BOARD MEETING MINUTES

The DoubleTree by Hilton Hotel
San Diego - Mission Valley
7450 Hazard Center Drive,
San Diego, CA 92108
(619) 297-5466

Thursday, November 16, 2017

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:06 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present
Stephen Phillips, JD, PsyD, President
Nicole J. Jones, Vice-President
Lucille Acquaye-Baddoo
Alita Bernal
Sheryll Casuga, PsyD
Michael Erickson, PhD
Jacqueline Horn, PhD

Others Present
Antonette Sorrick, Executive Officer
Stephanie Cheung, Licensing Unit Manager
Curtis Gardner, Probation Coordinator
Norine Marks, DCA Legal Counsel
Jason Glasspiegel, Central Services Coordinator
Liezl McCockran, Continuing Education and Renewals Coordinator

Agenda Item #2: President’s Welcome

Dr. Phillips welcomed the attendees to the Board’s quarterly meeting and read the Board’s mission statement. He explained that there are four petition hearings scheduled for that day and that the following day would begin in closed session following the call to order. Dr. Phillips stated that because of the Board’s movement towards a paper light system, the Board members will be viewing the meeting packets using their laptops instead of paper copies.

Agenda Item #3: Public Comment for Items not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting

[Government Code sections 11125 and 11125.7(a)]
Dr. Phillips explained that public comment is the opportunity for members of the public to make comments on items not on the agenda. He reminded the Board that they could not discuss or take action on any of the comments received.

Ms. Jones inquired about Agenda Item #25 Election of Officers. She confirmed with Dr. Phillips that the Election of Officers will be postponed until the February Board meeting. She also asked that Dr. Phillips provide the legislative report in her absence.

**Agenda Item #4: Approval of Board Meeting Minutes: September 14-15, 2017**

Dr. Horn and Ms. Jones provided changes to staff.

It was M(Horn)/S(Erickson)/C to approve the minutes as modified.

Vote: 7 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Jones, Phillips), 0 no

**Agenda Item #5: Budget Report**

Mr. Glasspiegel provided an overview of the Board of Psychology's budget for 2017/2018. He explained that due to the recent changes of California's financial operating systems, budgetary or spending reports were not available. Mr. Glasspiegel stated he will provide the Board with the reports when he receives them.

**Agenda Item #6: Executive Officer's Report**

Dr. Phillips stated that the Director of the Department of Consumer Affairs (DCA) Dean Grafilo will be providing the report on agenda item #6 c) DCA Executive Update which may be moved to the next day.

a) Organizational Update

Ms. Sorrick stated the board has four staff vacancies: a limited term Office Technician in Licensing, a Staff Services Analyst in Licensing, a Special Investigator in Enforcement, and a limited term Associate Governmental Program Analyst in Enforcement. Ms. Sorrick stated the positions for the Licensing Unit have already been posted.

b) DCA Annual Report

Ms. Sorrick referred to the annual report that was provided in the meeting packets. She stated the report data is for fiscal year 2016/2017 and includes licensing and enforcement activity as well as cost recovery information.

**Agenda Item #7: Petition for Early Reinstatement -- Edward Murray, PhD**

Administrative Law Judge Abraham Levy presided. Deputy Attorney General Martin Hagan was present and represented the People of the State of California. Edward Murray, PhD was present and represented himself.
Agenda Item #8: Petition for Early Termination of Probation – Amy Reyes, PsyD

Administrative Law Judge Abraham Levy presided. Deputy Attorney General LeAnna Shields was present and represented the People of the State of California. Amy Reyes, PsyD, was present and was represented by Lindsey Johnson, JD.

Agenda Item #9: Petition for Early Termination of Probation – Steven Tess, PhD

Administrative Law Judge Abraham Levy presided. Deputy Attorney General Martin Hagan was present and represented the People of the State of California. Steven Tess, PhD was present and was represented by David Leatherberry, JD.

Agenda Item #10: Petition for Early Termination of Probation – Barbra McDowell, PhD

Administrative Law Judge Abraham Levy presided. Deputy Attorney General Rosemary Luzon was present and represented the People of the State of California. Barbra McDowell, PhD was present and represented herself.

Agenda Item #11: Closed Session

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including the above petition, petitions for reconsideration, stipulations, and proposed decisions.

Friday, November 17, 2017

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:10 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present

Stephen Phillips, JD, PsyD, President
Lucille Acquaye-Baddoo
Alita Bernal
Sheryl Casuga, PsyD
Michael Erickson, PhD
Jacqueline Horn, PhD

Others Present

Antonette Sorrick, Executive Officer
Stephanie Cheung, Licensing Unit Manager
Curtis Gardner, Probation Coordinator
Norine Marks, DCA Legal Counsel
Jason Glasspiegel, Central Services Coordinator
Liezel McCockran, Continuing Education and Renewals Coordinator
Agenda Item #6: Executive Officer's Report

c) DCA Executive Update

Director Grafilo provided the Board with a summary of his work experience in the legislature. He stated that during his eight months as the Director of DCA, he has been learning about the 39 entities that comprise DCA. Director Grafilo introduced the three new deputy directors and provided a brief background of each new deputy director. Director Grafilo also spoke about the quarterly meeting with all board Executive Officers and stated that he is in the process of establishing an annual meeting with board Presidents.

Christopher Castillo, Deputy Director for Board and Bureau Relations, provided the Board with a summary of his work experience. He spoke about the new positions within the Board and Bureau Relations team, the future leadership program and the pro-rata work group meetings. He explained that pro-rata is the process by which the Department distributes costs amongst the Boards and Bureaus. Deputy Director Castillo also spoke about required Board meeting trainings.

Dr. Horn asked Director Grafilo what he sees as the most pressing issues facing him as Deputy Director. Director Grafilo answered that being able to recognize the best practices for all 39 different entities, since they are all so unique. He also stated that he hopes to strengthen the relationship between DCA and the legislature.

Agenda Item #13: Enforcement Report

Mr. Gardner provided the Board with the Enforcement report. He spoke about Performance Measure 4 (PM4) which reports timelines for cases that result in disciplinary action against a licensee. PM4 was broken down into four distinct phases: PM4a: Intake Only, PM4b: Investigation Only, PM4c: Pre-AG Transmittal and PM4d: Post-AG Transmittal. Mr. Gardner stated that the Enforcement Unit is looking to hire a 24-month limited term Associate Governmental Program Analyst and to backfill the Special Investigator position previously filled by Barbara Tanner. The Enforcement Program Manager will be working with DCA's Office of Human Resources to try to get these positions filled within the next four to six weeks. Mr. Gardner stated that the expert training held on November 3, 2017 in Los Angeles had approximately 25 attendees and received positive feedback. Ms. Sorrick pointed out that the expert reviewer criterion of having at least 40 hours of direct patient care is going to be discussed in the Enforcement Committee meeting for possible amendments. Mr. Gardner also provided statistics on complaints, citations, discipline and probation.

Board discussion ensued regarding the lengthy processing times reported for PM4. Josh Templet, Deputy Attorney General (DAG), stated the main reason for delay is enforcing subpoenas. He stated that it takes time to get into superior court if a licensee refuses to provide records. Board staff agreed to provide more information regarding delays of PM4.
Ms. Bernal asked if there have been more complaints filed compared to last year. Dr. Erickson confirmed that the volume of complaints has been increasing.

Dr. Erickson asked of the 50 probationers, approximately how many go off probation each year. Mr. Gardner stated that in 2017 three individuals completed probation.

**Agenda Item #14: Enforcement Committee Report and Consideration of Committee Recommendations**

a) Amendments to 16 CCR Section 1395.2 – Disciplinary Guidelines

Mr. Gardner provided the Board with an update on the Enforcement Committee meeting held this past October. He stated the Committee was unable to complete its review of the Disciplinary Guidelines but plan to complete it during the December 2017 Enforcement Committee meeting.

**Agenda Item #15: Licensing Report**

Ms. Cheung provided the Board with an overview of the licensing report provided in the meeting packets. She provided statistics on processing timeframes, licensing population, applications received and the monthly EPPP examination report.

Dr. Erickson inquired about the low pass rate of the EPPP for October. Ms. Cheung stated that it may be due to the 72-month registration limitation for psychological assistants, and that some of the registrants wanted to get licensed and attempted to take the EPPP for the first time.

**Agenda Item #16: Continuing Education and Renewals Report**

Ms. McCockran provided the Board with statistics on the following: psychologist and psychological assistant renewal applications processed, citations issued, online vs. mailed-in renewals processed, audit pass and fail rates for 2014-2016, pass and fail rate for second audits, continuing education (CE) audit for January 2016 – April 2016 and reasons for not passing the CE audit. Ms. McCockran stated that a plan is currently in place to resolve the CE citation and audit backlog and resume monthly CE audits by January 2018. She stated that the capability for licensees to load documents into Breeze is anticipated to launch in March 2018. Ms. McCockran also stated that she will be providing the Board with historical information regarding the MCEP Accrediting Agency CE audits at the February Board meeting. Ms. McCockran stated that when a licensee fails an audit, he or she will be audited again in the next renewal. She also stated that the main reason a licensee fails the second audit is that the hours submitted were previously used to remedy the deficiency in the prior audit.

Dr. Elizabeth Winkelman, Director of Professional Affairs at the California Psychological Association, asked if it is clearly conveyed to licensees who are remedying the deficiency in a prior audit that they cannot use those same hours for the subsequent...
renewal. Ms. McCockran confirmed that the licensee is informed of what hours were used to remedy the deficiency and is informed that those hours cannot be used for the next renewal.

**Agenda Item #17: Licensing Committee Report and Consideration of Committee Recommendations**

**a) Pathways to Licensure**

1. **Proposed Amendments to Business and Professions Code:**
   - § 2909, 2909.5, & 2911, (Exemptions);
   - § 2913 (Psychological Assistant);
   - § 2914 (Applicant's Requirement);
   - § 2915 (Continuing Education);
   - § 2915.5 (Coursework in Aging and Long-term Care)
   - §§ 2940 & 2941 (Application and Examination Fees);
   - §§ 2942, 2943, & 2944 (Examination Time and Subjects);
   - § 2946 (Reciprocity and Temporary Practice);
   - § 2947 (Appointment of Commissioners); and
   - § 2948 (Issuance of License)

2. **Proposed Amendments to Title 16 of the California Code of Regulations:**
   - § 1380.3 (Definitions);
   - §§ 1381, 1381.1, & 1381.2 (Applications);
   - § 1381.4 (Failure to Appear for an Examination);
   - § 1381.5 (Failure to Pay Initial License Fee);
   - §§ 1382, 1382.3, 1382.4, 1382.5, & 1382.6 (Pre-licensing Courses);
   - § 1386 (Evaluation of Education);
   - § 1387 (Supervised Professional Experience);
   - §§ 1387.1 & 1387.2 (Qualifications of Primary and Delegated Supervisors);
   - § 1387.3 (Non-Mental Health Services);
   - § 1387.4 (Out-of-State Experience);
   - § 1387.5 (SPE Log);
   - §§ 1388, 1388.6, 1389, & 1389.1 (Examinations-Waiver/Reconsideration);
   - §§ 1387.7, 1390, 1390.1, 1390.2, & 1390.3 (Registered Psychologists);
   - § 1392.1 (Psychological Assistant Fees)

Dr. Horn stated that the Licensing Committee is continuing to work through the Pathways to Licensure. She stated that two stakeholder meetings have been conducted and that the plan is to gather all feedback from the stakeholder meetings and review the amendments again at the next Licensing Committee meeting.

**b) Consideration of Licensing Committee Recommendations Regarding an Extension to the 72-Month Registration Period Limitation for Registered Psychological Assistant Pursuant to Section 1391.1(b) of Title 16 of the California Code of Regulations**
Dr. Horn stated PSB #1 is requesting a two-year extension due to a permanent disability and involved with civil litigation regarding a wrongful foreclosure on their home. Dr. Horn stated that the Committee's recommendation is to grant the request. Dr. Casuga stated that she understands the situation and believes this is a reasonable request.

It was M(Acquaye-Baddoo)/S(Bernal)/C to grant PSB #1's request for a two-year extension of the 72-month limitation for the psychological assistant registration.

Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no

Dr. Horn stated PSB #2 is requesting a three-year extension to keep working as a psychological assistant until PSB #2 retires. Dr. Horn noted that PSB #2 has not taken the licensing examination. Dr. Horn stated the Committee's recommendation is to deny the request.

Discussion ensued regarding the person's work history.

It was M(Horn)/S(Erickson)/C to deny PSB #2's request for a three-year extension of the 72-month limitation for the psychological assistant registration.

Vote: 4 aye (Casuga, Erickson, Horn, Phillips), 2 no (Acquaye-Baddoo, Bernal)

c) Consideration of Licensing Committee Recommendations Regarding an Extension to the 30-consecutive Month Limitation to Accrue 1500 Hours of Post-Doctoral Supervised Professional Experience Pursuant to Section 1387(a) of Title 16 of the California Code of Regulations

Dr. Horn stated that PSB #3 is requesting an extension until April 2018 to accrue post-doctoral SPE. She stated PSB #3 was enrolled in an internship that did not provide all of the hours that were promised and that PSB #3 had difficulty finding subsequent experience.

It was M(Bernal)/S(Erickson)/C to grant the extension request to the 30-consecutive month limitation to accrue post-doctoral SPE.

Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no
d) Retired Psychologist License: Draft proposal to add language or amend 16 CCR Sections 1381.9, 1381.10, and 1392 related to the issuance of a License in Retired Status

Ms. Cheung provided the Board with the revised draft language and forms regarding retired status.

Discussion ensued regarding the requirements and limitations of the retired status. A licensee who decides to go into retired status has three years to be able to go back to active status. A licensee can go into active status two times while on retired status. If
the licensee wants to become active a third time, he or she will need to reapply for licensure.

It was M(Erickson)/S(Acquaye-Baddoo)/C to approve sections 1381.9, 1381.10 and 1392 language as written for noticing for a hearing.

Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no

Dr. Elizabeth Winkelman, Director of Professional Affairs at the California Psychological Association, asked what the difference is between the retired license and a cancelled or expired license.

Ms. Cheung stated retired status is for licensees who have no current disciplinary actions and the licensee can call him or herself a “retired psychologist”. Cancelled status occurs after a license has been on expired status for three years. Ms. Sorrick stated that no practice is allowed with either status.

It was M(Erickson)/S(Acquaye-Baddoo)/C to delegate authority to the Executive Officer to proceed with the rulemaking process and to make any non-substantive changes.

Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no

The proposed language reads as follows:

§ 1381.10. Retired License

(a) A licensed psychologist who qualifies pursuant to Section 2988.5 of the Code, may apply for a license in retired status by submitting the Form PSY 900 (Rev. 10/20XX), which is incorporated by reference.

(b) A psychologist holding a license in retired status is not subject to renewal and shall not engage in the practice of psychology in this State.

(c) If the license in retired status was issued less than three (3) years prior to applying to restore the license to active status, the licensee shall:

(1) Submit Form PSY 905 (Rev. 10/20XX), which is incorporated by reference and pay the biennial renewal fee, as prescribed in Section 2987 of the Code, at the time the request for activation is received;

(2) Furnish to the Department of Justice, as directed by the board, a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice; and
(3) Satisfy continuing professional development requirements within two (2) years immediately prior to the date of application for restoring the license to an active status.

(d) If the license in retired status was issued three (3) or more years prior to applying to restore the license to active status, the licensee shall meet the requirements as set forth in Section 2988.5(d)(2) of the Code.

(e) A licensee may not be permitted to change the license to a retired status more than twice.


§ 1392. Psychologist Fees

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

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

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

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

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

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


Agenda Item #19: Legislative Update

a) Board Sponsored Legislation

1) AB 89 (Levine) – Suicide Assessment and Intervention Coursework/Training Requirements – Addition of Section to the Bus. & Prof. Code (Coursework/Training in Suicide Assessment and Intervention)

Mr. Glasspiegel provided an overview of AB 89, stating this bill, effective January 1, 2020, requires all applicants for licensure as a psychologist with the Board and all Board
licensees to have completed a minimum of six hours of coursework and/or applied experience in suicide risk assessment and intervention. Mr. Glasspiegel stated the advisory has been posted on the website.

Ms. McCockran explained that for licensees, this requirement can be met prior to January 1, 2020. She stated that if a licensee takes a qualifying course now, it can be applied towards the CE required for their current renewal cycle.

b) Review and Consideration of Board Recommendations on Legislation:

1) Bills on Which the Board Has Taken an Active Position

A) AB 244 (Cervantes) – Maternal Mental Health

Mr. Glasspiegel stated that the Board previously took a “Support if Amended” position on the bill. He stated Board staff has sent the author an email with the requested changes on October 1, 2017. He stated the author will begin to modify the bill next year.

B) AB 1456 (Low) – Professional Licensure

Mr. Glasspiegel stated this bill would extend exemption waivers to five years at California Department of Public Health, Department of Health Care Services, Department of State Hospitals and California Department of Corrections and Rehabilitation. He stated the bill was signed July 31, 2017 and an advisory has been posted.

C) AB 1188 (Nazarian) – Health Professionals Development: Loan Repayment

Mr. Glasspiegel stated this bill will increase the biennial fee collected at the time of license renewal from $10.00 to $20.00. The bill will become effective July 1, 2018 and an advisory has been posted.

D) SB 547 (Hill) – Professions and Vocations: Weights and Measures

Mr. Glasspiegel stated this bill will remove the specification in statute for who can pay the psychological assistant registration fee to the Board and would specify that the delinquency fee for licensees is 50 percent of the renewal fee for each license type, not to exceed $150. This bill will become effective January 1, 2018 and an advisory has been posted.

E) SB 572 (Stone) – Healing Arts Licensees: Violations: Grace Period

Mr. Glasspiegel stated that this bill would prohibit healing arts boards under the Department of Consumer Affairs from issuing a disciplinary action or otherwise penalizing a licensee who commits a violation that does not cause “irreparable harm” to a consumer and is remedied within 15 days. Staff was notified that the author is no longer pursuing this bill for the remainder of this year’s legislative session.

2) Watch Bills
No Board or public comment.

c) Review Draft Omnibus Legislative Proposal to Amend Sections 337 and 728 of the Bus. & Prof. Code Regarding the Brochure Addressing Sexual Contact between a Psychotherapist and a Patient

Ms. Sorrick presented the draft Omnibus Proposal to the Board. She stated that the proposal is to amend sections 337 and 728 of the Business and Professions Code regarding the brochure addressing sexual contact between a psychotherapist and a patient. Ms. Sorrick stated the Outreach and Education Committee discussed a plan to work with the Board of Behavioral Sciences and Medical Board of California to update the brochure.

Discussion ensued regarding the term sexual behavior and the examples that were included in the draft. It was determined that the examples would be removed and the term sexual behavior would be changed to sexual misconduct.

It was M(Acquaye-Baddoo)/S(Erickson)C to move to adopt the language and work with the Senate Business, Professions, and Economic Development Committee to include the section changes in an Omnibus Bill.

Vote: 6 aye (Acquaye-Baddoo, Bernal, Casuga, Erickson, Horn, Phillips), 0 no

Dr. Elizabeth Winkelman, Director of Professional Affairs at the California Psychological Association, asked the Board to consider the potential impacts of changing the language. She also provided the board with the definition of sexual harassment as defined in the Ethics Code. Discussion ensued regarding the brochure language. The Board wanted the term sexual misconduct to be specified in its definition.

Dr. Melodie Shaeffer, California Psychological Association Division II and CAPIC, asked if this was prompted by cases received by the Board that gave light to the need to expand on current practices. Dr. Horn stated that the Board wanted to update the brochure and cases have been presented to the Board where there was clearly sexual misconduct but that was not found because of the way the current definition is written.

Ms. Sorrick stated that anytime a complaint is received, an expert will determine if it is inappropriate. She also stated that there will be a meeting with experts from the Board of Psychology, Board of Behavioral Sciences and Medical Board of California where they will discuss the brochure. Ms. Sorrick stated that this is not the final language, but needed to start the process of changing the brochure.

The proposed language, as amended, reads as follows:

The proposed language, as amended, reads as follows:
CHAPTER 4. Consumer Affairs [300 - 337]
( Chapter 4 added by Stats. 1970, Ch. 1394. )

ARTICLE 6. Information [337-337.]
(Article 6 added by Stats. 1970, Ch. 1394. )

337.
(a) The department shall prepare and disseminate an informational brochure for victims of psychotherapist-patient sexual behavior and sexual contact and their advocates for these victims. This brochure shall be developed by the department in consultation with members of the Sexual Assault Program of the Office of Criminal Justice Planning and the office of the Attorney General.

(b) The brochure shall include, but is not limited to, the following:

(1) A legal and an informal definition of psychotherapist-patient sexual behavior and sexual contact.
(2) A brief description of common personal reactions and histories of victims and victim's families.
(3) A patient's bill of rights.
(4) Instructions for reporting psychotherapist-patient sexual behavior and sexual contact relations and instructions for each reporting option.
(5) A full description of administrative, civil, and professional associations complaint procedures.
(6) A description of services available for support of victims.

(c) The brochure shall be provided to each individual contacting the Medical Board of California, the Board of Psychology, and affiliated health boards, or the Board of Behavioral Sciences regarding a complaint involving psychotherapist-patient sexual behavior and sexual contact relations.

728.
(a) Any psychotherapist or employer of a psychotherapist who becomes aware through a patient that the patient had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the patient a brochure developed promulgated by the department that delineates the rights of, and remedies for, patients who have been involved sexually with their psychotherapists. Further, the psychotherapist or employer shall discuss with the patient the brochure prepared by the department.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:
(1) "Psychotherapist" means a physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy, a psychologist, a psychological assistant, a registered psychologist, a trainee under the supervision of a licensed psychologist, a clinical social worker, a marriage and family therapist, a licensed professional clinical counselor, a psychological assistant, an associate marriage and family therapist registered intern or marriage and family therapist trainee, an intern-associate professional clinical counselor or clinical counselor trainee, as specified in Chapter 16 (commencing with Section 4999.10), or an associate clinical social worker.

(2) "Sexual contact" means the touching of an intimate part of another person.

(3) "Sexual behavior" means inappropriate contact or communication of a sexual nature.

(4) "Intimate part" and "touching" have the same meaning as defined in subdivisions (g) and (e), respectively, of Section 243.4 of the Penal Code.

(5) "The course of a prior treatment" means the period of time during which a patient first commences treatment for services that a psychotherapist is authorized to provide under his or her scope of practice, or that the psychotherapist represents to the patient as being within his or her scope of practice, until the psychotherapist-patient relationship is terminated.

**Agenda Item #20: Legislative Items for Future Meeting. The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code Section 11125.4**

Dr. Elizabeth Winkelman, Director of Professional Affairs at the California Psychological Association, stated that CPA plans to introduce a bill called Telemental Health Expansion Bill. She gave a brief description of the bill stating it is regarding how telehealth can be reimbursed. Dr. Winkelman asked the Board to add it on the next agenda.

**Agenda Item #21: Overview Presentation of the Regulatory Process**

Mr. Glasspiegel provided an overview of the regulatory process for the Department of Consumer Affairs and the State of California.

**Agenda Item #22: Regulatory Update, Review, and Consideration of Additional Changes**

a) 16 CCR Section 1396.8 – Standards of Practice for Telehealth

Mr. Glasspiegel stated that the language for the Standards of Practice for Telehealth has been submitted to the Department of Consumer Affairs’ Legal Affairs for review.

b) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development
Ms. McCockran stated that staff attended a training on regulations where the CPD package was reviewed. During the review, staff modified the language.

It was M(Horn)/S(Erickson)/C to accept the language as written with authority delegated to the Executive Officer to proceed with the rulemaking file and set for hearing.

Vote: 5 aye (Bernal, Casuga, Erickson, Horn, Phillips), 0 no

The proposed language, as amended, reads as follows:

§ 1397.60. Definitions. [Effective January 1, 2013 until December 31, 2020.]

This section shall be applicable to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013, and becomes repealed on January 1, 2021.

As used in this article:

(a) "Conference" means a course consisting of multiple concurrent or sequential free-standing presentations. Acceptable presentations must meet the requirements of section 1397.61(c).

(b) "Continuing education" (CE) means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, seminars, workshops, grand rounds, in-service training programs, video conferencing, and independent learning technologies.

(c) "Course" or "presentation" means an approved systematic learning experience of at least one hour in length. One hour shall consist of 60 minutes of actual instruction. Courses or presentations less than one hour in duration shall not be acceptable.

(d) "Grand rounds" or "in-service training program" means a course consisting of sequential, free-standing presentations designed to meet the internal educational needs of the staff or members of an organization and is not marketed, advertised or promoted to professionals outside of the organization. Acceptable presentations must meet the requirements of section 1397.61(c).

(e) "Independent learning" means the variety of forms of organized and directed learning experiences that occur when the instructor and the student are not in direct visual or auditory contact. These include, but are not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondence and home study. Self-initiated, independent study programs that do not meet the requirements of section 1397.61(c) are not acceptable for continuing education. Except for qualified individuals with a disability who apply to and are approved by the Board pursuant to section 1397.62(c), independent learning can be used to meet no more than 75% (27 hours) of the continuing education required in each renewal cycle. Independent learning courses must meet the requirements of section 1397.61(c).
(f) "Provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the course offered, whose courses are accepted for credit pursuant to section 1397.61(c)(1).

(Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
Reference: Sections 29 and 2915, Business and Professions Code.

§ 1397.60: Definitions. [Effective January 1, 2021.]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

Continuing Professional Development (CPD) means required learning activities approved for the purpose of license renewal. CPD shall be met in the following four categories: Professional Activities; Academic; Sponsored Continuing Education; and Board Certification.

(a) Acceptable CPD learning activities under "Professional Activities" include:

(1) "Peer Consultation"
   (A) "Peer Consultation" means structured and organized interaction, in person or electronically mediated, with professional colleagues designed to broaden professional knowledge and expertise, reduce professional isolation and directly inform the work of the psychologist. CPD pursuant to this section may only be obtained through individual or group case consultation, reading groups, or research groups. These activities must be focused on maintaining, developing, or increasing conceptual and applied competencies that are relevant to psychological practice, education, or science.
   (B) "Peer Consultation" does not include "Supervision" as defined in section (b)(3).

(2) "Practice Outcome Monitoring" (POM)
   "Practice Outcome Monitoring" (POM) means the application of outcome assessment protocols with clients/patients, in order to monitor one's own practice process and outcomes, with the goal of assessing effectiveness. All outcome measures must be sensitive to cultural and diversity issues.

(3) "Professional Services"
   "Professional Services" means ongoing participation in services related to the field of psychology, or other related disciplines, including but not limited to, serving on psychological association boards or committees, editorial boards of peer reviewed journals related to psychology or other related disciplines, scientific grant review teams, boards of regulatory bodies, program development and/or evaluation activities separate and apart from a fee for service arrangement. This role supports the public service work of the profession, and reduces professional isolation.
(4) "Conference/Convention Attendance"

"Conference/Convention Attendance" means attending a professional gathering that consists of multiple concurrent or sequential free-standing presentations related to the practice of psychology, or that may be applied to psychological practice, where the licensee interacts with professional colleagues and participates in the social, interpersonal, professional, and scientific activities that are part of the environment of those gatherings. CPD credit may be accrued for "Conference/Convention Attendance" in addition to separate from credit earned for completing sponsored CE coursework or sessions at the same conference/convention.

(5) "Examination Functions"

"Examination Functions" means serving in any examination development-related function for the Board or for the development of the EPPP.

(6) "Expert Review/Consultation"

"Expert Review/Consultation" means serving in any expert capacity for the Board.

(7) "Attendance at a California Board of Psychology Meeting"

"Attendance at a California Board of Psychology Meeting" means physical attendance at a full day Board meeting or physical attendance at a separately noticed Committee meeting of the Board. This activity is designed to promote knowledge of current issues before the Board and encourages public participation in the regulatory process.

(b) Acceptable CPD learning activities under "Academic" include:

(1) "Academic Coursework"

"Academic Coursework" means completing and earning academic credit for a graduate-level course related to psychology from an institution whose degree meets the requirements of section 2914 of the Code.

(2) "Academic/Sponsor-Approved Continuing Education (CE) Instruction"

(A) "Academic Instruction" means teaching a graduate-level course that is part of a degree program that meets the requirements of section 2914(c) of the Code.

(B) "Sponsor-Approved CE Instruction" means teaching a sponsored CE course that relates to the practice of psychology as defined in 1397.60(c).

(3) "Supervision"

"Supervision" means overseeing the professional experience of a trainee who is accruing hours toward licensure as a Psychologist, Marriage and Family Therapist, Licensed Clinical Social Worker, Licensed Professional Clinical Counselor, Licensed Educational Psychologist, or Physician and Surgeon.
(4) "Publications"

"Publications" means authoring or co-authoring peer-reviewed journal articles, book chapters, book(s), or editing or co-editing a book, related to psychology or related discipline.

(5) "Self-Directed Learning"

"Self-Directed Learning" means independent educational activities focused on maintaining, developing, or increasing conceptual and applied competencies that are relevant to psychological practice, education, or science, such as reading peer-review journal articles or books, watching videos or webcasts, or listening to podcasts.

(c) Acceptable CPD learning activities under "Sponsored Continuing Education" means Sponsor-Approved Continuing Education, which includes any approved structured, sequenced learning activity, whether conducted in-person or online. "Course" or "presentation" means a sponsor-approved systematic learning experience. "Provider" means an organization, institution, association, university, or other person or entity assuming full responsibility for the CE program offered, and whose courses are accepted for credit pursuant to section 1397.61(k).

(d) Acceptable CPD learning activities under "Board Certification" are defined as earning a specialty certification from the American Board of Professional Psychology (ABPP) in one of the following categories:

1. ABPP Board Certification
2. "Senior Option" ABPP Board Certification

Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 29 and 2915, Business and Professions Code.

§ 1397.61. Continuing Education Requirements. [Effective January 1, 2013 until December 31, 2020.]

This section shall be applicable to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013, and becomes repealed on January 1, 2021.

(a) Except as provided in section 2915(e) of the Business and Professions Code and section 1397.62 of these regulations, each licensed psychologist shall certify on the application for license renewal that he or she has completed the continuing education requirements set forth in section 2915 of the Code. A licensee who renews his or her license for the first time after the initial issuance of the license is only required to accrue continuing education for the number of months that the license was in effect, including the month the license was issued, at the rate of 1.5 hours of approved continuing education per month. Continuing education earned via independent learning pursuant to section 1397.60(e) shall be accrued at no more than 75% of the continuing education required for the first time renewal. The required hours of continuing education may not be accrued prior to the effective date of the initial issuance of the license. A licensee...
who falsifies or makes a material misrepresentation of fact on a renewal application or
who cannot verify completion of continuing education by producing verification of
attendance certificates, whenever requested to do so by the Board, is subject to
disciplinary action under section 2960 of the Code.

(b) Any person renewing or reactivating his or her license shall certify under penalty of
perjury to the Board of Psychology as requested on the application for license renewal,
that he or she has obtained training in the subject of laws and ethics as they apply to
the practice of psychology in California. The training shall include recent
changes/updates on the laws and regulations related to the practice of psychology;
recent changes/updates in the Ethical Principles of Psychologists and Code of Conduct
published by the American Psychological Association; accepted standards of practice;
and other applications of laws and ethics as they affect the licensee’s ability to practice
psychology with safety to the public. Training pursuant to this section may be obtained
in one or more of the following ways:

(1) Formal coursework in laws and ethics taken from an accredited educational
institution;
(2) Approved continuing education course in laws and ethics;
(3) Workshops in laws and ethics;
(4) Other experience which provide direction and education in laws and ethics
including, but not limited to, grand rounds or professional association
presentation.

If the licensee chooses to apply a specific continuing education course on the topic of
laws and ethics to meet the foregoing requirement, such a course must meet the
content requirements named above, must comply with section 1397.60(c), and may be
applied to the 36 hours of approved continuing education required in Business and
Professions Code section 2915(a).

(c) The Board recognizes and accepts for continuing education credit courses pursuant
to this section. A licensee will earn one hour continuing education credit for each hour of
approved instruction.

(1) Continuing education courses shall be:
(A) provided by American Psychological Association (APA), or its
approved sponsors;
(B) Continuing Medical Education (CME) courses specifically applicable
and pertinent to the practice of psychology and that are accredited by the
California Medical Association (CMA) or the Accreditation Council for
Continuing Medical Education (ACCME); or
(C) provided by the California Psychological Association, or its approved
sponsors.
(D) approved by an accrediting agency for continuing education courses
taken prior to January 1, 2013, pursuant to this section as it existed prior
to January 1, 2013.
(2) Topics and subject matter for all continuing education shall be pertinent to the practice of psychology. Course or learning material must have a relevance or direct application to a consumer of psychological services.

(3) No course may be taken and claimed more than once during a renewal period, nor during any twelve (12) month period, for continuing education credit.

(4) An instructor may claim the course for his/her own credit only one time that he/she teaches the acceptable course during a renewal cycle, or during any twelve (12) month period, receiving the same credit hours as the participant.

(d) Examination Functions. A licensee who serves the Board as a selected participant in any examination development related function will receive one hour of continuing education credit for each hour served. Selected Board experts will receive one hour of continuing education credit for each hour attending Board sponsored Expert Training Seminars. A licensee who receives approved continuing education credit as set forth in this paragraph shall maintain a record of hours served for submission to the Board pursuant to section 1397.61(e).

(e) A licensee shall maintain documentation of completion of continuing education requirements for four (4) years following the renewal period, and shall submit verification of completion to the Board upon request. Documentation shall contain the minimum information for review by the Board: name of provider and evidence that provider meets the requirements of section 1397.61(c)(1); topic and subject matter; number of hours or units; and a syllabus or course description. The Board shall make the final determination as to whether the continuing education submitted for credit meets the requirements of this article.

(f) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.

Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code. Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.

§ 1397.61. Continuing Professional Development Requirements. [Effective January 1, 2021.]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

(a) Except as provided in section 2915(e) of the Business and Professions Code and section 1397.62 of these regulations, a psychologist shall certify under penalty of perjury to the Board on the application for license renewal that he or she has completed the CPD requirements set forth in this Article and section 2915 of the Code. Falsifying or making a material misrepresentation of fact on a renewal application, or failing to provide documentation verifying the hours compliance whenever requested to do so by the Board, shall be considered unprofessional conduct and subject the licensee to disciplinary action and render his or her license ineligible for renewal.
(b) A psychologist renewing or reactivating his or her license shall certify under penalty of perjury on the application for license renewal or reactivation that he or she has engaged in a minimum of four (4) hours of training in the subject of laws and ethics, for each renewal period, as they apply to the practice of psychology in California for each renewal period. This includes recent changes or updates on the laws and regulations related to the practice of psychology; recent changes or updates in the Ethical Principles of Psychologists and Code of Conduct published by the American Psychological Association; accepted standards of practice; and other applications of laws and ethics as they affect the licensee’s ability to practice psychology safely. This requirement shall be met using any combination of the four (4) CPD categories and the licensee shall indicate on his or her documentation which of the CPD activities are being used to fulfill this requirement. The four (4) hours shall be considered part of the 36 hour CPD requirement.

(c) A psychologist renewing or reactivating his or her license shall certify under penalty of perjury on the application for license renewal or reactivation that he or she has engaged in a minimum of four (4) hours of training for each renewal period pertinent to Cultural Diversity and/or Social Justice Issues as they apply to the practice of psychology in California for each renewal period. Cultural Diversity pertains to differences in age, race, culture, ethnicity, nationality, immigration status, gender, gender identity, sexual orientation, socioeconomic status, religion/spirituality, and physical ability; Social Justice pertains to the historical, social and political inequities in the treatment of people from non-dominant groups, while addressing the various injustices and different types of oppression that contribute to individual, family and community psychological concerns. This requirement shall be met using any combination of the four (4) CPD categories and the licensee shall indicate on his or her documentation which of the CPD activities are being used to fulfill this requirement. The four (4) hours shall be considered part of the 36 hour CPD requirement.

(d) Topics and subject matter for all CPD activities shall be pertinent to the practice of psychology.

(e) The Board recognizes and accepts CPD hours that meet the description of the activities set forth in section 1397.60. With the exception of 100% ABPP Board Certification, a licensee shall accrue hours during each renewal period from at least two (2) of the four (4) CPD activity categories: Professional Activities; Academic; Sponsored Continuing Education; and Board Certification. Unless otherwise specified, for any activity for which the licensee wishes to claim credit, no less than one (1) hour credit may be claimed and no more than the maximum number of allowable hours, as set forth in subsection (f), may be claimed for each renewal period.

(f) Acceptable CPD learning activities under “Professional Activities” include:

(1) “Peer Consultation”

(A) A maximum of 18 hours may be credited in “Peer Consultation”.

(B) One (1) hour of activity in “Peer Consultation” equals one (1) hour of credit.
(C) The licensee shall maintain a record of this activity. This record shall include: date(s), type of activity, and total number of hours.

(2) "Practice Outcome Monitoring" (POM)
   (A) A maximum of nine (9) hours shall be credited in "POM".
   (B) "POM" for one (1) patient/client equals one (1) hour credited.
   (C) The licensee shall maintain a record of this activity. This record shall include: date(s) of monitoring, client identifier, and how outcomes were measured.

(3) "Professional Service"
   (A) A minimum of 4.5 hours and a maximum of 12 hours shall be credited in "Professional Service".
   (B) One (1) year of "Professional Service" for a particular activity equals nine (9) hours credited and six (6) months equals 4.5 hours credited.
   (C) The licensee shall maintain a record of this activity. This record shall include: board or program name, role of licensee, dates of service, and term of service (six months or one year).

(4) "Conference/Convention Attendance"
   (A) A maximum of six (6) hours shall be credited in "Conference/Convention Attendance".
   (B) One (1) full conference/convention day attendance equals one (1) hour credited.
   (C) The licensee shall maintain a record of this activity. This record shall include: name of conference/convention attended, proof of registration, and date(s) of conference/convention attended.

(5) "Examination Functions"
   (A) A maximum of 12 hours shall be credited in "Examination Functions".
   (B) One (1) hour of service equals one (1) hour of credit.
   (C) The licensee shall maintain a record of this activity. This record shall include: name of exam, dates of service, and number of hours.

(6) "Expert Review/Consultation"
   (A) A maximum of 12 hours shall be credited in "Expert Review/Consultation".
   (B) One (1) hour of service in an expert capacity equals one (1) hour of credit.
   (C) The licensee shall maintain a record of this activity. This record shall include: dates of service and number of hours.

(7) "Attendance at a California Board of Psychology Meeting"
   (A) A maximum of eight (8) hours shall be credited in "Attendance at a California Board of Psychology Meeting".

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(B) Attendance for one (1) day Board or Committee meeting equals six (6) hours of credit. For Board or Committee meetings that are three (3) hours or less, one (1) hour of attendance equals one (1) hour of credit.

(C) The licensee shall maintain a record of hours. This record shall include: date of meeting, name of meeting, and number of hours attended. A psychologist requesting CPD credit pursuant to this subdivision must sign in and out on an attendance sheet at the Board or Committee meeting that requires the individual to provide his or her first and last name, license number, time of arrival and time of departure from the meeting.

(g) Acceptable CPD learning activities under “Academic” include:

(1) “Academic Coursework”

(A) A maximum of 18 hours shall be credited in “Academic Coursework”.

(B) Each course taken counts only once for each renewal period and may only be submitted for credit once the course is completed.

(C) Each one (1) semester unit earned equals six (6) hours of credit and each one (1) quarter unit earned equals 4.5 hours of credit.

(D) The licensee shall maintain a record of this activity. This record shall include a transcript with evidence of a passing grade (C or higher or “pass”).

(2) “Academic/Sponsor-Approved CE Instruction”

(A) “Academic Instruction”

(i) A maximum of 18 hours shall be credited in “Academic Instruction”.

(ii) Each course taught counts only once for each renewal period and may only be submitted for credit once the course is completed.

(iii) A term-long (quarter or semester) academic course equals 18 hours of credit.

(iv) The licensee shall maintain a record of this activity. This record shall include: course syllabus, title of course, name of institution, and dates of instruction.

(B) “Sponsored CE Instruction”

(i) A maximum of 18 hours shall be used in “Sponsored CE Instruction”.

(ii) Each course taught counts only once for each renewal period and may only be submitted for credit once the course is completed.

(iii) One (1) hour of instruction equals 1.5 hours of credit.

(iv) The licensee shall maintain a record of this activity. This record shall include: course syllabus, title of course, dates of instruction, name of sponsoring entity, and number of hours taught.

(3) “Supervision”

(A) A maximum of 18 hours shall be credited in “Supervision”.

(B) One (1) hour of supervision equals one (1) hour of credit.
The licensee shall maintain a record of this activity. This record shall include: dates of supervision and a trainee identifier.

(4) "Publications"
(A) A maximum of nine (9) hours shall be credited in “Publications”.
(B) One (1) publication equals nine (9) hours of credit.
(C) A publication may only be counted once.
(D) The licensee shall maintain a record of this activity. This record shall include: either a letter of acceptance for publication, or proof of publication with publication date in the renewal period for which it is being submitted.

(5) "Self-Directed Learning"
(A) A maximum of six (6) hours shall be credited in “Self-Directed Learning”.
(B) One (1) hour of activity in “Self-Directed Learning” equals one (1) hour of credit.
(C) The licensee shall maintain a record of this activity. This record shall include: date(s), medium (e.g. webinar), topic or title, and total number of hours.

(h) Acceptable “Sponsored Continuing Education” includes:
(1) A maximum of 27 hours shall be credited in “Sponsored Continuing Education”.
(2) Credit may be granted only once during a renewal cycle for each course taken.
(3) One (1) hour of sponsored continuing education equals one (1) hour of credit.
(4) The licensee shall maintain proof of attendance provided by the sponsor of the continuing education.

(i) Acceptable CPD learning activities under “Board Certification” include:
(1) ABPP Board Certification
(A) ABPP Board Certification may count for 100% (36 hours) of required CPD in the renewal cycle in which the certification is awarded.
(B) The licensee shall maintain proof of specialty certification.

(2) “Senior Option” ABPP Board Certification
(A) “Senior Option” ABPP Board Certification may count for 50% (18 hours) of required CPD in the renewal cycle in which the certification is awarded.
(B) The licensee shall maintain proof of specialty certification.

(i) To satisfy the requirements of section 2915 of the Code, an organizations seeking the authority to approve a providers of continuing education shall meet the following requirements. An organizations authorized pursuant to this section may also provide
continuing education. An organization previously approved by the Board to approve providers of CE are deemed authorized under this section.

(1) The approving organization must:
   (A) have a 10-year history of providing educational programming for psychologists,
   (B) have documented procedures for maintaining a continuing education approval program, including, but not limited to:
       (i) maintaining and managing records and data related to approved CE programs, and
       (ii) monitoring and approving CE providers and courses
   (C) have policies in place to avoid a conflict of interest between any CE provider and approval functions,
   (D) evaluate each CE provider seeking approval, including itself, according to current evidence as to what constitutes an appropriate program in terms of content and level of presentation, as set out in subsection (k)(2),
   (E) conduct periodic reviews of courses offered by providers approved by the organization, as well as its own courses, to determine compliance with the organization's requirements and the requirements of the Board,
   (F) establish a procedure for determining if an approved provider meets regulatory criteria as established in subsection (k), and
   (G) have a process to respond to complaints from the Board, providers, or from licensees concerning activities of any of its approved providers or their courses.

(2) The approving organization shall ensure that approved providers:
   (A) offer content at post-licensure level in psychology that is designed to maintain, develop, broaden and/or increase professional competencies,
   (B) demonstrate that the information and programs presented are intended to maintain, develop, and increase conceptual and applied competencies that are relevant to psychological practice, education, or science, and have a direct consumer application in at least one of the following ways:
       (i) programs include content related to well-established psychological principles,
       (ii) programs are based on content that extends current theory, methods or research, or informs current practice,
       (iii) programs provide information related to ethical, legal, statutory, or regulatory guidelines and standards that impact the practice of psychology, and/or
       (iv) programs whose content focuses on non-traditional or emerging practice or theory and can demonstrate relevance to practice,
   (C) use a formal (written) evaluation tool to assess program effectiveness (what was learned) and assess how well each of the educational goals was achieved (this is separate from assessing attendee satisfaction with the CE program),
   (D) use results of the evaluation process to improve and plan future programs.
(E) Provide CE credit on the basis of one hour of credit will be earned for each hour of approved instruction.

(F) Provide attendance verification to CE attendees that includes the name of the licensee, the name of the course, the date of the course, the number of credit hours earned, and the approving agency.

(G) Provide services to all licensees without discrimination, and

(H) Ensure that advertisements for CE courses include language that accurately reflects the approval status of the provider.

(3) Failure of the approving organization to meet the provisions of this section shall constitute cause for revocation of authorization by the Board. Authorization can shall be revoked only by a formal Board action, after notice and hearing, and for good cause.

(k) Each person who applies to renew or reinstate his or her license issued pursuant to this chapter shall certify under penalty of perjury that he or she is in compliance with this section and shall maintain proof of this compliance for four (4) years from the date of the renewal for which it has been submitted, and shall submit such proof to the Board upon request.

(l) No CPD activity may be claimed for credit more than once during a renewal period.

(m) No activity may be claimed for credit in more than one CPD category.

(n) For a license that renews or is reactivated between January 1, 2021, and December 31, 2021, the hours accrued will qualify for renewal if they meet either the requirements of this section as it existed prior to January 1, 2021 or as it exists after January 1, 2021.

Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.

This section shall be applicable to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013, and becomes inoperative on December 31, 2020.

At the time of making application for renewal of a license, a psychologist may as provided in this section request an exemption or an exception from all or part of the continuing education requirements.

(a) The Board shall grant an exemption only if the psychologist verifies in writing that, during the two year period immediately prior to the expiration date of the license, he or she:

(1) Has been engaged in active military service reasonably preventing completion of the continuing education requirements, except that a licensee
granted an exemption pursuant to this section shall still be required to fulfill the laws and ethics requirement set forth in section 1397.61(b); or

(2) Has been prevented from completing the continuing education requirements for reasons of health or other good cause which includes:

(A) Total physical and/or mental disability of the psychologist for at least one year; or

(B) Total physical and/or mental disability of an immediate family member for at least one year where the psychologist has total responsibility for the care of that family member.

Verification of a physical disability under subsection (a)(2) shall be by a licensed physician and surgeon or, in the case of a mental disability, by a licensed psychologist or a board certified or board eligible psychiatrist.

(b) An exception to the requirements of Business and Professions Code section 2915(d) may be granted to licensed psychologists who are not engaged in the direct delivery of mental health services for whom there is an absence of available continuing education courses relevant to their specific area of practice.

(1) An exception granted pursuant to this subsection means that the Board will accept continuing education courses that are not acceptable pursuant to section 1397.61(c) provided that they are directly related to the licensee’s specific area of practice and offered by recognized professional organizations. The Board will review the licensee’s area of practice, the subject matter of the course, and the provider on a case-by-case basis. This exception does not mean the licensee is exempt from completing the continuing education required by Business and Professions Code section 2915 and this article. (2) Licensees seeking this exception shall provide all necessary information to enable the Board to determine the lack of available approved continuing education and the relevance of each course to the continuing competence of the licensee.

Such a request shall be submitted in writing and must include a clear statement as to the relevance of the course to the practice of psychology and the following information:

(A) Information describing, in detail, the depth and breadth of the content covered (e.g., a course syllabus and the goals and objectives of the course), particularly as it relates to the practice of psychology.

(B) Information that shows the course instructor’s qualifications to teach the content being taught (e.g., his or her education, training, experience, scope of practice, licenses held and length of experience and expertise in the relevant subject matter), particularly as it relates to the practice of psychology.

(C) Information that shows the course provider’s qualifications to offer the type of course being offered (e.g., the provider’s background, history, experience and similar courses previously offered by the provider), particularly as it relates to the practice of psychology.
(3) This subsection does not apply to licensees engaged in the direct delivery of mental health services.

(c) Psychologists requiring reasonable accommodation according to the Americans with Disabilities Act may be granted an exemption from the on-site participation requirement and may substitute all or part of their continuing education requirement with an American Psychological Association or accreditation agency approved independent learning continuing education program. A qualified individual with a disability must apply to the Board to receive this exemption.

(d) Any licensee who submits a request for an exemption or exception that is denied by the Board shall complete any continuing education requirements within 120 days of the notification that the request was denied.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
Reference: Section 2915, Business and Professions Code.

§ 1397.62. Continuing Education Exemptions. [Effective January 1, 2021]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

(a) To be granted an exemption from all or part of the CPD requirements a licensee must verify certify in writing that he or she has met the requirement of section 114.3 of the Code that during the two year period immediately preceding the expiration of the license, he or she was on active military duty. The request for exemption must be submitted no less than thirty (30) days prior to the submission of an application for the renewal of the license. For the first renewal after discharge from active military service, he or she shall be exempt from the CPD renewal requirements, except that he or she must accrue, as a condition of renewal, 1.5 hours per month (or portion of month) remaining in the renewal cycle post-discharge, calculated 60 days after discharge date. The licensee shall, at a minimum, fulfill the Laws and Ethics requirement set out in section 1397.61(b), and the Cultural Diversity/Social Justice requirement set out in section 1397.61(c).

(b) Any licensee who submits a request for an exemption that is denied, in whole or in part, by the Board shall complete any CPD requirements within 120 days of the notification that the request was denied.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
Reference: Section 2915, Business and Professions Code.

§ 1397.67. Renewal After Inactive or Delinquent Expired Status. [Effective January 1, 2013 until December 31, 2020.]

This section shall be applicable to a license that expires on or after, or is reinstated or issued on or after, January 1, 2013, and becomes repealed on January 1, 2021.
To activate a license which has been placed on inactive status pursuant to section 2988 of the Code, the licensee must submit evidence of completion of the requisite 36 hours of qualifying continuing education courses for the two-year period prior to establishing the license as active.

For the renewal of a delinquent psychologist license within three years of the date of expiration, the applicant for renewal shall provide evidence of completion of 36 hours of qualifying continuing education courses for the two-year period prior to renewing the license.

After a license has been delinquent for three years, the license is automatically cancelled and the applicant must submit a complete licensing application, meet all current licensing requirements, and successfully pass the licensing examination just as for the initial licensing application unless the board grants a waiver of the examination pursuant to section 2946 of the Code.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
Reference: Section 2915, 2984, and 2988, Business and Professions Code.

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, reinstated, or issued on or after, January 1, 2021.

To activate a license that has been placed on inactive status pursuant to section 2988 of the Code, the licensee shall submit evidence of completion of the requisite 36 hours of qualifying CPD for the two-year period prior to establishing reactivating the license as active.

For the renewal of an expired psychologist license within three years of the date of expiration, the applicant for renewal shall provide evidence of completion of 36 hours of qualifying CPD for the two-year period prior to renewing the license.

After a license has been expired for three years, the license is automatically cancelled and the applicant must submit a complete licensing application, meet all current licensing requirements, and successfully pass the licensing examination(s) just as for the initial licensing application unless the Board grants a waiver of the examination pursuant to section 2946 of the Code.

NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
Reference: Section 2915, 2984, and 2988, Business and Professions Code.

§ 1381.9. Renewal of Expired License; Reissuance of Cancelled License.

[Effective January 1, 2021]
(a) In the event a licensee does not renew his or her license as provided in section 2982 of the Code, the license expires. In addition to any other requirements, a licensee renewing pursuant to section 2984 of the Code shall furnish a full set of fingerprints as required by and set out in section 1381.7(b) as a condition of renewal.

(b) After a license has been expired for three years, if it has not been revoked, the license is automatically cancelled and may not be renewed. The license may be obtained if the applicant A person whose license has been cancelled pursuant to section 2984 of the Code for failure to renew for three years may obtain a new license if the person:

(1) submits a complete licensing application;
(2) meets all current licensing requirements;
(3) successfully passes the examination pursuant to section 1388.6;
(4) provides evidence of continuing education taken pursuant to section 1397.67(b), and no fact, circumstance, or condition exists that would justify the grounds for denial of licensure under Section 480.

NOTE: Authority cited: Sections 2930 and 2982, Business and Professions Code.
Reference: Sections 118, 480, 2984 and 2988, Business and Professions Code; and Section 11105(b)(10), Penal Code.

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

Mr. Glasspiegel stated the regulation package has been submitted to the Department of Consumer Affairs' Legal Affairs for review.

**Agenda Item #23: Outreach Update**

a) Strategic Plan

Ms. Bernal stated no additional items have been added since the last Board Meeting.

Ms. Sorrick stated that Board staff will be working with the SOLID unit to work on the Strategic Plan meeting in 2018. The place is yet to be determined.

b) Communications Plan

Ms. Bernal stated no additional items have been added since the last Board meeting.

c) Website

Mr. Glasspiegel provided the website update.

d) Social Media
Mr. Glasspiegel stated that the most popular post was the AB 89 requirement and the supervision experience regulation package came in second.

Dr. Erickson asked if there was an explanation as to why there was an increase in views of the February 9, 2017 Board meeting webcast.

Mr. Glasspiegel stated that the February 2017 meeting was the meeting where there were many public comments regarding child custody evaluations.

e) Newsletter

Ms. Sorrick stated the Fall journal is currently under legal review. Once approval is received from Legal, it will be submitted to Publications. She stated the Fall Journal is anticipated to be published in December.

f) Outreach Activities

Ms. Bernal stated that Jeffrey Thomas, the Board's Assistant Executive Officer, will be attending the California Psychology Internship Council board meeting on December 8, 2017.

She stated that Dr. Horn attended the Future Leadership development group. Dr. Horn spoke about the experience.

Ms. Bernal stated that the Augustus High School will be having a Mental Health Day on December 1, 2017 and Dr. Melodie Shaeffer volunteered to speak.

Dr. Horn spoke about her experience at the ASPPB meeting. She stated that one topic of the meeting was health service psychology vs. general applied psychology. Discussion between the Board members ensued regarding the licensing and discipline of both types of specialties.

g) Efforts on Updating the DCA Brochure “Professional Therapy Never Includes Sex”

Ms. Sorrick stated that a meeting with experts from the Board of Psychology, Board of Behavioral Sciences and Medical Board of California will occur on December 7, 2017. The experts will discuss the brochure and provide additional input and feedback regarding the draft.

Agenda Item #24: President’s Report

a) 2018 Meeting Calendar and Locations

Dr. Phillips stated staff is in the process of scheduling an Enforcement Committee meeting before the end of December 2017.

b) Committee Updates
Dr. Phillips stated an Ad Hoc committee comprised of at least one board member and relevant stakeholders will be formed regarding the issue of the EPPP Part 2.

**Agenda Item #25: Election of Officers**

Dr. Phillips stated that due to Board member absences the election will be held at the February 2018 Board meeting.

It was M(Erickson)/S(Casuga)/C to extend the current term of current officers until the next election of officers.

Vote: 5 aye (Bernal, Casuga, Erickson, Horn, Phillips), 0 no

**Agenda Item #26: Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)]**

No Board or public comments were made.

It was M(Bernal)/S(Horn)/C to adjourn.

Vote: 5 aye (Bernal, Casuga, Erickson, Horn, Phillips), 0 no

Meeting adjourned at 2:54 p.m.