

## NOTICE OF TELECONFERENCE BOARD MEETING

The Board of Psychology will hold a Board Meeting via WebEx

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through the WebEx link as provided below. If you have trouble getting on the call to listen or participate, please call 916-574-7720.

**Agenda discussion and report items are subject to action being taken on them during the meeting by the Board at its discretion. Action may be taken on any item on the agenda.**

**Important Notice to the Public: The Board of Psychology will hold this public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:**

**Friday, April 2, 2021:** <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e8e0ccd6ac964e36622ca3794f386d10c>

Instructions to connect to the meeting can be found at the end of this agenda. Members of the public may, but are not obligated, to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address like in the following sample format: XXXXX@mailinator.com.

Due to potential technical difficulties, please consider submitting written comments by April 1, 2021, to [bopmail@dca.ca.gov](mailto:bopmail@dca.ca.gov) for consideration.

**Friday, April 2, 2021**

**Board Members**

Seyron Foo, President  
Lea Tate, PsyD, Vice President  
Sheryll Casuga, PsyD  
Marisela Cervantes  
Mary Harb Sheets, PhD  
Julie Nystrom  
Stephen Phillips, JD, PsyD  
Ana Rescate  
Shacunda Rodgers, PhD

**Legal Counsel**

Will Maguire  
Clay Jackson

**Board Staff**

Antonette Sorrick, Executive Officer  
Jon Burke, Assistant Executive Officer  
Stephanie Cheung, Licensing Manager  
Jason Glasspiegel, Central Services Manager  
Sandra Monterrubio, Enforcement Program  
Manager  
Liesel McCockran, CE/Renewals  
Coordinator  
Cristina Rivera, Legislative and Regulatory  
Analyst  
Sarah Proteau, Central Services Office  
Technician

Friday, April 2, 2021

**AGENDA**

**9:00 a.m. – 5:00 p.m. or until Completion of Business**

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.

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. Discussion and Possible Approval of the Board Meeting Minutes: February 18-19, 2021
5. Legislative and Regulatory Affairs Updates (Cervantes – Chairperson, Casuga, Phillips)
  - a) Board Sponsored Legislation for the 2021 Legislative Session: Review and Possible Action
    1. Amendments to sections 2960 and 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact
    2. Pathways to Licensure Statutory Revisions – Amendments to sections 27, 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2942, 2944, 2946, and 2960 of the Business and Professions Code, and section 1010 of the Evidence Code.
    3. Sunset Provisions – Amendments to section 2912 of the Business and Professions Code, and Addition of sections Related to Reinstatement to Active after Voluntary Surrender, Licensure Committee Delegated Authority, and Authority to Issue Waivers.
  - b) Review of Bills for Active Position Recommendations
    1. AB 54 (Kiley) COVID-19 emergency order violation: license revocation
    2. AB 1236 (Ting) Healing arts: licensees: data collection
    3. SB 731 (Durazo) Criminal records: relief
    4. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations
  - c) Review of Watch Bills
    1. AB 32 (Aguiar-Curry) Telehealth
    2. AB 107 (Salas) Department of Consumer Affairs: boards: temporary licenses: military spouses
    3. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses
    4. AB 339 (Lee) State and local government: open meetings
    5. AB 562 (Low) Mental health services for health care providers
    6. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
    7. AB 657 (Bonta) State civil service system: personal services contracts: professionals
    8. AB 810 (Flora) Healing arts: reports: claims against licensees
    9. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties
    10. AB 1026 (Smith) Business licenses: veterans.
    11. AB 1386 (Cunningham) License fees: military partners and spouses
    12. SB 102 (Melendez) COVID-19 emergency order violation: license revocation
    13. SB 224 (Portantino) Pupil instruction: mental health education
    14. SB 534 (Jones) Department of Consumer Affairs

- d) Update on California Psychological Association Legislative Proposal Regarding New Registration Category for Psychological Testing Technicians.
  - e) Legislative Items for Future Meeting. The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code section 11125.4
6. Update, Discussion, and Possible Action on Board Responses to Psychology Sunset Review Committee Paper (S. Foo)
7. Regulatory Update, Review, and Possible Action on Additional Changes (M. Cervantes)
- a) 16 California Code of Regulations (CCR) 1396.8 – Standards of Practice for Telehealth
  - b) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants
  - c) 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees
  - d) 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development
  - e) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating a Psychological Assistant Registration
  - f) 16 CCR 1392 – Psychologist Fees – California Psychology Law and Ethics Examination (CPLEE) and Initial License and Biennial Renewal Fee for a Psychologist
  - g) 16 CCR 1395.2 Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees
8. 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**

9. The Board Will Meet in Closed Session Pursuant to Government Code Section 11126, subdivision (c)(3) to Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for Reinstatement or Modification of Penalty, Petitions for Reconsideration, and Remands.

### **ADJOURNMENT**

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed or transacted.

The meeting may be canceled without notice. For verification, please check the Board's Web site at [www.psychology.ca.gov](http://www.psychology.ca.gov), or call (916) 574-7720. To accommodate speakers, or to maintain a quorum, items may be taken out of order, tabled or held over to a subsequent meeting, and items scheduled to be heard on Thursday may be held over to Friday, or if scheduled to be heard on Friday may be moved up to Thursday.

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](mailto: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.*

## ISSUE MEMORANDUM

<b>DATE</b>	March 17, 2021
<b>TO</b>	Board of Psychology
<b>FROM</b>	Jason Glasspiegel, Central Services Manager
<b>SUBJECT</b>	Agenda Item #6 - Update, Discussion, and Possible Action on Board Responses to Psychology Sunset Review Committee Paper

### **Background:**

The following Sunset Review activities have occurred in the last 24 months:

- 1) On November 8, 2019, the Board was presented with a draft Sunset Review Oversight Form including relevant attachments, which was approved after final edits.
- 2) On November 27, 2019, the approved Sunset Review Oversight Form and relevant attachments were hand delivered to staff of the Assembly Business and Professions Committee and Senate Business, Professions, and Economic Development Committee, as well as members of both committees.
- 3) On March 13, 2020, the draft Background Paper was submitted to the Board staff for a preliminary review. Staff reviewed the document and returned with edits to both committees.
- 4) Due to COVID-19, Sunset hearings were postponed until the next legislative session.
- 5) On October 14, 2020, Staff were notified that updated Sunset Reports and Supplemental Questions Related to COVID-19, are due by December 1, 2020.
- 6) On February 25, 2021, the Assembly Committee on Business and Professions published the Board's Background Paper which contains 21 identified issues, background, and recommendations regarding the Board. The issues and recommendations were then reviewed by staff and the Sunset Committee in preparation for the Sunset Hearing on March 3, 2021.
- 7) On March 3, 2021, The Board took part in the required Sunset hearing. The Board was represented by Board Members Seyron Foo and Dr. Stephen Phillips, ( Sunset Committee), as well as Executive Officer Antonette.

- 8) After the Sunset Hearing, Board staff prepared draft responses to the 21 identified issues in the Board's Background paper. This paper is due to the Assembly Committee on Business and Professions no later than April 16, 2021.

**Action Requested:**

Review and approve the Board's draft responses included within the Background Paper for the California Board of Psychology, for submittal to the Assembly Committee on Business and Professions.

Attachment A: Background Paper for the California Board of Psychology with draft Board Responses.

**BACKGROUND PAPER FOR THE  
California Board of Psychology**

**Joint Oversight Hearing, March 3, 2021 of the  
Senate Committee on Business, Professions and Economic Development and the  
Assembly Business and Professions committee**

**IDENTIFIED ISSUES, BACKGROUND, AND RECOMMENDATIONS REGARDING  
THE CALIFORNIA BOARD OF PSYCHOLOGY**

**BRIEF OVERVIEW OF THE  
CALIFORNIA BOARD OF PSYCHOLOGY**

**History and Function of the California Board of Psychology**

The California Board of Psychology (Board) traces its origins back to the Certification Act of 1958, which provided an early regulatory framework by granting title protection for the practice of psychology. In 1967, the California legislature further defined the scope of practice of psychology, requiring licensure to practice and further protect the public from potential consumer harm. At the time, the practice of psychology was placed under the jurisdiction of the Psychology Examining Committee, which was part of the larger Division of Allied Health Professions of The Board of Medical Quality Assurance (BMQA). Throughout the 1970s, the Psychology Examining Committee gradually became more independent, and became responsible for its own operations – including the authority to adopt regulations and administrative disciplinary actions without the endorsement of BMQA. In 1990, the Psychology Examining Committee was officially renamed the Board of Psychology.

Today, the Board regulates licensed psychologists, registered psychological assistants, and registered psychologists through the enforcement of the Psychology Licensing Law – also known as the Psychology Practice Act (Act). The board is one of several regulatory entities under the umbrella of the California Department of Consumer Affairs (DCA). The board is self-funded through license, application, and examination fees, and as such does not receive revenue from California’s General Fund.

The Board’s mission is to “protect consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.” According to the Board’s strategic plan, the Board focuses on the following areas:

- Protecting the health, safety, and welfare of consumers of psychological services.
- Advocating for the highest standards of professional psychology.
- Empowering consumers and licensees through public and professional education.

For example, the Board ensures consumer protection by verifying that licensed psychologists



possess the minimal competency to practice psychology with patients safely and independently. The Board can also investigate complaints submitted by members of the public, and if violations are found, the Board can impose disciplinary sanctions or refer more serious cases for criminal prosecution.

Today, the practice of psychology is defined as the application of “psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.”

**Board Membership and Committees**

The Board consists of nine members, five licensed psychologists and four public members. Board members may serve four-year terms, and no member may serve more than two consecutive terms. Five licensee members and two public members are appointed by the Governor, and the remaining public members are appointed by the Speaker of the Assembly and the Senate Rules Committee. Public members cannot be licensed by the Board or by any other DCA healing arts board.

The current members are as follows:

<b>Name</b>	<b>Appointing Authority</b>	<b>Appointment Type</b>	<b>Appointment Date</b>	<b>Reappointment Date</b>	<b>Expiration Date</b>
Seyron Foo (President)	Governor	Public Member	05/17/17	06/11/20	06/01/24
Lea Tate, PsyD (Vice-President)	Governor	Licensed Member	12/07/18		06/01/22
Sheryll Casuga, PsyD	Governor	Licensed Member	08/18/17	10/02/19	06/01/23
Marisela Cervantes	Speaker	Public Member	04/29/19		06/01/22
Mary Harb Sheets, PhD	Governor	Licensed Member	12/07/18	06/19/20	06/01/24
Julie Nystrom	Senate	Public Member	09/21/20		06/01/24
Stephen Phillips, JD, PsyD	Governor	Licensed Member	09/25/13	06/02/16 06/11/20	06/01/24
Ana Rescate	Governor	Public Member	10/20/20		06/01/22
Shacunda Rodgers, PhD	Governor	Licensed Member	11/27/19		06/01/23

The Board has three standing and five ad hoc committees to focus on various aspects of the Board’s functions.

## ***Standing Committees***

### *Outreach and Communications Committee:*

This committee is responsible for engaging, informing, and educating 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:*

This committee is responsible for advocating for legislation and for developing 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:*

This committee is responsible for maintaining 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:*

This committee is responsible for protecting 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:*

This committee is responsible for reviewing 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:*

This committee is responsible for developing regulatory language for the practice of psychology that is conducted remotely within the State of California and interstate practice that is conducted remotely.

*Emergency Preparedness Ad Hoc Committee:* The goal of this committee, formed in response to the novel coronavirus (COVID-19) emergency, is to develop recommendations to the Board for disaster resiliency for board operations. This Committee will catalogue existing waivers, evaluate the need for additional waivers, support messaging to stakeholders, and evaluate needs of committee/board meetings (e.g., petition hearings).

*EPPP2 Ad Hoc Committee:*

This committee will review issues related to the Board's national examination.

***Ad Hoc Committees (Inactive)***

The following committee is no longer active, but may be reactivated by the Board on an as-needed basis.

*Applied Behavioral Analysis (ABA) Task Force:*

This task force was tasked with reviewing, analyzing, and discussing the potential impact to the Board of regulating a new license category, applied behavior analysis. This committee is comprised of two Board Members and relevant stakeholders.

**Fiscal and Fund Analysis**

***Board Fund Condition***

As a regulatory board under the umbrella of the Department of Consumer Affairs (DCA), the Board is entirely special-funded and does not receive funds from California's General Fund. The Board generates revenue primarily from license, application, and examination fees levied on Psychologists, Psychological Assistants, and Registered Psychologists.

As of FY 2019-20, the Board's budget authority is \$5,231 million, with 20.4 months in budget reserve. The Board reports that it is in compliance with statutory requirements that its reserves do not exceed more than its operating budget for following two fiscal years.

According to fund condition analyses provided by DCA, the Board has a structural imbalance that would necessitate potential fee increases in FY 2023/24. Several factors contribute to this structural imbalance, including higher costs for expert witnesses and court reporters for disciplinary cases, as well as general cost increases to cover in personnel services (wages and benefits) and increased pro-rata costs paid to the Department of Consumer Affairs.

The Board's fund condition is included below:

<b>Fund Condition</b>						
(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	\$3,436	\$7,779	\$11,396
Revenues and Transfers	\$4,150	\$4,337	\$3,980	\$9,817	\$9,415	\$3,189
<b>Total Revenue</b>	\$9,387	\$9,114	\$8,277	\$13,253	\$17,194	\$14,585
Budget Authority	\$4,993	\$4,938	\$5,107	\$5,290	\$5,766	\$6,111
Expenditures	\$4,658	\$4,585	\$5,107	\$5,036	\$5,396	\$6,111*
Direct to Fund charges	\$8	\$232	\$307	\$361	\$402	\$385
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$1,230
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$1,605	\$1,066	\$0
Loans Repaid from General Fund	\$0	\$0	\$0	\$3,800	\$3,700	\$0
<b>Fund Balance</b>	\$4,721	\$4,297	\$2,863	\$7,856	\$11,396	\$8,089
<b>Months in Reserve</b>	11.8	9.5	6.4	16.3	21.1	13.1

\*Projected figures

NOTE: 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 was 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 was scheduled for repayment in FY 2019/20.

The Board operates on an annual budget of \$5.586 million, with approximately 33 percent of its budget devoted to enforcement activities, 24 percent to examination and licensing functions, 18 percent to DCA pro rata costs, and 25 percent for administration.

<b>Expenditures by Program Component</b>								(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	
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>TOTALS</b>	<b>\$1,862</b>	<b>\$2,931</b>	<b>\$2,110</b>	<b>\$2,664</b>	<b>\$2,323</b>	<b>\$2,831</b>	<b>\$2,560</b>	<b>\$2,724</b>	

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

\*\*Figures are projected.

### ***Cost Recovery and Restitution***

Current law authorizes the Board to request fee recovery from any licensee found guilty of violation of the licensing act to pay for the reasonable costs of the investigation and enforcement of their case. Cost recovery is a standard term and condition specified in the Board’s disciplinary guidelines for all proposed decisions and stipulations.

There is no specific amount of cost recovery ordered for revocations, surrenders, and probationers, as each discipline case has its own amount of cost recovery ordered depending on the investigation and prosecution costs incurred. Most cost recovery is due within 12 months of the order’s effective date. During negotiations, a probationer can request a payment plan if he or she needs additional time to reimburse the Board. All cost recovery must be paid six-months prior to the completion of probation. If cost recovery is determined to be unrecoverable, the Board uses the Franchise Tax Board’s Offset intercept program to collect the amount due. Generally, there is not a problem recovering costs from licensees because cost recovery is a term of probation, and failure to pay could result in license revocation. A fiscal overview of the Board’s cost recovery program is available below:

<b>Fiscal Overview of Cost Recovery</b>					(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					

## ***Budget Change Proposals***

Since the last Sunset Review, the Board reorganized its internal organizational structure, which included the hiring of additional staff to improve Board operations. This reorganization was a result of the 2015 Cooperative Personnel Services (CPS) Human Resource Consulting analysis of the Board's programs.

The CPS analysis recommended a structural reorganization of the Board into three distinct units by function: Licensing, Enforcement, and Central Services (Central Services includes activities such as legislative & regulatory operations, cashiering, and others). The study also recommended that each of these units have a Staff Services Manager to directly supervise staff and /recommended a reclassification of the Assistant Executive Officer to a Staff Services Manager II position to perform higher level support for the Board. According to the Board, this new structure ensures that each unit has appropriate supervisory positions in order to adequately monitor staff performance and assist with the Board's program improvement efforts.

As part of this reorganization, the Board submitted the following BCPs and were granted the authority to hire the additional following positions:

- FY 2016/17: One Program Technician (PT) II position to address increased workload associated with new cashiering and mail processing responsibilities.
- FY 2017/18, One Staff Services Manager I and one Staff Services Manager II to establish the organizational structure described above
- FY 2020/21: Two Office Technicians in its Central Services Unit to assist with managing the increasing volume in renewals. One position is effective FY 2020/21 and the second in 2021/22.

For FY 2021-22, the Board will be requesting funding to augment the Board's expert witness budget and to support court reporter expenses. This funding would align these line items with its actual expenditures. Historically, the Board has over expended its evidence/witness and court reporter budget. Until recently, the Board has been able to use savings within other areas of their appropriation to cover these expenses; however, the Board notes that it can no longer absorb these costs.

## **Staffing Issues**

The Board has statutory authority to appoint its own Executive Officer (EO), who is tasked with performing duties as delegated by the Board. The current EO has served in the position since 2013. To support its mission, the Board has an additional 26.3 authorized positions.

The Board reports experiencing challenges in recruiting and retaining qualified administrative support staff. Some of these barriers are caused by factors outside of the Board's control, with multiple state entities included in the hiring process. For example, DCA and the California

Department of Human Resources (CalHR) are intimately involved in defining job classifications, salaries and benefits, as well as approving job postings, recruitment efforts, and final hiring. This can extend recruiting timelines and negatively impact Board operations with lengthy vacancies.

For existing staff, the Board reports contracting with CPS to also perform a training needs assessment and design a succession plan manual. The board also spent significantly more on staff training in FY18-19 for staff development. A breakdown of staff training expenditures since the last Sunset Review has been included below:

<b>Expenditures</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Staff Training	\$1,143	\$620	\$840	\$4,810

### **Licensing**

The Board licenses psychologists and registers psychologists and psychological assistants. Applicants for a Psychologist license must have a qualifying doctorate degree, complete a minimum of 3,000 hours of supervised professional experience, and pass a national examination and a California law and ethics examination. Psychological assistants must earn a qualifying master’s degree, must be registered to a licensed psychologist or a Board-certified psychiatrist as employees, and may provide limited psychological services under the direct supervision of the psychologist or psychiatrist with whom they are registered. Registered psychologists must earn a qualifying doctoral degree, must complete a specified number of hours of professional experience under supervision, and can only engage in psychological activities at qualifying nonprofit community agencies.

The Board’s licensee population is outlined below:

<b>Licensee Population</b>					
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
Registered Psychologist	Active	262	232	177	129
	Delinquent*	N/A	N/A	N/A	N/A
Psychological Assistant	Active	1,580	1,442	1,355	1,378
	Delinquent	95	78	100	87
*Registered Psychologists do not renew so there is no delinquent status					

Although the Board reports that its Licensing Unit is meeting program expectations and maintaining reasonable timeframes when processing licensing applications, the Board is experiencing a notable increase in the average time to process complete applications and a significant increase in the average time to process incomplete applications in the past three fiscal years. Additionally, the number of pending applications has outpaced completed applications. An overview of this trend is outlined in the table below:

<b>Licensing Data – Processing Times (Initial License/Initial Exam Cycle Time)</b>			
	FY 2016/17	FY 2017/18	FY 2018/19
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
<i>*Incomplete applications require the Board to contact applicants to submit missing or incorrect information, further delaying processing times</i>			

To respond to this trend, the Board aims to identify any performance barriers in the licensing process through DCA’s Organizational Improvement Office (OIO). The Board reports having developed the following improvement plans:

- Pathways to Licensure – The Board has conducted a comprehensive review of its statutes and regulations addressing how licensure can be obtained. The Board has provided suggestions for statutory changes aiming at removing barriers to licensure and streamline the administrative steps related to obtaining licensure.
- OIO – The Board will be working with DCA’s OIO to identify and evaluate program and process efficiencies. Once the review with OIO is complete, the Board will submit a BCP to seek authorized positions to improve performance.

**Applicant information**

The Board requires every applicant for a registration or license to be fingerprinted and undergo a criminal history background check. Applicants with a clear criminal history report continue with the application review process, and those with a conviction history are requested to provide court certified documentation for the arrest and conviction. Enforcement staff reviews the criminal history documentation to determine if the conviction is substantially related to the practice of psychology. If a substantial relationship exists, the application may be denied.

Board staff also checks BreEZe to determine if any disciplinary action has been filed against the applicant by another DCA entity. Additionally, the Board accesses the ASPPB Disciplinary Data Bank to determine if an applicant has ever been disciplined by another state board or jurisdiction. Once the applicant is licensed or registered, the Board receives subsequent arrest information from the Department of Justice.

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

**Examination**

Psychology licensure candidates must take the national Examination for Professional Practice in



Psychology (EPPP), which is administered by the ASPPB. In addition, candidates for licensure must also take the California Psychology Laws and Ethics Examination (CPLEE), which is administered by the Board. The EPPP and CPLEE are both computer-based examinations.

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

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

<b>Examination Pass Rate of First Time vs. Retakes</b>								
<b>Fiscal Year</b>	<b>EPPP</b>				<b>CPLEE</b>			
	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%

### **School Approval**

In response to concerns that California was the only state that allowed students from unaccredited schools to attempt the psychology licensing examinations and that licensed California psychologists were not able to be full members of the national professional association, statutory changes were enacted requiring, beginning January 1, 2020, that an applicant for psychologist licensure graduate from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. The changes included a grandfather clause to ensure psychology students at the time would not be impacted by the change. The Board does not approve schools and has no authority to do so.

### **Continuing Education**

Currently, the Board requires all licensees to accrue for each renewal cycle 36 hours of continuing education, including nine hours of live or live-interactive CE, in order to maintain their license. The Board accepts CE courses provided by the American Psychological Association; the California Psychological Association; the Association of Black Psychologists; the California Medical Association; and the Accreditation Council for Continuing Medical Education.

The Board reports that it has initiated the rulemaking process to implement regulatory changes that would replace the current continuing education model with a broader Continuing Professional Development (CPD) model developed by ASPPB. This model will consist of fourteen continuing professional development activities grouped under four different categories, including:

- 1- Professional (Peer Consultation, Practice Outcome Monitoring, Professional Activities, Conferences/Conventions, Examination Functions)

- 2- Academic (Academic Courses, Academic Instruction, Supervision, Publications)
- 3- Sponsored Continuing Education Coursework including Independent/Online Learning
- 4- Board Certification from the American Board of Professional Psychology (ABPP).

The Board's renewal application requires licensees to self-certify under penalty of perjury the amount of CE hours accrued. The Board then conducts random CE audits of 10% of the licensees renewing each month. Selected licensees are mailed and emailed an initial audit notice and are given 60 days from the date of the notice to submit CE course certificates to verify completion of the required CE. If the Board does not receive a response within 30 days, a final notice of the audit deadline is mailed to the licensee. If a licensee passes the audit, the licensee is sent a compliance letter. If a licensee fails a CE audit, he or she is issued a citation order requiring the individual to accrue the hours he or she is deficient and pay a fine.

Fines for failure to complete CE range from \$250 to \$2,500 depending on the number of hours short and the number of audits the licensee has previously failed. Any 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.

The Board reports that in the past four fiscal years, 2,485 licenses have been audited. Of the 2,485 licensees audited, 322 have failed (13%).

### **Enforcement**

To promote transparency regarding enforcement goals and timelines for disciplinary actions, DCA uses Performance Measures (PM) to gauge the effectiveness of a Board's enforcement program. The PMs were established through DCA's Consumer Protection Enforcement Initiative (CPEI) and can provide insight into a Board's enforcement processes – for example, how much time occurs between a complaint being filed with the Board and any disciplinary action taken as a result of the complaint.

The PMs, their definition, and their target goals are outlined on the following table:

<b>Performance Measure (PM)</b>	<b>Definition</b>	<b>Performance Target</b>
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 reports that it is meeting all of its performance targets with the exception of PM 4 (Formal Discipline). Formal discipline requires involvement with the Office of the Attorney General (AG) and the Office of Administrative Hearings, and the Board has limited control over case aging after they transfer the case to these entities. As a result, the performance target of 540 days is not always met. To improve this measure, 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.

Of note, the Board's volume of complaints and arrests has increased by 27% since the last Sunset Review. In FY 2018/19, the Board received its largest number of complaints and arrests, totaling 1,232 case; compared to 972 in FY 2014-15. According to the Board, no recognizable trends have been identified to explain the continued increase in complaint volume.

<b>Ratio of Closure to Pending Cases</b>	<b>FY 2014/15</b>	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>
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

The Board has identified the following performance barriers for its Enforcement program:

- 1) *Increased number of complaints and enforcement workload.* As outlined in the table above, the Board has experienced an increase in the number of desk investigations due to a growing number of complaints and applicant file reviews where there is a history of convictions or discipline from another state or jurisdiction. Additionally, the Board has experienced an increase in the number of administrative subpoenas and petitions for early termination of probation and reinstatement. In addition to performing desk investigations, enforcement analysts are also responsible for updating forms and procedure manuals, responding to Public Records Act (PRA) requests, preparing statistical data reports, facilitating and organizing expert training, and preparing and issuing administrative subpoenas.
- 2) *Limited pool of Subject Matter Experts.* Currently, the Board has 42 Subject Matter Experts (SME), which is down from 100 SMEs from the prior Sunset Review. The Board utilizes licensed psychologists as SMEs to review complaints to determine if there has been a departure from the standard of care. The Board has identified several factors for this decrease, such as insufficient amount paid in relation to the prevailing hourly rate, availability of SMEs, potential conflicts of interest with respondents, complainants, or opposing counsel, and limited pools of experts in certain fields such as child custody evaluations, neuropsychology, and forensic psychology.
- 3) *Timeframes for formal investigations.* The Board no longer utilizes the Health Quality Investigative Unit due to lengthy timeframes of approximately 24 months for investigations. To reduce investigative timeframes, the Board engaged DCA's Division of Investigation in 2017 to take over investigative workload.
- 4) *Statutory barriers to obtain necessary documentation.* Through the Child Custody Stakeholder Meeting held in September 2018, the Board has identified statutory barriers to

obtaining necessary documentation in its investigations of child custody-related complaints.

- 5) *Timeframes for administrative hearings.* Currently, the Office of Administrative Hearings (OAH) takes an average of 12 months to hear a disciplinary matter, once scheduled. This barrier is outside of the Board's control.

Of note, since the last Sunset Review, the overall enforcement statistics do not reflect a significant change in the number of disciplinary actions taken by the Board.

### ***Cite and Fine***

The Board can address relatively minor violations of the Psychology Act through citations and fines. The five most common violations for which citations are issued are as follows:

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

The cite and fine process allows an individual to request an informal conference with the Board's EO to present information to modify, withdraw, or affirm the decision. As a result, the fines collected can often differ from the fines originally assessed to the licensee. The average pre-appeal fine for enforcement citation orders is \$1,950 and the average postappeal fine is \$1,125. The average pre-appeal fine for CE citation orders is \$772 and the average post-appeal fine is \$573.

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.

## **PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS**

The Board was last reviewed by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development (the Committees) in 2016. At that time, the Committees identified 7 issues for discussion. Below are prior issues raised by the Committees in the Background Paper of 2016, the Committees' recommendations, and the Board's responses to how the issues or recommendations were addressed by the Board.

**Prior Issue #1: Lack of mental health providers in certain communities.** The Board collects a \$10 fee as part of license renewals to support the Mental Health Practitioner Education Fund, which can award up to \$15,000 to repay educational loans over a 24-month period in exchange for a 24-month commitment to practicing and providing direct care in a publicly funded or public mental health facility, a non-profit mental health facility, or a mental health professions shortage area. The Committees inquired how the Board could further promote service in these underserved

areas, and whether \$10 is sufficient to fund the Mental Health Practitioner Education Fund. In response, the Board launched an outreach and education campaign, which included several articles in the Board's newsletter publication about loan repayment opportunities. In 2017, the legislature also increased the contribution fee to the Mental Health Practitioner Education Fund to \$20 (AB 1188, Nazarian, Chapter 557, Statutes of 2017)

**Prior Issue #2: Licensing applicants from unaccredited schools.** At the time of the last Sunset Review, California was the only state that allowed students from unaccredited schools to sit for psychology licensing examinations. The committees recommended removing language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the Board, and ensure that timeframes for this change accommodate current students. Legislative changes made in the Sunset bill required, beginning January 1, 2020, that an applicant for psychologist licensure graduate from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. The changes included a grandfather clause to ensure psychology students at the time would not be impacted by the change.

**Prior Issue #3: Continuing Education.** The Committees inquired if the Board had any recommendations for updating continuing education statutes. As discussed in earlier sections of this paper, the Board reports that it has initiated the rulemaking process to implement regulatory changes that would replace the current continuing education model with a broader Continuing Professional Development model.

**Prior Issue #4: Expansion of Psychological Assistant practice areas.** During the last Sunset Review, the Committees and the Board identified outdated statutes that restricted employment of a psychological assistant to a psychological or medical corporation, a California licensed psychology clinic, a Bronzan-McCorquodale contract clinic, a licensed psychologist, or a board certified psychiatrist. The Sunset bill enacted statutory changes that removed 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.

**Prior Issue #5: Retired License.** After identifying that the Psychology Act did not authorize a "retired" license status (a licensee may only choose between "inactive" or "delinquent"), the last Sunset Review provided the Board with statutory authority to create a retired license status. The Board has initiated the formal rulemaking process to implement these statutory changes in regulation.

**Prior Issue #6: Web Site Information.** The Committees discussed if the Board should update its public information policies and authorize the Board to post historical information on existing and past licensees' approved graduate and post-graduate education on its Web site, in order to enable consumers to make informed decisions when selecting a psychology provider. The Sunset bill clarified the Board's authority to post enforcement-related actions and documents and to add the following licensee information on current and former licensees, including institutions that awarded the qualifying educational degree and type of degree awarded and a link to the licensee's professional internet website.

**Prior Issue #7: Licensing and regulation of the practice of psychology to be continued and be regulated by the current Board membership.** The Board regulatory authority was extended by another 4 years.

**CURRENT SUNSET REVIEW:  
ISSUES FOR THE BOARD OF PSYCHOLOGY**

**BOARD ADMINISTRATIVE ISSUES**

**ISSUE #1: (FUTURE FEE INCREASES)** The Board is experiencing a budget structural deficit, which will necessitate fee increases in the future. What options should the Board consider in order to stabilize its fund condition?

**Background:** The Board is special-funded, and as such does not receive funding from California’s General Fund. The Board generates revenue primarily from license, application, and examination fees levied on Psychologists, Psychological Assistants, and Registered Psychologists. The Board is currently facing a budget structural deficit, with expenditures outpacing revenue streams. The table below outlines this budget imbalance:

<b>Fund Condition</b>						
(Dollars in Thousands)	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Revenues and Transfers	\$4,150	\$4,337	\$3,980	\$9,817	\$9,415	\$3,189
Expenditures	\$4,658	\$4,585	\$5,107	\$5,036	\$5,396	\$6,111
<b>Months in Reserve*</b>	11.8	9.5	6.4	16.3	21.1	13.1

*\*The Board was repaid a loan it had made to the General Fund in FY 18/19, bolstering its reserves for that year. However, the Board continues to operate at a fiscal deficit.*

The Business and Professions Code (BPC) establishes statutory limits on the various fees levied on licensees. The Board may adjust fees via regulations, as long as the dollar amount remain within the statutory limits. As part of the Sunset Review process, the Board may request the legislature to adjust the fee statutory limits to respond to budgetary needs.

The Board has not yet reached the cap on several fee types: for example, both the initial licensing fee and the biennial renewal fee for Psychologists are currently set by the Board at \$400, but are statutorily limited to \$500.

The Board’s current fee schedule and respective statutory limits are outlined below:

<b>Fee Schedule and Revenue</b> (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
<b>LICENSING FEES</b>							
Application Fee – Psychologist	\$40	\$50	\$58	\$55	\$59	\$61	1%
Application Fee – Psych Assistant	\$40	\$75	\$41	\$35	\$31	\$30	1%
Initial License Fee – Psychologist	\$400	\$500	\$401	\$334	\$362	\$346	8%
California Psychology Laws and Ethics Examination	\$129	Actual Cost to Board	\$156	\$144	\$157	\$170	4%
CE Evaluation Fee	\$10	\$10	\$81	\$87	\$78	\$85	2%
Biennial Renewal Fee – Psychologist	\$400	\$500	\$3,197	\$3,439	\$3,301	\$3,416	78%
Inactive License (Psychologists)	\$40	\$40	\$50	\$58	\$58	\$55	1%
Annual Renewal Fee – Psychological Assts	\$40	\$75	\$34	\$36	\$36	\$33	1%
Delinquent Fee – Psychologist	\$150	\$150*	\$11	\$12	\$23	\$34	1%
Delinquent Inactive Renewal Fee – Psychologists	\$20	50% of Renewal Fee	\$0	\$0	\$2	\$4	<1%
Delinquency Fee – Psychological Assts	\$20	50% of Renewal Fee	\$1	\$1	\$1	\$1	<1%
Duplicate License Fee	\$5	\$5	\$3	\$3	\$8	\$5	<1%
Certification / Letter of Good Standing	\$5	\$5	\$2	\$2	\$2	\$2	<1%
<b>FINES &amp; PENALITIES</b>							
Citations & Fines	Varies	\$5,000	\$58	\$64	\$148	\$53	1%
Franchise Tax Board Cite Fine Collection	Varies	N/A	\$0	\$0	\$3	\$1	<1%
<b>OTHER</b>							
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%
<b>OTHER (cont.)</b>							
Miscellaneous**	Variable	N/A	\$1	\$1	\$4	\$1	<1%

Based on current projections, the Board expects that it will need to increase its fees in some manner by FY 2023-24. To further alleviate budget pressures, the Board reports that it will be conducting



an analysis of its existing operations and determine if small administrative fees can be levied to recoup actual costs for completing certain service. For example, the Board is considering enacting a fee for official licensing file transfers – which occurs when the Board transfers official documents at the request of a licensee, such as applications filed with the Board or proof of supervised professional experience, for the purpose of licensure in another state or jurisdiction.

**Staff Recommendation:**

*The Board should describe its budget resource needs, provide additional details on the administrative solutions it is considering to improve its fund condition, and report to the Committees on any fee increases it plans to enact.*

Board Response:

The Board is currently operating within a structural imbalance. As such, the Board will need to right size its budget by addressing its current fee schedule. The current fee schedule will need to be changed through the statutory and regulatory process.

The Board has not increased its initial application or renewal fees since 1992 and as operating costs have increased it has resulted in the aforementioned structural imbalance. By regulation the Board will modify its fees to utilize any remaining fees authorized in statute. More specifically, regulatory fees to be considered by regulation include, the law and ethics exam fee, the initial application fee, the initial license fee, and the license renewal fee. These regulatory fee changes will not sustain the long-term fiscal health of the Board. Therefore, the Board will need to explore a fee study to determine additional statutory increases needed.

Last, the Board would like to request the Committee’s assistance by establishing a file transfer fee of \$10 to recoup the cost of retrieving and returning the appropriate documents from the State Records Center for the Board’s licensees and applicants. The statutory language is included in the attached addendum.

The Board’s utmost goal in increasing its fees is to remain fiscally solvent.

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**ISSUE #2: (WAIVER AUTHORITY) Should the Board be granted special authority to waive provisions of the Psychology Licensing Law during a state of emergency?**

**Background:** In response to the COVID-19 global pandemic, Governor Newsom proclaimed a state of emergency on March 4, 2020, mobilizing state agencies and resources to battle the highly contagious respiratory virus. On March 30, 2020, the Governor also issued Executive Order N-39-20, which authorized the DCA Director to temporarily waive any of the professional licensing requirements relating to health care licensees in the BPC.

Since then, DCA – in coordination with the licensing boards under its jurisdiction – issued several waivers to adapt and respond to changes brought by the pandemic. These included temporarily waiving examination timing requirements or waiving face-to-face supervision requirements to accommodate social distancing recommendations and shelter-in-place orders.

The Board worked with DCA on several waiver requests. Two waivers submitted by the Board were approved, and three were denied.

To supplement its own response to the pandemic, the Board established an Emergency Preparedness Ad Hoc Committee. This Committee was tasked with evaluating Board processes, including meetings, petition hearings, and identifying statutory authority needs. Based on its experience with the COVID-19 pandemic, the Board has expressed concerns that it currently does not have sufficient flexibility in responding to issues impacting licensees and the public. At the recommendation of the Emergency Preparedness Ad Hoc Committee, the Board is requesting to have independent authority to waive specified provisions of the Psychology Licensing Law during a declared federal, state or local emergency.

**Staff Recommendation:**

***The Board should discuss its activities responding to the COVID-19 global pandemic, its experience with the existing waiver process, and its request for independent authority to waive the Psychology Licensing Law during a state of emergency.***

**Board Response:**

Upon issuance of the State's declared emergency, the Board began working with stakeholders including professional associations and the Department of Consumer Affairs (DCA) to lift any statutory or regulatory barriers impacting the practice of psychology. For example, the Board issued a waiver of the face to face supervision requirements and live requirement for continuing education for purposes of license renewal. Once the Department established a waiver request process, the Board initiated several requests including, extended time limitations on training categories and additional time to take the examination(s), and complete continuing education renewal requirements (CE). Additionally, the Board identified existing statutory authority to waive its own regulations around the following areas; extension of the time limit to accrue supervised professional experience, extension of the time limit for registration as a registered psychological assistant, and removal of the law and ethics examination requirement for psychologist whose California license had been canceled and has requested a reinstatement through the DCA reinstatement (Back to Active) process.

While the control agencies responsible for the waiver process have been responsive, the Board has been hamstrung by the duration of the waivers granted in order to feel responsible to the Board's stakeholders. In order to be responsive to the Board stakeholders it is seeking statutory authority to be able to address on its own, any statutory or regulatory barriers impacting the practice of psychology. The Board would only consider using this authority during a declared emergency.

The Board would like to request the Committee's assistance by establishing this statutory waiver authority included in the attached addendum.

**ISSUE #3: (UNNOTICED COMMITTEE MEETINGS) Committees made of two board members are not required to be open to the public. Should two-person committees be used to provide recommendations to the full Board?**

**Background:** All state boards and commissions must abide by the Bagley-Keene Open Meeting Act (Open Meeting Act), which specifies how these state entities must meet, deliberate, and conduct business. Generally, regulatory bodies are required to publicly notice their meetings in advance, prepare agendas, accept public testimony, and make decisions in meetings open to the public. The purpose of the Open Meeting Act is to provide the California public with the ability to monitor and participate in the decision-making process of the executive branch and limit the instances in which meetings or decisions can be made behind closed doors.

Regulatory boards under DCA often use committees (sometimes called subcommittees), which generally consist of less than a quorum of the members of the full board, to address specific issues or topics. Committees allow for a deeper dive on a variety of subjects that would otherwise not be possible at a full board meeting where other business must be conducted.

Under the Open Meeting Act, committee meetings are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons and does not exercise any authority of a state body delegated to it by that state body. This means that a committee made up of two board members are not required to publicly notice their meetings, but that the committee cannot make a policy decision on behalf of the full board. In this instance, a committee can provide recommendations to the entire Board, but those recommendations must be discussed and considered at a public meeting.

Stakeholders have expressed concerns that the Board has used two-person committees to draft and discuss proposed regulatory language of significance to the psychology profession. Because those specific committee meetings are not disclosed nor open to the public, stakeholders allege that they are unable to participate or provide feedback until draft regulatory language is considered for discussion at an open meeting of the full board. While public discussion can happen then, stakeholders argue that valuable time and meaningful input is lost if the public cannot attend committee meetings.

According to the Board, it has welcomed this feedback and has changed the telepsychology two-person committee to a three- member committee. This change has subjected the committee in question to the requirements of the Open Meeting Act.

**Staff Recommendation**

***The Board should describe its use of two-person committees. Additionally, the Board should discuss how it ensures adequate public and stakeholder participation on the various policy and regulatory issues impacting the psychology profession.***

Board Response:

The Board currently utilizes the two-person committee structure for its Enforcement and Sunset committees. Due to the safety of enforcement staff who are instrumental in the policy discussions that take place during the Enforcement Committee meetings, these meetings are not publicly noticed. The sunset committee is tasked with the initial review and draft of the sunset report. This meeting can take up to several hours going line by line through staff draft documents. Having a two-person committee also allows for nimbleness in preparation for sunset hearings and being responsive to the legislature.

In order to ensure adequate public and stakeholder participation on the various policy and regulatory issues impacting the psychology profession, two-person committee recommendations are always brought to the full Board meetings for consideration and discussion. After full consideration and discussion, on committee recommendations, the Board ultimately decides the policy in publicly noticed meetings with opportunity for public comment and input. Additionally, if the issue is connected to a regulatory change, there is a separate public process and opportunity for deliberation and public interaction.

## LICENSING ISSUES

**ISSUE #4: (FOREIGN DEGREE EVALUATION) Should the National Register of Health Services Psychologists be statutorily added as an organization that can provide foreign credential evaluation services for applicants who are trained outside the United States or Canada?**

**Background:** BPC Section 2914 requires an applicant for licensure trained in an educational institution outside the United States or Canada to demonstrate to the satisfaction of the board that the applicant possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. To do so, applicants must 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 (NACES), and any other documentation the Board deems necessary.

The ASPPB conducted a discussion on foreign-trained applicants and received information about the National Register of Health Services Psychologists (NRHSP). Established in 1974, the NRHSP describes itself as an independent nonprofit organization and the largest credentialing organization for psychologists and psychology doctoral students.

After reviewing the NRHSP credentials review process, the Board approved draft statutory amendments to add the NRHSP as an additional credential evaluation service. According to the Board, this proposed change will offer foreign-trained applicants an additional avenue to obtain the credentials evaluation required for licensure.

### **Staff Recommendation**

*The Board should provide details on its recommendation to add the NRHSP as an entity that can perform foreign credential evaluation service for the purpose of licensing applicants trained in an educational institution outside the United States of Canada.*

Board Response:

In response to legislative interest around how the Department of Consumer Affairs supports its foreign trained applicants, the Board contacted NRHSP who presented to the Board its evaluation process. As a result of this presentation, the Board will be seeking a statutory change to allow for NRHSP to perform foreign credential evaluation services for the purpose of licensing applicants trained in an educational institution outside the United States or Canada.

The Board would like to request the Committee's assistance by establishing this statutory change to allow NRHSP to perform foreign credential evaluation services. This statutory change is included in the attached addendum.

**ISSUE #5: (PATHWAY TO LICENSURE) How can the Board reduce its increasing licensing timelines? What is the Board’s plan to streamline pathways to licensure, maintain high consumer protection standards and remedy program inefficiencies?**

**Background:** As noted in the “Licensing” section of this background paper, the Board is experiencing a notable increase in the average time to process complete applications and a significant increase in the average time to process incomplete applications in the past three fiscal years. Additionally, the number of pending applications has outpaced completed applications.

In response to this trend, the Board has conducted a comprehensive review of its statutes and regulations addressing how licensure can be obtained. The Board has identified sections it believes create undue barriers to licensure, or are inconsistent with the current training environments, education, and new technologies related to the practice of psychology. The Board will be pursuing statutory and regulatory changes to enact these proposed changes.

Among several other technical and substantive proposals, the Board recommends restructuring existing registration categories to expand training opportunities for registrants; updating outdated terminologies to reduce confusion; changing the definition of qualified primary supervisors; modifying continuing education requirements, and more.

**Staff Recommendation:**

*The Board should report back on its work reviewing licensing statutes and regulations, and work with the Committees to identify legislative changes to improve pathways to licensure. In addition, the Board should describe how it anticipates these potential statutory changes to improve licensing timelines.*

Board Response:

Beginning in 2015, Board staff reviewed all statutory and regulatory sections related to pathways to licensure. After the Board initially reviewed the language, it engaged with stakeholders (professional associations, schools, training directors, and applicants), to get feedback regarding the recommended changes. After this process, the Board submitted the statutory language to the Assembly and Senate Business and Professions committees for consideration as part of Sunset. Once statutory changes are made the Board will seek regulatory changes to implement said statutes.

The Board would like to request the Committee’s assistance by amending the Board’s statutes related to pathways to licensure. These statutory changes are included in the attached addendum.

With the changes made, the pathways will be easier to understand for both the staff and applicants with the goal of having a positive impact on licensing timeframes. For example, by eliminating a training category it streamlines the licensing process, allowing the licensing staff to focus their time on the other application types.

**ISSUE #6: (LICENSE REINSTATEMENT) Should existing law be clarified to allow the reinstatement of a license that was voluntarily surrendered under non-disciplinary circumstances?**

**Background:** Based on the Board’s analysis of its aging licensee demographic and input from its stakeholders about discipline related to a licensee’s cognitive impairment, the Board has reevaluated its approach to investigation and discipline of complaints where there is no consumer harm involved. The Board reports instances where licensees have diminished cognitive capacity due to diseases such as Alzheimer’s and the licensee’s family or a fellow licensee reported that the licensee is starting to experience cognitive issues due to their impairment but have no consumer complaints filed against them.

Currently, the Board has implicit statutory authority to accept a non-disciplinary surrender of a license. However, the Board reports that it does not have a mechanism for reinstatement of such a surrendered license in circumstances where medication or surgery could restore cognitive function. As such, the Board is requesting clarification of the process for voluntary surrender and to establish a mechanism for such individuals to petition the Board for reinstatement of their license.

***Staff Recommendation:***

***The Board should provide the Committees with its recommendation on legislative changes that would allow license reinstatement after a non-disciplinary surrender while maintaining adequate consumer protection.***

Board Response:

Currently petitions for reinstatement and modification of penalty fall under Business and Professions Code section 2962, but petitions for reinstatement of a non-disciplinary surrender do not have a statutory mechanism. Due to this identified need, the Board will need to seek a legislative change. The Board feels that this legislative change to petition for reinstatement after non-disciplinary surrender, offers consumer protection by requiring the evaluation of necessary documentation from the petitioner in order to ensure that the licensee is prepared to safely reenter the profession.

The Board would like to request the Committee’s assistance by adding a section for license reinstatement after non-disciplinary surrender to the Board’s statutes. This statutory change is included in the attached addendum.

**ISSUE #7: (AUTHORITY OF THE LICENSURE COMMITTEE) Should the Board’s Licensure Committee be able to have final authority when reviewing licensing requests from applicants?**

**Background:** As described previously, all state boards and commissions are subject to the Open Meeting Act which specifies, that meetings must be noticed in advance and open to the public. Among other exceptions, the Open Meeting Act does permit a licensing board to conduct, under specified circumstances, a closed session meeting to discuss matters that may constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open

meeting.

According to the Board, its Licensure Committee uses this statutory discretion when discussing certain licensing related requests from applicants. For example, the Committee reviews requests for additional time to accrue the supervised professional experience required for licensure due to personal or health-related reasons. According to the Board, the Committee is often presented with personal medical information that accompanies these requests. The Committee then brings its recommendations to the full Board for final decision in open session at a Board Meeting, where the requests must be substantially redacted to protect sensitive personal information. The Board suggests that this process creates unnecessary delays for those seeking licensure, where these individuals may be unable to practice while awaiting a final decision from the Board.

The Board is requesting the ability to delegate the final authority to review and decide these requests to the Licensure Committee, and still have the ability to meet in closed session in the interests of fairness and privacy protection for these applicants and licensees.

**Staff Recommendation:**

*The Board should discuss its request to delegate final authority related to licensing issues. The Board should also provide the Committees with recommendations on how the Board can both safeguard sensitive personal information and maintain transparency and accountability with the public regarding its licensing decisions.*

Board Response:

Oftentimes the Board is faced with requests for modification of the application process for individuals who have medical or personal needs that require additional time. This process, when completed through the Licensure Committee and the full Board can take months which may put the applicant at a disadvantage. In response to this challenge, the Board is seeking statutory authority to delegate this function to the Licensure Committee to consider these requests in closed session due to the personal and sometimes medical nature of these requests. In order to safeguard personal information and maintain transparency and accountability with the public regarding these decisions, the statutory change will only involve the review of individual extension requests for applicants prior to the issuance of a license. Should a larger policy decision emerge, that issue would come before the Board for full consideration.

The Board would like to request the Committee's assistance by adding a section to delegate authority to the Board's Licensure Committee to independently approve extension requests in the Board's statutes. This statutory change is included in the attached addendum.

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**ISSUE #8: (SCHOOL OVERSIGHT) The Board's prior sunset review resulted in changes to the law that require applicants to now graduate from regionally accredited educational institutions. How has the change impacted California students and patients?**

**Background:** During the prior sunset review oversight for the Board, concerns were raised about the lack of oversight for certain psychology educational programs. At the time, the Committee



noted that California was the only state that allowed students from unaccredited schools to attempt the psychology licensing examinations, and that licensed California psychologists were not able to be full members of the national professional association. SB 1193 (Hill, Chapter 484, Statutes of 2016) required, beginning January 1, 2020, an applicant for psychologist licensure to graduate from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. The changes included provisions aimed at ensuring that students enrolled in unaccredited institutions would still have a pathway to licensure.

It would be helpful for the Committees to understand what the Board has done to implement SB 1193, including outreach to students and schools to ensure appropriate compliance with the new requirement, and how students were accommodated through the transition to the accreditation requirement taking effect. It would be helpful for the Committees to learn how increased standards for educational programs have benefited students, licensees, and patients.

**Staff Recommendation:**

*The Board should advise the Committees on the implementation of new requirements for applicants to have completed their education and training at a regionally accredited institution.*

Board Response:

When the Board's 2016 sunset legislation was made effective, the Board created an advisory for impacted students to inform those individuals about the legislative change in acceptable education for purposes of licensure. A follow up article was also published in the Board's quarterly newsletter. Additionally, the Board has successfully implemented the new education requirements to ensure specified applicants meet the minimum standard of possessing a qualifying doctoral degree at a regionally accredited institution.

In regard to training, applicants can continue to obtain supervised professional experience through the available pathways to meet the necessary experience requirements for licensure. This training is not dependent on the accreditation of the institution.

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**ISSUE #9: (RESEARCH PSYCHOANALYST REGISTRATION) Should a registration program for Research Psychoanalysts be administered by the Board of Psychology instead of the Medical Board of California?**

**Background:** According to the American Psychological Association (APA), psychoanalysis is a specialty in psychology that is distinguished from other specialties by its body of knowledge and its intensive treatment approaches. It aims at structural changes and modifications of a person's personality. Psychoanalysis promotes awareness of unconscious, maladaptive and habitually recurrent patterns of emotion and behavior, allowing previously unconscious aspects of the self to become integrated and promoting optimal functioning, healing and creative expression. The APA states that psychoanalytic training typically requires four to eight years of advanced study after completion of a doctoral degree in psychology acceptable to the American Board of Professional Psychology and further requires specialized training at free-standing psychoanalytic institutes,

postdoctoral university programs, or an equivalent training secured independently that is acceptable to the American Board and Academy of Psychoanalysis.

A registered Research Psychoanalyst (RP) is an individual who has graduated from an approved psychoanalytic institution and is registered with the Medical Board of California (MBC). Students currently enrolled in an approved psychoanalytic institution and register with MBC as a Student RP, and as such, are authorized to engage in psychoanalysis under supervision. Existing law authorizes individuals who have graduated from an approved psychoanalytic institute to engage in psychoanalysis as an adjunct to teaching, training, or research and hold themselves out to the public as psychoanalysts and requires these individuals to register with MBC. An RP may engage in psychoanalysis as an adjunct to teaching, training or research. "Adjunct" means that the RP may not render psychoanalytic services on a fee-for-service basis for more than an average of one-third of his or her total professional time, including time spent in practice, teaching, training or research. Students and graduates are not entitled to state or imply that they are licensed to practice psychology, nor may they hold themselves out by any title or description of services incorporating the words: psychological, psychologist, psychology, psychometrists, psychometrics or psychometry. MBC follows a process to determine the appropriate educational and training qualification (as reflected through materials received directly from entities verifying this information) and also the proper background checks for applicants for RP registration.

In 1977, when RPs were first recognized statutorily, MBC, then the Board of Medical Quality Assurance, was comprised of three sections, the Division of Medical Quality, the Division of Licensing, and the Division of Allied Health Professions. Several allied health professions were within the jurisdiction of the Division of Allied Health Professions, including audiologists, acupuncturists, hearing aid dispensers, physical therapists, medical assistants, physician assistants, podiatrists, registered dispensing opticians, speech pathologists, and psychologists. In 1990, when the Board of Psychology came into existence, RPs remained under the MBC's oversight.

The Board of Psychology previously had a member who served as president of the Northern California Society for the Psychoanalytic Psychology Board of Directors and who was an assistant editor for a psychoanalytic publication. It appears that the Board of Psychology may have more expertise in this discipline and may be a more appropriate entity to register RPs who engage in the practice.

**Staff Recommendation:**

***In coordination with the MBC, the Board should advise the Committees as to why RPs are under the jurisdiction of the MBC rather than the Board of Psychology. Upon receipt of information from MBC and the Board of Psychology, the Committees may wish to transfer registration of RPs to the Board of Psychology, which already successfully administers registration programs for individuals practicing psychology.***

**Board Response:**

Traditionally, psychoanalysis was only performed by psychiatrists. Over time, this function was performed by a variety of mental health professionals. Research Psychoanalysts have always been under the jurisdiction of the Medical Board of California. The oversight of Research

Psychoanalysts did not transfer to the Board at its 2016 sunrise. The Board is open to considering oversight of Research Psychoanalysts as part of the Board of Psychology and working with the Medical Board of California on the transition.

**ISSUE #10: (AB 2138.) What is the status of the Board’s implementation of Assembly Bill 2138 (Chiu/Low) and are any statutory changes needed to enable the Board to better carry out the intent of the Fair Chance Licensing Act?**

**Background:** In 2018, Assembly Bill 2138 (Chiu/Low, Chapter 995, Statutes of 2018) was signed into law, making substantial reforms to the license application process for individuals with criminal records. Under AB 2138, an application may only be denied based on prior misconduct if the applicant was formally convicted of a substantially related crime or was subject to formal discipline by a licensing board. Further, prior conviction and discipline histories are ineligible for disqualification of applications after seven years, with the exception of serious and registerable felonies, as well as financial crimes for certain boards. Among other provisions, the bill additionally requires each board to report data on license denials, publish its criteria on determining if a prior offense is substantially related to licensure, and provide denied applicants with information about how to appeal the decision and how to request a copy of their conviction history.

Because AB 2138 significantly modifies current practice for boards in their review of applications for licensure, it was presumed that its implementation would require changes to current regulations for every board impacted by the bill. It is also likely that the Board may identify potential changes to the law that it believes may be advisable to better enable it to protect consumers from license applicants who pose a substantial risk to the public. AB 2138 went into effect on July 1, 2020.

**Staff Recommendation:**

***The Board should provide an update in regards to its implementation of AB 2138 provisions, as well as relay any recommendations it has for statutory changes.***

Board Response:

In order to implement the provisions provided in AB 2138, the Board ratified regulatory language in February 2019. On February 8, 2021, the Office of Administrative Law approved the Board’s regulatory package. At this time, the Board does not have any recommendations for statutory changes.

## ENFORCEMENT ISSUES

### **ISSUE #11: (ENFORCEMENT WORKLOAD AND RESOURCES) How can the Board effectively use its resources to proactively address increasing workload on its Enforcement Unit?**

As noted in the Enforcement section of this background paper, while the Board is meeting enforcement performance targets under its control, the volume of complaints and arrests has increased by 27% since the last Sunset Review. As an example, in FY 2018/19, the Board received its largest number of complaints and arrests, totaling 1,232 case; compared to 972 in FY 2014-15. According to the Board, no recognizable trends have been identified to explain this increase in complaints.

Without insight as to the cause of such increases, there are concerns that enforcement workload will continue to trend upwards in the coming years. The Board should proactively determine what its resources or staffing needs are, should complaint volume continue to rise.

Additionally, stakeholders have expressed concerns that the Board is using resource-intensive enforcement tactics – such as the use of undercover operations – to investigate alleged minor violations. Generally, these investigation techniques are not conducted by Board staff, but through DCA’s Division of Investigation (DOI). Of note, the Board no longer utilizes the Health Quality Investigative Unit due to lengthy timeframes of approximately 24 months for investigations. To reduce investigative timeframes to between 12 to 16 months, the Board engaged DOI in 2017 to take over investigative workload. DOI, a centralized service for all regulatory entities under the DCA umbrella, conducts specified administrative and criminal investigations that require the use of law enforcement. Although the Board cannot provide details on open investigations, it notes that it is its responsibility to investigate all complaints filed with the Board.

#### **Staff Recommendations:**

***The Board should proactively determine how it plans to address a continued increase in complaint volume, and how it can effectively use available resources to ensure effective consumer protection.***

#### **Board Response:**

Since the last sunset review, the Board has experienced an increase in its complaint volume. In order to effectively address this increase, the Board has utilized the DCA prioritization guidelines to prioritize complaints and uses an internal special investigator in addition to the Division of Investigation’s investigators to conduct formal investigations.

In order to be responsive to the increased complaint volume, the Board plans to do an internal evaluation of our enforcement process through DCA’s Organizational Improvement Office. This evaluation will ensure effective utilization of our resources and identify any process improvements.

**ISSUE #12: (SEXUAL BEHAVIOR) Should the Board update the definition of sexual behavior for the purpose of disciplinary action?**

In 2019, the Board pursued legislation that would define “sexual behavior” as inappropriate contact or communication of a sexual nature – and would have required an administrative law judge’s proposed decision to include an order of licensure revocation when there is a finding that a licensee of the Board of Psychology has engaged in sexual behavior short of sexual contact with a client during therapy, or within two years of termination of therapy. According to the Board, the legislation would assist in achieving appropriate discipline for cases that did not meet the existing definition of sexual contact and therefore did not require the Administrative Law Judge to recommend revoking the license. The legislation was pulled due to the circumstances of COVID-19 pandemic, but the Board notes that it will seek legislation at the next opportunity.

**Staff Recommendations:**

*The Board should update the Committees on its plan to update the definition of “sexual behavior” for the purpose of disciplinary action.*

**Board Response:**

In 2018, The Board worked collaboratively with the Board of Behavioral Sciences, the Osteopathic Medical Board, and the Medical Board of California, to update the consumer brochure now named “Therapy Never Includes Sexual Behavior”. As a follow up to this collaboration, the Board reviewed its statutory authority to enforce its laws for individuals that had engaged in egregious sexual behavior in cases brought before the Board.

The Board engaged Senator Pan’s office to author a bill addressing Business and Professions Code sections 2960 and 2960.1, relating to acts that trigger automatic revocation of a license. SB 401 (Pan), was introduced on February 12, 2021.

**ISSUE #13: (PUBLISHING DISCIPLINARY ACTION OUTCOMES) Should the Board publish the outcome of disciplinary actions on its newsletter and other public channels?**

**Background:** As part of its broader outreach efforts, the Board publishes a quarterly newsletter publication which provides information to licensees and members of the public. The content of the newsletter includes Board member profiles, regulatory and legislative updates, or general updates related to the practice of psychology. This newsletter, also called the “Journal,” is available on the Board’s website, and is advertised via the Board’s distribution list-serv and social media channels, with physical copies available at the Board’s office location.

The newsletter notably includes information on any recent disciplinary action taken by the Board. In this section, the Board provides summaries of stipulated settlements, and includes the full name, license or registration number, and general location of individuals who were disciplined.

Stakeholders have expressed concerns that publishing this information on a public forum can be damaging for licensees, particularly if the information made public is erroneous or incorrect. In

response, the Board asserts that making the information available is important for transparency and consumer protection, and that publishing disciplinary outcomes can serve as effective education tool for all current and prospective licensees. The Board also affirms that all published information is objective, as it is taken from stipulated settlements source documents, where disciplinary terms were negotiated and legally agreed upon between the licensee or their attorney and the Board's legal representative from the Office of the Attorney General.

**Staff Recommendation**

***The Board should provide additional information on its newsletter disciplinary action section and describe how it maintains accuracy and objectivity with the information published.***

Board Response:

Newsletters contain a short summary of disciplinary actions retrieved from public legal documents. There is nothing in the newsletter that is not taken from a public citation, decision, or letter of reprimand. The Board has never been made aware of any time erroneous information has been published. Should this happen, the Board would print a full retraction in the next newsletter correcting the record. Newsletter content is reviewed by attorneys from the Department of Consumer Affairs.

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**ISSUE #14: (CONVERSION THERAPY) What actions can the Board take to protect minors from the prohibited practice of conversion therapy?**

**Background:** Conversion therapy – sometimes referred as sexual orientation change efforts – is an attempt to change the sexual orientation of an individual, generally from homosexual or bisexual to heterosexual. Medical and mental health organizations have deemed conversion therapy to be harmful and potentially dangerous, as the longstanding scientific consensus is that variations in sexual orientation is a normal and positive aspect of human sexuality. Organizations like the American Psychological Association have affirmed over the past decade that homosexuality is not a mental disorder, and discouraged parents, guardians, and families to seek sexual orientation change efforts. In 2012, the state legislature prohibited mental health providers from providing conversion therapy services to patients under 18 years of age. In 2019, the legislature reasserted the ineffectiveness of conversation therapy, and the importance of protecting the mental health and well-being of the LGBTQ community through Assembly Concurrent Resolution 99.

Since the 2012 ban on conversion therapy on minors, the Board reports the ability to discipline licensees who have engaged in prohibited sexual orientation change efforts. However, several regulatory questions remain outstanding, including whether the Board has updated its disciplinary guidelines to establish minimum and maximum penalties when adjudicating cases related to conversation therapy. Other regulatory bodies for mental health professionals, such as the Board of Behavioral Sciences, are in the process of establishing such guidelines.

Additionally, it is currently unclear if the Board can investigate cases filed by a minor, as the release form allowing the Board to obtain patient record must be signed by a parent or legal

guardian. In instances where parents are forcing a minor to seek illegal conversion therapy services with a licensee, refusal to sign patient record release forms could create barriers for the Board during the investigation process. However, the Board does have the authority to issue a subpoena if necessary.

Finally, discussion around statute of limitations may provide insights on improving consumer protection against fraudulent sexual orientation change efforts. Because conversion therapy can harm young individuals, the narrow statute of limitations can prevent appropriate disciplinary action against a bad actor. These instances can be prevalent in crimes involving minors – such as conversion therapy – as childhood abuse is often not disclosed until victims become adults. This is an area where regulatory Boards can take a proactive role, such as engaging in outreach and education efforts, to ensure vulnerable members of the public have adequate access to information about the law or how to adequately file a complaint.

**Staff Recommendation**

*The Board should report on its disciplinary and outreach activities related to prohibited conversion therapy practice on minors. Additionally, the Board should advise the Committees if there are existing barriers to enforcing the law, such as refusal to sign release form or narrow statutes of limitations.*

Board Response:

Effective January 1, 2013, any sexual orientation change efforts with a patient under 18 years of age, was deemed unprofessional conduct for a licensed mental health provider. The Board to date, has not engaged in any outreach activities related to this prohibition. Should it be the will of the Committees, the Board can produce a consumer fact sheet or informational document addressing this issue.

The Board has not identified any existing barriers to enforcing this law. However, should it be the will of the Committees, the Board could consider additional time for the statutes of limitations for minors. The Board’s current statute of limitation for minors can be found under Business and Professions Code section 2960.05(a) and (d). This provision defines said statute of limitations to be 10 years from the date the minor turns 18.

Additionally, the Board would consider adding minimum and maximum penalties within its disciplinary guidelines.

**ISSUES RELATED TO THE PRACTICE OF PSYCHOLOGY**

**ISSUE #15: (TEMPORARY PRACTICE PROVISIONS) Should existing law be updated to clarify how long a psychologist licensed in another state can practice in California?**

**Background:** BPC 2912 permits a person licensed as a psychologist at the doctoral level in another state or in Canada to offer psychological services in California for a period not to exceed

30 days in a calendar year. According to the Board, this provision has been interpreted in multiple ways over time. For example, this section of the law does not define what constitute a day (e.g. any part of the day, or an accrued 8 hours) nor does it speak whether the calendar days must be consecutive or non-consecutive.

The Board is requesting that the law be clarified that the 30 calendar days of practice may be 30 consecutive or non-consecutive days in any calendar year, where practice for any part of a day is considered a day.

**Staff Recommendation**

*The Board should discuss its recommendation with the Committees. Additionally, the Board should explain how it currently tracks psychologists licensed in another state who offer psychological services in California, and how the 30 calendar days are documented.*

Board Response:

Currently the Board does not have a tracking mechanism for temporary practice for psychologists licensed in another state. If the Board receives complaints regarding excessive use of the temporary practice provision, the Board would investigate those allegations. The enforcement data does not support that this is an issue requiring statutory change.

For those that are operating within the 30-day requirement, the Board is seeking statutory change to clarify the 30 days are nonconsecutive calendar days.

The Board would like to request the Committee’s assistance to make this statutory change. This statutory change is included in the attached addendum.

**ISSUE #16: (MENTAL HEALTH SERVICES FOR COVID-19 PROVIDERS) Does the Board have recommendations on how to provide mental health support and services to COVID-19 front line health care workers who are working under extreme conditions due to the COVID-19 pandemic?**

**Background:** Throughout the COVID-19 pandemic, frontline healthcare workers and first responders, such as physicians, nurses, respiratory care therapists, paramedics, and more, have been caring for COVID-19 patients through multiple deadly surges, including a record shattering death toll surge in December of 2020.

In its bulletin “Healthcare Personnel and First Responders: How to Cope with Stress and Build Resilience During the COVID-19 Pandemic,” the Centers for Disease Control notes that “[p]roviding care to others during the COVID-19 pandemic can lead to stress, anxiety, fear, and other strong emotions.... Experiencing or witnessing life threatening or traumatic events impacts everyone differently. In some circumstances, the distress can be managed successfully to reduce associated negative health and behavioral outcomes. In other cases, some people may experience clinically significant distress or impairment, such as acute stress disorder, post-traumatic stress disorder (PTSD), or secondary traumatic stress (also known as vicarious traumatization).



Compassion fatigue and burnout may also result from chronic workplace stress and exposure to traumatic events during the COVID-19 pandemic.”

Frontline healthcare workers are essential to the state of California. Given the length and the unique conditions of the COVID-19 pandemic, it may be beneficial to track trends and identify potential challenges and solutions in delivering mental health care and support for front line healthcare workers who have been under extreme physical and mental pressure since the start of the global pandemic.

**Staff Recommendation: *The Board should discuss any findings related to the delivery of mental and behavioral healthcare to frontline healthcare providers and first responders.***

Board Response:

Since the Board’s last sunset review, it has discussed issues surrounding access to mental healthcare. Discussions have included insurance coverage for telehealth and loan reimbursement for providers. While it is not in the Board’s jurisdiction to deliver mental and behavioral health, it does get involved in advocacy surrounding the delivery of services such as suicide prevention training.

Within the psychological community, the Board’s registrants and licensees have been proactive in organizing programs, providing behavioral healthcare to frontline workers and first responders. For example, in recognition of the COVID-19 pandemic, the Board and its licensees and registrants were active in promoting and participating in the Governor’s California Health Corp. California Health Corps is the state’s response to increased health care needs due to the COVID-19 outbreak. Medical professionals throughout the state can join this program to relieve the pressure on our health care system. This helps both COVID-19 and non-COVID-19 patients get the care they need.

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**ISSUE #17: (CHILD CUSTODY) The Board is implementing several recommendations from stakeholders related to child custody issues. Are further legislative or regulator actions recommended?**

**Background:** Over the past few years, issues have been raised by stakeholders regarding child custody matters in family court. This includes the role of psychologists who are appointed by a court to assist with custody and visitation proceedings. In 2018, the Board convened a stakeholder meeting to discuss these concerns and develop a plan to address them. The meeting included the Board of Psychology, the Board of Behavioral Sciences, Department of Consumer Affairs' Executive Office and Legal Office, the Judicial Council of Family Law, the Senate Judiciary Committee, the Assembly Business and Professions Committee, the Office of the Attorney General, and Center for Judicial Excellence. Based on stakeholder input, the Board created and approved a Child Custody Implementation Plan. Among other items, the plan requires Child Custody SMEs to take continuing education in child abuse and domestic violence and outlines the circumstances in which the Board will provide further review of SME applications.

The Board notes that it has identified statutory barriers to obtaining necessary documentation in its investigations of child custody-related complaints and is in the process of identifying recommendations for potential legislative changes.

**Staff Recommendation:**

***The Board should report to the Committees on its work addressing child custody issues and provide any recommendations for legislative changes that would enhance consumer protection.***

Board Response:

In 2018, the Board convened a child custody stakeholder meeting with the Judicial Council of California, the Department of Justice, Senate Judiciary Committee, the Center for Judicial Excellence, California Protective Parents Association, the Assembly Business and Professions Committee, the Senate Business and Professions and Economic Development Committee, the Department of Consumer Affairs Board and Bureau Services, and the Department of Consumer Affairs Division of Legislation. The biproduct of this meeting, was an implementation plan for those issues identified as being within the jurisdiction of the Board of Psychology. These items include:

- Mandate Child Abuse/Domestic Violence Education for Subject Matter Experts
- Screen Child Custody Subject Matter Experts Who Subscribe to Parental Alienation Syndrome
- Educate Public on the Clear and Convincing Evidence Standard
- Create a Complaint Fact Sheet
- Review and Consider Statutory Language Related to Documentation Considered for Child Custody Complaints

The Board has completed the first four implementation items. The last implementation item is a review of the statutory language related to documentation considered in a child custody complaint investigation. The Board is actively reviewing that language and working with stakeholders on the impact of that legislative change.

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**ISSUE #18: (TELEHEALTH) Does the Board have any additional recommendations to increase safe access to telehealth services?**

**Background:** As part of its last Sunset Review, the Board committed to developing telehealth regulations that would instruct licensees how to provide telehealth to Californians and give additional opportunities to provide care to underserved populations. Through its ad-hoc Telepsychology Committee, the Board considered the American Psychological Association Guidelines for the Practice of Telepsychology and ASPPB Telepsychology Task Force Principles and Standards to develop and draft regulatory language. Given the severity of the COVID-19 pandemic, the need for telepsychology standards was made especially clear as licensees transitioned to providing care through telehealth platforms.

In 2020, the Board proposed regulations that, among other items, establish standards of practice for telehealth by licensed California psychologists and psychology trainees to an originating site

in the State, to a patient or client who is a resident of California who is temporarily located outside of the State. The regulations also provide standards of practice related to clients or patients who initiate psychological health care services while in the State, but who may not be a resident of this State.

At the national level, the ASPPB established the Psychology Interjurisdictional Compact (PSYPACT), which was created to facilitate telehealth and temporary in-person, face-to-face practice of psychology across jurisdictional boundaries. In 2015, the ASPPB inquired if the Board was interested in joining PSYPACT. After an initial review and identifying several concerns, such as cost and jurisdictional authority, the Board ultimately decided to decline joining PSYPACT at that time. However, as this decision was made several years ago, the Board's Telepsychology Committee will conduct another review of PSYPACT and determine if there are any updated recommendations.

**Staff Recommendation:**

***The Board should inform the Committees on its regulatory efforts regarding telehealth and telepsychology, particularly as it responded to issues related to COVID-19. Additionally, the Board should discuss any identified issues or legislative recommendations to improve access to telehealth services.***

Board Response:

As a follow up to the Board's last sunset, it developed regulations to address the provision of telehealth. The Board aims to submit the final rulemaking package to the Office of Administrative Law by Summer 2021.

Once the declaration of emergency was made, the emergence of issues surrounding telehealth were brought before the Board and its staff. For example, the Board received inquiries regarding HIPAA standards and questions relating to cross boarder telehealth practice. The Board worked closely with the Department of Consumer Affairs and the Association of State and Provincial Psychology Boards on changes that were being made to the provision of telehealth services. Based on the interactions between control agencies regarding the emergence of telehealth the Board modified its regulatory package to address identified needs.

Additionally, driven by the COVID-19 Pandemic and social justice and diversity issues, the Board's Outreach and Communications Committee will be developing a survey which will identify barriers surrounding access to telehealth. After compiling this data, the Board will consider possible next steps.

Lastly, the Telepsychology Committee will revisit the Association of State and Provincial Psychology Board's PSYPACT (interjurisdictional practice compact) for the provision of telehealth between participating states. At the end of the Committee's analysis, the Committee will provide a recommendation to the full Board regarding California's interest in participating in PSYPACT.

**ISSUE #19: (INDEPENDENT CONTRACTORS). Does the new test for determining employment status prescribed by the court decision *Dynamex Operations West Inc. v. Superior Court* have any unresolved implications for licensees working in the psychology profession as independent contractors?**

**Background:** In the spring of 2018, the California Supreme Court issued a decision in *Dynamex Operations West, Inc. v. Superior Court* (4 Cal.5th 903) that significantly confounded prior assumptions about whether a worker is legally an employee or an independent contractor. In a case involving the classification of delivery drivers, the California Supreme Court adopted a new test for determining if a worker is an independent contractor, which is comprised of three necessary elements:

- A. That the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact;
- B. That the worker performs work that is outside the usual course of the hiring entity’s business; and
- C. That the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

Commonly referred to as the “ABC test,” the implications of the *Dynamex* decision are potentially wide-reaching into numerous fields and industries utilizing workers previously believed to be independent contractors. Occupations regulated by entities under the Department of Consumer Affairs have been no exception to this unresolved question of which workers should now be afforded employee status under the law. In the wake of *Dynamex*, the new ABC test must be applied and interpreted for licensed professionals and those they work with to determine the rights and obligations of employees.

In 2019, the enactment of Assembly Bill 5 (Gonzalez, Chapter 296, Statutes of 2019) effectively codified the *Dynamex* decision’s ABC test while providing for clarifications and carve-outs for certain professions. Specifically, physicians and surgeons, dentists, podiatrists, psychologists, and veterinarians were among those professions that were allowed to continue operating under the previous framework for independent contractors.

**Staff Recommendation:**

***The Board should inform the committees of any discussions it has had about the *Dynamex* decision and AB 5, and whether there is potential to impact the current landscape of the psychology profession, beyond the exemption provided to psychologists.***

Board Response:

The Board’s primary charge is the protection of consumers, however, it monitors statutory developments that impact licensees. The Board continues to watch the development of the issue and has not been made aware of any impacts on its licensees to date.

## TECHNICAL ISSUES

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### **ISSUE #20: (TECHNICAL CLEANUP) Is there a need for technical cleanup?**

**Background:** As the psychology profession continues to evolve and new laws are enacted, many provisions of the Business and Professions Code relating to psychology become outmoded or superfluous. The Board should recommend cleanup amendments for statute.

**Staff Recommendation:**

*The Board should work with the Committees to enact any technical changes to the Business and Professions Code needed to add clarity and remove unnecessary language.*

Board Response:

As part of its statutory review, the Board has been making gender neutral changes to its laws and would appreciate the legislature's assistance in global changes to meet this goal.

## CONTINUATION OF THE BOARD

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### **ISSUE #21: Should the licensing and regulation of the practice of psychology be continued and be regulated by the current Board membership?**

**Background:** The health, safety, and welfare of consumers are protected by a well-regulated psychology profession. The Board has shown a strong commitment to improve the Board's overall efficiency and effectiveness and has worked cooperatively with the Legislature and the Committees to bring about necessary changes.

**Staff Recommendation:**

*The practice of psychology should continue to be regulated by the Board of Psychology in order to protect the interest of the public. The Board should be reviewed by the Committees once again on a future date to be determined.*

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. Provide an additional pathway for foreign degree evaluation;
2. Amend the pathways to licensure to remove barriers to licensure and realize program efficiencies;
3. Clarify the temporary practice provision;
4. Create a mechanism for those wishing to reapply for active status after non-disciplinary surrender of a license;
5. Delegate such processes as extension requests for gaining supervised professional experience to the Licensure Committee to allow for privacy of applicant information and expediency in decision-

making benefitting the requestor;

6. Create a mechanism to add additional waiver authority to the Board in case of a declared emergency; and,

7. Amend the Board's Fee Schedule to include a File Transfer fee.

## **Issue #1 Future Fee Increases:**

### **Section 2987**

The amount of the fees prescribed by this chapter shall be determined by the board, and shall be as follows:

- (a) The application fee for a psychologist shall not be more than fifty dollars (\$50).
- (b) The examination and reexamination fees for the examinations shall be the actual cost to the board of developing, purchasing, and grading of each examination, plus the actual cost to the board of administering each examination.
- (c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued.
- (d) The biennial renewal fee for a psychologist shall be four hundred dollars (\$400). The board may increase the renewal fee to an amount not to exceed five hundred dollars (\$500).
- (e) The application fee for registration as a psychological assistant under Section 2913 shall not be more than seventy-five dollars (\$75).
- (f) The annual renewal fee for registration of a psychological assistant shall not be more than seventy-five dollars (\$75).
- (g) The duplicate license or registration fee is five dollars (\$5).
- (h) The delinquency fee is 50 percent of the renewal fee for each license type, not to exceed one hundred fifty dollars (\$150).
- (i) The endorsement fee is five dollars (\$5).
- (j) The file transfer fee is ten dollars (\$10).

Notwithstanding any other provision of law, the board may reduce any fee prescribed by this section, when, in its discretion, the board deems it administratively appropriate.

## **Issue #2 Waiver Authority:**

### **Section 29XX**

(a) During a declared federal, state, or local emergency, the board may waive application of any provisions of this chapter or the regulations adopted pursuant to it if, in the board's opinion, the waiver will aid in the provision of psychological services.

(b) Notwithstanding any other law, the board may act to continue a waiver of any provision of this chapter or the regulations adopted pursuant to it for up to 60 days following the termination of the declared emergency if, in the board's opinion, the continued waiver will aid in the continuity of psychological services.

## **Issue #4: Foreign Degree Evaluation:**

### **Section 2914**

Each applicant for licensure shall comply with all of the following requirements:

...

(c) (1) On or after January 1, 2020, possess an earned doctorate degree in psychology, in educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. Until January 1, 2020, the board may accept an applicant who possesses a doctorate degree in psychology, educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from an institution that is not accredited by an accrediting agency recognized by the United States Department of Education, but is approved to operate in this state by the Bureau for Private Postsecondary Education.

...

(4) An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. ~~These applicants shall provide the board with a comprehensive evaluation of~~ The degree performed shall be evaluated by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), or by the National Register of Health Services Psychologists (NRHSP). The evaluation shall:

- i) Provide a transcript in English, or translated into English by the credential evaluation service, of the degree used to qualify for licensure in English
- ii) Indicate that the degree used to qualify for licensure is verified using primary sources;
- iii) Determine that the degree is equivalent to a degree that qualifies for licensure pursuant to subsections (b) and (c)(1) through (3); and
- iv) Be submitted directly to the board by a member of the NACES or NRHSP. The applicant shall provide and any other documentation the board deems necessary

## **Issue #5: Pathways to Licensure**

### **Business and Professions Code - BPC**

#### **§ 27. Information to be provided on Internet; Entities in Department of consumer Affairs required to comply**

(a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be



provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with

Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information on its licensees and registrants.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, and registered psychological assistants, ~~and registered psychologists~~ associates.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of

fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) The Bureau of Medical Cannabis Regulation shall disclose information on its licensees.

(g) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

*(Amended (as amended by Stats. 2016, Ch. 32, Sec. 1) by Stats. 2016, Ch. 489, Sec. 1. Effective January 1, 2017.)*

**~~§ 2909. Applicability of chapter to credentialed school psychologists, and psychologists and psychological assistants employed by colleges, universities, or governmental organizations~~**

~~This chapter shall not be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed, and do not render or offer to render psychological services, as defined in Section 2903:~~

~~(a) Persons who hold a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing.~~

~~(b) Persons who are employed in positions as psychologists or psychological assistants by accredited or approved colleges, junior colleges, or universities, or by federal, state, county, or municipal governmental organizations that are not primarily involved in the provision of direct health or mental health services, may conduct research and disseminate their research findings and scientific information.~~

~~*(Amended by Stats. 2015, Ch. 218, Sec. 1. Effective January 1, 2016.)*~~

**~~§ 2909.5. Applicability of chapter to registered psychologist employed by nonprofit community agencies supported by governmental organizations~~**

~~This chapter shall not be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which persons were employed on the part of persons who meet the educational~~

~~requirements of subdivision (b) of Section 2914 and who have one year or more of the supervised professional experience referenced in subdivision (c) of Section 2914 if they are employed by nonprofit community agencies that receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services, provided those persons are performing those activities as part of the duties for which they were employed, are performing those activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not render or offer to render psychological services to the public, as defined in Section 2903.~~

~~Those persons shall be registered by the agency with the board at the time of employment and shall be identified in the setting as a "registered psychologist." Those persons shall be exempt from this chapter for a maximum period of 30 months from the date of registration.~~

~~(Amended by Stats. 2016, Ch. 484, Sec. 1. Effective January 1, 2017.)~~

### **§ 2910. Applicability of chapter to practice of psychology by certain salaried employees of academic institutions, public schools, or governmental agencies**

~~(a) This chapter shall not be construed to restrict the practice of psychology on the part of persons who are salaried employees of accredited or approved academic institutions, public schools, or governmental agencies, if those employees are complying with the following:~~

~~(1) Performing those psychological activities as part of the duties for which they were hired.~~

~~(2) Performing those activities solely within the jurisdiction or confines of those organizations.~~

~~(3) Do not hold themselves out to the public by any title or description of activities incorporating the words "psychology," "psychological," or "psychologist."~~

~~(4) Are primarily gaining the supervised professional experience required for licensure that is being accrued consistent with the board's regulations and the employees have as the primary supervisor a psychologist licensed in the state.~~

~~(b) Commencing January 1, 2016, an individual employed or who becomes employed by one or more employers as described in subdivision (a) shall be exempt under this section for a cumulative total of five years.~~

This chapter shall not be construed to restrict or prohibit the following:

(a)(1) Activities of a psychological nature or the use of the official title of the position

for which they were employed, including the word psychology or any derivation, on the part of persons:

(A) Who hold a valid and current credential as a school psychologist issued by the Commission on Teacher Credentialing; or

(B) Are employed in positions as psychologists, registered psychological assistants, associates, professors, or instructors by accredited or approved colleges, junior colleges, or universities, or by federal, state, county, or municipal governmental organizations that are not primarily involved in the provision of direct health or mental health services, who conduct research and disseminate their research findings and scientific information.

(2) Individuals described in (a)(1) shall:

(A) Perform only those psychological activities as part of the duties for which they were hired.

(B) Perform those activities solely within the jurisdiction or confines of those organizations in which they are employed.

(C) Not hold themselves out as rendering or offering to render psychological services to any person outside of the organization in which they are employed.

(b)(1) The practice of psychology or the use of the official title of the position for which

they were employed on the part of persons who are employed in positions as psychologists or registered psychological associates of accredited or approved academic institutions, public schools, or governmental agencies, who are:

(A) Performing those psychological activities as part of the duties for which they were hired.

(B) Performing those activities solely within the jurisdiction or confines of those organizations.

(C) Do not hold themselves out as rendering or offering to render psychological services to any person outside of the organization in which they are employed.

(D) Are primarily gaining the supervised professional experience required for licensure that is being accrued consistent with the board's regulations.

(2) Commencing January 1, 2016, an individual employed or who becomes employed by one or more employers as described in subdivision (b)(1) above shall only be exempt under this subdivision for a cumulative total of five years.

*(Amended by Stats. 2015, Ch. 218, Sec. 3. (AB 705) Effective January 1, 2016.)*

**§ 2911. Applicability of chapter to ~~students and interns~~ (students, interns and post-doctoral trainees)**

Nothing in this chapter shall be construed as restricting the activities and services of a psychology graduate student or psychological intern in psychology pursuing a course of study leading to a graduate degree in psychology at an accredited or approved college or university and working in a training program, or a postdoctoral trainee working in a postdoctoral placement overseen by the American Psychological Association (APA), the Association of Psychology Postdoctoral and Internship Centers (APPIC), or the California Psychology Internship Council (CAPIC), provided that these activities and services constitute a part of his or her supervised course of study and that those persons are designated by the title "psychological or psychology intern," "psychological trainee," "postdoctoral intern," or another title clearly indicating the training status appropriate to his or her level of training. The aforementioned terms shall be reserved for persons enrolled in the a doctoral program leading to one of the degrees that qualifies for licensure listed in subdivision (b) of Section 2914(b) at an accredited or approved college or university or a trainee in a formal pre-doctoral internship post-doctoral placement overseen approved by the American Psychological Association (APA), Association of Psychology Postdoctoral and Internship Centers (APPIC), or California Psychology Internship Council (CAPIC). Such persons may be designated by the title "psychology intern, "psychology trainee," "postdoctoral psychology fellow" or another title clearly indicating the person's training status.

*(Amended by Stats. 2005, Ch. 658, Sec. 3. Effective January 1, 2006.)*

### **§ 2913. Services by registered psychological assistants~~associates~~**

A person other than a licensed psychologist may perform psychological functions in preparation for licensure as a psychologist only if all of the following conditions are met:

(a) The person shall register ~~himself or herself~~ with the board as a “registered psychological assistant~~associate~~.” This registration shall be renewed annually in accordance with regulations adopted by the board.

(b) The person (~~A4~~) has completed a master’s degree in psychology or in education with the field of specialization in educational psychology~~or~~, counseling psychology, or school psychology, or (~~B2~~) has been admitted to candidacy for a doctoral degree in (1) psychology or education with the field of specialization in clinical, counseling, school, consulting, forensic or industrial/organizational psychology, or (2) education, with the field of specialization in educational psychology, counseling psychology, or school psychology, or (3) a field of specialization designed to prepare graduates for the professional practice of psychology after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (~~C3~~) has completed a doctoral degree that qualifies for licensure under Section 2914. The board shall make the final determination as to whether a degree meets the requirements of this section.

(c) (1) The registered psychological associate shall be supervised by a primary supervisor who is a licensed psychologist. The registered psychological assistant~~associate’s primary supervisor is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or a licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology or the American College of Osteopathic Board of Neurology and Psychiatry, who shall be responsible for~~ ensuring that the extent, kind, and quality of the psychological services that the psychological assistant performs are consistent with his or her training~~the registered psychological associate’s and the primary supervisor’s training and experience, and~~ The primary supervisor shall be responsible for the registered psychological assistant~~associate’s compliance with this chapter and regulations. Primary supervisors may delegate supervision as prescribed by the board’s regulations.~~

(2) A licensed psychologist ~~or board-certified psychiatrist~~ shall not supervise more than three (~~3~~) registered psychological assistants~~associates~~ at any given time. ~~No psychological assistant may provide psychological services to the public except as a supervisee pursuant to this section.~~

~~(d) The A registered psychological assistants shall not comply with regulations that the board may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.~~

(1) Provide psychological services to the public except as a trainee pursuant to this section.

(2) Receive payments, monetary or otherwise, directly from clients.

*(Amended by Stats. 2016, Ch. 484, Sec. 2. Effective January 1, 2017.)*

### **§ 2914. Applicant's requirements**

Each applicant for licensure shall ~~comply with all of the following requirements:~~

(a) ~~Is not~~ be subject to denial of licensure under Division 1.5 (commencing with Section 475).

(b) ~~P~~ possess an earned doctorate doctoral degree (1) in psychology, ~~(2) in educational psychology~~ with the field of specialization in clinical, counseling, school, consulting, forensic or industrial/organizational psychology, or (3) in education with the field of specialization in counseling psychology, or educational psychology, or school psychology, or (3) in a field of specialization designed to prepare graduates for the professional practice of psychology. Except as provided in subdivision (h), this degree or training shall be obtained from an accredited university, college, or professional school. The board shall make the final determination as to whether a degree meets the requirements of this section.

(c) (1) On or after January 1, 2020, possess an earned ~~doctorate~~ doctoral degree in psychology, ~~in educational psychology~~ with the field of specialization in clinical, counseling, school, consulting, forensic or industrial/organizational psychology, or in education with the field of specialization in counseling psychology, ~~or educational psychology, or school psychology~~ from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education. Until January 1, 2020, the board may accept an applicant who possesses a ~~doctorate~~ doctoral degree in psychology, ~~educational psychology~~ with the field of specialization in clinical, counseling, school, consulting, forensic or industrial/organizational psychology, or in education with the field of specialization in counseling ~~or educational psychology, or school psychology~~ from an institution that is not accredited by an accrediting agency recognized by the United States Department of Education, but is approved to operate in this state by the Bureau for Private Postsecondary Education.



(2) Paragraph (1) does not apply to any student who was enrolled in a doctoral program in psychology, educational psychology with the field of specialization in clinical, counseling, school, consulting, forensic or industrial/organizational psychology, or in education with the field of specialization in counseling psychology, or educational psychology, or school psychology at a nationally accredited or approved institution as of December 31, 2016.

~~(3) No educational institution shall be denied recognition as an accredited academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this chapter or in the administration of this chapter shall require the registration with the board by educational institutions of their departments of psychology or their doctoral programs in psychology.~~

(43) An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that the applicant ~~he or she~~ possesses a ~~doctorate~~ doctoral degree in psychology or education pursuant to (c)(1) and (2) that is equivalent to a degree earned from a regionally accredited academic institution ~~university~~ in the United States or Canada. ~~These applicants shall provide the board with a comprehensive evaluation of~~ the degree performed shall be evaluated by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), or by the National Register of Health Services Psychologists (NRHSP). The evaluation shall:

i) Provide a transcript in English, or translated into English by the credential evaluation service, of the degree used to qualify for licensure;

ii) Indicate that the degree used to qualify for licensure is verified using primary sources;

iii) Determine that the degree is equivalent to a degree that qualifies for licensure pursuant to subsections (b) and (c)(1) through (3); and

iv) Be submitted directly to the board by a member of the NACES or NRHSP. ~~The applicant shall provide~~ and any other documentation the board deems necessary.

(d) (1) ~~H~~ have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist, the specific requirements of which shall be defined by the board in its regulations, or under suitable alternative supervision as determined by the board in regulations duly adopted under this chapter, at least one year of which shall ~~be occur~~ occur after being awarded the qualifying doctoral degree ~~doctorate in psychology~~. The supervisor shall submit verification of the experience ~~required by this subdivision~~ to the trainee ~~in a manner~~ as prescribed by the board. If the supervising licensed psychologist fails to provide verification to the trainee in a timely manner, the board may establish alternative procedures for obtaining the necessary documentation. Absent good cause, the failure of a supervising licensed

psychologist to provide the verification to the board upon request shall constitute unprofessional conduct.

(2) The board shall establish qualifications by regulation for supervising psychologists.

(e) ~~Take~~ and pass the examination required by Section 2941 unless otherwise exempted by the board under this chapter.

(f) ~~Show by evidence satisfactory to the board that he or she has completed training~~Complete coursework or provide evidence of training in the detection and treatment of alcohol and other chemical substance dependency. ~~This requirement applies only to applicants who matriculate on or after September 1, 1985~~ as prescribed by the board.

(g) (1) ~~Show by evidence satisfactory to the board that he or she has completed~~Complete coursework or provide evidence of training in spousal or partner abuse assessment, detection, and intervention. ~~This requirement applies to applicants who began graduate training during the period commencing on January 1, 1995, and ending on December 31, 2003.~~ as prescribed by the board.

(2) ~~An applicant who began graduate training on or after January 1, 2004, shall show by evidence satisfactory to the board that he or she has completed a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. An applicant may request an exemption from this requirement if he or she intends to practice in an area that does not include the direct provision of mental health services.~~

(3) ~~Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. This requirement for coursework shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.~~

(h) Until January 1, 2020, an applicant holding a doctoral degree in psychology from an approved institution is deemed to meet the requirements of this section if both of the following are true:

(1) The approved institution offered a doctoral degree in psychology designed to prepare students for a license to practice psychology and was approved by the former Bureau for Private Postsecondary and Vocational Education on or before July 1, 1999.

(2) The approved institution has not, since July 1, 1999, had a new location, as described in Section 94823.5 of the Education Code.

*(Amended by Stats. 2016, Ch. 484, Sec. 3. Effective January 1, 2017.)*

**§ 2915. Continuing education requirements; Practice outside fields of competence**

(a) Except as provided in this section, the board shall issue a renewal license only to an ~~applicant~~ licensed psychologist who has completed 36 hours of approved continuing professional development in the preceding two years.

(b) ~~A~~ Each person licensed psychologist who applies to renew or reinstates their his or her license issued pursuant to this chapter shall certify ~~under penalty of perjury that he or she is in compliance with this section~~ under penalty of perjury, and shall retain proof of this compliance for submission to the board upon request. False statements submitted pursuant to this section shall be a violation of Section 2970.

(c) Continuing professional development means certain ~~continuing education~~ learning activities approved in four different categories:

(1) Professional Activities.

(2) Academic Activities.

(3) Sponsored ~~e~~ Continuing ~~e~~ Education ~~e~~ Coursework.

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

The board may develop regulations further defining acceptable continuing professional development activities.

~~(d) (1) The board shall require a licensed psychologist who began graduate study prior to January 1, 2004, to take a continuing education course during his or her first renewal period after the operative date of this section in spousal or partner abuse assessment, detection, and intervention strategies, including community resources, cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or partner abuse assessment, detection, and intervention strategies taken prior to the operative date of this section or proof of equivalent teaching or practice experience may be submitted to the board and at its discretion, may be accepted in satisfaction of this requirement.~~

~~(2) Continuing education courses taken pursuant to this subdivision shall be applied to the 36 hours of approved continuing professional development required under subdivision (a).~~

(e) Continuing education courses approved to meet the requirements of this section shall be approved for credit by organizations approved by the board. An organization previously approved by the board to provide or approve continuing education is deemed approved under this section.

(f) The board may accept continuing education courses approved by an entity that has demonstrated to the board in writing that it has, at a minimum, a 10-year history of providing educational programming for psychologists and has documented procedures for maintaining a continuing education approval program. The board shall adopt regulations necessary for implementing this section.

~~(g) The board may grant an exemption, or an extension of the time for compliance with, from the continuing professional development requirement of this section.~~

~~(g)~~ (h) The administration of this section may be funded through professional license fees and continuing education provider and course approval fees, or both. The fees related to the administration of this section shall not exceed the costs of administering the corresponding provisions of this section.

*(Amended by Stats. 2016, Ch. 484, Sec. 6. Effective January 1, 2017.)*

**§ 2915.5. Coursework in aging and long-term care required for licensure of new applicant; Instruction on assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect**

(a) Any applicant for licensure as a psychologist ~~who began graduate study on or after January 1, 2004,~~ shall complete, as a condition of licensure, a minimum of ~~10~~ six (6) contact hours of coursework or applied experience in aging and long-term care, which may include, but need not be limited to, the biological, social, and psychological aspects of aging. ~~On and after January 1, 2012,~~ this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

~~(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.~~

~~(b)~~ (c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a written certification from the registrar or training

director or chief academic officer of the educational institution or program from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation at the time the applicant graduated, or within the coursework, that was completed by the applicant.

(c) If an applicant does not have coursework pursuant to this section, evidence of compliance can be obtained as part of his or her applied experience. Applied experience can be met in any of the following settings: practicum, internship, or formal postdoctoral placement that meets the requirement of Section 2911, or other qualifying supervised professional experience. To satisfy this requirement, the applicant shall submit to the board a written certification from the director of training for the program or primary supervisor where the qualifying experience has occurred stating that the training required by this section is included within the applied experience.

(d) If an applicant does not meet the curriculum or coursework requirement pursuant to this section, evidence of compliance can be obtained by taking a continuing education course that meets the requirements of subdivision (e) or (f) of Section 2915 and that qualifies as a continuing education learning activity category specified in paragraph (2) or (3) of subdivision (c) of Section 2915. To satisfy this requirement, the applicant shall submit to the board a certification of completion. The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

*(Amended by Stats. 2010, Ch. 552, Sec. 2. Effective January 1, 2011.)*

**~~§ 2915.7. Continuing education course in aging and long-term care required for first license renewal; instruction on assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect~~**

~~(a) A licensee who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care during his or her first renewal period after the operative date of this section, and shall submit to the board evidence acceptable to the board of the person's satisfactory completion of that course.~~

~~(b) The course should include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.~~

~~(c) Any person seeking to meet the requirements of subdivision (a) of this section may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this~~

~~section, or proof of equivalent teaching or practice experience. The board, in its discretion, may accept that certification as meeting the requirements of this section.~~

~~(d) The board may not renew an applicant's license until the applicant has met the requirements of this section.~~

~~(e) A licensee whose practice does not include the direct provision of mental health services may apply to the board for an exception to the requirements of this section.~~

~~(Amended by Stats. 2010, Ch. 552, Sec. 3. Effective January 1, 2011.)~~

### **§ 2942. Time for examinations; Passing grades**

The board may examine by written or computer-assisted examination or by both. All aspects of the examination shall be in compliance with Section 139. The examination shall be available for administration at least twice a year at the time and place and under supervision as the board may determine. The passing grades for the examinations shall be established by the board in regulations and shall be based on psychometrically sound principles of establishing minimum qualifications and levels of competency.

Examinations for a psychologist's license may be ~~conducted~~ utilized by the board under a uniform examination system, and for that purpose the board may make arrangements with organizations to supply and administer ~~furnishing~~ examination materials material ~~as may in its discretion be desirable~~.

~~(Amended by Stats. 2005, Ch. 658, Sec. 9. Effective January 1, 2006.)~~

### **~~§ 2944. Written examinations~~**

~~The board shall grade the written examination and keep the written examination papers for at least one year, unless a uniform examination is conducted pursuant to Section 2942.~~

~~(Amended by Stats. 1989, Ch. 888, Sec. 25.)~~

### **§ 2946. Reciprocity licenses; Temporary practice by out-of-state licensees; Waiver of examination requirement**

The board shall grant a license to any person who passes the board's supplemental licensing examination and, at the time of application, has been licensed for at least ~~two~~five years by a psychology licensing authority in another state or territory of the United States or Canadian province if the requirements for obtaining a certificate or license to practice psychology in that state, territory or province were substantially equivalent to the requirements of this chapter.

A psychologist certified or licensed in another state, territory or province and who has ~~made application~~applied to the board for a license in this state may perform activities and services of a psychological nature without a valid California license for a period not to exceed 180 calendar days from the time of submitting their his or her application or from the commencement of residency in this state, whichever first occurs.

Applicants are expected to take and pass the required examinations. The board at its discretion may waive the examinations, when in the judgment of the board the applicant has already demonstrated competence in areas covered by the examinations. The board at its discretion may waive the examinations for diplomates of the American Board of Professional Psychology.

*(Amended by Stats. 2005, Ch. 658, Sec. 11. Effective January 1, 2006.)*

### **§ 2960. Grounds for action**

The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) Conviction of a crime substantially related to the qualifications, functions or duties of a psychologist or registered psychological assistant~~associate~~.

(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to perform the work of a psychologist with safety to the public.

(c) Fraudulently or neglectfully misrepresenting the type or status of license or registration actually held.

(d) Impersonating another person holding a psychology license or allowing another person to use his or her license or registration.

(e) Using fraud or deception in applying for a license or registration or in passing the examination provided for in this chapter.

(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

(g) Violating Section 17500.

(h) Willful, unauthorized communication of information received in professional confidence.

(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

(j) Being grossly negligent in the practice of his or her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

(m) The suspension, revocation or imposition of probationary conditions by another state or country of a license or certificate to practice psychology or as a registered psychological assistant or associate issued by that state or country to a person also holding a license or registration issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section.

(n) The commission of any dishonest, corrupt, or fraudulent act.

(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist or registered psychological assistant or registered psychologist or associate.

(p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training, and experience.

(q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.

(r) Repeated acts of negligence.

*(Amended by Stats. 2000, Ch. 836, Sec. 20. Effective January 1, 2001.)*



## Evidence Code - EVID

### § 1010. "Psychotherapist"

As used in this article, "psychotherapist" means a person who is, or is reasonably believed by the patient to be:

(a) A person authorized to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his or her time to the practice of psychiatry.

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(c) A person licensed as a clinical social worker under Article 4 (commencing with Section 4996) of Chapter 14 of Division 2 of the Business and Professions Code, when he or she is engaged in applied psychotherapy of a nonmedical nature.

(d) A person who is serving as a school psychologist and holds a credential authorizing that service issued by the state.

(e) A person licensed as a marriage and family therapist under Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(f) A person registered as a registered psychological assistant ~~associate~~ who is under the primary supervision of a licensed psychologist or ~~board certified psychiatrist~~ as required by Section 2913 of the Business and Professions Code, or a person registered as a marriage and family therapist intern who is under the supervision of a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon certified in psychiatry, as specified in Section 4980.44 of the Business and Professions Code.

(g) A person registered as an associate clinical social worker who is under supervision as specified in Section 4996.23 of the Business and Professions Code.

~~(h) A person registered with the Board of Psychology as a registered psychologist who is under the supervision of a licensed psychologist or board certified psychiatrist.~~

(~~ih~~) A psychological intern as defined in Section 2911 of the Business and Professions Code who is under the primary supervision of a licensed psychologist ~~or board-certified psychiatrist~~.

(~~ji~~) A trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, who is fulfilling his or her supervised practicum required by subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 of, or subdivision (c) of Section 4980.37 of, the Business and Professions Code and is supervised by a licensed psychologist, a board certified psychiatrist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional clinical counselor.

(~~kj~~) A person licensed as a registered nurse pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, who possesses a master's degree in psychiatric-mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing.

(~~lk~~) An advanced practice registered nurse who is certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions Code and who participates in expert clinical practice in the specialty of psychiatric-mental health nursing.

(~~ml~~) A person rendering mental health treatment or counseling services as authorized pursuant to Section 6924 of the Family Code.

(~~nm~~) A person licensed as a professional clinical counselor under Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(~~on~~) A person registered as a clinical counselor intern who is under the supervision of a licensed professional clinical counselor, a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon certified in psychiatry, as specified in Sections 4999.42 to 4999.46, inclusive, of the Business and Professions Code.

(~~po~~) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code, who is fulfilling his or her supervised practicum required by paragraph (3) of subdivision (c) of Section 4999.32 of, or paragraph (3) of subdivision (c) of Section 4999.33 of, the Business and Professions Code, and is supervised by a licensed psychologist, a board-certified psychiatrist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional clinical counselor.

*(Amended by Stats. 2016, Ch. 86, Sec. 126. (SB 1171) Effective January 1, 2017.)*

## **Issue #6 Reinstatement After Non-Disciplinary Surrender:**

### **Section 29XX**

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

(a) The license surrender shall be public information.

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

The reinstatement proceeding shall be conducted pursuant to Section 2965.

## **Issue #7 Authority of the Licensure Committee:**

### **Add Section 29XX to the BPC**

Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a committee of the board formed to address issues relating to licensure, and to which the board delegates authority to consider and decide requests from any applicant or licentiate pertaining to their qualifications for licensure, may convene in closed session to decide such requests. The committee shall only convene in closed session to the extent that it is necessary to protect the privacy of such an applicant or licentiate.

## **Issue #15: Temporary Practice Provisions:**

### **Amend Section 2912 of the BPC**

Nothing in this chapter shall be construed to restrict or prevent a person who is licensed as a psychologist at the doctoral level in another state or territory of the United States or in Canada from offering psychological services in this Sstate for a period not to exceed no more than 30 days in any calendar year. These days do not need to be consecutive, and practice for any part of a day is considered a full day for the purposes of this section.