

BOARD MEETING TELECONFERENCE

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2
3 NOTE: Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-
4 20, dated March 17, 2020, neither Board member locations nor a public meeting
5 location were provided.

6
7 **Thursday, November 19, 2020**

8
9 **Members Present**

10 Seyron Foo, President
11 Mary Harb Sheets, PhD, Vice-President
12 Sheryll Casuga, PsyD
13 Marisela Cervantes
14 Julie Nystrom
15 Stephen Phillips, JD, PsyD
16 Ana Rescate
17 Shacunda Rodgers, PhD
18 Lea Tate, PsyD

19
20 **Legal Counsel**

21 Clay Jackson
22 Will Maguire
23 Norine Marks

24
25 **Board Staff Present**

26 Antonette Sorrick, Executive Officer
27 Stephanie Cheung, Licensing Unit Manager
28 Sandra Monterrubio, Enforcement Program Manager
29 Jason Glasspiegel, Central Services Manager
30 Liezel McCockran, Continuing Education and Renewals Coordinator

31
32

Thursday, November 19, 2020

33 **Agenda Item #1: Call to Order/Roll Call/Establishment of a Quorum**

34
35 Seyron Foo, Board President, called the open session meeting to order at 10:06 a.m. A
36 quorum was present and due notice had been sent to all interested parties.

37
38 **Agenda Item #2: President’s Welcome**

39
40 Mr. Foo asked for a moment of silence in memoriam for the Board’s Assistant Executive
41 Officer, Jeffrey Thomas. Mr. Foo recognized Mr. Thomas’s work with the Board that
42 spanned over three decades. Mr. Foo welcomed the attendees to the Board’s quarterly
43 meeting. He welcomed and introduced the two new Board members, Ms. Nystrom and
44 Ms. Rescate. Mr. Foo also welcomed Mr. Maguire and Mr. Jackson as the Board’s new
45 legal counsel. He stated that Ms. Marks will be retiring and thanked her for her service

46 to the Board. Mr. Foo stated that four of the five licensed Board members passed the
47 CE audit in accordance with the Strategic Plan goal to audit licensed Board members.
48

49 **Agenda Item #3 - Public Comment for Items Not on the Agenda. Note: The Board**
50 **May Not Discuss or Take Action on Any Matter Raised During this Public**
51 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**
52 **of a Future Meeting [Government Code sections 11125 and 11125.7(a)].**
53

54 No public comments were made.
55

56 **Agenda Item #4 - Coronavirus (COVID-19) Update Including but not Limited to**
57 **Updates on Waivers**
58

59 Ms. Sorrick stated that the most recent updates to the waivers were the extension of the
60 Continuing Education waiver and the Face to Face supervision waiver.
61

62 Dr. Dan Evans, member of the public, requested to add an agenda item for a future
63 meeting. Dr. Evans stated that the law and ethics exam is done only in person which
64 creates concerns of contracting COVID-19. Dr. Evans stated that in July 2020, he
65 requested to take the test outdoors or in a private testing room and was told by the
66 Board that that specific accommodation was only used for those with disabilities or
67 mentally ill. Dr. Evans is asking for the Board to provide remedies.
68

69 Ms. Marks stated that this issue can be added to the Licensure Committee meeting
70 agenda or the Board can take a vote on whether they want to add it at a future meeting.
71

72 Dr. Harb Sheets stated that as the Chair of the Licensure Committee, she will talk to
73 legal counsel, do research on what other states have been doing, and add this to the
74 Licensure Committee agenda.
75

76 **Agenda Item #5 - President's Report**

77 a) Dates and Locations of 2021 Board and Committee Meetings
78

79 Mr. Foo addressed the 2021 meeting calendar and stated the Board plans to meet
80 remotely until summer of 2021.
81

82 b) Committee Updates

83 a. Telepsychology Ad Hoc Committee

84 i. 2021 PSYPACT Analysis
85

86 Mr. Foo stated that due to the incredible interest in PSYPACT, the Telepsychology Ad
87 Hoc Committee, chaired by Dr. Phillips, will conduct an analysis of the PSYPACT
88 agreement. Mr. Foo stated that Ms. Nystrom and Dr. Tate are members of the
89 Telepsychology Ad Hoc Committee.
90

91 Dr. Phillips stated that the Board wanted to be responsive to licensees who expressed
92 concerns regarding the Board not joining PSYPACT. He stated that the Committee will
93 review the modifications made to the PSYPACT since the Board's first analysis.

94
95 Jo Linder-Crow, CEO of the California Psychological Association (CPA), asked that as a
96 three-person committee, will the committee meetings be publicly noticed.

97
98 Mr. Foo stated that the meetings will be noticed and posted online.

99
100 Natalie Feinblatt, member of the public, asked where online could one find the
101 committee meeting notice.

102
103 Mr. Foo stated the meeting notices will be on the Board's website,
104 www.psychology.ca.gov. He stated that if one were to have any problems navigating the
105 website, to please reach out to BOPMail@dca.ca.gov.

106
107 Ms. Marks stated that those on the interested parties list will get an email regarding the
108 meetings.

109
110 **Agenda Item #6 - Discussion and Possible Approval of the Board Meeting Minutes:**
111 **July 9-10, 2020**

112
113 Mr. Foo introduced this agenda item and asked the Board for any questions or comments
114 on the minutes. No questions or comments received.

115
116 It was M(Tate)/S(Harb Sheets)/C to approve the minutes as presented.

117
118 No public or Board comment were given.

119
120 Vote: 8 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate),
121 0 noes, 1 abstain (Nystrom)

122
123 **Agenda Item #7 - Outreach and Communications Committee Report and**
124 **Consideration of and Possible Action on Committee Recommendations**

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

127
128 The Outreach and Communications Committee (Committee) chairperson, Dr. Tate,
129 provided the update. Dr. Tate stated that with feedback from the attendees at the last
130 Committee meeting, the Committee would like to develop a survey to assess what
131 issues around delivery of psychological services and telehealth.

132
133 Dr. Casuga stated that this is a wonderful idea. Dr. Casuga stated she would ask that
134 the survey account for the following: populations that need an interpreter or translator,
135 individuals that have developmental disabilities, those that have technological
136 limitations, and the elderly.

137

138 Dr. Tate said the survey has not been created yet but, once approval is received, it will
139 make sure to include those populations.

140

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

145

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

148

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

152

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

155

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

158

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

161

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

163

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

165

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

168

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

170 a) Review of Status of Proposed Legislation

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

172 Determine if Action Necessary

173 A. AB 1145 (Garcia) Child abuse: reportable conduct.

174 B. AB 1263 (Low) Contracts: consumer services: consumer complaints.

175 C. AB 2112 (Ramos) Suicide prevention.

176 D. AB 2164 (Rivas, Robert) Telehealth

177 E. AB 2253 (Low) Professional licensure.

178 F. AB 2360 (Maienschein) Telehealth: mental health.

179 G. AB 2630 (Flora) Criminal history information: subsequent arrest
180 notification.

181 H. AB 2704 (Ting) Healing arts: licensees: data collection.

- 182 I. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans:
183 military spouses: licenses.
184 J. SB 53 (Wilk) Open meetings.
185 K. SB 66 (Atkins) Medi-Cal: federally qualified health center and rural
186 health clinic services.
187 L. SB 1474 (Committee on Business, Professions and Economic
188 Development) Professions and Vocations.
189
190 2) Status of Watch Bills
191 A. AB 499 (Mayes) Personal information: social security numbers: state
192 agencies.
193 B. AB 613 (Low) Professions and vocations: regulatory fees.
194 C. AB 798 (Cervantes) Maternal mental health.
195 D. AB 1616 (Low) Department of Consumer Affairs: boards: expunged
196 convictions.
197 E. AB 1911 (Maienschein) State agencies: veterans.
198 F. AB 2028 (Aguiar-Curry) State agencies: meetings.
199 G. AB 2093 (Gloria) Public records: writing transmitted by electronic mail:
200 retention.
201 H. AB 2113 (Low) Refugees, asylees, and immigrants: professional
202 licensing.
203 I. AB 2138 (Chau) California Public Records Act.
204 J. AB 2164 (Rivas, Robert) Telehealth.
205 K. AB 2185 (Patterson) Professions and vocations: applicants licensed in
206 other states: reciprocity.
207 L. AB 2438 (Chau) California Public Records Act: conforming revisions.
208 M. AB 2476 (Diep) Healing arts licensees.
209 N. AB 2549 (Salas) Department of Consumer Affairs: temporary licenses.
210 O. AB 2631 (Cunningham) License fees: military partners and spouses.
211 P. AB 2856 (Committee on Business and Professions) Board of
212 Psychology.
213 Q. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans:
214 military spouses: licenses.
215 R. SB 806 (Grove) Worker status: employees: independent contractors.
216 S. SB 878 (Jones) Department of Consumer Affairs Licensing:
217 applications: wait times.
218

219 Mr. Foo stated the Board will return to this item.
220

- 221 b) Legislative Items for Future Meeting. The Board May Discuss Other Items of
222 Legislation in Sufficient Detail to Determine Whether Such Items Should be
223 on a Future Board Meeting Agenda and/or Whether to Hold Special Meeting
224 of the Board to Discuss Such Items Pursuant to Government Code Section
225 11125.4
226

227 Ms. Cervantes would like to reintroduce a concept previously discussed in February
228 concerning legislation aimed at gathering demographic data in the licensing process.

229
230 Mr. Foo stated he will ask staff to add it to the Licensure Committee agenda.

231
232 No public comments were made.

233
234 **Agenda Item #10 - Enforcement Unit Report**

235
236 Ms. Monterrubio provided the Enforcement Unit Report.

237
238 Ms. Cervantes asked if the number and nature of complaints have been impacted by
239 COVID.

240
241 Ms. Monterrubio stated she is not seeing any trends. Ms. Monterrubio stated that the
242 Enforcement Unit is on track to receive the same number of complaints from the
243 previous fiscal year.

244
245 Dr. Casuga asked what are the factors that are considered for prioritization.

246
247 Ms. Monterrubio stated that Board staff follows the Department of Consumer Affairs
248 Complaint Prioritization guidelines which is broken down into four categories. She then
249 went on to briefly explain the categories.

250
251 Kathleen Russell, Executive Director for Center for Judicial Excellence, stated that there
252 have been concerns from general public involving this Board's licensees who are
253 custody evaluators. Ms. Russell asked how many of these complaints include child
254 custody complaints and whether this addresses complaints filed, or complaints
255 investigated.

256
257 Ms. Monterrubio stated that all complaints filed are investigated. Of the 651 complaints
258 received, 18 complaints related to child custody issues.

259
260 Catherine Campbell, California Protective Parents Associations, stated people reach out
261 to the California Protective Parents Associations regarding family court situations. Ms.
262 Campbell asked the following questions:

- 263
- 264 • If a complaint involves an evaluator working with a family that includes sexual
265 abuse or other types of abuse to a child, that the complaint be prioritized.
 - 266 • Asked for clarification on the 18 licensees who had complaints concerning child
267 custody. She asked whether there were multiple complaints concerning one
268 family or if there were multiple complaints where one licensee is hurting multiple
269 families.
 - 270 • What procedures are in place to ensure complaints are properly investigated?

271 Ms. Marks stated she wanted to make sure that the response be related to the
272 Enforcement report and that the other questions be answered on tomorrow's agenda
273 item #23.

274
275 Ms. Monterrubio provided a detailed explanation of the procedure of processing child
276 custody complaints. Ms. Monterrubio stressed that every complaint is investigated. She
277 stated that there is not much more information regarding the details of the 18
278 complaints. Ms. Monterrubio also stated that she will include the performance measures
279 in the Enforcement Report for the February 2021 Board meeting.

280

281 **Agenda Item #17 - CLOSED SESSION**

282
283 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
284 discuss disciplinary matters including the above Petitions, Proposed Decisions,
285 Stipulations, Petitions for Reconsideration, and Remands.

286

287 **Agenda Item #13 – Regulatory Hearing**

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

291
292 Mr. Foo stated that in conformance to the Board's Practice Act, Continuing Education is
293 now referred to as Continuing Professional Development (CPD). He stated that the
294 regulations that will be discussed will outline how a licensee can meet the requirements
295 of CPD for purposes of license renewal.

296
297 Ms. Sorrick provided a procedural overview of how the regulations came to be.

298
299 Dr. Phillips, Dr. Horn, and Dr. Gallardo provided historical background on the CPD
300 regulations.

301
302 The public hearing commenced at 2:00 p.m.

303
304 Dr. Elizabeth Winkelman, Director of Professional Affairs at CPA, wanted to first confirm
305 that the Board received the written comment submitted by Dr. Jo Linder-Crow on behalf
306 of CPA. Dr. Winkelman stated that a main concern is the implementation deadline,
307 requesting it be delayed to January 2022 or later, and request an increase in flexibility in
308 how people obtain CPD hours. CPA is specifically requesting to allow all CPD be
309 accrued either through all sponsored continuing education or a mixture of sponsored
310 continuing education and self-directed learning.

311
312 Eric Bayon, licensed psychologist, expressed his concern regarding the CPD language.
313 Specifically, the requirement which mandates a minimum of two hours in each CPD
314 category. Dr. Bayon asked that psychologists be able to choose how many hours in a
315 CPD category they may accrue. He asked that in section 1397.61(E), to strike the

316 sentence that begins with “With the exception of....” He asked that the number of CPD
317 hours in 1397.61(H)(1) be changed from 27 to 36.

318
319 Karen Shore, member of the public, asked about the wording of the definition for the
320 “Peer Consultation” category. Dr. Shore stated that she believes the definition states
321 that the licensee must be part of an on-going set of meetings, and Dr. Shore states that
322 most psychologists but do speak with each other but on an on-going basis. Dr. Shore
323 stated that the assumptions that psychologists are only doing one offs and that they are
324 all talking heads is not true. She also asked to expand the categories and to clarify if
325 psychologists can add book clubs, special interest groups, consults with lawyers, and
326 consults with CPA’s laws and ethics committee.

327
328 Mr. Foo confirmed with legal counsel that the Board will provide a response at a later
329 date.

330
331 Shawn McCall, licensed psychologist and attorney, expressed his confusion the
332 “Conference/Convention Attendance” CPD category. Dr. McCall asked which category
333 attendance of an American Psychological Association (APA) conference or CPA
334 convention would fall under. Dr. McCall asked that the term “virtual attendance” be
335 added in the language. He asked which professional organizations counts as
336 attendance. Dr. McCall stated that regarding the ethics, diversity, and social justice
337 issues as well as legal issues, he had an understanding that some sort of dual credit
338 could be captured.

339
340 Dr. Linder-Crow stated CPA has been working with the Board over the last several
341 years in the creation of this CPD model. Dr. Linder-Crow stated she would like to
342 reiterate that the implementation date should be set forward one year. She stated that
343 the year would help CPA continue the outreach and answer the numerous questions
344 and concerns regarding the new CPD model. Dr. Linder-Crow stated that some of the
345 clarifications need to reflect the times we are in, specifically about adding virtual
346 attendance in the language.

347
348 Ms. Cervantes asked if there was an analysis of potential cost increase or cost
349 decrease with this regulatory change.

350
351 Mr. Glasspiegel stated that there are several sections that discuss fiscal effects.

352
353 Dr. Shore asked if the definition of Peer Consultation could be clarified to an as needed
354 basis for a fee or for no fee.

355
356 The hearing concluded at 2:39 p.m.

357
358 Mr. Jackson provided a detailed explanation of the regulation procedure.

359
360 Mr. Foo stated that Agenda Item #14 will be held for the following day so that staff can
361 process the oral comments made today and prepare a response.

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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.

408
409 The Board returned to open session and the meeting was adjourned at 6:00 pm.

Friday, November 20, 2020

410
411 **Agenda Item #18 - Call to Order/Roll Call/Establishment of a Quorum**

412
413 Seyron Foo, Board President, called the open session meeting to order at 10:12 a.m. A
414 quorum was present and due notice had been sent to all interested parties.

415
416 **Members Present**

417 Seyron Foo, President
418 Mary Harb Sheets, PhD, Vice-President
419 Sheryll Casuga, PsyD
420 Marisela Cervantes
421 Julie Nystrom
422 Stephen Phillips, JD, PsyD
423 Ana Rescate
424 Shacunda Rodgers, PhD
425 Lea Tate, PsyD

426
427 **Legal Counsel**

428 Norine Marks
429 Will Maguire
430 Clay Jackson

431
432 **Board Staff Present**

433 Antonette Sorrick, Executive Officer
434 Stephanie Cheung, Licensing Unit Manager
435 Sandra Monterrubio, Enforcement Program Manager
436 Jason Glasspiegel, Central Services Manager
437 Liezel McCockran, Continuing Education and Renewals Coordinator

438
439 **Agenda Item #19 – Closed Session**

440
441 The Board met in closed session pursuant to Government Code Section 11126(a)(1) to
442 conduct its annual evaluation of its Executive Officer.

443
444 **Agenda Item #20 - Closed Session**

445
446 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
447 discuss disciplinary matters including Proposed Decisions, Stipulations, Petitions for
448 Reinstatement and Modification of Penalty, Petitions for Reconsideration, and
449 Remands.

450
451 **RETURN TO OPEN SESSION** – The Board returned at 12:07 p.m.

452

453 **Agenda Item #21 - Public Comment for Items Not on the Agenda. Note: The Board**
454 **May Not Discuss or Take Action on Any Matter Raised During this Public**
455 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**
456 **of a Future Meeting [Government Code sections 11125 and 11125.7(a)].**

457
458 Ms. Russell asked that Business and Professions Code section 129(d) be added to a
459 future agenda. Ms. Russell stated that she read the code and would like further
460 clarification if this annual reporting is taking place.

461
462 **Agenda Item #14 - Consideration of Adopting Amendments to 1381.9, 1397.60,**
463 **1397.61, 1397.62, and 1397.67, and adding sections 1397.60, 1397.61, 1397.62, and**
464 **1397.67, of Division 13.1 of Title 16 of the California Code of Regulations –**
465 **Continuing Education/Professional Development**

466
467 Mr. Glasspiegel provided the Board with a summary of what happened during the first
468 day of the Board meeting.

469
470 Dr. Harb Sheets would like to have a conversation about the implementation date.

471
472 Mr. Foo stated that the implementation date has been changed to January 1, 2022.

473
474 Discussion ensued regarding adding the term “virtual attendance” under the CPD
475 category of ‘Conference/Convention Attendance.’

476
477 Mr. Foo led the Board members through a review of the comments to determine if
478 comments should be accepted or rejected.

479
480 Dr. Linder-Crow asked if attending Board meetings can be done via virtual/remote
481 means. She also asked clarification regarding accepted comments. Also, Dr. Linder-
482 Crow stated that some of these questions could be answered in a FAQ document.

483
484 Ms. Sorrick stated that in regard to Board of Psychology quarterly Board meetings, the
485 concern with adding the term ‘virtual’ for meeting attendance is that there is no
486 mechanism to monitor participation.

487
488 Mr. Jackson stated that the FAQ could be considered an underground regulation rather
489 than just fixing the regulation.

490
491 Dr. McCall asked for audit purposes, what documentation would be required for
492 verification for attending Board meetings? The process for verification was addressed.

493
494 Dr. Winkelman noted an error in CPD language. She also stated that she believes there
495 needs to be additional clarification on the CPD category of ‘Peer Consultation.’ Dr.
496 Winkelman asked the Board to consider that it still be possible to maintain two different
497 categories but modify the language such that people could fulfill all CPD categories
498 through sponsored CE and self-directed learning.

499
500 The Board continued to review and determine if comments should be accepted or
501 rejected.
502
503 Dr. Winkelman stated she is fine with keeping the language in the 'Peer Consultation'
504 category.
505
506 Dr. Linder-Crow asked for clarification on a statement from Dr. Phillips regarding
507 accruing hours from two or more categories. Dr. Linder-Crow also asked if peer
508 consultation can be paid or non-paid. She also asked if peer consultation required
509 giving as well as receiving peer consultation. She asked if the language could be
510 clarified.
511
512 Dr. Phillips stated that the Board does not have a preference whether peer consultation
513 is paid or not.
514
515 Board members weighed in regarding peer consultation as both receiving and providing
516 peer consultation. Language was modified to clarify this.
517
518 The Board continued to review and determine if comments should be accepted or
519 rejected.
520
521 Dr. Linder-Crow provided clarification of reading the CPA newsletter. She stated CPA
522 offers CE credit as self-study with accreditation from APA.
523
524 Dr. Harb Sheets asked Dr. Linder-Crow if she is suggesting that reading CPA magazine
525 is sponsored CE or self-study.
526
527 Dr. Linder-Crow stated she sees reading the CPA newsletter as sponsored CE.
528
529 Dr. Phillips stated that you could use the credit from reading a CPA newsletter for
530 sponsored CE or self-study, but you cannot use it for both categories.
531
532 Dr. McCall stated that this was what he was referring to when he spoke on the first day
533 of the Board meeting where there were some things that can go into two categories. He
534 provided other examples that can fall into two categories. He asked that this be clarified.
535
536 Mr. Glasspiegel stated that if a licensee goes to a convention and the convention offers
537 CE that attending the convention is fulfills the convention attendance CPD category and
538 the CE that were offered fulfills another CPD category.
539
540 The Board continued to review and determine if comments should be accepted or
541 rejected.
542
543 It was M(Harb Sheets)/S(Tate)/M to accept the modified text inclusive of gender-neutral
544 terms and updating references to statute for 15-day public comment.

545

546 No public comments were made.

547

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

550

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

554

555 No public comments were made.

556

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

559

560 **§ 1381.9. Renewal of Expired License: Reapplication After Cancelled**
561 **License.**

562

563 (a) In the event a licensee does not renew ~~his or her~~their license as provided in section
564 2982 of the Code, the license expires. In addition to any other requirements, a
565 licensee renewing pursuant to section 2984 of the Code shall furnish a full set of
566 fingerprints as required by and set out in section 1381.7(b) as a condition of renewal.

567

568 (b) After a license has been expired for three years, the license is automatically
569 cancelled, and a new license must be obtained in order to provide psychological
570 services. A person whose license has been cancelled may obtain a new license
571 pursuant to the requirements in section 2986 of the Code, and providing the person:

572 (1) submits a complete licensing application pursuant to section 1381;

573 (2) meets all current licensing requirements;

574 (3) successfully passes the examination pursuant to section 1388.6;

575 (4) provides evidence of continuing professional development taken pursuant to
576 section 1397.67(b), and no fact, circumstance, or condition exists that would
577 be grounds for denial of licensure under sections 480 or Division/ Chapter/
578 Article 4 of the Code.

579

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

583

584 **§ 1397.60. Definitions. [Effective until December 31, 2020].**

585

586 This section is inoperative January 1, 2024, and repealed on December 31,
587 2042.

588

589 As used in this article:

- 590 (a) "Conference" means a course consisting of multiple concurrent or sequential free-
591 standing presentations. Acceptable presentations must meet the requirements of
592 section 1397.61(c).
593
- 594 (b) "Continuing education" (CE) means the variety of forms of learning experiences,
595 including, but not limited to, lectures, conferences, seminars, workshops, grand
596 rounds, in-service training programs, video conferencing, and independent learning
597 technologies.
598
- 599 (c) "Course" or "presentation" means an approved systematic learning experience of at
600 least one hour in length. One hour shall consist of 60 minutes of actual instruction.
601 Courses or presentations less than one hour in duration shall not be acceptable.
602
- 603 (d) "Grand rounds" or "in-service training program" means a course consisting of
604 sequential, free-standing presentations designed to meet the internal educational
605 needs of the staff or members of an organization and is not marketed, advertised or
606 promoted to professionals outside of the organization. Acceptable presentations must
607 meet the requirements of section 1397.61(c).
608
- 609 (e) "Independent learning" means the variety of forms of organized and directed learning
610 experiences that occur when the instructor and the student are not in direct visual or
611 auditory contact. These include, but are not limited to, courses delivered via the
612 Internet, CD-ROM, satellite downlink, correspondence and home study. Self-initiated,
613 independent study programs that do not meet the requirements of section 1397.61(c)
614 are not acceptable for continuing education. Except for qualified individuals with a
615 disability who apply to and are approved by the Board pursuant to section 1397.62(c),
616 independent learning can be used to meet no more than 75% (27~~2~~-hours) of the
617 continuing education required in each renewal cycle. Independent learning courses
618 must meet the requirements of section 1397.61(c).
619
- 620 (f) "Provider" means an organization, institution, association, university, or other person
621 or entity assuming full responsibility for the course offered, whose courses are
622 accepted for credit pursuant to section 1397.61(c)(1).
623

624 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions
625 Code. Reference: Sections 29 and 2915, Business and Professions Code.
626

627 **§ 1397.60. Definitions. [Effective January 1, 2024~~2~~.]**
628

629 This section shall be applicable to a license that expires on or after, or is
630 renewed, reactivated, or reinstated on or after, January 1, 2024~~2~~.

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

634 Board Certification.

635

636 (a) Acceptable CPD learning activities under “Professional Activities” include: (1)

637 “Peer Consultation”

638 (A) “Peer Consultation” means engaging in structured and organized
639 interaction, in person or electronically mediated, with professional
640 colleagues designed to broaden professional knowledge and expertise,
641 reduce professional isolation, and directly inform the work of the
642 psychologist. CPD pursuant to this section may only be obtained
643 through individual or group case consultation, reading groups, or
644 research groups. These activities must be focused on maintaining,
645 developing, or increasing conceptual and applied competencies that
646 are relevant to psychological practice, education, or science.

647 (B) “Peer Consultation” does not include “Supervision” as defined in section
648 (b)(3).

649

650 (2) “Practice Outcome Monitoring” (POM)

651 “Practice Outcome Monitoring” (POM) means the application of
652 outcome assessment protocols with clients/patients, in order to monitor
653 one’s own practice process and outcomes, with the goal of assessing
654 effectiveness. All outcome measures must be sensitive to cultural and
655 diversity issues.

656

657 (3) “Professional Services”

658 “Professional Services” means ongoing participation in services
659 related to the field of psychology, or other related disciplines,
660 including but not limited to, serving on psychological association
661 boards or committees, editorial boards of peer reviewed journals
662 related to psychology or other related disciplines, scientific grant
663 review teams, boards of regulatory bodies, program development
664 and/or evaluation activities, separate and apart from a fee for service
665 arrangement.

666

667 (4) “Conference/Convention Attendance” “Conference/Convention

668 Attendance” means attending a
669 professional gathering, either in person or via electronic means, that
670 consists of multiple concurrent or sequential free-standing presentations
671 related to the practice of psychology, or that may be applied to
672 psychological practice, where the licensee interacts with professional
673 colleagues and participates in the social, interpersonal, professional,
674 and scientific activities that are part of the environment of those
675 gatherings. CPD credit may be accrued for “Conference/Convention
676 Attendance” separate from credit earned for completing sponsored CE
677 coursework or sessions at the same conference/convention.

678

- 679 (5) “Examination Functions”
680 “Examination Functions” means serving in any function related to
681 examination development for the Board or for the development of the
682 EPPP.
683
- 684 (6) “Expert Review/Consultation”
685 “Expert Review/Consultation” means serving in any expert capacity for
686 the Board.
687
- 688 (7) “Attendance at a California Board of Psychology Meeting”
689 “Attendance at a California Board of Psychology Meeting” means
690 physical attendance at a full-day Board meeting or physical
691 attendance at a separately noticed Committee meeting of the Board.
692
- 693 (b) Acceptable CPD learning activities under “Academic” include: (1)
694 “Academic Coursework”
695 “Academic Coursework” means completing and earning academic credit
696 for a graduate-level course related to psychology from an institution
697 whose degree meets the requirements of section 2914 of the Code.
698
- 699 (2) “Academic/Sponsor-Approved Continuing Education (CE) Instruction” (A)
700 “Academic Instruction” means teaching a graduate-level course that is
701 part of a degree program which degree meets the requirements of
702 section 2914(c) of the Code.
703 (B) “Sponsor-Approved CE Instruction” means teaching a sponsored
704 CE course that relates to the practice of psychology as defined in
705 section 1397.60(c).
706
- 707 (3) “Supervision”
708 “Supervision” means overseeing the professional experience of a
709 trainee who is accruing hours toward licensure as a Psychologist,
710 Marriage and Family Therapist, Licensed Clinical Social Worker,
711 Licensed Professional Clinical Counselor, Licensed Educational
712 Psychologist, or Physician and Surgeon.
713
- 714 (4) “Publications”
715 “Publications” means authoring or co-authoring peer-reviewed journal
716 articles, book chapters, or books, or editing or co-editing a book,
717 related to psychology or related discipline.
718
- 719 (5) “Self-Directed Learning”
720 “Self-Directed Learning” means independent educational activities
721 focused on maintaining, developing, or increasing conceptual and
722 applied competencies that are relevant to psychological practice.

723 education, or science, such as reading books or peer-reviewed journal
724 articles, watching videos or webcasts, or listening to podcasts.
725

726 (c) Acceptable CPD learning activities under “Sponsored Continuing Education” means
727 Sponsor-Approved Continuing Education, which includes any approved structured,
728 sequenced learning activity, whether conducted in-person or online. “Course” or
729 “presentation” means a sponsor-approved systematic learning experience. “Provider”
730 means an organization, institution, association, university, or other person or entity
731 assuming full responsibility for the CE program offered, and whose courses are
732 accepted for credit pursuant to section 1397.61(k).
733

734 (d) Acceptable CPD learning activities under “Board Certification” are defined as the
735 initial earning of a specialty certification in an area of psychology from the American
736 Board of Professional Psychology (ABPP).
737

738 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions
739 Code. Reference: Sections 29 and 2915, Business and Professions Code.
740

741 **§ 1397.61. Continuing Education Requirements. [Effective until December 31,**
742 **2020.]**
743

744 This section is inoperative January 1, 2024~~2~~, and repealed on December 31,
745 2024~~2~~.
746

747 (a) Except as provided in section 2915(e) of the Business and Professions Code and
748 section 1397.62 of these regulations, each licensed psychologist shall certify on the
749 application for license renewal that ~~he or she~~ the licensee has completed the
750 continuing education requirements set forth in section 2915 of the Code. A licensee
751 who renews ~~his or her~~ their license for the first time after the initial issuance of the
752 license is only required to accrue continuing education for the number of months that
753 the license was in effect, including the month the license was issued, at the rate of
754 1.5 hours of approved continuing education per month. Continuing education earned
755 via independent learning pursuant to section 1397.60(e) shall be accrued at no more
756 than 75% of the continuing education required for the first time renewal. The
757 required hours of continuing education may not be accrued prior to the effective date
758 of the initial issuance of the license. A licensee who falsifies or makes a material
759 misrepresentation of fact on a renewal application or who cannot verify completion
760 of continuing education by producing verification of attendance certificates,
761 whenever requested to do so by the Board, is subject to disciplinary action under
762 section 2960 of the Code.
763

764 (b) Any person renewing or reactivating ~~his or her~~ their license shall certify under penalty
765 of perjury to the Board of Psychology as requested on the application for license
766 renewal, that ~~he or she~~ the licensee has obtained training in the subject of laws and

767 ethics as they apply to the practice of psychology in California. The training shall
768 include recent changes/updates on the laws and regulations related to the practice of
769 psychology; recent changes/updates in the Ethical Principles of Psychologists and
770 Code of Conduct published by the American Psychological Association; accepted
771 standards of practice; and other applications of laws and ethics as they affect the
772 licensee's ability to practice psychology with safety to the public. Training pursuant to
773 this section may be obtained in one or more of the following ways:

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

781
782 If the licensee chooses to apply a specific continuing education course on the topic
783 of laws and ethics to meet the foregoing requirement, such a course must meet the
784 content requirements named above, must comply with section 1397.60(c), and may
785 be applied to the 36~~6~~-hours of approved continuing education required in Business
786 and Professions Code section 2915(a).

787
788 (c) The Board recognizes and accepts for continuing education credit courses pursuant
789 to this section. A licensee will earn one hour continuing education credit for each hour
790 of approved instruction.

- 791 (1) Continuing education courses shall be:
 - 792 (A) provided by American Psychological Association (APA), or its
793 approved sponsors;
 - 794 (B) Continuing Medical Education (CME) courses specifically applicable
795 and pertinent to the practice of psychology and that are accredited by
796 the California Medical Association (CMA) or the Accreditation Council
797 for Continuing Medical Education (ACCME); or
 - 798 (C) provided by the California Psychological Association, or its
799 approved sponsors.
 - 800 (D) approved by an accrediting agency for continuing education courses
801 taken prior to January 1, 2013, pursuant to this section as it existed
802 prior to January 1, 2013.

- 803 (2) Topics and subject matter for all continuing education shall be pertinent to
804 the practice of psychology. Course or learning material must have a
805 relevance or direct application to a consumer of psychological services.
- 806 (3) No course may be taken and claimed more than once during a renewal period,
807 nor during any twelve (12) month period, for continuing education credit.
- 808 (4) An instructor may claim the course for his/her own credit only one time that
809 he/she teaches the acceptable course during a renewal cycle, or during any
810 twelve (12) month period, receiving the same credit hours as the participant.

811
812 (d) Examination Functions. A licensee who serves the Board as a selected participant in

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

819
820 (e) A licensee shall maintain documentation of completion of continuing education
821 requirements for four (4) years following the renewal period, and shall submit
822 verification of completion to the Board upon request. Documentation shall contain the
823 minimum information for review by the Board: name of provider and evidence that
824 provider meets the requirements of section 1397.61(c)(1); topic and subject matter;
825 number of hours or units; and a syllabus or course description. The Board shall make
826 the final determination as to whether the continuing education submitted for credit
827 meets the requirements of this article.

828
829 (f) Failure to provide all of the information required by this section renders any
830 application for renewal incomplete and not eligible for renewal.

831
832 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
833 Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.

834
835 **§ 1397.61. Continuing Professional Development Requirements. [Effective**
836 **January 1, 2024].**

837
838 This section shall be applicable to a license that expires on or after, or is
839 renewed, reactivated, or reinstated on or after, January 1, 2024.

840
841 (a) Except as provided in section 2915(e) of the Business and Professions Code and
842 section 1397.62 of these regulations, a psychologist shall certify under penalty of
843 perjury to the Board on the application for license renewal that he or
844 she has completed the CPD requirements set forth in this Article and section 2915 of
845 the Code. Failing to do so, or falsifying or making a material misrepresentation of
846 fact on a renewal application, or failing to provide documentation verifying
847 compliance whenever requested to do so by the Board, shall be considered
848 unprofessional conduct and subject the licensee to disciplinary action and render his
849 or her license ineligible for renewal.

850
851 (b) A psychologist renewing ~~his or her~~their license shall certify under penalty of perjury
852 on the application for license renewal that ~~he or she~~the licensee has engaged in a
853 minimum of four (4) hours of training in the subject of laws and ethics, as they apply
854 to the practice of psychology in California for each renewal period. This includes
855 recent changes or updates on the laws and regulations related to the practice of
856 psychology; recent changes or updates in the Ethical Principles of Psychologists
857 and Code of Conduct published by the American Psychological Association;

858 accepted standards of practice; and other applications of laws and ethics as they
859 affect the licensee's ability to practice psychology safely. This requirement shall be
860 met using any combination of the four (4) CPD categories, and the licensee shall
861 indicate on ~~his or her~~their documentation which of the CPD activities are being used
862 to fulfill this requirement. The four (4) hours shall be considered part of the 36-hour
863 CPD requirement.

864
865 (c) A psychologist renewing ~~his or her~~their license shall certify under penalty of perjury
866 on the application for license renewal that ~~he or she~~the licensee has engaged in a
867 minimum of four (4) hours of training for each renewal period pertinent to Cultural
868 Diversity and/or Social Justice issues as they apply to the practice of psychology in
869 California. Cultural Diversity pertains to differences in age, race, culture, ethnicity,
870 nationality, immigration status, gender, gender identity, sexual orientation,
871 socioeconomic status, religion/spirituality, and physical ability. Social Justice pertains
872 to the historical, social and political inequities in the treatment of people from non-
873 dominant groups, while addressing the various injustices and different types of
874 oppression that contribute to individual, family and community psychological
875 concerns. This requirement shall be met using any combination of the four (4) CPD
876 categories and the licensee shall indicate on ~~his or her~~their documentation which of
877 the CPD activities are being used to fulfill this requirement. The four (4) hours shall be
878 considered part of the 36-hour CPD requirement.

879
880 (d) Topics and subject matter for all CPD activities shall be pertinent to the
881 practice of psychology.

882
883 (e) The Board recognizes and accepts CPD hours that meet the description of the
884 activities set forth in section 1397.60. With the exception of 100% ABPP Board
885 Certification, a licensee shall accrue hours during each renewal period from at least
886 two (2) of the four (4) CPD activity categories: Professional Activities; Academic;
887 Sponsored Continuing Education; and Board Certification.
888 Unless otherwise specified, for any activity for which the licensee wishes to claim
889 credit, no less than one (1) hour credit may be claimed and no more than the
890 maximum number of allowable hours, as set forth in subsection (f), may be claimed
891 for each renewal period.

892
893 (f) Acceptable CPD learning activities under "Professional Activities" include: (1)
894 "Peer Consultation"

895 (A) A maximum of 18-hour shall be credited in "Peer Consultation". (B)
896 One (1) hour of activity in "Peer Consultation" equals one (1) hour of
897 credit.

898 (C) The licensee shall maintain a record of this activity as
899 documentation of compliance. This record shall include: date(s), type
900 of activity, and total number of hours.

901
902 (2) "Practice Outcome Monitoring" (POM)

- 903 (A) A maximum of nine (9) hours shall be credited in “POM”.
904 (B) “POM” for one (1) patient/client equals one (1) hour credited. (C) The
905 licensee shall maintain a record of this activity as documentation of
906 compliance. This record shall include: date(s) of monitoring, client
907 identifier, and how outcomes were measured.
908
- 909 (3) “Professional Service”
910 (A) A minimum of 4.5h and a maximum of 12h shall be
911 credited in “Professional Service”.
912 (B) One (1) year of “Professional Service” for a particular activity equals
913 nine (9) hours credited and six (6) months equals 4.5h credited.
914 (C) The licensee shall maintain a record of this activity as documentation
915 of compliance. This record shall include: board or program name,
916 role of licensee, dates of service, and term of service (six months or
917 one year).
918
- 919 (4) “Conference/Convention Attendance”
920 (A) A maximum of six (6) hours shall be credited in
921 “Conference/Convention Attendance”.
922 (B) One (1) full conference/convention day attendance equals one (1)
923 hour credited.
924 (C) The licensee shall maintain a record of this activity as documentation
925 of compliance. This record shall include: name of
926 conference/convention attended, proof of registration, and date(s) of
927 conference/convention attended.
928
- 929 (5) “Examination Functions”
930 (A) A maximum of 12h shall be credited in “Examination
931 Functions”.
932 (B) One (1) hour of service equals one (1) hour of credit. (C) The
933 licensee shall maintain a record of this activity as
934 documentation of compliance. This record shall include: name of
935 exam, dates of service, and number of hours.
936
- 937 (6) “Expert Review/Consultation”
938 (A) A maximum of 12h shall be credited in “Expert
939 Review/Consultation”.
940 (B) One (1) hour of service in an expert capacity equals one (1) hour of
941 credit.
942 (C) The licensee shall maintain a record of this activity as documentation
943 of compliance. This record shall include: dates of service and
944 number of hours.
945
- 946 (7) “Attendance at a California Board of Psychology Meeting”

- 947 (A) A maximum of eight (8) hours shall be credited in “Attendance at a
948 California Board of Psychology Meeting”.
- 949 (B) Attendance for one (1) day Board or Committee meeting equals six (6)
950 hours of credit. For Board or Committee meetings that are three (3)
951 hours or less, one (1) hour of attendance equals one (1) hour of credit.
- 952 (C) The licensee shall maintain a record of hours as documentation of
953 compliance. This record shall include: date of meeting, name of
954 meeting, and number of hours attended. A psychologist requesting CPD
955 credit pursuant to this subdivision shall have signed in and out on an
956 attendance sheet providing ~~his or her~~ their first and last name, license
957 number, time of arrival and time of departure from the meeting.

959 (g) Acceptable CPD learning activities under “Academic” include: (1)
960 “Academic Coursework”

- 961 (A) A maximum of 18½-hours shall be credited in “Academic
962 Coursework”.
- 963 (B) Each course taken counts only once for each renewal period and may
964 only be submitted for credit once the course is completed. (C) Each one
965 (1) semester unit earned equals six (6) hours of credit and each one (1)
966 quarter unit earned equals 4.5½-hours of credit.
- 967 (D) The licensee shall maintain a record of this activity as
968 documentation of compliance. This record shall include a transcript with
969 evidence of a passing grade (C or higher or “pass”).

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

- 973 (i) A maximum of 18½-hours shall be credited in “Academic
974 Instruction”.
- 975 (ii) Each course taught counts only once for each renewal period and may
976 only be submitted for credit once the course is completed. (iii) A term-
977 long (quarter or semester) academic course equals 18½-hours of credit.
- 978 (iv) The licensee shall maintain a record of this activity as documentation
979 of compliance. This record shall include: course syllabus, title of course,
980 name of institution, and dates of instruction.

981 (B) “Sponsor-Approved CE Instruction”

- 982 (i) A maximum of 18½-hours shall be used in “Sponsor-Approved CE
983 Instruction”.
- 984 (ii) Each course taught counts only once for each renewal period and may
985 only be submitted for credit once the course is completed. (iii) One (1)
986 hour of instruction equals 1.5½-hours of credit.
- 987 (iv) The licensee shall maintain a record of this activity as
988 documentation of compliance. This record shall include: course
989 syllabus, title of course, dates of instruction, name of sponsoring
990 entity, and number of hours taught.

992

993

(3) “Supervision”

994

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

995

One (1) hour of supervision equals one (1) hour of credit. (C) The

996

licensee shall maintain a record of this activity as documentation of

997

compliance. This record shall include: dates of supervision and a

998

trainee identifier.

999

1000

(4) “Publications”

1001

(A) A maximum of nine (9) hours shall be credited in “Publications”. (B)

1002

One (1) publication equals nine (9) hours of credit.

1003

(C) A publication may only be counted once.

1004

(D) The licensee shall maintain a record of this activity as

1005

documentation of compliance. This record shall include: either a

1006

letter of acceptance for publication, or proof of publication with

1007

publication date in the renewal period for which it is being submitted.

1008

1009

(5) “Self-Directed Learning”

1010

(A) A maximum of six (6) hours shall be credited in “Self-Directed

1011

Learning”.

1012

(B) One (1) hour of activity in “Self-Directed Learning” equals one (1)

1013

hour of credit.

1014

(C) The licensee shall maintain a record of this activity as

1015

documentation of compliance. This record shall include: date(s),

1016

medium (e.g. webinar), topic or title, and total number of hours.

1017

1018

(h) Acceptable “Sponsored Continuing Education” includes:

1019

(1) A maximum of 27-hours shall be credited in “Sponsored Continuing Education”.

1020

(2) Credit may be granted only once during a renewal cycle for each course taken.

1021

(3) One (1) hour of sponsored continuing education equals one (1) hour of credit.

1022

(4) The licensee shall maintain proof of attendance provided by the sponsor of the continuing education as documentation of compliance.

1023

1024

1025

1026

1027

(i) Acceptable CPD learning activities under “Board Certification” include: (1)

1028

ABPP Board Certification

1029

(A) ABPP Board Certification may count for 100% (36-hours) of required CPD in the renewal cycle in which the certification is

1030

awarded.

1031

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

1032

documentation of compliance.

1033

1034

1035

(2) “Senior Option” ABPP Board Certification

- 1036 (A) "Senior Option" ABPP Board Certification may count for 50% (18=
1037 hours) of required CPD in the renewal cycle in which the certification
1038 is awarded.
- 1039 (B) The licensee shall maintain proof of specialty certification as
1040 documentation of compliance.
1041
- 1042 (j) To satisfy the requirements of section 2915 of the Code, an organization seeking the
1043 authority to approve a provider of continuing education shall meet the following
1044 requirements. An organization authorized pursuant to this section may also provide
1045 continuing education. An organization previously approved by the Board to approve
1046 providers of CE are deemed authorized under this section.
- 1047 (1) The approving organization must:
- 1048 (A) have a 10-year history of providing educational programming for
1049 psychologists,
1050 (B) have documented procedures for maintaining a continuing
1051 education approval program, including, but not limited to:
1052 (i) maintaining and managing records and data related to approved CE
1053 programs, and
1054 (ii) monitoring and approving CE providers and courses
1055 (C) have policies in place to avoid a conflict of interest between its
1056 provider and approval functions,
1057 (D) evaluate each CE provider seeking approval, including itself, according
1058 to current evidence as to what constitutes an appropriate program in
1059 terms of content and level of presentation, as set out in subsection
1060 (j)(2),
1061 (E) conduct periodic reviews of courses offered by providers approved by the
1062 organization, as well as its own courses, to determine compliance with the
1063 organization's requirements and the requirements of the Board,
1064 (F) establish a procedure for determining if an approved provider meets
1065 regulatory criteria as established in this subsection, and (G) have a
1066 process to respond to complaints from the Board,
1067 providers, or from licensees concerning activities of any of its approved
1068 providers or the provider's~~their~~ courses.
1069
- 1070 (2) The approving organization shall ensure that approved providers:
- 1071 (A) offer content at post-licensure level in psychology that is designed to
1072 maintain, develop, broaden, and/or increase professional competencies,
1073 (B) demonstrate that the information and programs presented are intended to
1074 maintain, develop, and increase conceptual and applied competencies that
1075 are relevant to psychological practice, education, or science, and have a
1076 direct consumer application in at least one of the following ways:
1077 (i) programs include content related to well-established
1078 psychological principles,
1079 (ii) programs are based on content that extends current theory,
1080 methods or research, or informs current practice,

- 1081 (iii) programs provide information related to ethical, legal, statutory,
1082 or regulatory guidelines and standards that impact the practice of
1083 psychology, and/or
1084 (iv) programs' content focuses on non-traditional or emerging
1085 practice or theory and can demonstrate relevance to practice.
1086 (C) use a formal (written) evaluation tool to assess program effectiveness
1087 (what was learned) and assess how well each of the educational goals
1088 was achieved (this is separate from assessing attendee satisfaction
1089 with the CE program),
1090 (D) use results of the evaluation process to improve and plan future
1091 programs,
1092 (E) provide CE credit on the basis of one hour of credit will be earned for
1093 each hour of approved instruction,
1094 (F) provide attendance verification to CE attendees that includes the name of
1095 the licensee, the name of the course, the date of the course, the number
1096 of credit hours earned, and the approving agency,
1097 (G) provide services to all licensees without discrimination, and
1098 (H) ensure that advertisements for CE courses include language that
1099 accurately reflects the approval status of the provider.
1100

- 1101 (3) Failure of the approving organization to meet the provisions of this section
1102 shall constitute cause for revocation of authorization by the Board.
1103 Authorization shall be revoked only by a formal Board action, after notice and
1104 hearing, and for good cause.
1105

1106 (k)(1) Each person who applies to renew ~~his or her~~ their license shall certify under
1107 penalty of perjury that ~~he or she~~ the licensee has complied with all the
1108 requirements of this section within the licensure period they are currently in, shall
1109 maintain proof of compliance for four (4) years from the effective date of the
1110 renewal, and shall submit such proof to the Board upon request.
1111

1112 (k)(2) Each person who applies to reactivate or reinstate ~~his or her~~ their license shall
1113 certify under penalty of perjury that ~~he or she~~ the licensee has complied with all the
1114 requirements of this section within the 24 month period prior to the request to
1115 reactive or reinstate, shall maintain proof of compliance for four (4) years from the
1116 date of the reactivation or reinstatement, and shall submit such proof to the Board
1117 upon request.
1118

1119 (l) No activity may be claimed for credit in more than one CPD category.
1120

1121 (m) For a license that renews or is reactivated between January 1, 2024~~2~~, and
1122 December 31, 2024~~2~~, the hours accrued will qualify for renewal if they meet either
1123 the requirements of this section as it existed prior to January 1, 2024~~2~~ or as it exists
1124 after January 1, 2024~~2~~.
1125

1126 Note: Authority cited: Sections 2915 and 2930, Business and Professions Code.
1127 Reference: Sections 29, 32, 2915 and 2915.7, Business and Professions Code.
1128

1129 **§ 1397.62. Continuing Education Exemptions and Exceptions. [Effective**
1130 **until December 31, 2021.]**
1131

1132 This section is inoperative January 1, 2022, and repealed on December 31,
1133 2022.
1134

1135 At the time of making application for renewal of a license, a psychologist may as
1136 provided in this section request an exemption or an exception from all or part of the
1137 continuing education requirements.
1138

1139 (a) The Board shall grant an exemption only if the psychologist verifies in writing that,
1140 during the two-year period immediately prior to the expiration date of the license, ~~he~~
1141 ~~or she~~ the licensee:

1142 (1) Has been engaged in active military service reasonably preventing
1143 completion of the continuing education requirements, except that a
1144 licensee granted an exemption pursuant to this section shall still be
1145 required to fulfill the laws and ethics requirement set forth in section
1146 1397.61(b); or

1147 (2) Has been prevented from completing the continuing education
1148 requirements for reasons of health or other good cause which includes:

1149 (A) Total physical and/or mental disability of the psychologist for at least
1150 one year; or

1151 (B) Total physical and/or mental disability of an immediate family
1152 member for at least one year where the psychologist has total
1153 responsibility for the care of that family member.
1154

1155 Verification of a physical disability under subsection (a)(2) shall be by a licensed
1156 physician and surgeon or, in the case of a mental disability, by a licensed
1157 psychologist or a board certified or board eligible psychiatrist.
1158

1159 (b) An exception to the requirements of Business and Professions Code section 2915(d)
1160 may be granted to licensed psychologists who are not engaged in the direct delivery
1161 of mental health services for whom there is an absence of available continuing
1162 education courses relevant to their specific area of practice.

1163 (1) An exception granted pursuant to this subsection means that the Board will
1164 accept continuing education courses that are not acceptable pursuant to
1165 section 1397.61(c) provided that they are directly related to the licensee's
1166 specific area of practice and offered by recognized professional organizations.
1167 The Board will review the licensee's area of practice, the subject matter of the
1168 course, and the provider on a case-by-case basis. This exception does not
1169 mean the licensee is exempt from completing the continuing education
1170 required by Business and Professions Code section 2915 and this article.

1171 (2) Licensees seeking this exception shall provide all necessary information to
1172 enable the Board to determine the lack of available approved continuing
1173 education and the relevance of each course to the continuing competence of
1174 the licensee.
1175

1176 Such a request shall be submitted in writing and must include a clear statement as to
1177 the relevance of the course to the practice of psychology and the following
1178 information:

1179 (A) Information describing, in detail, the depth and breadth of the content
1180 covered (e.g., a course syllabus and the goals and objectives of the
1181 course), particularly as it relates to the practice of psychology.

1182 (B) Information that shows the course instructor's qualifications to teach
1183 the content being taught (e.g., ~~his or her~~their education, training,
1184 experience, scope of practice, licenses held and length of experience
1185 and expertise in the relevant subject matter), particularly as it relates
1186 to the practice of psychology.

1187 (C) Information that shows the course provider's qualifications to offer the
1188 type of course being offered (e.g., the provider's background, history,
1189 experience and similar courses previously offered by the provider),
1190 particularly as it relates to the practice of psychology.
1191

1192 (3) This subsection does not apply to licensees engaged in the direct
1193 delivery of mental health services.
1194

1195 (c) Psychologists requiring reasonable accommodation according to the Americans with
1196 Disabilities Act may be granted an exemption from the on-site participation
1197 requirement and may substitute all or part of their continuing education requirement
1198 with an American Psychological Association or accreditation agency approved
1199 independent learning continuing education program. A qualified individual with a
1200 disability must apply to the Board to receive this exemption.
1201

1202 (d) Any licensee who submits a request for an exemption or exception that is denied by
1203 the Board shall complete any continuing education requirements within 120 days of
1204 the notification that the request was denied.
1205

1206 NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions
1207 Code. Reference: Section 2915, Business and Professions Code.
1208

1209 **§ 1397.62. Continuing Education Exemptions. [Effective January 1, 2024~~2~~]**
1210

1211 This section shall be applicable to a license that expires on or after, or is
1212 renewed, reactivated, reinstated on or after, January 1, 2024~~2~~.
1213

1214 (a) To be granted an exemption from all or part of the CPD requirements, a licensee must
1215 certify in writing that ~~he or she~~the licensee has met the requirement of section 114.3

1216 of the Code that during the two-year period immediately preceding the expiration of
1217 the license, ~~he or she~~ the licensee was on active military duty. The request for
1218 exemption must be submitted no less than thirty (30) days prior to the submission of
1219 an application for the renewal of the license. For the first renewal after discharge from
1220 active military service, ~~he or she~~ the licensee shall be exempt from the CPD renewal
1221 requirements, except that ~~he or she~~ the licensee must accrue, as a condition of
1222 renewal, 1.5 hours per month (or portion of month) remaining in the renewal cycle
1223 post-discharge, calculated 60 days after discharge date. The licensee shall then, at a
1224 minimum, fulfill the Laws and Ethics requirement set out in section 1397.61(b), and
1225 the Cultural Diversity and/or Social Justice requirement set out in section 1397.61(c).
1226

1227 (b) Any licensee who submits a request for an exemption that is denied, in whole or in
1228 part, by the Board shall complete any CPD requirements within 120 days of the
1229 notification that the request was denied.

1230

1231 NOTE: Authority cited: Sections 114.3, 2915(g), and 2930, Business and
1232 Professions Code. Reference: Sections 114.3 and 2915, Business and
1233 Professions Code.

1234

1235 **§ 1397.67. Renewal After Inactive or Delinquent Expired Status. [Effective**
1236 **until December 31, 2020.]**

1237

1238 This section is inoperative January 1, 2022, and repealed on December 31,
1239 2022.

1240

1241 (a) To activate a license which has been placed on inactive status pursuant to section
1242 2988 of the Code, the licensee must submit evidence of completion of the requisite
1243 36 hours of qualifying continuing education courses for the two-year period prior to
1244 establishing the license as active.

1245

1246 (b) For the renewal of a delinquent psychologist license within three years of the date of
1247 expiration, the applicant for renewal shall provide evidence of completion of 36 hours
1248 of qualifying continuing education courses for the two-year period prior to renewing
1249 the license.

1250

1251 After a license has been delinquent for three years, the license is automatically
1252 cancelled and the applicant must submit a complete licensing application, meet all
1253 current licensing requirements, and successfully pass the licensing examination just
1254 as for the initial licensing application unless the board grants a waiver of the
1255 examination pursuant to section 2946 of the Code.

1256

1257 NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions
1258 Code. Reference: Section 2915, 2984, and 2988, Business and Professions
1259 Code.

1260

1261 **§ 1397.67. Continued Professional Development Requirements for**
1262 **Reactivation. [Effective January 1, 2024.]**

1263

1264 This section shall be applicable to a license that expires on or after, or is
1265 renewed, reactivated, or reinstated on or after, January 1, 2024.

1266

1267 (a) To activate a license that has been placed on inactive status pursuant to section 2988
1268 of the Code, the licensee shall submit evidence of completion of the requisite 36-
1269 hours of qualifying CPD for the two-year period prior to reactivating the license.

1270

1271 (b) For the renewal of an expired psychologist license within three years of the date of
1272 expiration, the applicant for renewal shall provide evidence of completion of 36-
1273 hours of qualifying CPD for the two-year period prior to renewing the license.

1274

1275 NOTE: Authority cited: Sections 2915(g) and 2930, Business and Professions
1276 Code. Reference: Section 2915, 2984, and 2988, Business and Professions
1277 Code.

1278

1279

1280 **Agenda Item #15 - Consideration of Adding section 1396.8, to Division 13.1 of**
1281 **Title 16 of the California Code of Regulations – Standards of Practice for**
1282 **Telehealth**

1283

1284 Mr. Foo provided an overview of the agenda item and explained that it was carried over
1285 from the first day of the Board meeting.

1286

1287 Dr. Casuga stated she believes a better term than “resident” can be used. She also
1288 stated she finds section 6 to be confusing and asked why it was added.

1289

1290 Discussion ensued regarding the addition of section 6. It was recommended to delete
1291 section 6 from the language.

1292

1293 Sarah Huchel, University of California Office of the President, stated that she likes the
1294 addition of section 6 due to having students who are not on campus.

1295

1296 Mr. Jackson stated that in the scenario that Ms. Huchel described is that the student
1297 can receive services because they are actively attending school in California. He stated
1298 that due to COVID, students had to go home which may be out of state, but they are
1299 actively attending a school in California.

1300

1301 Discussion ensued regarding the student scenario brought up by Ms. Huchel.

1302

1303 Dr. Winkelman stated that a California license is a basis for practicing out of state, but it
1304 isn't a free for all. She provided an example of how a California psychologist has a

1305 specific area of practice where a person who is out of state may want to work with that
1306 clinician. Dr. Winkelman also stated is that under current California law, a person with
1307 an out of state license may practice in the State of California for 30 calendar days. She
1308 stated that this language is putting California psychologists at a disadvantage compared
1309 to out of state licensees.

1310
1311 Edward Howard, Senior Counsel for the Children’s Advocacy Institute at UC San Diego
1312 School of Law, asked that before the deletion of section 6, to consider whether it is
1313 lawful if a citizen or resident of another state can seek services in California.

1314
1315 Dr. McCall stated that if a patient is out of state, then the licensee is subject to the
1316 limitations of that jurisdiction.

1317
1318 Dr. Linder-Crow stated that operative language is in the beginning, it is not in the
1319 scenarios.

1320
1321 Dr. Phillips provided the purpose of why the scenarios were added in the language.

1322
1323 Mr. Foo asked Mr. Glasspiegel to show that section 6 was deleted.

1324
1325 The Board discussed the addition of section 2 and provided amended language.

1326
1327 Dr. Winkelman stated she agreed with Ms. Marks concern of modifying the language.
1328 She stated that giving examples provides complications rather than just allowing
1329 licensees to practice to the full extent of the interjurisdictional practice laws.

1330
1331 Ms. Huchel expressed her concern that UC San Diego counselors were worried about
1332 providing emergency psychological services in other jurisdictions because of concerns
1333 about committing unprofessional conduct in California. She stated she appreciates the
1334 striking of that language.

1335
1336 Dr. McCall provided his opinion of having the language without the scenarios would be
1337 a better option.

1338
1339 Discussion ensued regarding whether the inclusion of scenarios is more problematic
1340 than helpful and modifying the language.

1341
1342 It was M(Casuga)/S(Rodgers)/C to adopt modified text of the language in A1, 2, and 4
1343 for 15-day notice.

1344
1345 Dr. Linder-Crow stated that licensees are not forbidden to practice outside of California
1346 as long as the other jurisdiction allows it. Dr. Linder-Crow believes this language assists
1347 with answering the questions of whether it is permitted to practice outside of California.

1348
1349 Ms. Huchel stated her agreement with the language.

1350

1351 Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1352 Rodgers, Tate), 0 noes

1353
1354 It was M(Cervantes)/S(Tate)/M to delegate to the executive officer authority to adopt the
1355 modified text in the absence of negative comments and continue with the process to
1356 finalize the regulatory package, including making non-substantive changes

1357
1358 No public comments were made.

1359
1360 Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1361 Rodgers, Tate), 0 noes

1362
1363 §1396.8. Standards of Practice for Telehealth Services

1364
1365 (a) A licensee is permitted to provide psychological health care services via telehealth to
1366 a client at an originating site in this State, as defined in section 2290.5 of the Code,
1367 as well as to a client who is a resident of California who is temporarily located
1368 outside of this State, subject to the laws and regulations of the other state jurisdiction
1369 where either the licensee and/or the client is located, including, but not limited to, the
1370 following circumstances:

1371 (1) To a client at an originating site in this State, as defined in section 2290.5 of the
1372 Code, when a licensee is located at a distant site within this state. Resident means
1373 any individual who is or has been present in California for other than a temporary or
1374 transitory purpose, or who is domiciled in California.

1375 (2) To a client who has received services in California, and who is temporarily located
1376 outside of this State. Domicile means the place where an individual voluntarily
1377 establishes themselves and their family, not merely for a special or limited purpose,
1378 but with a present intention of making it their true, fixed, permanent home and
1379 principal establishment.

1380 (3) To a client who is located in this State when a licensee is temporarily located
1381 outside of this State.

1382
1383 (b) As used in this section, a licensee shall include a licensee, registrant, psychology
1384 trainee, or other supervised individual permitted to provide psychological services
1385 under the Psychology Licensing Law, beginning with section 2900 of the Code.

1386
1387 (c) The provision of psychological health care services under subdivision (a) are
1388 subject to the following conditions:

1389 (1) The licensee holds a valid and current license issued by the Board or is otherwise
1390 allowed to practice under this section.

1391 (2) The licensee obtains and documents informed consent for the provision of
1392 psychological health care services via telehealth from the client. Such consent shall
1393 cover concerns unique to the receipt of psychological health care services via

- 1394 telehealth, including risks to confidentiality and security, data storage policies and
1395 procedures specific to telehealth, the possibility of disruption and/or interruption of
1396 service due to technological failure, insurance coverage considerations, and other
1397 issues that the licensee can reasonably anticipate regarding the non-comparability
1398 between psychological health care services delivered in person and those delivered
1399 via telehealth.
- 1400 (3) The licensee determines that delivery of psychological health care services via
1401 telehealth is appropriate after considering at least the following factors:
1402 (A) The client's diagnosis, symptoms, and medical/psychological history;
1403 (B) The client's preference for receiving psychological health care services via
1404 telehealth;
1405 (C) The nature of the psychological health care services to be provided, including
1406 anticipated benefits, risks, and constraints resulting from their delivery via
1407 telehealth;
1408 (D) The benefits, risks, or constraints posed by the client's physical location. These
1409 include the availability of appropriate physical space for the receipt of
1410 psychological health care services via telehealth, accessibility of local
1411 emergency psychological health care services, and other considerations related
1412 to the client's diagnosis, symptoms, or condition.
1413 (E) The provision of telehealth services is within the scope of competency of a
1414 psychology trainee, or other supervised individuals as specified in (b) above,
1415 who provides psychological health care services under the supervision of the
1416 licensee.
- 1417 (4) The licensee is competent to deliver such services based upon whether ~~he or she~~ the
1418 licensee possesses the appropriate knowledge, skills, and abilities relating to
1419 delivery of psychological health care services via telehealth, the information
1420 technology chosen for the delivery of telehealth services, and how such services
1421 might differ from those delivered in person.
- 1422 (5) The licensee takes reasonable steps to ensure that electronic data is transmitted
1423 securely, and informs the client immediately of any known data breach or
1424 unauthorized dissemination of data.
- 1425 (6) The licensee complies with all other provisions of the Psychology Licensing Law and
1426 its attendant regulations, and all other applicable provisions of law and standards of
1427 care in this state and the other ~~state~~ jurisdiction, if any, where either the licensee or
1428 the client is located.
- 1429 ~~(c) Failure to comply with these regulations or the laws and regulations relating to~~
1430 ~~telehealth of the other state, if any, where either the licensee or the client is located~~
1431 ~~constitutes unprofessional conduct.~~

1433
1434 Authority: 2930 Business and Professions Code

1435 Reference: Business and Profession Code sections 686, 2290.5, 2904.5, 2960, 2960.6

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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

1481 Mr. Foo stated that the Sunset Report presented before the Board is reflective of the
1482 Board members comments for the Emergency Preparedness Ad Hoc Committee and
1483 includes what was just adopted. Mr. Foo referred to the new language in red.
1484

1485 Discussion ensued between Board members and Board staff regarding the Sunset
1486 Report and Board actions and responses to COVID-19 documents.
1487

1488 It was M(Harb Sheets)/S(Tate)/C to approve the updated Sunset Report and Board
1489 Actions and responses to COVID-19 documents as amended.
1490

1491 No public comments were made.
1492

1493 Vote: 8 ayes (Casuga, Cervantes, Foo, Harb Sheets, Phillips, Rescate, Rodgers, Tate),
1494 0 noes, 1 abstain (Nystrom)
1495

1496 **25. Election of Officers**

1497

1498 Ms. Marks explained the process of nominating and electing officers. Ms. Marks opened
1499 the nominations for the office of President.
1500

1501 Dr. Phillips nominated Mr. Foo
1502

1503 No public comments were made.
1504

1505 Vote: 9 ayes (Casuga, Cervantes, Foo, Harb Sheets, Nystrom, Phillips, Rescate,
1506 Rodgers, Tate), 0 noes
1507

1508 Mr. Foo was elected President for the calendar year of 2021 starting January 1, 2021.
1509

1510 Ms. Marks opened the nominations for the office of Vice President:
1511

1512 Dr. Casuga nominated Dr. Harb Sheets
1513

1514 Dr. Phillips nominated Dr. Tate
1515

1516 Dr. Harb Sheets stated she would like to continue the continuity of her involvement. She
1517 appreciated the opportunity to have held the office of Vice President for 2020 and would
1518 like to continue to work in that same capacity for 2021.
1519

1520 Dr. Tate stated that this year has highlighted diversity, inequality, all while a pandemic is
1521 going on. She stated she believes she can be an asset in the Vice President role.
1522

1523 No public comments were made.
1524

1525 During a roll call vote, Dr. Harb Sheets received 3 votes (Casuga, Harb Sheets,
1526 Nystrom), Dr. Tate received 5 votes (Cervantes, Foo, Phillips, Rodgers, Tate), and 1
1527 abstention (Rescate).

1528
1529 Dr. Tate was elected Vice President for the calendar year of 2021 starting January 1,
1530 2021.

1531
1532 **Agenda Item #23 - Enforcement Committee Report and Consideration of and**
1533 **Possible Action on Committee Recommendations**

- 1534 a) Child Custody Stakeholder Meeting-Implementation Plan Update
1535 1) Statutory Discussion Regarding Proposed Exception to Psychotherapist-
1536 Patient Privilege for Board Investigations

1537
1538 Dr. Phillips and Ms. Monterrubio presented this report.

1539
1540 Mr. Foo stated the vote on this action item will be held for a future meeting but wanted
1541 to allow public comment on this item.

1542
1543 Ms. Russell provided a brief summary of what the Center for Judicial Excellence does.
1544 She also provided definition and examples of parental alienation. Ms. Russell wanted to
1545 reiterate concern of secrecy and lack of transparency of the Ad Hoc Enforcement
1546 Committee. Ms. Russell stated that the complaint process is the only avenue for redress
1547 for these cases. She expressed concern about comments in memo for this agenda item
1548 that state, "under current law the Board is unable complete investigations." Ms. Russell
1549 notified the Board that there is a bill that the Board of Behavioral Sciences spent two
1550 years working on to close the licensing loophole dealing with confidential custody
1551 reports; AB1843 was signed into law in 2014.

1552
1553 Ms. Campbell stated children are being severely harmed. She stated that it is important
1554 that people understand a custody evaluator is not a psychotherapist. Ms. Campbell
1555 referred to and discussed an Enforcement report previously given on November 16th,
1556 2020. She stated that she does not believe the 6 hours of CE in domestic violence and
1557 child abuse every 3 years is enough.

1558
1559 Connie Valentine, past president of California Protective Parent's Association, wanted
1560 to highlight that legislation was put into place to have access to the reports of the
1561 evaluators. The report goes to the court before it is corrected by the litigants. She stated
1562 regarding custody evaluations, the evaluator can charge whatever the market will bear
1563 and some charge \$60,000 for an evaluation. This is often paid by the party accused of
1564 abuse and the accused in most cases get the outcome they want. Ms. Valentine stated
1565 the system of custody evaluators needs to be overhauled.

1566
1567 Dr. Phillips stated that the Enforcement Committee is composed of two individuals so
1568 that the meetings do not need to be publicly noticed. Enforcement Committee meetings
1569 are attended by all enforcement analysts who state the issues they are facing, and it
1570 would be impossible to have that level of discourse and for the staff to remain

1571 anonymous for their safety if the meetings were made public. Dr. Phillips stated that all
1572 items discussed by the Enforcement Committee are presented in full to the Board.

1573
1574 Dr. Linder-Crow stated that this proposal seems to erode the psychotherapist/patient
1575 privilege. This proposal came out of the stakeholder meeting for custody evaluation. Dr.
1576 Linder-Crow stated you already have access to custody reports and there is no therapy
1577 privilege, as these are reports that belong to the court. Dr. Linder-Crow expressed
1578 concern that the report presents an exception to the privilege, where there is none, and
1579 an exception to extend more broadly. Dr. Linder-Crow spoke with Expert Reviewers of
1580 the Board and they did not indicate they had a problem in making these kinds of
1581 decisions.

1582
1583 **Agenda Item #26 - Recommendations for Agenda Items for Future Board**
1584 **Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised**
1585 **During This Public Comment Section, Except to Decide Whether to Place the**
1586 **Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and**
1587 **11125.7(a)].**

1588
1589 No public comments were made.

1590
1591 **Agenda Item #20 – Closed Session**
1592 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
1593 Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for
1594 Reinstatement and Modification of Penalty, Petitions for Reconsideration, and
1595 Remands.

1596
1597 The Board returned to open session and the meeting was adjourned at 6:40 p.m.

1598
1599
1600

1601

President

Date

1602

1603