NOTE: Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location were provided.

Thursday, November 19, 2020

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

Legal Counsel
Clay Jackson
Will Maguire
Norine Marks

Board Staff Present
Antonette Sorrick, Executive Officer
Stephanie Cheung, Licensing Unit Manager
Sandra Monerrubio, Enforcement Program Manager
Jason Glasspiegel, Central Services Manager
Lieznel McCockran, Continuing Education and Renewals Coordinator

Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum
Seyron Foo, Board President, called the open session meeting to order at 10:06 a.m. A quorum was present and due notice had been sent to all interested parties.

Agenda Item #2: President’s Welcome
Mr. Foo asked for a moment of silence in memoriam for the Board’s Assistant Executive Officer, Jeffrey Thomas. Mr. Foo recognized Mr. Thomas’s work with the Board that spanned over three decades. Mr. Foo welcomed the attendees to the Board’s quarterly meeting. He welcomed and introduced the two new Board members, Ms. Nystrom and Ms. Rescate. Mr. Foo also welcomed Mr. Maguire and Mr. Jackson as the Board’s new legal counsel. He stated that Ms. Marks will be retiring and thanked her for her service.
to the Board. Mr. Foo stated that four of the five licensed Board members passed the CE audit in accordance with the Strategic Plan goal to audit licensed Board members.

**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)].**

No public comments were made.

**Agenda Item #4 - Coronavirus (COVID-19) Update Including but not Limited to Updates on Waivers**

Ms. Sorrick stated that the most recent updates to the waivers were the extension of the Continuing Education waiver and the Face to Face supervision waiver.

Dr. Dan Evans, member of the public, requested to add an agenda item for a future meeting. Dr. Evans stated that the law and ethics exam is done only in person which creates concerns of contracting COVID-19. Dr. Evans stated that in July 2020, he requested to take the test outdoors or in a private testing room and was told by the Board that that specific accommodation was only used for those with disabilities or mentally ill. Dr. Evans is asking for the Board to provide remedies.

Ms. Marks stated that this issue can be added to the Licensure Committee meeting agenda or the Board can take a vote on whether they want to add it at a future meeting.

Dr. Harb Sheets stated that as the Chair of the Licensure Committee, she will talk to legal counsel, do research on what other states have been doing, and add this to the Licensure Committee agenda.

**Agenda Item #5 - President’s Report**

a) **Dates and Locations of 2021 Board and Committee Meetings**

Mr. Foo addressed the 2021 meeting calendar and stated the Board plans to meet remotely until summer of 2021.

b) **Committee Updates**

   a. Telepsychology Ad Hoc Committee

      i. 2021 PSYPACT Analysis

Mr. Foo stated that due to the incredible interest in PSYPACT, the Telepsychology Ad Hoc Committee, chaired by Dr. Phillips, will conduct an analysis of the PSYPACT agreement. Mr. Foo stated that Ms. Nystrom and Dr. Tate are members of the Telepsychology Ad Hoc Committee.
Dr. Phillips stated that the Board wanted to be responsive to licensees who expressed concerns regarding the Board not joining PSYPACT. He stated that the Committee will review the modifications made to the PSYPACT since the Board’s first analysis.

Jo Linder-Crow, CEO of the California Psychological Association (CPA), asked that as a three-person committee, will the committee meetings be publicly noticed.

Mr. Foo stated that the meetings will be noticed and posted online.

Natalie Feinblatt, member of the public, asked where online could one find the committee meeting notice.

Mr. Foo stated the meeting notices will be on the Board’s website, www.psychology.ca.gov. He stated that if one were to have any problems navigating the website, to please reach out to BOPMail@dca.ca.gov.

Ms. Marks stated that those on the interested parties list will get an email regarding the meetings.

**Agenda Item #6 - Discussion and Possible Approval of the Board Meeting Minutes: July 9-10, 2020**

Mr. Foo introduced this agenda item and asked the Board for any questions or comments on the minutes. No questions or comments received.

It was M(Tate)/S(Harb Sheets)/C to approve the minutes as presented.

No public or Board comment were given.

Vote: 8 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 noes, 1 abstain (Nystrom)

**Agenda Item #7 - Outreach and Communications Committee Report and Consideration of and Possible Action on Committee Recommendations**

i) Addressing Cultural Diversity and Access to Psychological Services in California

The Outreach and Communications Committee (Committee) chairperson, Dr. Tate, provided the update. Dr. Tate stated that with feedback from the attendees at the last Committee meeting, the Committee would like to develop a survey to assess what issues around delivery of psychological services and telehealth.

Dr. Casuga stated that this is a wonderful idea. Dr. Casuga stated she would ask that the survey account for the following: populations that need an interpreter or translator, individuals that have developmental disabilities, those that have technological limitations, and the elderly.
Dr. Tate said the survey has not been created yet but, once approval is received, it will make sure to include those populations.

It was M(Phillips)/S(Casuga)/C to delegate to the Committee the development of a survey to stakeholders (consumer groups, licensees, non-profit organizations, training programs, and schools) to assess what the issues are surrounding the digital divide that impact delivery of mental health services via telehealth.

Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

Regarding the remaining items under this agenda item, Mr. Foo stated that the Board will only be looking at items that need motions and will be returning to Dr. Tate to provide further updates on the Committee if time allows.

**Agenda Item #8 - Review and Consideration of and Possible Action on Changes to the Board’s Administrative Procedures Manual**

Ms. Sorrick presented this agenda item and stated she will take any questions regarding the draft document.

Dr. Harb Sheets suggested that the strategic goals be consistent with the names of the committees and to also update the Board member list.

Ms. Sorrick stated these items are set as of the date of the Strategic Plan.

It was M(Tate)/S(Cervantes)/C to adopt the draft administrative procedure manual.

Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

**Agenda Item #9 - Legislative and Regulatory Affairs Updates**

a) Review of Status of Proposed Legislation

1) Review Status of Bills with Active Positions Taken by the Board;

Determine if Action Necessary

A. AB 1145 (Garcia) Child abuse: reportable conduct.
B. AB 1263 (Low) Contracts: consumer services: consumer complaints.
C. AB 2112 (Ramos) Suicide prevention.
D. AB 2164 (Rivas, Robert) Telehealth
E. AB 2253 (Low) Professional licensure.
F. AB 2360 (Maienschein) Telehealth: mental health.
G. AB 2630 (Flora) Criminal history information: subsequent arrest notification.
H. AB 2704 (Ting) Healing arts: licensees: data collection.
I. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.

J. SB 53 (Wilk) Open meetings.

K. SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic services.

L. SB 1474 (Committee on Business, Professions and Economic Development) Professions and Vocations.

2) Status of Watch Bills

A. AB 499 (Mayes) Personal information: social security numbers: state agencies.

B. AB 613 (Low) Professions and vocations: regulatory fees.

C. AB 798 (Cervantes) Maternal mental health.

D. AB 1616 (Low) Department of Consumer Affairs: boards: expunged convictions.

E. AB 1911 (Maienschein) State agencies: veterans.

F. AB 2028 (Aguiar-Curry) State agencies: meetings.

G. AB 2093 (Gloria) Public records: writing transmitted by electronic mail: retention.

H. AB 2113 (Low) Refugees, asylees, and immigrants: professional licensing.


J. AB 2164 (Rivas, Robert) Telehealth.

K. AB 2185 (Patterson) Professions and vocations: applicants licensed in other states: reciprocity.


M. AB 2476 (Diep) Healing arts licensees.

N. AB 2549 (Salas) Department of Consumer Affairs: temporary licenses.

O. AB 2631 (Cunningham) License fees: military partners and spouses.

P. AB 2856 (Committee on Business and Professions) Board of Psychology.

Q. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.

R. SB 806 (Grove) Worker status: employees: independent contractors.

S. SB 878 (Jones) Department of Consumer Affairs Licensing: applications: wait times.

Mr. Foo stated the Board will return to this item.

b) 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 Special Meeting of the Board to Discuss Such Items Pursuant to Government Code Section 11125.4
Ms. Cervantes would like to reintroduce a concept previously discussed in February concerning legislation aimed at gathering demographic data in the licensing process.

Mr. Foo stated he will ask staff to add it to the Licensure Committee agenda.

No public comments were made.

**Agenda Item #10 - Enforcement Unit Report**

Ms. Monterrubio provided the Enforcement Unit Report.

Ms. Cervantes asked if the number and nature of complaints have been impacted by COVID.

Ms. Monterrubio stated she is not seeing any trends. Ms. Monterrubio stated that the Enforcement Unit is on track to receive the same number of complaints from the previous fiscal year.

Dr. Casuga asked what are the factors that are considered for prioritization.

Ms. Monterrubio stated that Board staff follows the Department of Consumer Affairs Complaint Prioritization guidelines which is broken down into four categories. She then went on to briefly explain the categories.

Kathleen Russell, Executive Director for Center for Judicial Excellence, stated that there have been concerns from general public involving this Board’s licensees who are custody evaluators. Ms. Russell asked how many of these complaints include child custody complaints and whether this addresses complaints filed, or complaints investigated.

Ms. Monterrubio stated that all complaints filed are investigated. Of the 651 complaints received, 18 complaints related to child custody issues.

Catherine Campbell, California Protective Parents Associations, stated people reach out to the California Protective Parents Associations regarding family court situations. Ms. Campbell asked the following questions:

- If a complaint involves an evaluator working with a family that includes sexual abuse or other types of abuse to a child, that the complaint be prioritized.
- Asked for clarification on the 18 licensees who had complaints concerning child custody. She asked whether there were multiple complaints concerning one family or if there were multiple complaints where one licensee is hurting multiple families.
- What procedures are in place to ensure complaints are properly investigated?
Ms. Marks stated she wanted to make sure that the response be related to the Enforcement report and that the other questions be answered on tomorrow’s agenda item #23.

Ms. Monterrubio provided a detailed explanation of the procedure of processing child custody complaints. Ms. Monterrubio stressed that every complaint is investigated. She stated that there is not much more information regarding the details of the 18 complaints. Ms. Monterrubio also stated that she will include the performance measures in the Enforcement Report for the February 2021 Board meeting.

**Agenda Item #17 - 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 #13 – Regulatory Hearing**

Regulatory Hearing, Division 13.1 of Title 16, of the California Code of Regulations sections 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67 – Continuing Education/Professional Development

Mr. Foo stated that in conformance to the Board’s Practice Act, Continuing Education is now referred to as Continuing Professional Development (CPD). He stated that the regulations that will be discussed will outline how a licensee can meet the requirements of CPD for purposes of license renewal.

Ms. Sorrick provided a procedural overview of how the regulations came to be.

Dr. Phillips, Dr. Horn, and Dr. Gallardo provided historical background on the CPD regulations.

The public hearing commenced at 2:00 p.m.

Dr. Elizabeth Winkelman, Director of Professional Affairs at CPA, wanted to first confirm that the Board received the written comment submitted by Dr. Jo Linder-Crow on behalf of CPA. Dr. Winkelman stated that a main concern is the implementation deadline, requesting it be delayed to January 2022 or later, and request an increase in flexibility in how people obtain CPD hours. CPA is specifically requesting to allow all CPD be accrued either through all sponsored continuing education or a mixture of sponsored continuing education and self-directed learning.

Eric Bayon, licensed psychologist, expressed his concern regarding the CPD language. Specifically, the requirement which mandates a minimum of two hours in each CPD category. Dr. Bayon asked that psychologists be able to choose how many hours in a CPD category they may accrue. He asked that in section 1397.61(E), to strike the
sentence that begins with “With the exception of….” He asked that the number of CPD hours in 1397.61(H)(1) be changed from 27 to 36.

Karen Shore, member of the public, asked about the wording of the definition for the “Peer Consultation” category. Dr. Shore stated that she believes the definition states that the licensee must be part of an on-going set of meetings, and Dr. Shore states that most psychologists do not speak with each other but on an on-going basis. Dr. Shore stated that the assumptions that psychologists are only doing one offs and that they are all talking heads is not true. She also asked to expand the categories and to clarify if psychologists can add book clubs, special interest groups, consults with lawyers, and consults with CPA’s laws and ethics committee.

Mr. Foo confirmed with legal counsel that the Board will provide a response at a later date.

Shawn McCall, licensed psychologist and attorney, expressed his confusion the “Conference/Convention Attendance” CPD category. Dr. McCall asked which category attendance of an American Psychological Association (APA) conference or CPA convention would fall under. Dr. McCall asked that the term “virtual attendance” be added in the language. He asked which professional organizations counts as attendance. Dr. McCall stated that regarding the ethics, diversity, and social justice issues as well as legal issues, he had an understanding that some sort of dual credit could be captured.

Dr. Linder-Crow stated CPA has been working with the Board over the last several years in the creation of this CPD model. Dr. Linder-Crow stated she would like to reiterate that the implementation date should be set forward one year. She stated that the year would help CPA continue the outreach and answer the numerous questions and concerns regarding the new CPD model. Dr. Linder-Crow stated that some of the clarifications need to reflect the times we are in, specifically about adding virtual attendance in the language.

Ms. Cervantes asked if there was an analysis of potential cost increase or cost decrease with this regulatory change.

Mr. Glasspiegel stated that there are several sections that discuss fiscal effects.

Dr. Shore asked if the definition of Peer Consultation could be clarified to an as needed basis for a fee or for no fee.

The hearing concluded at 2:39 p.m.

Mr. Jackson provided a detailed explanation of the regulation procedure.

Mr. Foo stated that Agenda Item #14 will be held for the following day so that staff can process the oral comments made today and prepare a response.
Agenda Item #15 - Consideration of Adding section 1396.8, to Division 13.1 of Title 16 of the California Code of Regulations – Standards of Practice for Telehealth

Dr. Phillips provided historical context on the telehealth regulations.

Mr. Glasspiegel explained the document the Board members are currently reviewing and the regulatory process.

Dr. Winkelman stated that the primary focus of the telehealth regulations should be to expand access to services and not restrict it. Dr. Winkelman stated that the healthcare field is moving towards telehealth and there is a limitation of access to those who are here on a temporary status e.g. college students, immigrants. Dr. Winkelman stated that no other state provides limitations on who can gain access.

Raymond Coffin, licensed psychologist, stated that he agrees with Dr. Winkelman’s concerns regarding restricting treatments to residents. Dr. Coffin stated that he would like to comment on three groups of patients: injured workers, people who have PTSD, and members of the military and their families. Dr. Coffin stated that treatment of injured workers often goes on for a very long period and due to the financial burden from legal issues that require them to move out of state. Dr. Coffin stated that this is also the case for those who suffer from PTSD, they are unable to continue living in California due to financial reasons. Dr. Coffin stated that he would prefer that the clients be able to be given the option to stay with a clinician that they trust.

Dr. Linder-Crow stated that she finds the language confusing. She stated that she concurs that the term resident is problematic. Dr. Linder-Crow urges the Board to simplify the language as much as possible. She refers to the Board of Behavioral Science’s telehealth language to compliment how simple the language is.

Discussion ensued between Board members and legal counsel regarding the use of the term “resident” in the telehealth regulatory language.

Dr. Rodgers provided modification to the language that would not be confusing to licensees but provide enough structure for staff to answer questions about providing telehealth services.

Mr. Foo stated Agenda Item #16 will be held for tomorrow.

Agenda Item #17 - Closed Session

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including Proposed Decisions, Stipulations, Petitions for Reinstatement and Modification of Penalty, Petitions for Reconsideration, and Remands.
The Board returned to open session and the meeting was adjourned at 6:00 pm.

Friday, November 20, 2020

**Agenda Item #18 - Call to Order/Roll Call/Establishment of a Quorum**

Seyron Foo, Board President, called the open session meeting to order at 10:12 a.m. A quorum was present and due notice had been sent to all interested parties.

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

**Legal Counsel**
- Norine Marks
- Will Maguire
- Clay Jackson

**Board Staff Present**
- Antonette Sorrick, Executive Officer
- Stephanie Cheung, Licensing Unit Manager
- Sandra Monterrubio, Enforcement Program Manager
- Jason Glasspiegel, Central Services Manager
- Liezel McCockran, Continuing Education and Renewals Coordinator

**Agenda Item #19 – Closed Session**

The Board met in closed session pursuant to Government Code Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer.

**Agenda Item #20 - Closed Session**

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

**RETURN TO OPEN SESSION** – The Board returned at 12:07 p.m.
Agenda Item #21 - 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)].

Ms. Russell asked that Business and Professions Code section 129(d) be added to a future agenda. Ms. Russell stated that she read the code and would like further clarification if this annual reporting is taking place.

Agenda Item #14 - Consideration of Adopting Amendments to 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67, and adding sections 1397.60, 1397.61, 1397.62, and 1397.67, of Division 13.1 of Title 16 of the California Code of Regulations – Continuing Education/Professional Development

Mr. Glasspiegel provided the Board with a summary of what happened during the first day of the Board meeting.

Dr. Harb Sheets would like to have a conversation about the implementation date.

Mr. Foo stated that the implementation date has been changed to January 1, 2022.

Discussion ensued regarding adding the term “virtual attendance” under the CPD category of ‘Conference/Convention Attendance.’

Mr. Foo led the Board members through a review of the comments to determine if comments should be accepted or rejected.

Dr. Linder-Crow asked if attending Board meetings can be done via virtual/remote means. She also asked clarification regarding accepted comments. Also, Dr. Linder-Crow stated that some of these questions could be answered in a FAQ document.

Ms. Sorrick stated that in regard to Board of Psychology quarterly Board meetings, the concern with adding the term ‘virtual’ for meeting attendance is that there is no mechanism to monitor participation.

Mr. Jackson stated that the FAQ could be considered an underground regulation rather than just fixing the regulation.

Dr. McCall asked for audit purposes, what documentation would be required for verification for attending Board meetings? The process for verification was addressed.

Dr. Winkelman noted an error in CPD language. She also stated that she believes there needs to be additional clarification on the CPD category of ‘Peer Consultation.’ Dr. Winkelman asked the Board to consider that it still be possible to maintain two different categories but modify the language such that people could fulfill all CPD categories through sponsored CE and self-directed learning.
The Board continued to review and determine if comments should be accepted or rejected.

Dr. Winkelman stated she is fine with keeping the language in the ‘Peer Consultation’ category.

Dr. Linder-Crow asked for clarification on a statement from Dr. Phillips regarding accruing hours from two or more categories. Dr. Linder-Crow also asked if peer consultation can be paid or non-paid. She also asked if peer consultation required giving as well as receiving peer consultation. She asked if the language could be clarified.

Dr. Phillips stated that the Board does not have a preference whether peer consultation is paid or not.

Board members weighed in regarding peer consultation as both receiving and providing peer consultation. Language was modified to clarify this.

The Board continued to review and determine if comments should be accepted or rejected.

Dr. Linder-Crow provided clarification of reading the CPA newsletter. She stated CPA offers CE credit as self-study with accreditation from APA.

Dr. Harb Sheets asked Dr. Linder-Crow if she is suggesting that reading CPA magazine is sponsored CE or self-study.

Dr. Linder-Crow stated she sees reading the CPA newsletter as sponsored CE.

Dr. Phillips stated that you could use the credit from reading a CPA newsletter for sponsored CE or self-study, but you cannot use it for both categories.

Dr. McCall stated that this was what he was referring to when he spoke on the first day of the Board meeting where there were some things that can go into two categories. He provided other examples that can fall into two categories. He asked that this be clarified.

Mr. Glasspiegel stated that if a licensee goes to a convention and the convention offers CE that attending the convention is fulfills the convention attendance CPD category and the CE that were offered fulfills another CPD category.

The Board continued to review and determine if comments should be accepted or rejected.

It was M(Harb Sheets)/S(Tate)/M to accept the modified text inclusive of gender-neutral terms and updating references to statute for 15-day public comment.
No public comments were made.

Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

It was M(Casuga)/S(Tate)/C to delegate to the Executive officer to adopt the modified text in the absence of any negative comments and to continue the process to finalize the regulatory package, including making any non-substantive changes.

No public comments were made.

Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

§ 1381.9. Renewal of Expired License; 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 may obtain a new license pursuant to the requirements in section 2986 of the Code, and providing the person:

(1) submits a complete licensing application pursuant to section 1381;
(2) meets all current licensing requirements;
(3) successfully passes the examination pursuant to section 1388.6;
(4) provides evidence of continuing professional development taken pursuant to section 1397.67(b), and no fact, circumstance, or condition exists that would be grounds for denial of licensure under sections 480 or Division/Chapter/Article 4 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 until December 31, 20201.]

This section is inoperative January 1, 20242, and repealed on December 31, 2042.
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, 20242.]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, or reinstated on or after, January 1, 20242. 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 engaging in 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, either in person or via electronic means, 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 function related to examination development 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 which degree 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 section 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, or books, 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, 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 the initial earning of a specialty certification in an area of psychology from the American Board of Professional Psychology (ABPP).

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 until December 31, 20201.]

This section is inoperative January 1, 20242, and repealed on December 31, 20242.

(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, the licensee 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, the licensee 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, 20212.]

This section shall be applicable to a license that expires on or after, or is
renewed, reactivated, or reinstated on or after, January 1, 20242.

(a) Except as provided in section 2915(eg) 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 his or her license shall certify under penalty of perjury
on the application for license renewal that he or she the licensee 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 four (4) hours shall be considered part of the 36-hour CPD requirement.

(c) A psychologist renewing his or her license shall certify under penalty of perjury on the application for license renewal 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. 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 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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance. This record shall include: 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 as documentation of compliance. This record shall include: course syllabus, title of course, name of institution, and dates of instruction.

(B) “Sponsor-Approved CE Instruction”

(i) A maximum of 18-hours shall be used in “Sponsor-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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance. 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 as documentation of compliance.

(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 as documentation of compliance.

(2) “Senior Option” ABPP Board Certification
(A) “Senior Option” ABPP Board Certification may count for 50% (18-1036 hours) of required CPD in the renewal cycle in which the certification is awarded.

(B) The licensee shall maintain proof of specialty certification as documentation of compliance.

(i) 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 (j)(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 this subsection, 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’ 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)(1) Each person who applies to renew his or her license shall certify under penalty of perjury that he or she has complied with all the requirements of this section within the licensure period they are currently in, shall maintain proof of compliance for four (4) years from the effective date of the renewal, and shall submit such proof to the Board upon request.

(k)(2) Each person who applies to reactivate or reinstate his or her license 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, shall maintain proof of compliance for four (4) years from the date of the reactivation or reinstatement, and shall submit such proof to the Board upon request.

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

(m) 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.
§ 1397.62. Continuing Education Exemptions and Exceptions. [Effective until December 31, 2020.]

This section is inoperative January 1, 2021, and repealed on December 31, 2022.

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, 2024]
of the Code that during the two-year period immediately preceding the expiration of
the license, he or she the licensee 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 the licensee shall be exempt from the CPD renewal
requirements, except that he or she the licensee 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
until December 31, 20201.]

This section is inoperative January 1, 20242, and repealed on December 31,
20242.

(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, 20242.]

This section shall be applicable to a license that expires on or after, or is renewed, reactivated, or reinstated on or after, January 1, 20242.

(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-hour 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 #15 - Consideration of Adding section 1396.8, to Division 13.1 of Title 16 of the California Code of Regulations – Standards of Practice for Telehealth

Mr. Foo provided an overview of the agenda item and explained that it was carried over from the first day of the Board meeting.

Dr. Casuga stated she believes a better term than “resident” can be used. She also stated she finds section 6 to be confusing and asked why it was added.

Discussion ensued regarding the addition of section 6. It was recommended to delete section 6 from the language.

Sarah Huchel, University of California Office of the President, stated that she likes the addition of section 6 due to having students who are not on campus.

Mr. Jackson stated that in the scenario that Ms. Huchel described is that the student can receive services because they are actively attending school in California. He stated that due to COVID, students had to go home which may be out of state, but they are actively attending a school in California.

Discussion ensued regarding the student scenario brought up by Ms. Huchel.

Dr. Winkelman stated that a California license is a basis for practicing out of state, but it isn’t a free for all. She provided an example of how a California psychologist has a
specific area of practice where a person who is out of state may want to work with that 
clinician. Dr. Winkelman also stated is that under current California law, a person with 
an out of state license may practice in the State of California for 30 calendar days. She 
stated that this language is putting California psychologists at a disadvantage compared 
to out of state licensees.

Edward Howard, Senior Counsel for the Children’s Advocacy Institute at UC San Diego 
School of Law, asked that before the deletion of section 6, to consider whether it is 
lawful if a citizen or resident of another state can seek services in California.

Dr. McCall stated that if a patient is out of state, then the licensee is subject to the 
limitations of that jurisdiction.

Dr. Linder-Crow stated that operative language is in the beginning, it is not in the 
scenarios.

Dr. Phillips provided the purpose of why the scenarios were added in the language.

Mr. Foo asked Mr. Glasspiegel to show that section 6 was deleted.

The Board discussed the addition of section 2 and provided amended language.

Dr. Winkelman stated she agreed with Ms. Marks concern of modifying the language. 
She stated that giving examples provides complications rather than just allowing 
licensees to practice to the full extent of the interjurisdictional practice laws.

Ms. Huchel expressed her concern that UC San Diego counselors were worried about 
providing emergency psychological services in other jurisdictions because of concerns 
about committing unprofessional conduct in California. She stated she appreciates the 
striking of that language.

Dr. McCall provided his opinion of having the language without the scenarios would be 
a better option.

Discussion ensued regarding whether the inclusion of scenarios is more problematic 
than helpful and modifying the language.

It was M(Casuga)/S(Rodgers)/C to adopt modified text of the language in A1, 2, and 4 
for 15-day notice.

Dr. Linder-Crow stated that licensees are not forbidden to practice outside of California 
as long as the other jurisdiction allows it. Dr. Linder-Crow believes this language assists 
with answering the questions of whether it is permitted to practice outside of California.

Ms. Huchel stated her agreement with the language.
Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

It was M(Cervantes)/S(Tate)/M to delegate to the executive officer authority to adopt the modified text in the absence of negative comments and continue with the process to finalize the regulatory package, including making non-substantive changes.

No public comments were made.

Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

§1396.8. Standards of Practice for Telehealth Services

(a) A licensee is permitted to provide psychological health care services via telehealth to a client at an originating site in this State, as defined in section 2290.5 of the Code, as well as to a client who is a resident of California who is temporarily located outside of this State, subject to the laws and regulations of the other state jurisdiction where either the licensee and/or the client is located, including, but not limited to, the following circumstances:

1. To a client at an originating site in this State, as defined in section 2290.5 of the Code, when a licensee is located at a distant site within this state. Resident means any individual who is or has been present in California for other than a temporary or transitory purpose, or who is domiciled in California.

2. To a client who has received services in California, and who is temporarily located outside of this State. Domicile means the place where an individual voluntarily establishes themselves and their family, not merely for a special or limited purpose, but with a present intention of making it their true, fixed, permanent home and principal establishment.

3. To a client who is located in this State when a licensee is temporarily located outside of this State.

(b) As used in this section, a licensee shall include a licensee, registrant, psychology trainee, or other supervised individual permitted to provide psychological services under the Psychology Licensing Law, beginning with section 2900 of the Code.

(cb) The provision of psychological health care services under subdivision (a) are subject to the following conditions:

1. The licensee holds a valid and current license issued by the Board or is otherwise allowed to practice under this section.

2. The licensee obtains and documents informed consent for the provision of psychological health care services via telehealth from the client. Such consent shall cover concerns unique to the receipt of psychological health care services via
telehealth, including risks to confidentiality and security, data storage policies and procedures specific to telehealth, the possibility of disruption and/or interruption of service due to technological failure, insurance coverage considerations, and other issues that the licensee can reasonably anticipate regarding the non-comparability between psychological health care services delivered in person and those delivered via telehealth.

(3) The licensee determines that delivery of psychological health care services via telehealth is appropriate after considering at least the following factors:

(A) The client’s diagnosis, symptoms, and medical/psychological history;
(B) The client’s preference for receiving psychological health care services via telehealth;
(C) The nature of the psychological health care services to be provided, including anticipated benefits, risks, and constraints resulting from their delivery via telehealth;
(D) The benefits, risks, or constraints posed by the client’s physical location. These include the availability of appropriate physical space for the receipt of psychological health care services via telehealth, accessibility of local emergency psychological health care services, and other considerations related to the client’s diagnosis, symptoms, or condition.
(E) The provision of telehealth services is within the scope of competency of a psychology trainee, or other supervised individuals as specified in (b) above, who provides psychological health care services under the supervision of the licensee.

(4) The licensee is competent to deliver such services based upon whether he or she the licensee possesses the appropriate knowledge, skills, and abilities relating to delivery of psychological health care services via telehealth, the information technology chosen for the delivery of telehealth services, and how such services might differ from those delivered in person.

(5) The licensee takes reasonable steps to ensure that electronic data is transmitted securely, and informs the client immediately of any known data breach or unauthorized dissemination of data.

(6) The licensee complies with all other provisions of the Psychology Licensing Law and its attendant regulations, and all other applicable provisions of law and standards of care in this state and the other state jurisdiction, if any, where either the licensee or the client is located.

(c) Failure to comply with these regulations or the laws and regulations relating to telehealth of the other state, if any, where either the licensee or the client is located constitutes unprofessional conduct.

Authority: 2930 Business and Professions Code
Reference: Business and Profession Code sections 686, 2290.5, 2904.5, 2960, 2960.6
**Agenda Item #24 - Emergency Preparedness Ad Hoc Committee Report and Consideration of and Possible Action on Committee Recommendations**

a) Consideration of Statutory Proposal to Address Emergency Waiver Authority

b) Consideration of Recommendation for Committee Chair and Executive Officer to Contact Business and Professions Committee Staff to Discuss COVID-Related Questions in Sunset Review

Ms. Cervantes provided the report.

Dr. Harb Sheets asked if the Emergency Waiver Authority would be bypassing DCA and the language seems to be asking for significant power. She wondered if this would jeopardize the sunset review process.

Ms. Marks stated that the idea is that the Board would have its own authority to waive certain provisions of its laws. She stated it is limited so it would not be bypassing DCA. Ms. Sorrick stated that this language is roughly based on the Board of Pharmacy’s language as that is the only board she is aware of that has limited authority to waive certain provisions. Mr. Foo stated that Board staff would let Board members know if it could jeopardize the process of the sunset review.

Discussion ensued regarding the modification of the language. The Board changed the term ‘mental health services’ to ‘psychological services’.

It was M(Foo)/S(Phillips)/C to approve the language as amended and seek legislation to make said additions to the Board’s Practice Act. Also, delegate to the Emergency Preparedness Committee Chair and Executive Officer to contact the Business and Professions Committee staff to include for considerations as part of sunset review.

Dr. Casuga stated that individuals with developmental disabilities that require psychological services is a big proportion of consumers that will potentially be excluded if the term 'mental health services' is used in the language. She advocated for the use of the term 'psychological services.'

Ms. Nystrom stated that she is an employee of the California state legislature so she will be abstaining from this item.

Dr. Linder-Crow expressed her support of the use of the term ‘psychological services.’ She stated licensees work and provide other services than mental health services.

Vote: 8 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 noes, 1 abstain (Nystrom),

**Agenda Item #22 - Review and Possible Approval of Sunset Report**
Mr. Foo stated that the Sunset Report presented before the Board is reflective of the Board members comments for the Emergency Preparedness Ad Hoc Committee and includes what was just adopted. Mr. Foo referred to the new language in red.

Discussion ensued between Board members and Board staff regarding the Sunset Report and Board actions and responses to COVID-19 documents.

It was M(Harb Sheets)/S(Tate)/C to approve the updated Sunset Report and Board Actions and responses to COVID-19 documents as amended.

No public comments were made.

Vote: 8 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate), 0 noes, 1 abstain (Nystrom)

25. Election of Officers

Ms. Marks explained the process of nominating and electing officers. Ms. Marks opened the nominations for the office of President.

Dr. Phillips nominated Mr. Foo

No public comments were made.

Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate, Rodgers, Tate), 0 noes

Mr. Foo was elected President for the calendar year of 2021 starting January 1, 2021.

Ms. Marks opened the nominations for the office of Vice President:

Dr. Casuga nominated Dr. Harb Sheets

Dr. Phillips nominated Dr. Tate

Dr. Harb Sheets stated she would like to continue the continuity of her involvement. She appreciated the opportunity to have held the office of Vice President for 2020 and would like to continue to work in that same capacity for 2021.

Dr. Tate stated that this year has highlighted diversity, inequality, all while a pandemic is going on. She stated she believes she can be an asset in the Vice President role.

No public comments were made.
During a roll call vote, Dr. Harb Sheets received 3 votes (Casuga, Harb Sheets, Nystrom), Dr. Tate received 5 votes (Cervantes, Foo, Phillips, Rodgers, Tate), and 1 abstention (Rescate).

Dr. Tate was elected Vice President for the calendar year of 2021 starting January 1, 2021.

**Agenda Item #23 - Enforcement Committee Report and Consideration of and Possible Action on Committee Recommendations**

- a) Child Custody Stakeholder Meeting-Implementation Plan Update
  - 1) Statutory Discussion Regarding Proposed Exception to Psychotherapist-Patient Privilege for Board Investigations

Dr. Phillips and Ms. Monterrubio presented this report.

Mr. Foo stated the vote on this action item will be held for a future meeting but wanted to allow public comment on this item.

Ms. Russell provided a brief summary of what the Center for Judicial Excellence does. She also provided definition and examples of parental alienation. Ms. Russell wanted to reiterate concern of secrecy and lack of transparency of the Ad Hoc Enforcement Committee. Ms. Russell stated that the complaint process is the only avenue for redress for these cases. She expressed concern about comments in memo for this agenda item that state, “under current law the Board is unable complete investigations.” Ms. Russell notified the Board that there is a bill that the Board of Behavioral Sciences spent two years working on to close the licensing loophole dealing with confidential custody reports; AB1843 was signed into law in 2014.

Ms. Campbell stated children are being severely harmed. She stated that it is important that people understand a custody evaluator is not a psychotherapist. Ms. Campbell referred to and discussed an Enforcement report previously given on November 16th, 2020. She stated that she does not believe the 6 hours of CE in domestic violence and child abuse every 3 years is enough.

Connie Valentine, past president of California Protective Parent’s Association, wanted to highlight that legislation was put into place to have access to the reports of the evaluators. The report goes to the court before it is corrected by the litigants. She stated regarding custody evaluations, the evaluator can charge whatever the market will bear and some charge $60,000 for an evaluation. This is often paid by the party accused of abuse and the accused in most cases get the outcome they want. Ms. Valentine stated the system of custody evaluators needs to be overhauled.

Dr. Phillips stated that the Enforcement Committee is composed of two individuals so that the meetings do not need to be publicly noticed. Enforcement Committee meetings are attended by all enforcement analysts who state the issues they are facing, and it would be impossible to have that level of discourse and for the staff to remain
anonymous for their safety if the meetings were made public. Dr. Phillips stated that all items discussed by the Enforcement Committee are presented in full to the Board.

Dr. Linder-Crow stated that this proposal seems to erode the psychotherapist/patient privilege. This proposal came out of the stakeholder meeting for custody evaluation. Dr. Linder-Crow stated you already have access to custody reports and there is no therapy privilege, as these are reports that belong to the court. Dr. Linder-Crow expressed concern that the report presents an exception to the privilege, where there is none, and an exception to extend more broadly. Dr. Linder-Crow spoke with Expert Reviewers of the Board and they did not indicate they had a problem in making these kinds of decisions.

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 public comments were made.

Agenda Item #20 – Closed Session
The Board met in closed session pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for Reinstatement and Modification of Penalty, Petitions for Reconsideration, and Remands.

The Board returned to open session and the meeting was adjourned at 6:40 p.m.