Thursday, February 7, 2019

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present
Stephen Phillips, JD, PsyD, President
Seyron Foo, Vice-President
Lucille Acquaye-Baddoo
Alita Bernal
Sheryll Casuga, PsyD
Mary Harb Sheets, PhD
Jacqueline Horn, PhD
Nicole J. Jones
Lea Tate, PsyD

Others Present
Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, DCA Legal Counsel
Cherise Burns, Central Services Manager
Stephanie Cheung, Licensing Unit Manager
Sandra Monterrubio, Enforcement Program Manager
Curtis Gardner, Probation Monitor
Jason Glasspiegel, Central Services 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. Dr. Phillips stated that because of the Board’s movement towards a Paper Lite system, Board members would be viewing the meeting packets via laptops rather than paper copies. Dr. Phillips thanked Senator Glazer and Sarah Huchel for making this room available to the Board. Dr. Phillips administered the Oath of Office to new Board Members Mary Harb Sheets, PhD, and Lea Tate, PsyD. On behalf of the Board, Dr. Phillips read and presented a Certificate of Appreciation to former Board Member Michael Erickson, PhD, who completed his second full term on the Board in 2018.
Agenda Item #3: Public Comment for Items not on the Agenda. 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. Jo Linder-Crow, Chief Executive Officer of the California Psychological Association (CPA), requested an item for a future Board agenda to consider the creation of a new registration category for psychological testing technicians in the State of California. She stated that psychological testing technicians administer and score psychological and/or neuropsychological tests under the direct supervision of licensed psychologists and they are recognized in many states. Dr. Linder-Crow stated that currently there is no law in California regulating or overseeing these professionals.

Agenda Item #4: President’s Report

Dr. Phillips addressed the 2019 meeting calendar and provided the following committee updates:

Licensing Committee – this committee will be chaired by Dr. Horn with Dr. Harb Sheets and Mr. Foo as committee members. Dr. Phillips stated he will be stepping down as he has served on this committee for many years.

Outreach and Education Committee – this committee will be chaired by Ms. Bernal with Ms. Acquaye-Baddoo and Dr. Tate as committee members.

Policy and Advocacy Committee – this committee will be chaired by Mr. Foo with Dr. Casuga, Ms. Jones, and Dr. Phillips as committee members.

Enforcement Committee – this committee will be chaired by Ms. Acquaye-Baddoo with Dr. Phillips as a committee member.

Sunset Review Committee – this committee will consist of Dr. Phillips and Mr. Foo as committee members.

Telepsychology Committee – this committee will be chaired by Dr. Phillips and Dr. Erickson will continue to work with the committee.

Agenda Item #5: Executive Officer’s Report

Ms. Sorrick provided the Executive Officer’s Report which included a staffing update, the annual report, and accomplishments made during the year.

Agenda Item #6: DCA Executive Update
Karen Nelson, Assistant Deputy Director of Board and Bureau Relations, provided the Board with the DCA executive update.

**Agenda Item #7: Petition for Early Termination of Probation – Leslie Hemedes, PsyD**

Administrative Law Judge Heather Rowen presided. Deputy Attorney John Gatschet was present and represented the People of the State of California. Leslie Hemedes, PsyD, was present and represented herself.

**Agenda Item #8: Petition for Reinstatement of License – Debra Lynn Langley, PhD**

Administrative Law Judge Heather Rowen presided. Deputy Attorney John Gatschet was present and represented the People of the State of California. Lynn Langley, PhD, was present and was represented by A. Steve Frankel, PhD, JD, ABPP.

**Agenda Item #9: Petition for Early Termination of Probation – Paul Gabrinetti, PhD**

This petition was not heard as it was withdrawn at the request of the respondent prior to the meeting.

**Agenda Item #10: Closed Session**

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including the above Petitions, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

**Agenda Item #11: Closed Session**

The Board met in closed session pursuant to Government Code Section 11126(e) to confer with and receive advice from Legal Counsel regarding pending litigation.

Meeting adjourned at 5:43 p.m.

**Friday, February 8, 2019**

**Agenda Item #12: Call to Order/Roll Call/Establishment of a Quorum**

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:11 a.m. A quorum was present and due notice had been sent to all interested parties.

**Members Present**

Stephen Phillips, JD, PsyD, President

Seyron Foo, Vice-President
Others Present
Antonette Sorrick, Executive Officer
Norine Marks, DCA Legal Counsel
Cherise Burns, Central Services Manager
Stephanie Cheung, Licensing Unit Manager
Sandra Monterrubio, Enforcement Program Manager
Jason Glasspiegel, Central Services Coordinator

Agenda Item #10: Closed Session
The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including the above Petitions, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

Agenda Item #11: Closed Session
The Board met in closed session pursuant to Government Code Section 11126(e) to confer with and receive advice from Legal Counsel regarding pending litigation.

Agenda Item #13: Public Comment for Items not on the Agenda. 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)]

Connie Valentine, California Protective Parents Association, spoke about the complaints the California Protective Parents Association has received regarding court appointed psychologists. She asked the Board to open a special investigation with hearings so that the complainants can bring these issues to the Board directly.

Kathleen Russell, Executive Director of the Center for Judicial Excellence, stated that a psychologist who has had multiple complaints against him is still allowed to practice and is harming people because the complaints are being closed due to “insufficient evidence”. Ms. Russell asked the Board to do something about harmful psychologists such as this one.

Agenda Item #16: Budget Report
Mr. Glasspiegel provided the Board with the budget report. He introduced the Board’s Budget Analyst, Sarah Hinkle, and the Budget Manager, Robert de los Reyes, from the Department of Consumer Affairs. Ms. Hinkle and Mr. de los Reyes explained the annual budget process and broke down the Board’s budget. Dr. Phillips asked when the budget reports would go back to what was previously presented before the Fi$CAL system, where the budget line items were not as specific. Mr. de los Reyes stated that, hopefully in a year or two, the budget reports will be able to get back to the way they were previously, which presented the information in general categories rather than specific transactions.

**Agenda Item #17: Consider Implementation of Enhanced EPPP, Including Latest Information from Association of State and Provincial Psychology Boards (ASPPB), and Possible Approval to Initiate Regulatory Amendments to Title 16, California Code of Regulations sections 1388-1389.1**

Dr. Horn recused herself and left the room while this item was being discussed as she works for the Association of State and Provincial Psychology Boards (ASPPB).

Dr. Casuga provided an update.

Dr. Matt Turner, ASPPB’s Director of Examination Services, explained which types of validity are used for the purposes of the test, which types are not used, and how the development process unfolds.

The Board discussed the outcomes of adopting or not adopting the Enhanced EPPP.

Melodie Schaefer, PsyD, representing CPA Division II & California Psychology Internship Council, stated she agreed with the Board in reconsidering the previous vote.

It was M(Foo)/S(Harb Sheets)/C to reconsider the motion of August 2018 related to the Enhanced EPPP.

Vote: 7 aye (Bernal, Casuga, Foo, Jones, Phillips, Harb Sheets, Tate), 1 no (Acquaye-Baddoo)

Dr. Linder-Crow asked if staff is directed to not proceed with the regulatory package, and for clarification on whether California is going to be an early adopter of the Enhanced EPPP.

Ms. Marks stated that unless there is an additional motion, then the Board is saying they will not be an early adopter of Enhanced EPPP.

Cindy Yee-Bradbury, PhD, Director of Clinical Training at UCLA, and representing UC Berkeley and UC San Diego, and speaking on behalf of the Council of University Directors of Clinical Psychology (CUDCP), provided the Board and Mr. Turner with
CUDCP’s thoughts and recommendations on the Enhanced EPPP. CUDCP is advocating for ASPPB to combine the EPPP with the Enhanced EPPP examinations to offer a single and “more viable” exam.

Because credibility of the test was being questioned, Mr. Turner stated he wanted to assure the Board that ASPPB is competent to create the Enhanced EPPP exam.

Dr. Schaefer addressed the Board regarding transportability of a license. She wanted to bring to the Board’s attention how it may seem unfair to applicants within the State of California that out-of-state applicants can transfer their EPPP scores when they haven’t completed the California requirements.

Marilyn Immoos, PhD, California Department of Corrections and Rehabilitation (CDCR), asked if the Enhanced EPPP will include specific settings, and if it does, what about the people who do not work in those specific settings. Dr. Immoos questioned the content validity of the test.

Mr. Turner stated that this is a general licensure exam and it does not get into specialties. He also stated that most of the psychologists who evaluated the content validity of the Enhanced EPPP were California psychologists.

Agenda Item #14: Discussion and Possible Approval of the Board Meeting Minutes: November 15-16, 2018

The Board provided their edits to staff.

It was M(Foo)/S(Harb Sheets)/C to approve the minutes as amended with technical, non-substantive changes.

Vote: 8 aye (Acquaye-Baddoo, Bernal, Casuga, Foo, Horn, Phillips, Harb Sheets, Tate), 0 no

Agenda Item #15: Review and Possible Approval of Draft Board 2019-2023 Strategic Plan
The Board discussed the draft 2019-2023 Strategic Plan (Strategic Plan) and provided their edits to staff. Board discussion then ensued regarding “Goal 5: Outreach and Education” of the draft Strategic Plan and whether the Board should narrow the focus and quantity of these goals. It was decided not to narrow the focus or quantity of goals in this section, but to be more focused and mindful of Board resources when implementing these goals.

Dr. Immoos stated her opinion of the Strategic Plan and that she is looking forward to CDCR psychologists having an opportunity to review the plan.

It was M(Bernal)/S(Jones)/C to accept the Strategic Plan as amended.

Vote: 8 aye (Acquaye-Baddoo, Casuga, Foo, Horn, Jones, Phillips, Harb Sheets, Tate), 0 no

The adopted Strategic Plan is available here: https://www.psychology.ca.gov/forms_pubs/strat_plan_1923.pdf.

**Agenda Item #22: Licensing Committee Report and Consideration of Committee Recommendations**

c. Temporary Practice of Psychology in California for Licensed Psychologists who are Licensed in Other States in the U.S. or in Canada: Discuss Business and Professions Code Section 2912

Dr. Horn stated that in a previous Licensing Committee meeting, draft amendments were made to the language in Business and Professions Code Section 2912.

It was M(Foo)/S(Harb Sheets)/C to approve the language as written and seek an author.

Vote: 8 aye (Acquaye-Baddoo, Casuga, Foo, Horn, Jones, Phillips, Harb Sheets, Tate), 0 no

The proposed language reads as follows:

**Business and Professions Code § 2912.**

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

Dr. Horn stated that the Licensing Committee received an overview of the Continuing Education Audit Process at its last meeting and will continue to monitor the Continuing Education Audit Process to ensure the process is working efficiently and effectively.

e. Consideration of Licensing Committee Recommendations Regarding Requests for an Extension of 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 provided an overview of Psychological Assistant #1’s request and requested the Board consider the Licensing Committee’s recommendation.

It was M(Harb Sheets)/S(Jones)/C to deny the one-year extension request of the 72-month limitation for psychological assistant registration.

Vote: 8 aye (Acquaye-Baddoo, Casuga, Foo, Horn, Jones, Phillips, Harb Sheets, Tate), 0 no

Agenda Item #23: Legislative Update – Discussion and Possible Action

b. Board Sponsored Legislation for the 2019 Legislative Session: Review and Possible Action

1) Review and Consideration of Statutory Revisions to Section 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact

Ms. Burns provided background information on the proposed revisions to Business and Professions Code Section 2960.1.

It was M(Casuga)/S(Tate)/M to approve the revised statutory language relating to Business and Professions Code Section 2960.1 and direct staff to seek an author for the proposed language.

Vote: 8 aye (Acquaye-Baddoo, Casuga, Foo, Horn, Jones, Phillips, Harb Sheets, Tate), 0 no

The proposed language reads as follows:

Business and Professions Code § 2960.1.

a) 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 728, or sexual behavior, as defined in subsection b, when that act is with a patient/client, or with a former patient/client within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge but may be stayed by the board.

b) “Sexual behavior” means inappropriate contact or communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse. “Sexual behavior” does not include the provision of appropriate therapeutic interventions relating to sexual issues.

Agenda Item #24: 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. Phillips reiterated what was previously mentioned regarding the CPA proposal to register psychological testing technicians.

Agenda Item #25: Regulatory Update, Review, and Consideration of Additional Changes

d. 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development

Mr. Foo and Ms. Burns provided the Board with an explanation of the proposed changes to the language that clarify the provisions relating to reactivation and reinstatement requirements being based on the 24-month period prior to returning to an active practicing status. Ms. Sorrick also thanked Dr. Horn for her assistance in refining the Initial Statement of Reasons for this package.

Dr. Linder-Crow asked if the 2021 date is still the implementation date.

Ms. Burns stated that the implementation date of 2021 is the goal; however, that date may have to change depending on the regulatory process timeline.

Dr. Horn asked if changing the date of implementation would be a substantive change. Ms. Marks stated that if the implementation date is changed, then it is a substantive change, but it will not need to go through the whole process again. She stated that there will be times during the regulatory process where it can be brought to the Board to be changed.
It was M(Horn)/S(Casuga)/C to approve the language as amended and to direct staff to resubmit.

Vote: 8 aye (Acquaye-Baddoo, Casuga, Foo, Horn, Jones, Phillips, Harb Sheets, Tate), 0 no

The proposed language reads as follows:

§ 1381.9. Renewal of Expired License; Reissuance of Reapplication After Cancelled License.
(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, the license is automatically cancelled, and a new license must be obtained in order to provide psychological services. 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 pursuant to the requirements in section 2986 of the Code, and if the person:
(1) submits a complete licensing application pursuant to section 1381;
(2) meets all current licensing requirements within the provisions of the Psychology Licensing Law and regulations;
(3) successfully passes the examination pursuant to section 1388.6;
(4) provides evidence of continuing professional development education taken pursuant to section 1397.67(b), and no fact, circumstance, or condition exists that would be grounds for denial of licensure under Section 480 or Division/Chapter/Article 4 2960 of the Code.

NOTE: Authority cited: Sections 2930 and 2982, Business and Professions Code.
Reference: Sections 118, 480, 2984 and 2986, Business and Professions Code; and Section 11105(b)(10), Penal Code.

§ 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, or reinstated 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.

(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” 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.

(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 books or peer-reviewed 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 in an area of psychology 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, or reinstated 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. Failing to do so, or falsifying or making a material misrepresentation of fact on a renewal application, or failing to provide documentation verifying 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, 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
two (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. 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
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 shall 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”.
(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 shall have signed in and out on an attendance sheet providing 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-Approved CE Instruction”
      (i) A maximum of 18 hours shall be used in “Sponsored-Approved 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.
   (C) 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.

(j) To satisfy the requirements of section 2915 of the Code, an organization seeking the authority to approve a provider of continuing education shall meet the following requirements. An organization 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 its 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) program’s 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
shall be revoked only by a formal Board action, after notice and hearing, and for good cause.

(k) Each person who applies to reactivate or reinstate his or her license issued shall certify under penalty of perjury that he or she has complied with all the requirements of this section within the 24 month period prior to the request to reactive or reinstate and shall maintain proof of compliance for four (4) years from the date of the reactivation or reinstatement 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, and becomes inoperative on December 31, 2017.

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 on or after, January 1, 2021.

(a) To be granted an exemption from all or part of the CPD requirements, a licensee must 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 then, at a minimum, fulfill the Laws and Ethics requirement set out in section 1397.61(b), and the Cultural Diversity and/or 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 114.3, 2915(g), and 2930, Business and Professions Code. Reference: Sections 114.3 and 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 is repealed on January 1, 2021.

(a) 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.

(b) 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.

§ 1397.67. Continued Professional Development Requirements for Reactivation. [Effective January 1, 2021.]

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

(a) 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 reactivating the license.

(b) 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.

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

Agenda Item #26: Review and Consider Draft Language to Initiate the Rulemaking Process to Implement AB 2138 (Low) Regarding Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction

a. 16 CCR Sections 1394 – Substantial Relationship Criteria;
1395 - Rehabilitation Criteria for Denials and Reinstatements;
1395.1 – Rehabilitation Criteria for Denials Suspensions or Revocations;
1395.2 – Disciplinary Guidelines

Mr. Foo provided an overview of AB 2138. Ms. Burns provided an overview of the language and the different options for each regulatory section.
In relation to 16 CCR Section 1394 relating to Substantial Relationship Criteria, Mr. Templet clarified the importance of specifying the substantially related crimes and how that can reduce the amount of time spent proving the crime is substantially related at a hearing. Discussion ensued regarding the preference of the Board to make it clear to the public and applicants what crimes are substantially related to the practice of psychology rather than adopting substantial relationship criteria that must be litigated each time.

Dr. Harb Sheets expressed concerns about potentially missing crimes with the specified list of crimes and raised a concern regarding crimes that had been plead down to trespassing being automatically denied. Ms. Burns clarified that the provisions in subsection b would still apply and the Board would have to consider the criteria, so it would not be automatic. Ms. Marks clarified that these criteria are not eligibility criteria but instead establish what may or may not make one fit for licensure and this would categorize certain acts that would make an individual unfit for licensure but would still be reviewed on a case-by-case basis.

It was M(Tate)/S(Harb Sheets)/C to approve Option 1 language for section 1394 – Substantial Relationship Criteria.

Vote: 8 aye (Acquaye-Baddoo, Casuga, Foo, Horn, Jones, Phillips, Harb Sheets, Tate), 0 no

In relation to 16 CCR Section 1395 relating to Rehabilitation Criteria for Denials and Reinstatements, discussion ensued regarding the substantive differences between the options and the reasons for staff recommending option 1. The Board expressed its preference that all aspects of an individual’s rehabilitation be factored into the Rehabilitation Criteria determination.

It was M(Casuga)/S(Acquaye-Baddoo)/C to approve Option 1 language for section 1395 – Rehabilitation Criteria for Denials and Reinstatements.

Vote: 8 aye (Acquaye-Baddoo, Casuga, Foo, Horn, Jones, Phillips, Harb Sheets, Tate), 0 no

In relation to 16 CCR Sections 1395.1 relating to Rehabilitation Criteria for Suspensions or Revocations and 1395.2 relating to Disciplinary Guidelines, the Board discussed how there were not multiple options and how that relates to the provisions in AB 2138 being primarily focused on applicants and not licensees. The Board, Ms. Marks and Mr. Templet discussed whether the Board needed to use the broader term “discipline” to cover actions like interim suspension orders rather than the current language of suspension and revocations in the first paragraph of 16 CCR Section 1395.1. Ms. Marks noted that the Board would need to be clear in the Initial Statement of Reasons that “suspension” in this section means all of those restrictions that may lead to a revocation.
as opposed to “suspension” being a term that refers to something less than revocation. The consensus from this discussion was that “suspension” or “revocation” adequately covered the needs of the Board for this section as this section would not need to apply to interim suspension orders since they are separate from discipline and have their own criteria and processes. Ms. Marks noted that Section 1395.1 could have the same automatic rehabilitation provisions as Option 2 in Section 1395 if the Board wanted to consider that. Ms. Jones asked for staff’s recommendation regarding exploring the potential Option 2. Staff expressed that Option 1 is the recommended option.

It was M(Tate)/S(Harb Sheets)/C to approve language as amended with regard to 1395.1 and 1395.2.

Vote: 8 aye (Acquaye-Baddoo, Casuga, Foo, Horn, Jones, Phillips, Harb Sheets, Tate), 0 no

It was M(Casuga)/S(Acquaye-Baddoo)/C to start the formal rulemaking process, set for hearing and delegate to staff to make non-substantive changes in the rulemaking file with relation to the approved language for Option 1 in 16 CCR Sections 1394, 1395, 1395.1, and 1395.2.

The proposed language reads as follows:

Title 16. Board of Psychology

1. Amend Section 1394 of Article 7 of Division 13.1 of Title 16 of the California Code of Regulations to read:

§ 1394. Substantial Relationship Criteria.
(a) For the purposes of denial, suspension, or revocation of a license or registration pursuant to section 141 or Division 1.5 (commencing with Section 475) of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or registration under the Psychology Licensing Law (Chapter 6.6 of Division 2 of the Code), if to a substantial degree it evidences present or potential unfitness of a person holding a license or registration to perform the functions authorized by his or her license or registration, or in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:
(1) The nature and gravity of the offense;
(2) The number of years elapsed since the date of the offense; and
(3) The nature and duties of a licensee or registrant.
(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

(a)(1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of that law the Psychology Licensing Law.

(b)(2) Conviction of a crime or act involving fiscal dishonesty.

(3) Conviction or act involving child abuse.

(4) A conviction requiring a person to register as a sex offender pursuant to section 290 of the Penal Code.

(5) Conviction or act involving lewd conduct or sexual impropriety.

(6) Conviction or act involving assault, battery, or other violence.

(7) Conviction or act involving the use of drugs or alcohol to an extent or in a manner dangerous to the individual or the public.

(8) Conviction or act involving harassment, trespass, or stalking.

Note: Authority cited: Sections 481, 493, and 2930, Business and Professions Code.
Reference: Sections 141, 480, 481, 490, 493, 2960, and 2964.3 Business and Professions Code.

2. Amend Section 1395 of Article 7 of Division 13.1 of Title 16 of the California Code of Regulations to read:

§ 1395. Rehabilitation Criteria for Denials and Reinstatements.
When considering the denial of a license or registration under section 480 of the Code, or a petition for reinstatement under section 11522 of the Government Code 2962 of the Code, the Board in will evaluating whether the applicant or petitioner has made a showing of rehabilitation of the applicant and his or her has established present eligibility fitness for a license or registration.

(a) Where the denial is, or the surrender or revocation was, in part on the ground(s) that the applicant or petitioner was convicted of a crime, the Board shall consider whether the applicant or petitioner made a showing of rehabilitation only if the person completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria, as available:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) The reason for granting and the length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant’s or petitioner’s rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.
(b) Where the denial is, or the surrender or revocation was not based on a conviction, or the Board determines that the applicant or petitioner did not make a showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating an applicant’s or petitioner’s rehabilitation:

(2)(1) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as that are grounds for denial, or that were grounds for surrender or revocation, which also could be considered as grounds for denial under section 480 of the Code, and the time that has elapsed between them.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4)(2) The extent to which the applicant or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant or petitioner.

(3) The criteria in subdivision (a)(1)-(5), as applicable.

(5)(4) Evidence, if any, of rehabilitation submitted by the applicant demonstrating that the applicant or petitioner has a mature, measured appreciation of the gravity of the misconduct and remorse for the harm caused. Evidence should also show a demonstrated course of conduct by the applicant or petitioner that convinces and assures the Board that the public will be safe if the person is permitted to be licensed or registered to practice psychology.

Note: Authority cited: Sections 482 and 2930, Business and Professions Code.
Reference: Sections 480, 482, 2960, 2962 and 2963, Business and Professions Code.

3. Amend Section 1395.1 of Article 7 of Division 13.1 of Title 16 of the California Code of Regulations to read:

§ 1395.1. Rehabilitation Criteria for Suspensions or Revocations.
When considering the suspension or revocation of a license or registration on the ground that of a person holding a license or registration under the Psychology Licensing Law (chapter 6.6 of division 2 of the Code) has been convicted of a crime, the Board in evaluating whether the licensee or registrant has made a showing of the rehabilitation of such person and his or her eligibility and is presently fit for a license or registration,

(a) Where the basis for discipline is the conviction of a crime, the Board shall consider whether the licensee or registrant has made a showing of rehabilitation only if the person completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria, as available:

(1) Nature and severity of the act(s) or offense(s) crime(s).

(2) The reason for granting and the length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's or registrant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) Where the basis for discipline is not based on a conviction, or the Board determines that the licensee or registrant did not make a showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating the licensee's or registrant's rehabilitation:

(2) Total criminal record and/or record of discipline or other enforcement action.

(3) The time that has elapsed since commission of the act(s) or offense(s). crime(s).

(4) Whether the licensee or registration holder registrant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.

(5) If applicable, evidence of expungement dismissal proceedings pursuant to section 1203.4 of the Penal Code.

(6) The criteria in subdivision (a)(1)-(5), as applicable.

(7) Evidence, if any, of rehabilitation submitted by the licensee or registration holder registrant demonstrating that the licensee or registrant has a mature, measured appreciation of the gravity of the misconduct and remorse for the harm caused. Evidence should also show a demonstrated course of conduct by the licensee or registrant that convinces and assures the Board that the public will be safe if the person is permitted to remain licensed or registered to practice psychology.

Note: Authority cited: Sections 482 and 2930, Business and Professions Code.
Reference: Sections 482, 2960 and 2963, Business and Professions Code.

4. Amend Section 1395.2 of Article 7 of Division 13.1 of Title 16 of the California Code of Regulations to read:

§ 1395.2. Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees.

(a) In reaching a decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board of Psychology shall consider and apply the “Disciplinary Guidelines and Uniform Standards related to Substance Abusing Licensees (4/15 insert Board approval date),” which is hereby incorporated by reference.

(b) If the conduct found to be grounds for discipline involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of section 315 of the Code. If the licensee does not rebut that presumption, in addition to any and all other relevant terms and conditions contained in the Disciplinary Guidelines, the terms and conditions that incorporate the Uniform Standards Related to Substance Abusing Licensees shall apply as written and be used in the order placing the license on probation.
(c) Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Board of Psychology in its sole discretion determines that the facts of the particular case warrant such a deviation; for example: the presence of mitigating or aggravating factors; the age of the case; or evidentiary issues.

Note: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 315, 315.2, 315.4, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966 and 2969, Business and Professions Code; and Section 11425.50(e), Government Code

HISTORY
1. Renumbering of former section 1397.12 to new section 1395.2, including amendment of section heading, section and Note, filed 8-3-2016; operative 1-1-2017 (Register 2016, No. 32).

Agenda Item #18: Outreach and Education Updates

a) Website
Mr. Glasspiegel provided the website update.

b) Social Media
Mr. Glasspiegel provided the social media update.

c) Newsletter
Ms. Sorrick provided the Board with the Winter Journal. She stated the Spring Journal is currently in review.

d) Outreach Activities
Ms. Sorrick provided the outreach activities update.

e) DCA Brochure “Professional Therapy Never Includes Sex” – Update
Ms. Sorrick provided the Board with a progress update on the revisions to the DCA Brochure “Professional Therapy Never Includes Sex.”

Agenda Item #19: Enforcement Report
Dr. Phillips noted that the Enforcement Committee has not met since the November Board Meeting and would be meeting in March to discuss enforcement related issues including review of the Child Custody Stakeholder Meeting information.
Ms. Monterrubio provided the Board with the enforcement report. Dr. Horn had a question regarding the rate of out-of-compliance probationers and whether that number is high. Ms. Monterrubio noted that the number is pretty average and that probationers can be confused about the terms and conditions in their orders which is why the Board’s probation monitor goes over the entire order at the probation intake meeting.

**Agenda Item #20: Licensing Report**

Ms. Cheung provided the Board with the licensing report.

**Agenda Item #21: Continuing Education and Renewals Report**

Ms. Burns provided the Board with the continuing education and renewals report.

Dr. Horn asked about the continuing education audit data related to citations upheld and what that means. Ms. Burns explained the appeals process for continuing education citations and how citations may be revised or withdrawn due to mitigating evidence presented at Informal Conferences.

Dr. Harb Sheets asked a question about renewals and what the Board is doing to get the message out to licensees that renewing online happens immediately, whereas sending a check takes a significant amount of time to be processed. Ms. Burns mentioned that the Board writes a number of newsletter articles on the subject and educates licensees when they call about the four (4) to six (6) weeks it can take to process a paper renewal. Ms. Burns also provided an explanation of the process and timeline for processing of paper renewals. Dr. Harb Sheets mentioned that detailing this process and the timeline could be a future newsletter article.

Dr. Tate stated that the continuing education requirements are well known so she is astounded that there is such a low continuing education audit passage rate. Dr. Horn mentioned that the Licensing Committee was looking into the high failure rate for the continuing education audits to see where the problems are and where the confusion might lie. Ms. Burns mentioned the broad spectrum of reasons that cause licensees to fail.

Dr. Casuga mentioned that under the Strategic Plan adopted by the Board, licensed Board Members will now be audited for continuing education requirements each cycle and wondered when this would start. Ms. Burns mentioned that staff still have to do the action planning for the Strategic Plan during which implementation timelines would be discussed.

Dr. Harb Sheets mentioned the importance of educating licensees regarding when they renew, they are certifying that their continuing education has been completed at that time. Ms. Burns mentioned that staff uses educational letters to inform licensees about this when it comes up in the audit process that the licensee certified 36 hours of
continuing education on their renewal but completed some of those hours after they
submitted their renewal but before their expiration date.

Dr. Phillips highlighted the issue that licensees who fail their audit get audited a second
time during their next renewal and how startling it is that so many are failing the second
audit. He stated that this was remarkable and seems so at odds with being a licensed
psychologist, so it will be interesting to hear more about this as Licensing Committee
looks into this.

Ms. Sorrick also mentioned that as part of the newly adopted Strategic Plan, the Board
would be moving to Paper Lite processes and the goal to move all renewals online by
2020, either using BreEZe or downloading the application from the Board’s website and
stopping the automated paper renewal coupon that is mailed to licensees. Ms. Jones
commented that she appreciated the move to Paper Lite processes, but also expressed
concerns that we need to ensure that licensees are educated about this transition and
that they can get help from staff during this transition process. She noted that there is a
generational gap in how we deal with technology and she expressed hope that the
Board would continue to connect with and educate licensees, not just through the
written word. Ms. Burns noted that staff resources would need to be dedicated to
helping licensees through this transition.

**Agenda Item #22: Licensing Committee Report and Consideration of Committee
Recommendations**

a) Foreign Degree Evaluation Process Presentation for Discussion: National
Association of Credential Evaluation Services (NACES) and National Register of Health
Service Psychologist (NRHSP) relating to Business and Professions Code Section 2914

Dr. Horn stated that the Licensing Committee and Board staff are working on amending
BPC section 2914 to allow the National Register of Health Service Psychologists (NR)
as an acceptable evaluator of foreign degrees for the Board and also to ensure
applicants get a good evaluation that will tell the Board what it needs to know for
licensure purposes. Dr. Tate clarified that NACES is the only approved evaluator
currently. Dr. Horn confirmed this to be correct.

Mr. Foo mentioned that the Board received public comment supporting the addition of
the NR as an evaluator of foreign degrees, and that was part of the Board meeting
materials.

b) Informational Video for Supervisors: Discussion and Recommendations for Content
to be Included in the Video

Dr. Horn stated that the Licensing Committee agreed that an informational video for
supervisors would be an additional resource for current supervisors and may be used
as a guiding tool to prepare a licensee who will assume the role as a supervisor in the future.

Dr. Schaefer stated that on the second Saturday in March, Division II will be having a conference on the topic of Supervision. She stated that if the Board wanted to provide something such as a survey of what should be on the supervision video, she would be willing to send it out to the attendees and CAPIC members.

Ms. Sorrick stated that Board staff will be attending the supervision conference Dr. Schaefer was referring to since that staff member will be working on the Pathways to Licensure regulatory package.

Agenda Item #23: Legislative Update – Discussion and Possible Action

a) Overview of 2019 Legislative Visits with the Chairs and Vice-Chairs of the Senate Business, Professions and Economic Development Committee and Assembly Business and Professions Committees

Mr. Foo provided a summary of the legislative visits held on February 6, 2019. He mentioned the Board Members and staff that attended these meetings and the topics of discussion at these meetings.

Board Members discussed their experience during the legislative visit, the high turnout for the meetings, the great conversations at the meetings, and the benefits of having these meetings.

b) Board Sponsored Legislation for the 2019 Legislative Session: Review and Possible Action
   2) Update on Revisions to Sections 2940-2944 of the Business and Professions Code Regarding Examinations and Addition of New Section to the Business and Professions Code Regarding Voluntary Surrender

Mr. Foo provided an update to the Board.

Agenda Item #25: Regulatory Update, Review, and Consideration of Additional Changes

Mr. Glasspiegel provided the regulatory update.

Agenda Item #27: 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 regarding specific agenda items for future board meetings.

Meeting adjourned at 4:15 p.m.

Original signed by Stephen Phillips, JD, PsyD,

President Date