Rehabilitation Criteria for Denials and Reinstatements, Rehabilitation Criteria for Suspensions and Revocations

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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As required under AB 2138 (Chapter 995, Statutes of 2018), the Board proposes to amend sections 1394, 1395, and 1395.1 of article 7 of division 13.1 of title 16 of the CCR to adhere to these mandates and revise its “substantial relationship” criteria and “rehabilitation” criteria for denials and reinstatements, and suspension and revocations.

This package is in the Initial Departmental Review Stage.

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

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

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

- **Does the board’s membership include voting privileges?**

Association of State and Provincial Psychology Boards (ASPPB)

The Board is currently a member of the ASPPB. This organization includes state, provincial, and territorial agencies responsible for the licensure and certification of psychologists throughout the United States (U.S.) and Canada. Currently, the psychology boards of all 50 states of the U.S., the District of Columbia, the U.S. Virgin Islands, Puerto Rico, Guam, and all 10 provinces of Canada are members of ASPPB. This membership includes voting privileges; however, attendance is required to exercise voting privileges in this association.

Council on Licensure, Enforcement and Regulation (CLEAR)

CLEAR is an association of individuals, agencies and organizations that comprise the international community of professional and occupational regulation, providing a forum for improving the quality and understanding of regulation to enhance public protection. The Board’s membership is part of a Department of Consumer Affairs (DCA) organizational membership and does come with voting privileges represented by a single organization vote.

- **List committees, workshops, working groups, task forces, etc., on which board participates.**

ASPPB

The Board's Executive Officer is a standing member of ASPPB's Board Administrators and Regents Committee (BARC).

CLEAR

None.

- **How many meetings did board representative(s) attend? When and where?**

ASPPB

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 approved to participate in two of the last eight meetings. The meetings attended were in April 2018 in Savannah, Georgia and April 2019 in Santa Fe, New Mexico. Additionally, the Board attended the ASPPB Board of Director's luncheon meeting in San Francisco, CA in August 2018.

CLEAR

None.

- **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

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 can provide feedback and raise jurisdictional concerns to inform the development of future forms of the examination, when approved to attend the Annual or Midyear meetings. 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' (DCA) Office of Professional Examination Services to conduct an audit of the national examination every seven years. The purpose of the audit is to determine whether the examination meets the professional guidelines and technical standards outlined in the Standards for Educational and Psychological Testing (Standards) and the California Business and Professions Code (BPC) Section 139. The ASPPB conducts a complete occupational analysis every seven to ten years. Its last occupational analysis was completed in 2016.

**Section 2 –
Performance Measures and Customer Satisfaction Surveys**

- 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 FY 2017/18.

- 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.**

See attached licensing customer satisfaction survey data broken down by fiscal year in section [Section 12 and Attachment E].

In the last four fiscal years, a total of 631 surveys were received by the Board:

The majority of customers first contacted the Board’s Licensing/Registration Unit through its website/email. Over 50 percent of customers rated the ability of the analysts to address their questions or concerns, staff persons’ courteousness and professionalism, and the timeliness of the response received at “Very Good” or above.

In FY 2015/16 and FY 2016/17, 75 percent of the survey responses were received from registration applicants while in FY 2017/18 and 2018/19, 85 percent of responses were received from licensure applicants.

Despite the difference in the type of applicants, over 55 percent of the respondents rated the level of ease to complete the application at “Very Good” or above, and over 60 percent reported that their applications were processed in a timely manner. Between 46 and 59 percent of respondents reported being contacted in a timely manner regarding any deficiencies in their application, and over 65 percent of them rated the courteousness, helpfulness and responsiveness of the staff person processing the application at “Very Good” or above. The overall average ratings for the last four fiscal years are provided below:

	Level of Ease to Complete Application	Courteousness, Helpfulness and Responsiveness of Staff
Excellent	30%	56%
Very Good	32%	15%
Good	19%	8%
Fair	9%	7%
Poor	5%	8%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

	Application was Processed in a Timely Manner	Contacted in a Timely Manner regarding Application Deficiencies
Yes	72%	52%
No	23%	18%
Not Applicable	N/A	26%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

The percentage of online applications for licensure nearly doubled from FY 2015/16 (26 percent) to FY 2016/17 (50 percent), and roughly half of the respondents reported applying online for licensure during FY 2017/18 (42 percent) and FY 2018/19 (47 percent).

Regarding the examination processes, nearly half of the respondents rated their experience with the examination vendor, Pearson VUE, and their scheduling process to sit for the Examination for Professional Practice of Psychology (EPPP), at “Very Good” or above in FY 2015/16 (46 percent) and FY 2016/17 (41 percent). An increase in respondents providing a “Very Good” or above rating was reported in FY 2017/18 (53 percent) and FY 2018/19 (54 percent). Some respondents also rated the experience with the examination vendor, Psychological Services, Inc., and their scheduling process for the California Psychology Laws and Ethics Examination (CPLEE) at “Very Good” or above in FY 2015/16 (46 percent) and in FY 2016/17 (32 percent); an increasing trend of a “Very Good” or above rating was reported in FY 2017/18 (57 percent) and FY 2018/19 (63 percent). The overall average ratings of the experience with the examination vendors and their respective scheduling process for the last four fiscal years are provided below:

	Experience with Pearson VUE & Scheduling Process for EPPP	Experience with Psychological Services, Inc. & Scheduling Process for CPLEE
Excellent	28%	28%
Very Good	21%	23%
Good	11%	9%
Fair	4%	5%
Poor	2%	5%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

The Board received a “Very Good” or above rating on the overall experience with the Licensing/Registration Unit from 54 percent to 70 percent of the applicants over the last four fiscal years.

In addition, 139 additional comments were provided over the last four fiscal years. The Board received 57 positive responses regarding the professionalism and helpfulness of staff. Forty-nine respondents experienced long processing times in the review of additional documents and response times relating to applications. A small number of respondents experienced difficulties with the BreEZe system and would like to have the option for all examinations and licensure applications to be available online. Some also felt that the Board is understaffed which is what contributed to the long processing and response times.

Section 3 – Fiscal and Staff

Fiscal Issues

8. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

The Board’s fund is not continuously appropriated.

9. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.

The Board is authorized to spend \$5,231,000 including \$402,000 direct to fund charges and projects to collect \$4,219,000 in 2019/20. The budget is structurally out of balance with a current reserve level of 20.4 months, which is slowly decreasing based on the structural imbalance.

The Board is in compliance with BPC Section 128.5 by ensuring its reserves do not exceed more than its operating budget for the next two fiscal years.

10. 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.

Based on the latest fund condition analysis provided by the DCA, the Board is projected to have a fund condition by 2024/25 that would necessitate a fee increase should the projection be realized. If a fee increase is required, the Board has authority to seek a regulatory change to implement the increase.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Beginning Balance	\$5,237	\$4,777	\$4,297	\$3,399	\$7,557	\$9,843
Revenues and Transfers	\$4,150	\$4,337	\$4,328	\$4,404	\$4,219	\$4,287
Total Revenue	\$9,387	\$9,114	\$8,625	\$13,208	\$15,476	\$14,130
Budget Authority	\$4,984	\$4,989	\$5,158	\$5,341	\$5,231	\$5,388*
Expenditures	\$4,658	\$4,585	\$4,919	\$5,290	\$5,231*	\$5,388*
Direct to Fund charges	\$8	\$232	\$307	\$361	\$402*	\$402*
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$1,605	\$3,700**	\$0
Loans Repaid from General Fund	\$0	\$0	\$0	\$3,800	\$3,700	\$0
Fund Balance	\$4,721	\$4,297	\$3,399	\$7,557	\$9,843	\$8,340
Months in Reserve	11.8	9.9	7.2	16.1	20.4	16.8

*Projected figures

**Interest payment amount pending report from DCA Budget Office

11. 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 was repaid to the Board in FY 2018/19, and \$1.2 million is scheduled for repayment in FY 2019/20. An interest payment of \$1.605 million was repaid to the Board in FY 2018/19. 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 2019/20.

12. 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.

As of FY 2018/19, the Board operated on a budget of \$5.3 million, with approximately 33 percent of its budget devoted to enforcement activities, 24 percent to examination and licensing functions, 25 percent to administration, and 18 percent to DCA pro rata costs.

Table 3. Expenditures by Program Component

(list dollars in thousands)

	FY 2015/16		FY 2016/17		FY 2017/18**		FY 2018/19**	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$612	\$1,527	\$664	\$1,389	\$669	\$1,394	\$739	\$1,007
Examination	\$0	\$132	\$0	\$138	\$0	\$71	\$0	\$298
Licensing	\$812	\$344	\$976	\$264	\$697	\$228	\$770	\$215
Administration*	\$438	\$148	\$470	\$103	\$957	\$281	\$1,051	\$265
DCA Pro Rata	\$0	\$780	\$0	\$770	\$0	\$857	\$0	\$939

Table 3. Expenditures by Program Component								(list dollars in thousands)	
	FY 2015/16		FY 2016/17		FY 2017/18**		FY 2018/19**		
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
TOTALS	\$1,862	\$2,931	\$2,110	\$2,664	\$2,323	\$2,831	\$2,560	\$2,724	

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

**Figures are projected.

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795 **13. Describe the amount the board has contributed to the BreEZe program. What are the**
796 **anticipated BreEZe costs the board has received from DCA?**
797

798 Through FY 2017/18, the Board has paid \$1,068,689 for the BreEZe system. The Board is
799 projected to spend \$206,000 towards BreEZe in FY 2018/19 and \$160,000 in FY 2019/20.
800

801 **14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the**
802 **fee authority (Business and Professions Code and California Code of Regulations citation)**
803 **for each fee charged by the board.**
804

805 Licensed psychologists renew their licenses biennially. Psychological assistants renew annually.
806 There have been no changes to the renewal cycle in the last 10 years; however, for a license
807 issued on or after January 1, 2016, the renewal cycle is two years from the date of issuance. For
808 those licensed on or prior to December 31, 2015, the license continues to expire at 12 midnight of
809 the last day of the month of the birthdate of the licensee.

- 810 • Effective January 1, 2013, the psychology license renewal fee was \$420, with the following
811 breakdown in fees:
 - 812 ○ \$400 (16 CCR section 1392(e))
 - 813 ○ \$10 (BPC Section 2987.2)
 - 814 ○ \$10 (16 CCR section 1397.69)
- 815 • Since July 1, 2018, the psychology license renewal fee is \$430, with the following
816 breakdown in fees:
 - 817 ○ \$400 (16 CCR section 1392(e))
 - 818 ○ \$20 (BPC Section 2987.2)
 - 819 ○ \$10 (16 CCR section 1397.69)
- 820 • Effective January 1, 2018, the Delinquent Renewal for Psychologists changed from \$25 to
821 \$150 and the Delinquent Renewal for Psychological Assistants changed from \$25 to \$20.
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Table 4. Fee Schedule and Revenue								(list revenue dollars in thousands)	
Fee	Current Fee Amount	Statutory Limit	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	% of Total Revenue		
LICENSING FEES									
Application Fee – Psychologist BPC § 2987/16 CCR § 1392	\$40	\$50	\$58	\$55	\$59	\$61	1%		
Application Fee – Psych Assistant BPC § 2987/16 CCR § 1392.1	\$40	\$75	\$41	\$35	\$31	\$30	1%		

Table 4. Fee Schedule and Revenue							
(list revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	% of Total Revenue
Initial License Fee – Psychologist BPC § 2987/16 CCR § 1392	\$400	\$500	\$401	\$334	\$362	\$346	8%
California Psychology Laws and Ethics Examination (CPLEE) BPC § 2987/16 CCR § 1392	\$129	Actual Cost to Board	\$156	\$144	\$157	\$170	4%
CE Evaluation Fee BPC § 2915(j)/16 CCR § 1397.69	\$10	\$10	\$81	\$87	\$78	\$85	2%
Biennial Renewal Fee – Psychologist BPC § 2987	\$400	\$500	\$3,197	\$3,439	\$3,301	\$3,416	78%
Inactive License (Psychologists) BPC § 2987/16 CCR § 1392	\$40	\$40	\$50	\$58	\$58	\$55	1%
Annual Renewal Fee – Psychological Assts BPC § 2987/16 CCR § 1392.1	\$40	\$75	\$34	\$36	\$36	\$33	1%
Delinquent Fee – Psychologist BPC § 2987	\$150	\$150*	\$11	\$12	\$23	\$34	1%
Delinquent Inactive Renewal Fee – Psychologists BPC § 2987	\$20	50% of Renewal Fee	\$0	\$0	\$2	\$4	<1%
Delinquency Fee – Psychological Assts BPC § 2987	\$20	50% of Renewal Fee	\$1	\$1	\$1	\$1	<1%
LICENSING FEES (cont.)							
Duplicate License Fee BPC § 2987	\$5	\$5	\$3	\$3	\$8	\$5	<1%
Certification / Letter of Good Standing	\$5	\$5	\$2	\$2	\$2	\$2	<1%
FINES & PENALITIES							
Citations & Fines BPC § 125.9/16 CCR § 1397.51	Varies	\$5,000	\$58	\$64	\$148	\$53	1%
Franchise Tax Board Cite Fine Collection	Varies	N/A	\$0	\$0	\$3	\$1	<1%
OTHER							
Income from Surplus Money Investment	Variable	N/A	\$24	\$38	\$40	\$68	2%
Suspended Revenue	Variable	N/A	\$32	\$21	\$19	\$23	1%
Over/Short Fees	Variable	N/A	\$1	\$0	\$0	\$0	<1%
Miscellaneous**	Variable	N/A	\$1	\$1	\$4	\$1	<1%

*B&P 2987 mandates the delinquent fee be 50% of the renewal fee up to \$150.

**Includes sales of publications, cancelled warrants revenue and dishonored check fee.

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827 **15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal**
 828 **years.**

829
 830 The Board of Psychology submitted three BCPs in the past four fiscal years.

831
 832 In FY 2016/17, the Board received position authority for one Program Technician (PT) II position
 833 to address increased workload associated with new cashiering and mail processing
 834 responsibilities.

835
 836 In FY 2017/18, the Board received position authority for one Staff Services Manager I (SSM I) and
 837 one Staff Services Manager II (SSM II). This BCP was related to a major reorganization in the
 838 Board's internal structure, which has allowed the Board to establish a more effective
 839 organizational structure with a Licensing Unit, Enforcement Unit, and Central Services Unit.

840
 841 In FY 2019/20, the Board received position authority for one Associate Governmental Program
 842 Analyst (AGPA) in its Enforcement Unit. This AGPA has helped manage the increasing complaint
 843 volume.

844
 845 **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
1111-026	2015/16	PT II performs increased workload in mail processing and new cashiering duties.	1.0 PT II	1.0 PT II	\$0	\$0	\$0	\$0
1111-012	2016/17	Transition temporary SSM II and SSM I to permanent status.	1.0 SSM II 1.0 SSM I	1.0 SSM II 1.0 SSM I	\$0	\$0	\$0	\$0
1111-002	2018/19	Transition temporary Enforcement Analyst to permanent status.	1.0 AGPA	1.0 AGPA	\$0	\$0	\$0	\$0

*Fiscal Year in which BCP was submitted

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

Table 6. Licensee Population					
License Type	License Status	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Psychologist	Active	17,434	17,828	18,255	18,719
	Delinquent	1,023	1,062	1,144	1,146
	Retired	N/A	N/A	N/A	N/A
	Out of State***	N/A	N/A	N/A	N/A
	Out of Country***	N/A	N/A	N/A	N/A
Registered Psychologist	Active	262	232	177	129
	Delinquent**	N/A	N/A	N/A	N/A
	Retired	N/A	N/A	N/A	N/A
	Out of State*	N/A	N/A	N/A	N/A
	Out of Country*	N/A	N/A	N/A	N/A
Psychological Assistant	Active	1,580	1,442	1,355	1,378
	Delinquent	95	78	100	87
	Retired	N/A	N/A	N/A	N/A
	Out of State*	N/A	N/A	N/A	N/A
	Out of Country*	N/A	N/A	N/A	N/A

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.
 *Registered Psychologists and Psychological Assistants are not registered outside of California.
 **Registered Psychologists do not renew so there is no delinquent status
 ***Licensed Psychologists who reside outside of California hold the same active or inactive status code as those who are located in California. Therefore, BreZE does not distinguish this data.

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Table 7a. Licensing Data by Type											
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 2016/17	(Exam)**	2,617	2,347	N/A	N/A	320	-	-	N/A	N/A	N/A
	(License)***	2,416	1,735	N/A	1,735	2,949	-	-	24	41	N/A
	(Renewal)	9,626	9,327	N/A	9,327	N/A	-	-	N/A	N/A	N/A
FY 2017/18	(Exam)**	2,818	2,523	N/A	N/A	408	-	-	N/A	N/A	N/A
	(License)***	2,322	1,687	N/A	1,687	3,072	-	-	36	62	N/A
	(Renewal)	9,975	9,520	N/A	9,520	N/A	-	-	N/A	N/A	N/A
FY 2018/19	(Exam)**	2,816	2,437	N/A	N/A	404	-	-	N/A	N/A	N/A
	(License)***	2,361	1,616	N/A	1,616	1,840****	-	-	35	87	N/A
	(Renewal)	9,970	9,838	N/A	9,838	N/A	-	-	N/A	N/A	N/A

* Optional. List if tracked by the board.
 ** Exam applications include initial EPPP and CPLEE applications.
 *** License applications include Initial Application for Licensure across all three types of license and registrations (psychologist, registered psychological assistant and registered psychologist).
 **** In early 2019, a data patch closed invalid Initial Application for Psychology Licensure to align with 16 CCR section 1381.4, which resulted in a lower but more accurate number of pending Initial Applications for Psychology Licensure compared to previous fiscal years.

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Table 7b. Total Licensing Data			
	FY 2016/17	FY 2017/18	FY 2018/19
Initial Licensing Data:			
Initial Exam Applications Received**	2,617	2,818	2,816
Initial Exam Applications Approved**	1,735	1,687	1,616
Initial Exam Applications Closed**	N/A	N/A	N/A
License Issued***	1,735	1,687	1,616
Initial License/Initial Exam Pending Application Data:****			
Pending Applications (total at close of FY)	320	408	404
Pending Applications (outside of board control)*	N/A	N/A	N/A
Pending Applications (within the board control)*	N/A	N/A	N/A
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):****			
Average Days to Application Approval (All - Complete/Incomplete)	29	31	40
Average Days to Application Approval (incomplete applications)*	46	58	81
Average Days to Application Approval (complete applications)*	23	26	34
License Renewal Data:			
License Renewed	9,327	9,520	9,838
Note: The values in Table 7b are the aggregates of values contained in Table 7a.			
* Optional. List if tracked by the board.			
** Exam applications include initial EPPP and CPLEE applications.			
*** License issued includes approved Initial Application for Licensure across all three types of license (psychologist, registered psychological assistant and registered psychologist).			
**** This reflects only initial examination data. Exam Cycle Time Data includes only CPLEE applications			

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21. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC Section 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

Denials based on criminal history:

- FY 2015/16: 5
- FY 2016/17: 5
- FY 2017/18: 6
- FY 2018/19: 2

Circumstances based on applicant:

- FY 2015/16
 - Applicant 1 denied based on conviction(s) of: DUI convictions (2)
 - Applicant 2 denied based on conviction(s) of: DUI convictions (2)
 - Applicant 3 denied based on conviction(s) of: DUI convictions (2)
 - Applicant 4 denied based on conviction(s) of: DUI convictions (3)
 - Applicant 5 denied based on conviction(s) of: DUI convictions (2)

- 974 • FY 2016/17
 - 975 ○ Applicant 1 denied based on conviction(s) of: DUI, fighting in public, and driving with a
 - 976 suspended license
 - 977 ○ Applicant 2 denied based on conviction(s) of: Felony making a false statement
 - 978 ○ Applicant 3 denied based on conviction(s) of: DUI, disorderly conduct, public
 - 979 intoxication, improper lane change, and hit and run
 - 980 ○ Applicant 4 denied based on conviction(s) of: DUI
 - 981 ○ Applicant 5 denied based on conviction(s) of: Indecent exposure, disturbing the peace,
 - 982 and battery
- 983 • FY 2017/18
 - 984 ○ Applicant 1 denied based on conviction(s) of: Driving with a suspended license,
 - 985 providing false identity to a peace officer, and felony false evidence
 - 986 ○ Applicant 2 denied based on conviction(s) of: Petty theft, fictitious checks, and felony
 - 987 grand theft
 - 988 ○ Applicant 3 denied based on conviction(s) of: Contributing to the delinquency of a minor
 - 989 ○ Applicant 4 denied based on conviction(s) of: DUI, and reckless driving
 - 990 ○ Applicant 5 denied based on conviction(s) of: DUI, and reckless driving
 - 991 ○ Applicant 6 denied based on conviction(s) of: Felony medical fraud
- 992 • FY 2018/19
 - 993 ○ Applicant 1 denied based on conviction(s) of: Theft by swindle
 - 994 ○ Applicant 2 denied based on conviction(s) of: DUI, trespassing, prostitution, and wet
 - 995 and reckless

996 **22. How does the board verify information provided by the applicant?**

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- 1001 **a. What process does the board use to check prior criminal history information, prior**
- 1002 **disciplinary actions, or other unlawful acts of the applicant? Has the board denied any**
- 1003 **licenses over the last four years based on the applicant's failure to disclose information**
- 1004 **on the application, including failure to self-disclose criminal history? If so, how many**
- 1005 **times and for what types of crimes (please be specific)?**

1006

1007 **Process**

1008 The Board requires every applicant for a registration or license to be fingerprinted for a criminal

1009 history background check. Once the applicant has completed the fingerprinting process, the

1010 Department of Justice (DOJ)/Federal Bureau of Investigation (FBI) provides the background

1011 information directly to BreZE. Authorized Board staff retrieve the applicant's background

1012 report. Applicants with a clear criminal history report continue with the application review

1013 process. Applicants with a conviction history are requested to provide court certified

1014 documentation regarding the arrest and the conviction. Enforcement staff review the criminal

1015 history documentation to determine if the conviction is substantially related to the practice of

1016 psychology. If a substantial relationship exists, the application may be denied.

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1018 Prior to the issuance of a license or registration, Board staff check BreZE to determine if any

1019 disciplinary action has been filed against the applicant by another DCA entity. Additionally, the

1020 Board accesses the ASPPB Disciplinary Data Bank to determine if an applicant has ever been

1021 disciplined by another jurisdiction.

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1023 Once an applicant is licensed or registered, the Board receives subsequent arrest information

1024 from the DOJ via a secure portal. Staff checks the secure portal daily for subsequent arrest or

conviction records and forwards any applicable records to the Board's Enforcement Unit for further review.

Denials

The Board has denied licensure applications over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history.

- FY 2015/16: 1
- FY 2016/17: 1
- FY 2017/18: 2
- FY 2018/19: 0

b. Does the board fingerprint all applicants?

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

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

Since the last Sunset Review, the Board identified individuals who did not have fingerprint results on file and required them to be fingerprinted. All current and active licensees are in compliance with the fingerprint requirement.

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

The ASPPB maintains a national databank of disciplinary actions taken against licensees in every state, Canadian province, and U.S. territory. Licensing staff conducts a manual check of the databank for each of its applicants prior to the issuance of every license or registration. Renewing licensees and registrants are required to disclose on their renewal application, under penalty of perjury, whether or not, since their last renewal, they have had any license disciplined by a government agency or other disciplinary body.

The Board does not check the national databank for disciplinary action as a condition of renewal; however, the Board does cross-reference data from the ASPPB for out-of-state discipline on a quarterly basis for all licensees.

e. Does the board require primary source documentation?

The Board requires primary source verification for the following:

- Official transcripts
- Verification of supervised professional experience
- Certified court-related documents

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

Out-of-State

BPC Section 2914(b) requires each applicant for licensure to possess a doctoral degree in psychology, educational psychology, or in education with a field of specialization in counseling

1075 psychology or educational psychology from a regionally accredited educational institution in
1076 the U.S. or Canada, or from an educational institution in California that is approved by the
1077 Bureau for Private Postsecondary Education (BPPE).
1078

1079 Pursuant to changes made from the Board's last sunset review (SB 1193, Chapter 484,
1080 Statutes of 2016), the following educational requirements apply for those enrolled or who
1081 graduated from a BPPE approved school:

- 1082 • Applicants for licensure that are enrolled as of December 31, 2016, in a doctoral
1083 program in psychology, educational psychology, or education with a field of
1084 specialization in counseling psychology or educational psychology at a nationally
1085 accredited institution, or an approved institution that meets the requirements of Section
1086 2914 (h), will be able to apply for licensure at any time, and this requirement will not
1087 apply.
- 1088 • Applicants for licensure that enroll in a doctoral program on or after January 1, 2017, in
1089 psychology, educational psychology, or education with a field of specialization in
1090 counseling psychology or educational psychology at a nationally accredited institution,
1091 or an approved institution that meets the requirements of Section 2914 (h), will need to
1092 meet the requirements for and apply for licensure on or before December 31, 2019.
- 1093 • Applicants for licensure that apply on or after January 1, 2020, must possess an earned
1094 doctorate degree in psychology, educational psychology, or education with the field of
1095 specialization in counseling psychology or educational psychology from a college or
1096 institution of higher education that is accredited by a regional accrediting agency
1097 recognized by the U.S. Department of Education.
1098

1099 BPC Section 2914(c) also requires each applicant to have engaged for at least two years in
1100 supervised professional experience under the direction of a licensed psychologist. 16 CCR
1101 Section 1387.4(a) requires that all out-of-state supervised professional experience be
1102 supervised by a psychologist licensed at the doctoral level in the State, U.S. territory or
1103 Canadian province in which the experience is taking place, in compliance with all laws and
1104 regulations of the jurisdiction in which the experience was accrued, and in substantial
1105 compliance with all the supervision requirements of section 1387. SPE can be accrued at a
1106 U.S. military installation so long as the experience is supervised by a qualified psychologist
1107 licensed at the doctoral level in the U.S. or Canada.
1108

1109 16 CCR section 1388(b) sets forth the examination requirements for all applicants for
1110 licensure. The licensing examination shall consist of the EPPP, and the CPLEE.
1111

1112 16 CCR section 1388.6 sets forth a waiver of the EPPP for applicants for licensure as a
1113 psychologist who have been licensed in another state, Canadian province or U.S. territory for
1114 at least five years. Although the EPPP is waived under this section, an applicant must file a
1115 complete application and meet all current licensing requirements, including payment of any
1116 fees, take and pass the CPLEE, and not have been subject to discipline. Those out-of-state
1117 applicants who have been licensed for at least five years and who hold a Certificate of
1118 Professional Qualification (CPQ) issued by the ASPPB, are credentialed as a Health Service
1119 Provider in Psychology by the National Register of Health Service Psychologists, or are
1120 certified by the American Board of Professional Psychology (ABPP) are deemed to have met
1121 the educational and experience requirements of subdivisions (b) and (c) of BPC Section 2914.
1122

1123 **Out-of-Country**

1124 BPC Section 2914(b) provides that applicants for licensure trained in an educational institution
1125 outside the U.S. or Canada shall demonstrate to the satisfaction of the Board that they

1126 possess a doctorate degree in psychology that is equivalent to a degree earned from a
1127 regionally accredited university in the U.S. or Canada. These applicants must provide the
1128 Board with a comprehensive evaluation of their degree by a foreign credential evaluation
1129 service that is a member of the National Association of Credential Evaluation Services, and
1130 any other documentation the Board deems necessary.
1131

1132 BPC Section 2914(c) also requires each applicant to have engaged for at least two years in
1133 supervised professional experience under the direction of a licensed psychologist. 16 CCR
1134 section 1387.4(b) allows for SPE to be accrued at a U.S. military installation so long as the
1135 experience is supervised by a qualified psychologist licensed at the doctoral level in the U.S. or
1136 Canada. Additionally, section 1387.4(c) provides that supervised professional experience can
1137 be accrued in countries outside the U.S. or Canada that regulate the profession of psychology
1138 pursuant to the same requirements as set forth in BPC section 2914. Supervision accrued
1139 outside the U.S., its territories, or Canada must comply with all the supervision requirements of
1140 section 1387, and the burden is on the applicant to provide the necessary documentation and
1141 translation that the Board may require to verify the qualification of the experience.
1142

1143 16 CCR section 1388(b) sets forth the examination requirements for all applicants for
1144 licensure. The licensing examination shall consist of the EPPP and the CPLEE.
1145

1146 **24. Describe the board's process, if any, for considering military education, training, and**
1147 **experience for purposes of licensing or credentialing requirements, including college**
1148 **credit equivalency.**
1149

1150 **a. Does the board identify or track applicants who are veterans? If not, when does the**
1151 **board expect to be compliant with BPC § 114.5?**
1152

1153 The Board requires applicants to identify if they have served in the military as required by BPC
1154 Section 114.5. Since the last Sunset Review, the DCA added a tracking mechanism in BreEZe
1155 for the Board to be in compliance with this section.
1156

1157 **b. How many applicants offered military education, training or experience towards meeting**
1158 **licensing or credentialing requirements, and how many applicants had such education,**
1159 **training or experience accepted by the board?**
1160

1161 The Board does not make a distinction between applicants with military education, training or
1162 experience from those with education, training or experience accrued in other settings.
1163 Supervised professional experience can be accrued at a U.S. military installation if the
1164 experience is supervised by a doctoral level psychologist who is licensed in the U.S. or
1165 Canada.
1166

1167 **c. What regulatory changes has the board made to bring it into conformance with BPC §**
1168 **35?**
1169

1170 16 CCR section 1387.4(b) permits supervised professional experience to be accrued at a U.S.
1171 military installation so long as the experience is supervised by a qualified psychologist who is
1172 licensed at the doctoral level in the U.S. or Canada.
1173
1174
1175

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 two waivers from renewal fees and continuing education requirements pursuant to BPC Section 114.3 since the last Sunset Review. The fiscal impact of these waivers has been negligible.

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

The Board has expedited 125 applications pursuant to BPC Section 115.5 since the last Sunset Review.

25. 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 electronically to the DOJ through the DCA BreEZe interface. At the current time, there is no known backlog.

Examinations

Table 8. Examination Data		
California Examination (include multiple language) if any:		
	License Type	PSY
	Exam Title	CPLEE
FY 2015/16	# of 1 st Time Candidates	953
	Pass %	98.11%
FY 2016/17	# of 1 st Time Candidates	860
	Pass %	78.02%
FY 2017/18	# of 1 st Time Candidates	899
	Pass %	80.42%
FY 2018/19	# of 1 st time Candidates	918
	Pass %	70.70%
	Date of Last OA	2012
	Name of OA Developer	OPES
	Target OA Date	2019
National Examination (include multiple language) if any:		
	License Type	PSY
	Exam Title	EPPP
FY 2015/16	# of 1 st Time Candidates	694
	Pass %	87.75%
FY 2016/17	# of 1 st Time Candidates	901
	Pass %	69.70%

Table 8. Examination Data**National Examination (include multiple language) if any: (cont.)**

FY 2017/18	# of 1 st Time Candidates	912
	Pass %	68.20%
FY 2018/19	# of 1 st time Candidates	859
	Pass %	69.27%
Date of Last OA		2016
Name of OA Developer		ASPPB
Target OA Date		2021-2023

26. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

The national examination required for licensure is the EPPP administered by ASPPB, and the California examination required for licensure is the CPLEE, which is administered by the Board. The EPPP is available in French; however, this version is available only to applicants for licensure in Canada.

Pursuant to 16 CCR 1388(h), an applicant for whom English is the applicant's second language may be eligible for additional time when taking the licensing examinations.

27. What are pass rates for first time vs. retakes in the past 4 fiscal years? Are pass rates collected for examinations offered in a language other than English?

Below are the pass rates for first time vs. retakes in the past four fiscal years:

BOARD OF PSYCHOLOGY EXAMINATION PASS RATE OF FIRST TIME VS. RETAKES

Fiscal Year	EPPP				CPLEE			
	Total First Timers	Pass Rate	Total Retakes	Pass Rate	Total First Timers	Pass Rate	Total Retakes	Pass Rate
2015/2016	694	88%	688	23%	953	98%	375	48%
2016/2017	901	70%	587	28%	860	78%	209	62%
2017/2018	912	68%	692	30%	899	80%	269	71%
2018/2019	859	69%	732	28%	918	71%	348	69%

Neither examination is offered in another language for California examination candidates. No data is collected for pass rates in a language other than English.

28. 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

1229 EPPP is developed and maintained by ASPPB and administered by Pearson VUE at Pearson
1230 VUE owned and operated locations. Pearson VUE currently owns 27 examination site locations in
1231 California, 283 locations throughout the rest of the U.S. and 24 locations in Canada. The CPLEE
1232 is administered by Psychological Services, Inc. There are 19 California examination site locations
1233 and 19 out-of-state examination sites. Applicants taking the EPPP are allowed to take the
1234 examination four times within a 12-month period. The CPLEE has a new examination version
1235 available every three months, making the examination available to candidates four times per year.
1236

1237 **29. Are there existing statutes that hinder the efficient and effective processing of applications**
1238 **and/or examinations? If so, please describe.**
1239

1240 Since the last Sunset Review, the Board has completed its review of all statutes and regulations
1241 that affect the pathways to licensure and registration by identifying sections that create undue
1242 barriers and those that are inconsistent with the current training environments, education, and new
1243 technologies. The Board will be pursuing legislation, including recommendations made in this
1244 report, to address said sections.
1245

1246 **School approvals**
1247

1248 **30. Describe legal requirements regarding school approval. Who approves your schools?**
1249 **What role does BPPE have in approving schools? How does the board work with BPPE in**
1250 **the school approval process?**
1251

1252 BPC Section 2914(h) requires that until January 1, 2020, an applicant holding a doctoral degree in
1253 psychology from an approved institution is deemed to have met the requirements of this section if
1254 both of the following are true: (1) The approved institution offered a doctoral degree in psychology
1255 designed to prepare students for a license to practice psychology and was approved by the former
1256 Bureau for Private Postsecondary and Vocational Education on or before July 1, 1999; (2) The
1257 approved institution has not, since July 1, 1999, had a new location, as described in Section
1258 94823.5 of the Education Code. School approvals are conducted solely by the Bureau for Private
1259 Postsecondary Education (BPPE).
1260

1261 Applicants for licensure that apply on or after January 1, 2020, must possess an earned doctorate
1262 degree in psychology, educational psychology, or education with the field of specialization in
1263 counseling psychology or educational psychology from a college or institution of higher education
1264 that is accredited by a regional accrediting agency recognized by the U.S. Department of
1265 Education.
1266

1267 **31. How many schools are approved by the board? How often are approved schools**
1268 **reviewed? Can the board remove its approval of a school?**
1269

1270 The Board does not approve schools and has no authority to do so. There are currently five (5)
1271 schools approved by the BPPE that meet the criteria listed above.
1272

1273 **32. What are the board's legal requirements regarding approval of international schools?**
1274

1275 The Board does not approve international schools. However, BPC Section 2914 provides that an
1276 applicant for licensure trained in an educational institution outside the U.S. or Canada shall
1277 demonstrate to the satisfaction of the Board that he or she possesses a doctorate degree in
1278 psychology that is equivalent to a degree earned from a regionally accredited university in the
1279 U.S. or Canada. These applicants must provide the Board with a comprehensive evaluation of the

1280 degree performed by a foreign credential evaluation service that is a member of the National
1281 Association of Credential Evaluation Services, and any other documentation the Board deems
1282 necessary. The Board will be seeking legislation to expand the options and requirements for
1283 foreign degree evaluation services to include the National Register of Health Service
1284 Psychologists.

1285 **Continuing Education/Competency Requirements**

1286 **33. Describe the board's continuing education/competency requirements, if any. Describe any** 1287 **changes made by the board since the last review.**

1288 Currently, the Board requires all licensees to accrue 36 hours of continuing education, including
1289 nine hours of live or live-interactive CE, each renewal cycle in order to maintain their license.
1290 Since the last Sunset Review, the Board has initiated the rulemaking process to implement
1291 regulatory changes that would replace the current continuing education model with a broader CPD
1292 model. This model will consist of fourteen continuing professional development activities grouped
1293 under four different categories. The four categories and fourteen learning activities include:
1294

- 1295 1) Professional (Peer Consultation, Practice Outcome Monitoring, Professional Activities,
1296 Conferences/Conventions, Examination Functions)
- 1297 2) Academic (Academic Courses, Academic Instruction, Supervision, Publications)
- 1298 3) Sponsored Continuing Education Coursework including Independent/Online Learning, and
- 1299 4) Board Certification from the American Board of Professional Psychology (ABPP).

1300 **a. How does the board verify CE or other competency requirements? Has the Board** 1301 **worked with the Department to receive primary source verification of CE completion** 1302 **through the Department's cloud?**

1303 The Board's renewal application requires licensees to self-certify under penalty of perjury that
1304 they have met the CE requirements. The Board then conducts random CE audits of licensees
1305 renewing each month to verify that the licensees have obtained the required 36 approved
1306 hours as certified on their renewal application. While the Board is not working with the
1307 Department's cloud-based system, we anticipate the launch of CE audit functionality in the
1308 BreZE system.

1309 **b. Does the board conduct CE audits of licensees? Describe the board's policy on CE** 1310 **audits.**

1311 The Board conducts random CE audits of its licensees renewing each month. Selected
1312 licensees are mailed and emailed an initial audit notice and are given 60 days from the date of
1313 the notice to submit CE course certificates to verify completion of the required CE. If the Board
1314 does not receive a response within 30 days, a final notice of the audit deadline is mailed to the
1315 licensee. If a licensee passes the audit, the licensee is sent a compliance letter.

1316 **c. What are consequences for failing a CE audit?**

1317 If a licensee does not submit verification of enough hours or submits certificates that do not
1318 meet the Board's requirements, the licensee is sent a deficiency letter and is issued a citation
1319 and fine. The citation requires the licensee to comply with an order of abatement to accrue the
1320 hours the licensee is deficient, and to pay a fine. Fines range from \$250 to \$2,500 depending
1321 on the number of hours short and the number of audits the licensee has previously failed. Any
1322

licensee who wants to contest a citation or fine can request an informal conference or an administrative hearing. If the licensee fails to provide any response to the audit, the licensee may be subject to discipline.

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

In the past four fiscal years, 2,485 licenses have been audited. Of the 2,485 licensees audited, 322 have failed (13%).

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

Pursuant to 16 CCR section 1397.61(c), the Board recognizes and accepts for continuing education credit courses that are provided by entities approved by:

- American Psychological Association
- California Psychological Association
- Association of Black Psychologists
- California Medical Association / Accreditation Council for Continuing Medical Education (courses must be specifically applicable and pertinent to the practice of psychology)

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. CE courses and providers are currently approved by the CE approvers cited above.

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 revise its CE policy can be seen through its development of the CPD model. Rather than relying entirely on more passive means of demonstrating competency, it includes and encourages that a portion of CPD be earned by performance-based activities. As competency is not a fixed quality, this ensures a more active participation in maintaining competence.

ASPPB recommended the CPD model and the Board developed and adopted a framework based on this model in order to provide additional avenues for maintaining competence. These additional options are meant to expand the ways licensees can increase their learning and

maintain competency and to include avenues for performance-based assessments of licensees' competence. The use of peer consultation is an example of CPD that accomplishes performance-based competency. The Board has initiated the rulemaking process to move forward with the implementation of this model as authorized by statute.

Section 5 – Enforcement Program

34. 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?

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.	***
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 not considered a performance measure ** Data not collected *** The DCA-wide average for all participating programs has been between 80-85% since 2015.		

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 are included in Performance Measure 4 (Formal Discipline). Since the last Sunset Review, the Board has limited the amount of time given to the respondent during settlement negotiations and requested that Accusations/Statement of Issues be filed within 30 days of transmittal to the Office of the Attorney General to improve this performance measure.

1403
1404 **35. Explain trends in enforcement data and the board's efforts to address any increase in**
1405 **volume, timeframes, ratio of closure to pending cases, or other challenges. What are the**
1406 **performance barriers? What improvement plans are in place? What has the board done**
1407 **and what is the board going to do to address these issues, i.e., process efficiencies,**
1408 **regulations, BCP, legislation?**
1409

1410 The Board's volume of complaints and arrests has increased by 27% since the last Sunset
1411 Review. Over the past four fiscal years, the Board received the largest number of complaints and
1412 arrests totaling 1,232 cases in FY 2018/19 (see Table 9a) as compared to 972 complaints and
1413 arrests reported in the last Sunset Review.
1414

1415 The Board continues to meet its performance targets as identified by the Consumer Protection
1416 Enforcement Initiative (CPEI), with the exception of Performance Measure 4 (Formal Discipline)
1417 (see Attachment 12D). There have been no recognizable trends that the Board has identified to
1418 explain the continued increase in complaint volume.
1419

Ratio of Closure to Pending Cases	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Prior Year Pending (AG Pending Cases and Pending Intake or Investigation Cases)	275	415	274	376	488
Complaints and Arrests Received	972	1,038	1,232	1,183	1,232
Closed at Intake	92	210	274	351	336
Closed at Investigation	736	768	918	882	837
Closed at AG	15	15	13	9	11
Closed with Discipline	20	34	53	33	29
Case Workload	1,247	1,453	1,506	1,559	1,720
Case Closure	863	1,027	1,258	1,275	1,213
Pending Cases	384	426	248	284	507
Closure to Pending Ratio	2.25:1	2.41:1	5.07:1	4.49:1	2.39:1

1420
1421 The performance barriers identified by the Board are as follows:
1422

- 1423 • Increased number of complaints and enforcement workload
1424

1425 Since the last Sunset Review, the Board has experienced an increase in the number of
1426 desk investigations due to a growing number of complaints and applicant file reviews where
1427 there is a history of convictions or discipline from another state or jurisdiction. Additionally,
1428 the Board has experienced an increase in the number of administrative subpoenas and
1429 petitions for early termination of probation and reinstatement. In addition to performing desk
1430 investigations, enforcement analysts are also responsible for updating forms and procedure
1431 manuals, responding to Public Records Act (PRA) requests, preparing statistical data
1432 reports, facilitating and organizing expert training, and preparing and issuing administrative
1433 subpoenas.
1434

1435 In FY 2017/18, the Board added a full-time permanent Associate Governmental Program
1436 Analyst (AGPA) to address case load issues and staff processing times. Although we have
1437 added a full-time position, each analyst is responsible for 120 to 130 cases at any given
1438 time. Since our last Sunset Review, the Board no longer uses the Division of Investigation
1439 (DOI) to perform background investigations for petitions for reinstatement. Internal use of

1440 the Board's Special Investigator (SI) has helped improve investigative time frames for
1441 investigations of petitions for reinstatement. The Board no longer performs background
1442 investigations for petitions for early termination of probation because the Board is actively
1443 monitoring these individuals through its probation program, which makes background
1444 investigations unnecessary. Lastly, the enforcement staff attended subpoena training
1445 through DCA to streamline the process for preparing and issuing administrative subpoenas,
1446 instead of referring these to DOI.

- 1447
- 1448 • Limited pool of Subject Matter Experts (SMEs)
- 1449

1450 Currently, the Board has 42 SMEs, which is down from 100 SMEs from the prior Sunset
1451 Review. The Board utilizes licensed psychologists as SMEs to review and opine on
1452 complaints to determine if there has been a departure from the standard of care. Experts
1453 must be licensed by the Board for a minimum of three years, have not had any disciplinary
1454 action, and have three or more years of experience in a specific area of practice. Factors
1455 leading to this decrease include, but are not limited to, the following: amount paid in relation
1456 to the prevailing hourly rate, availability, potential conflicts of interest with respondents,
1457 complainants, or opposing counsel, and limited pools of experts in certain fields such as
1458 child custody evaluations, neuropsychology, and forensic psychology.

1459

1460 In order to address this barrier, since the last Sunset Review, the Board has made an
1461 adjustment to its hourly rate and will continue to monitor rates in comparison to other DCA
1462 entities. Additionally, the Board has increased its outreach efforts to licensees by publishing
1463 articles, sending targeted emails to licensees to encourage participation and recruit
1464 qualified candidates, and leveraged all Board in-person outreach opportunities to inform
1465 and engage licensees about the SME Program.

- 1466
- 1467 • Timeframes for formal investigations
- 1468

1469 The Board no longer utilizes the Health Quality Investigative Unit (HQIU) due to lengthy
1470 timeframes of approximately 24 months for investigations. To reduce investigative
1471 timeframes to between 12 to 16 months, the Board engaged DOI's Investigative
1472 Enforcement Unit (IEU) in 2017 to take over investigative workload. Additionally, the Board
1473 supported DOI's efforts to augment investigative resources through the BCP process.

- 1474
- 1475 • Statutory barriers to obtain necessary documentation
- 1476

1477 Through the Child Custody Stakeholder Meeting held in September 2018, the Board has
1478 identified statutory barriers to obtaining necessary documentation in its investigations of
1479 child custody-related complaints. The Board will be working with the Office of the Attorney
1480 General and the State Legislature to make changes to the Evidence Code sections
1481 identified in the meeting to remedy this barrier.

- 1482
- 1483 • Timeframes for administrative hearings
- 1484

1485 Currently, the Office of Administrative Hearings (OAH) takes an average of 12 months to
1486 hear a disciplinary matter, once scheduled. This barrier is outside of the Board's control.

Table 9a. Enforcement Statistics			
	FY 2016/17	FY 2017/18	FY 2018/19
COMPLAINT			
Intake			
Received	1,191	1,130	1,192
Closed	274	351	336
Referred to INV	854	805	862
Average Time to Close	10	18	9
Pending (close of FY)	146	120	114
Source of Complaint			
Public	861	871	909
Licensee/Professional Groups	6	5	19
Governmental Agencies	288	190	166
Other	36	64	98
Conviction / Arrest			
CONV Received	41	53	40
CONV Closed	39	48	31
Average Time to Close	8	8	9
CONV Pending (close of FY)	2	5	9
LICENSE DENIAL			
License Applications Denied	10	8	3
SOIs Filed	7	7	6
SOIs Withdrawn	3	2	0
SOIs Dismissed	1	0	0
SOIs Declined	0	0	0
Average Days SOI	733	128	160
ACCUSATION			
Accusations Filed	31	19	29
Accusations Withdrawn	3	2	3
Accusations Dismissed	N/A	N/A	N/A
Accusations Declined	2	3	4
Average Days Accusations	860	1,088	830
Pending (close of FY)	54	78	84
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	8	9	5
Stipulations	45	24	24
Average Days to Complete	1,005	1,111	1,220
AG Cases Initiated	55	72	55
AG Cases Pending (close of FY)	57	78	84
Disciplinary Outcomes			
Revocation	2	10	0
Voluntary Surrender	26	10	9
Suspension	1	2	0
Probation with Suspension ¹	0	0	0
Probation ²	19	10	18
Probationary License Issued	1	0	0
Other	0	0	0
PROBATION			
New Probationers	15	9	15
Probations Successfully Completed	3	8	13
Probationers (close of FY)	52	53	38

Table 9a. Enforcement Statistics

	FY 2016/17	FY 2017/18	FY 2018/19
Petitions to Revoke Probation	0	7	3
Probations Revoked	0	2	0
Probations Modified	1	2	4
Probations Extended	1	1	3
Probationers Subject to Drug Testing	25	22	24
Drug Tests Ordered	653	832	780
Positive Drug Tests	146	149	42
Petition for Reinstatement Granted	1	0	1
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

Table 9b. Enforcement Statistics (continued)

	FY 2016/17	FY 2017/18	FY 2018/19
INVESTIGATION			
All Investigations			
First Assigned	892	996	898
Closed	918	882	837
Average days to close	46	62	86
Pending (close of FY)	173	290	428
Desk Investigations			
Closed	881	882	910
Average days to close	46	62	101
Pending (close of FY)	173	290	428
Non-Sworn Investigation			
Closed	24	27	14
Average days to close	38	373	56
Pending (close of FY)	15	62	23
Sworn Investigation			
Closed	143	57	48
Average days to close	373	363	488
Pending (close of FY)	70	72	107
COMPLIANCE ACTION			
ISO & TRO Issued	1	2	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	3	4	3
Cease & Desist/Warning	N/A	N/A	N/A
Referred for Diversion	N/A	N/A	N/A
Compel Examination	0	3	0
CITATION AND FINE			
Citations Issued	165	198	75
Average Days to Complete	79	138	77
Amount of Fines Assessed	\$123,000	\$143,750	\$60,500

Table 9b. Enforcement Statistics (continued)

	FY 2016/17	FY 2017/18	FY 2018/19
Reduced, Withdrawn, Dismissed	33	29	10
Amount Collected	\$100,250	\$119,882	\$38,050
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

Table 10. Enforcement Aging

	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	1	1	1	2	5	10%
1 - 2 Years	3	4	2	2	11	23%
2 - 3 Years	2	3	2	3	10	21%
3 - 4 Years	4	3	2	2	11	23%
Over 4 Years	5	2	2	2	11	23%
Total Attorney General Cases Closed	15	13	9	11	48	
Investigations (Average %)						
Closed Within:						
90 Days	603	760	601	525	2,489	78%
91 - 180 Days	84	74	67	103	328	10%
181 - 1 Year	46	35	51	66	198	6%
1 - 2 Years	25	43	40	40	148	4%
2 - 3 Years	10	16	11	13	50	2%
Over 3 Years	0	0	1	0	1	<1%
Total Investigation Cases Closed	768	918	771	747	3,204	

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

Since the last Sunset Review, the overall statistics do not reflect a significant change in the number of disciplinary actions the Board has taken. Stipulated Settlements and Voluntary Surrenders have increased from the last Review.

37. 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.

The Board prioritizes cases in accordance with the DCA 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 IEU for formal investigation. All other complaints are opened in the order received and assigned to an analyst. Analysts perform a desk investigation of the complaint and determine prioritization and appropriate action.

1512 **38. Are there mandatory reporting requirements? For example, requiring local officials or**
1513 **organizations, or other professionals to report violations, or for civil courts to report to the**
1514 **board actions taken against a licensee. Are there problems with the board receiving the**
1515 **required reports? If so, what could be done to correct the problems?**
1516

1517 The mandatory reporting requirements are as follows:
1518

- 1519 • BPC Section 801(a) requires that every insurer providing professional liability insurance to
1520 a person who holds a license, certificate, or similar authority from or under any agency
1521 specified in subdivision (a) of Section 800 send a complete report to that agency as to any
1522 settlement of an arbitration award over three thousand dollars (\$3,000) of a claim or action
1523 for damages for death or personal injury caused by that person's negligence, error, or
1524 omission in practice, or by his or her rendering unauthorized professional services.
- 1525 • BPC Section 802(a) requires a person who holds a license, certificate, or other similar
1526 authority from an agency specified in subdivision of Section 800, to report any settlement,
1527 judgment or arbitration award over three thousand dollars (\$3,000) of a claim or action for
1528 damages for death or personal injury caused by that person's negligence, error or omission
1529 in practice, or by his or her rendering unauthorized professional services.
- 1530 • BPC Section 803(a) requires the clerk of the court, within 10 days after a judgment by a
1531 court of this state, to report if any person who holds a license, certificate, or other similar
1532 authority from the Board has committed a crime, or is liable for any death or personal injury
1533 resulting in a judgment for an amount in excess of thirty thousand dollars (\$30,000) caused
1534 by his or her negligence, error or omission in practice, or his or her rendering unauthorized
1535 professional services.
- 1536 • BPC Section 803.5 requires the district attorney, city attorney, or other prosecuting agency
1537 to notify the Board of any filings against a licensee charging a felony immediately upon
1538 obtaining information that the defendant is a licensee of the board. The notice must identify
1539 the licensee and describe the crimes charged and the facts alleged.
- 1540 • BPC Section 805(b) requires peer review bodies, such as health care service plans, and
1541 committees that review quality of care, to report to the Board whenever a licensee's
1542 application for staff privileges or membership is denied or rejected for a medical disciplinary
1543 cause or reason, a licensee's membership, staff privileges, or employment is terminated or
1544 revoked for a medical disciplinary cause or reason or, restrictions are imposed, or
1545 voluntarily accepted, on staff privileges, membership of employment for a cumulative total
1546 of 30 days or more for any 12-month period, for a medical disciplinary reason.

1547
1548 While the Board primarily receives violation reports via BPC Section 801(a), we have not had
1549 difficulty retrieving reports from any other mandatory reporting entity.
1550

1551 **a. What is the dollar threshold for settlement reports received by the board?**
1552

1553 BPC Section 803(a) requires the clerk of the court, within 10 days after a judgment by a court
1554 of this state, to report if any person who holds a license, certificate, or other similar authority
1555 from the Board has committed a crime, or is liable for any death or personal injury resulting in
1556 a judgment for an amount in excess of thirty thousand dollars (\$30,000) caused by his or her
1557 negligence, error or omission in practice, or his or her rendering unauthorized professional
1558 services.
1559

1560 **b. What is the average dollar amount of settlements reported to the board?**
1561

1562 The average dollar amount of settlements reported to the Board is \$110,499.00.

1563
1564 **39. Describe settlements the board, and Office of the Attorney General on behalf of the board,**
1565 **enter into with licensees.**
1566

1567 Stipulations are legal documents that typically contain admissions by the licensee to one or more
1568 violations of law and set forth a proposal for appropriate discipline. Appropriate discipline is based
1569 on the Board's Disciplinary Guidelines and Uniform Standards which outline both minimum and
1570 maximum penalties for every violation of the Psychology Licensing Act. Discipline comes in many
1571 forms and, depending on the admission(s) of misconduct, may include probation with terms and
1572 conditions, suspension, surrender of license, or even revocation. Stipulations are negotiated
1573 between the licensee or their attorney and the Board's legal representative from the Office of the
1574 Attorney General. Once a stipulation is agreed upon and signed by the licensee and the Board's
1575 legal representative, the document is voted upon by the Board members. The Board votes to
1576 either adopt the stipulation, reject it, or offer a counterproposal. If the licensee does not agree with
1577 the counterproposal, they have the right to request a formal hearing before an Administrative Law
1578 Judge.

1579
1580 **a. What is the number of cases, pre-accusation, that the board settled for the past four**
1581 **years, compared to the number that resulted in a hearing?**
1582

1583 The Board does not enter into settlement agreements with licensees prior to the filing of an
1584 accusation.

1585
1586 **b. What is the number of cases, post-accusation, that the board settled for the past four**
1587 **years, compared to the number that resulted in a hearing?**
1588

	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Settled	38	45	24	24
Hearing	2	6	5	4

1589
1590 **c. What is the overall percentage of cases for the past four years that have been settled**
1591 **rather than resulted in a hearing?**
1592

- 1593 • FY 2015/16: 95%
- 1594 • FY 2016/17: 88%
- 1595 • FY 2017/18: 82%
- 1596 • FY 2018/19: 76%

1597
1598 **40. Does the board operate with a statute of limitations? If so, please describe and provide**
1599 **citation. If so, how many cases have been lost due to statute of limitations? If not, what is**
1600 **the board's policy on statute of limitations?**
1601

1602 The Board operates within a statute of limitations. BPC Section 2960.05 provides, in pertinent
1603 part, that any accusation filed against a licensee pursuant to Section 11503 of the Government
1604 Code be filed within three years from the date the Board discovers the alleged act or omission that
1605 is the basis for disciplinary action, or within seven years from the date the alleged act or omission
1606 that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or
1607 omission involves a minor, the seven-year limitation period provided for by subdivision (a) and the
1608 10-year limitation period provided for by subdivision (e), is tolled until the minor reaches the age of
1609 majority. Since the last Sunset Review, the Board did not have or lost jurisdiction due to statute of
1610 limitations in 37 cases.

1611 **41. Describe the board's efforts to address unlicensed activity and the underground economy.**
1612

1613 The Board continues to investigate all unlicensed activity cases. The Board has the authority to
1614 issue a Citation and Fine for unlicensed activity or for false or misleading advertising. Through
1615 DOI, the Board can refer cases to local District Attorney offices for criminal prosecution.
1616

1617 **Cite and Fine**
1618

1619 **42. Discuss the extent to which the board has used its cite and fine authority. Discuss any**
1620 **changes from last review and describe the last time regulations were updated and any**
1621 **changes that were made. Has the board increased its maximum fines to the \$5,000**
1622 **statutory limit?**
1623

1624 A Citation and Fine is a tool the Board can use to take action against an unlicensed person or a
1625 licensee who is found to be in violation of Psychology Laws and Regulations. For licensees, a
1626 Citation and Fine is used to address relatively minor violations that typically do not warrant formal
1627 discipline.
1628

1629 Since the last Sunset Review, the Board has not amended its regulations regarding its Citation
1630 and Fine authority. The Board increased its fine authority to the statutory limit of \$5,000 in 2005.
1631

1632 **43. How is cite and fine used? What types of violations are the basis for citation and fine?**
1633

1634 A Citation and Fine is used for cases that do not warrant formal discipline. The types of violations
1635 that are the basis for Citation and Fine include, but are not limited to, the following:

- 1636 • Failure to comply with the continuing education requirements;
 - 1637 • False or misleading advertising;
 - 1638 • Unlicensed practice;
 - 1639 • Failure to maintain proper record keeping; and
 - 1640 • Failure to comply with an investigation.
- 1641

1642 **44. How many informal office conferences, Disciplinary Review Committees reviews and/or**
1643 **Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**
1644

1645 The Board of Psychology does not have a Disciplinary Review Committee. In the last four fiscal
1646 years, the Board held 45 enforcement-related and 87 CE-related informal conferences and three
1647 enforcement-related and four CE-related Administrative Procedure Act appeals.
1648

1649 **45. What are the 5 most common violations for which citations are issued?**
1650

1651 The five most common violations for which citations are issued are as follows:

- 1652 • Failure to comply with the continuing education requirements;
 - 1653 • Failure to disclose conviction information on renewal application;
 - 1654 • False or misleading advertising;
 - 1655 • Unlicensed practice; and
 - 1656 • Violation of the terms and conditions of probation.
- 1657

1658 **46. What is average fine pre- and post- appeal?**
1659

1660 The average pre-appeal fine for enforcement citation orders is \$1,950 and the average post-
1661 appeal fine is \$1,125.

The average pre-appeal fine for CE citation orders is \$772 and the average post-appeal fine is \$573.

47. 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 DCA for referral to Franchise Tax Board for collection through its Interagency Intercept Collection Program.

Cost Recovery and Restitution

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

BPC Section 125.3 states, in part, that the Board may request the administrative law judge direct any licensee 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.

49. 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 Interagency Intercept Collection 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.

Table 11. Cost Recovery		(list dollars in thousands)		
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Total Enforcement Expenditures	\$1,268	\$953	\$1,149	\$784**
Potential Cases for Recovery *	37	31	25	33
Cases Recovery Ordered***	29	41	26	21
Amount of Cost Recovery Ordered	\$264	\$410	\$222	\$225
Amount Collected	\$107	\$114	\$53	\$29
* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the License Practice Act.				
** Total based on preliminary yearly expenditures provided by DCA				
***Cost recovery ordered may be from other accusations in different fiscal years				

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

The Board does not seek cost recovery in cases where it has denied an application for a license or registration and a Statement of Issues has been filed. BPC Section 125.3, which authorizes the collection of cost recovery, applies only to licensees and not applicants.

51. 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 uses the Franchise Tax Board (FTB) to collect outstanding monies due if not paid within the agreed upon timeframe.

52. 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. One example of when restitution would be ordered is in cases where a patient or client paid for services that were never provided. 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.

Table 12. Restitution	(list dollars in thousands)			
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Amount Ordered	0	0	1,508	0
Amount Collected	0	0	1,508	0

Section 6 – Public Information Policies

53. 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. 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 as long as permitted by policy. 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 remain available on the Board's website for as long as permitted by policy.

1745 **54. Does the board webcast its meetings? What is the board's plan to webcast future board**
1746 **and committee meetings? How long do webcast meetings remain available online?**
1747

1748 The Board has been webcasting its meetings since 2011 and will continue to request that the DCA
1749 webcast future Board and Committee meetings. Webcast meetings remain on the website along
1750 with the meeting agendas and materials for as long as permitted by policy.
1751

1752 **55. Does the board establish an annual meeting calendar, and post it on the board's web site?**
1753

1754 The Board posts an annual calendar of Board meetings to its website and updates this calendar
1755 as various committee and task force meetings are scheduled.
1756

1757 **56. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum***
1758 ***Standards for Consumer Complaint Disclosure*? Does the board post accusations and**
1759 **disciplinary actions consistent with DCA's *Web Site Posting of Accusations and***
1760 ***Disciplinary Actions (May 21, 2010)*?**
1761

1762 The Board's disclosure policy is consistent with the DCA Recommended Minimum Standards for
1763 Consumer Complaint Disclosure as well as the Department's Web Site Posting of Accusations
1764 and Disciplinary Actions. The Board posts discipline documents on the licensee's verification page
1765 on the website and sends a monthly email of all disciplinary actions initiated or finalized in that
1766 month to persons who have requested to receive such information.
1767

1768 **57. What information does the board provide to the public regarding its licensees (i.e.,**
1769 **education completed, awards, certificates, certification, specialty areas, disciplinary action,**
1770 **etc.)?**
1771

1772 The Board provides license number, license status, issue date of license, expiration date of
1773 license, address of record, school name and graduation year used as the qualifying degree for
1774 licensure, and history of disciplinary actions. The Board also provides the option to include a
1775 professional website address on the DCA License Search page.
1776

1777 **58. What methods are used by the board to provide consumer outreach and education?**
1778

1779 The Board has a standing Outreach and Communications Committee. The goal of this Committee
1780 is to engage, inform, and educate consumers, students, applicants, licensees, and other
1781 stakeholders regarding the evolving practice of psychology, the work of the Board, and their
1782 relevant laws and regulations. Since the last Sunset Review, the Board updated its consumer
1783 brochure *Therapy Never Includes Sexual Behavior* (formerly, Professional Therapy Never
1784 Includes Sex), which required collaboration with the Medical Board of California, Osteopathic
1785 Medical Board of California, and the Board of Behavioral Sciences on the revisions and statutory
1786 changes required for this update. The Board maintains its website with current, relevant
1787 information for consumers. Consumers can also sign up on the Board's website to receive email
1788 notifications on a variety of topics. The Board also provides consumer updates on Facebook and
1789 Twitter. The public also has access to view Board of Psychology meeting webcasts. Annually, the
1790 Board holds at least two Board Meetings in Northern California, and two in Southern California to
1791 increase consumer access to board meetings. The Board looks forward to future opportunities to
1792 enhance its outreach and education efforts.
1793
1794
1795

1796 **Section 7 –**
1797 **Online Practice Issues**

1798
1799 **59. Discuss the prevalence of online practice and whether there are issues with unlicensed**
1800 **activity. How does the board regulate online practice? Does the board have any plans to**
1801 **regulate internet business practices or believe there is a need to do so?**
1802

1803 The Board receives numerous inquiries about online practice but receives very few complaints
1804 directly related to online practice. The Board defines online practice as one method of delivery of
1805 psychological services pursuant to BPC Section 2290.5 on telehealth. Since the last Sunset
1806 Review, the Telepsychology Committee recommended a new regulatory section to address issues
1807 with the mode of delivery of psychological services. This regulatory package is currently in the
1808 Initial Review Phase with the Department of Consumer Affairs and the Board hopes that this
1809 package will be formally noticed by 2020.
1810

1811 **Section 8 –**
1812 **Workforce Development and Job Creation**

1813
1814 **60. What actions has the board taken in terms of workforce development?**
1815

1816 The Board strives to achieve streamlined internal processes for the issuance of initial licenses and
1817 registrations. Since the last Sunset Review, the Board has reviewed its statutes and regulations to
1818 identify barriers to licensure and to increase efficiencies in the licensure application process. As
1819 part of the Board's current Strategic Plan, the Board will be working to implement statutory and
1820 regulatory changes to reduce barriers to licensure, eliminate confusion, and streamline its
1821 processes. By reducing barriers, the Board aims to get qualified individuals into the profession
1822 more efficiently.
1823

1824 In addition, from 2015 to 2017, the Board engaged in a two-year campaign regarding access to
1825 mental health care in the State of California in an effort to increase the number of mental health
1826 providers working in California's underserved and un-served communities. The campaign included
1827 a presentation on access to care before the Senate Select Committee on Mental Health;
1828 presentations at Board Meetings regarding the health of the Health Professions Education
1829 Foundation (HPEF) fund, under the Office of Statewide Health Planning and Development
1830 (OSHPD); and has produced targeted newsletter articles on topics such as the number of mental
1831 health care professionals per county and the aging demographics of the licensed workforce, which
1832 have been shared with legislative offices and the media. As a result of the campaign, the Board
1833 advocated for and received an increase in the HPEF fee, paid by Board licensees via the biennial
1834 renewal process. The fee increased from a statutory amount of \$10, to \$20 per renewal. The
1835 HPEF offers a number of scholarship and loan repayment programs for eligible health
1836 professional students and graduates. All program recipients are required to provide direct patient
1837 care in a medically underserved area of California as designated by OSHPD. This program aims
1838 to increase access to mental health services in California by increasing the number of licensed
1839 providers in those identified areas.
1840

1841 **61. Describe any assessment the board has conducted on the impact of licensing delays.**
1842

1843 The Board regularly monitors its licensing timeframes for licensure and registration applications.
1844 At this point of time, the Board is not seeing any significant licensing delays; therefore, the Board
1845 has not conducted any formal assessment of the impacts of licensing delays since the last Sunset
1846 Review.

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62. Describe the board’s efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

Schools are identified stakeholders of the Board and as such are consulted on statutory and regulatory changes that may impact students and future applicants to the Board. For example, in February 2018, surveys were sent to solicit stakeholder input regarding a proposal relating to the standardization of trainee categories. The aim of the proposal was to enhance consumer protection and transparency by creating a single pathway to licensure that would standardize the process for trainees to gain experience towards licensure as a psychologist. The proposal would have required all trainees to register as psychological assistants with the Board to ensure accountability while providing psychological services to the public and while accruing supervised professional experience.

Additionally, whenever policy changes are made that affect applicants, the Board disseminates an advisory on changes to licensing requirements and processes. Due to travel restrictions, the Board is unable to travel to schools to present this information directly to their students.

63. Describe any barriers to licensure and/or employment the board believes exist.

BPC Section 2914 requires applicants for licensure who received their degree from an educational institution outside of the U.S. or Canada to provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services. At a recent ASPPB meeting, one of the topics discussed was the evaluation of foreign-trained applicants. One of the presenters on the topic was a representative from the National Register of Health Service Psychologists (NRHSP), which is a national organization that also performs this service. As a result of this meeting, the NRHSP was invited to present their credentials review processes and criteria to the Board’s Licensure Committee. As a result of the presentation, the Board approved draft statutory amendments to add the NRHSP as an additional credentials evaluation service. This additional credentials evaluation service will provide foreign-trained applicants another avenue to obtain the credentials evaluation required for licensure.

64. Provide any workforce development data collected by the board, such as:

a. Workforce shortages

Since the last Sunset Review, DCA has not collected data regarding workforce shortages.

b. Successful training programs.

Since the last Sunset Review, DCA has not collected data regarding successful training programs.

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Section 9 – Current Issues

65. What is the status of the board’s implementation of the Uniform Standards for Substance Abusing Licensees?

In order to implement SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008), which was designated to protect the public by monitoring psychologists (and other healing arts professionals) impaired by drug or alcohol abuse, the Board promulgated regulations which became effective January 1, 2017. These regulations provide guidelines which are followed when considering discipline against a substance abusing licensee.

66. What is the status of the board’s implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The Board completed implementation of the CPEI regulations in 2012.

67. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board’s change requests?

The Board is utilizing BreEZe and was included in the first Release of the system. Board staff continuously identifies and submits change requests to the DCA to enhance the functionalities of the BreEZe system to meet the Board’s needs. As required by DCA, the Board submits weekly prioritization reports regarding its change requests. The Board’s change requests are completed by the DCA based upon the Board’s prioritization of these requests, the capacity of the DCA BreEZe team, and the availability of release dates.

b. If the board is not utilizing BreEZe, what is the board’s plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board’s understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

Not applicable.

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Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

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

1948 **ISSUE # 1: Lack of mental health providers in certain communities.**

1949
1950 **Background:** According to the Office of Statewide Health Planning and Development (OSHPD),
1951 approximately 16 percent of Californians live in a Mental Health Professional Shortage Area, which is
1952 designated based on the availability of psychiatrists and other mental health professionals, including
1953 psychologists.

1954
1955 There are several programs administered by OSHPD to encourage licensees to work in these areas:

1956
1957 Mental Health Loan Assumption Program (MHLAP)

1958
1959 MHLAP was created by Proposition 63, the Mental Health Services Act (Act), passed by California
1960 voters in November 2004. The Act provided funding to develop a loan forgiveness program in order to
1961 retain qualified professionals working within the Public Mental Health System (PMHS). Through the
1962 Workforce Education and Training component of the Act, \$10 million is allocated yearly to loan
1963 assumption awards. An award recipient may receive up to \$10,000 to repay educational loans in
1964 exchange for a 12-month service obligation in a hard-to-fill or retain position within the County PMHS.

1965
1966 Mental Health Practitioner Education Fund

1967 The Board collects a \$10 fee as part of license renewals to support the Mental Health Practitioner
1968 Education Fund that is administered by OSHPD. An awardee may receive up to \$15,000 to repay
1969 educational loans over a 24-month period in exchange for a 24-month commitment to practicing and
1970 providing direct care in a publicly funded or public mental health facility, a non-profit mental health
1971 facility, or a mental health professions shortage area.

1972
1973 The Board does not formally track data regarding workforce shortages, but it has many occasions to
1974 solicit and communicate opportunities to its licensees.

1975
1976 **Staff Recommendation:** *The Board should inform the Committee what it is doing to promote*
1977 *service in underserved areas and evaluate whether \$10 is sufficient to fund the Mental Health*
1978 *Practitioner Education Fund.*

1979
1980 **Board Response**

1981 In February 2015, the Board of Psychology embarked on a two-year access to mental healthcare in
1982 the State of California campaign. To date, the Board has done the following:

- 1983 • Produced an article in the winter 2015 *Journal* identifying licensed mental health professionals
1984 per county, per capita. This *Journal* has a distribution of more than 15,000 per publication. This
1985 data has been shared with the Department of Consumer Affairs, the Health Professions
1986 Education Foundation, the Senate Business, Professions and Economic Development
1987 Committee and other interested Members of the state legislature.
- 1988 • Produced an article in the spring 2015 *Journal* entitled, “Educational Loan Opportunities for
1989 Mental Health Providers”.
- 1990 • In August 2015, the Health Professions Education Foundation (HPEF) gave the Board an
1991 overview of the program at the Board Meeting, an update on the fiscal health of the program,
1992 and an overview of the process for application for loan repayment. The Foundation agreed to
1993 present to the Board annually.
- 1994 • Summer 2015 recipient profile of HPEF (Jaseon Outlaw, PhD) in the Board’s summer *Journal*.
1995 Going forward, the Board will include a recipient profile in the quarterly *Journal* as awards are
1996 given.

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- Inserts will be included in all license renewals packets promoting the HPEF. The inserts will instruct licensees how to apply for loan forgiveness and how to contribute additional funds to the program.
- Additionally, the Board plans to do the following:
 - Develop outreach to high schools and community colleges to encourage individuals to enter into the profession.
 - Develop telepsychology regulations that will instruct licensees how to provide telehealth to Californians, giving psychologists additional opportunities to provide care to underserved populations.
 - Engage stakeholders to help the Board promote entering the profession and the availability of the loan repayment program.
 - Increase awareness regarding other loan repayment programs.

According to a recent survey conducted by the American Psychological Association of Graduate Students (APAGS), the median loan debt of a recent graduate of a doctoral program is between \$90,000-200,000 plus (depending on the program and institution from which they graduated) <http://www.apa.org/monitor/2015/06/datapoint.aspx>. The size of available awards under existing state programs are small by comparison thereby reducing the potential incentive to locate in underserved areas.

- The average award amount varies from \$2,558 to \$13,910 depending on profession of awardee.

Renewal fees are authorized for the specified professions listed under the statutory definition of a licensed mental health service provider (LMHSP).

- Per Health and Safety Code section 128454 (1) "Licensed mental health service provider" means a psychologist licensed by the Board of Psychology, registered psychologist, postdoctoral psychological assistant, postdoctoral psychology trainee employed in an exempt setting pursuant to BPC Section 2910, or employed pursuant to a State Department of Health Care Services waiver pursuant to Section 5751.2 of the Welfare and Institutions Code, marriage and family therapist, marriage and family therapist intern, licensed clinical social worker, and associate clinical social worker."
- The majority of mental health practitioners who apply for the loan repayment program do not receive any award due to limitations in financial resources. Please see the table below, which reflects the **Licensed Mental Health Services Provider Education** program application numbers. Specifically, the table reflects how many applications were received, eligible, awarded and not awarded in FY 2012-13, 2013-14, and 2014-15.
- The Mental Health Loan Assumption Program (MHLAP) is funded by Proposition 63 funds. Licensees of the Board are also eligible for awards through this program. Applicants can receive up to \$10,000 from this Program.

Board of Psychology Fund			
LMH	2012/13	2013/14	2014/15
Total applications received	31	63	49
Total eligible applications	29	61	40
Did not score high enough for award	NA	5	19
Awarded through Grant funding	NA	22	NA

Board of Psychology Fund			
LMH	2012/13	2013/14	2014/15
Awarded through Board of Psychology Funding	8	7	10
Total not awarded	21	27	11

It appears that the financial resources of the HPEF fund cannot meet the demands of applicants who wish to work in underserved communities.

UPDATE:

The Board advocated for AB 1188 (Nazarian), which increased the psychologist renewal fee for deposit into the Mental Health Practitioner Education Fund. This bill became operative July 1, 2018.

See the table below for an update on the LMH program.

Board of Psychology Fund				
LMH	2015/16	2016/17	2017/18	2018/19
Total applications received	89	78	64	62
Total eligible applications	89	78	64	26
Did not score high enough for award	24	32	26	9
Awarded through Grant funding	4	5	5	0
Awarded through Board of Psychology Funding	8	4*	8*	6
Total not awarded	53	37	25	11

*One applicant was offered an award but declined before June 30th of the award year.

ISSUE # 2: California remains the only state that allows licensure of psychologists from unaccredited schools. Should the Psychology Act be amended to require accreditation of institutions offering degrees intended to lead to licensure by the Board?

Background: California is the only state that allows students from unaccredited schools to sit for psychology licensing examinations. Current law requires the Board to accept doctoral degrees in psychology from either accredited or approved institutions. An institution is deemed approved if it is not a franchise, was approved by the BPPVE on or before 1999, and has not moved to a new location since 1999. There are six schools meeting these criteria, and approvals and oversight are conducted solely by the BPPE.

This issue was raised during the previous review of the Board. The Board was concerned that there is little quality control over the schools' operations or curriculum and students have a low pass rate on the national exam, among other issues. At that time, the Board stated that the students from these schools should not be eligible for licensure and expressed their preference for a change in law to prohibit applicants from approved schools. This law was not changed.

In an effort to increase the quality of educational programs in California, the California Private Postsecondary Education Act of 2009 was amended in 2014 (SB 1247, Lieu, Chapter 840, Statutes of 2014) to require degree granting institutions to be accredited by an agency recognized by the U.S. Department of Education by July 1, 2020 in order to receive BPPE approval. AB 2099 (Frazier,

2071 Chapter 676, Statutes of 2014) also established requirements for unaccredited degree granting
2072 programs participating in Title 38, the program that provides educational awards for eligible active
2073 duty military members and veterans.
2074

2075 While the Board recognizes recent Legislative actions as significant progress, there remains a
2076 concern that these changes may be insufficient to raise California's psychologists to the national
2077 standard. The main barrier is that the ASPPB requires member states to have regionally accredited
2078 schools to participate in their Agreement of Reciprocity for licensure – U.S. Department of Education
2079 allows national accreditation. Further, California psychologists may not be able to join the American
2080 Psychological Association, the largest professional psychology organization in the nation, as full
2081 members; participate in certain pre-doctoral or post-doctoral programs necessary for some types of
2082 employment, including the U.S. Department of Veterans' Affairs Health and Medical Centers -- the
2083 largest employer of psychologists in the U.S; or be eligible for licensure in some states.
2084

2085 Unaccredited degree granting institutions are extremely concerned about the requirement to obtain
2086 accreditation and have been working through the legislative process to create exemptions to the new
2087 requirements set forth by SB 1247 and AB 2099. It would be helpful for the Committees to better
2088 understand the barriers to schools becoming accredited, particularly for schools offering degrees.
2089

2090 **Staff Recommendation: *The Committees should remove current language authorizing***
2091 ***graduates with degrees from unaccredited institutions to sit for licensure by the Board, and***
2092 ***ensure that timeframes for this change accommodate current students. The Board should***
2093 ***provide information to the Committees as to whether regional accreditation may be preferable***
2094 ***to other types of accreditation, and the Committees should specify the type of accreditation***
2095 ***that should be required of institutions offering degrees intended to lead to licensure.***
2096

2097 **Board Response**

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2099 The Board of Psychology believes that institutions offering degrees eligible for licensure should be
2100 regionally accredited. A requirement of regional accreditation would accomplish the following:
2101

2102 Greater protection of the consumer of psychological services is better ensured by regionally
2103 accredited institutions offering applied psychology graduate programs. Such institutions offer
2104 substantially greater opportunities for placement in rigorous training sites accredited by the American
2105 Psychological Association, the Association of Psychological Postgraduate and Internship Programs
2106 and the California Psychology Internship Council, all of which require that graduate and postgraduate
2107 students be enrolled in, or have received their degree from, regionally accredited institutions.
2108

2109 Greater protection of the consumer of psychological services and the psychology graduate students
2110 attending graduate programs at regionally accredited institutions is better ensured due to the more
2111 rigorous curriculum requirements and the careful monitoring of the administrative and financial
2112 stability of the institutions offering psychology doctoral programs. This is particularly important to the
2113 student consumers in that they incur on average six figures in student debt for the graduate portion of
2114 their education alone (See Doran, J. M., Kraha, A., Marks, L. R., Ameen, E. J., & El-Ghoroury, N. H.
2115 (2016)). Graduate debt in psychology: A quantitative analysis. Training and Education in Professional
2116 Psychology, 10(1), 3-13, <http://dx.doi.org/10.1037/tep0000112>.) Such debt would appear to be
2117 particularly onerous for those graduates whose ability to successfully traverse the pathways to
2118 licensure in this or another jurisdiction is compromised due to the lack of regional accreditation.
2119 Students and graduates of regionally accredited institutions will not only be eligible for the most
2120 rigorous and respected predoctoral and postdoctoral internships but also enjoy greater future job

2121 opportunities, such as employment by the Veterans Administration and other federal governmental
2122 institutions, as well as appointment to faculty and research positions at major academic institutions.

2123
2124 In addition to the primary concern for the consumer of psychological services and the efficacy and
2125 cost effectiveness to student consumers of applied psychology graduate education, regional
2126 accreditation would afford benefits to licensees of the Board by better ensuring the increased
2127 geographic portability of a California psychology license should the licensee ultimately wish to
2128 practice in other or additional jurisdictions. At present, the equivalency of a California license in
2129 applying for out of state licensure has been often viewed as inferior due to the Board's licensing of
2130 graduates of institutions that are not regionally accredited. Many types of licensees of the Board, such
2131 as forensic psychologists, industrial/organizational psychologists and consulting psychologists,
2132 benefit from licensure in multiple jurisdictions due to the nature of the work they perform. Some
2133 psychologists wish to move to other jurisdictions to practice in order to better provide for their family
2134 or to take advantage of career opportunities. They are sometimes hampered in these efforts due to
2135 the less rigorous requirements for accreditation of the California institutions from which they received
2136 their doctoral degrees.

2137
2138 The Board looks forward to working with the Committees to amend BPC Section 2914 to address this
2139 issue.

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UPDATE:

As a result of the provisions made in the last Sunset Bill (SB 1193 (Hill)), BPC Section 2914 was amended to remove language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the Board and ensured the timeframes for this change accommodated current students from these institutions. Therefore, students enrolling after January 1, 2020 are required to enroll in a regionally accredited institution in order to meet the degree qualifications for licensure as a psychologist.

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ISSUE # 3: Continuing Education.

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2145 **Background:** Traditional models of CE entail formal learning activities conducted in classroom or
2146 workshop settings. As referenced earlier in the report, the Board is considering changes to their CE
2147 program to accommodate a broader competency model called continuing professional development
2148 (CPD). The model was developed by the ASPPB and provides additional avenues for maintaining
2149 competence. These options are meant to expand the ways licensees can increase their learning and
2150 to include performance-based assessments of licensees' competence.

2151
2152
2153 The Board is seeking to amend existing continuing education statutes and regulations to
2154 accommodate this new approach. Changes should include:

- 2155
- 2156 • Redefining “Continuing Education” requirements as “Continuing Professional Development”
2157 requirements;
 - 2158 • Removing specific course requirements found in the BPC; and,
 - 2159 • Enabling the Board to approve specific organizations that provide continuing professional
2160 development activities.
- 2161
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2164 **Staff Recommendation:** *The Board should provide recommendations to the Committee for*
2165 *updating continuing education statutes.*

2166
2167 **Board Response**

2168 The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic
2169 Development Committee to amend BPC Section 2915. This change would redefine continuing
2170 education with a continuing professional development model. The Committee has graciously agreed
2171 to include this change in the Board's sunset legislation. This model will allow licensees alternative
2172 ways to maintain competence, decrease isolation, and enhance the probability that ongoing
2173 professional competence can be demonstrated.

2174

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2915 was amended to replace the current continuing education model with a broader continuing professional development model. Continuing professional development is defined as certain continuing education learning activities approved in four different categories:

1. Professional
2. Academic
3. Sponsored Continuing Education Coursework
4. Board Certification from the American Board of Professional Psychology

The Board has initiated the formal rulemaking process to implement these statutory changes in regulation. This regulatory package is currently in the Initial Departmental Review phase with the DCA. The Board hopes that this package will be formally noticed by 2020.

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2178 **ISSUE # 4: Expansion of Psychological Assistant practice areas.**

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2180 **Background:** In order to become a licensed psychologist, applicants must accrue 3,000 hours of
2181 supervised professional experience. Individuals who have a Master's degree and are admitted into a
2182 doctoral program may obtain these hours by registering with the Board as a psychological assistant.
2183 A psychological assistant provides psychological services to individuals or groups while under the
2184 supervision of a licensed psychologist or a board certified psychiatrist.

2185

2186 Current law requires that a psychological assistant be employed only by a psychological or medical
2187 corporation, a California licensed psychology clinic, a Bronzan-McCorquodale contract clinic, a
2188 licensed psychologist, or a board certified psychiatrist.

2189

2190 The Board recognizes that these statutes are outdated and do not reflect the employment, contract,
2191 or volunteer opportunities available in settings beyond current limitations, such as hospitals, nursing
2192 homes, and rehabilitation centers.

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2194 **Staff Recommendation:** *The Board should provide recommendations to the Committee for*
2195 *updating psychological assistant statutes to focus on appropriate supervision, rather than*
2196 *physical setting.*

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Board Response

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend BPC Section 2913. This change would address the following two issues:

1. Eliminating the restrictions of the current work settings required of a psychological assistant.
2. Receiving the application directly from the psychological assistant instead of the supervisor.

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2913 was amended to remove the restriction on the types of settings in which a psychological assistant can work. The Board has implemented these changes through its statutory authority and is seeking additional conforming changes via regulations. This package is under review by Board Legal Counsel and will be begin Initial Departmental Review upon approval by Board Legal Counsel. The Board hopes that this package will be formally noticed by 2020.

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ISSUE # 5: Retired license.

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Background: The Psychology Act does not authorize a retired license. Under existing law, a retired licensee may choose only between “inactive” status, which costs \$25 per year, or “delinquent” status. These have negative connotations and may not respect a long and honorable career.

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The Board is seeking to establish a “retired” licensure category, similar to many other healing arts programs such as the Medical Board, Professional Fiduciaries Bureau, Board of Behavioral Sciences, and Board of Optometry. The creation of this license would require a one-time fee and would provide a means for a retired licensee to return to active status under certain circumstances.

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Adding this license designation is a consistent request from licensees and is included in the Board’s 2014-2018 Strategic Plan.

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Staff Recommendation: *The Board should provide recommendations to the Committee for establishing a retired license.*

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Board Response

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to add a section to the Psychology Licensing Law in the BPC creating a retired license category for psychologists.

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2988.5 was added to create the statutory authority for the Board to create a retired license status. The Board has initiated the formal rulemaking process to implement these statutory changes in regulation. This package is under review by Board Legal Counsel and will be begin Initial Departmental Review upon approval by Board Legal Counsel. The Board hopes that this package will be formally noticed by 2020.

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2238 **ISSUE # 6: Web Site information.**

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2240 **Background:** The Board has been very active in providing information to consumers, and seeks
2241 legislative authority to post historical information on existing and past licensees' approved graduate
2242 and post-graduate education on its Web site. This will enable consumers to make informed decisions
2243 when selecting a psychology provider.

2244
2245 **Staff Recommendation:** *The Board should provide recommendations to the Committee for*
2246 *updating its public information policies.*

2247
2248 **Board Response**

2249 The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic
2250 Development Committee to add a section to the Psychology Licensing Law in the BPC establishing a
2251 mechanism for posting historical information on existing and past licensees. This information will
2252 include:

- 2253
2254 1. Institutions that awarded the qualifying educational degree and type of degree awarded.
2255 2. A link to the licensee's professional website.
2256 3. Historical enforcement activity including Statements of Issues, Accusations, Proposed Decisions,
2257 and Stipulated Settlements.
2258

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2934.1 was added to clarify the Board's authority to post enforcement-related actions and documents and to add the following licensee information on current and former licensees:

1. Institutions that awarded the qualifying educational degree and type of degree awarded
2. A link to the licensee's professional internet website

The Board worked with the DCA to implement these changes to the Board's website and the BreZE system.

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2262 **CONTINUED REGULATION OF THE PROFESSION BY THE CURRENT MEMBERS OF THE**
2263 **BOARD**

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2265 **ISSUE # 7: Should the licensing and regulation of the practice of psychology be continued**
2266 **and be regulated by the current Board membership?**

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2268 **Background:** The health, safety, and welfare of consumers are protected by a well-regulated
2269 psychologist profession. The Board has shown a strong commitment to improve the Board's overall
2270 efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to
2271 bring about necessary changes. The Board should be continued with a four-year extension of its
2272 sunset date so that the Committee may review once again if the issues and recommendations in this
2273 Paper and others of the Committee have been addressed.

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2275 **Staff Recommendation:** *Recommend that the practice of psychology continue to be regulated*
2276 *by the current Board members in order to protect the interests of the public and be reviewed*
2277 *once again in four years.*
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Board Response

The Board appreciates the confidence the Committees have demonstrated in recommending the continuance of the regulation of the practice of psychology by the Board in its current configuration. In the next four years the Board is committed to addressing the following issues:

1. Ensuring greater access to mental health care in California.
2. Establishing higher criteria for applicants for licensure to ensure consistency with other licensing jurisdictions across the nation.
3. Establishing continuing professional development to ensure competence for its licensees
4. Redefining the psychological assistant statute to focus on appropriate supervision rather than physical setting.
5. Developing a mechanism to provide licensees an alternative license status at the end of their career.
6. Increasing transparency to the consumers of psychological services in California by providing expanded educational and disciplinary data on its licensees.
7. Continuing to review and amend the statutes and regulations in order to be more transparent, more understandable to consumers and evolve with the field.

UPDATE:

In order to protect the consumers of psychological services in the State of California, the Board strongly urges the Legislature to continue the regulation of the practice of psychology by the Board of Psychology under its current membership.

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**Section 11 –
New Issues**

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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.

Foreign Degree Evaluation

As discussed in questions 32 and 63, BPC Section 2914 requires applicants for licensure who received their degree from an educational institution outside of the U.S. or Canada to provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services. At an ASPPB meeting, one of the topics discussed was the evaluation of foreign-trained applicants. One of the presenters on the topic was a representative from the National Register of Health Service Psychologists (NRHSP), which is a national organization that also performs this service. As a result of this meeting, the NRHSP was invited to present their

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2325 credentials review processes and criteria to the Board's Licensure Committee. As a result of
2326 the presentation, the Board approved draft statutory amendments to add NRHSP as an
2327 additional credentials evaluation service. This additional credentials evaluation service will
2328 provide foreign-trained applicants an additional avenue to obtain the credentials evaluation
2329 required for licensure.
2330

2331 **Statutory Changes for Pathways to Licensure**

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2333 As discussed in questions 19 and 29, the Board has conducted a comprehensive review of its
2334 statutes and regulations addressing how licensure can be obtained. In part, amendments to
2335 BPC Sections 2911, 2915.7, and 2946 have been identified with the goal of removing barriers
2336 to licensure and improving program efficiencies. The Board will be pursuing statutory and
2337 regulatory changes to accomplish this goal.
2338

2339 **3. New issues not previously discussed in this report.**

2340 **Temporary Practice Provisions**

2341
2342 Through input from various stakeholders, the Board was made aware of confusion regarding
2343 temporary practice provisions set forth in BPC Section 2912 for those who are licensed at the
2344 doctoral level in another state or jurisdiction in the U.S. or Canada. These provisions have
2345 been interpreted in multiple ways overtime. The Board would like to clarify that the 30 calendar
2346 days of practice allowed in statute do not need to be consecutive but instead any 30
2347 consecutive or non-consecutive days in any calendar year, where practice for any part of a day
2348 is considered a day.
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2350 **Reinstatement After Non-Disciplinary Voluntary Surrender**

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2352 Based on the Board's analysis of its aging licensee demographic and input from its
2353 stakeholders about discipline related to a licensee's cognitive impairment, the Board has
2354 reevaluated its approach to investigation and discipline of complaints where there is no
2355 consumer harm involved. The Board has experienced instances where licensees have
2356 diminished cognitive capacity due to diseases such as Alzheimer's and the licensee's family or
2357 a fellow licensee reported that the licensee is starting to experience cognitive issues due to
2358 their impairment but have no consumer complaints filed against them. Currently, the Board has
2359 implicit statutory authority to accept a non-disciplinary surrender of a license under BPC
2360 Section 118(b). However, the Board does not have a mechanism for reinstatement of such a
2361 surrendered license in circumstances where medication or surgery could restore cognitive
2362 function. As such, the Board would like to clarify the process for voluntary surrender and to
2363 establish a mechanism for such individuals to petition the Board for reinstatement of their
2364 license.
2365
2366

2367 **Delegating Final Authority to the Licensure Committee**

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2369 Currently, requests from individual applicants or licensees related to the licensing process are
2370 discussed in closed session pursuant to Government Code section 11126(c)(2) at the
2371 Licensure Committee meetings. For example, the Committee reviews requests from applicants
2372 for additional time to accrue the supervised professional experience required for licensure due
2373 to personal or health-related reasons. Often, the Committee is presented with very personal
2374 medical information that accompanies these requests. The Committee then brings its
2375 recommendations to the full Board for final decision in open session at a Board Meeting, where

2376 the requests must be substantially redacted. This process creates unnecessary and long
2377 delays for those seeking licensure, where these individuals may be unable to practice while
2378 awaiting a final decision from the Board. The Board would like to be able to delegate the final
2379 authority to review and decide these requests to the Licensure Committee, and still have the
2380 Committee be allowed to meet in closed session notwithstanding Government Code section
2381 11126(c)(2) in the interests of fairness and privacy protection for these applicants and
2382 licensees.

2383
2384 **4. New issues raised by the Committees.**

2385
2386 As of the date of this report, the Board has received no additional issues from the Committee
2387 and has addressed all issues raised in the last Sunset Review.
2388
2389

2390 **Section 12 –**
2391 **Attachments**

2392
2393 **Please provide the following attachments:**
2394

- 2395 **A. Board’s administrative manual.**
- 2396 **B. Current organizational chart showing relationship of committees to the board and**
2397 **membership of each committee (cf., Section 1, Question 1).**
- 2398 **C. Year-end organization charts for last four fiscal years. Each chart should include**
2399 **number of staff by classifications assigned to each major program area (licensing,**
2400 **enforcement, administration, etc.) (cf., Section 3, Question 15).**
- 2401 **D. Quarterly and Annual Performance Measures reports from the Department of Consumer**
2402 **Affairs website.**
- 2403 **E. Customer Satisfaction Survey Results**
2404

Department of Consumer Affairs
Board of Psychology
November 8, 2019 Board Meeting
Teleconference

**Items Available Upon
Request**

(email bopmail@dca.ca.gov to request a copy)

- Agenda Item 4 – Attachment A: Sunset Review Oversight Report Form Attachments A-E

Department of Consumer Affairs
Board of Psychology
November 8, 2019 Board Meeting
Teleconference

**Item Available Upon
Request**

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- Agenda Item 4 – Attachment B: Sunset Review Timeline

MEMORANDUM

DATE	October 24, 2019
TO	Board of Psychology
FROM	Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #5 – Update regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1

Background:

In February of 2015, The Board of Psychology requested that Assembly Member Garcia request an opinion from the Attorney General (AG) regarding mandatory reporting requirements under CANRA, on behalf of the Board of Psychology. This request for an opinion was assigned opinion number 15-201 by the AG's office.

The questions laid out in the request to the AG were:

1. The Child Abuse and Neglect Reporting Act (CANRA), starting at Penal Code Section 11164 et seq.) requires “mandated reporters” to report instances of child sexual abuse, assault, and exploitation to specified law enforcement and/or child protection agencies. Does this requirement include the mandatory reporting of voluntary acts of sexual intercourse, oral copulation, or sodomy between minors of a like age?
2. Under CANRA is the activity of mobile device “sexting,” between minors of a like age, a form of reportable sexual exploitation?
3. Does CANRA require a mandated reporter to relay third-party reports of downloading, streaming, or otherwise accessing child pornography through electronic or digital media?

The reason for this request was due to an opinion the Board of Behavioral Sciences (BBS) received from their legal counsel. BBS advised that they first began to examine the issue because stakeholders brought it to the attention of their Board due to the various interpretations of the law by many of their licensees. Coincidentally, legislative staff members contacted BBS to advise that the interpretation by their stakeholders was incorrect, and that the amendments to CANRA could have implications on family planning agencies. Due to the concern over a legal misinterpretation of CANRA, BBS requested a legal opinion from the Department of Consumer Affairs (DCA). Once this legal opinion was received, the Board placed the opinion in their Board materials.

Since the receipt of the BBS opinion, that Board has made no statements regarding the interpretation of CANRA, and has not advised their licensees that they will or will not take enforcement action against them due to a CANRA-related complaint.

On February 20, 2015, the issue became subject to litigation which placed the AG opinion on hold pending the disposition of the case.

On January 9, 2017, a decision was rendered by the Court of Appeal of the State of California, Second Appellate District. This decision affirmed the judgement of the Los Angeles County Superior Court trial.

On February 21, 2017, the plaintiffs in the Mathews v. Harris case filed a petition for review with the California Supreme Court.

On April 6, 2017, the Office of the Attorney General advised that their office will maintain the suspension of opinion number 15-201 until the litigation is concluded and they have a final disposition in the matter.

On May 10, 2017, The California Supreme Court granted a review of Mathews v. Harris, which has been changed to Mathews v. Becerra (S240156).

On October 2, 2019, the cause was argued and submitted before the California Supreme Court.

Action Requested:

This item is for informational purposes only. There is no action required.