

Board of Psychology Consumer and Provider Telehealth Survey (2023) Digest

The Board of Psychology (Board) conducted a survey to learn what barriers potentially hindered the use of telehealth by providers and consumers of psychological services. The survey was sent to thirty-thousand consumers and providers and was open from June 26th to July 24, 2023.

Emergent trends among consumer responses (approximately 225 respondents):

- 95% of consumers reported feeling comfortable receiving psychological services via telehealth
- 71% of consumers reported receiving telehealth services in their own homes
- Of the 24% of respondents who reported experiencing barriers or problems accessing telehealth, 52% of the time it was due to Internet access (e.g., Wi-fi speed)
- Diversity of providers was cited 21% of the time for lack of access; however, language was cited only 9% of the time as a barrier.

Emergent trends among provider responses (approximately 93% of 4,430 respondents were psychologists):

- 97% of respondents report having provided telehealth at some point.
- 54% of respondents cited appropriateness of telehealth for certain client populations as the primary practice barrier to telehealth.
- Nearly 46% of respondents identified a lack of formal training or adequate supervision, which affected the quality of service provided.
- Many responses spoke to telehealth clients being unable to find an adequately private space to speak freely via telehealth, and others spoke to the cost of a reliable internet connection or quality headphones, while others spoke of the difficulty of treating geriatric or very young clients given their challenges with the available technologies.

While significant work still remains to be done, the Board aspires to more fully uphold its mission of consumer protection while removing barriers that impede the delivery of psychological services across all parts of society.

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November 5, 2024

Important Updates from the Association of State and Provincial Psychology Boards on the Examination for Professional Practice in Psychology (EPPP)

Background: EPPP a New Path Forward

On October 22, 2024, the Association of State and Provincial Psychology Boards (ASPPB)— in its mission to support members in fulfilling their responsibility to protect the public, and, guided by its bylaws, which direct the organization to promote cohesion within the regulatory framework of organized psychology, ensuring we build a strong foundation for the long-term success of our shared objectives— passed a motion to pause the October 2022 decision, which outlined that by January 1, 2026, the EPPP would consist of two parts: EPPP (Part 1-Knowledge) and EPPP (Part 2-Skills). The current EPPP (Part 2-Skills) will remain accessible to all jurisdictions as a well-developed and standardized tool for comprehensively assessing applicant competence.

The Board of Directors also reaffirmed its commitment moving forward to reimagine the EPPP as a single, integrated examination of both knowledge and skills to best serve and protect the public.

Annual Meeting of Delegates

On October 30, 2024, prior to the ASPPB's 64th Annual Meeting of Delegates, the ASPPB Board of Directors provided an opportunity for dialogue with the membership to discuss the recent motion and bylaws amendment for the delegates' consideration as they faced a vote on a proposed amendment to Article IV of ASPPB bylaws presented by the Texas State Board of Examiners of Psychologists on July 29, 2024.ⁱ

The Board of Directors presented to those in attendance the four next steps to be undertaken by the Association. Its aim is a solution that promotes jurisdictional and stakeholder input and engagement, minimizes the burden on jurisdictions and candidates, and protect the public while promoting portability of licensure for psychologists and improved access to quality psychological care. The Board of Directors has committed to the following:

1. **Establish a Working Group:** ASPPB will issue a call for volunteers to serve on a Working Group that will include broad representation from jurisdictional members, examination program committees, ASPPB Board of Directors, staff, and liaison groups. The Association plans for this group to begin its work in mid-to-late January, focusing on key issues surrounding re-imagining the EPPP, such as workforce needs, costs associated with the exam, licensure portability, and access to quality mental health care.
2. **Establishment of an ASPPB Board Subcommittee:** This subcommittee will concentrate on supporting the timely development and progress of the reimagined EPPP initiative.
3. **Quarterly Town Halls:** The meetings will kick off in the first quarter of 2025. Members will be able to hear updates from the Working Group and provide input and feedback directly.
4. **Job Task Analysis (JTA):** This process is underway, and it is a crucial part of exam development that maps out essential competencies for entering independent psychology practice. The Working Group and ASPPB Board Subcommittee will reschedule the December JTA meeting to early 2025 so the JTA moves forward taking Working Group input into account.

The ASPPB Board of Directors will continue to provide updates on the aforementioned steps. We look forward to a robust response to the call for volunteers to be issued in December.

Member Delegation Vote

On October 31, 2024, the member delegation had an opportunity to further debate the proposed amendment to the ASPPB bylaws before voting. The amendment failed with a vote recorded as 29 opposed, 12 in favor, and one abstention.

As we progress together in this new path forward, the ASPPB Board of Directors reiterates its continued commitment to transparency, collaboration, and ensuring that our decisions reflect the collective wisdom of the psychology regulatory community. By embracing a collaborative approach and listening to our members' voices, we aim to build a stronger, more unified licensure process and uphold our core mission of public protection.

In respectful service,

The ASPPB Board of Directors

ⁱ In summary, the amendment called to add the following sections to Article IV of ASPPB bylaws:

1. No member jurisdiction shall be required, whether as a condition of membership or otherwise, to participate or utilize any services or programs offered by the Association. The Association shall not make access or availability of a service or program contingent on a member jurisdiction participating or utilizing another service or program.
2. The Association may offer multiple exams as part for its examination program. At a minimum, the Association shall offer a knowledge-based exam separate from any skills-based exam. Each exam offered by the Association must be administered on a single occasion. For the purpose of this subsection, multiple consecutive days of exam administration may constitute a single occasion. For each exam, the Association may recommend, but shall not require, qualifications to set for an exam, timing for administration of an exam and passing scores.

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL



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Darrel D. Spinks
Executive Director

November 4, 2024

Via U.S. Mail and Email (antitrust@ftc.gov)

Lina M. Khan, Chair
Office of Policy and Coordination
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: Withdrawal of Complaint Against ASPPB Due to Changes in Licensing Examination Requirements

Dear Chairwoman Khan:

I am writing on behalf of the Texas Behavioral Health Executive Council (the "Council") to formally withdraw our complaint filed on June 25, 2024, against the Association of State and Provincial Psychology Boards (ASPPB). This decision reflects ASPPB's recent shift in approach to the Examination for Professional Practice in Psychology (EPPP) requirements, which directly addresses some of the concerns that led to our complaint.

At ASPPB's Annual Meeting in October 2024, its leadership announced a pause on the 2022 decision to require the EPPP Part 2 (Skills) exam by January 1, 2026. Rather than mandating this additional exam, ASPPB's Board of Directors has chosen to explore a reimagined examination format that would assess both knowledge and skills in a single session. Additionally, ASPPB has indicated that it will seek input from member jurisdictions through a combination of townhall meetings, a newly formed board sub-committee, and a workgroup composed of member jurisdictions and other relevant stakeholders.

In recognition of these developments, the Council has determined that our initial concerns have been sufficiently addressed to warrant withdrawal of our complaint. While ASPPB's approach to licensing examinations is now evolving in a more collaborative manner, the Council will continue to monitor the examination process to ensure it meets the needs of Texas licensees and regulatory bodies alike.

For your reference, we have attached a copy of ASPPB's October 22, 2024 letter, which outlines these changes.

1801 Congress Ave., Suite 7.300, Austin, Texas 78701

(Phone) 512-305-7700, www.bhec.texas.gov

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November 4, 2024

Page 2 of 2

Thank you for your attention to this matter and for your commitment to promoting fair practices in professional licensure. Should you need any additional information, please do not hesitate to contact me directly at (512) 305-7702 or Darrel.Spinks@bhec.texas.gov.

Sincerely,

A handwritten signature in cursive script, reading "Darrel Spinks". The signature is written in black ink and is positioned above the printed name and title.

Darrel D. Spinks
Executive Director, Texas Behavioral Health Executive Council

cc: Budget & Policy Division, Office of the Governor
U.S. Department of Justice, Antitrust Division (antitrust.complaints@usdoj.gov)



ASPPB

Association of State and
Provincial Psychology Boards

Supporting member jurisdictions in fulfilling their responsibility of public protection

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Ramona N. Mellott, PhD

Stacy Waldron, PhD

October 22, 2024

A New Path Forward: Prioritizing Resolution Over Conflict

ASPPB is united by its mission: supporting our members in fulfilling their responsibility to protect the public. Additionally, ASPPB is guided by its bylaws, which direct the organization to promote cohesion within the regulatory framework of organized psychology, ensuring we build a strong foundation for the long-term success of our shared objectives.

Although the Board of Directors' position remains steadfast—public protection is best achieved by evolving our licensure examination to be comprehensive and competency-based, evaluating not only foundational knowledge but also practical skills—we find ourselves at a pivotal moment. Our collective goals are at risk of being overshadowed by a tug of war, where no clear winners emerge.

A Shift in Approach

In response to ongoing feedback from our membership and the broader professional, educational, and training communities, the Board has decided it is time to shift from conflict to resolution. As such, the Board has passed a motion to pause the October 2022 decision, which outlined that by January 1, 2026, the EPPP would consist of two parts: EPPP (Part 1 – Knowledge) and EPPP (Part 2 – Skills). The current EPPP (Part 2 – Skills) will continue to be available to all jurisdictions as an additional means of assessing applicant competence.

Instead, we will immediately undertake exploring the feasibility of creating a single-session exam that integrates both knowledge and skills assessment—a reimagined EPPP. We plan to begin this process by engaging with our membership at the upcoming meeting in Dallas, where we will actively seek feedback on the operational and regulatory impacts of this potential change. In addition to the Dallas meeting, ASPPB will offer a variety of opportunities (e.g., townhall meetings) for our members and liaisons to provide feedback on this approach.

As we move forward, we continue to be committed to transparency, collaboration, and ensuring that our decisions reflect the collective wisdom of the psychology regulatory community. By embracing a collaborative approach and listening to the voices of our members, we aim to build a stronger, more unified licensure process and uphold our core mission of public protection. Together, we can navigate this important moment in time and shape a future that supports both the growth of our profession and the protection of those we serve.

Respectfully,

The ASPPB Board of Directors



California Psychological Association Opposes Mandating EPPP-Part 2

October 2024

Background

The Examination for Professional Practice in Psychology (EPPP-1) is currently required in all US states for licensure as a psychologist. The [EPPP-1 \(knowledge\)](#) “provides licensure boards with information on...general knowledge of psychology.” The [EPPP-2 \(skills\)](#) “includes questions about applied, real-world situations that psychologists face in practice.” EPPP-2 is currently optional; adopted by two states (Nevada and Georgia) and Washington, DC. EPPP-2 is expected to become mandatory starting January 1, 2026. The Association of State and Provincial Psychology Boards (ASPPB), which develops and administers the EPPP, has redefined the EPPP as consisting of two parts starting in 2026. However, many individuals and organizations in the psychology community have serious concerns about the mandatory implementation of EPPP-2.

California Psychological Association Position

The California Psychological Association (CPA) opposes the mandatory adoption of EPPP-2 starting January 1, 2026. We support the continuation of EPPP-1 as a standalone test and EPPP-2 remaining optional. Mandating the EPPP-2 is an unnecessary barrier to licensure, the costs and burdens of the additional exam are significant, and there are unresolved concerns on test validity and disproportionate impacts on underrepresented communities in psychology.

Rationale

The EPPP-2 is designed to measure skills-based competency in a more objective way than oral exams or the completion of supervised hours of training. However, the potential advantages of mandating the EPPP-2 are outweighed by the many significant concerns that have been raised by stakeholders including state boards of psychology, state psychological associations, academic researchers, and psychologists in the training community. For an overview of many of the concerns about the EPPP-2, please see the 2023 APA *Monitor* article [New Psychology Licensing Exam Expands](#).

Concerns about of EPPP-2

The EPPP is an unnecessary barrier to licensure. There is no demonstrated need for the EPPP-2 nor any evidence that it will actually increase consumer safety. The EPPP-2 has been available as an optional test since 2018, but we have not seen any evidence that consumers in jurisdictions that have adopted the test are any safer than consumers in other jurisdictions. In California, a very small percentage of licensees are currently subject to disciplinary action (see Item 9, Board of Psychology

August 2024 [meeting materials](#)) and there is no evidence that increased “gatekeeping” to our profession is needed.

The costs and burdens of the EPPP-2 exam are significant, especially considering the high level of debt most applicants already incur to complete the extensive education and training required to become a psychologist. The exam is expected to initially cost \$450. In addition to the cost of the exam itself, applicants must spend time preparing for the exam, may need to purchase study courses/materials, and will experience delays in pursuing employment opportunities as psychologists. These delays are a significant financial hardship, especially for applicants who do not pass the first time. The additional hurdle posed by the EPPP-2 slows workforce development at a time when there is a mental health crisis and workforce shortage.

Questions remain about validity and disproportionate impact of implementing the EPPP-2.

Serious questions about the validity of the EPPP-2 have been raised, including in academic publications ([Callahan et al. \(2020\). The enhanced examination for professional practice in psychology: A viable approach?](#); [Saldana et al. \(2023\), The Examination for the Professional Practice of Psychology: An examination of construct validity](#)). Concerns about disproportionate impact on underrepresented communities have also emerged ([Sharpless \(2018\). Are demographic Variables Associated with Performance on the EPPP?](#); [Saldana et al. \(2023\), The Examination for the Professional Practice of Psychology: An examination of construct validity](#)).

As summarized in the Tennessee Psychological Association’s position statement on the EPPP Part 2: “[T]here are a number of issues concerning the validity of the EPPP exam in addition to the construct and content validity addressed by ASPPB. These include predictive validity, incremental validity retrospective/postdictive validity, concurrent validity, discriminant validity, and incremental validity.... EPPP scores of graduate students in the same program differed with ethnicity...but did not correlate with evaluations of practicum or internship competency by supervisors.”

The California Board of Psychology (BOP) has raised similar concerns. For a detailed history of the BOP’s consideration of the EPPP-2, please see the item 21(a) in its February 29 - March 1, 2024 [meeting materials](#). As summarized in those materials, the BOP Ad Hoc EPPP-2 Task Force “did not believe the EPPP Part 2 was in the best interests of California consumers for the following reasons:

- Lack of a proven necessity for the examination;
- Concerns related to the exam’s ability to assess skills resulting in negligible consumer protections;
- Costs and burden on prospective licensees, and especially on historically underrepresented and socioeconomically disadvantaged students;
- New barriers to licensure and potentially detrimental impact on access to psychological services to California consumers...”

Also noted in the February 29 - March 1, 2024 BOP meeting materials, the CA Department of Consumer Affairs Office for Professional Examination Services audit of the EPPP concluded that “the skills measured by the EPPP Part 2 may be adequately assessed during supervised clinical experience, and that the EPPP Part 2 could possibly be an unnecessary barrier to licensure.”

There has been insufficient dialogue with stakeholders. There is an apparent lack of consensus among member jurisdictions regarding the need for the EPPP-2. According to ASPPB's July 1, 2024 letter to its members, the EPPP-2 has been available since 2018. Within the US, only two states (Nevada and Georgia) and Washington, DC have adopted the EPPP-2. One state (Arizona) adopted it and then later reversed its decision. Furthermore, several state psychological associations and state boards of psychology have expressed concerns and/or officially opposed the mandatory implementation of EPPP-2.

If there were a true consensus about the need for the EPPP-2, why have so few jurisdictions adopted it? Why has there not been a recent, thorough discussion and vote by the member jurisdictions regarding the mandatory implementation of EPPP-2? The 15-year-long history of the development of a skills exam does not in and of itself justify its mandatory adoption. In fact, times have changed and there is a greater need than ever for psychological services and for developing a more diverse workforce.

ASPPB has not offered a real opportunity for dialogue with affected stakeholders, including boards of psychology, state psychological associations, and psychologists in the academic and training communities. State boards of psychology constitute the ASPPB membership but the CA BOP, and many others, do not attend ASPPB meetings due to financial constraints. ASPPB meeting agendas are not published, and its meetings are closed. We believe that an organization that has such great influence on our profession should proceed with greater transparency and stakeholder engagement.

Conclusion:

In summary, CPA opposes the mandatory adoption of EPPP-2 starting January 1, 2026. We support the continuation of EPPP-1 as a standalone test with the EPPP-2 remaining as an optional second test. In addition, we request that ASPPB adopt a more open and transparent decision-making process, particularly regarding major issues impacting the regulation of our profession.

From: [REDACTED]
To: bopmail@DCA
Subject: EPPP 2
Date: Friday, October 18, 2024 2:28:30 PM

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Good afternoon,

I wanted to register my opposition to requiring EPPP 2 for licensure in California. I agree with the reasons for opposition put forth by the California Psychological Assn:

There is no demonstrated need for the EPPP-2.

The costs and burdens of the EPPP-2 exam are significant. In addition to the cost of the exam itself, applicants must spend time preparing for the exam, may need to purchase study materials, and will experience delays in pursuing employment opportunities. Access to care is delayed by slowing workforce development at a time when there is a mental health crisis and a shortage of licensed providers. Questions have been raised about the validity of EPPP-2 and potential disproportionate negative impact on underrepresented communities.

Sincerely,

Matthew G. Holden
PSY 11197

[REDACTED]

From: [REDACTED]
To: bopmail@DCA
Subject: EPPP-2
Date: Thursday, October 17, 2024 3:43:20 PM

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Please take an opposing position to the EPPP-2 at the upcoming 11/7-11/8 BOP meeting. As a graduate student who has been navigating the vast array of licensure requirements for over 8 years now, I don't see a tangible value to having yet another gateway requirement added to (the end of) the process. If anything, It strikes me as redundant, unnecessary, and costly.

If gatekeeping is the concern that the EPPP-2 is genuinely geared towards addressing, might I suggest greater gatekeeping earlier in the process (e.g., tied to the graduate program admissions process or some kind of competency exam after the first two years of coursework)? That would make more sense than this.

Best,
Scott

Registered Psychological Associate
Registration #: PSB 94025552
Practicing under the license of and supervised by Dr. Daniel P. Schwartz, PhD (License #: PSY 31352)

Doctoral Candidate
Clinical Psychology Program (PsyD)
Antioch University, Santa Barbara

From: bopmail@DCA
To: [Whitney, Cynthia@DCA](mailto:Whitney,Cynthia@DCA)
Subject: FW: Please take a formal stance opposing the mandatory adoption of the EPPP-2
Date: Friday, October 18, 2024 12:37:00 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

EPPP2 comment.

Thank you,



Cecilia Voon
Administrative Technician
(916) 574-7720 Option 0
(916) 574-8672 Fax

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From: [REDACTED]
Sent: Friday, October 18, 2024 12:22 PM
To: bopmail@DCA <bopmail@dca.ca.gov>
Subject: Please take a formal stance opposing the mandatory adoption of the EPPP-2

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Dear Board of Psychology President and Members:

I have significant concerns about the EPPP-2 and believe adopting it as a mandated component of licensing future psychologists would do the public and profession a disservice.

I am especially troubled about the validity of this measure. I note the ASBPP's representation that the measure has been "rigorously" databased

(https://cdn.ymaws.com/www.asppb.net/resource/resmgr/eppp_2/validity_of_the_enhanced_epp.pdf). It is true that the Association has taken some of the traditional initial steps in content validation; yet nowhere in the research published on this measure is there any actual testing of its effectiveness in differentiating competent vs. incompetent applicants--the core purpose for considering additional testing. In addition, it is clearly redundant: while it is supposedly a "competency" examination, ASBPP has acknowledged that it is (in my view, merely) a second test of knowledge. Thus, we are expected to simply take on faith the assertion that it will significantly improve in screening out those applicants who do have the necessary "competency"—based on a second and unproven knowledge exam. In my view, doing so adds significant burdens (financially and another wise) on those seeking to enter the profession without any evidence that it would enhance the protection of the public. Moreover, these kinds of tests often prove discriminatory with respect to applicants from traditionally marginalized communities, and the proposal to make it mandatory comes at a time when it is crucial to support the entry of members of such communities into our profession, not construct a barrier that has no demonstrated bearing on whether the applicant has the necessary skills to serve the public safely and effectively.

I respectfully urge you to formally oppose the mandatory adoption of the EPPP-2.

Sincerely,

Daniel O. Taube, J.D., Ph.D.
Professor Emeritus, CSPP-San Francisco



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From: bopmail@DCA
To: [Whitney, Cynthia@DCA](mailto:Whitney_Cynthia@DCA)
Subject: FW: Student Comment Regarding EPPP-2
Date: Friday, October 18, 2024 12:39:27 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

EPPP2 comment.

Thank you,



Cecilia Voon
Administrative Technician

(916) 574-7720 Option 0
(916) 574-8672 Fax

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From: [REDACTED] >
Sent: Thursday, October 17, 2024 4:01 PM
To: bopmail@DCA <bopmail@dca.ca.gov>
Subject: Student Comment Regarding EPPP-2

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Dear Board of Psychology,

I hope this message finds you well. My name is Amanda, and I am currently a clinical psychology student pursuing my path to licensure. I am writing to express my concerns regarding the mandatory implementation of the EPPP-2, which is set to take effect in 2026.

As a future psychologist, I understand the importance of ensuring that professionals in our field possess the necessary competencies to provide safe and effective care. However, after reviewing the

proposed changes, I believe that the mandatory adoption of the EPPP-2 will create significant barriers to licensure for students, especially those from underrepresented and culturally diverse backgrounds. Many of us are already grappling with the financial and time-related challenges of our education and training, and the additional costs and burdens of the EPPP-2 are overwhelming.

Moreover, as someone deeply committed to culturally competent care, I am particularly troubled by research suggesting that the EPPP-2 may disproportionately impact candidates from marginalized communities. The lack of attention to these disparities in the development of the exam raises concerns about equity. If we are truly committed to diversifying the psychology workforce and increasing access to culturally competent care, we must be cautious of imposing barriers that disproportionately affect those who are already underrepresented in the field.

I respectfully urge the Board to consider opposing the mandatory implementation of the EPPP-2 and to advocate for keeping it as an optional exam. I appreciate your time and attention to this important matter and hope that the voices of students and future psychologists will be taken into account during your deliberations.

Thank you for your consideration.

Kind regards,

Amanda Ho (she/her)
Clinical Psychology PsyD Student
California School of Professional Psychology
Alliant International University - Sacramento

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From: [REDACTED]
To: bopmail@DCA
Subject: No to EPPP 2
Date: Monday, October 21, 2024 10:59:44 PM

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To Whom It May Concern:

I am emailing to share my strong vote against the EPPP 2 for CA. While I am unable to attend the board meeting, some of my colleagues will be there to share their feelings as well. There are a number of concerns but the main ones are:

- 1)Lack of proven necessity for the exam.
- 2)Concerns related to exam's ability to assess skills resulting in negligible consumer protections.
- 3)Costs and burden on prospective licensees, and especially on historically underrepresented and socioeconomically disadvantaged students.

Respectfully,

Julia Rosengren, Psy.D.
Psychologist PSY29240

[REDACTED]

[REDACTED]

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From: [REDACTED]
To: bopmail@DCA
Subject: No to EPPP-2
Date: Saturday, October 19, 2024 3:05:08 PM

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On behalf of all California psychologists and those who hope to be, I urge you to oppose the mandate requirement of the EPPP-2. Just like the oral exam I was forced to take in the last century this instrument has not been proven to be helpful in determining a candidates qualification for licensure. It involves more expense, time, and unnecessary emotional burden on candidates, and interferes with the desired end of creating more providers.

Good, safe, effective therapists are a result of formal education classes and hands-on experience under the eyes of skilled and qualified supervisors. Such training is already difficult to acquire as there are too few supervisors. I think your efforts would be put to better and more effective use by ensuring that supervisors are compensated for their time during the training period. Advocating for insurance coverage for psychological associate's work under licensed and paneled supervisors makes more sense to me.

Katherine M Kilgore, PhD
Lic. # PSY 14094



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From: [Whitney, Cynthia@DCA](mailto:Whitney.Cynthia@DCA)
To: [Whitney, Cynthia@DCA](mailto:Whitney.Cynthia@DCA)
Subject: FW: Oppose EPPP-2
Date: Wednesday, November 6, 2024 12:53:14 PM

From: [REDACTED]
Sent: Monday, October 21, 2024 10:07 AM
To: bopmail@DCA <bopmail@dca.ca.gov>
Subject: Oppose EPPP-2

Good morning BOP,

As a psychological associate trying for a few years to pass the EPPP-1 for licensure in CA, I oppose any additional barriers and costs to licensure like the EPPP-2. It is a barrier for me trying to get licensed and it is a barrier to care for my patients as I try and navigate costs and providing good care while studying for the first exam.

I ask you to oppose the EPPP-2.

Best,

Jennifer Martin-Schantz, Psy.D., M.S., M.A.
Registered Psychological Associate PSB94025010
Supervised by Laura Steele, Psy.D., Lie. PSY22031

[REDACTED]

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From: [REDACTED]
To: bopmail@DCA
Subject: Opposé the adoption of EPPP-2
Date: Thursday, October 17, 2024 4:04:47 PM

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Dear members of the California Board of Psychology,

I was made aware that the Board is considering whether to adopt the use of the EPPP-2 as part of the licensure requirements for the practice of psychology in California.

I am expressing my opposition to the use of this extra exam un the licensing process. My opposition is based on the several concerns that have already been expressed regarding the validity of the exam and the barriers it places on underrepresented populations.

A distinguished colleague of mine who graduated at the same time I did took the original EPPP three times and did not pass. She was a woman of color with sought after skills, but she did not manage to memorize the tremendous amount of information needed to pass the exam and to become a psychologist, and this after years of education and accumulation of student debt.

I sincerely doubt that the EPPP-2 will be the right measure to assess the skills and talent needed to become a psychologist.

Thanks for your attention to this matter.

Sincerely,
Guy Albert

Guy Albert, Ph.D.
(Pronounced Ghee Al-Bear; Pronouns: he, him, his)
Jungian Analyst & Licenses Psychologist PSY20961

[REDACTED]

From: [REDACTED]
To: bopmail@DCA
Subject: Opposition to EPPP-Part 2
Date: Monday, October 21, 2024 5:48:00 PM

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To whom it may concern:

I am writing to express my opposition to adding the EPPP-Part 2 to the licensing process for psychologists in California. It is a redundant, unnecessary barrier to licensure, with poorly established validity.

Thank you.

Barbara Peterson, Ph.D.
Clinical Psychologist
Pronouns: she/her (Why I do this)
Secretary, Collaborative Assessment Association of the Bay Area (CAABA)
Adjunct Faculty, The Wright Institute, Retired
PSY 9319



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From: [REDACTED]
To: bopmail@DCA
Subject: please oppose the adoption of the EPPP 2 for CA
Date: Sunday, October 20, 2024 2:20:22 PM

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Hello,
as a licensed senior psychologist and faculty member teaching psychology, I oppose CA BOP mandating the EPPP-2 and I urge the Board of Psychology to also oppose this exam in not reliable and demonstrates validity issues impacting traditionally underrepresented and marginalized community members.
there is no significant difference from the days when we had to pass "oral exams" to be licensed and these were found to have the same issues and were eliminated.
the EPPP-2 is not needed and adds no true value to the licensing process and does not show that it has high predictive validity, thus it should not be mandated.

--

Jacqui Lewis
UCI Cognitive Sciences
Licensed CA Psychologist PSY14269
[REDACTED]

From: [REDACTED]
To: bopmail@DCA; [REDACTED]
Subject: Stop the adoption of the EPPP Part 2
Date: Tuesday, September 24, 2024 10:04:47 PM

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Dear Board of Psychology,

I am writing to ask you to work with Texas and other states to resist the forced implementation of the EPPP Part 2 in our state.

Texas will address ASPPB in their mid-year meeting to advocate for a more open discussion about the adoption of EPPP2 and to request a reconsideration of their decision-making process by allowing a vote of the membership. They are formally requesting ASPPB to extend the deadline for EPPP-2 adoption to January 2028, providing a more realistic timeframe to adjust and comply without jeopardizing our licensing processes. Texas is also initiating preliminary discussions and actions to develop a Texas-specific entrance test as an alternative to the EPPP.

Please support Texas in this effort because this new, expensive, and time-consuming barrier to licensure is not what our state needs and will serve to harm rather than protect the public.

Sent from my iPhone

From: [REDACTED]
To: bopmail@DCA; [REDACTED]
Subject: Stop the adoption of the EPPP Part 2
Date: Tuesday, September 24, 2024 7:43:55 AM

This Message Is From an Untrusted Sender

Warning: This email originated from outside of the organization! Do not click links, open attachments, or reply, unless you recognize the sender's email.

[Report Suspicious](#)

Dear Board of Psychology,

I am writing to ask you to work with Texas and other states to resist the forced implementation of the EPPP Part 2 in our state.

Texas will address ASPPB in their mid-year meeting to advocate for a more open discussion about the adoption of EPPP2 and to request a reconsideration of their decision-making process by allowing a vote of the membership. They are formally requesting ASPPB to extend the deadline for EPPP-2 adoption to January 2028, providing a more realistic timeframe to adjust and comply without jeopardizing our licensing processes. Texas is also initiating preliminary discussions and actions to develop a Texas-specific entrance test as an alternative to the EPPP.

Please support Texas in this effort because this new, expensive, and time-consuming barrier to licensure is not what our state needs and will serve to harm rather than protect the public.

Best,
Naomi Rose Howell

Sent from my iPhone

MEMORANDUM

DATE	November 1, 2024
TO	Psychology Board Members
FROM	Jonathan Burke Interim Executive Officer
SUBJECT	Agenda Item #24 – Discussion and Possible Action on the Board's 2025 Sunset Review Report

Background:

In July 2024, the Board received the Sunset Review Report (Report). The Sunset Review Oversight process allows the Legislature to review the laws and regulations pertaining to each board and evaluate the board's programs and policies; determine whether the board operates and enforces its regulatory responsibilities and is carrying out its statutory duties; and examine fiscal management practices and financial relationships with other agencies. Through Sunset Review Oversight, boards are also evaluated on key performance measures and targets related to the timeliness of action, enforcement, and other necessary efforts to serve the needs of and adequately protect California consumers while promoting regulatory efficiency and effectiveness.

Board staff reviewed and discussed the draft Report with the Sunset Review Committee (Dr. Stephen C. Phillips and Ms. Julie Nystrom) on October 16, 2024. The attached draft Report is provided for the Board's review and consideration.

Please be mindful that this draft will continue to be worked on by staff and the Committee and will be sent to the Board two weeks prior to the Board Meeting on December 20, 2024.

No action is requested of the Board at this time.

Attachment A: Draft Sunset Review Oversight Report

[PROGRAM NAME]

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of [DATE]

Section 1 – Background and Description of the Board and Regulated Profession

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

[Jon]

The California Board of Psychology (Board) regulates psychologists, registered psychological associates, and psychological testing technicians. In 2025, the Board will also add research psychoanalysts, and student research psychoanalysts to its regulated population pursuant to SB 815. Psychological associates perform psychological functions under the primary supervision of a qualified licensed psychologist. Psychological testing technicians perform their services under the supervision of a licensed psychologist. Research psychoanalysts and student research psychoanalysts engage in psychoanalysis as an adjunct to teaching, training, or research and will receive primary supervision from a qualified professional.

With the Certification Act of 1958, the psychology profession became regulated in California. While the Certification Act protected the title "psychologist," it did not take into consideration the interests of the consumers of psychological services. Later, the regulation of the profession evolved when the California Legislature recognized the potential for consumer harm by those practicing psychology and shifted the focus of the regulation of the profession to protection of the public.

This redirection resulted in legislation in 1967 that protected the "psychologist" title, defined the practice, and required licensure in order to practice legally. During these early licensing days, the Board was an "examining committee" under the jurisdiction of what was then the Division of Allied Health Professions of The Board of Medical Quality Assurance (BMQA). During the 1970s, the Psychology Examining Committee gradually became more independent and began taking responsibility for its own operations, including the authority to adopt regulations and administrative disciplinary actions without the endorsement of BMQA. The Psychology Examining Committee officially became the Board of Psychology in 1990 (Assembly Bill 858, Margolin, 1989). Over the past several decades, there have been amendments to the licensing law that have enhanced the Board's ability to protect the public through appropriate discipline of those licensees who violate the licensing law.

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

The Board of Psychology protects consumers of psychological services by licensing psychologists and associated professionals, regulating the practice of psychology, and supporting the ethical evolution of the profession. The Board's Values are collaboration, commitment, customer service, diversity, equity, inclusion, belonging, ethics, and transparency. The Vision of the Board is a healthy California where our diverse communities enjoy the benefits of the highest standard of psychological services.

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B). [JB and CSU]

Standing Committees

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

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

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

Ad Hoc Committees (Active)

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

Research Psychoanalyst Ad hoc Committee – The goal of this committee is to review issues related to the registration, regulations, and enforcement of Research Psychoanalysts by the Board of Psychology.

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

Ad Hoc Committees (Inactive)

The following committees are no longer active but may be reactivated should the need arise.

Applied Behavioral Analysis (ABA) Task Force – This committee is comprised of two Board Members and relevant stakeholders.

EPPP Part 2 Ad Hoc Committee (formerly EPPP2 Task Force) – The goal of this committee is to review issues related to the Board's national examination.

Telepsychology Committee – The goal of this committee is to develop regulatory language for the practice of psychology that is conducted remotely within the State of California and interstate practice that is conducted remotely.

Budget Ad Hoc Committee -

The goal of this committee is to address budgetary concerns and the Board's structural imbalance.

Below is a list of Board Member attendance at all noticed Board and Committee meetings since the last Sunset Review and dates that Board Members were appointed to the Board:

Table 1a. Attendance [CV and CW]			
Sheryll Casuga			
Date Appointed: 08/18/2017			
Meeting Type	Meeting Date	Meeting Location	Attended?
Legislative and Regulatory Affairs Committee Meeting	07/08/2019	Sacramento	Yes
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	Yes
Board Meeting	10/03/2019 – 10/04/2019	San Diego	Yes
Board Meeting	11/08/2019	Teleconference	No
Board Meeting	02/27/2020 – 02/28/2020	Sacramento	Yes
Board Meeting	04/17/2020	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	06/12/2020	WebEx	Yes
Board Meeting	07/09/2020 – 07/10/2020	WebEx	Yes
Board Meeting	11/19/2020 – 11/20/2020	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes
Legislative and Regulatory Affairs Committee	03/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	06/11/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	No
EPPP Part 2 Ad hoc Committee	10/22/2021	WebEx	Yes

Table 1a. Attendance [CV and CW]			
Sheryll Casuga			
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	03/25/2022	WebEx	Yes
Board Meeting	04/29/2022	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	6/10/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	Yes
EPPP Ad hoc Committee Meeting	04/28/2023	WebEx	Yes
Board Meeting	05/19/2023	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	06/16/2023	WebEx	Yes
Board Meeting	08/18/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2023	Los Angeles	Yes
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	Yes
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Legislative and Regulatory Affairs Committee Meeting	04/12/2024	WebEx	Yes
Board Meeting	05/10/2024	Los Angeles	Yes
Legislative and Regulatory Affairs Committee Meeting	6/14/2024	WebEx	Yes
Board Meeting	08/09/2024	WebEx	Yes
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	Yes
Board Meeting	09/13/2024	WebEx	Yes
Outreach and Communications Committee Meeting	09/27/2024	WebEx	Yes

Table 1a. Attendance			
Marisela Cervantes			
Date Appointed: 04/29/2019			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	Yes
Enforcement Committee Meeting	09/20/2019	Sacramento	Yes
Board Meeting	10/03/2019 – 10/04/2019	San Diego	Yes
Board Meeting	11/08/2019	Teleconference	Yes
Board Meeting	02/27/2020 – 02/28/2020	Sacramento	Yes
Board Meeting	04/17/2020	WebEx	Yes

Table 1a. Attendance			
Marisela Cervantes			
Enforcement Committee Meeting	05/29/2020	WebEx	Yes
Board Meeting	07/09/2020 – 07/10/2020	WebEx	Yes
Enforcement Committee Meeting	09/18/2020	WebEx	Yes
Board Meeting	11/19/2020 – 11/20/2020	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes
Legislative and Regulatory Affairs Committee	03/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	06/11/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	Yes
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	03/25/2022	WebEx	Yes
Board Meeting	04/29/2022	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	6/10/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	No
Board Meeting	05/19/2023	WebEx	No
Legislative and Regulatory Affairs Committee Meeting	06/16/2023	WebEx	Yes
Board Meeting	08/18/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2022	Los Angeles	No
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	Yes
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Legislative and Regulatory Affairs Committee Meeting	04/12/2024	WebEx	Yes
Board Meeting	05/10/2024	Los Angeles	Yes
Legislative and Regulatory Affairs Committee Meeting	6/14/2024	WebEx	Yes
Board Meeting	08/09/2024	WebEx	No
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	No 08/15/24; Yes, 08/16/24
Board Meeting	09/13/2024	WebEx	No

Table 1a. Attendance			
Seyron Foo			
Date Appointed: 05/17/2017			
Meeting Type	Meeting Date	Meeting Location	Attended?
Licensure Committee Meeting	06/13/2019	Sacramento	Yes
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	Yes
Board Meeting	10/03/2019 – 10/04/2019	San Diego	No
Board Meeting	11/08/2019	Teleconference	Yes
Licensure Committee Meeting	02/27/2020	Sacramento	Yes
Board Meeting	02/27/2020 – 02/28/2020	Sacramento	Yes
Board Meeting	04/17/2020	WebEx	Yes
Licensure Committee Meeting	05/15/2020	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	06/12/2020	WebEx	Yes
Board Meeting	07/09/2020 – 07/10/2020	WebEx	No
Board Meeting	11/19/2020 – 11/20/2020	WebEx	Yes
Enforcement Committee Meeting	01/22/2021	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Enforcement Committee Meeting	04/30/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	Yes
EPPP Part2 Ad hoc Committee	10/21/2021	WebEx	Yes
Enforcement Committee Meeting	11/12/2021	WebEx	Yes
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Board Meeting	04/29/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Enforcement Committee Meeting	10/14/2022	WebEx	Yes
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Enforcement Committee Meeting	12/16/2022	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	Yes
EPPP Ad hoc Committee	04/28/2023	WebEx	Yes
Board Meeting	05/19/2023	WebEx	Yes
Board Meeting	08/18/2023	WebEx	Yes
Enforcement Committee Meeting	09/29/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2023	Los Angeles	Yes
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	Yes
Research Psychoanalyst Ad hoc Committee Meeting	01/19/2024	WebEx	Yes

Table 1a. Attendance			
Seyron Foo			
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Research Psychoanalyst Ad hoc Committee Meeting	04/19/2024	WebEx	Yes
Board Meeting	05/10/2024	Los Angeles	Yes
Enforcement Committee Meeting	07/18/2024	WebEx	Yes
Board Meeting	08/09/2024	WebEx	Yes
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	Yes
Research Psychoanalyst Ad hoc Committee Meeting	08/23/2024	WebEx	Yes
Board Meeting	09/13/2024	WebEx	Yes
Research Psychoanalyst Ad hoc Committee Meeting	09/20/2024	Sacramento	Yes

Table 1a. Attendance			
Mary Harb Sheets			
Date Appointed: 12/07/2018			
Meeting Type	Meeting Date	Meeting Location	Attended?
Licensure Committee Meeting	06/13/2019	Sacramento	Yes
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	Yes
Licensure Committee Meeting	09/12/2019 – 09/13/2019	Sacramento	No
Board Meeting	10/03/2019 – 10/04/2019	San Diego	Yes
Board Meeting	11/08/2019	Teleconference	No
Licensure Committee Meeting	02/27/2020	Sacramento	Yes
Board Meeting	02/27/2020 – 02/28/2020	Sacramento	Yes
Board Meeting	04/17/2020	WebEx	Yes
Licensure Committee Meeting	05/15/2020	WebEx	Yes
Board Meeting	07/09/2020 – 07/10/2020	WebEx	Yes
Board Meeting	11/19/2020 – 11/20/2020	WebEx	Yes
Licensure Committee Meeting	01/07/2021	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Licensure Committee Meeting	07/16/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	Yes
EPPP Part 2 Ad hoc Committee	10/22/2021	WebEx	Yes
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Licensure Committee Meeting	01/07/2022	WebEx	Yes
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Board Meeting	04/29/2022	WebEx	Yes

Table 1a. Attendance			
Mary Harb Sheets			
Licensure Committee Meeting	07/22/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Licensure Committee Meeting	01/16/2023	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	Yes
EPPP Ad hoc Committee	04/28/2023	WebEx	Yes
Board Meeting	05/19/2023	WebEx	Yes
Licensure Committee Meeting	07/21/2023	WebEx	Yes
Board Meeting	08/18/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2023	Los Angeles	Yes
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	Yes, 12/07/2023; No 12/08/2023
Licensure Committee Meeting	02/02/2024	WebEx	Yes
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Board Meeting	05/10/2024	Los Angeles	Yes
Licensure Committee Meeting	07/19/2024	WebEx	Yes
Board Meeting	08/09/2024	WebEx	Yes
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	Yes
Board Meeting	09/13/2024	WebEx	No

Table 1a. Attendance			
Julie Nystrom			
Date Appointed: 09/21/2020			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/19/2020	WebEx	Yes
Licensure Committee Meeting	01/07/2021	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Telepsychology Committee Meeting	05/07/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Licensure Committee Meeting	07/16/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	Yes
Telepsychology Committee Meeting	11/18/2021	WebEx	Yes
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Licensure Committee Meeting	01/07/2022	WebEx	Yes
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Budget Ad hoc Committee	02/25/2022	WebEx	Yes

Table 1a. Attendance			
Julie Nystrom			
Board Meeting	04/29/2022	WebEx	Yes
Licensure Committee Meeting	07/22/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Licensure Committee Meeting	01/16/2023	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	No
Board Meeting	05/19/2023	WebEx	Yes
Licensure Committee Meeting	07/21/2023	WebEx	Yes
Board Meeting	08/18/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2023	Los Angeles	No
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	Yes
Licensure Committee Meeting	02/02/2024	WebEx	Yes
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Board Meeting	05/10/2024	Los Angeles	Yes
Licensure Committee Meeting	07/19/2024	WebEx	Yes
Board Meeting	08/09/2024	WebEx	Yes
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	Yes
Board Meeting	09/13/2024	WebEx	Yes

Table 1a. Attendance			
Stephen Phillips			
Date Appointed: 09/25/2013			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	Yes
Enforcement Committee Meeting	09/20/2019	Sacramento	Yes
Board Meeting	10/03/2019 – 10/04/2019	San Diego	Yes
Board Meeting	11/08/2019	Teleconference	Yes
Board Meeting	02/27/2020 – 02/28/2020	Sacramento	Yes
Board Meeting	04/17/2020	WebEx	Yes
Enforcement Committee Meeting	05/29/2020	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	06/12/2020	WebEx	Yes
Board Meeting	07/09/2020 – 07/10/2020	WebEx	Yes
Enforcement Committee Meeting	09/18/2020	WebEx	Yes
Board Meeting	11/19/2020 – 11/20/2020	WebEx	Yes
Enforcement Committee Meeting	01/22/2021	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes

Table 1a. Attendance			
Stephen Phillips			
Legislative and Regulatory Affairs Committee	03/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Enforcement Committee Meeting	04/30/2021	WebEx	Yes
Telepsychology Committee Meeting	05/07/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	06/11/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	Yes
Enforcement Committee Meeting	11/12/2021	WebEx	Yes
Telepsychology Committee Meeting	11/18/2021	WebEx	Yes
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	03/25/2022	WebEx	Yes
Board Meeting	04/29/2022	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	06/10/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Enforcement Committee Meeting	10/14/2022	WebEx	Yes
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Enforcement Committee Meeting	12/16/2022	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	Yes
Legislative and Regulatory Affairs Committee Meeting	04/19/2023	WebEx	Yes
Board Meeting	05/19/2023	WebEx	No
Board Meeting	08/18/2023	WebEx	Yes
Enforcement Committee Meeting	09/29/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2023	Los Angeles	Yes
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	No
Research Psychoanalyst Ad hoc Committee Meeting	01/19/2024	WebEx	Yes
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Legislative and Regulatory Affairs Committee Meeting	04/12/2024	WebEx	Yes
Research Psychoanalyst Ad hoc Committee Meeting	04/19/2024	WebEx	Yes
Board Meeting	05/10/2024	Los Angeles	Yes
Legislative and Regulatory Affairs Committee Meeting	06/14/2024	WebEx	Yes
Enforcement Committee Meeting	07/18/2024	WebEx	Yes

Table 1a. Attendance			
Stephen Phillips			
Board Meeting	08/09/2024	WebEx	No
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	No
Research Psychoanalyst Ad hoc Committee Meeting	08/23/2024	WebEx	Yes
Board Meeting	09/13/2024	WebEx	Yes
Research Psychoanalyst Ad hoc Committee Meeting	09/20/2024	Sacramento	Yes

Table 1a. Attendance			
Ana Rescate			
Date Appointed: 10/20/2020			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/19/2020 – 11/20/2020	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	Yes
Outreach and Communications Committee Meeting	09/23/2021	WebEx	Yes
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Board Meeting	04/29/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Outreach and Communications Committee Meeting	09/23/2022	WebEx	Yes
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	Yes
Board Meeting	05/19/2023	WebEx	No
Board Meeting	08/18/2023	WebEx	Yes
Outreach and Communications Committee Meeting	09/22/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2023	Los Angeles	Yes
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	Yes
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Board Meeting	05/10/2024	Los Angeles	Yes
Board Meeting	08/09/2024	WebEx	No
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	No
Board Meeting	09/13/2024	WebEx	Yes

Table 1a. Attendance			
Ana Rescate			
Outreach and Communications Committee Meeting	09/27/2024	WebEx	No

Table 1a. Attendance			
Shacunda Rodgers			
Date Appointed: 11/27/2019			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	Yes
Board Meeting	10/03/2019 – 10/04/2019	San Diego	Yes
Board Meeting	11/08/2019	Teleconference	No
Board Meeting	02/27/2020 – 02/28/2020	Sacramento	Yes
Board Meeting	04/17/2020	WebEx	Yes
Board Meeting	07/09/2020 – 07/10/2020	WebEx	No
Outreach and Communications Committee Meeting	09/25/2020	WebEx	Yes
Board Meeting	11/19/2020 – 11/20/2020	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	Yes
Outreach and Communications Committee Meeting	09/23/2021	WebEx	Yes
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Budget Ad hoc Committee Meeting	02/25/2020	WebEx	Yes
Board Meeting	04/29/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Outreach and Communications Committee Meeting	09/23/2022	WebEx	Yes
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	Yes
Board Meeting	05/19/2023	WebEx	Yes
Board Meeting	08/18/2023	WebEx	Yes
Outreach and Communications Committee Meeting	09/22/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2023	Los Angeles	Yes
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	Yes
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Board Meeting	05/10/2024	Los Angeles	Yes

Table 1a. Attendance			
Shacunda Rodgers			
Board Meeting	08/09/2024	WebEx	Yes
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	Yes
Board Meeting	09/13/2024	WebEx	Yes
Outreach and Communications Committee Meeting	09/27/2024	WebEx	Yes

Table 1a. Attendance			
Lea Tate			
Date Appointed: 12/07/2018			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	No
Board Meeting	10/03/2019 – 10/04/2019	San Diego	Yes
Board Meeting	11/08/2019	Teleconference	Yes
Licensure Committee Meeting	02/27/2020	Sacramento	Yes
Board Meeting	02/27/2020 – 02/28/2020	Sacramento	Yes
Board Meeting	04/17/2020	WebEx	Yes
Licensure Committee Meeting	05/15/2020	WebEx	Yes
Board Meeting	07/09/2020 – 07/10/2020	WebEx	Yes
Outreach and Communications Committee Meeting	09/25/2020	WebEx	Yes
Board Meeting	11/19/2020 – 11/20/2020	WebEx	Yes
Licensure Committee Meeting	01/07/2021	WebEx	Yes
Board Meeting	02/18/2021 – 02/19/2021	WebEx	Yes
Board Meeting	04/02/2021	WebEx	Yes
Telepsychology Committee Meeting	05/07/2021	WebEx	Yes
Board Meeting	05/21/2021	WebEx	Yes
Licensure Committee Meeting	07/16/2021	WebEx	Yes
Board Meeting	08/27/2021	WebEx	Yes
Outreach and Communications Committee Meeting	09/23/2021	WebEx	Yes
Telepsychology Committee Meeting	11/18/2021	WebEx	Yes
Board Meeting	11/18/2021 – 11/19/2021	WebEx	Yes
Licensure Committee Meeting	01/07/2022	WebEx	No
Board Meeting	02/17/2022 – 02/18/2022	WebEx	Yes
Board Meeting	04/29/2022	WebEx	Yes
Licensure Committee Meeting	07/22/2022	WebEx	Yes
Board Meeting	08/19/2022	WebEx	Yes
Outreach and Communications Committee Meeting	09/23/2022	WebEx	Yes

Table 1a. Attendance			
Lea Tate			
Board Meeting	11/17/2022 – 11/18/2022	WebEx	Yes
Licensure Committee Meeting	01/16/2023	WebEx	Yes
Board Meeting	02/02/2023 – 02/03/2023	Sacramento	Yes
Board Meeting	04/07/2023	WebEx	Yes
Board Meeting	05/19/2023	WebEx	Yes
Licensure Committee Meeting	07/21/2023	WebEx	Yes
Board Meeting	08/18/2023	WebEx	Yes
Outreach and Communications Committee Meeting	09/22/2023	WebEx	Yes
Board Meeting	11/02/2023 – 11/03/2023	Los Angeles	Yes
Strategic Planning Session	12/07/2023 – 12/08/2023	Burlingame	Yes
Licensure Committee Meeting	02/02/2024	WebEx	Yes
Board Meeting	02/29/2024 – 03/01/2024	Sacramento	Yes
Board Meeting	05/10/2024	Los Angeles	Yes
Licensure Committee Meeting	07/19/2024	WebEx	Yes
Board Meeting	08/09/2024	WebEx	No
Board Meeting	08/15/2024 – 08/16/2024	Berkeley	Yes
Board Meeting	09/13/2024	WebEx	Yes

Table 1a. Attendance			
Alita Bernal			
Date Appointed: 08/03/2016			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	Yes
Board Meeting	10/03/2019 – 10/04/2019	San Diego	No
Board Meeting	11/08/2019	Teleconference	Yes
Board Meeting	02/27/2020 – 02/28/2020	Sacramento	Yes
Board Meeting	04/17/2020	WebEx	Yes
Board Meeting	07/09/2020 – 07/10/2020	WebEx	No
Outreach and Communications Committee Meeting	09/25/2020	WebEx	No

Table 1a. Attendance			
Jacqueline Horn			
Date Appointed: 10/23/2013			
Meeting Type	Meeting Date	Meeting Location	Attended?
Licensure Committee Meeting	06/13/2019	Sacramento	Yes
Board Meeting	08/15/2019 – 08/16/2019	Berkeley	Yes

Table 1a. Attendance			
Jacqueline Horn			
Licensure Committee Meeting	09/12/2019 -09/13/2019	Sacramento	Yes
Board Meeting	10/03/2019 – 10/04/2019	San Diego	Yes
Board Meeting	11/08/2019	Teleconference	Yes

Table 1b. Board/Committee Member Roster [CV and CW]					
Member Name (Include any vacancies and a brief member biography)	Date First Appointed	Date Reappointed	Date Term Expires	Appointing Authority	Type (public or professional)
Lea Tate	12/07/2018	05/26/2023	06/01/2026	Governor	Professional
Shacunda Rodgers	11/27/2019	02/16/2024	06/01/2027	Governor	Professional
Stephen Phillips	09/25/2013	06/02/2016 06/11/2020	06/01/2024	Governor	Professional
Seyron Foo	05/17/2017	06/11/2020	06/01/2024	Governor	Public
Julie Nystrom	09/21/2020	06/05/2024	06/01/2028	Senate	Public
Ana Rescate	10/20/2020	05/26/2023	06/01/2026	Governor	Public
Sheryll Casuga	08/18/2017	02/16/2024	06/01/2027	Governor	Professional
Marisela Cervantes	04/29/2019	06/01/2022	06/01/2026	Speaker	Public
Mary Harb Sheets	12/07/2018	06/19/2020	06/01/2024	Governor	Professional
Adelita "Alita" Bernal	08/03/2016	N/A	06/01/2020	Senate	Public
Jacqueline Horn	10/23/2013	06/03/2015	06/01/2019	Governor	Professional

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

There have been no issues with establishing a quorum in the past four years.

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

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

Internal Changes

The Executive Officer, Antonette Sorrick left the Board in September 2024. Assistant Executive Officer Jonathan Burke was appointed Interim Executive Officer in September 2024.

The Board adopted a new Strategic Planning in February 2024, which will direct the Board's activities over the next four years. This plan includes goals related to program efficiencies,

process improvements, and updating statutes and regulations related to the Board's enforcement, licensing, and central services units.

Legislation

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

Legislation Sponsored by the Board:

SB 401 (Pan, Chapter 298, Statutes of 2022) - Psychology: unprofessional conduct: disciplinary action: sexual acts.

This bill was signed by Governor Newsom on September 13, 2022. This bill amended Business and Professions Code sections 2960 and 2960.1 to clearly define sexual abuse, sexual contact, and sexual misconduct—along with adding and defining sexual behavior—to the list of what is considered unprofessional conduct for licensed psychologists and registered psychological associates. This bill also clearly authorizes an Administrative Law Judge to include an order of revocation in a proposed decision that finds a licensee or registrant has engaged in sexual abuse, sexual behavior, or sexual misconduct.

Legislation Affecting the Board, its Licensees, and Consumers of Psychological Services

SB 801 (Archuleta, Chapter 647, Statutes of 2021) – Healing arts

The bill was signed by Governor Newsom and took effect on January 1, 2022. This legislation amended Business and Professions Code (BPC) sections 27, 2911, 2913, 2914, 2915, 2915.5, 2942, 2946, 2960, repealed 2909, 2909.5, 2915.7 and 2944, and adds 2910. It also amended Evidence Code section 1010.

Position: Support

AB 107 (Salas, Chapter 693, Statutes of 2021) Licensure: veterans and military spouses

This bill was signed by Governor Gavin Newsom on October 8, 2021, and took effect on January 1, 2022. This bill divided current language of section 2946 of the California Business and Professions Code into subsections and adds subsection (c). This change allowed military spouses who are licensed in another state, and who have applied for licensure as a psychologist in California, to continue to practice psychology under the other state's license for a year from the time they applied with the Board, or established residency in California, whichever occurred first.

Position: Support

AB 2754 (Bauer-Kahan, Chapter 163, Statutes of 2022) Psychology: supervision

This bill was signed by the Governor on August 22, 2022, and took effect immediately. This bill amended Business and Professions Code section 2913 and 2914 to authorize the supervision of a registered psychological associate and an application for licensure as a psychologist be

provided in real time, which is defined as through in-person audiovisual means, in compliance with federal and state law related to patient health confidentiality.

Position: Support

AB 32 (Aguilar-Curry, Chapter 515, Statutes of 2022) Telehealth

This bill was signed by the Governor on September 25, 2022, and became effective on January 1, 2023. The bill amended Welfare and Institutions Code (WIC) sections 14132.100 and 14132.725 to authorize the State Department of Health Care Services to authorize a federally qualified health center (FQHC) or rural health clinic (RHC) to establish a new patient relationship using an audio-only synchronous interaction when the visit is related to sensitive services, and authorized an FQHC or RHC to establish a new patient relationship using an audio-only synchronous interaction when the patient requested an audio-only modality or attested they do not have access to video.

Position: Support

AB 2222 (Reyes, Vetoed by the Governor on September 25, 2022)

This bill would have, upon appropriation by the Legislature for its purposes, establish the Golden State Social Opportunities Program, to be administered by the Department of Health Care Access, to provide grants to students who are enrolled in a postgraduate program of a University of California or California State University campus or an independent institution of higher education, if the students commit to working in a California-based nonprofit, as defined, for a period of 2 years upon completion of the postgraduate program. The bill would require a grant recipient to, upon completion of the postgraduate program, satisfy the requirements to become an associate clinical social worker, an associate professional clinical counselor, an associate marriage and family therapist, or a registered psychological associate.

Position: Support

SB 1428 (Archuleta, Chapter 622, Statutes of 2022) Psychological testing technicians

This bill was signed by the Governor on September 27, 2022. This bill added Article 10 to the Psychological Practice Act, commencing with Business and Professions Code (BPC) section 2999.100 which created a new registration within the Board for psychological testing technicians. This bill authorized an individual to administer and score objective psychological or neuropsychological tests, as well as observe and describe the clients' test behavior and test responses, if that individual is registered with the Board as a psychological testing technician and meets specified education requirements, or if the individual is gaining specified education requirements to be a psychological testing technician. A psychological testing technician shall not select tests or versions of tests, interpret test results, write test results, and provide test feedback to clients.

Position: Support

SB 731 (Durazo, Chapter 814, Statutes of 2022) Criminal records: relief

This bill was signed by Governor Newsom on September 29, 2022, and relevant sections became operative July 1, 2023. This bill affected sections of the Penal Code, among others, and does the following:

1) Expands automatic arrest record relief to include arrests for felonies punishable by state prison, as specified, operative July 1, 2023, subject to an appropriation in the annual Budget Act.

2) Expands automatic conviction relief to include felonies committed after January 1, 2005, where the defendant was not granted probation and did not complete probation without revocation. Excludes serious and violent felonies, and felonies requiring registration as a sex offender. Operative July 1, 2023, subject to an appropriation in the annual Budget Act.

3) Expands discretionary expungement relief to include felonies where the defendant was sentenced to state prison, rather than just realigned felonies.

This change restricts the information the Board can consider when an individual with a criminal history applies for licensure.

Position: Oppose

SB 544 (Laird, Chapter 216, Statutes of 2023) Bagley-Keene Open Meeting Act: teleconferencing

This bill was signed by Governor Newsom on September 22, 2023. This bill changed how state bodies can have meetings, allowing for teleconferencing (online meetings). Members of the public still have to be able to access the meeting in person, they would also be able to participate from a different location. The bill also allows accommodation for members of the state body with certain disabilities or who have difficulties with internet connectivity. The bill also provides requirements to ensure that members of the public are not required to provide information to attend the meeting, unless it is necessary to log into the teleconferenced meeting, in which case pseudonyms or anonymous information can be submitted.

Position: Support

SB 372 (Menjivar, Chapter 225, Statutes of 2023) Department of Consumer Affairs: licensee and registrant records: name and gender changes

This bill was signed by Governor Newsom on September 23, 2023, and became effective on January 1, 2024. The bill added section 27.5 to the Business and Professions Code and requires the Board, upon request by the licensee or registrant update the individual's license or registration by replacing references to the former name or gender on the license or registration, as applicable, with references to the current name or gender. Additionally, The Board shall replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet about the licensee or registrant. The licensee's or registrant's former name or gender, as applicable, shall not be published online, and for individuals previously subject to an enforcement action, the Board shall not post enforcement records online, but shall instead post online a statement stating that the individual previously was subject to enforcement action and directing the public to contact the Board for more information about the licensee's or registrant's prior enforcement action. Lastly, If requested by the licensee or registrant, the Board shall reissue the license with an updated legal name or gender, but shall not charge a higher fee for doing so than it would for reissuing the license with other updated

information. All records related to a request by a licensee or registrant for the Board to update the individual's license or registration pursuant to this section are confidential and not subject to public inspection or disclosure.

Position: Support

SB 815 (Roth, Chapter 294, Statutes of 2023) Healing arts

This bill was signed by Governor Newsom on September 30, 2023, and becomes effective on January 1, 2025. SB 815 transfers the administration and enforcement duties relating to the registration of research psychoanalysts from the Medical Board of California to the Board. Under existing law, each person to whom a research psychoanalyst registration is granted must pay specified fees into the Contingent Fund of the Medical Board of California. This bill requires that all moneys collected into this Contingent Fund be deposited into the Psychology Fund. This bill requires a student/registrant to pay into the Psychology Fund those fees fixed by the Board. This bill authorizes the Board to employ whatever additional clerical assistance is necessary for the administration and enforcement of the Psychology Law as it relates to research psychoanalyst registrants.

Position: Support

AB 282 (Aguiar-Curry, Chapter 425, Statutes of 2023) Psychologist: licensure

This bill was signed by Governor Newsom on October 8, 2023, and amends Business and Professions Code 2914. This bill allows an applicant for licensure who has completed all academic coursework required for a qualifying doctoral degree to take either the EPPP or the CPLEE, or both examinations. This bill also requires the Board to implement an additional process to verify eligibility requirements if they are beyond the completion of academic coursework that are imposed by a national licensing examination entity, as specified. This bill will change the structure of existing eligibility criteria and other examination-related processes, as specified in regulations. Amendments to existing regulations are necessary to effectuate these new criteria and efforts on a regulatory package are already underway. The Board is aiming for the regulatory amendments to be approved by the Office of Administrative Law in the fourth quarter of 2025 and to implement the new criteria as required by this bill on January 1, 2026.

Position: Support

AB 883 (Mathis, Chapter 348, Statutes of 2023) Business licenses: United States Department of Defense Skillbridge program

This bill was signed by Governor Newsom on October 8, 2023, and became effective on July 1, 2024. This bill requires Boards under the Department of Consumer Affairs expedite the initial licensure process for an applicant who supplies satisfactory evidence to the Board, that the applicant is enrolled in the U.S Department of Defense SkillBridge program.

Position: Support

AB 665 (Carrillo, Chapter 338, Statutes of 2023) Minors: consent to mental health services

This bill was signed by Governor Newsom on October 8, 2023, and became effective on July 1, 2024. This bill aligns the existing laws by removing the additional requirement that, in order to consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, the minor must present a danger of serious physical or mental harm to themselves or to others, or be the alleged victim of incest or child abuse. This bill also aligns the existing laws by requiring the professional person treating or counseling the minor to consult with the minor before determining whether involvement of the minor's parent or guardian would be inappropriate. Furthermore, the bill expands the definition of professional persons who can provide services to minors who are seeking mental health treatment or counseling.

Position: Support

SB 887 (Committee on Business, Professions, and Economic Development, Chapter 510, Statutes of 2023) Consumer Affairs

This bill was signed by Governor Newsom on October 8, 2023, and became effective on January 1, 2023. This bill amended Business and Professions Codes 472.4, 2915.4 and 2915.5. This bill requires the annual report for the legislature to contain specified information relating to the professional licensure of military members, military spouses, and honorably discharged military members from each fiscal year. The bill would make corrections and other conforming changes to those provisions. This bill also allows an applicant to show completion of that training by submitting a transcript to the Board indicating completion of the coursework and would allow the department chair to act as an additional entity who could provide written certification for convenience for applicants, in cases where the course title did not adequately indicate the coursework that was completed.

Position: Support

SB 816 (Roth, Chapter 732, Statutes of 2023) Professions and vocations

This bill was signed by Governor Newsom on October 10, 2023, and became effective on January 1, 2024. The bill amended Business and Professions Codes 2915, 2987 and 2988 to increase the various fees on applicants for licensure and on licensees, including an application fee for registration as a psychologist, a biennial renewal fee for registration as a psychologist, an initial psychologist licensing fee, an application fee for registration as a psychological associate, an annual renewal fee for registration of a psychological associate, and a delinquency fee. There is also a separate biennial fee paid by licensed psychologists who hold an inactive license.

Position: Support

SB 1451 (Ashby, Chapter 481, Statutes of 2024) Professions and vocations

This bill was signed by Governor Newsom on September 22, 2024. The bill prohibits a person from using the terms "doctor," "physician," "Dr.," and "M.D.," or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that person is a licensed M.D. or D.O. This bill will also allow a person holding a current and active license under another healing arts board to use the appropriate title as long as the title is consistent with the act governing the practice of that license, or when the use is not

associated with any claim of entitlement to practice medicine or any other professional service for which the use of the title would be untrue or misleading.

Position: Support

SB 1526 (Committee on Business, Professions and Economic Development, Chapter 497, Statutes of 2024) Consumer Affairs

This bill was signed by Governor Newsom on September 22, 2024. The bill amends Health and Safety Codes (HSC) 1374.72, 124260, and 128454 by removing the outdated registration category for "registered psychologist" and amend the registration title "psychological assistant" by replacing the category with the current title of "psychological associate."

Position: Support

AB 2270 (Maienschein, Chapter 636, Statutes of 2024) Healing arts: continuing education: menopausal mental or physical health

This bill was signed by Governor Newsom on September 27, 2024. The added Business and Professions Code 2914.4 to allow the Board to consider including a course in menopausal or physical health when determining the continuing professional development.

Position: Support

AB 2581 (Maienschein, Chapter 836, Statutes of 2024) Healing arts: continuing education: maternal mental health

This bill was signed by Governor Newsom on September 27, 2024. The added Business and Professions Code 2914.4 to allow the Board to consider including a course in maternal mental health when determining the continuing professional development.

Position: Support

AB 2703 (Aguiar-Curry, Chapter 638, Statutes of 2024) Federally qualified health centers and rural health clinics: psychological associates

This bill was signed by Governor Newsom on September 27, 2024. The bill allows registered psychological associates to provide services in federally qualified health centers (FQHCs) and rural health clinics (RHCs) and allow the centers to bill Medi-Cal for a visit provided by a psychological associate.

Position: Support

Regulations

All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.

Psychological Associates (2016 Sunset Conforming Change) Effective July 1, 2023

The regulations amended Title 16 of the California Code of Regulations sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.11, 1391.12 and 1392.1 to make conforming changes to the Business and Professions Code sections 2913 and 2987, implementing the requirement that the

person responsible for the initial psychological associate registration, the registration renewal, and any changes in the registration status, is the psychological associate, and not the employer and/or primary supervisor.

Retired License Status, Effective January 1, 2023

This regulatory amended Title 16 of the California Code of Regulations sections 1392, and 1397.69, and the Board adopted section 1381.10 to implement the provisions of BPC section 2988.5 allowing the Board to issue a license in retired status. This status is non-renewable and requires a one-time payment of \$75 to accompany an application through BreEZe or the form provided by the Board.

Continuing Professional Development, Effective January 1, 2023

This regulatory change amended Title 16 of the California Code of Regulations sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 to implement the Continuing Professional Development (CPD) requirements. The CPD model consists of 15 continuing professional development activities grouped under four different categories. This change did not affect the required 36 hours required for renewal.

Fee Increase, Effective July 1, 2022

The approved regulations amended Title 16 of the California Code of Regulations 1392 and 1392.1 to increase all of the Board's license and application fees to the statutory maximums, which helped to alleviate the Board's structural imbalance and help recover costs for services provided to applicants.

Standards Practice of Telehealth, Effective August 10, 2021

California Code of Regulations, Title 16, section 1396.8 relating to standards of practice for telehealth services was added effective August 10, 2021. The language clarifies that licensees may provide services as noted above, subject to the laws and regulations of the other jurisdiction because the Board cannot dictate that it is allowable for either the licensee or client to deliver and receive services in that other jurisdiction, even though such services would not violate California's laws and regulations, provided all other conditions are met. This regulation also establishes the conditions under which the provision of psychological health care services via telehealth can be provided.

Substantial Relationship Criteria, Rehabilitation Criteria for Denials and Reinstatement, Rehabilitation Criteria for Suspensions and Revocations, Effective February 8, 2021.

In 2018, Governor Jerry Brown signed into law AB 2138 (Chiu, Chapter 995, Statutes of 2018). This bill sought to reduce barriers to licensure for individuals who had rehabilitated from criminal convictions. To implement this bill, the Board of Psychology (Board) promulgated regulations. These approved regulations change existing regulations with respect to the substantial relationship and rehabilitation criteria to ensure the Board's licensing requirements are consistent with the changes made by AB 2138.

Update on 16 CCR sections 1391.13 and 1391.14 – Inactive Psychological Associates Registration and Reactivating a Psychological Associate Registration

This package is in the Production Stage.

Revised proposed regulatory language was adopted at the May 19, 2023, Board Meeting. At the August 18, 2023, Board Meeting the Board resolved additional issues regarding the inactive timeframe, and voted to adopt the proposed regulatory language as amended. On December 15, 2023, the DCA Budget Office completed the fiscal impact of this rulemaking.

On January 18, 2024, Board Staff submitted the regulation package to the Regulations Coordinator to be submitted for review by the DCA Director and the Business Consumer Services and Housing Agency (Agency).

On January 28, 2024, the regulation package was approved by the DCA Director, and on January 30, 2024, the regulations package was submitted to Agency.

On March 21, 2024, the regulatory package was approved by Agency and sent to OAL for approval of publishing. The regulatory package was approved for publishing by OAL. The 45-day public comment period started on April 5th and was completed on May 21, 2024. Board Staff in working with Regulatory Counsel submitted the final documents to the Regulations Coordinator. The Package was submitted to OAL for final review and approval on June 27, 2024.

In discussions with OAL, there were questions and concerns regarding the proposed language. Staff, in working with Regulatory Counsel, withdrew the regulatory package to modify the language to make it clearer and more concise for registrants based on specific advice received from OAL.

On August 16, 2024, the Board approved the modified text and directed staff to take all steps necessary to complete the rulemaking process, including preparing modified text for an additional 15-day comment period.

On August 27, 2024, the 15-day public comment period began and concluded on September 11, 2024.

This regulatory package allows a psychological associate to request the Board place their active registration in an inactive status. In addition, the proposed regulations would allow the Board to place the registration in an inactive status when the registrant has no primary supervisor. While the registration is in an inactive status, it will stop the time counting towards the cumulative total of six-year registration limitation. The Board is also proposing the adoption of a process for reactivating an inactive psychological associate registration.

Update on 16 CCR sections 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees

This package is in the Production Stage.

This phase includes Board-approved Text, and collaborative reviews by Board staff, legal counsel, and Budget staff to prepare the initial documents for submission to the Director and Agency.

At the August 18, 2023, Board Meeting, the Board voted to adopt the proposed regulatory language. Staff is preparing the initial submission documents for DCA and Agency review before filing with OAL for notice publication.

This regulatory package updates the Board's disciplinary guidelines including conforming changes required by AB 2138, the Board's new regulations regarding criminal convictions and substantial relationship criteria, and the Department's Uniform Standards for Substance Abusing Licensees.

Update on 16 CCR sections 1380.3, 1381.1, 1381.2, 1381.4, 1381.5, 1382, 1382.3, 1382.4, 1382.5, 1386, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1387.6, 1391, 1391.1, 1391.3, 1391.4, 1391.5, 1391.6, 1391.8, 1391.11, and 1391.12 – Pathways to Licensure

Drafting phase.

This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

This regulatory package would streamline the licensing process and remove unnecessary barriers for applicants and the supervisors who support their training.

Update on 16 CCR sections 1380.6, 1393, 1396, 1396.1, 1396.2, 1396.4, 1396.5, 1397, 1397.1, 1397.2, 1397.35, 1397.37, 1397.39, 1397.50, 1397.51, 1397.52, 1397.53, 1397.54, 1397.55 - Enforcement Provisions

Drafting Phase.

This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

This regulatory package would update the Board's enforcement provisions.

Update on 16 CCR sections 1397.35 – 1397.40 - Corporations

Drafting Phase.

This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

This regulatory package would update the Board's requirements for professional corporations.

Update on 16 CCR sections 1381, 1387.10, 1388, 1388.6, 1389, and 1389.1 – EPPP-2

Drafting Phase.

This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel.

On May 19, 2023, the Board approved the statutory and regulatory changes to implement the EPPP part 2 Skills Exam, effective January 1, 2026.

On May 10, 2024, the Board approved the amendment to the regulatory language.

This regulatory package updates the statutory and regulatory sections needed to implement the EPPP-2.

Adopt Title 16 CCR 1390 – 1390.14 – Research Psychoanalyst

Drafting Phase.

This phase includes preparation of the regulatory package and collaborative reviews by Board staff and legal counsel. On May 10, 2024, the Board approved adoption of regulations for Research Psychoanalyst. Board Staff brought updates to the text back to the Board during the August meeting. On August 16, 2024, the Board approved the revised language, and Board Staff is currently finalizing the package for the initial submission.

This regulatory package creates regulations for Research Psychoanalysts under the Board of Psychology utilizing previous regulatory language from the Medical Board of California's regulation of the licensing group with minor changes for clarity and consistency.

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

The Board conducted an internal fee audit in 2021 which helped determine what level the fees should be raised to in order to address a structural deficit. The fee study was the factual basis for the changes made by [SB 816 \(Roth, Chapter 723, Statutes of 2023\)](#)

Barriers to Telehealth survey info.

5. List the status of all national associations to which the board belongs.
- Does the board's membership include voting privileges?

Association of State and Provincial Psychology Boards (ASPPB)

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

Council on Licensure, Enforcement and Regulation (CLEAR)

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

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

ASPPB

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

CLEAR

None.

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

ASPPB conducts its Annual Meeting of Delegates in October of each year, and its Midyear Meeting in April of each year. The following meetings were attended by Board members and/ or staff:

October 16-17, 2020

Board members Dr. Harb Sheets, Dr. Casuga, Seyron Foo as well as Board Legal Counsel and staff attended a meeting via ZOOM.

April 9-10, 2021

Board members Seyron Foo, Dr. Tate, Dr. Harb Sheets, Dr. Casuga, Dr. Cervantes, Dr. Phillips, Dr. Rodgers, Julie Nystrom, Ana Rescate, and three staff members attended a meeting via ZOOM.

(It also look like we may have sent Seyron and Dr. Tate to the meeting in late 2021.)

February 2, 2024

Dr. Phillips attended an ASPPB board meeting in Los Angeles.

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

ASPPB is the owner and developer of the national licensing examination in psychology, the Examination for Professional Practice in Psychology (EPPP). Although the Board is not directly involved in the development and scoring of this examination, as a member of ASPPB, the Board's delegate can provide feedback and raise jurisdictional concerns to inform the development of future forms of the examination, when approved to attend the Annual or Midyear meetings. The Board contracts with ASPPB for the administration of the examination. The passing score for the EPPP in California is established by regulation. Currently, the Board applies a scaled score of 500 as recommended by ASPPB. The Board utilizes the services of the Department of Consumer Affairs' (DCA) Office of Professional Examination Services to conduct an audit of the national examination every seven years. The purpose of the audit is to determine whether the examination meets the professional guidelines and technical standards outlined in the Standards for Educational and Psychological Testing (Standards) and Business and Professions Code (BPC) section 139. The ASPPB conducts a complete occupational analysis every seven to ten years. Its last occupational analysis was completed in 2016.

Section 2 – Fiscal and Staff

Fiscal Issues [JB and TP]

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

The Board's fund is not continuously appropriated. The Board is a special fund agency in which all revenue is generated from the collection of fees. The Board's revenue is derived from applicants and licensees through the collection of application, renewal, and examination fees. The revenue that is collected enables the Board to support its licensing, examination, enforcement, and administrative programs.

7. Using *Table 2. Fund Condition*, describe the board's current reserve level, spending, and if a statutory reserve level exists.

Table 2. Fund Condition [JB and TP] (list dollars in thousands)						
(Dollars in Thousands)	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	FY 2025/26**
Beginning Balance*	\$11,044	\$8,785	\$6,220	\$5,701	\$5,405	\$5,719
Revenues and Transfers	\$4,690	\$4,288***	\$5,730	\$7,473	\$9,014	\$9,033
Total Resources	\$15,734	\$13,073	\$11,950	\$13,174	\$14,419	\$14,752
Budget Authority	\$6,306	\$7,125	\$7,919	\$8,430	\$8,088	\$8,331
Expenditures****	\$6,168	\$6,777	\$7,201	\$7,769	\$8,700	\$8,876
Loans to General Fund	-\$900	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$12	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$900	\$0	\$0	\$0
Fund Balance	\$8,666	\$6,296	\$5,661	\$5,405	\$5,719	\$5,876
Months in Reserve	15.3	10.5	8.7	7.5	7.7	7.7

*Actuals include prior year adjustments

** Estimate

*** Includes EO transfer to GF (AB 84)

**** Expenditures include reimbursements and direct draws to the fund

8. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The Board does not anticipate a deficit in the next five years.

9. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

The Board made a \$900,000.00 loan to the General Fund in FY 2020/21. It was paid back in FY 2022/23 with \$12,000.00 in interest. There is no remaining balance.

10. Using Table 3, **Expenditures by Program Component**, describe the amounts and percentages of expenditures by program component. Provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component								(list dollars in thousands)	
	FY 2020/21		FY 2021/22		FY 2022/23		FY 2023/24		
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	
Enforcement	\$826	\$1,624	\$957	\$1,505	\$942	\$1,309	\$1,008	\$1,493	
Examination	\$0	\$126	\$0	\$99	\$0	\$102	\$0	\$211	
Licensing	\$643	\$76	\$744	\$30	\$837	\$100	\$896	\$68	
Administration *	\$1,069	\$112	\$1,337	\$50	\$1,214	\$128	\$1,296	\$87	
DCA Pro Rata	\$0	\$1,307	\$0	\$1,612	\$0	\$2,019	\$0	\$2,135	
Diversion (if applicable)	\$	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
TOTALS	\$2,538	\$3,245	\$3,038	\$3,296	\$2,993	\$3,658	\$3,200	\$3,994	
* Administration includes costs for executive staff, board, administrative support, and fiscal services.									

11. Describe the amount the board has spent on business modernization, including contributions to the BreEZe program, which should be described separately.

Business Modernization

The cost for BreEZe is contained within the Departmental Pro Rata line of the Budget. In the last four years the cost of BreEZe was \$302,716.00.

12. Describe license renewal cycles and the history of fee changes over the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citations) for each fee charged by the board.

Table 4. Fee Schedule and Revenue							(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2020/21 Revenue	FY 2021/22 Revenue	FY 2022/23 Revenue	FY 2023/24 Revenue	% of Total Revenue
0310 Delinq Ren Psych	\$398	\$398	\$72	\$63	\$62	\$86	1.3%
0310 Delinq Renewal PA	\$112	\$112	\$1	\$1	\$1	\$3	0.0%
0310 Delinq Inac Ren Psych	\$111	\$111	\$5	\$5	\$5	\$11	0.1%
0310 Cite and Fine	Varies	Various	\$77	\$66	\$27	\$28	0.9%
0310 CE Evaluation	\$10	\$10	\$92	\$92	\$96	\$95	1.7%
0310 Duplicate Cert Psych	\$5	\$5	\$5	\$4	\$4	\$4	0.1%
0310 Letter of Good Standing	\$5	\$5	\$4	\$4	\$4	\$4	0.1%
FTB Cite Fine Collection	Various	Various	\$0	\$1	\$1	\$2	0.0%
0310 File Transfer	\$10	\$10	\$0	\$1	\$2	\$2	0.0%
0310 Retired License	\$75	\$75	\$0	\$0	\$11	\$25	0.2%
0310 Add/Change Sup - PA	\$210	\$210	\$0	\$0	\$0	\$39	0.2%
0310 Initial Lic Psych	\$231	\$231	\$328	\$305	\$347	\$306	5.7%
0310 App Fee Psych	\$236	\$236	\$54	\$53	\$73	\$174	1.6%
0310 App Fee PA	\$424	\$424	\$30	\$36	\$59	\$158	1.3%
0310 Exam CPLEE Psych	\$127	\$127	\$157	\$129	\$244	\$211	3.3%
0310 PSYCH Testing Tech Initial	\$75	\$75	\$0	\$0	\$0	\$5	0.0%
0310 OOS Fingerprints HC Fee	\$184	\$184	\$0	\$0	\$0	\$9	0.0%
Misc Serv To Public Trans	Various	Various	\$0	\$1	\$1	\$1	0.0%
Investment Income – Surplus Money Investments	Various	Various	\$55	\$29	\$159	\$245	2.2%
Canceled Warrants Revenue	Various	Various	\$2	\$2	\$3	\$4	0.0%
Settlements and Judgement - Other	Various	Various	\$4	\$0	\$0	\$0	0.0%
0310 Renewal Psych	\$795	\$1,100	\$3,689	\$3,654	\$4,470	\$5,742	78.1%
0310 Renewal Annual PA	\$224	\$400	\$36	\$38	\$73	\$177	1.4%
0310 Renewal Inactive Psych	\$221	\$221	\$53	\$54	\$51	\$112	1.2%
0310 Oshp Psychology	Various	Various	\$19	\$39	\$16	\$17	0.4%

Table 4. Fee Schedule and Revenue							(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2020/21 Revenue	FY 2021/22 Revenue	FY 2022/23 Revenue	FY 2023/24 Revenue	% of Total Revenue
Misc Revenue	Various	Various	\$7	-\$12	\$33	\$13	0.2%
Total Revenue			\$4,690	\$4,565	\$5,742	\$7,473	\$22,47

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

The Board of Psychology has submitted one BCP in the past four fiscal years.

In FY 2021-22, the Board requested funding to augment the Board's expert witness budget and to support court reporter expenses as follows: \$165,000 in FY 2021-22, \$178,000 in FY 2022-23, \$186,000 in FY 2023-24, and \$193,000 thereafter for expert witnesses, and \$13,000 in FY 2021-22 and \$14,000 thereafter for court reporters. These aligned the Board's budget more closely with actual costs.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-059-BCP-2021-GB	2021-22	Board and Bureau Workload - Expert Witness and Court Reporter Costs (Board of Psychology)	0	0	\$0	\$0	\$178,000	\$178,000

Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning. [All Management]

On average, the Board's vacancy rate during the last five years has been XX%. The Board has worked diligently to fill vacancies. The recruitment process typically allows vacancies to be filled within 1–2 months.

Since the last Sunset review staff turnover in certain areas has increased. This may be attributed to several issues. First, Office Technicians are considered entry level positions and are among the lowest paid. Given that, it is common to see Office Technicians promoting in one year or less. Second, Office Technicians are generally assigned duties at the Board that cannot be performed remotely, which also contributes to lack of interest or quick turnaround.

To address staffing issues and challenges, Board executive leadership meets biweekly with unit managers, quarterly with all managers together, and monthly in an all-staff forum. The goal has been to improve communication and service coordination by conducting regular meetings and involving managers in each unit.

15. Describe the board's staff development efforts and total spent annually on staff development (cf., Section 12, Attachment D). [JB]

Training costs are included in departmental pro rata if they are taken via the Learning Management System (LMS). Outside training is its own line item. For external training, the totals are as follows:

FY 2020-21: \$1,000 spent with a budget of \$17,000
FY 2021-22: \$460 spent with a budget of \$18,000
FY 2022-23: \$0 spent with a budget of \$18,000
FY 2023-24: \$1,000 spent with a budget of \$18,000

Section 3 – Licensing Program [SC]

16. What are the board's performance targets/expectations for its licensing² program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

Previously, the Board's processing goals were established pursuant to 16 CCR section 1381.6, as follows:

Type of application:	Maximum time for notification
Licensed Psychologist:	60 days
Registered Psychological Associate:	180 days

16 CCR section 1381.6 was repealed in 2018. The Board is meeting program expectations. The Board's processing time for complete applications per the License Performance Measures Summary is as follows:

Type of application:	# of days*
Licensed Psychologist:	32 days
Registered Psychological Associate:	28 days
Registered Psychological Testing Technician:	26 days

*Data as of FY 2023/24 Q3

17. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board experienced longer than expected processing time in FY 2021/22 that took an average of 40 to 60 days to process complete applications due to a shortage of staffing resources. Since then, the Board has implemented various temporary short-term and long-term strategies to decrease the average time over the last two fiscal years, which takes an average of 26 to 32 days to process completed applications as of Q3 of FY 2023/24. The growth rate of pending applications has not exceeded completed applications.

While the Board has made improvement on processing time, the Board aims to continue to find efficiencies and identify any performance barriers in the licensing process. The Board has developed and implemented the following plans:

Short-term strategies:

- Hired and extended the temporary help by a Retired Annuitant to assist with the processing of applications.

² The term "license" in this document includes a license, certificate, permit or registration.

- Redirected a Special Projects Coordinator to be trained and assisted with licensing functions.

Long-term strategies:

- Pathways to Licensure – the Board has conducted a comprehensive review of its statutes and regulations addressing how licensure can be obtained. Amendments identified will remove barriers to licensure and program inefficiencies in the steps to licensure. The Board has adopted the statutory changes and will continue to pursue regulatory changes to accomplish this goal.
- The Board has submitted a Budget Change Proposal to seek authorized positions to improve performance.

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

Two applications for registration were denied over the past four years based on criminal history that was determined to be substantially related to the qualifications, functions, or duties of the profession (BPC § 480). Breakdown is as follows:

1. Applicant applied for registration and was sent a denial letter in May 2022. They were arrested in September 2021 for driving under the influence and were at fault for a traffic collision that occurred as a result. They fled the scene and shortly after they were found and arrested and tested at a BAC of .32%. The Board requested the arrest reports and conviction documents from the arresting agency and court. The documents were reviewed, and the Board took the length of time from the arrest into consideration, as well as the seriousness of the offense, the Applicant's BAC, the fact they were placed on probation through the court, and that they caused the accident and fled the scene. The Board discussed the case with DCA legal counsel and denied the application. The Applicant did not appeal.
2. Applicant applied for registration and was sent a denial letter in July 2022. They were arrested and charged with multiple convictions of fraud/wire fraud (all felonies) between 2010-2011. They were found guilty and sentenced to five years and three months in prison and ordered to pay nearly half a million dollars in restitution. The Board requested the arrest reports and conviction documents from the arresting agency and court. The documents were reviewed, and the Board considered the length of time from the arrest, as well as the seriousness of the offenses, and the time served in federal prison. The Board sent a denial notice to the Applicant. The Applicant appealed the Board's decision, and a Statement of Issues was filed. The Applicant then withdrew their request for hearing shortly after being served the Statement of Issues.

Table 6. Licensee Population [MX]					
		FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
Psychologist	Active ³	19,543	19,774	20,236	20,585
	Out of State	N/A	N/A	N/A	N/A
	Out of Country	N/A	N/A	N/A	N/A
	Delinquent/Expired	1,500	1,732	1,720	1,556
	Retired Status <i>if applicable</i>	N/A	N/A	133	479
	Inactive	2,677	2,559	2,378	2,149
	Other ⁴	8,240	8,643	9,089	9,624
Psychological Associate	Active	1,348	1,568	1,744	1,786
	Out of State	N/A	N/A	N/A	N/A
	Out of Country	N/A	N/A	N/A	N/A
	Delinquent/Expired	87	39	66	67
	Retired Status <i>if applicable</i>	N/A	N/A	N/A	N/A
	Inactive	N/A	N/A	N/A	N/A
	Other	22,500	23,098	23,684	24,320
Psychological Testing Technician	Active	N/A	N/A	N/A	38
	Out of State	N/A	N/A	N/A	N/A
	Out of Country	N/A	N/A	N/A	N/A
	Delinquent/Expired	N/A	N/A	N/A	0
	Retired Status <i>if applicable</i>	N/A	N/A	N/A	N/A
	Inactive	N/A	N/A	N/A	N/A
	Other	N/A	N/A	N/A	0

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

³ Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

⁴ Other is defined as a status type that does not allow practice in California, other than retired or inactive. This includes licensees that are cancelled, voluntary surrendered, surrendered, revoked, and deceased.

Table 7a. Licensing Data by Type										
		Received	Approved /Issued	Closed	Pending Applications			Application Process Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps*	Incomplete Apps*	Total (Close of FY)
FY 2021/22	(Exam)**	2,729	2,327	N/A	647	-	-	N/A	N/A	N/A
	(License)** *	1,273	822	N/A	2,062	-	-	67	83	N/A
	(Renewal)	11,244	10,703	N/A	N/A	-	-	N/A	N/A	N/A
FY 2022/23	(Exam)**	2,404	2,282	N/A	366	-	-	N/A	N/A	N/A
	(License)** *	2,533	1,737	N/A	2,120	-	-	41	67	N/A
	(Renewal)	11,015	10,501	N/A	N/A	-	-	N/A	N/A	N/A
FY 2023/24	(Exam)**	2,320	1,878	N/A	398	-	-	N/A	N/A	N/A
	(License)** *	2,731	1,499	N/A	2,006	-	-	32	34	N/A
	(Renewal)	11,551	10,883	N/A	N/A	-	-	N/A	N/A	N/A
* Optional. List if tracked by the board. ** Exam applications include initial EPPP and CPLEE applications. *** License issued includes approved Initial Application for Licensure across two types of license and registration (psychologist and registered psychological associate). **** License issued includes approved Initial Application for Licensure across all three types of license and registrations (psychologist, registered psychological associate and psychological testing technicians). Note: The psychological testing technician category became effective 1/1/2024.										

Table 7b. License Denial			
[SM]	FY 2021/22	FY 2022/23	FY 2023/24
License Applications Denied (no hearing requested)	1	0	0
SOIs Filed	2	1	1
Average Days to File SOI (from request for hearing to SOI filed)	148	115	461
SOIs Declined	0	0	0
SOIs Withdrawn	0	1	0
SOIs Dismissed (license granted)	0	0	0
License Issued with Probation / Probationary License Issued	1	0	0
Average Days to Complete (from SOI filing to outcome)	76	18	321

19. How does the board verify information provided by the applicant? [SC and SM]

- What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application,

including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)? [SM]

The Board requires every applicant for a registration or license to be fingerprinted for a criminal history background check. Once the applicant has completed the fingerprinting process, the Department of Justice (DOJ)/Federal Bureau of Investigation (FBI) provides the background information directly to BreZE. Authorized Board staff retrieves the applicant's background report. Applicants with a clear criminal history report continue with the application review process. Applicants with a conviction history are requested to provide court certified documentation regarding the arrest and the 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.

Prior to the issuance of a license or registration, Board staff checks BreZE 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 jurisdiction.

Once an applicant is licensed or registered, the Board receives subsequent arrest information from the DOJ via a secure portal. Staff checks the secure portal daily for subsequent arrest or conviction records and forwards any applicable records to the Board's Enforcement Unit for further review.

The Board has not denied any licensure applications over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history.

- Does the board fingerprint all applicants? [SC]

Yes, the board fingerprints all applicants.

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

Yes, prior to licensure or registration, all applicants are fingerprinted. After an applicant is licensed or registered, the Board receives subsequent arrest information from the DOJ via a secure portal. Staff checks the secure portal daily for subsequent arrest or conviction records and forwards any applicable records to the Board's Enforcement Unit for further review.

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

ASPPB maintains a national databank of disciplinary actions taken against licensees in every state, Canadian province, and U.S. territory. Licensing staff conducts a manual check of the databank for each of its applicants prior to the issuance of every license or registration.

Renewing licensees and registrants are required to disclose on their renewal application, under penalty of perjury, whether or not since their last renewal, they have had any license disciplined by a government agency or other disciplinary body. The Board does not check the national databank for disciplinary action as a condition of renewal; however, the Board does cross-reference data from ASPPB for out-of-state discipline on a quarterly basis for all licensees.

- Does the board require primary source documentation?

Yes, the Board requires primary source verification for the following:

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

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

Out-of-State

BPC section 2914(b) requires each applicant for licensure to possess a doctoral degree in psychology, educational psychology, or in education with a field of specialization in counseling psychology or educational psychology from a regionally accredited educational institution in the U.S. or Canada, or from an educational institution in California that is approved by the Bureau for Private Postsecondary Education (BPPE).

The following educational requirements apply for those enrolled or who graduated from a BPPE approved school:

- Applicants for licensure that are enrolled as of December 31, 2016, in a doctoral program in psychology, educational psychology, or education with a field of specialization in counseling psychology or educational psychology at a nationally accredited institution, or an approved institution, will be able to apply for licensure at any time, and this requirement will not apply.
- Applicants for licensure that enroll in a doctoral program on or after January 1, 2017, in psychology, educational psychology, or education with a field of specialization in counseling psychology or educational psychology at a nationally accredited institution, or an approved institution, will need to meet the requirements for and apply for licensure on or before December 31, 2019.
- Applicants for licensure that apply on or after January 1, 2020, must possess an earned doctorate degree in psychology, educational psychology, or 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 U.S. Department of Education.

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

as the experience is supervised by a qualified psychologist licensed at the doctoral level in the U.S. or Canada.

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

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

Out-of-Country

BPC section 2914(b) provides that applicants for licensure trained in an educational institution outside the U.S. or Canada shall demonstrate to the satisfaction of the Board that they possess a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the U.S. or Canada. These applicants must provide the Board with a comprehensive evaluation of their degree by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services, or by the National Register of Health Services Psychologists (NRHSP) as specified, and any other documentation the Board deems necessary.

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

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

21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

- Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

Yes, the Board requires applicants to identify if they have served in the military as required by BPC section 114.5. The Board utilizes the DCA tracking mechanism in BreEZe to comply with this section.

- How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

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

- What regulatory changes has the board made to bring it into conformance with BPC § 35?

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

- How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

The board waived a renewal fee for one licensee which had minimal impact on board revenue.

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

The Board has expedited a total of 281 applications in the last five fiscal years. Please see table below for the volume by fiscal year.

FY 2019-20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
43	42	51	52	93

22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog. [SC]

The Board sends No Longer Interested (NLI) notifications to DOJ on a regular and ongoing basis. The NLI's are submitted electronically to the DOJ through the DCA BreEZe interface. At the current time, there is no known backlog.

Examinations [SC]

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

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

The CPLEE which is the State exam is offered in English, and there are currently translated handbooks in Spanish, Vietnamese, Chinese, and Korean.

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

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

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

Table 8(a). Examination Data⁵				
California Examination (include multiple language) if any:				
License Type		Psychologist	Psychologist	
Exam Title		CPLEE (overall)	CPLEE (first time takers)	
FY 2020/21	Number of Candidates	1128	665	
	Overall Pass %	76.24	77.60	
	Overall Fail %	23.76	22.40	
FY 2021/22	Number of Candidates	1006	561	
	Overall Pass %	77.73	79.13	
	Overall Fail %	22.27	20.87	
FY 2022/23	Number of Candidates	1050	674	
	Overall Pass %	80.00	80.33	
	Overall Fail %	20.00	19.67	
FY 2023/24	Number of Candidates	994	778	
	Overall Pass %	77.97	78.66	
	Overall Fail %	22.03	21.34	

⁵ This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

Date of Last OA	2019	2019	
Name of OA Developer	OPES	OPES	
Target OA Date	2024-2026	2024-2026	

Table 8(b). National Examination. Include multiple languages, if any.				
License Type		Psychologist	Psychologist	N/A
Exam Title		EPPP (overall)	EPPP (first time takers)	N/A
FY 2020/21	Number of Candidates	1694	592	N/A
	Overall Pass %	48.05	67.97	N/A
	Overall Fail %	51.95	32.03	N/A
FY 2021/22	Number of Candidates	1602	475	N/A
	Overall Pass %	40.45	62.75	N/A
	Overall Fail %	59.55	37.25	N/A
FY 2022/23	Number of Candidates	1751	532	N/A
	Overall Pass %	41.18	63.03	N/A
	Overall Fail %	58.82	36.97	N/A
FY 2023/24	Number of Candidates	1762	774	N/A
	Overall Pass %	36.72	58.01	N/A
	Overall Fail %	63.28	41.99	N/A
Date of Last OA		2016	2016	N/A
Name of OA Developer		ASPPB	ASPPB	N/A
Target OA Date		2024-2025	2024-2025	N/A

25. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The EPPP and CPLEE are both computer-based examinations. Applicants approved for the EPPP and CPLEE are notified of their eligibility via email by the Board, as well as by the examination vendor. Applicants are instructed to visit a secure website to schedule their examinations. Both examinations are available six days a week at secure testing locations throughout the state. The EPPP is developed and maintained by ASPPB and administered by Pearson VUE at Pearson VUE owned and operated locations. Pearson VUE currently owns 27 examination site locations in California, 320 locations throughout the rest of the U.S., and 29 locations in Canada. The CPLEE is administered by Psychological Services, Inc (PSI). PSI must provide a minimum of 17 California examination site locations and 22 out-of-state examination sites. Applicants taking the EPPP are allowed to take the examination four times within a 12-month period. The CPLEE has a new examination version available every three months, making the examination available to candidates four times per year.

26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

Since the last Sunset Review, the Board has completed its review of all statutes and regulations that affect the pathways to licensure and registration by identifying sections that create undue barriers and those that are inconsistent with the current training environments, education, and new technologies. In the last Sunset review, the statutory changes were made, and now the Board is seeking regulatory changes to implement the Sunset changes.

27. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

The last occupational analysis (OA) for the CPLEE was completed in 2019 by OPES. OAs are typically completed every 5-7 years. OPES indicated the target date for the next OA for the CPLEE is 2024 – 2026.

The Board recruits subject matter experts and conducts six workshops each year to develop items to be used on the CPLEE. In this way, the CPLEE is maintained to be reflective of current laws, regulations, and issues in the profession in California.

School Approvals [SC]

28. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

BPC section 2914(b)(4) allows the Board to accept specific doctoral degree in psychology, educational psychology, or in education with the field of specialization in counseling psychology or educational psychology from a school that is approved by the Bureau of Private Postsecondary Education (BPPE) that has not, since July 1, 1999, had a new location, as described in section 94823.5 of the Education Code until January 1, 2020.

Applicants for licensure who apply on or after January 1, 2020, are required to possess an earned degree that is obtained 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 Board no longer accepts applications basing on a doctoral degree obtained from a school approved by the BPPE if applicants were not enrolled in that program as of December 31, 2016.

29. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The Board does not approve schools and has no authority to do so.

30. What are the board's legal requirements regarding approval of international schools?

The Board does not approve international schools. However, BPC section 2914 provides that an

applicant for licensure trained in an educational institution outside the U.S. or Canada shall demonstrate to the satisfaction of the Board that they possess a doctoral degree in psychology or education as specified that is equivalent to a degree earned from a regionally accredited university in the U.S. or Canada. These 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, or by the National Register of Health Services Psychologists (NRHSP), a translated transcript in English, and any other documentation the Board deems necessary.

Continuing Education/Competency Requirements [CW]

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

Currently the Board requires all licensees to accrue 36 hours of continuing professional development each renewal cycle in order to maintain their license. Since the last Sunset Review, the Board adopted regulatory changes that replaced the continuing education model with the broader CPD model. This model consists of fourteen CPD activities grouped under four different categories. The four categories and fourteen learning activities include:

- 1) Professional (Peer Consultation, Practice Outcome Monitoring, Professional Services, Conferences/Conventions, Examination Functions, Expert Review/Consultation, Attendance at a California Board of Psychology Meeting)
- 2) Academic (Academic Coursework, Academic Instruction, Supervision, Publications, Self-Directed Learning)
- 3) Sponsored Continuing Education Coursework including approved structured, sequenced learning activities (in-person or online), and
- 4) Board Certification from the American Board of Professional Psychology (ABPP).

Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
Psychologist	Biennial	36	2.5 - 10%

- How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?

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

- Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

The Board conducts random CPD audits of its 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 CPD documentation to verify completion of the required CPD. 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.

- What are consequences for failing a CE audit?

If a licensee does not submit verification of enough hours or submits certificates that do not meet the Board's requirements, the licensee is sent a deficiency letter and is issued a citation and fine. The citation requires the licensee to comply with an order of abatement to accrue the hours the licensee is deficient, and to pay a fine. Fines range from \$250 to \$5,000 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.

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

The Board initially processed 811 audits over the last four fiscal years, however, 41 of those licensees renewed as inactive or were no longer eligible for an audit. The Board actively audited 770 licensees. The audits for July 2020 through January 2024 includes a combination of both continuing education and continuing professional development models.

The pass rate for July 2020 through January 2024 audits is 89% with 2% of the psychologists failing the audit and 9% of the audits still pending. The main reason cited for failing the audit was mostly related to concerns around the COVID-19 pandemic, such as office closures and inability to access or reproduce certificates, or an assumption that the live/live-interactive requirement was waived.

Audits were put on hold for the period of July 2022 through July 2023 due to staffing and the development, rollout, and implementation of the CPD model. Audits took place between August 2023 and January 2024; however, they were placed on hold in February 2024 due to staffing vacancies and onboarding of new employees. We anticipate CPD audits will begin again in early 2025.

- What is the board's course approval policy?

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

- American Psychological Association
- California Psychological Association
- Association of Black Psychologists

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

- Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The Board does not approve CE providers or CE courses. CE courses and providers are currently approved by the CE approvers cited above.

- How many applications for CE providers and CE courses were received? How many were approved?

The Board does not approve CE providers or CE courses; therefore, the Board did not receive any applications.

- Does the board audit CE providers? If so, describe the board's policy and process.

The Board does not audit CE providers.

- Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

The Board's recent transition to the CPD model includes and encourages that a portion of CPD be earned by performance-based activities. As competency is not a fixed quality, this ensures a more active participation in maintaining competence. This new CPD model provides additional avenues for maintaining competence. These additional options are meant to expand the ways licensees can increase their learning and maintain competency and to include avenues for performance-based assessments of licensees' competence. The use of peer consultation and outcome measures are examples of CPD that accomplish performance-based competency.

Section 4 – Enforcement Program

32. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

Performance Measure (PM)	Definition	Performance Target
PM 1 Volume	Number of complaints and convictions received.	*
PM 2 Intake	Average cycle time from complaint receipt to the date the complaint was assigned to an investigator.	9 days

PM 3 Intake/ Investigation	Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation).	80 days
PM 4 Formal Discipline	Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline (includes intake, investigation, and transmittal outcome).	540 days
PM 5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**
PM 6 Customer Satisfaction	Consumer satisfaction with the service received during the enforcement process.	***
PM 7 Probation/ Intake	Average number of days from monitor assignment, to date the monitor makes first contact with the probationer.	7 days
PM 8 Probation Violation Response	Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.	10 days
* Complaint volume is counted and not considered a performance measure ** Data not collected *** The DCA-wide average for all participating programs has been between 80-85% since 2015		

The Board has consistently met all of its performance measures with the exception of Performance Measure 4 (Formal Discipline). The DCA set the performance measure at 540 days. However, this measure includes case involvement outside of the Board's control.

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

Qbirt data not available at this time to provide a response.

Table 9. Enforcement Statistics			
	FY 2021/22	FY 2022/23	FY 2023/24
COMPLAINTS			
Intake			
Received	1127	1136	1275

Closed without Referral for Investigation	319	330	355
Referred to INV	779	808	912
Pending (close of FY)	160	153	161
Conviction / Arrest			
CONV Received	37	23	31
CONV Closed Without Referral for Investigation	0	0	0
CONV Referred to INV	38	23	31
CONV Pending (close of FY)	2	2	27
Source of Complaint ⁶			
Public	125	114	173
Licensee/Professional Groups	15	15	11
Governmental Agencies	22	24	14
Internal	56	88	165
Other	695	655	629
Anonymous	206	228	278
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	9	10	7
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	15	22	12
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	7	6	8
INVESTIGATION			
Desk Investigations			
Opened	895	913	1014
Closed	916	989	931
Average days to close (from assignment to investigation closure)	224	287	160
Pending (close of FY)	801	845	743
Non-Sworn Investigation			
Opened	18	0	10
Closed	30	4	4
Average days to close (from assignment to investigation closure)	262	134	95
Pending (close of FY)	14	9	5
Sworn Investigation			
Opened	98	73	57
Closed	65	78	72
Average days to close (from assignment to investigation closure)	357	396	345
Pending (close of FY)	85	92	90

⁶ Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

All investigations ⁷			
Opened	1011	986	1081
Closed	1011	1071	1007
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	281	272	200
Average days for investigation closures (from start investigation to investigation closure)	281	272	200
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	646	697	843
Average days from receipt of complaint to investigation closure	229	294	160
Pending (close of FY)	300	315	279
CITATION AND FINE			
Citations Issued	33	17	29
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	464	208	444
Amount of Fines Assessed	\$64,500	\$28,250	\$48,250
Amount of Fines Reduced, Withdrawn, Dismissed	\$6,200	\$6,500	\$3,000
Amount Collected	\$53,300	\$10,750	\$22,750
CRIMINAL ACTION			
Referred for Criminal Prosecution	2	2	2
ACCUSATION			
Accusations Filed	29	20	12
Accusations Declined	3	5	1
Accusations Withdrawn	1	2	1
Accusations Dismissed	3	0	1
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	76	65	23
INTERIM ACTION			
ISO & TRO Issued	1	0	0
PC 23 Orders Issued	0	0	0
Other Suspension/Restriction Orders Issued	0	0	0
Referred for Diversion	0	0	0
Petition to Compel Examination Ordered	0	0	0
DISCIPLINE			
AG Cases Initiated (cases referred to the AG in that year)	52	42	30
AG Cases Pending Pre-Accusation (close of FY)	40	45	40
AG Cases Pending Post-Accusation (close of FY)	74	72	78
DISCIPLINARY OUTCOMES			
Revocation	5	1	2
Surrender	9	12	5

⁷ The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

Suspension only	1	0	0
Probation with Suspension	0	0	0
Probation only	13	6	10
Public Reprimand / Public Reprimand / Public Letter of Reprimand	7	4	2
Other	1	2	0
DISCIPLINARY ACTIONS			
Proposed Decision	6	3	5
Default Decision	3	1	1
Stipulations	25	21	13
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	375	335	112
Average Days from Closure of Investigation to Imposing Formal Discipline	505	463	245
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	1176	1160	973
PROBATION			
Probations Completed	8	12	12
Probationers Pending (close of FY)	64	60	48
Probationers Tolerated *	16	15	14
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	0	0	0
SUBSEQUENT DISCIPLINE⁸			
Probations Revoked	0	0	0
Probationers License Surrendered	2	2	2
Additional Probation Only	0	0	1
Suspension Only Added	0	0	0
Other Conditions Added Only	0	0	0
Other Probation Outcome	0	0	0
SUBSTANCE ABUSING LICENSEES **			
Probationers Subject to Drug Testing	9	6	5
Drug Tests Ordered	248	169	144
Positive Drug Tests	0	0	0
PETITIONS			
Petition for Termination or Modification Granted	1	0	1
Petition for Termination or Modification Denied	5	3	3
Petition for Reinstatement Granted	0	0	0
Petition for Reinstatement Denied	3	1	2
DIVERSION **			
New Participants	NA	NA	NA
Successful Completions	NA	NA	NA
Participants (close of FY)	NA	NA	NA
Terminations	NA	NA	NA
Terminations for Public Threat	NA	NA	NA
Drug Tests Ordered	NA	NA	NA

⁸ Do not include these numbers in the Disciplinary Outcomes section above.

Positive Drug Tests	NA	NA	NA
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Table 10. Enforcement Aging						
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days	361	324	196	368	1249	41%
91 - 180 Days	92	117	136	165	510	17%
181 - 1 Year	107	109	243	182	641	21%
1 - 2 Years	34	169	227	61	491	16%
2 - 3 Years	20	40	37	16	113	4%
Over 3 Years	0	9	4	4	17	<1%
Total Investigation Cases Closed	614	768	843	796	3021	
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	32	24	19	11	86	52.4%
1 - 2 Years	20	16	14	11	61	37.2%
2 - 3 Years	0	4	5	8	17	10.4%
3 - 4 Years	0	0	0	0	0	0%
Over 4 Years	0	0	0	0	0	0%
Total Attorney General Cases Closed	52	44	38	30	164	

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

The statistics indicate that there has been a general increase in disciplinary activity. More complaints are being received and referred for investigation. Despite the higher workload, there has been an effort to improve the efficiency of the process. This is reflected in shorter timelines for case closures, investigations, and disciplinary actions. Key metrics such as the average time to close investigations and impose discipline have improved. However, the time to refer cases for prosecution has increased significantly, suggesting a potential blockage. Overall, the data shows a rise in disciplinary enforcement alongside efforts to streamline and expedite the process.

The number of complaints has steadily increased over the past three fiscal years, from 1,127 in FY 2021/22 to 1,275 in FY 2023/24. The referrals for investigation also increased from 779 in FY 2021/22 to 912 in FY 2023/24. There has been some fluctuation in the average time to close complaints, which improved in FY 2023/24 to 12 days, down from 22 days in FY 2022/23.

The number of cases opened for investigation increased from 1,011 in FY 2021/22 to 1,081 in FY 2023/24. The average time to close investigations has notably improved, decreasing from 281 days in FY 2021/22 to 200 days in FY 2023/24. However, the time to refer cases for prosecution has lengthened significantly, rising from 646 days in FY 2021/22 to 843 days in FY 2023/24.

The number of citations issued decreased slightly from 33 in FY 2021/22 to 29 in FY 2023/24, while the amount of fines collected notably increased from \$10,750 in FY 2022/23 to \$22,750 in FY 2023/24. However, the number of accusations filed significantly dropped from 29 in FY 2021/22 to 12 in FY 2023/24. The average time from referral to filing accusations improved markedly, decreasing from 76 days in FY 2021/22 to just 23 days in FY 2023/24.

Concerning disciplinary actions, there have been relatively few revocations with minor fluctuations, while probationary actions increased slightly in FY 2023/24. The overall time it takes to impose formal discipline has significantly improved, dropping from 1,176 days in FY 2021/22 to 973 days in FY 2023/24. Although the number of investigations and actions has generally increased, efforts have been made to simplify and expedite the disciplinary process, as evidenced by the improvements in critical timelines.

35. How are cases prioritized? What is the board's complaint prioritization policy?

The Board of Psychology (BOP) has adopted and utilizes the California Department of Consumer Affairs (DCA) Complaint prioritization and referral guidelines for categorizing complaints based on the reported categories described below.

1. **Category 1 (Urgent):** The following cases involve serious offenses, such as acts causing significant harm to patients or consumers, mental or physical impairment of the licensee that could pose a risk to the public, practicing under the influence of drugs or alcohol, narcotic theft, sexual misconduct, gross negligence, and politically sensitive cases. These urgent matters are promptly referred to the Division of Investigation (DOI) for swift and efficient handling.
2. **Category 2 (High):** This category covers serious but slightly less urgent cases, such as prescribing medication without authority, practicing without a license, assisting, and facilitating unlicensed activity, and criminal violations, such as prescription forgery or significant financial fraud. These cases also involve exam cheating and certain mandatory reporting situations. Like Category 1, these cases are referred to the Department of Investigation (DOI).
3. **Category 3 (Routine):** These cases, handled by board or bureau staff, are less urgent and include patient abandonment, false advertising, and applicant misconduct. They typically do not involve immediate public harm.

4. **Category 4 (Routine):** These cases are dealt with by the board or bureau staff and involve less severe issues, such as general unprofessional conduct, record-keeping violations, continuing education violations, and complaints of offensive behavior. Unless additional evidence escalates the case to a higher category, these are considered lower priority. The policy prioritizes cases that pose an immediate threat to public safety for urgent investigation. This commitment to public safety guides our actions and ensures that less severe cases are addressed in due course by the board or bureau staff.

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

The mandatory reporting requirements are as follows:

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

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

- What is the dollar threshold for settlement reports received by the board?

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

- What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the Board is **\$62,599.90**.

37. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

The Board of Psychology and the Office of the Attorney General, on behalf of the Board, engage in settlement processes with licensees to resolve disciplinary actions. These settlements, pursued to avoid the uncertainty, time, and expense of administrative hearings, are a key part of our disciplinary process. A typical settlement might take place in the form of a Stipulated Settlement Agreement. This is a legally binding agreement reached between the licensee (referred to as the Respondent) and the Deputy Attorney General (DAG) representing the Board. The agreement typically outlines specific disciplinary actions, including probation, suspension, or surrender of the license, depending on the severity of the offense.

The Stipulated Settlement Agreement contains a Disciplinary Order outlining the Respondent's terms and conditions. Both parties need to sign the agreement before it's sent to the Board for a vote. The Board then reviews the settlement and votes either to adopt it or hold it for further discussion. If a quorum of the Board adopts the settlement, it becomes final. The Enforcement Analyst then processes the decision and distributes it to relevant parties, including the Respondent and their attorney.

In certain instances, a Public Letter of Reproval may be issued as a less severe form of discipline, typically for minor violations. This letter is an official reprimand but does not result in the suspension or revocation of the license. It may include requirements such as completing ethics courses or covering costs related to the investigation.

Settlement agreements allow the Board and the Attorney General's office to ensure compliance and remediation without lengthy legal proceedings. Emphasizing the Board's role should provide reassurance to the audience.

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

Stipulations in disciplinary outcomes represent pre-accusation settlements. In the fiscal year (FY) 2021/22, 25 cases were settled pre-accusation, followed by 21 cases in FY 2022/23 and 13 cases in FY 2023/24 for a total of 59. These numbers indicate a steady decline in the number of cases being settled before an accusation is filed.

However, a consistent trend in cases has resulted in a hearing, either through a Proposed Decision or a Default Decision. In FY 2021/22, 6 cases went to a hearing, resulting in proposed decisions, and 3 cases ended in a default decision, making a total of 9 hearings. In FY 2022/23, 3 proposed decisions and 1 default decision led to 4 hearings. FY 2023/24 showed an increase, with 5 cases resulting in proposed decisions and 1 default decision, totaling 6 hearings.

The data indicates that more cases are resolved before accusations are made rather than proceeding to a hearing. This trend emphasizes the Board's inclination to settle disciplinary matters, avoiding full hearings.

- What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

After an accusation, more cases are settled through stipulations than proceed to hearings. In the FY 2021/22, there were 25 stipulations, 9 hearings (6 proposed decisions and 3 default decisions); in FY 2022/23, there were 21 stipulations, 4 hearings (3 proposed decisions and 1 default decision); and in FY 2023/24, there were 13 stipulations, 6 hearings (5 proposed decisions and 1 default decision).

The data show that the Board's preferred approach to resolution is settlements after accusations. The number of cases going to a full hearing decreases annually, underscoring the Board's reliance on settlements to address disciplinary issues.

- What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

Over the past four years, about 75.64% of cases have been settled instead of going to a hearing. This data shows that the majority of disciplinary cases are resolved through settlement, with 75.64% of cases concluding in this manner compared to 24.36% that proceed to a hearing. This percentage is calculated based on the total number of settlements (59 cases) compared to the number of cases that went to a hearing (19 cases). Specifically, the Board settled 25 cases in FY 2021/22, 21 cases in FY 2022/23, and 13 cases in FY 2023/24. In contrast, 9 cases went to a hearing in FY 2021/22, 4 in FY 2022/23, and 6 in FY 2023/24. Overall, this data shows that the majority of cases, 75.64%, are resolved through settlements, while only 24.36% proceed to a full hearing.

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

39. Describe the board's efforts to address unlicensed activity and the underground economy.

The California Board of Psychology takes various measures to address unlicensed activity and combat the underground economy. According to Business and Professions Code section 148, the Board has the authority to establish an administrative citation system specifically for unlicensed individuals practicing under the Board's jurisdiction. This system allows the Board to issue citations, impose fines, and mandate orders of abatement for unlicensed activities. Additionally, the Board can use other enforcement mechanisms, such as seeking injunctive relief through the courts to stop unlicensed individuals from engaging in activities that require licensure.

Cite and Fine [SM and CW]

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

Citations are issued when a simple departure is found by an expert reviewer, for probation violations, for cases involving confirmed unlicensed practice activity, or a licensee who is found to be in violation of Psychology Laws and Regulations. The Board has imposed the maximum fine of \$5,000 in cases in which a violation meets the criteria of California Code of Regulations, section 1397.51(c)1-4.

41. How is cite and fine used? What types of violations are the basis for citation and fine?

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

- Failure to comply with the continuing professional development requirements;
- False or misleading advertising;
- Unlicensed practice;
- Probation violations;
- Unprofessional conduct; and
- Failure to comply with an investigation.

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

The Board of Psychology does not have a Disciplinary Review Committee. In the last four fiscal years, the Board held 42 enforcement-related and 28 CE-related informal conferences.

43. What are the five most common violations for which citations are issued?

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

- Failure to comply with the continuing professional development requirements;
- Probation violations;
- False or misleading advertising;
- Unlicensed practice; and
- Unprofessional conduct.

44. What is average fine pre- and post- appeal?

\$1,500. If appealed, fines are often affirmed, whether at the informal conference level or administrative hearing level. On occasion, fines are adjusted downward.

45. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The Board sends three subsequent non-payment letters to the Subject every 30 days if no payment is received after the due date of the fine. If the Subject does not pay the fine and is not a licensee, the Board refers those fines to the Franchise Tax Board for collections.

Cost Recovery and Restitution

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

The Board attempts to collect cost recovery from licensees who are placed on probation. Cost recovery is due within one year from the effective date of probation unless a payment plan is established. If a payment plan is established, the balance must be paid in full no later than 6 months prior to the end of probation. The probation monitor is responsible to ensure that the balance is either paid in full by the first year of probation, or that the payment plan is being followed by the probationer. If they fail to pay off the costs as required, the Board can pursue further discipline against the licensee.

For licensees that are revoked or surrendered, cost recovery is only collected if the licensee is granted reinstatement of licensure. There have been no changes in this policy since the last review.

47. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

Overall, the Board has ordered over 600 cases to pay cost recovery, totaling over 5 million dollars.

Between FY 2020/2021 and FY 2023/2024 there were 92 cases that were ordered to pay cost recovery, totaling \$1,588,954.05.

As of July 3, 2024, there were 261 cost recovery cases outstanding, for a total amount of \$3,026,204.13. Of these 261 cases, 220 cases are aged over 3 years, for a total amount of \$2,243,332.70.

The Board believes the 220 cases that are aged over 3 years may not be collectable as this number consists of license surrenders, revocations, and deceased licensees. Many of these licensees most likely will not be licensed again.

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

The Board does not seek cost recovery for Statement of Issues Cases. For accusation cases, the Board always seeks cost recovery.

49. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The Board does not use Franchise Tax Board to collect cost recovery. If a licensee on probation does not pay their costs, the Board will pursue further action against their license (i.e. a petition to revoke probation). The Board does not collect cost recovery on revoked or surrendered license unless they are granted reinstatement of licensure.

Table 11. Cost Recovery¹¹ (list dollars in thousands)				
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
Total Enforcement Expenditures				
Potential Cases for Recovery *	40	29	20	12
Cases Recovery Ordered	34	27	16	15
Amount of Cost Recovery Ordered	\$486,477.27	\$573,553.09	\$243,690.75	\$285,232.94
Amount Collected	\$125,483.16	\$187,492.39	\$110,779.30	\$200,168.84

Cost recovery may include information from prior fiscal years.

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

50. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The Board may impose a probation term compelling restitution. The Board can order restitution in cases involving Medi-Cal or other insurance fraud. One example of when restitution would be ordered is in cases where a patient or client paid for services that were never provided. Evidence relating to the amount of restitution would be introduced at the administrative hearing. Failure to pay the ordered restitution would be deemed a violation of probation and further discipline or revocation would be sought.

Table 12. Restitution (list dollars in thousands)				
	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

Section 5 – Public Information Policies

51. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online? **[JB and CW]**

The Board continually updates its website to reflect upcoming Board activities, changes in laws, regulations, licensing and/or registration, and other relevant information of interest to stakeholders. Agendas are posted on the Board's website at least 10 days prior to meeting dates. Meeting materials are also made available on the website. These items remain available on the website for as long as permitted by DCA policy. Draft minutes are posted online only as agenda item materials for an upcoming meeting. Minutes from each Board meeting are posted on the Board's website once they have been formally approved and adopted by the Board at a subsequent meeting. Minutes remain available on the Board's website for as long as permitted by DCA policy.

52. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

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

53. Does the board establish an annual meeting calendar, and post it on the board's web site?

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

54. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with BPC § 27 if applicable?

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

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

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

56. What methods are used by the board to provide consumer outreach and education?

The Board has a standing Outreach and Communications Committee. The goal of this Committee is to engage, inform, and educate consumers, students, applicants, licensees, and other stakeholders regarding the evolving practice of psychology, the work of the Board, and their relevant laws and regulations. Since the last Sunset Review, the Board updated its consumer brochure *Therapy Never Includes Sexual Behavior*, which required collaboration with the Medical Board of California, Osteopathic Medical Board of California, and the Board of Behavioral Sciences on the revisions and statutory changes required for this update. The Board maintains its website with current, relevant information for consumers. Consumers can also sign up on the Board's website to receive email notifications on a variety of topics. The Board also provides consumer updates on Facebook, X (formerly known as Twitter), and LinkedIn. The public also has access to view Board of Psychology meeting webcasts and participate in WebEx meetings. Annually, the Board holds our quarterly meetings in various locations throughout California to increase consumer and stakeholder access to board meetings. The Board looks forward to future opportunities to enhance its outreach and education efforts.

Section 6 – Online Practice Issues

57. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so? [AS and SM]

The Board regulates licensed psychologists and registered psychological associates that utilize online practice (telehealth) to provide psychological services to clients. The Board has received XX complaints regarding unlicensed practice of psychology online. If service is provided online by a California licensee, it is within the Board's jurisdiction to regulate it. The Board was, however, made aware of an online app that laid off 33 of its employees (including licensees of the Board) in July of 2023 (as reported by the Los Angeles Times <https://www.latimes.com/business/story/2023-07-07/santa-monicas-headspace-health-laid-off-therapists-patients-dont-know-where-they-went>). Licensees were reportedly unable to contact their clients and complete a proper termination of service as prescribed by law.

To address this situation going forward, the Board would need statutory authority to regulate appropriate business entities and require a responsible licensee or other individual to be accountable should potential practice act violations occur with regard to the acts of the business.

Section 7 – Workforce Development and Job Creation

58. What actions has the board taken in terms of workforce development? [JB and AS]

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

Since the last Sunset Review, the Board completed an evaluation of its Licensing unit and streamlined the licensure process by making certain applications available online, which should result in greater efficiencies in the process. The Board continues to work with Healthcare Access and Information (HCAI) on supporting its loan repayment program by advertising application cycles and promoting the program through annual presentations to the Board.

All healing arts boards currently collect demographic and workforce data at license renewal and that data is provided to HCAI for analysis and public reporting. HCAI has developed detailed dashboards that includes most license types. This information is regularly reviewed and evaluated.

The Board is also participating in a departmentwide workforce development survey which will help to identify opportunities to collaborate with DCA and other boards and bureaus on workforce development initiatives.

59. Describe any assessment the board has conducted on the impact of licensing delays. [SC]

The Board has not conducted its own assessment; however, the California Psychological Association conducted a survey that was sent to their members in 2021 soliciting feedback about the licensing delays. One of the survey questions asked about the detrimental consequences they experience due to processing delays. Out of the total 358 respondents for that question, the top three concerns reported were financial hardship, interruptions in patient care, and difficulty hiring. Since that time, licensing timeframes have been reduced.

60. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process. [SC]

Schools are identified stakeholders of the Board and as such are consulted on statutory and regulatory changes that may impact students and future applicants to the Board. Additionally, whenever policy changes are made that affect applicants, the Board disseminates an advisory on changes to licensing requirements and processes. Due to budget restrictions, the Board is

unable to travel to schools to present this information directly to their students.

61. Describe any barriers to licensure and/or employment the board believes exist. [AS and JB]

The Board became aware of a low passing rate for the national examination required for practice. The Board observed through national data that candidates tended to have greater success in passing the exam when they took it soon after graduation. As such, the Board supported AB 282 (Aguiar-Curry), allowing eligible applicants to take the national exam upon completion of all requirements to attain a qualified doctoral degree. This bill passed, and the Board is pursuing regulatory changes to implement the statute. Early eligibility to take EPPP Part 1 should result in an increase in the passage rates of the examination such that applicants take the knowledge-based portion of the exam soon after completing their degree without having to wait until they have accrued 3,000 hours of supervised practice.

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

a. Workforce shortages

Neither the Board or DCA has not collected data regarding workforce shortages.

b. Successful training programs.

Neither the Board or DCA has not collected data on training programs.

63. What efforts or initiatives has the board undertaken that would help reduce or eliminate inequities experienced by licensees or applicants from vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or that would seek to protect those communities from harm by licensees?

EPPP1 taken sooner

Strategic plan two-week application processing target to help reduce time applicants are awaiting licensure/ registration.

Licensee – CPD over CE helps encourage alternative enrichment and includes 4 hours of mandatory Social Justice and Diversity training hours.

Partnership with HCAI on loan repayment programs where licensees work in underserved areas, which are disproportionately low income and marginalized communities.

PSYPact – Our position – APA approved schools requirement.

DEI is interwoven into every strategic plan action item and is a priority of the Board in all that we do.

Current Issues

64. Describe how the board is participating in development of online application and payment capability and any other secondary IT issues affecting the board. [SC and MX]

- Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

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

Board staff participates in planning sessions with the DCA and performs user acceptance testing to ensure a smooth implementation to expand online application and payment capabilities for applicants through BreEZe. The Board is rolling out online applications and enabling online payments on an ongoing basis.

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

This is not applicable to the Board.

Section 9 – Board Action and Response to Prior Sunset Issues

Include the following: [JB and EG]

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

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 [JB]: 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:

Fund Condition						
(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
Months in Reserve*	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:

Fee Schedule and Revenue				(list revenue dollars in thousands)			
Fee	Current Fee Amount	Statutory Limit	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	% of Total Revenue
LICENSING FEES							

Application Fee – Psychologist	\$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%
FINES & PENALITIES							
Citations & Fines	Varies	\$5,000	\$58	\$64	\$148	\$53	1%

Franchise Tax Board Cite Fine Collection	Varies	N/A	\$0	\$0	\$3	\$1	<1%
OTHER							
Income from Surplus Money Investment	Variable	N/A	\$24	\$38	\$40	\$68	2%
Suspended Revenue	Variable	N/A	\$32	\$21	\$19	\$23	1%
Over/Short Fees	Variable	N/A	\$1	\$0	\$0	\$0	<1%
OTHER (cont.)							
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 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 the additional statutory increases needed.

Finally, 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 ultimate goal in increasing its fees is to remain fiscally solvent.

Update

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 [JB/SC]: 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 the live requirement for continuing education for purposes of license renewal to allow for utilization of synchronous video platforms in an effort to promote health and public safety. Once the Department established a waiver request process, the Board initiated several requests including: extended time limitations on training categories, additional time to take the licensing examination(s), and extended time to complete continuing education renewal requirements (CE). Additionally, the Board identified existing statutory authority to waive its own regulations in the following domains: 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 who 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 be responsive to the Board's stakeholders and their need for more advanced notice of waiver extensions or expirations to facilitate the delivery of psychological services and workforce planning. The Board is seeking statutory authority to be able to address on its own any statutory or regulatory barriers impacting the practice of psychology and continued access to care.

The Board requested the Committee's assistance by establishing a statutory waiver authority as follows:

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.

The Board has no further update to this item.

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 [JB]: 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. In addition, at times confidential matters related to past disciplinary cases are discussed. In order to protect the confidentiality of complainants and licensees, it is essential that such discussions take place in a confidential setting. The Sunset Committee is tasked with the initial review and draft of the sunset report. Having a two-person committee allows for maximum responsiveness to the legislature's concerns in the most timely manner. Shortened time frames due to legislative requests and inquiries require the committee's meeting with limited or no opportunity for notice.

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 of 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 with 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 [SC]: 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 or Canada.

Board Response:

In response to legislative interest about how the Department of Consumer Affairs supports its foreign trained applicants, the Board contacted NRHSP which presented its evaluation process to the Board. As a result of this presentation and subsequent analysis and consideration, the Board is 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 successfully made and implemented this statutory change to allow NRHSP to perform foreign credential evaluation services.

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 [SC]: 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 the sunset review process. Once statutory changes are made the Board will initiate regulatory changes to implement said statutes.

The Board has amended the Board’s statutes and actively working to amend regulations related to pathways to licensure.

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, thereby 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 [SM]: 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 the petition process 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 [SC]: 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:

The Board is often faced with requests for modification of the application and licensing 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 or render the response to their petition untimely. 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 concern emerge, that issue would come before the Board for full consideration.

The Board has added a section to delegate authority to the Board's Licensure Committee to independently approve extension requests in the Board's statutes.

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 [SC]: 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 who have not graduated from a regionally accredited institution but who are still license eligible can continue to obtain supervised professional experience through the available pathways to meet the necessary experience requirements for licensure. This training is independent from the regional accreditation of the degree granting institution.

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 [JB]: 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 psychoanalytics

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 and as a result of antitrust litigation, this function is now 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 oversight of Research Psychoanalysts and working with the Medical Board of California on a possible 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 [NO ACTION NEEDED] [JB]: 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 of 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 [SM]: (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 [SM]: (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 [SM]: 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 which may include a public citation, decision, or letter of reprimand. The Board has not been made aware of any time erroneous information has been published in the newsletter. 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. Publication of information regarding disciplinary actions helps to better educate licensees and thereby promotes the protection of consumers of psychological services.

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

Background [SM]: 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 will 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 [SC]: 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 change. This proposed 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 [JB]: 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:

The Board's mission is to protect consumer of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. The Board's jurisdiction is not to deliver mental and behavioral healthcare services. As such, the Board has no initial findings related to the delivery of mental and behavioral healthcare to frontline healthcare providers and first responders. The Board does engage in advocacy surrounding the delivery of services by means such as suicide prevention training. The Board will continue to monitor this issue.

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.

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 Corps. California Health Corps is the State's response to increased health care needs due to the COVID- 19 outbreak. Healthcare 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.

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 [JB]: 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 byproduct of this meeting was an implementation plan for those issues identified as being within the jurisdiction of the Board of Psychology. These items include:

- o Mandate Child Abuse/Domestic Violence Education for Subject Matter Experts
- o Screen Child Custody Subject Matter Experts Who Subscribe to Parental Alienation Syndrome
- o Educate Public on the Clear and Convincing Evidence Standard
- o Create a Complaint Fact Sheet
- o 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.

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

Background [JB]: 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 review, 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-jurisdictional telehealth practice. The Board worked closely with the Department of Consumer Affairs and the Association of State and Provincial Psychology Boards (ASPPB) 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 impeding consumer access to telehealth. After compiling this data, the Board will consider possible next steps.

Lastly, the Telepsychology Committee will revisit the ASPPB'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 participation 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 [JB/API]: 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

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

Background [CW/TP]: 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 making global changes to meet this goal.

UPDATE:

Only one of four recommendations of clean-up language was enacted in SB 1526, the Board will be recommending the remaining changes be enacted and will be included in the Board's Section 10 – New Issues (Establishing a Psychotherapist-client Privilege Exception for Board Investigations, Qualifications of a Foreign Degree, and Statutory Change for Change of Supervisor Fee (Psychological Testing Technicians) (e) Technical Statutory Clean-up Issues.

CONTINUATION OF THE BOARD

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

Background [JB]: 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 to benefit the requestor;
6. Create a mechanism to add additional waiver authority in the Board in case of a declared emergency;

and

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

Section 10 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following: [CW and TP]

- Issues raised under prior Sunset Review that have not been addressed.

There are no issues that were raised under the prior Sunset Review report that have not been addressed.

- New issues identified by the board in this report.
- New issues not previously discussed in this report.

Establishing a Psychotherapist-Client Privilege Exception for Board Investigations

As part of a commitment to our child custody stakeholders, the Board is pursuing a statutory change to remove barriers to access client records that will help the Board investigate consumer complaints. This proposal has been in the works since 2018, when the Board convened a child custody stakeholder meeting with numerous entities, including the Assembly Business and Professions Committee, and Senate Business, Professions and Economic Development Committee. When the Board must investigate a licensee for misconduct, it often requires obtaining psychotherapy records, which includes psychotherapy-client communications. An expert would then review the records to determine potential misconduct. If the Board's investigation determines that the psychotherapy-client records are relevant, the Board may request to review the records. A client has the constitutional right to privacy and can refuse to disclose records. If the client objects, the Board's only recourse for obtaining the records is to formally request them with a subpoena for the production of evidence, and then obtain a civil court order enforcing the subpoena. Because the Board of Psychology has no such exception to the psychotherapy-client privilege for its investigations, the Board is unable to enforce subpoenas for records needed in its investigations if the client objects to disclosure of such records. The proposed language mirrors Medical Board of California's (MBC) privilege language the MBC has had since 1980. (See proposed language in attachment #1)

Qualifications of a Foreign Degree

The current language in BPC 2913 related to the requirements of a foreign master's degree, and the advancement to candidacy has created confusion to not only applicants seeking registration as a registered psychological associate but, also for licensing staff when processing applications and answering inquiries from applicants. In amending BPC 2913 the Board believes it will alleviate any further confusion for both staff and applicants. (See proposed language in attachment #2)

Statutory Change for Change of Supervisor Fee (Psychological Testing Technicians)

In the passing of Senate Bill 816, which increased the Board fees related to licensure, registration, and renewals; the \$25 fee associated with a request to change supervisors for psychological testing technicians was inadvertently removed from the amendments of BPC 2987. The fee was included in the passing of Senate Bill 1428 which established the registration category for Psychological Testing Technicians. By amending BPC 2987, all fees associated will be applied as established in the prior year approval of SB 1428 (Archuleta, Chapter 622, Statutes of 2022). (See proposed language in attachment #3)

Enforcement Provisions

The Board's Enforcement Committee and staff completed a comprehensive review of enforcement-related sections of the BPC sections 2902 through 2986. The review determined

that technical changes would need to be made to make the BPC section consistent with current language and practices.

(See proposed language in attachment #4)

Professional Corporations

The Board's Enforcement Committee and staff completed a comprehensive review of BPC 2995 related to Psychological Corporations, which found that BPC 2995 is not consistent with the Moscone-Knox Professional Corporation Act. The Committee recommended minor changes to the language to make corporate officers consistent with existing language as provided in the Act.

(See proposed language in attachment #5)

Research Psychoanalyst

The Board's Research Psychoanalyst Ad Hoc Committee and staff completed a comprehensive review of BPC sections related to the registration. BPC sections 25, 28, 490, 726, 729, 2914, 2915.4, 2915.5, 2936, 2936.5, 2950, 2951, 2952, 2954, 2960.1, 2963, and 2966 were determined to need technical changes to make the BPC sections consistent with current language and practices.

(See proposed language in attachment #6)

- New issues raised by the Committees.

As of the date of this report, the Board has not received additional concerns from its' Committees and has addressed all issues raised in the last Sunset Review.

Section 11 – Attachments

Please provide the following attachments: [CW, JB and EG]

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).
- E. Statutory language for desired statutory changes

Proposed Revised Business and Professions Code Section 2918

(a) The confidential relations and communications between psychologist and client shall be privileged as provided by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code, except as set forth in subdivisions (b) through (f), herein.

(b) Exception to Psychotherapist-Client ~~Patient~~ Privilege for Investigatory and Disciplinary Purposes. Neither the privilege established in California Evidence Code Section 1014 nor any other law making a communication between a psychotherapist and their client ~~patient~~ privileged or confidential shall apply to investigations or proceedings conducted under this chapter. Such communications shall include, but are not limited to, recordings of the same, in physical or electronic format, in treatment records, progress notes, psychotherapy notes, correspondence, audio or video recordings, or any other record.

(c) Applicability. This exception shall only be available to the Board and its agents and representatives, as related to an investigation into any alleged violation of this chapter or any other state or federal law, regulation, or rule relevant to the practice of psychology, a disciplinary hearing, or any other proceeding under this chapter, or any other chapter under which proceedings may be brought on behalf of the Board, including but not limited to a proceeding for interim license suspension under Business and Professions Code section 494, and an appearance by or on behalf of the Board in a criminal proceeding against a licensee to recommend practice restriction under Penal Code section 23.

(d) Procedures for Accessing or Obtaining Records Subject to the Exception to the Psychotherapist-~~Patient~~ Client Privilege. In accordance with this section, documents and records relevant to an alleged violation of the Psychology Licensing Law, or any other federal or state law, regulation, or rule relevant to the practice of psychology, may be inspected and obtained for investigatory or disciplinary purposes in accordance with the following procedures:

1. Any psychotherapist-~~patient~~-client communication, or other relevant document or record, may be inspected, and copies may be obtained, where the holder of the privilege gives consent. If the ~~patient~~-client is deceased, consent may be obtained from the ~~patient~~-client's beneficiary or authorized representative. If the beneficiary or authorized representative of a deceased ~~patient~~-client cannot be located after reasonable efforts, the records may be inspected and copied without consent of the beneficiary or authorized representative, if the Board provides a written request to the recordholder that includes a declaration that the Board has been unsuccessful in locating or contacting the deceased ~~patient's~~-client's beneficiary or authorized representative after reasonable efforts.

2. Regardless of ~~patient~~ client consent, the Board and its agents may issue an investigatory subpoena duces tecum for psychotherapist-~~patient~~ client communications, pursuant to Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

i. Prior to the date called for in the subpoena duces tecum for the production of records, the Board must make a reasonable effort to give notice of the subpoena to the ~~patient~~-client who is the subject of the records, or if the ~~patient~~-client is a minor, to the ~~patient's~~ client's parent(s) or guardian(s), or if the ~~patient~~-client is deceased, to the beneficiary or authorized representative of the deceased ~~patient~~-client. ii. Where a party fails to produce subpoenaed communications, the Board or its agents may seek a court order compelling compliance, pursuant to Sections 11187 and 11188 of the Government Code.

3. Any document or record relevant to the business operations of a licensee, and not involving psychotherapy records attributable to identifiable ~~patients~~-clients, may be inspected, and copies may be obtained, if relevant to an investigation or proceeding under this chapter.

4. Any records related to a court-ordered or court-related evaluation will be subject to the exception as specified in this section. Examples of records include but are not limited to client notes, recordings, evaluation records – both current and previous, if appropriate, research, and test results. This section shall not be construed to create a psychotherapist-client relationship in a court-ordered or court-related evaluation where one does not otherwise exist.

(e) Protection of ~~Patient~~ Client Privacy. The names and identifying information of any ~~patients~~-clients whose communications are reviewed shall be kept in confidence, except as is necessary during the course of an investigation and proceeding. If proceedings are instituted, reasonable efforts shall be made to keep ~~patient~~ names in confidence.

(f) Rights of Recordholders

1. When requested documents or records are inspected or copies made or received under this section, their acquisition and review shall not unnecessarily disrupt the operations or recordkeeping of the licensee or facility where the records are kept.

2. Psychotherapists otherwise obligated to assert the psychotherapist-~~patient~~ client privilege for psychotherapist-~~patient~~ client communications under Evidence Code Section 1015 have no such obligation with respect

to communications subject to the exception to that privilege created by this section.

3. The Legislature finds and declares that the authority created in the Board pursuant to this section, and a psychotherapist's compliance with this section, are consistent with Sections 56 to 59 of the Civil Code and the federal Health Insurance Portability and Accountability Act (HIPAA). Recordholders shall be immune from claims of violating the psychotherapist-patient-client privilege arising from their compliance with investigatory requests, subpoenas duces tecum, and court orders issued pursuant to this section.

2913.

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 is registered with the board as a “registered psychological associate.” This registration shall be renewed annually in accordance with regulations adopted by the board.

(b)(1) The person has completed or is any of the following:

(A) Completed a master’s degree in psychology. This degree shall be obtained from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education.

(B) Completed a master’s degree in education with the field of specialization in educational psychology, counseling psychology, or school psychology. This degree shall be obtained from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education.

(C) Is an admitted candidate for a doctoral degree and after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, and that doctoral degree having been completed in any of the following:

(i) Psychology with the field of specialization in clinical, counseling, school, consulting, forensic, industrial, or organizational psychology.

(ii) Education, with the field of specialization in educational psychology, counseling psychology, or school psychology.

(iii) 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.~~

(D) An applicant for registration trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that the applicant possesses a master’s degree in psychology or education as specified in paragraphs (A) and (B) that is equivalent to a degree earned from a regionally accredited academic institution in the United States or Canada by providing the board with an evaluation of the degree 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), and any other documentation the board deems necessary. The member of the NACES or the NRHSP shall submit the evaluation to the board directly and shall include in the evaluation all of the following:

(1) A transcript in English, or translated into English by the credential evaluation service, of the degree used to qualify for licensure.

(2) An indication that the degree used to qualify for licensure is verified using primary sources.

(3) A determination that the degree is equivalent to a degree that qualifies for registration pursuant to paragraphs (A) or (B)

(D)(E) Completed a doctoral degree that qualifies for licensure under Section 2914.

(2) The board shall make the final determination as to whether a degree obtained outside the United States or Canada meets the requirements of this subdivision.

(c)(1) The registered psychological associate is supervised by a licensed psychologist. Any supervision may be provided in real time, which is defined as through in-person or synchronous audiovisual means, in compliance with federal and state laws related to patient health confidentiality. The registered psychological associate's primary supervisor shall be responsible for ensuring that the extent, kind, and quality of the psychological services performed are consistent with the registered psychological associate's and the primary supervisor's training and experience. The primary supervisor shall be responsible for the registered psychological associate's compliance with this chapter and regulations. A primary supervisor may delegate supervision as prescribed by the board's regulations.

(2) A licensed psychologist shall not supervise more than three registered psychological associates at any given time.

(d) A registered psychological associate shall not do either of the following:

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

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

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 be two hundred thirty-six dollars (\$236).
- (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 application fee for the California Psychology Law and Ethics Examination (CPLEE) shall be one hundred twenty-seven dollars (\$127).
- (d) The initial license fee for a psychologist shall be two hundred thirty-one dollars (\$231).
- (e) The biennial renewal fee for a psychologist shall be seven hundred ninety-five dollars (\$795). The board may adopt regulations to set the fee at a higher amount, up to a maximum of one thousand one hundred dollars (\$1,100).
- (f) The application fee for registration as a registered psychological associate under Section 2913 shall be four hundred twenty-four dollars (\$424).
- (g) The annual renewal fee for registration of a psychological associate shall be two hundred twenty-four dollars (\$224). The board may adopt regulations to set the fee at a higher amount, up to a maximum of four hundred dollars (\$400).
- (h) The duplicate license or registration fee is five dollars (\$5).
- (i) The delinquency fee is 50 percent of the renewal fee for each license type, not to exceed three hundred ninety-seven dollars and fifty cents (\$397.50).
- (j) The endorsement fee is five dollars (\$5).
- (k) The file transfer fee is ten dollars (\$10).
- (l) The registration fee for a psychological testing technician shall be seventy-five dollars (\$75).
- (m) The annual renewal fee for a psychological testing technician is seventy-five dollars (\$75).
- (n) ~~The fee for Fingerprint Hard Card Processing for Out of State Applicants shall be one hundred eighty-four dollars (\$184). Applicants shall also pay the actual cost to the board of processing the fingerprint hard card with the Department of Justice and Federal Bureau~~

of Investigation. The fee to add or change a supervisor for a psychological testing technician is twenty-five dollars (\$25).

(o) ~~The fee for a psychological associate to add or change their supervisor shall be two hundred ten dollars (\$210). The fee shall be the actual cost to the board of processing the addition or change.~~ The fee for Fingerprint Hard Card Processing for Out of State Applicants shall be one hundred eighty-four dollars (\$184). Applicants shall also pay the actual cost to the board of processing the fingerprint hard card with the Department of Justice and Federal Bureau of Investigation.

(p) ~~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.~~ The fee for a psychological associate to add or change their supervisor shall be two hundred ten dollars (\$210). The fee shall be the actual cost to the board of processing the addition or change.

(q) ~~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.~~

Section 124260 of the Health and Safety Code is amended to read:

BUSINESS AND PROFESSIONS CODE - BPC
DIVISION 2. HEALING ARTS [500 - 4999.129]
(Division 2 enacted by Stats. 1937, Ch. 399.)

CHAPTER 6.6. Psychologists [2900 - 2999]
(Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.)

ARTICLE 1. General Provisions [2900 - 2919]
(Article 1 added by Stats. 1967, Ch. 1677.)

2902.

~~As used in this chapter~~For the purposes of this chapter, unless the context clearly requires otherwise and except as in this chapter expressly otherwise provided, the following definitions apply:

(a) "Licensed psychologist" means an individual to whom a license has been issued pursuant to the provisions of this chapter, which license is in force and has not been suspended or revoked.

(b) "License" means a psychologist license or a registration issued by the board.

(c) "Licensee" means a licensed psychologist or a registered psychological associate regulated by the board.

(d) "Client" means a patient or recipient of psychological services.

~~(e)(b)~~ "Board" means the Board of Psychology.

~~(f)(c)~~ A person represents himself or herself themselves to be a psychologist when the person holds himself or herself themselves out to the public by any title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychology consultation," "psychology consultant," "psychometry," "psychometrics," or "psychometrist," "psychotherapy," "psychotherapist," "psychoanalysis," or "psychoanalyst," or when the person holds himself or herself themselves out to be trained, experienced, or an expert in the field of psychology.

~~(d)~~ "Accredited," as used with reference to academic institutions, means the University of California, the California State University, or an institution that is accredited by a national or an applicable regional accrediting agency recognized by the United States Department of Education.

~~(e)~~ "Approved," as used with reference to academic institutions, means an institution having "approval to operate," as defined in Section 94718 of the Education Code.

(Amended by Stats. 2004, Ch. 695, Sec. 19. Effective January 1, 2005.)

§ 2903. Licensure requirement; Practice of psychology; Psychotherapy

(a) No person may engage in the practice of psychology, or represent himself or herself themselves to be a psychologist, without a license granted under this chapter, except as otherwise provided in this chapter. The practice of psychology is

1 defined as rendering or offering to render to individuals, groups, organizations,
2 or the public any psychological service involving the application of psychological
3 principles, methods, and procedures of understanding, predicting, and
4 influencing behavior, such as the principles pertaining to learning, perception,
5 motivation, emotions, and interpersonal relationships; and the methods and
6 procedures of interviewing, counseling, psychotherapy, behavior modification,
7 and hypnosis; and of constructing, administering, and interpreting tests of
8 mental abilities, aptitudes, interests, attitudes, personality characteristics,
9 emotions, and motivations.

10 (b) The application of these principles and methods includes, but is not
11 restricted to: assessment, diagnosis, prevention, treatment, and intervention
12 to increase effective functioning of individuals, groups, and organizations.

13 (c) Psychotherapy within the meaning of this chapter means the use of
14 psychological methods in a professional relationship to assist a person or
15 persons to acquire greater human effectiveness or to modify feelings, conditions,
16 attitudes, and behaviors that are emotionally, intellectually, or socially
17 ineffectual or maladaptive.

18 Added Stats 1967 ch 1677 § 2. Amended Stats 1973 ch 658 § 1; Stats 1978 ch 1208 §
19 2; Stats 2001
20 ch 728 § 24.2 (SB 724); Stats 2015 ch 529 § 1 (AB 1374), effective January 1, 2016.

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24
25 **2908.**

26 Nothing in this chapter shall be construed to prevent qualified members of other
27 recognized professional groups licensed to practice in the State of California, such as,
28 but not limited to, physicians, clinical social workers, educational psychologists,
29 marriage and family therapists, optometrists, psychiatric technicians, or registered
30 nurses, or attorneys admitted to the California State Bar, or persons utilizing hypnotic
31 techniques by referral from persons licensed to practice medicine, dentistry or
32 psychology, or persons utilizing hypnotic techniques which offer avocational or
33 vocational self-improvement and do not offer therapy for emotional or mental disorders,
34 or duly ordained members of the recognized clergy as defined in Welfare and
35 Institutions Code Section 15610.19, or duly ordained religious practitioners from doing
36 work of a psychological nature consistent with the laws governing their respective
37 professions, provided they do not hold themselves out to the public by any title or
38 description of services incorporating the words “psychological,” “psychologist,”
39 “psychology,” “psychometrist,” “psychometrics,” or “psychometry,” or that they do not
40 state or imply that they are licensed to practice psychology; except that persons
41 licensed under Article 5 (commencing with Section 4986) of Chapter 13 of Division 2
42 may hold themselves out to the public as licensed educational psychologists.
43 *(Amended by Stats. 2002, Ch. 1013, Sec. 10. Effective January 1, 2003.)*

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3 **2912.**

4 Nothing in this chapter shall be construed to restrict or prevent a person with a current
5 and active license ~~who is licensed~~ as a psychologist at the doctoral level in another state
6 or territory of the United States or in Canada from offering psychological services in this
7 State for a period not to exceed no more than 30 days, consecutive or nonconsecutive,
8 in any calendar year. Practice for any part of a day is considered a full day for the
9 purposes of this section.

10 This section does not apply to either a licensee with an inactive or suspended license or
11 an individual whose license has been revoked or denied by, or surrendered to, the
12 board.

13 *(Amended by Stats. 2005, Ch. 658, Sec. 4. Effective January 1, 2006.)*
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18 **2934.1.**

19 ~~(a) The board may post on its Internet Web site~~ website ~~the following information on the~~
20 ~~current status of the license for all current and former licensees, including the following:~~

21 ~~(1a) Whether or not the licensee has a~~ Any record of a disciplinary action.

22 ~~(2b) Any of the following enforcement actions or proceedings against the licensee:~~

23 ~~(A1) Temporary restraining orders.~~

24 ~~(B2) Interim suspension orders.~~

25 ~~(C3) Penal Code Section 23 orders restricting licensed activity.~~

26 ~~(D4) Revocations, suspensions, probations, public letters of reproof, or limitations on~~
27 ~~practice ordered by the board or by a court with jurisdiction in the state, including those~~
28 ~~made part of a probationary order, cease practice order, or stipulated agreement~~
29 ~~settlement.~~

30 ~~(D5) Accusations or petitions to revoke~~ filed by the board, including those accusations
31 that are on appeal, excluding ones that have been dismissed or withdrawn where the
32 action is no longer pending.

33 ~~(6) Decisions by the board on petitions for early termination or modification of probation~~
34 ~~and petitions for reinstatement.~~

35 ~~(E7) Citations issued by the board. Unless withdrawn, citations shall be posted for five~~
36 ~~years from the date of issuance.~~

37 ~~(bc) The board may also post on its Internet Web site~~ website all of the following
38 historical information in its possession, custody, or control regarding all current and
39 former licensees:

40 (1) Institutions that awarded the qualifying educational degree and type of degree
41 awarded.

42 (2) A link to the licensee's professional ~~Internet Web site~~ website. Any link that provides
43 access to a licensee's professional ~~Internet Web site~~ website, once clicked, shall be
44 accompanied by a notification that informs the ~~Internet Web site~~ website viewer that
45 they are no longer on the board's ~~Internet Web site~~ website.

(ed) The board may also post other information designated by the board in regulation.
(Added by Stats. 2016, Ch. 484, Sec. 9. (SB 1193) Effective January 1, 2017.)

2936.

The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychology. The board shall establish as its standards of ethical conduct relating to the practice of psychology, the "Ethical Principles of Psychologists and Code of Conduct" published by the American Psychological Association (APA). ~~The board shall apply those standards shall be applied by the board~~ as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.

To ~~facilitate help~~ consumers in receiving appropriate psychological services, all licensees and registrants ~~shall be required to post~~, in a conspicuous location in their principal psychological business office if any, and in their informed consent agreement, a notice which reads as follows:

"NOTICE TO CONSUMERS: The Department of Consumer Affairs' Board of Psychology receives and responds to questions and complaints regarding the practice of psychology. If you have questions or complaints, you may contact the board by email at bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov, by calling 1-866-503-3221, or by writing to the following address:

Board of Psychology
1625 North Market Boulevard, Suite N-215
Sacramento, California 95834"

(Amended by Stats. 2014, Ch. 316, Sec. 10. (SB 1466) Effective January 1, 2015.)

2960.05.

(a) Except as provided in subdivisions (b), ~~(c), and (e)~~, any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within ~~three~~ five years from the date the board ~~discovers~~ initiates an investigation of the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) Exceptions to the limitations in subdivision (a) are as follows:

1 (1) An accusation filed against a licensee pursuant to Section 11503 of the Government
2 Code alleging the procurement of a license by fraud or misrepresentation is not subject
3 to the limitations set forth in subdivision (a).

4 (e2) An accusation filed against a licensee pursuant to Section 11503 of the
5 Government Code alleging sexual misconduct shall be filed within 10 years after the
6 alleged act or omission occurred.

7 ~~The limitation provided for by subdivision (a) shall be tolled for the length of time~~
8 ~~required to obtain compliance when a report required to be filed by the licensee or~~
9 ~~registrant with the board pursuant to Article 11 (commencing with Section 800) of~~
10 ~~Chapter 1 is not filed in a timely fashion.~~

11 (c) Instances in which any limitation period referenced in this section is tolled:

12 (1) If an alleged act or omission that is the basis for disciplinary action involves a minor,
13 any limitation period referenced in this section the seven-year limitations period
14 provided for by subdivision (a) and the 10-year limitations period provided for by
15 subdivision (e) shall be tolled is tolled until the minor reaches the age of majority
16 pursuant to Section 6502 of the Family Code.

17 (2) If a licensee fails to file a report with the board pursuant to Article 11 (commencing
18 with Section 800) of Chapter 1, any limitation period referenced in this section is tolled
19 until the licensee complies with reporting requirements.

20 ~~(d)~~

21 ~~(e) An accusation filed against a licensee pursuant to Section 11503 of the Government~~
22 ~~Code alleging sexual misconduct shall be filed within three years after the board~~
23 ~~discovers the act or omission alleged as the ground for disciplinary action, or within 10~~
24 ~~years after the act or omission alleged as the ground for disciplinary action occurs,~~
25 ~~whichever occurs first. This subdivision shall apply to a complaint alleging sexual~~
26 ~~misconduct received by the board on and after January 1, 2002.~~

27 ~~(f) (3) The limitations period provided by subdivision (a) shall be tolled during any period~~
28 ~~if material evidence necessary for prosecuting or determining whether a disciplinary~~
29 ~~action would be appropriate is unavailable to the board due to an ongoing criminal~~
30 ~~investigation, then any limitation period referenced in this section is tolled until such~~
31 ~~evidence is available to the board.~~

32 *(Amended by Stats. 2001, Ch. 617, Sec. 2. Effective January 1, 2002.)*

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36 **2960.2.**

37 (a) A licensee shall meet the requirements set forth in subdivision (f)(2)(B) of Section
38 1031 of the Government Code prior to performing either of the following:

39 (1) An evaluation of a an individual's emotional and mental condition ~~peace officer~~
40 pursuant to Section 1031 of the Government Code ~~applicant's emotional and mental~~
41 ~~condition.~~

42 (2) An evaluation of a public officer or ~~peace officer's~~ fitness for duty.

43 ~~(b) This section shall become operative on January 1, 2005.~~

44 *(Added by Stats. 2003, Ch. 777, Sec. 2. Effective January 1, 2004. Section operative*
45 *January 1, 2005, by its own provisions.)*

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4 **2960.5.**

5 The board may ~~refuse to issue~~ deny any application for any registration or a license
6 whenever it appears that an applicant may be unable to practice ~~his or her~~ their
7 profession safely due to mental illness, physical illness affecting competency, or
8 chemical dependency. The procedures set forth in Article 12.5 (commencing with
9 Section 820) of Chapter 1 shall apply to any denial of a license ~~or registration~~ pursuant
10 to this section.

11 *(Added by Stats. 1992, Ch. 384, Sec. 1. Effective January 1, 1993.)*
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16 **2960.6.**

17 The board may deny any application for, or may suspend or revoke a license ~~or~~
18 ~~registration~~ issued under this chapter for, any either of the following:

19 (a) The revocation, suspension, or other disciplinary action, ~~or including the equivalent~~
20 action of another jurisdiction's licensing agency ~~other disciplinary action imposed by~~
21 ~~another state or country~~ on a license, certificate, or registration issued by that ~~state or~~
22 ~~country~~ jurisdiction to practice psychology shall constitute grounds for disciplinary action
23 for unprofessional conduct against that licensee ~~or registrant~~ in this ~~s~~State. A certified
24 copy of the decision or judgment of the other ~~state or country~~ jurisdiction shall be
25 conclusive evidence of that action.

26 (b) The revocation, suspension, or other disciplinary action by any board established in
27 this division, or the equivalent action of another ~~state's or country's~~ jurisdiction's
28 licensing agency, of the license of a healing arts practitioner shall constitute grounds for
29 disciplinary action against that licensee ~~or registrant~~ under this chapter. The grounds for
30 the action shall be substantially related to the qualifications, functions, or duties of a
31 licensee psychologist or psychological assistant. A certified copy of the decision or
32 judgment shall be conclusive evidence of that action.

33 *(Amended by Stats. 1994, Ch. 1275, Sec. 22. Effective January 1, 1995.)*
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38 **2961.**

39 ~~The board may, a~~ After a hearing pursuant to Section 2965, the board may deny an
40 application for a license, ~~or issue a license~~ subject to terms and conditions, or suspend,
41 ~~or revoke, or impose probationary conditions upon,~~ a license ~~or registration~~ after a
42 hearing as provided in Section 2965.

43 *(Amended by Stats. 1989, Ch. 888, Sec. 31.)*
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2 **2962.**

3 (a) A person whose license or registration has been revoked, suspended, or
4 surrendered, or who has been placed on probation, may petition the board for
5 reinstatement or modification of the penalty, including modification or termination of
6 probation. The petition shall be on a form provided by the board and shall state any
7 facts and information as may be required by the board, including, but not limited to,
8 proof of compliance with the terms and conditions of the underlying disciplinary order. ,
9 after a period of not less than the following minimum periods has elapsed from the
10 effective date of the decision ordering that disciplinary action:

11 (1) At least three years for reinstatement of a license revoked or surrendered.

12 (2) At least two years for early termination of probation of three years or more.

13 (3) At least two years for modification of a condition of probation.

14 (4) At least one year for early termination of probation of less than three years.

15 (b) The petitioner may file the petition on or after the expiration of the following
16 timeframes, each of which commences on the effective date of the decision ordering the
17 disciplinary action, or from the date the disciplinary action is actually implemented in its
18 entirety if the order, or any portion of it, is stayed by the board itself or by the superior
19 court:

20 (1) Three years for reinstatement of a license revoked or surrendered.

21 (2) Two years for early termination of probation of three years or more.

22 (3) Two years for modification of a condition of probation.

23 (4) One year for early termination of probation of less than three years. ~~The board may~~
24 ~~require an examination for that reinstatement.~~

25 (c) The petitioner shall at all times have the burden of production of proof to establish by
26 clear and convincing evidence that they are entitled to the relief sought in the petition.
27 ~~Notwithstanding Section 489, a person whose application for a license or registration~~
28 ~~has been denied by the board, for violations of Division 1.5 (commencing with Section~~
29 ~~475) of this chapter, may reapply to the board for a license or registration only after a~~
30 ~~period of three years has elapsed from the date of the denial.~~

31 (d) When the board itself decides upon a petition, it may consider all factors presented,
32 including the following:

33 (1) The offense for which the petitioner was disciplined.

34 (2) The petitioner's rehabilitative efforts.

35 (3) The petitioner's activities since the disciplinary action was taken.

36 (e) The board may, without affording the petitioner an opportunity to present argument,
37 deny a petition for early termination of probation or modification of penalty for any of the
38 following reasons:

39 (1) The petitioner has failed to comply with the terms and conditions of the disciplinary
40 order.

1 (2) The board is conducting an investigation of the petitioner while they are on
2 probation.
3 (3) The petitioner has a subsequent arrest that is substantially related to the
4 qualifications, functions, or duties of the licensee and this arrest occurred while on
5 probation.
6 (4) The petitioner's probation with the board is currently tolled.
7 (f) For reinstatements, the board may require that the petitioner execute a form
8 authorizing release to the board or its designee, of all information concerning the
9 petitioner's current physical and mental condition. Information provided to the board
10 pursuant to the release shall be confidential and shall not be subject to discovery or
11 subpoena in any other proceeding, and shall not be admissible in any action, other than
12 before the board, to determine the petitioner's fitness to practice as required by Section
13 822.
14 (g) If the board issues an order to reinstate a license, the petitioner shall comply with:
15 (1) fingerprint submission requirements established by the board.
16 (2) provisions set forth in Section 2985.
17 (3) all terms and conditions as specified by the Order.

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21 **2964.**

22 ~~Whenever the board revokes or reinstates orders a license revoked for cause, with the~~
23 ~~exception of nonpayment of fees, or restores a license, these facts it shall be reported~~
24 ~~the action to all other state psychology licensing boards~~ the National Practitioner Data
25 Bank.

26 *(Amended by Stats. 1989, Ch. 888, Sec. 34.)*
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31 **2964.3.**

32 Any person required to register as a sex offender pursuant to Section 290 of the Penal
33 Code, is not eligible for licensure ~~or registration~~ by the board.

34 *(Added by Stats. 1998, Ch. 589, Sec. 8. Effective January 1, 1999.)*
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39 **2964.5.**

40 ~~The board at its discretion may require any licensee it places~~ on probation or whose
41 ~~license is suspended,~~ to obtain additional continuing professional
42 training development, to pass an examination as specified in Section 2941, or both.
43 ~~upon the completion of that training, and to pay the necessary examination fee. The~~

1 ~~examination may be written or oral or both, and may include a practical or clinical~~
2 ~~examination.~~

3 *(Amended by Stats. 1991, Ch. 1091, Sec. 5.)*
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8 **2964.6.**

9 The board may require any licensee it places on probation to pay the monetary costs
10 associated with probation. An administrative disciplinary decision that imposes terms of
11 probation may include, among other things, a requirement that the licensee who is
12 being placed on probation pay the monetary costs associated with monitoring the
13 probation.

14 *(Added by Stats. 1995, Ch. 708, first Sec. 12. Effective January 1, 1996.)*
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18 **2966.**

19
20 (a) Notwithstanding any other law, if a licensee is incarcerated due to conviction of a
21 felony, regardless of whether the conviction has been appealed, the license is
22 automatically suspended during that period of incarceration.

23 (b) The board shall, immediately upon receipt of the certified copy of the conviction,
24 determine whether the license has been automatically suspended due to incarceration
25 and notify the licensee of the suspension and of the licensee's right to a hearing on any
26 board order of discipline or denial, as described in subdivision (e).

27 (c) The board shall hold a hearing to determine if the felony conviction is substantially
28 related to the qualifications, functions, or duties of a licensee, as follows:

29 (1) Either by an administrative law judge sitting alone or with a panel of the board, in the
30 discretion of the board, and

31 (2) The record of the proceedings resulting in the conviction, including a transcript of the
32 testimony therein, may be received in evidence, except that:

33 (3) A conviction of any crime referenced in Section 187, 261, 262, or 288 of the Penal
34 Code shall be conclusively presumed to be substantially related to the qualifications,
35 functions, or duties of a licensee, and no hearing shall be held on this issue.

36 (d) If the hearing in subdivision (c) determines that the conviction is substantially related
37 to the qualifications, functions, or duties of a licensee, then the automatic suspension of
38 the license shall continue until either the time for appeal has elapsed, if no appeal has
39 been taken, or the judgment of conviction has been affirmed on appeal or has otherwise
40 become final, and until further order of the board.

41 (e) The board may order discipline or denial of the license in accordance with Section
42 2961, when either:

1 (1) the time for appeal has elapsed,

2 (2) the judgment of conviction has been affirmed on appeal,

3 (3) a court order granting probation suspends the sentence, irrespective of a
4 subsequent order under Section 1203.4 of the Penal Code allowing the person to
5 withdraw a plea of guilty and to enter a plea of not guilty, setting aside the verdict of
6 guilty, or dismissing the accusation, complaint, information, or indictment, or

7 (4) the licensee elects to have this issue heard before the time periods listed in
8 subdivision (e)(1-3). Where the licensee so elects, the issue of penalty shall be heard
9 at the hearing in subdivision (c).

10 (f) If the conviction is overturned on appeal, any discipline ordered pursuant to this
11 section shall automatically cease. Nothing in this subdivision shall prohibit the board
12 from pursuing disciplinary action based on any cause other than the overturned
13 conviction.

14 (g) Upon its own motion or for good cause shown, the board may set aside the
15 suspension when it appears to be in the interest of justice to do so, with due regard to
16 maintaining the integrity of and confidence in the psychology profession.

17 ~~(a) A psychologist's license shall be suspended automatically during any time that the~~
18 ~~holder of the license is incarcerated after conviction of a felony, regardless of whether~~
19 ~~the conviction has been appealed. The board shall, immediately upon receipt of the~~
20 ~~certified copy of the record of conviction, determine whether the license of the~~
21 ~~psychologist has been automatically suspended by virtue of the psychologist's~~
22 ~~incarceration, and if so, the duration of that suspension. The board shall notify the~~
23 ~~psychologist of the license suspension and of the right to elect to have the issue of~~
24 ~~penalty heard as provided in this section.~~

25 ~~(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is~~
26 ~~determined therefrom that the felony of which the licensee was convicted was~~
27 ~~substantially related to the qualifications, functions, or duties of a psychologist, the~~
28 ~~board shall suspend the license until the time for appeal has elapsed, if an appeal has~~
29 ~~not been taken, or until the judgment of conviction has been affirmed on appeal or has~~
30 ~~otherwise become final, and until further order of the board. The issue of substantial~~
31 ~~relationship shall be heard by an administrative law judge sitting alone or with a panel of~~
32 ~~the board, in the discretion of the board.~~

33 ~~(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 187,~~
34 ~~261, 288 or former Section 262 of the Penal Code shall be conclusively presumed to be~~
35 ~~substantially related to the qualifications, functions, or duties of a psychologist and a~~
36 ~~hearing shall not be held on this issue. Upon its own motion or for good cause shown,~~
37 ~~the board may decline to impose or may set aside the suspension when it appears to be~~
38 ~~in the interest of justice to do so, with due regard to maintaining the integrity of and~~
39 ~~confidence in the psychology profession.~~

40 ~~(d) (1) Discipline or the denial of the license may be ordered in accordance with Section~~
41 ~~2961, or the board may order the denial of the license when the time for appeal has~~
42 ~~elapsed, the judgment of conviction has been affirmed on appeal, or an order granting~~
43 ~~probation is made suspending the imposition of sentence, irrespective of a subsequent~~
44 ~~order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of~~

1 guilty and to enter a plea of not guilty, setting aside the verdict of guilty, or dismissing
2 the accusation, complaint, information, or indictment.

3 ~~(2) The issue of penalty shall be heard by an administrative law judge sitting alone or~~
4 ~~with a panel of the board, in the discretion of the board. The hearing shall not be~~
5 ~~commenced until the judgment of conviction has become final or, irrespective of a~~
6 ~~subsequent order under Section 1203.4 of the Penal Code, an order granting probation~~
7 ~~has been made suspending the imposition of sentence; except that a licensee may, at~~
8 ~~the licensee's option, elect to have the issue of penalty decided before those time~~
9 ~~periods have elapsed. Where the licensee so elects, the issue of penalty shall be heard~~
10 ~~in the manner described in this section at the hearing to determine whether the~~
11 ~~conviction was substantially related to the qualifications, functions, or duties of a~~
12 ~~psychologist. If the conviction of a licensee who has made this election is overturned on~~
13 ~~appeal, any discipline ordered pursuant to this section shall automatically cease. This~~
14 ~~subdivision does not prohibit the board from pursuing disciplinary action based on any~~
15 ~~cause other than the overturned conviction.~~

16 ~~(e) The record of the proceedings resulting in the conviction, including a transcript of the~~
17 ~~testimony therein, may be received in evidence.~~

18 *(Amended by Stats. 2021, Ch. 626, Sec. 2. (AB 1171) Effective January 1, 2022.)*
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24 **2969.**

25 a) A licensee shall:

26 1) Attend and participate in an interview requested by the Board when that
27 licensee is under investigation, no later than 60 days after receipt of notice
28 from the Board.

29 In the absence of good cause, failure of the licensee to comply with this shall
30 be considered unprofessional conduct and constitutes grounds for discipline
31 of their license.

32 2) Produce client records, pursuant to either:

33 i. A request from the board, when accompanied by that client's written
34 authorization for release of records to the board, within 15 days of receipt
35 of the request, or

36 ii. A court order, issued in the enforcement of a subpoena, mandating the
37 release of records to the board, unless it is determined that the order is
38 unlawful or invalid.

39
40 In the absence of good cause, failure to produce such records to the board
41 subjects the licensee to a civil penalty of one thousand dollars (\$1,000) per
42 day for each day that the records documents have not been produced (after
43 the 15th day of receiving the request and authorization, or after the date by
44 which the court order requires the records documents to be produced), and

1 not to exceed five thousand dollars (\$5,000). The amount of the penalty shall
2 be added to the licensee's renewal fee if it is not paid by the next succeeding
3 renewal date.

4 b) A healthcare facility shall produce client records pursuant to either:

- 5 1) A request from the board, when accompanied by that client's written
6 authorization for release of records to the board together with a notice citing
7 this section and describing the penalties for failure to comply with this section,
8 within 30 days of receiving the request, authorization, and notice. The board
9 shall pay the reasonable costs of copying the medical records. This
10 paragraph shall not require health care facilities to assist the board in
11 obtaining the client's authorization, or
12 2) A court order, issued in the enforcement of a subpoena, mandating the
13 release of records to the board, unless it is determined that the order is
14 unlawful or invalid.

15
16 In the absence of good cause, failure to produce such records to the board shall
17 subject the health care facility to a civil penalty, payable to the board, of up to
18 one thousand dollars (\$1,000) per day for each day that the documents records
19 have not been produced (after the 30th day of receiving the request,
20 authorization, and notice, or after the date by which the court order requires the
21 records documents to be produced), up to ten thousand dollars (\$10,000).

22 c) Multiple acts or omissions in violation of this section shall be considered grounds
23 for disciplinary action with respect to licensure, including suspension or
24 revocation of the license or certificate and shall be a misdemeanor punishable as
25 follows:

26 1) for a licensee:

- 27 i. by a fine not to exceed five thousand dollars (\$5,000), or
28 ii. by imprisonment in a county jail not exceeding six months, or
29 iii. by both that fine and imprisonment.

30 2) for a healthcare facility:

- 31 i. by a fine not to exceed five thousand dollars (\$5,000), and
32 ii. that healthcare facility shall be reported to the State Department of Health
33 Services State Department of Public Health

34 d) Any statute of limitations applicable to the filing of an accusation by the board is
35 tolled until the licensee or health care facility complies with this section and until
36 resolution of any related appeals.

37 e) Any civil penalties authorized by this section shall be imposed in accordance with
38 the Administrative Procedure Act (Chapter 5 (commencing with Section 11500)
39 of Division 3 of Title 2 of the Government Code).

40 f) For purposes of this section, "health care facility" means a clinic or health facility
41 licensed or exempt from licensure pursuant to Division 2 (commencing with
42 Section 1200) of the Health and Safety Code.
43

1 A licensee who fails or refuses to comply with a request for the medical records of a
2 patient that is accompanied by that patient's written authorization for release of records
3 to the board, within 15 days of receiving the request and authorization, shall pay to the
4 board a civil penalty of one thousand dollars (\$1,000) per day for each day that the
5 documents have not been produced after the 15th day, unless the licensee is unable to
6 provide the documents within this time period for good cause.

7 (2) A health care facility shall comply with a request for the medical records of a patient
8 that is accompanied by that patient's written authorization for release of records to the
9 board together with a notice citing this section and describing the penalties for failure to
10 comply with this section. Failure to provide the authorizing patient's medical records to
11 the board within 30 days of receiving the request, authorization, and notice shall subject
12 the health care facility to a civil penalty, payable to the board, of up to one thousand
13 dollars (\$1,000) per day for each day that the documents have not been produced after
14 the 30th day, up to ten thousand dollars (\$10,000), unless the health care facility is
15 unable to provide the documents within this time period for good cause. This paragraph
16 shall not require health care facilities to assist the board in obtaining the patient's
17 authorization. The board shall pay the reasonable costs of copying the medical records.

18 (b) (1) A licensee who fails or refuses to comply with a court order, issued in the
19 enforcement of a subpoena, mandating the release of records to the board shall pay to
20 the board a civil penalty of one thousand dollars (\$1,000) per day for each day that the
21 documents have not been produced after the date by which the court order requires the
22 documents to be produced, unless it is determined that the order is unlawful or invalid.
23 Any statute of limitations applicable to the filing of an accusation by the board shall be
24 tolled during the period the licensee is out of compliance with the court order and during
25 any related appeals.

26 (2) Any licensee who fails or refuses to comply with a court order, issued in the
27 enforcement of a subpoena, mandating the release of records to the board, shall be
28 subject to a civil penalty, payable to the board, of not to exceed five thousand dollars
29 (\$5,000). The amount of the penalty shall be added to the licensee's renewal fee if it is
30 not paid by the next succeeding renewal date. Any statute of limitations applicable to
31 the filing of an accusation by the board shall be tolled during the period the licensee is
32 out of compliance with the court order and during any related appeals.

33 (3) A health care facility that fails or refuses to comply with a court order, issued in the
34 enforcement of a subpoena, mandating the release of patient records to the board, that
35 is accompanied by a notice citing this section and describing the penalties for failure to
36 comply with this section, shall pay to the board a civil penalty of up to one thousand
37 dollars (\$1,000) per day for each day that the documents have not been produced, up to
38 ten thousand dollars (\$10,000), after the date by which the court order requires the
39 documents to be produced, unless it is determined that the order is unlawful or invalid.
40 Any statute of limitations applicable to the filing of an accusation by the board against a
41 licensee shall be tolled during the period the health care facility is out of compliance with
42 the court order and during any related appeals.

43 (4) Any health care facility that fails or refuses to comply with a court order, issued in the
44 enforcement of a subpoena, mandating the release of records to the board, shall be
45 subject to a civil penalty, payable to the board, of not to exceed five thousand dollars
46 (\$5,000). Any statute of limitations applicable to the filing of an accusation by the board

1 against a licensee shall be tolled during the period the health care facility is out of
2 compliance with the court order and during any related appeals.

3 ~~(c) Multiple acts by a licensee in violation of subdivision (b) shall be a misdemeanor~~
4 ~~punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in~~
5 ~~a county jail not exceeding six months, or by both that fine and imprisonment. Multiple~~
6 ~~acts by a health care facility in violation of subdivision (b) shall be a misdemeanor~~
7 ~~punishable by a fine not to exceed five thousand dollars (\$5,000) and shall be reported~~
8 ~~to the State Department of Health Services and shall be considered as grounds for~~
9 ~~disciplinary action with respect to licensure, including suspension or revocation of the~~
10 ~~license or certificate.~~

11 ~~(d) A failure or refusal of a licensee to comply with a court order, issued in the~~
12 ~~enforcement of a subpoena, mandating the release of records to the board constitutes~~
13 ~~unprofessional conduct and is grounds for suspension or revocation of his or her~~
14 ~~license.~~

15 ~~(e) The imposition of the civil penalties authorized by this section shall be in accordance~~
16 ~~with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of~~
17 ~~Division 3 of Title 2 of the Government Code).~~

18 ~~(f) For purposes of this section, "health care facility" means a clinic or health facility~~
19 ~~licensed or exempt from licensure pursuant to Division 2 (commencing with Section~~
20 ~~1200) of the Health and Safety Code.~~

21 *(Added by Stats. 2000, Ch. 836, Sec. 22. Effective January 1, 2001.)*

25 **2971.**

26 Whenever any person other than a licensed psychologist has engaged in any act or
27 practice that constitutes an offense against this chapter, the superior court of any
28 county, on application of the board, may issue an injunction or other appropriate order
29 restraining that conduct. Proceedings under this section shall be governed by Chapter 3
30 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure, except
31 that it shall be presumed that there is no adequate remedy at law, and that irreparable
32 damage will occur if the ~~continued~~ violation continues ~~is not restrained or enjoined~~. On
33 the written request of the board, or on its own motion, the board may commence action
34 in the superior court under this section.

35 *(Amended by Stats. 1997, Ch. 758, Sec. 41. Effective January 1, 1998.)*

40 **2985.**

41 (a) A suspended license is subject to expiration and shall be renewed as provided in
42 this article.; While the license remains suspended, but such renewal does not entitle the
43 licensee, ~~while the license remains suspended,~~ and until it is reinstated, to engage in
44 the practice of psychology as defined in Section 2903 of the Code ~~licensed activity, or in~~

1 ~~any other activity or conduct in violation of the order or judgment by which the license~~
2 ~~was suspended.~~

3 (b) A revoked or surrendered license is not subject to expiration and revoked on
4 ~~disciplinary grounds is subject to expiration as provided in this article, but it may not be~~
5 ~~renewed. If it is reinstated after its expiration, the licensee, as a condition to~~
6 ~~reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in~~
7 ~~effect on the last preceding regular renewal date before the date on which it is~~
8 ~~reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.~~

9 *(Added by Stats. 1967, Ch. 1677.)*

11
12
13 **2986.**

14 ~~A person who fails to renew his or her license within the three years after its expiration~~
15 ~~may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that~~
16 ~~person~~

17
18 A psychology license is void if not renewed within three years from the expiration date.
19 Once void, the board cannot restore or reissue that license. The person who held that
20 license may apply for and obtain a new license if ~~he or she~~ they meets the requirements
21 of this chapter, provided that ~~they~~ he or she:

22 (a) ~~Has~~ Have not committed any acts or crimes constituting grounds for denial of
23 ~~licensure~~ a license.

24 (b) Establishes to the satisfaction of the board that ~~with due regard for the public~~
25 ~~interest, he or she is~~ that they are qualified to practice psychology.

26 (c) Pays all of the required fees that ~~would be required if application for licensure was~~
27 ~~being made for the first time.~~

28 ~~The board may provide for the waiver or refund of all or any part of an examination fee~~
29 ~~in those cases in which a license is issued without examination pursuant to this section.~~

30 *(Amended by Stats. 1994, Ch. 26, Sec. 81. Effective March 30, 1994.)*

1 **BUSINESS AND PROFESSIONS CODE - BPC**

2 **DIVISION 2. HEALING ARTS [500 - 4999.129]**

3 *(Division 2 enacted by Stats. 1937, Ch. 399.)*

4
5 **CHAPTER 6.6. Psychologists [2900 - 2999]**

6 *(Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.)*

7
8
9 **ARTICLE 9. PSYCHOLOGICAL CORPORATIONS [2995 - 2999]**

10 *(Article 1 added by Stats. 1980, Ch. 1314.)*

11
12
13 **2995.**

14 A psychological corporation is a corporation that is authorized to render professional
15 services, as defined in Section 13401 of the Corporations Code, so long as that
16 corporation and its shareholders, officers, directors, and employees rendering
17 professional services who are licensed as psychologists, podiatrists, registered nurses,
18 optometrists, marriage and family therapists, licensed professional clinical counselors,
19 licensed clinical social workers, chiropractors, acupuncturists, or physicians and
20 surgeons, naturopathic doctors, or midwives are in compliance with the Moscone-Knox
21 Professional Corporation Act, this article, and all other statutes and regulations now or
22 hereafter enacted or adopted pertaining to that corporation and the conduct of its affairs.
23 *(Amended by Stats. 2018, Ch. 389, Sec. 2. (AB 2296) Effective January 1, 2019.)*

24
25 **2996.**

26 It shall constitute unprofessional conduct and a violation of this chapter for any person
27 licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in
28 or abet the violation of, or conspire to violate, any provision or term of this article, the
29 Moscone-Knox Professional Corporation Act, or any regulations duly adopted under
30 those laws.

31 *(Repealed and added by Stats. 1980, Ch. 1314, Sec. 15.)*

32
33 **2996.1.**

34 A psychological corporation shall not do or fail to do any act the doing of which or the
35 failure to do which would constitute unprofessional conduct under any statute or
36 regulation now or hereafter in effect. In the conduct of its practice, it shall observe and
37 be bound by such statutes and regulations to the same extent as a person licensed
38 under this chapter.

39 *(Added by Stats. 1980, Ch. 1314, Sec. 15.)*

40
41 **2996.2.**

42 The income of a psychological corporation attributable to professional services rendered
43 while a shareholder is a disqualified person, as defined in Section 13401 of the
44 Corporations Code, shall not in any manner accrue to the benefit of such shareholder or
45 his or her shares in the psychological corporation.

1 *(Repealed and added by Stats. 1980, Ch. 1314, Sec. 15.)*
2

3 **2997.**

4 Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each
5 shareholder, director and officer of a psychological corporation, except an assistant
6 secretary and an assistant treasurer, shall be a licensed person as defined in Section
7 13401 of the Corporations Code.

8 *(Added by Stats. 1980, Ch. 1314, Sec. 15.)*
9

10 **2998.**

11 The name of a psychological corporation and any name or names under which it may
12 render professional services shall contain one of the words specified in subdivision (c)
13 of Section 2902, and wording or abbreviations denoting corporate existence.

14 *(Added by Stats. 1980, Ch. 1314, Sec. 15.)*
15

16 **2999.**

17 The board may adopt and enforce regulations to carry out the purposes and objectives
18 of this article, including regulations requiring (a) that the bylaws of a psychological
19 corporation shall include a provision whereby the capital stock of that corporation owned
20 by a disqualified person, as defined in Section 13401 of the Corporations Code, or a
21 deceased person, shall be sold to the corporation or to the remaining shareholders of
22 that corporation within any time as those regulations may provide, and (b) that a
23 psychological corporation shall provide adequate security by insurance or otherwise for
24 claims against it by its patients or clients arising out of the rendering of professional
25 services.

26 *(Amended by Stats. 1989, Ch. 888, Sec. 46.)*

BUSINESS AND PROFESSIONS CODE - BPC
DIVISION 2. HEALING ARTS [25 - 4999.129]
(Division 2 enacted by Stats. 1937, Ch. 399.)

CHAPTER 6.6. Psychologists [2900 - 2999]
(Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.)

ARTICLE 9. PSYCHOLOGICAL CORPORATIONS [2995 - 2999]
(Article 1 added by Stats. 1980, Ch. 1314.)

Business and Professions Codes 25, 28, 490, 726, 729, 2914, 2915, 2915.4, 2915.5, 2936, 2936.5, 2950, 2951, 2952, 2953, and 2954, 2960.1, 2963, and 2966

25.

Any person applying for a license, registration, or the first renewal of a license, after the effective date of this section, as a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, research psychoanalyst, or a licensed professional clinical counselor shall, in addition to any other requirements, show by evidence satisfactory to the agency regulating the business or profession, that they have completed training in human sexuality as a condition of licensure or registration. The training shall be creditable toward continuing education or continuing professional development requirements as deemed appropriate by the agency regulating the business or profession, and the course shall not exceed more than 50 contact hours.

The Board of Psychology shall exempt from the requirements of this section any persons whose field of practice is such that they are not likely to have use for this training.

“Human sexuality” as used in this section means the study of a human being as a sexual being and how a human being functions with respect thereto.

The content and length of the training shall be determined by the administrative agency regulating the business or profession and the agency shall proceed immediately upon the effective date of this section to determine what training, and the quality of staff to provide the training, is available and shall report its determination to the Legislature on or before July 1, 1977.

If a licensing board or agency proposes to establish a training program in human sexuality, the board or agency shall first consult with other licensing boards or agencies

that have established or propose to establish a training program in human sexuality to ensure that the programs are compatible in scope and content.

(Amended by Stats. 2019, Ch. 351, Sec. 3. (AB 496) Effective January 1, 2020.)

28.

(a) The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with victims and potential victims of child, elder, and dependent adult abuse, and abusers and potential abusers of children, elders, and dependent adults are provided with adequate and appropriate training regarding the assessment and reporting of child, elder, and dependent adult abuse that will ameliorate, reduce, and eliminate the trauma of abuse and neglect and ensure the reporting of abuse in a timely manner to prevent additional occurrences.

(b) The Board of Psychology and the Board of Behavioral Sciences shall establish required training in the area of child abuse assessment and reporting for all persons applying for initial licensure and renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist, or registration as a research psychoanalyst. This training shall be required one time only for all persons applying for initial licensure, initial registration, or for renewal of licensure or registration renewal.

(c) All persons applying for initial licensure or renewal of a license as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist, or registration or renewal of a registration as a research psychoanalyst shall, in addition to all other requirements for licensure, registration or renewal, have completed coursework or training in child abuse assessment and reporting that meets the requirements of this section, including detailed knowledge of the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The training shall meet all of the following requirements:

(1) Be obtained from one of the following sources:

(A) An accredited or approved educational institution, as defined in Sections 2902, 4980.36, 4980.37, 4996.18, and 4999.12, including extension courses offered by those institutions.

(B) A continuing education provider as specified by the responsible board by regulation.

(C) A course sponsored or offered by a professional association or a local, county, or state department of health or mental health for continuing education and approved or accepted by the responsible board.

(2) Have a minimum of seven contact hours.

(3) Include the study of the assessment and method of reporting of sexual assault, neglect, severe neglect, general neglect, willful cruelty or unjustifiable punishment, corporal punishment or injury, and abuse in out-of-home care. The training shall also include physical and behavioral indicators of abuse, crisis counseling techniques, community resources, rights and responsibilities of reporting, consequences of failure to report, caring for a child's needs after a report is made, sensitivity to previously abused children and adults, and implications and methods of treatment for children and adults.

(4) An applicant shall provide the appropriate board with documentation of completion of the required child abuse training.

(d) The Board of Psychology and the Board of Behavioral Sciences shall exempt an applicant who applies for an exemption from this section and who shows to the satisfaction of the board that there would be no need for the training in the applicant's practice because of the nature of that practice.

(e) It is the intent of the Legislature that a person licensed as a psychologist, clinical social worker, professional clinical counselor, or marriage and family therapist, or registered as a research psychoanalyst have minimal but appropriate training in the areas of child, elder, and dependent adult abuse assessment and reporting. It is not intended that, by solely complying with this section, a practitioner is fully trained in the subject of treatment of child, elder, and dependent adult abuse victims and abusers.

(f) The Board of Psychology and the Board of Behavioral Sciences are encouraged to include coursework regarding the assessment and reporting of elder and dependent adult abuse in the required training on aging and long-term care issues prior to licensure, registration, or renewal of a license ~~renewal~~ or registration.

(Amended by Stats. 2019, Ch. 351, Sec. 5. (AB 496) Effective January 1, 2020.)

490. Grounds for suspension or revocation; Discipline for substantially related crimes; Conviction; Legislative findings

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

(Amended by Stats. 2010, Ch. 328, Sec. 2. (SB 1330) Effective January 1, 2011.)

726. (sexual relations)

(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division or under any initiative act referred to in this division.

(b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

(Amended by Stats. 2015, Ch. 510, Sec. 3. (AB 179) Effective January 1, 2016.)

729. (sexual exploitation)

(a) Any physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in those acts, unless the physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor has referred the patient or client to an independent and objective physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor.

(b) Sexual exploitation by a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor is a public offense:

(1) An act in violation of subdivision (a) shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Multiple acts in violation of subdivision (a) with a single victim, when the offender has no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(3) An act or acts in violation of subdivision (a) with two or more victims shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(4) Two or more acts in violation of subdivision (a) with a single victim, when the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(5) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000). For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

(c) For purposes of this section:

(1) "Psychotherapist" has the same meaning as defined in Section 728.

(2) "Research psychoanalyst" has the same meaning as defined in Section 2950.

(3) "Student research psychoanalyst" has the same meaning as defined in Section 2950.

(24) "Alcohol and drug abuse counselor" means an individual who holds himself or herself out to be an alcohol or drug abuse professional or paraprofessional.

(35) "Sexual contact" means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

(46) "Intimate part" and "touching" have the same meanings as defined in Section 243.4 of the Penal Code.

(d) In the investigation and prosecution of a violation of this section, no person shall seek to obtain disclosure of any confidential files of other patients, clients, or former patients or clients of the physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor.

(e) This section does not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

(f) If a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor in a professional partnership or similar group has sexual contact with a patient in violation of this section, another physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor in the partnership or group shall not be subject to action under this section solely because of the occurrence of that sexual contact.

(Amended by Stats. 2011, Ch. 15, Sec. 6. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

2914.

(a) An applicant for licensure as a psychologist or registration as a research psychoanalyst shall not be subject to denial of licensure or registration under Division 1.5 (commencing with Section 475).

(b) (1) On and after January 1, 2020, an applicant for licensure shall possess an earned doctoral degree in any of the following:

(A) Psychology with the field of specialization in clinical, counseling, school, consulting, forensic, industrial, or organizational psychology.

(B) Education with the field of specialization in counseling psychology, educational psychology, or school psychology.

(C) A field of specialization designed to prepare graduates for the professional practice of psychology.

(2) (A) Except as provided in subparagraph (B), the degree or training obtained pursuant to paragraph (1) shall be obtained from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education.

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

(3) The board shall make the final determination as to whether a degree meets the requirements of this subdivision.

(4) Until January 1, 2020, the board may accept an applicant who possesses a doctoral 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 on or before July 1, 1999, and has not, since July 1, 1999, had a new location, as described in Section 94823.5 of the Education Code.

(5) 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 possesses a doctoral degree in psychology or education as specified in paragraphs (1) and (2) that is equivalent to a degree earned from a regionally accredited academic institution in the United States or Canada by providing the board with an evaluation of the degree 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), and any other documentation the board deems necessary. The member of the NACES or the NRHSP shall submit the evaluation to the board directly and shall include in the evaluation all of the following:

(A) A transcript in English, or translated into English by the credential evaluation service, of the degree used to qualify for licensure.

(B) An indication that the degree used to qualify for licensure is verified using primary sources.

(C) A determination that the degree is equivalent to a degree that qualifies for licensure pursuant to paragraphs (1) and (2).

(c) (1) An applicant for licensure shall 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 have occurred after the applicant was awarded the qualifying doctoral degree. Any supervision may be provided in real time, which is defined as through in-person or synchronous audiovisual means, in compliance with federal and state laws related to patient health confidentiality. The supervisor shall submit verification of the experience to the trainee 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.

(d) An applicant for licensure shall take and pass the examination required by Section 2941 unless otherwise exempted by the board under this chapter. An applicant for licensure who has completed all academic coursework required for a doctoral degree as required by subdivision (b), as documented by a written certification from the registrar of the applicant's educational institution or program, shall be eligible to take any and all examinations required for licensure. If a national licensing examination entity approved by the board imposes additional eligibility requirements beyond the completion of academic coursework, the board shall implement a process to verify that an applicant has satisfied those additional eligibility requirements. For purposes of this subdivision, "academic coursework" does not include participation in an internship or writing a dissertation or thesis.

(e) An applicant for licensure as a psychologist or registration as a research psychoanalyst shall complete coursework or provide evidence of training in the detection and treatment of alcohol and other chemical substance dependency.

(f) An applicant for licensure as a psychologist or registration as a research psychoanalyst shall complete coursework or provide evidence of training in spousal or partner abuse assessment, detection, and intervention.

(Amended by Stats. 2023, Ch. 425, Sec. 1. (AB 282) Effective January 1, 2024.)

2915.

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

(b) A licensed psychologist or a research psychoanalyst who renews or applies to reinstate their license issued pursuant to this chapter shall certify under penalty of perjury that they are in compliance with this section 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 learning activities approved in four different categories:

(1) Professional activities.

(2) Academic activities.

(3) Sponsored continuing education coursework.

(4) Board certification from the American Board of Professional Psychology.

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

(d) 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.

(e) 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.

(f) 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. 2021, Ch. 647, Sec. 9. (SB 801) Effective January 1, 2022.)

2915.4.

(a) Effective January 1, 2020, an applicant for licensure as a psychologist or registration as a research psychoanalyst shall show, as part of the application, that they have completed a minimum of six hours of coursework or applied experience under supervision in suicide risk assessment and intervention. This requirement shall be met in one of the following ways:

(1) Obtained as part of the applicant's qualifying graduate degree program. To satisfy this requirement, the applicant shall submit to the board a transcript indicating completion of this coursework. In the absence of this coursework title in the transcript, the applicant shall submit a written certification from the registrar, department chair, or training director 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 curriculum required for graduation at the time the applicant graduated, or within the coursework that was completed by the applicant.

(2) Obtained as part of the applicant's 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.

(3) 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.

(b) Effective January 1, 2020, as a one-time requirement, a licensee prior to the time of their first renewal after the operative date of this section, or an applicant for reactivation or reinstatement to an active license status, shall have completed a minimum of six hours of coursework or applied experience under supervision in suicide risk assessment and intervention, as specified in subdivision (a). Proof of compliance with this section shall be certified under penalty of perjury that they are in compliance with this section and shall be retained for submission to the board upon request.

(Amended by Stats. 2023, Ch. 510, Sec. 53. (SB 887) Effective January 1, 2024.)

2915.5.

~~(a) Any applicant for licensure as a psychologist as a condition of licensure~~Any applicant for licensure as a psychologist or registration as a research psychoanalyst shall show, as part of the application, a minimum of six 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. 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) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a transcript indicating completion of this coursework. In the absence of this coursework title in the transcript, the applicant shall submit a written certification from the registrar, department chair, or training director 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) (1) If an applicant does not have coursework pursuant to this section, the applicant may obtain evidence of compliance as part of their applied experience in a practicum, internship, or formal postdoctoral placement that meets the requirement of Section 2911, or other qualifying supervised professional experience.

(2) To satisfy the applied experience requirement of this section, 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 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, the applicant may obtain evidence of compliance by taking a continuing education course that meets the requirements of subdivision (d) or (e) of Section 2915 and that qualifies as a 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.

(e) A written certification made or submitted pursuant to this section shall be done under penalty of perjury.

(Amended by Stats. 2023, Ch. 510, Sec. 54. (SB 887) Effective January 1, 2024.)

2936.

~~The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychology. The board shall establish as its standards of ethical conduct relating to the practice of psychology, the “Ethical Principles of Psychologists and Code of Conduct” published by the American Psychological Association (APA). Those standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.~~

~~To facilitate consumers in receiving appropriate psychological services, all licensees and registrants shall be required to post, in a conspicuous location in their principal psychological business office, a notice which reads as follows:~~

~~“NOTICE TO CONSUMERS: The Department of Consumer Affairs Board of Psychology receives and responds to questions and complaints regarding the practice of psychology. If you have questions or complaints, you may contact the board by email at bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov, by calling 1-866-503-3221, or by writing to the following address:~~

~~Board of Psychology
1625 North Market Boulevard, Suite N-215
Sacramento, California 95834”~~

~~(Amended by Stats. 2014, Ch. 316, Sec. 10. (SB 1466) Effective January 1, 2015.)~~

2936.5

The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychoanalysis. The board shall establish as its standards of ethical conduct relating to the practice of psychoanalysis and psychoanalytic therapy, the “APsA Code of Ethics” published by the American Psychoanalytic Association (APsA). Those standards shall be applied by the board as the accepted standard of care in all research psychoanalyst and student research psychoanalyst development and in all board enforcement policies and disciplinary case evaluations.

To facilitate consumers in receiving appropriate psychoanalysis and psychoanalytic services, all registrants shall be required to post, in a conspicuous location in their principal psychoanalytic business office, a notice which reads as follows:

“NOTICE TO CONSUMERS: The Department of Consumer Affairs Board of Psychology receives and responds to questions and complaints regarding the practice

of psychoanalysis. If you have questions or complaints, you may contact the board by email at bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov, by calling 1-866-503-3221, or by writing to the following address:

Board of Psychology
1625 North Market Boulevard, Suite N-215
Sacramento, California 95834"

2950.

(a) Graduates of psychoanalytic institutes which belong to the American Psychoanalytic Association or the International Psychoanalytical Association, or institutes deemed equivalent by the board who have completed clinical training in psychoanalysis may engage in psychoanalysis as an adjunct to teaching, training, or research and hold themselves out to the public as psychoanalysts, and students in those institutes may engage in psychoanalysis under supervision, if the students and graduates do not hold themselves out to the public by any title or description of services incorporating the words "psychological," "psychologist," "psychology," "psychometrists," "psychometrics," or "psychometry," or that they do not state or imply that they are licensed to practice psychology.

(b) Those students and graduates seeking to engage in research psychoanalysis under this article shall register with the board, presenting evidence of their student or graduate status. The board may suspend or revoke the exemption of those persons for unprofessional conduct as defined in Sections 28, 490, 726, 729, 2936, 2960, 2960.1, 2960.6, 2963, 2966, 2969, and 2996.

(c) Each application for registration as a research psychoanalyst or student research psychoanalyst shall be made upon an online electronic form, or other form, provided by the board, and each application form shall contain a legal verification by the applicant certifying under penalty of perjury that the information provided by the applicant is true and correct and that any information in supporting documents provided by the applicant is true and correct.

(Added by Stats. 2023, Ch. 294, Sec. 30. (SB 815) Effective January 1, 2024. Operative January 1, 2025, pursuant to Section 2954.)

2951.

(a) The use of any controlled substance or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the registrant, or to any other person or to the public, or to the extent that this use impairs the ability of the registrant to practice safely or

more than one misdemeanor or any felony conviction involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of this unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order discipline of the registrant in accordance with Article 4 (commencing with Section 2960) or may order the denial of the registration when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

2952.

(a) Each person to whom registration is granted under the provisions of this chapter shall pay into the Psychology Fund a fee to be fixed by the board at a sum of one hundred fifty dollars (\$150).

(b) Each person shall pay into the Psychology Fund a fingerprint processing fee of forty-nine dollars (\$49).

~~(c) The money in the Psychology Fund shall be used for the administration of this chapter. Any moneys within the Contingent Fund of the Medical Board of California collected pursuant to Section 2529.5 as it read before the enactment of the statute that added this section, shall be deposited in the Psychology Fund.~~

The fee for Fingerprint Hard Card Processing for Out of State Applicants shall be one hundred eighty-four dollars (\$184). Applicants shall also pay the actual cost to the board of processing the fingerprint hard card with the Department of Justice and Federal Bureau of Investigation.

~~(bd)~~ The registration shall expire after two years. The registration may be renewed biennially at a fee fixed by the board at a sum not in excess of seventy-five dollars (\$75). Students seeking to renew their registration shall present to the board evidence of their continuing student status. The money in the Psychology Fund shall be used for the administration of this chapter. Any moneys within the Contingent Fund of the Medical Board of California collected pursuant to Section 2529.5 as it read before the enactment of the statute that added this section, shall be deposited in the Psychology Fund.

(de) The board may employ, subject to civil service regulations, whatever additional clerical assistance is necessary for the administration of this article.

(Added by Stats. 2023, Ch. 294, Sec. 30. (SB 815) Effective January 1, 2024. Operative January 1, 2025, pursuant to Section 2954.)

2953.

~~(a) Except as provided in subdivisions (b) and (c), the board shall revoke the registration of any person who has been required to register as a sex offender pursuant to Section 290 of the Penal Code for conduct that occurred on or after January 1, 2017.~~

~~(b) This section shall not apply to a person who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.~~

~~(c) This section shall not apply to a person who has been relieved under Section 290.5 of the Penal Code of their duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law.~~

~~(d) A proceeding to revoke a registration pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~*(Added by Stats. 2023, Ch. 294, Sec. 30. (SB 815) Effective January 1, 2024. Operative January 1, 2025, pursuant to Section 2954.)*~~

2954.

This article shall take effect on January 1, 2025.

(Added by Stats. 2023, Ch. 294, Sec. 30. (SB 815) Effective January 1, 2024.)

2960.1.

Notwithstanding Section 2960, any proposed decision or decision issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 2960, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge. A proposed or issued decision that contains a finding that the licensee or registrant engaged in an act of sexual abuse, sexual behavior, or sexual misconduct, as those terms are defined in Section 2960, may contain an order of revocation.

(Amended by Stats. 2022, Ch. 298, Sec. 2. (SB 401) Effective January 1, 2023.)

2963. Matters deemed conviction

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge which is substantially related to the qualifications, functions and duties of a psychologist, ~~or psychological assistant~~ associate, or research psychoanalyst, or student research psychoanalyst, is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

(Amended by Stats. 1989, Ch. 888, Sec. 33.)

2966. Suspension during incarceration for felony conviction; Determination of substantial relationship of felony to functions of psychologist; Discipline or denial of license or registration

(a) A psychologist's license, or psychological associate or research psychoanalyst or student research psychoanalyst registration shall be suspended automatically during any time that the holder of the license is incarcerated after conviction of a felony, regardless of whether the conviction has been appealed. The board shall, immediately upon receipt of the certified copy of the record of conviction, determine whether the license ~~of the psychologist or registration~~ has been automatically suspended by virtue of the psychologist's licensee's or registrants' incarceration, and if so, the duration of that suspension. The board shall notify the ~~psychologist licensee or registrant~~ psychologist licensee or registrant of the license or registration suspension and of the right to elect to have the issue of penalty heard as provided in this section.

(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is determined therefrom that the felony of which the licensee or registrant was convicted was substantially related to the qualifications, functions, or duties of a ~~psychologist licensee or registrant~~, the board shall suspend the license or registration until the time for appeal has elapsed, if an appeal has not been taken, or until the judgment of conviction has been affirmed on appeal or has otherwise become final, and until further order of the board. The issue of substantial relationship shall be heard by an administrative law judge sitting alone or with a panel of the board, in the discretion of the board.

(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 187, 261, 288, or former Section 262, of the Penal Code shall be conclusively presumed to

be substantially related to the qualifications, functions, or duties of a ~~psychologist~~ licensee or registrant and a hearing shall not be held on this issue. Upon its own motion or for good cause shown, the board may decline to impose or may set aside the suspension when it appears to be in the interest of justice to do so, with due regard to maintaining the integrity of and confidence in the psychology profession.

(d) (1) Discipline or the denial of the license or registration may be ordered in accordance with Section 2961, or the board may order the denial of the license or registration when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and to enter a plea of not guilty, setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

(2) The issue of penalty shall be heard by an administrative law judge sitting alone or with a panel of the board, in the discretion of the board. The hearing shall not be commenced until the judgment of conviction has become final or, irrespective of a subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been made suspending the imposition of sentence; except that a licensee or registrant may, at the ~~licensee's~~ option of the licensee or registrant, elect to have the issue of penalty decided before those time periods have elapsed. Where the licensee or registrant so elects, the issue of penalty shall be heard in the manner described in this section at the hearing to determine whether the conviction was substantially related to the qualifications, functions, or duties of a psychologist, a registered psychological associate, a research psychoanalyst, or a student research psychoanalyst. If the conviction of a licensee or registrant who has made this election is overturned on appeal, any discipline ordered pursuant to this section shall automatically cease. This subdivision does not prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(e) The record of the proceedings resulting in the conviction, including a transcript of the testimony therein, may be received in evidence.

(Amended by Stats. 2021, Ch. 626, Sec. 2. (AB 1171) Effective January 1, 2022.)