

# **Board of Psychology**

## **BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM**

### **As of November 14, 2019**

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

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

#### **HISTORY AND FUNCTION OF THE BOARD**

The California Board of Psychology (Board) regulates psychologists, registered psychologists, and registered psychological assistants. Only licensed psychologists can practice psychology independently in California. Registered psychologists are registered to work and train under supervision in non-profit agencies that receive government funding, and registered psychological assistants provide psychological services under the supervision of a qualified licensed psychologist or board-certified psychiatrist.

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

This redirection resulted in legislation in 1967 that protected the “psychologist” title, defined the practice, and required licensure in order to practice legally. During these early licensing days, the Board was an “examining committee” under the jurisdiction of what was then the Division of Allied Health Professions of the Board of Medical Quality Assurance (BMQA). During the 1970s, the Psychology Examining Committee gradually became more independent and began taking responsibility for its own operations, including the authority to adopt regulations and administrative disciplinary actions without the endorsement of BMQA. The Psychology Examining Committee officially became the Board of Psychology in 1990 (Assembly Bill 858, Margolin, 1989).

The Mission of the Board is to protect consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession. The Board’s Values are transparency, integrity, fairness, responsiveness, and professionalism. The Vision of the Board is a healthy California where our diverse communities enjoy the benefits of the highest standard of psychological services.

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<sup>1</sup> The term “board” in this document refers to a board, bureau, commission, committee, department, division, program, or agency, as applicable. Please change the term “board” throughout this document to appropriately refer to the entity being reviewed.

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

**Standing Committees**

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

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

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

**Ad Hoc Committees (Active)**

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

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

Telepsychology Committee – The goal of this committee is to develop regulatory language for the practice of psychology that is conducted remotely within the State of California and interstate practice that is conducted remotely. This is a rapidly developing area of the profession, and technology has outpaced the current guidelines.

Emergency Preparedness Ad Hoc Committee - The goal of this committee, formed in response to the novel coronavirus (COVID-19) emergency, is to develop recommendations to the Board for disaster resiliency for board operations. This Committee will catalogue existing waivers, evaluate the need for additional waivers, support messaging to stakeholders, and evaluate needs of committee/board meetings (e.g., petition hearings).

**Ad Hoc Committees (Inactive)**

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

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

EPPP2 Task Force - This committee is comprised of two Board Members and relevant stakeholders.

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

<b>Table 1a. Attendance</b>			
<b>Lucille Acquaye-Baddoo</b>			
<b>Date Appointed:</b>	June 12, 2009; Re-appointed: June 18, 2011; June 8, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
<b>Lucille Acquaye-Baddoo (cont.)</b>			
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Outreach and Education Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Enforcement Committee Meeting	10/20/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Enforcement Committee Meeting	1/19/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/8/2018	Sacramento	Yes
Outreach and Education Committee Mtg	4/6/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Enforcement Committee Meeting	6/22/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Enforcement Committee Meeting	9/21/2018	Sacramento	Yes
Enforcement Committee Meeting	10/12/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/22/2019	Sacramento	Yes

<b>Table 1a. Attendance</b>			
Board Meeting	3/29/2019	Teleconference	No
Board Meeting	4/24-26/2019	Los Angeles	Yes
Outreach and Education Committee Meeting	5/17/2019	Sacramento	Yes

<b>Table 1a. Attendance</b>			
<b>Johanna Arias-Bhatia</b>			
<b>Date Appointed:</b>	August 10, 2012; Re-appointed: June 3, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
<b>Adelita "Alita" Bernal</b>			
<b>Date Appointed:</b>	August 3, 2016		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	8/18-19/2016	Berkeley	No
Outreach and Education Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	No
Outreach and Education Committee Mtg	4/6/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	No
Board Meeting	4/24-26/2019	Los Angeles	Yes
Outreach and Education Committee Mtg	5/17/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Board Meeting	10/3-4/2019	San Diego	No
Board Meeting	11/8/2019	Teleconference	Yes

<b>Table 1a. Attendance</b>			
<b>Sheryll Casuga</b>			
<b>Date Appointed:</b>	August 18, 2017; Re-Appointed: October 2, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
<b>Sheryll Casuga (cont.)</b>			
EPPP2 Task Force Meeting	4/5/2018	Sacramento	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
EPPP2 Task Force Meeting	6/29/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	No
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	No
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	Yes
<b>Marisela Cervantes</b>			
<b>Date Appointed:</b>	April 29, 2019		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	8/15-16/2019	Berkeley	Yes
Enforcement Committee	9/20/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	Yes
<b>Michael Erickson</b>			
<b>Date Appointed:</b>	August 6, 2010; Re-Appointed: July 15, 2014		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Telepsychology Committee Meeting	10/4/2016	Sacramento	Yes

<b>Table 1a. Attendance</b>			
Board Meeting	11/17-18/2016	San Diego	Yes
Telepsychology Committee Meeting	2/3/2017	Sacramento	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/13/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Policy and Advocacy Committee Meeting	5/15/2017	Sacramento	Yes
<b>Michael Erickson (cont.)</b>			
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	No
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
<b>Seyron Foo</b>			
<b>Date Appointed:</b>	May 17, 2017		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	No
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
EPPP2 Task Force Meeting	4/5/2018	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
EPPP2 Task Force Meeting	6/29/2018	Sacramento	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes

<b>Table 1a. Attendance</b>			
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	Yes
<b>Seyron Foo (cont.)</b>			
Sunset Review Committee Meeting	9/16/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	Yes
<b>Miguel Gallardo</b>			
<b>Date Appointed:</b>	August 6, 2010; Re-appointed: December 28, 2012		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	No
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	No
Board Meeting	4/4/2016	Teleconference	No
Board Meeting	5/19-20-2016	Los Angeles	Yes
<b>Mary Harb Sheets</b>			
<b>Date Appointed:</b>	December 7, 2018		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	No
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	No
<b>Andrew Harlem</b>			
<b>Date Appointed:</b>	August 10, 2012		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	No
Board Meeting	11/28/2015	Sacramento	No
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes

<b>Table 1a. Attendance</b>			
Board Meeting	5/19-20-2016	Los Angeles	Yes
<b>Jacqueline Horn</b>			
<b>Date Appointed:</b>	October 25, 2013; Re-appointed: June 3, 2015		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
<b>Jacqueline Horn (cont.)</b>			
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Outreach and Education Committee Meeting	3/21/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Outreach and Education Committee Meeting	4/6/2018	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Licensing Committee Meeting	6/13/2019	Sacramento	Yes



<b>Table 1a. Attendance</b>			
Board Meeting	8/15-16/2019	Berkeley	Yes
Licensure Committee Meeting	9/12-13/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	Yes

<b>Table 1a. Attendance</b>			
<b>Nicole J. Jones</b>			
<b>Date Appointed:</b>	August 10, 2012; Re-appointed June 18, 2014		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	No
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/13/2017	Sacramento	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Policy and Advocacy Committee Meeting	5/15/2017	Sacramento	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	4/19/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Board Meeting	8/16-17/2018	Berkeley	No
Board Meeting	11/15-16/2018	San Diego	No
Strategic Planning Session	12/3-4/2018	Napa	No
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes

<b>Table 1a. Attendance</b>			
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	No
Board Meeting	3/29/2019	Teleconference	No
<b>Stephen Phillips</b>			
<b>Date Appointed:</b>	September 30, 2013; Reappointed June 10, 2016		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes

<b>Table 1a. Attendance</b>			
<b>Stephen Phillips (cont.)</b>			
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Licensing Committee Meeting	2/7/2016	Sacramento	Yes
Licensing Committee Meeting	5/2/2016	Sacramento	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
Licensing Committee Meeting	6/30/2016	Sacramento	Yes
Board Meeting	7/27/2016	Teleconference	Yes
Board Meeting	8/18-19/2016	Berkeley	Yes
Licensing Committee Meeting	9/19/2016	Sacramento	Yes
Telepsychology Committee Meeting	10/4/2016	Sacramento	Yes
Board Meeting	11/17-18/2016	San Diego	Yes
Telepsychology Committee Meeting	2/3/2017	Sacramento	Yes
Board Meeting	2/9-10/2017	State Capitol (Sacramento)	Yes
Licensing Committee Meeting	3/16/2017	Sacramento	Yes
Board Meeting	4/21/2017	Teleconference	Yes
Board Meeting	6/15-16/2017	Ontario	Yes
Board Meeting	8/9/2017	Teleconference	Yes
Licensing Committee Meeting	8/22/2017	El Segundo	Yes
Board Meeting	9/14-15/2017	Berkeley	Yes
Licensing Committee Meeting	10/13/2017	Sacramento	Yes
Enforcement Committee Meeting	10/20/2017	Sacramento	Yes
Board Meeting	11/16-17/2017	San Diego	Yes
Licensing Committee Meeting	1/22/2018	Sacramento	Yes
Board Meeting	2/15-16/2018	State Capitol (Sacramento)	Yes
Enforcement Committee Meeting	3/8/2018	Sacramento	Yes
Policy and Advocacy Committee Meeting	4/19/2019	Sacramento	Yes
Licensing Committee Meeting	4/24/2018	Sacramento	Yes
Board Meeting	5/10-11/2018	Los Angeles	Yes
Enforcement Committee Meeting	6/22/2018	Sacramento	Yes

<b>Table 1a. Attendance</b>			
Board Meeting	8/16-17/2018	Berkeley	Yes
Enforcement Committee Meeting	9/21/2018	Sacramento	Yes
Enforcement Committee Meeting	10/12/2018	Sacramento	Yes
Licensing Committee Meeting	10/25/2018	Sacramento	Yes
Board Meeting	11/15-16/2018	San Diego	Yes
Strategic Planning Session	12/3-4/2018	Napa	Yes
Licensing Committee Meeting	1/11/2019	Sacramento	Yes
Enforcement Committee Meeting	1/19/2019	Sacramento	Yes
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Policy and Advocacy Committee Meeting	3/18/2019	Sacramento	Yes
Enforcement Committee Meeting	3/2/2019	Sacramento	Yes
<b>Stephen Phillips (cont.)</b>			
Board Meeting	3/29/2019	Teleconference	Yes
Telepsychology Committee Meeting	4/19/2019	Sacramento	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Legislative and Regulatory Affairs Committee Meeting	7/8/2019	Teleconference	Yes
Board Meeting	8/15-16/2019	Berkeley	Yes
Sunset Review Committee	9/16/2019	Sacramento	Yes
Enforcement Committee	9/20/2019	Sacramento	Yes
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	Yes
<b>Linda Starr</b>			
<b>Date Appointed:</b>	January 9, 2013		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	11/12-13/2015	San Diego	Yes
Board Meeting	11/28/2015	Sacramento	Yes
Outreach and Education Committee Meeting	1/15/2016	Sacramento	Yes
Board Meeting	2/25-26/2016	State Capitol (Sacramento)	Yes
Board Meeting	4/4/2016	Teleconference	Yes
Board Meeting	5/19-20-2016	Los Angeles	Yes
<b>Lea Tate</b>			
<b>Date Appointed:</b>	December 7, 2018		
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	2/7-8/2019	State Capitol (Sacramento)	Yes
Board Meeting	3/29/2019	Teleconference	Yes
Board Meeting	4/24-26/2019	Los Angeles	Yes
Outreach and Education Committee Mtg	5/17/2019	Sacramento	Yes
Board Meeting	8/15-16/2019	Berkeley	No
Board Meeting	10/3-4/2019	San Diego	Yes
Board Meeting	11/8/2019	Teleconference	Yes

**Table 1b. Board/Committee Member Roster**

<b>Member Name (Include Vacancies)</b>	<b>Date First Appointed</b>	<b>Date Re- appointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
Adelita “Alita” Bernal	8/3/2016		6/1/2020	Senate	Public Member
Sheryll Casuga, PsyD	8/18/2017	10/2/2019	6/1/2023	Governor	Licensed Member
Marisela Cervantes	4/29/2019		6/1/2022	Assembly	Public Member
Seyron Foo (Vice-President)	5/17/2017		6/1/2020	Governor	Public Member
Mary Harb Sheets, PhD	12/7/2018		6/1/2020	Governor	Licensed Member
Jacqueline Horn, PhD	10/23/2013	6/3/2015	6/1/2019	Governor	Licensed Member
Stephen Phillips, JD, PsyD (President)	9/25/2013	6/2/2016	6/1/2019	Governor	Licensed Member
Lea Tate, PsyD	12/7/2018		6/1/2022	Governor	Licensed Member
VACANT				Governor	Public Member

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

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

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

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

**Internal Changes**

Since the last Sunset Review, the Board has undertaken major reorganization within its internal structure, including the addition of one Staff Services Manager I (SSM I) and one Staff Services Manager II (SSM II), which has allowed the Board to establish a more effective organizational structure with a Licensing Unit, Enforcement Unit, and Central Services Unit. This reorganization was a result of the 2015 Cooperative Personnel Services (CPS) Human Resource Consulting analysis of the Board's programs.

The CPS analysis recommended a structural reorganization of the Board into three distinct units by function: Licensing, Enforcement, and Central Services (which includes legislative, regulatory, and cashiering functions, among others). The study also recommended that each of these units have an SSM I to directly supervise staff and recommended a reclassification of the Assistant Executive Officer to an SSM II position to perform higher level support for the Board. This new structure ensures that each unit has appropriate supervisory positions in order to adequately monitor staff performance and aid the Board’s program improvement efforts.

The Board also has added one additional Associate Governmental Program Analyst (AGPA) to the Enforcement Unit to address increased complaint workload and enhance the Board’s enforcement performance measures.

The Board adopted a new Strategic Plan in February 2019, which will direct the Board's activities over the next five years. This plan includes goals related to program efficiencies, process improvements, moving the Board to PaperLite processes, and updating statutes and regulations related to the Board's enforcement and licensing units.

PaperLite is the Board's initiative to reduce its carbon footprint by minimizing its use of paper in its forms, applications and processes. It is anticipated that this effort will result in cost reductions in coming years.

## **Legislation**

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

### **Legislation Sponsored by the Board:**

#### ***AB 89 (Levine, Chapter 182, Statutes of 2017) Psychologists: Suicide Prevention Training.***

This bill, commencing January 1, 2020, requires candidates for licensure as a psychologist to complete at least six hours of coursework or applied experience under supervision in suicide risk assessment and intervention. This bill also applied this same one-time requirement to current licensees as a condition of licensure renewal commencing January 1, 2020.

#### ***AB 2968 (Levine, Chapter 778, Statutes of 2018) Psychotherapist-Client Relationship: Victims of Sexual Behavior and Sexual Contact: Informational Brochure.***

This bill modified and modernized requirements for the Department of Consumer Affairs (Department) publication entitled "Professional Therapy Never Includes Sex" (brochure). Specifically, this bill: (1) eliminated the requirement that the Department develop the brochure in consultation with the Attorney General's office; (2) deleted the inclusion of civil and professional association complaint procedures in the brochure; (3) required the brochure to also be provided to victims of psychotherapist-client sexual behavior; (4) defined sexual behavior; and (5) deleted the requirement that the brochure include histories of victims and their families.

#### ***SB 275 (Pan, 2019) Psychologist: Prohibition Against Sexual Behavior.***

This bill would have required an administrative law judge's proposed decision to include an order of licensure revocation when there is a finding that a licensee of the Board of Psychology has engaged in sexual behavior short of sexual contact with a client during therapy, or within two years of termination of therapy.

**Position:** Support

**Disposition:** This bill was gutted and amended to address personal protective equipment for healthcare workers. The Board will need to seek an author for the 2021/22 session.

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

#### ***AB 796 (Nazarian, Chapter 493, Statutes of 2016) Health Care Coverage: Autism and Pervasive Developmental Disorders***

This bill deleted the sunset date, thereby extending indefinitely the requirement that every health care service plan contract and every health insurance policy provide coverage for behavioral health treatment for pervasive developmental disorder or autism.

**Position:** Oppose

**Disposition:** Signed by the Governor

***AB 1715 (Holden, 2016) Healing Arts: Behavior Analysis: Licensing.***

This bill would have: 1) established the Behavior Analyst Act (Act) and provided authority to the Board of Psychology (Board) to enforce the Act; 2) required a license as either a Behavior Analyst or an Assistant Behavior Analyst in order to practice behavior analysis, registration to act as a Behavior Analyst Intern, and approval to act as a Behavior Analysis Technician; 3) created the Behavior Analyst Committee (Committee) within the Board; 4) increased the size of the Board; 5) required that the Board begin issuing licenses on July 1, 2018 for Behavior Analysis Technicians and Behavior Analysis Interns, and July 1, 2019 for Behavior Analysts and Assistant Behavior Analysts; and 6) vested the Board with authority to enforce the Act until January 1, 2022, among other things.

**Position:** Support if Amended

**Disposition:** Held in the Senate Business, Professions and Economic Development Committee.

***AB 2017 (McCarty, 2016) College Mental Health Services Program***

This bill, until January 1, 2022, would have required the Mental Health Services Oversight and Accountability Commission, subject to appropriation by the Legislature, to create a grant program for public community colleges, colleges, and universities for purposes of improving access to mental health services on those campuses.

**Position:** Support

**Disposition:** Vetoed by the Governor

***AB 2086 (Cooley, 2016) Workers Compensation: Neuropsychologists***

This bill would have authorized a licensed clinical psychologist meeting specified requirements to be appointed as a qualified medical evaluator in neuropsychology. Additionally, it provided that a medical doctor or osteopath who had successfully completed a residency or fellowship program accredited by a predecessor to the Accreditation Council for Graduate Medical Education would satisfy the residency training requirement for an evaluator under the Worker's Compensation Law.

**Position:** Support If Amended

**Disposition:** Vetoed by the Governor

***AB 2443 (Baker, 2016) Improving Mental Health Access for Students***

This bill relates to a Local Control and Accountability Plan by the governing board of a school district. This bill would have required a description of the annual goals to be achieved for each of the state's delineated priorities for all pupils, and certain subgroups of pupils, and add to those factors the number of practicing school psychologists working on school climate issues.

**Position:** Support

**Disposition:** Failed deadline, last location was in Assembly Committee on Appropriations

***SB 1034 (Mitchell, 2016) Health Care Coverage: Autism***

This bill would have modified requirements to be a qualified autism service professional to include providing behavioral health treatment, which would have included clinical management and case supervision under the direction and supervision of a qualified autism service provider. The bill would have required that, unless a treatment plan was modified by a qualified autism service provider, utilization review would be conducted no more than once every six months. The bill would have also provided that coverage for behavioral health treatment for pervasive developmental disorder or autism would be dependent on medical necessity, subject to utilization review, and required to be in compliance with federal mental health parity requirements. The bill would have extended the operation of these provisions to January 1, 2022.

**Position:** Oppose

**Disposition:** Failed deadline, last location was in Assembly Committee on Appropriations

***SB 1193 (Hill, Chapter 484, Statutes of 2016) Healing Arts.***

This bill, among other things, extended the sunset date for the Board of Psychology four years from January 1, 2017, to January 1, 2021, as well as provided several policy changes. Specifically, this bill required an applicant to graduate from a regionally accredited institution; redefined continuing education as continuing professional development, and modified the requirements to satisfy the standard for continuing professional development before license renewal; established policies for posting licensee information on the Board's website; created a "retired" license category; and made technical changes to the psychological assistant registration.

**Position:** Support

**Disposition:** Signed by the Governor

***AB 244 (Cervantes, 2017) – Maternal Mental Health***

This bill would have created a pilot program, in counties that elected to participate, to increase the capacity of health providers that serve pregnant and postpartum women up to one year after delivery to effectively prevent, identify, and manage postpartum depression and other mental health conditions. The pilot program could have included the following: a consultation program utilizing telehealth and e-consult technologies; training and toolkits on screening, assessment, and the range of treatment options; coordination of care for program participants; and access to perinatal psychiatric consultations for program participants.

**Position:** Support If Amended

**Disposition:** Failed deadline, last location was in Assembly Committee on Health

***AB 1456 (Low, Chapter 151, Statutes of 2017) Professional Licensure.***

This bill modifies existing waivers from licensure requirements allowed in specified facilities or settings under the California Department of Public Health, Department of Health Care Services, Department of State Hospitals, and the California Department of Corrections. This bill brings conformity to the various exemption waivers by making all waivers up to a maximum of five years

and requires that individuals receiving the exemption waiver must be working to gain the supervised professional experience required for licensure.

**Position:** Support

**Disposition:** Signed by the Governor

***AB 1188 (Nazarian, Chapter 557, Statutes of 2017) Health Professions Development: Loan Repayment.***

This urgency bill increases the fee collected from psychologists, marriage and family therapists, and clinical social workers at the time of licensure renewal for deposit into the Mental Health Practitioner Education Fund (Fund) from \$10 to \$20. This bill also adds licensed professional clinical counselors and associate professional clinical counselors to the list of mental health providers that can apply for grants from the Fund and establishes a \$20 fee for licensed professional clinical counselors at the time of licensure renewal for deposit into the Fund. Although this was an urgency bill, it did not take effect until July 1, 2018.

**Position:** Support

**Disposition:** Signed by the Governor

***SB 547 (Hill, Chapter 429, Statutes of 2017) – Professions and Vocations: Weights and Measures (Board Omnibus Bill)***

SB 547 removes the specification in statute as to who can pay the psychological assistant registration fee to the Board and specifies that the delinquency for Board licensees is 50 percent of the renewal fee for each license type, not to exceed one hundred and fifty dollars (\$150). This bill also makes various changes to provisions for the Board of Accountancy.

**Position:** Support

**Disposition:** Signed by the Governor

***SB 572 (Stone, 2017) – Healing Arts Licensees: Violations: Grace Period***

This bill would have prohibited healing arts boards under the DCA from issuing a disciplinary action or otherwise penalizing a licensee who commits a violation that does not cause irreparable harm to a consumer and is remedied within 15 days.

**Position:** Oppose

**Disposition:** Failed deadline, last location was in Senate Committee on Business, Professions and Economic Development

***AB 282 (Jones-Sawyer, Chapter 245, Statutes of 2018) – Aiding, Advising, or Encouraging Suicide: Exemption from Prosecution***

This bill codifies that any person whose actions are performed in compliance with the provisions in the End of Life Option Act cannot be prosecuted for those actions under Penal Code Section 401.

**Position:** Support

**Disposition:** Signed by the Governor



***AB 1436 (Levine, Chapter 527, Statutes of 2018) – Board of Behavioral Sciences: Licensees: Suicide Prevention Training***

This bill, on or after January 1, 2021, requires an applicant for any license type under the Board of Behavioral Sciences (BBS), to complete a minimum of 6 hours of coursework or applied experience under supervision in suicide risk assessment and intervention. Additionally, the bill requires, on or after January 1, 2021, as a onetime requirement, any licensee under BBS to have completed this suicide risk assessment and intervention training requirement prior to the time of his or her first renewal. Lastly, the bill also requires, on or after January 1, 2021, a person applying for reactivation or for reinstatement to have completed this suicide risk assessment and intervention training requirement.

**Position:** Support

**Disposition:** Signed by the Governor

***AB 2138 (Chiu, Chapter 995, Statutes of 2018) – Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction***

This bill amended various provisions of the Business and Professions Code relating to the Board's ability to deny a license or take disciplinary action in relation to criminal convictions based on various factors related to the crime, and revised requirements related to the criteria of rehabilitation that boards must consider when evaluating the denial of an application, a petition for reinstatement, or a petition for early termination of probation. This bill significantly limited when the Board can deny, revoke or suspend a license based on a conviction or other act.

**Position:** Oppose

**Disposition:** Signed by the Governor

***AB 2143 (Caballero, 2018) – Mental Health: Licensed Mental Health Service Provider Education Program***

This bill would have expanded the Licensed Mental Health Service Provider Education Program to apply to persons eligible under existing law who attain further education in order to practice as psychiatric-mental health nurse practitioners or physician assistants in psychiatric mental health settings, thereby allowing those practitioners to apply for grants under the program for reimbursement of those later-incurred educational loans, but paid for by the fund established for psychology licensees.

**Position:** Oppose

**Disposition:** Vetoed by the Governor

***AB 2483 (Voepel, 2018) – Indemnification of Public Officers and Employees: Antitrust Awards***

This bill would have expanded the Government Claims Act to require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of the regulatory board. The bill would have also specified that treble damages awarded pursuant to, and for violation of, specified federal laws are not punitive or exemplary damages for purposes of the act.

**Position:** Support

**Disposition:** Failed deadline, last location was on the Senate Committee on Judiciary

***AB 2943 (Low, 2018) – Unlawful Business Practices: Sexual Orientation Change Efforts***

This bill would have included, as an unlawful practice prohibited under the Consumer Legal Remedies Act, advertising, offering for sale, or selling services constituting sexual orientation change efforts to an individual.

This bill would have defined sexual orientation change efforts as follows:

(1) “Sexual orientation change efforts” means any practices that seek to change an individual’s sexual orientation. This includes efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex.

(2) “Sexual orientation change efforts” does not include psychotherapies that: (A) provide acceptance, support, and understanding of clients or the facilitation of clients’ coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices or to otherwise promote healthy sexual and romantic relationships; and (B) do not seek to change sexual orientation.

**Position:** Support

**Disposition:** Failed deadline, last location was on the Assembly Floor

***SB 1125 (Atkins, 2018) – Federally Qualified Health Center and Rural Health Clinic Services***

This bill would have allowed Medi-Cal reimbursement for a patient receiving medical services at a federally qualified health center or rural health clinic, to receive both medical services and also to obtain mental health services on the same day they receive the medical services.

**Position:** Support

**Disposition:** Vetoed by the Governor

***AB 1076 (Ting, Chapter 578, Statutes of 2019) Criminal Records: Automatic Relief***

This bill requires the California Department of Justice (DOJ) to automatically seal specified arrest and conviction records that meet certain criteria and timeframes without requiring the individual to petition the court. This bill also prohibits DOJ from providing any licensing board under the DCA with information on arrests or convictions that have been sealed. Additionally, this bill prohibits the courts from disclosing any information concerning arrests that were granted relief pursuant to the bill’s provisions or convictions that have been granted relief pursuant to multiple code sections, to any entity except for criminal justice agencies and California Department of Social Services licensing programs related to facilities and/or services for the elderly, chronically ill, or child day care. Additionally, this bill removes the Board’s ability to deny an application for licensure based on a conviction, or the acts underlying the conviction, that has received relief under the provisions of AB 1076 by adding it to the other convictions that were provided relief that the Board cannot use pursuant to AB 2138 (Chapter 995, Statutes of 2018).

**Position:** Oppose

**Disposition:** Signed by the Governor

### ***AB 1145 (Garcia, Chapter 180, Statutes of 2020) Child Abuse: Reportable Conduct***

For the purposes of the Child Abuse Neglect Reporting Act (CANRA), this bill would have revised the definition of sexual assault to no longer include any acts under Penal Code Sections 286 (sodomy), 287 (oral copulation) or former Section 288a, and Section 289 (sexual penetration), if committed voluntarily and if there are no indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under 16 years of age.

**Position:** Support

**Disposition:** Signed by the Governor

### ***AB 1263 (Low) Contracts: consumer services: consumer complaints***

This bill would prohibit a contract or proposed contract involving the provision of a consumer service by a licensee regulated by a licensing board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in the board's investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee's regulatory board.

**Position:** Support

**Disposition:** This bill failed deadline, last referral to Senate Business, Professions, and Economic Development Committee.

### ***AB 2028 (Aguar-Curry) State agencies: meetings***

This bill would, except for closed sessions, require that meetings noticed pursuant to the Bagley-Keene Open Meeting Act, include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed. The bill would generally require that these writings and materials be made available on the body's internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer at a competitive disadvantage in financial transactions from its requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.

**Position:** Oppose

**Disposition:** This bill was ordered to the inactive file by the Senate by unanimous consent.

***AB 2112 (Ramos, Chapter 142, Statutes of 2020) Suicide prevention***

This bill would authorize the State Department of Public Health to establish the Office of Suicide Prevention within the department and would specify authorized responsibilities of the office if established, including, among other things, providing strategic guidance to statewide and regional partners regarding best practices on suicide prevention and reporting to the Legislature on progress to reduce rates of suicide. The bill would authorize the office to apply for and use federal grants.

**Position: Support**

**Disposition:** Signed by the Governor

***AB 2253 (Low, Chapter 279, Statutes of 2020) Professional licensure***

This bill would clarify that experience that constitutes qualifying experience for licensure, or experience required for licensure, as applicable, is determined by reference to the act regulating the profession. This bill was signed into law by the Governor on September 29, 2020.

**Position: Support**

**Disposition:** Signed by the Governor

***AB 2360 (Mainschein) Telehealth: mental health.***

This bill would require health care service plans and health insurers, by January 1, 2021, to establish a telehealth consultation program that provides providers who treat children and pregnant and postpartum persons with access to a psychiatrist, as specified, in order to more quickly diagnose and treat children and pregnant and postpartum persons suffering from mental illness. The bill would require the consultation to be done by telephone or telehealth video, and would authorize the consultation to include guidance on providing triage services and referrals to evidence based treatment options, including psychotherapy. The bill would require health care service plans and insurers to communicate information relating to the telehealth program at least twice a year in writing. The bill would require health care service plans and health insurers to maintain records and data pertaining to the utilization of the program and the availability of psychiatrists in order to facilitate ongoing changes and improvements, as necessary. The bill would exempt certain specialized health care service plans and health insurers from these provisions.

**Board Position: Support**

**Disposition:** Vetoed by the Governor

***AB 2630 (Flora) Criminal history information: subsequent arrest notification***

This bill would provide that the department is authorized to submit fingerprints to the Federal Bureau of Investigation (FBI) where they will be retained for the purpose of being searched against future submissions to the FBI, as specified. This bill would authorize the department to search latent fingerprint images against all retained fingerprint submissions. This bill would also authorize the department to collect fees for federal subsequent notification services and remit the fees to the FBI.

**Position: Support**

**Disposition:** This bill failed deadline, the last referral was to the Assembly Public Safety Committee.

***AB 2704 (Ting) Healing arts: licensees: data collection***

This bill would require all boards that oversee healing arts licensees to collect at the time of electronic application for a license and license renewal, or at least biennially, specified demographic information and to post the information on the internet websites that they each maintain. The bill would also require each board, or the Department of Consumer Affairs on its behalf, beginning on July 1, 2021, to provide the information annually to the Office of Statewide Health Planning and Development. The bill would require these boards to maintain the confidentiality of the information they receive from licensees and to only release information in aggregate form.

**Position: Support**

**Disposition:** This bill failed deadline, the last referral was to the Assembly Business and Professions Committee.

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

This bill would require boards not subject to the temporary licensing provisions in Business and Professions Code section 115.6, to issue licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is an honorably discharged veteran of the Armed Forces of the United States or is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States, as provided. The bill would require an application for a license to include a signed affidavit attesting to the fact that the applicant meets all requirements for a license.

**Position: Oppose**

**Disposition:** This bill failed deadline, the last referral was to the Senate Business, Professions, and Economic Development Committee.

***SB 53 (Wilk) Open Meetings***

This bill would have modified the Bagley-Keene Open Meeting Act to require two-member advisory committees of a "state body" to hold open, public meetings if at least one member of the advisory committee is a member of the larger state body, and the advisory committee is supported, in whole or in part, by funds provided by the state body.

**Position: Oppose**

**Disposition:** Failed deadline, last location was on the Assembly Committee on Appropriations

***SB 66 (Atkins) Medi-Cal: Federally Qualified Health Center and Rural Health Clinic Services***

This bill would have allowed Medi-Cal reimbursement for a patient receiving both medical and mental health services at a federally qualified health center or rural health clinic on the same day.

**Position: Support**

**Disposition:** Failed deadline, last location was on the Assembly Floor

***SB 425 (Hill, Chapter 849, Statutes of 2019) Health Care Practitioners: Licensee's File: Probationary Physician's and Surgeon's Certificate: Unprofessional Conduct***

This bill requires any health care facility, or other entity that arranges for healing arts licensees to practice or provide care for patients at their institution (such as a college), to report any written allegation of sexual abuse or sexual misconduct made against a healing arts licensee by a patient, or the patient's representative, to the relevant state licensing agency within 15 days of receiving the written allegation. This bill also requires the relevant agency to investigate the circumstances underlying a received report. The bill requires such a report to be kept confidential and not subject to discovery or disclosure, except that it may be reviewed and disclosed in any subsequent disciplinary hearing conducted pursuant to the Administrative Procedure Act. Additionally, the bill makes a willful failure to file the report by a health care facility or other entity punishable by a civil fine not to exceed \$100,000 per violation and any other failure to make that report punishable by a civil fine not to exceed \$50,000 per violation.

**Position:** Support

**Disposition:** Signed by the Governor

***SB 1474 (Business, Professions, and Economic Development Committee, Chapter 312, Statutes of 2020)***

Relative to the Board of Psychology, existing law provides for the January 1, 2021, repeal of provisions creating the Board of Psychology. This bill would extend the operation of that provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

**Position:** Support

**Disposition:** Signed by the Governor

**Regulatory Changes**

*Approved Packages*

- **Verification of Experience Package – Effective October 1, 2017.** This regulatory package amended regulations regarding criteria for the submission of Verification of Experience and Supervision Agreement forms. Specifically, the regulation requires that the Supervision Agreement and Verification of Experience forms be submitted to the Board at the time of application for licensure or registration. This regulatory package also removed the requirement that a training plan be submitted and pre-approved by the Board when a psychological assistant is in a private practice setting.
- **Uniform Standards Related to Substance Abuse and Disciplinary Guidelines – Effective January 1, 2017.** In order to implement a 2008 legislation from Senate Bill (SB) 1441 (Ridley-Thomas, Chapter 548), which was designated to protect the public by monitoring psychologists (and other healing arts professionals) impaired by drug or alcohol abuse, the Board promulgated regulations which became effective January 1, 2017. The Board now utilizes the revised disciplinary guidelines entitled “Disciplinary Guidelines and

Uniform Standards Related to Substance Abusing Licensees” (4/15), which have been incorporated into section 1397.12 (renumbered to 1395.2) of Title 16 of the California Code of Regulations (CCR). The new Guidelines are used when considering discipline against a substance abusing licensee and clarified and restructured existing guidelines used when considering disciplinary action.

- **Filing of Addresses – Effective July 1, 2016.** This regulatory package requires a licensee to provide a physical address if their current address of record is a P.O. Box. This regulatory package also requires licensees to report their electronic mailing address (if they have one) and report any address of record changes to the Board within 30 days.

*Current Regulatory Packages*

In this section, “Initial Departmental Review” means review by the following entities:

- DCA Legal Affairs Division
- DCA Budget Office
- DCA Division of Legislative Affairs
- DCA Deputy Director of Legal Affairs
- DCA Director
- Secretary of Business, Consumer Services, and Housing Agency

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

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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The purpose of this proposed regulatory language is to conform to statutory changes, implementing the requirement that the person responsible for the initial registration, the registration renewal, and any changes in the registration status, is the psychological assistant, not the employer and/or primary supervisor.

This package is in the Initial Departmental Review Stage.

Addition to 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating A Psychological Assistant Registration

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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16 CCR section 1391.1 limits the period of a psychological assistant registration to a cumulative total of six years (72 months). The period of registration counts towards the six-year limitation as long as the psychological assistant is holding a current registration. Currently, there is no mechanism available to place a registration on hold. This regulatory package would create an “inactive” status for registered psychological assistants that would be similar to the “inactive” status currently available for a psychologist licensee who is not engaging in the practice of psychology.

Staff is currently preparing this regulatory package and will submit it to Board Legal Counsel upon completion.

## Update on 16 CCR Section 1396.8 – Standards of Practice for Telehealth

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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The Board regulates licensed psychologists, registered psychological assistants, and registered psychologists, all of whom are entitled to provide psychological services in California. BPC Section 2920.1 states that protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. BPC Sections 2290.5 and 2904.5 allow licensees of the Board to provide psychological health care services via telehealth. BPC Section 2930 authorizes the Board to adopt regulations as may be necessary to enable the Board to effectuate the Psychology Licensing Law. This regulatory package would add 16 CCR section 1396.8 to establish standards of practice for providing services via telehealth by licensed California psychologists and psychology trainees.

This package is in the Notice with OAL and Hearing Stage.

## Update on 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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Senate Bill (SB) 1193 (Hill) (Chapter 484, Statutes of 2016) was signed by Governor Brown on September 22, 2016. This bill added BPC Section 2988.5, effective January 1, 2017, which gives the Board the authority to issue a retired license to a psychologist who holds a current license issued by the Board. Although SB 1193 gave the Board the statutory authority to issue retired licenses, it does not specify the provisions and procedures for obtaining such a license status. The purpose of this regulatory language is to specify the requirements for obtaining and maintaining a psychologist license in retired status.

This package is in the Initial Departmental Review Stage.

## Update on 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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Currently, the Board requires all licensees to accrue 36 hours of continuing education, including nine hours of live or live-interactive CE, each renewal cycle in order to maintain their license. This regulatory package would replace the current continuing education model with a broader Continuing Professional Development (CPD) model. This model will consist of fourteen continuing professional development activities grouped under four different categories. The four categories and fourteen learning activities include:

- 1) Professional (Peer Consultation, Practice Outcome Monitoring, Professional Activities, Conferences/Conventions, Examination Functions)
- 2) Academic (Academic Courses, Academic Instruction, Supervision, Publications)
- 3) Sponsored Continuing Education Coursework including Independent/Online Learning, and



4) Board Certification from the American Board of Professional Psychology (ABPP).

This package is in the Notice with OAL and Hearing Stage.

Update on 16 CCR Sections 1394, 1395, 1395.1, 1392 – Substantial Relationship Criteria, Rehabilitation Criteria for Denials and Reinstatements, Rehabilitation Criteria for Suspensions and Revocations

Preparing Regulatory Package	Initial Departmental Review	Notice with OAL and Hearing	Notice of Modified Text and Hearing	Preparation of Final Documentation	Final Departmental Review	Submission to OAL for Review	OAL Approval and Board Implementation
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As required under AB 2138 (Chapter 995, Statutes of 2018), the Board proposes to amend sections 1394, 1395, and 1395.1 of article 7 of division 13.1 of title 16 of the CCR to adhere to these mandates and revise its “substantial relationship” criteria and “rehabilitation” criteria for denials and reinstatements, and suspension and revocations.

This package is in the Submission to OAL for Review Stage.

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

The Board has not conducted any major studies since the last Sunset Review.

**5. List the status of all national associations to which the board belongs.**

- **Does the board’s membership include voting privileges?**

**Association of State and Provincial Psychology Boards (ASPPB)**

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

**Council on Licensure, Enforcement and Regulation (CLEAR)**

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

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

**ASPPB**

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

**CLEAR**

None.

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

## **ASPPB**

ASPPB conducts its Annual Meeting of Delegates in October of each year, and its Midyear Meeting in April of each year. Unfortunately, due to budget constraints, since the last Sunset Review, the Board has only been approved to participate in four of the last eight meetings. The meetings attended were in April 2018 in Savannah, Georgia, April 2019 in Santa Fe, New Mexico, October 2020 in San Diego, California, and virtually in October 2020. Additionally, the Board attended the ASPPB Board of Director's luncheon meeting in San Francisco, CA in August 2018 and virtually in June 2020.

## **CLEAR**

None.

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

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

## **Section 2 – Performance Measures and Customer Satisfaction Surveys**

- 6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.**

See attached quarterly and annual performance measure reports in Section 12, Attachment D. The reports are available on the DCA website and are current through FY 2017/18.

- 7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

See attached licensing customer satisfaction survey data broken down by fiscal year in section [Section 12 and Attachment E].

In the last four fiscal years, a total of 631 surveys were received by the Board:

The majority of customers first contacted the Board’s Licensing/Registration Unit through its website/email. Over 50 percent of customers rated the ability of the analysts to address their questions or concerns, staff persons’ courteousness and professionalism, and the timeliness of the response received at “Very Good” or above.

In FY 2015/16 and FY 2016/17, 75 percent of the survey responses were received from registration applicants while in FY 2017/18 and 2018/19, 85 percent of responses were received from licensure applicants.

Despite the difference in the type of applicants, over 55 percent of the respondents rated the level of ease to complete the application at “Very Good” or above, and over 60 percent reported that their applications were processed in a timely manner. Between 46 and 59 percent of respondents reported being contacted in a timely manner regarding any deficiencies in their application, and over 65 percent of them rated the courteousness, helpfulness and responsiveness of the staff person processing the application at “Very Good” or above. The overall average ratings for the last four fiscal years are provided below:

	Level of Ease to Complete Application	Courteousness, Helpfulness and Responsiveness of Staff
Excellent	30%	56%
Very Good	32%	15%
Good	19%	8%
Fair	9%	7%
Poor	5%	8%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

	Application was Processed in a Timely Manner	Contacted in a Timely Manner regarding Application Deficiencies
Yes	72%	52%
No	23%	18%
Not Applicable	N/A	26%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

The percentage of online applications for licensure nearly doubled from FY 2015/16 (26 percent) to FY 2016/17 (50 percent), and roughly half of the respondents reported applying online for licensure during FY 2017/18 (42 percent) and FY 2018/19 (47 percent).

Regarding the examination processes, nearly half of the respondents rated their experience with the examination vendor, Pearson VUE, and their scheduling process to sit for the Examination for Professional Practice of Psychology (EPPP), at “Very Good” or above in FY 2015/16 (46 percent) and FY 2016/17 (41 percent). An increase in respondents providing a “Very Good” or above rating was reported in FY 2017/18 (53 percent) and FY 2018/19 (54 percent). Some respondents also rated the experience with the examination vendor, Psychological Services, Inc., and their scheduling process for the California Psychology Laws and Ethics Examination (CPLEE) at “Very Good” or above in FY 2015/16 (46 percent) and in FY 2016/17 (32 percent); an increasing trend of a “Very Good” or above rating was reported in FY 2017/18 (57 percent) and FY 2018/19 (63 percent). The overall average ratings of the experience with the examination vendors and their respective scheduling process for the last four fiscal years are provided below:

	Experience with Pearson VUE & Scheduling Process for EPPP	Experience with Psychological Services, Inc. & Scheduling Process for CPLEE

Excellent	28%	28%
Very Good	21%	23%
Good	11%	9%
Fair	4%	5%
Poor	2%	5%
NOTE: Percentages may not result in 100% due to incomplete responses by survey respondents.		

The Board received a “Very Good” or above rating on the overall experience with the Licensing/Registration Unit from 54 percent to 70 percent of the applicants over the last four fiscal years.

In addition, 139 additional comments were provided over the last four fiscal years. The Board received 57 positive responses regarding the professionalism and helpfulness of staff. Forty-nine respondents experienced long processing times in the review of additional documents and response times relating to applications. A small number of respondents experienced difficulties with the BreZE system and would like to have the option for all examinations and licensure applications to be available online. Some also felt that the Board is understaffed which is what contributed to the long processing and response times.

### Section 3 – Fiscal and Staff

#### Fiscal Issues

**8. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.**

The Board’s fund is not continuously appropriated.

**9. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.**

The Board is authorized to spend \$5,231,000 including \$402,000 direct to fund charges and projects to collect \$4,219,000 in 2019/20. The budget is structurally out of balance with a current reserve level of 20.4 months, which is slowly decreasing based on the structural imbalance.

The Board is in compliance with BPC Section 128.5 by ensuring its reserves do not exceed more than its operating budget for the next two fiscal years.

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

Based on the latest fund condition analysis provided by the DCA, the Board is projected to have a fund condition by 2024/25 that would necessitate a fee increase should the projection be realized. If a fee increase is required, the Board has authority to seek a regulatory change to implement the increase.

#### Table 2. Fund Condition

(Dollars in Thousands)	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Beginning Balance	\$5,237	\$4,777	\$4,297	\$3,399	\$7,557	\$9,843
Revenues and Transfers	\$4,150	\$4,337	\$4,328	\$4,404	\$4,219	\$4,287
<b>Total Revenue</b>	<b>\$9,387</b>	<b>\$9,114</b>	<b>\$8,625</b>	<b>\$13,208</b>	<b>\$15,476</b>	<b>\$14,130</b>
Budget Authority	\$4,984	\$4,989	\$5,158	\$5,341	\$5,231	\$5,388*
Expenditures	\$4,658	\$4,585	\$4,919	\$5,290	\$5,231*	\$5,388*
Direct to Fund charges	\$8	\$232	\$307	\$361	\$402*	\$402*
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$1,605	\$3,700**	\$0
Loans Repaid from General Fund	\$0	\$0	\$0	\$3,800	\$3,700	\$0
<b>Fund Balance</b>	<b>\$4,721</b>	<b>\$4,297</b>	<b>\$3,399</b>	<b>\$7,557</b>	<b>\$9,843</b>	<b>\$8,340</b>
<b>Months in Reserve</b>	<b>11.8</b>	<b>9.9</b>	<b>7.2</b>	<b>16.1</b>	<b>20.4</b>	<b>16.8</b>

\*Projected figures

\*\*Interest payment amount pending report from DCA Budget Office

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

A loan of \$5.0 million was made from the Board to the General Fund in Fiscal Year (FY) 2002/03, \$3.8 million was repaid to the Board in FY 2018/19, and \$1.2 million is scheduled for repayment in FY 2019/20. An interest payment of \$1.605 million was repaid to the Board in FY 2018/19. A loan of \$2.5 million was made from the Board to the General Fund in FY 2008/09 and is scheduled for repayment in FY 2019/20.

**12. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.**

As of FY 2018/19, the Board operated on a budget of \$5.3 million, with approximately 33 percent of its budget devoted to enforcement activities, 24 percent to examination and licensing functions, 25 percent to administration, and 18 percent to DCA pro rata costs.

<b>Table 3. Expenditures by Program Component</b>								(list dollars in thousands)	
	FY 2015/16		FY 2016/17		FY 2017/18**		FY 2018/19**		
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	
Enforcement	\$612	\$1,527	\$664	\$1,389	\$669	\$1,394	\$739	\$1,007	
Examination	\$0	\$132	\$0	\$138	\$0	\$71	\$0	\$298	
Licensing	\$812	\$344	\$976	\$264	\$697	\$228	\$770	\$215	
Administration*	\$438	\$148	\$470	\$103	\$957	\$281	\$1,051	\$265	
DCA Pro Rata	\$0	\$780	\$0	\$770	\$0	\$857	\$0	\$939	

<b>Table 3. Expenditures by Program Component</b>							(list dollars in thousands)	
	FY 2015/16		FY 2016/17		FY 2017/18**		FY 2018/19**	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTALS</b>	<b>\$1,862</b>	<b>\$2,931</b>	<b>\$2,110</b>	<b>\$2,664</b>	<b>\$2,323</b>	<b>\$2,831</b>	<b>\$2,560</b>	<b>\$2,724</b>

\*Administration includes costs for executive staff, board, administrative support, examination personnel, and fiscal services.

\*\*Figures are projected.

**13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?**

Through FY 2017/18, the Board has paid \$1,068,689 for the BreEZe system. The Board is projected to spend \$206,000 towards BreEZe in FY 2018/19 and \$160,000 in FY 2019/20.

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

Licensed psychologists renew their licenses biennially. Psychological assistants renew annually. There have been no changes to the renewal cycle in the last 10 years; however, for a license issued on or after January 1, 2016, the renewal cycle is two years from the date of issuance. For those licensed on or prior to December 31, 2015, the license continues to expire at 12 midnight of the last day of the month of the birthdate of the licensee.

- Effective January 1, 2013, the psychology license renewal fee was \$420, with the following breakdown in fees:
  - \$400 (16 CCR section 1392(e))
  - \$10 (BPC Section 2987.2)
  - \$10 (16 CCR section 1397.69)
- Since July 1, 2018, the psychology license renewal fee is \$430, with the following breakdown in fees:
  - \$400 (16 CCR section 1392(e))
  - \$20 (BPC Section 2987.2)
  - \$10 (16 CCR section 1397.69)
- Effective January 1, 2018, the Delinquent Renewal for Psychologists changed from \$25 to \$150 and the Delinquent Renewal for Psychological Assistants changed from \$25 to \$20.

<b>Table 4. Fee Schedule and Revenue</b>							(list revenue dollars in thousands)	
Fee	Current Fee Amount	Statutory Limit	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	% of Total Revenue	
<b>LICENSING FEES</b>								

<b>Table 4. Fee Schedule and Revenue</b>								(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	% of Total Revenue	
Application Fee – Psychologist BPC § 2987/16 CCR § 1392	\$40	\$50	\$58	\$55	\$59	\$61	1%	
Application Fee – Psych Assistant BPC § 2987/16 CCR § 1392.1	\$40	\$75	\$41	\$35	\$31	\$30	1%	
Initial License Fee – Psychologist BPC § 2987/16 CCR § 1392	\$400	\$500	\$401	\$334	\$362	\$346	8%	
California Psychology Laws and Ethics Examination (CPLEE) BPC § 2987/16 CCR § 1392	\$129	Actual Cost to Board	\$156	\$144	\$157	\$170	4%	
CE Evaluation Fee BPC § 2915(j)/16 CCR § 1397.69	\$10	\$10	\$81	\$87	\$78	\$85	2%	
Biennial Renewal Fee – Psychologist BPC § 2987	\$400	\$500	\$3,197	\$3,439	\$3,301	\$3,416	78%	
Inactive License (Psychologists) BPC § 2987/16 CCR § 1392	\$40	\$40	\$50	\$58	\$58	\$55	1%	
Annual Renewal Fee – Psychological Assts BPC § 2987/16 CCR § 1392.1	\$40	\$75	\$34	\$36	\$36	\$33	1%	
Delinquent Fee – Psychologist BPC § 2987	\$150	\$150*	\$11	\$12	\$23	\$34	1%	
Delinquent Inactive Renewal Fee – Psychologists BPC § 2987	\$20	50% of Renewal Fee	\$0	\$0	\$2	\$4	<1%	
Delinquency Fee – Psychological Assts BPC § 2987	\$20	50% of Renewal Fee	\$1	\$1	\$1	\$1	<1%	
Duplicate License Fee BPC § 2987	\$5	\$5	\$3	\$3	\$8	\$5	<1%	
Certification / Letter of Good Standing	\$5	\$5	\$2	\$2	\$2	\$2	<1%	
<b>FINES &amp; PENALITES</b>								
Citations & Fines BPC § 125.9/16 CCR § 1397.51	Varies	\$5,000	\$58	\$64	\$148	\$53	1%	
Franchise Tax Board Cite Fine Collection	Varies	N/A	\$0	\$0	\$3	\$1	<1%	
<b>OTHER</b>								
Income from Surplus Money Investment	Variable	N/A	\$24	\$38	\$40	\$68	2%	
Suspended Revenue	Variable	N/A	\$32	\$21	\$19	\$23	1%	
Over/Short Fees	Variable	N/A	\$1	\$0	\$0	\$0	<1%	
<b>OTHER (cont.)</b>								

<b>Table 4. Fee Schedule and Revenue</b>								(list revenue dollars in thousands)
Fee	Current Fee Amount	Statutory Limit	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	FY 2018/19 Revenue	% of Total Revenue	
Miscellaneous**	Variable	N/A	\$1	\$1	\$4	\$1	<1%	

\*B&P 2987 mandates the delinquent fee be 50% of the renewal fee up to \$150.

\*\*Includes sales of publications, cancelled warrants revenue and dishonored check fee.

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

The Board of Psychology submitted three BCPs in the past four fiscal years.

In FY 2016/17, the Board received position authority for one Program Technician (PT) II position to address increased workload associated with new cashiering and mail processing responsibilities.

In FY 2017/18, the Board received position authority for one Staff Services Manager I (SSM I) and one Staff Services Manager II (SSM II). This BCP was related to a major reorganization in the Board's internal structure, which has allowed the Board to establish a more effective organizational structure with a Licensing Unit, Enforcement Unit, and Central Services Unit.

In FY 2019/20, the Board received position authority for one Associate Governmental Program Analyst (AGPA) in its Enforcement Unit. This AGPA has helped manage the increasing complaint volume.

<b>Table 5. Budget Change Proposals (BCPs)</b>								
BCP ID #	Fiscal Year*	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-026	2015/16	PT II performs increased workload in mail processing and new cashiering duties.	1.0 PT II	1.0 PT II	\$0	\$0	\$0	\$0
1111-012	2016/17	Transition temporary SSM II and SSM I to permanent status.	1.0 SSM II 1.0 SSM I	1.0 SSM II 1.0 SSM I	\$0	\$0	\$0	\$0
1111-002	2018/19	Transition temporary Enforcement Analyst to permanent status.	1.0 AGPA	1.0 AGPA	\$0	\$0	\$0	\$0

\*Fiscal Year in which BCP was submitted

### Staffing Issues



**16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.**

The Board continues to monitor staffing issues and challenges by evaluating program data to identify staffing resource needs. The Board has experienced difficulty in recruiting and retaining qualified staff at the administrative level (e.g., Program Technician and Office Technician) due to the eligibility requirements established by CalHR. As a result, this has extended the recruitment timelines for these classifications, which in turn has had a detrimental effect on Board resources during lengthy vacancies. Otherwise, the Board has not experienced difficulties filling vacancies with qualified candidates.

The Board engaged the services of Cooperative Personnel Services (CPS) Human Resource Consulting to perform a training needs assessment and succession plan evaluation. CPS identified the training needs of all staff and provided a succession planning manual.

**17. Describe the board’s staff development efforts and how much is spent annually on staff development.**

In addition to on-the- job training and cross-training measures, the Board utilizes the DCA’s Strategic Organization, Leadership, and Individual Development (SOLID) for staff development purposes. SOLID provides a wide variety of options for staff to consider when seeking or recommending developmental opportunities.

In addition to SOLID, Board staff has participated in developmental opportunities offered by such entities as CPS, CalHR, Office of Administrative Law (OAL), and Council on Licensure, Enforcement, and Regulation (CLEAR), in the following amounts:

<b>Expenditures</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Staff Training	\$1,143	\$620	\$840	\$4,810

**Section 4 –  
Licensing Program**

**18. What are the board’s performance targets/expectations for its licensing<sup>2</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

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

<b>Type of application:</b>	<b>Maximum time for notification</b>
Licensed Psychologist:	60 days
Registered Psychologist:	60 days
Registered Psychological Assistant:	180 days

<sup>2</sup> The term “license” in this document includes a license certificate or registration.

16 CCR section 1381.6 was repealed in 2018. The Board is meeting program expectations. The Board's current timeframes for initial application review and notification (identify deficiencies or next steps) to the applicant are as follows:

<b>Type of application:</b>	<b># of business days*</b>
Licensed Psychologist:	25 days
Registered Psychologist:	19 days
Registered Psychological Assistant:	8 days

\*Data as of August 29, 2019

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

Over the past three fiscal years, the Board has observed a slight increase in the average time to process complete applications and a significant increase in the average time to process incomplete applications. Additionally, the number of pending applications has outpaced completed applications over the last three fiscal years. The Board made enhancements to the BreEZe system to more accurately reflect the actual number of pending applications in early 2019, and the number of pending applications appears to exceed that of completed applications by 14 percent for licensure and registration. The number of pending applications for examinations also exceeds that of completed applications on an average of 13 percent.

While the Board has maintained reasonable application processing timeframes, the Board aims to identify any performance barriers in the licensing process through the Organizational Change Management (OCM) process.

The Board has developed the following improvement plans:

- Pathways to Licensure – The Board has conducted a comprehensive review of its statutes and regulations addressing how licensure can be obtained. Amendments identified will remove barriers to licensure and program inefficiencies in the steps to licensure. The Board will be pursuing statutory and regulatory changes to accomplish this goal.
- OCM – The Board will be working with the Department of Consumer Affairs (DCA) through OCM to identify and evaluate program and process efficiencies.
- Once the review with OCM is complete, the Board will submit a BCP to seek authorized positions to improve performance.

**20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?**

**Table 6. Licensee Population**

License Type	License Status	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Psychologist	Active	17,434	17,828	18,255	18,719
	Delinquent	1,023	1,062	1,144	1,146
	Retired	N/A	N/A	N/A	N/A
	Out of State***	N/A	N/A	N/A	N/A
	Out of Country***	N/A	N/A	N/A	N/A
Registered Psychologist	Active	262	232	177	129
	Delinquent**	N/A	N/A	N/A	N/A
	Retired	N/A	N/A	N/A	N/A
	Out of State*	N/A	N/A	N/A	N/A
	Out of Country*	N/A	N/A	N/A	N/A
Psychological Assistant	Active	1,580	1,442	1,355	1,378
	Delinquent	95	78	100	87
	Retired	N/A	N/A	N/A	N/A
	Out of State*	N/A	N/A	N/A	N/A
	Out of Country*	N/A	N/A	N/A	N/A

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

\*Registered Psychologists and Psychological Assistants are not registered outside of California.

\*\*Registered Psychologists do not renew so there is no delinquent status

\*\*\*Licensed Psychologists who reside outside of California hold the same active or inactive status code as those who are located in California. Therefore, BreZE does not distinguish this data.

**Table 7a. Licensing Data by Type**

Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times			
					Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, IF unable to separate out	
FY 2016/17	(Exam)**	2,617	2,347	N/A	N/A	320	-	-	N/A	N/A	N/A
	(License)***	2,416	1,735	N/A	1,735	2,949	-	-	24	41	N/A
	(Renewal)	9,626	9,327	N/A	9,327	N/A	-	-	N/A	N/A	N/A
FY 2017/18	(Exam)**	2,818	2,523	N/A	N/A	408	-	-	N/A	N/A	N/A
	(License)***	2,322	1,687	N/A	1,687	3,072	-	-	36	62	N/A
	(Renewal)	9,975	9,520	N/A	9,520	N/A	-	-	N/A	N/A	N/A
FY 2018/19	(Exam)**	2,816	2,437	N/A	N/A	404	-	-	N/A	N/A	N/A
	(License)***	2,361	1,616	N/A	1,616	1,840****	-	-	35	87	N/A
	(Renewal)	9,970	9,838	N/A	9,838	N/A	-	-	N/A	N/A	N/A

\* Optional. List if tracked by the board.

\*\* Exam applications include initial EPPP and CPLEE applications.

\*\*\* License applications include Initial Application for Licensure across all three types of license and registrations (psychologist, registered psychological assistant and registered psychologist).

\*\*\*\* In early 2019, a data patch closed invalid Initial Application for Psychology Licensure to align with 16 CCR section 1381.4, which resulted in a lower but more accurate number of pending Initial Applications for Psychology Licensure compared to previous fiscal years.

<b>Table 7b. Total Licensing Data</b>			
	FY 2016/17	FY 2017/18	FY 2018/19
<b>Initial Licensing Data:</b>			
Initial Exam Applications Received**	2,617	2,818	2,816
Initial Exam Applications Approved**	1,735	1,687	1,616
Initial Exam Applications Closed**	N/A	N/A	N/A
License Issued***	1,735	1,687	1,616
<b>Initial License/Initial Exam Pending Application Data:****</b>			
Pending Applications (total at close of FY)	320	408	404
Pending Applications (outside of board control)*	N/A	N/A	N/A
Pending Applications (within the board control)*	N/A	N/A	N/A
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):****</b>			
Average Days to Application Approval (All - Complete/Incomplete)	29	31	40
Average Days to Application Approval (incomplete applications)*	46	58	81
Average Days to Application Approval (complete applications)*	23	26	34
<b>License Renewal Data:</b>			
License Renewed	9,327	9,520	9,838
Note: The values in Table 7b are the aggregates of values contained in Table 7a. * Optional. List if tracked by the board. ** Exam applications include initial EPPP and CPLEE applications. *** License issued includes approved Initial Application for Licensure across all three types of license (psychologist, registered psychological assistant and registered psychologist). **** This reflects only initial examination data. Exam Cycle Time Data includes only CPLEE applications			

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

Denials based on criminal history:

- FY 2015/16: 5
- FY 2016/17: 5
- FY 2017/18: 6
- FY 2018/19: 2

Circumstances based on applicant:

- FY 2015/16
  - Applicant 1 denied based on conviction(s) of: DUI convictions (2)
  - Applicant 2 denied based on conviction(s) of: DUI convictions (2)
  - Applicant 3 denied based on conviction(s) of: DUI convictions (2)
  - Applicant 4 denied based on conviction(s) of: DUI convictions (3)
  - Applicant 5 denied based on conviction(s) of: DUI convictions (2)
- FY 2016/17

- Applicant 1 denied based on conviction(s) of: DUI, fighting in public, and driving with a suspended license
  - Applicant 2 denied based on conviction(s) of: Felony making a false statement
  - Applicant 3 denied based on conviction(s) of: DUI, disorderly conduct, public intoxication, improper lane change, and hit and run
  - Applicant 4 denied based on conviction(s) of: DUI
  - Applicant 5 denied based on conviction(s) of: Indecent exposure, disturbing the peace, and battery
- FY 2017/18
    - Applicant 1 denied based on conviction(s) of: Driving with a suspended license, providing false identity to a peace officer, and felony false evidence
    - Applicant 2 denied based on conviction(s) of: Petty theft, fictitious checks, and felony grand theft
    - Applicant 3 denied based on conviction(s) of: Contributing to the delinquency of a minor
    - Applicant 4 denied based on conviction(s) of: DUI, and reckless driving
    - Applicant 5 denied based on conviction(s) of: DUI, and reckless driving
    - Applicant 6 denied based on conviction(s) of: Felony medical fraud
- FY 2018/19
    - Applicant 1 denied based on conviction(s) of: Theft by swindle
    - Applicant 2 denied based on conviction(s) of: DUI, trespassing, prostitution, and wet and reckless

## 22. How does the board verify information provided by the applicant?

- a. **What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

### **Process**

The Board requires every applicant for a registration or license to be fingerprinted for a criminal history background check. Once the applicant has completed the fingerprinting process, the Department of Justice (DOJ)/Federal Bureau of Investigation (FBI) provides the background information directly to BreEZe. Authorized Board staff retrieve the applicant's background report. Applicants with a clear criminal history report continue with the application review process. Applicants with a conviction history are requested to provide court certified documentation regarding the arrest and the conviction. Enforcement staff review the criminal history documentation to determine if the conviction is substantially related to the practice of psychology. If a substantial relationship exists, the application may be denied.

Prior to the issuance of a license or registration, Board staff check BreEZe to determine if any disciplinary action has been filed against the applicant by another DCA entity. Additionally, the Board accesses the ASPPB Disciplinary Data Bank to determine if an applicant has ever been disciplined by another jurisdiction.

Once an applicant is licensed or registered, the Board receives subsequent arrest information from the DOJ via a secure portal. Staff checks the secure portal daily for subsequent arrest or

conviction records and forwards any applicable records to the Board's Enforcement Unit for further review.

### **Denials**

The Board has denied licensure applications over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history.

- FY 2015/16: 1
- FY 2016/17: 1
- FY 2017/18: 2
- FY 2018/19: 0

#### **b. Does the board fingerprint all applicants?**

Every applicant for a license or registration must complete the fingerprint process.

#### **c. Have all current licensees been fingerprinted? If not, explain.**

Since the last Sunset Review, the Board identified individuals who did not have fingerprint results on file and required them to be fingerprinted. All current and active licensees are in compliance with the fingerprint requirement.

#### **d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?**

The ASPPB maintains a national databank of disciplinary actions taken against licensees in every state, Canadian province, and U.S. territory. Licensing staff conducts a manual check of the databank for each of its applicants prior to the issuance of every license or registration. Renewing licensees and registrants are required to disclose on their renewal application, under penalty of perjury, whether or not, since their last renewal, they have had any license disciplined by a government agency or other disciplinary body.

The Board does not check the national databank for disciplinary action as a condition of renewal; however, the Board does cross-reference data from the ASPPB for out-of-state discipline on a quarterly basis for all licensees.

#### **e. Does the board require primary source documentation?**

The Board requires primary source verification for the following:

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

### **23. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.**

#### **Out-of-State**

BPC Section 2914(b) requires each applicant for licensure to possess a doctoral degree in psychology, educational psychology, or in education with a field of specialization in counseling

psychology or educational psychology from a regionally accredited educational institution in the U.S. or Canada, or from an educational institution in California that is approved by the Bureau for Private Postsecondary Education (BPPE).

Pursuant to changes made from the Board's last sunset review (SB 1193, Chapter 484, Statutes of 2016), the following educational requirements apply for those enrolled or who graduated from a BPPE approved school:

- Applicants for licensure that are enrolled as of December 31, 2016, in a doctoral program in psychology, educational psychology, or education with a field of specialization in counseling psychology or educational psychology at a nationally accredited institution, or an approved institution that meets the requirements of Section 2914 (h), will be able to apply for licensure at any time, and this requirement will not apply.
- Applicants for licensure that enroll in a doctoral program on or after January 1, 2017, in psychology, educational psychology, or education with a field of specialization in counseling psychology or educational psychology at a nationally accredited institution, or an approved institution that meets the requirements of Section 2914 (h), will need to meet the requirements for and apply for licensure on or before December 31, 2019.
- Applicants for licensure that apply on or after January 1, 2020, must possess an earned doctorate degree in psychology, educational psychology, or education with the field of specialization in counseling psychology or educational psychology from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the U.S. Department of Education.

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

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

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

### **Out-of-Country**

BPC Section 2914(b) provides that applicants for licensure trained in an educational institution outside the U.S. or Canada shall demonstrate to the satisfaction of the Board that they

possess a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the U.S. or Canada. These applicants must provide the Board with a comprehensive evaluation of their degree by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services, and any other documentation the Board deems necessary.

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

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

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

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

The Board requires applicants to identify if they have served in the military as required by BPC Section 114.5. Since the last Sunset Review, the DCA added a tracking mechanism in BreEZe for the Board to be in compliance with this section.

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

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

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

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

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



The Board has received and processed two waivers from renewal fees and continuing education requirements pursuant to BPC Section 114.3 since the last Sunset Review. The fiscal impact of these waivers has been negligible.

**e. How many applications has the board expedited pursuant to BPC § 115.5?**

The Board has expedited 125 applications pursuant to BPC Section 115.5 since the last Sunset Review.

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

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

**Examinations**

<b>Table 8. Examination Data</b>		
<b>California Examination (include multiple language) if any:</b>		
	License Type	PSY
	Exam Title	CPLEE
FY 2015/16	# of 1 <sup>st</sup> Time Candidates	953
	Pass %	98.11%
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	860
	Pass %	78.02%
FY 2017/18	# of 1 <sup>st</sup> Time Candidates	899
	Pass %	80.42%
FY 2018/19	# of 1 <sup>st</sup> time Candidates	918
	Pass %	70.70%
	Date of Last OA	2012
	Name of OA Developer	OPES
	Target OA Date	2019
<b>National Examination (include multiple language) if any:</b>		
	License Type	PSY
	Exam Title	EPPP
FY 2015/16	# of 1 <sup>st</sup> Time Candidates	694
	Pass %	87.75%
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	901
	Pass %	69.70%
FY 2017/18	# of 1 <sup>st</sup> Time Candidates	912
	Pass %	68.20%
<b>National Examination (include multiple language) if any: (cont.)</b>		

Table 8. Examination Data		
FY 2018/19	# of 1 <sup>st</sup> time Candidates	859
	Pass %	69.27%
	Date of Last OA	2016
	Name of OA Developer	ASPPB
	Target OA Date	2021-2023

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

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

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

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

Below are the pass rates for first time vs. retakes in the past four fiscal years:

**BOARD OF PSYCHOLOGY EXAMINATION PASS RATE OF FIRST TIME VS. RETAKES**

Fiscal Year	EPPP				CPLEE			
	Total First Timers	Pass Rate	Total Retakes	Pass Rate	Total First Timers	Pass Rate	Total Retakes	Pass Rate
2015/2016	694	88%	688	23%	953	98%	375	48%
2016/2017	901	70%	587	28%	860	78%	209	62%
2017/2018	912	68%	692	30%	899	80%	269	71%
2018/2019	859	69%	732	28%	918	71%	348	69%

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

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

The EPPP and CPLEE are both computer-based examinations. Applicants approved for the EPPP and CPLEE are notified of their eligibility via email by the Board, as well as by the examination vendor. Applicants are instructed to visit a secure website to schedule their examinations. Both examinations are available six days a week at secure testing locations throughout the state. The EPPP is developed and maintained by ASPPB and administered by Pearson VUE at Pearson VUE owned and operated locations. Pearson VUE currently owns 27 examination site locations in California, 283 locations throughout the rest of the U.S. and 24 locations in Canada. The CPLEE is administered by Psychological Services, Inc. There are 19 California examination site locations

and 19 out-of-state examination sites. Applicants taking the EPPP are allowed to take the examination four times within a 12-month period. The CPLEE has a new examination version available every three months, making the examination available to candidates four times per year.

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

Since the last Sunset Review, the Board has completed its review of all statutes and regulations that affect the pathways to licensure and registration by identifying sections that create undue barriers and those that are inconsistent with the current training environments, education, and new technologies. The Board will be pursuing legislation, including recommendations made in this report, to address said sections.

**School approvals**

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

BPC Section 2914(h) requires that until January 1, 2020, an applicant holding a doctoral degree in psychology from an approved institution is deemed to have met the requirements of this section if both of the following are true: (1) The approved institution offered a doctoral degree in psychology designed to prepare students for a license to practice psychology and was approved by the former Bureau for Private Postsecondary and Vocational Education on or before July 1, 1999; (2) The approved institution has not, since July 1, 1999, had a new location, as described in Section 94823.5 of the Education Code. School approvals are conducted solely by the Bureau for Private Postsecondary Education (BPPE).

Applicants for licensure that apply on or after January 1, 2020, must possess an earned doctorate degree in psychology, educational psychology, or education with the field of specialization in counseling psychology or educational psychology from a college or institution of higher education that is accredited by a regional accrediting agency recognized by the U.S. Department of Education.

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

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

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

The Board does not approve international schools. However, BPC Section 2914 provides that an applicant for licensure trained in an educational institution outside the U.S. or Canada shall demonstrate to the satisfaction of the Board that he or she possesses a doctorate degree in psychology that is equivalent to a degree earned from a regionally accredited university in the U.S. or Canada. These applicants must provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services, and any other documentation the Board deems necessary. The Board will be seeking legislation to expand the options and requirements for foreign degree evaluation services to include the National Register of Health Service Psychologists.

## Continuing Education/Competency Requirements

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

Currently, the Board requires all licensees to accrue 36 hours of continuing education, including nine hours of live or live-interactive CE, each renewal cycle in order to maintain their license. Since the last Sunset Review, the Board has initiated the rulemaking process to implement regulatory changes that would replace the current continuing education model with a broader CPD model. This model will consist of fourteen continuing professional development activities grouped under four different categories. The four categories and fourteen learning activities include:

- 1) Professional (Peer Consultation, Practice Outcome Monitoring, Professional Activities, Conferences/Conventions, Examination Functions)
- 2) Academic (Academic Courses, Academic Instruction, Supervision, Publications)
- 3) Sponsored Continuing Education Coursework including Independent/Online Learning, and
- 4) Board Certification from the American Board of Professional Psychology (ABPP).

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

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

#### **b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.**

The Board conducts random CE audits of its licensees renewing each month. Selected licensees are mailed and emailed an initial audit notice and are given 60 days from the date of the notice to submit CE course certificates to verify completion of the required CE. If the Board does not receive a response within 30 days, a final notice of the audit deadline is mailed to the licensee. If a licensee passes the audit, the licensee is sent a compliance letter.

#### **c. What are consequences for failing a CE audit?**

If a licensee does not submit verification of enough hours or submits certificates that do not meet the Board's requirements, the licensee is sent a deficiency letter and is issued a citation and fine. The citation requires the licensee to comply with an order of abatement to accrue the hours the licensee is deficient, and to pay a fine. Fines range from \$250 to \$2,500 depending on the number of hours short and the number of audits the licensee has previously failed. Any licensee who wants to contest a citation or fine can request an informal conference or an administrative hearing. If the licensee fails to provide any response to the audit, the licensee may be subject to discipline.

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

In the past four fiscal years, 2,485 licenses have been audited. Of the 2,485 licensees audited, 322 have failed (13%).

**e. What is the board's course approval policy?**

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

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

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

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

**g. How many applications for CE providers and CE courses were received? How many were approved?**

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

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

The Board does not audit CE providers.

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

The Board's effort to revise its CE policy can be seen through its development of the CPD model. Rather than relying entirely on more passive means of demonstrating competency, it includes and encourages that a portion of CPD be earned by performance-based activities. As competency is not a fixed quality, this ensures a more active participation in maintaining competence.

ASPPB recommended the CPD model and the Board developed and adopted a framework based on this model in order to provide additional avenues for maintaining competence. These additional options are meant to expand the ways licensees can increase their learning and maintain competency and to include avenues for performance-based assessments of licensees' competence. The use of peer consultation is an example of CPD that accomplishes performance-based competency. The Board has initiated the rulemaking process to move forward with the implementation of this model as authorized by statute.

## Section 5 – Enforcement Program

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

Performance Measure (PM)	Definition	Performance Target
PM 1 Volume	Number of complaints and convictions received.	*
PM 2 Intake	Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.	9 days
PM 3 Intake/ Investigation	Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation).	80 days
PM 4 Formal Discipline	Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline (includes intake, investigation, and transmittal outcome).	540 days
PM 5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**
PM 6 Customer Satisfaction	Consumer satisfaction with the service received during the enforcement process.	***
PM 7 Probation/ Intake	Average number of days from monitor assignment, to date the monitor makes first contact with the probationer.	7 days
PM 8 Probation Violation Response	Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.	10 days
* Complaint volume is counted and not considered a performance measure ** Data not collected *** The DCA-wide average for all participating programs has been between 80-85% since 2015.		

The Board has consistently met all of its performance measures with the exception of Performance Measure 4 (Formal Discipline). The DCA set the performance measure at 540 days; however, this measure includes case involvement outside of the Board's control. For example, cases referred to the Office of the Attorney General and the Office of Administrative Hearings are included in Performance Measure 4 (Formal Discipline). Since the last Sunset Review, the Board has limited the amount of time given to the respondent during settlement negotiations and requested that Accusations/Statement of Issues be filed within 30 days of transmittal to the Office of the Attorney General to improve this performance measure.

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

The Board's volume of complaints and arrests has increased by 27% since the last Sunset Review. Over the past four fiscal years, the Board received the largest number of complaints and arrests totaling 1,232 cases in FY 2018/19 (see Table 9a) as compared to 972 complaints and arrests reported in the last Sunset Review.

The Board continues to meet its performance targets as identified by the Consumer Protection Enforcement Initiative (CPEI), with the exception of Performance Measure 4 (Formal Discipline) (see Attachment 12D). There have been no recognizable trends that the Board has identified to explain the continued increase in complaint volume.

<b>Ratio of Closure to Pending Cases</b>	<b>FY 2014/15</b>	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>
Prior Year Pending (AG Pending Cases and Pending Intake or Investigation Cases)	275	415	274	376	488
Complaints and Arrests Received	972	1,038	1,232	1,183	1,232
Closed at Intake	92	210	274	351	336
Closed at Investigation	736	768	918	882	837
Closed at AG	15	15	13	9	11
Closed with Discipline	20	34	53	33	29
Case Workload	1,247	1,453	1,506	1,559	1,720
Case Closure	863	1,027	1,258	1,275	1,213
Pending Cases	384	426	248	284	507
Closure to Pending Ratio	2.25:1	2.41:1	5.07:1	4.49:1	2.39:1

The performance barriers identified by the Board are as follows:

- Increased number of complaints and enforcement workload

Since the last Sunset Review, the Board has experienced an increase in the number of desk investigations due to a growing number of complaints and applicant file reviews where there is a history of convictions or discipline from another state or jurisdiction. Additionally, the Board has experienced an increase in the number of administrative subpoenas and petitions for early termination of probation and reinstatement. In addition to performing desk investigations, enforcement analysts are also responsible for updating forms and procedure manuals, responding to Public Records Act (PRA) requests, preparing statistical data reports, facilitating and organizing expert training, and preparing and issuing administrative subpoenas.

In FY 2017/18, the Board added a full-time permanent Associate Governmental Program Analyst (AGPA) to address case load issues and staff processing times. Although we have added a full-time position, each analyst is responsible for 120 to 130 cases at any given time. Since our last Sunset Review, the Board no longer uses the Division of Investigation (DOI) to perform background investigations for petitions for reinstatement. Internal use of the Board's Special Investigator (SI) has helped improve investigative time frames for investigations of petitions for reinstatement. The Board no longer performs background investigations for petitions for early termination of probation because the Board is actively monitoring these individuals through its probation program, which makes background investigations unnecessary. Lastly, the enforcement staff attended subpoena training

through DCA to streamline the process for preparing and issuing administrative subpoenas, instead of referring these to DOI.

- Limited pool of Subject Matter Experts (SMEs)

Currently, the Board has 42 SMEs, which is down from 100 SMEs from the prior Sunset Review. The Board utilizes licensed psychologists as SMEs to review and opine on complaints to determine if there has been a departure from the standard of care. Experts must be licensed by the Board for a minimum of three years, have not had any disciplinary action, and have three or more years of experience in a specific area of practice. Factors leading to this decrease include, but are not limited to, the following: amount paid in relation to the prevailing hourly rate, availability, potential conflicts of interest with respondents, complainants, or opposing counsel, and limited pools of experts in certain fields such as child custody evaluations, neuropsychology, and forensic psychology.

In order to address this barrier, since the last Sunset Review, the Board has made an adjustment to its hourly rate and will continue to monitor rates in comparison to other DCA entities. Additionally, the Board has increased its outreach efforts to licensees by publishing articles, sending targeted emails to licensees to encourage participation and recruit qualified candidates, and leveraged all Board in-person outreach opportunities to inform and engage licensees about the SME Program.

- Timeframes for formal investigations

The Board no longer utilizes the Health Quality Investigative Unit (HQIU) due to lengthy timeframes of approximately 24 months for investigations. To reduce investigative timeframes to between 12 to 16 months, the Board engaged DOI's Investigative Enforcement Unit (IEU) in 2017 to take over investigative workload. Additionally, the Board supported DOI's efforts to augment investigative resources through the BCP process.

- Statutory barriers to obtain necessary documentation

Through the Child Custody Stakeholder Meeting held in September 2018, the Board has identified statutory barriers to obtaining necessary documentation in its investigations of child custody-related complaints. The Board will be working with the Office of the Attorney General and the State Legislature to make changes to the Code sections identified in the meeting to remedy this barrier.

- Timeframes for administrative hearings

Currently, the Office of Administrative Hearings (OAH) takes an average of 12 months to hear a disciplinary matter, once scheduled. This barrier is outside of the Board's control.

<b>Table 9a. Enforcement Statistics</b>			
	FY 2016/17	FY 2017/18	FY 2018/19
<b>COMPLAINT</b>			
Intake			
Received	1,191	1,130	1,192
Closed	274	351	336



<b>Table 9a. Enforcement Statistics</b>			
	FY 2016/17	FY 2017/18	FY 2018/19
Referred to INV	854	805	862
Average Time to Close	10	18	9
Pending (close of FY)	146	120	114
<b>Source of Complaint</b>			
Public	861	871	909
Licensee/Professional Groups	6	5	19
Governmental Agencies	288	190	166
Other	36	64	98
<b>Conviction / Arrest</b>			
CONV Received	41	53	40
CONV Closed	39	48	31
Average Time to Close	8	8	9
CONV Pending (close of FY)	2	5	9
<b>LICENSE DENIAL</b>			
License Applications Denied	10	8	3
SOIs Filed	7	7	6
SOIs Withdrawn	3	2	0
SOIs Dismissed	1	0	0
SOIs Declined	0	0	0
Average Days SOI	733	128	160
<b>ACCUSATION</b>			
Accusations Filed	31	19	29
Accusations Withdrawn	3	2	3
Accusations Dismissed	N/A	N/A	N/A
Accusations Declined	2	3	4
Average Days Accusations	860	1,088	830
Pending (close of FY)	54	78	84
<b>DISCIPLINE</b>			
<b>Disciplinary Actions</b>			
Proposed/Default Decisions	8	9	5
Stipulations	45	24	24
Average Days to Complete	1,005	1,111	1,220
AG Cases Initiated	55	72	55
AG Cases Pending (close of FY)	57	78	84
<b>Disciplinary Outcomes</b>			
Revocation	2	10	0
Voluntary Surrender	26	10	9
Suspension	1	2	0
Probation with Suspension <sup>1</sup>	0	0	0
Probation <sup>2</sup>	19	10	18
Probationary License Issued	1	0	0
Other	0	0	0
<b>PROBATION</b>			
New Probationers	15	9	15
Probations Successfully Completed	3	8	13
Probationers (close of FY)	52	53	38
<b>PROBATION (cont.)</b>			
Petitions to Revoke Probation	0	7	3
Probations Revoked	0	2	0
Probations Modified	1	2	4

<b>Table 9a. Enforcement Statistics</b>			
	FY 2016/17	FY 2017/18	FY 2018/19
Probations Extended	1	1	3
Probationers Subject to Drug Testing	25	22	24
Drug Tests Ordered	653	832	780
Positive Drug Tests	146	149	42
Petition for Reinstatement Granted	1	0	1
<b>DIVERSION</b>			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

<b>Table 9b. Enforcement Statistics (continued)</b>			
	FY 2016/17	FY 2017/18	FY 2018/19
<b>INVESTIGATION</b>			
All Investigations			
First Assigned	892	996	898
Closed	918	882	837
Average days to close	46	62	86
Pending (close of FY)	173	290	428
Desk Investigations			
Closed	881	882	910
Average days to close	46	62	101
Pending (close of FY)	173	290	428
Non-Sworn Investigation			
Closed	24	27	14
Average days to close	38	373	56
Pending (close of FY)	15	62	23
Sworn Investigation			
Closed	143	57	48
Average days to close	373	363	488
Pending (close of FY)	70	72	107
<b>COMPLIANCE ACTION</b>			
ISO & TRO Issued	1	2	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	3	4	3
Cease & Desist/Warning	N/A	N/A	N/A
Referred for Diversion	N/A	N/A	N/A
Compel Examination	0	3	0
<b>CITATION AND FINE</b>			
Citations Issued	165	198	75
Average Days to Complete	79	138	77
<b>CITATION AND FINE (cont.)</b>			
Amount of Fines Assessed	\$123,000	\$143,750	\$60,500
Reduced, Withdrawn, Dismissed	33	29	10

<b>Table 9b. Enforcement Statistics (continued)</b>			
	FY 2016/17	FY 2017/18	FY 2018/19
Amount Collected	\$100,250	\$119,882	\$38,050
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution	0	0	0

<b>Table 10. Enforcement Aging</b>						
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	Cases Closed	Average %
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
0 - 1 Year	1	1	1	2	5	10%
1 - 2 Years	3	4	2	2	11	23%
2 - 3 Years	2	3	2	3	10	21%
3 - 4 Years	4	3	2	2	11	23%
Over 4 Years	5	2	2	2	11	23%
Total Attorney General Cases Closed	15	13	9	11	48	
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days	603	760	601	525	2,489	78%
91 - 180 Days	84	74	67	103	328	10%
181 - 1 Year	46	35	51	66	198	6%
1 - 2 Years	25	43	40	40	148	4%
2 - 3 Years	10	16	11	13	50	2%
Over 3 Years	0	0	1	0	1	<1%
Total Investigation Cases Closed	768	918	771	747	3,204	

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

Since the last Sunset Review, the overall statistics do not reflect a significant change in the number of disciplinary actions the Board has taken. Stipulated Settlements and Voluntary Surrenders have increased from the last Review.

**37. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)*? If so, explain why.**

The Board prioritizes cases in accordance with the DCA August 2009 memorandum, "Complaint Prioritization for Health Care Agencies." There are three levels of prioritization: urgent, high, and routine. Each complaint is reviewed and placed in one of the three categories. Complaints involving sexual misconduct are immediately placed in the "urgent" priority and forwarded to IEU for formal investigation. All other complaints are opened in the order received and assigned to an analyst. Analysts perform a desk investigation of the complaint and determine prioritization and appropriate action.

**38. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the**

**board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?**

The mandatory reporting requirements are as follows:

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

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

**a. What is the dollar threshold for settlement reports received by the board?**

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

**b. What is the average dollar amount of settlements reported to the board?**

The average dollar amount of settlements reported to the Board is \$110,499.00.

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

Stipulations are legal documents that typically contain admissions by the licensee to one or more violations of law and set forth a proposal for appropriate discipline. Appropriate discipline is based on the Board's Disciplinary Guidelines and Uniform Standards which outline both minimum and maximum penalties for every violation of the Psychology Licensing Act. Discipline comes in many forms and, depending on the admission(s) of misconduct, may include probation with terms and conditions, suspension, surrender of license, or even revocation. Stipulations are negotiated between the licensee or their attorney and the Board's legal representative from the Office of the Attorney General. Once a stipulation is agreed upon and signed by the licensee and the Board's legal representative, the document is voted upon by the Board members. The Board votes to either adopt the stipulation, reject it, or offer a counterproposal. If the licensee does not agree with the counterproposal, they have the right to request a formal hearing before an Administrative Law Judge.

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

The Board does not enter into settlement agreements with licensees prior to the filing of an accusation.

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

	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Settled	38	45	24	24
Hearing	2	6	5	4

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

- FY 2015/16: 95%
- FY 2016/17: 88%
- FY 2017/18: 82%
- FY 2018/19: 76%

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

The Board operates within a statute of limitations. BPC Section 2960.05 provides, in pertinent part, that any accusation filed against a licensee pursuant to Section 11503 of the Government Code be filed within three years from the date the Board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first. If an alleged act or omission involves a minor, the seven-year limitation period provided for by subdivision (a) and the 10-year limitation period provided for by subdivision (e), is tolled until the minor reaches the age of majority. Since the last Sunset Review, the Board did not have or lost jurisdiction due to statute of limitations in 37 cases.

#### **41. Describe the board's efforts to address unlicensed activity and the underground economy.**

The Board continues to investigate all unlicensed activity cases. The Board has the authority to issue a Citation and Fine for unlicensed activity or for false or misleading advertising. Through DOI, the Board can refer cases to local District Attorney offices for criminal prosecution.

#### **Cite and Fine**

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

A Citation and Fine is a tool the Board can use to take action against an unlicensed person or a licensee who is found to be in violation of Psychology Laws and Regulations. For licensees, a Citation and Fine is used to address relatively minor violations that typically do not warrant formal discipline.

Since the last Sunset Review, the Board has not amended its regulations regarding its Citation and Fine authority. The Board increased its fine authority to the statutory limit of \$5,000 in 2005.

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

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

- Failure to comply with the continuing education requirements;
- False or misleading advertising;
- Unlicensed practice;
- Failure to maintain proper record keeping; and
- Failure to comply with an investigation.

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

The Board of Psychology does not have a Disciplinary Review Committee. In the last four fiscal years, the Board held 45 enforcement-related and 87 CE-related informal conferences and three enforcement-related and four CE-related Administrative Procedure Act appeals.

#### **45. What are the 5 most common violations for which citations are issued?**

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

- Failure to comply with the continuing education requirements;
- Failure to disclose conviction information on renewal application;
- False or misleading advertising;
- Unlicensed practice; and
- Violation of the terms and conditions of probation.

#### **46. What is average fine pre- and post- appeal?**

The average pre-appeal fine for enforcement citation orders is \$1,950 and the average post-appeal fine is \$1,125.

The average pre-appeal fine for CE citation orders is \$772 and the average post-appeal fine is \$573.

**47. Describe the board’s use of Franchise Tax Board intercepts to collect outstanding fines.**

In instances of failure to pay a fine within the required time, the licensee or non-licensee's information is forwarded to the DCA for referral to Franchise Tax Board for collection through its Interagency Intercept Collection Program.

**Cost Recovery and Restitution**

**48. Describe the board’s efforts to obtain cost recovery. Discuss any changes from the last review.**

BPC Section 125.3 states, in part, that the Board may request the administrative law judge direct any licensee found to have committed a violation or violations of the licensing act, to pay the Board a sum not to exceed reasonable costs of the investigation and enforcement of the case. Cost Recovery is a standard term and condition specified in the Board's disciplinary guidelines for all proposed decisions and stipulations. There have been no changes in this policy since the last review.

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

There is no specific amount of cost recovery ordered for revocations, surrenders, and probationers. Each discipline case has its own amount of cost recovery ordered depending on the investigation and prosecution costs incurred. Most cost recovery is due within 12 months of the order's effective date. During negotiations, a probationer can request a payment plan if he or she needs additional time to reimburse the Board. All cost recovery must be paid six-months prior to the completion of probation. If cost recovery is determined to be unrecoverable, the Board uses the Franchise Tax Board's Interagency Intercept Collection Program to collect the amount due. Generally, licensees pay cost recovery as it is a term and condition of probation, and to not pay could result in the revocation of the license.

<b>Table 11. Cost Recovery</b>	<b>(list dollars in thousands)</b>			
	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>
Total Enforcement Expenditures	\$1,268	\$953	\$1,149	\$784**
Potential Cases for Recovery *	37	31	25	33
Cases Recovery Ordered***	29	41	26	21
Amount of Cost Recovery Ordered	\$264	\$410	\$222	\$225
Amount Collected	\$107	\$114	\$53	\$29
* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the License Practice Act.				
** Total based on preliminary yearly expenditures provided by DCA				
***Cost recovery ordered may be from other accusations in different fiscal years				

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

The Board does not seek cost recovery in cases where it has denied an application for a license or registration and a Statement of Issues has been filed. BPC Section 125.3, which authorizes the collection of cost recovery, applies only to licensees and not applicants.

**51. Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery.**

Failure to pay cost recovery is generally a violation of probation, so it is not common for a licensee to fail to pay cost recovery. The Board uses the Franchise Tax Board (FTB) to collect outstanding monies due if not paid within the agreed upon timeframe.

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

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

<b>Table 12. Restitution</b>	<b>(list dollars in thousands)</b>			
	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>
Amount Ordered	0	0	1,508	0
Amount Collected	0	0	1,508	0

**Section 6 – Public Information Policies**

**53. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board’s website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?**

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

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



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

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

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

**56. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?**

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

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

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

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

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

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

The Board receives numerous inquiries about online practice but receives very few complaints directly related to online practice. The Board defines online practice as one method of delivery of psychological services pursuant to BPC Section 2290.5 on telehealth. Since the last Sunset Review, the Telepsychology Committee recommended a new regulatory section to address issues with the mode of delivery of psychological services. This regulatory package was formally noticed September 2020.

**Section 8 –  
Workforce Development and Job Creation**

**60. What actions has the board taken in terms of workforce development?**

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

In addition, from 2015 to 2017, the Board engaged in a two-year campaign regarding access to mental health care in the State of California in an effort to increase the number of mental health providers working in California's underserved and un-served communities. The campaign included a presentation on access to care before the Senate Select Committee on Mental Health; presentations at Board Meetings regarding the health of the Health Professions Education Foundation (HPEF) fund, under the Office of Statewide Health Planning and Development (OSHPD); and has produced targeted newsletter articles on topics such as the number of mental health care professionals per county and the aging demographics of the licensed workforce, which have been shared with legislative offices and the media. As a result of the campaign, the Board advocated for and received an increase in the HPEF fee, paid by Board licensees via the biennial renewal process. The fee increased from a statutory amount of \$10, to \$20 per renewal. The HPEF offers a number of scholarship and loan repayment programs for eligible health professional students and graduates. All program recipients are required to provide direct patient care in a medically underserved area of California as designated by OSHPD. This program aims to increase access to mental health services in California by increasing the number of licensed providers in those identified areas.

**61. Describe any assessment the board has conducted on the impact of licensing delays.**

The Board regularly monitors its licensing timeframes for licensure and registration applications. At this point of time, the Board is not seeing any significant licensing delays; therefore, the Board has not conducted any formal assessment of the impacts of licensing delays since the last Sunset Review.

**62. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.**

Schools are identified stakeholders of the Board and as such are consulted on statutory and regulatory changes that may impact students and future applicants to the Board. For example, in February 2018, surveys were sent to solicit stakeholder input regarding a proposal relating to the standardization of trainee categories. The aim of the proposal was to enhance consumer protection and transparency by creating a single pathway to licensure that would standardize the process for trainees to gain experience towards licensure as a psychologist. The proposal would have required all trainees to register as psychological assistants with the Board to ensure accountability while providing psychological services to the public and while accruing supervised professional experience.

Additionally, whenever policy changes are made that affect applicants, the Board disseminates an advisory on changes to licensing requirements and processes. Due to travel restrictions, the Board is unable to travel to schools to present this information directly to their students.

**63. Describe any barriers to licensure and/or employment the board believes exist.**

BPC Section 2914 requires applicants for licensure who received their degree from an educational institution outside of the U.S. or Canada to provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services. At a recent ASPPB meeting, one of the topics discussed was the evaluation of foreign-trained applicants. One of the presenters on the topic was a representative from the National Register of Health Service Psychologists (NRHSP), which is a national organization that also performs this service. As a result of this meeting, the NRHSP was invited to present their credentials review processes and criteria to the Board's Licensure Committee. As a result of the presentation, the Board approved draft statutory amendments to add the NRHSP as an additional credentials evaluation service. This additional credentials evaluation service will provide foreign-trained applicants another avenue to obtain the credentials evaluation required for licensure.

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

**a. Workforce shortages**

Since the last Sunset Review, DCA has not collected data regarding workforce shortages.

**b. Successful training programs.**

Since the last Sunset Review, DCA has not collected data regarding successful training programs.

**Section 9 –  
Current Issues**

**65. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?**

In order to implement SB 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008), which was designated to protect the public by monitoring psychologists (and other healing arts professionals) impaired by drug or alcohol abuse, the Board promulgated regulations which became effective

January 1, 2017. These regulations provide guidelines which are followed when considering discipline against a substance abusing licensee.

**66. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?**

The Board completed implementation of the CPEI regulations in 2012.

**67. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.**

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

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

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

Not applicable.

**Section 10 –  
Board Action and Response to Prior Sunset Issues**

**Include the following:**

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

**ISSUE # 1: Lack of mental health providers in certain communities.**

**Background:** According to the Office of Statewide Health Planning and Development (OSHPD), approximately 16 percent of Californians live in a Mental Health Professional Shortage Area, which is designated based on the availability of psychiatrists and other mental health professionals, including psychologists.

There are several programs administered by OSHPD to encourage licensees to work in these areas:

## Mental Health Loan Assumption Program (MHLAP)

MHLAP was created by Proposition 63, the Mental Health Services Act (Act), passed by California voters in November 2004. The Act provided funding to develop a loan forgiveness program in order to retain qualified professionals working within the Public Mental Health System (PMHS). Through the Workforce Education and Training component of the Act, \$10 million is allocated yearly to loan assumption awards. An award recipient may receive up to \$10,000 to repay educational loans in exchange for a 12-month service obligation in a hard-to-fill or retain position within the County PMHS.

## Mental Health Practitioner Education Fund

The Board collects a \$10 fee as part of license renewals to support the Mental Health Practitioner Education Fund that is administered by OSHPD. An awardee may receive up to \$15,000 to repay educational loans over a 24-month period in exchange for a 24-month commitment to practicing and providing direct care in a publicly funded or public mental health facility, a non-profit mental health facility, or a mental health professions shortage area.

The Board does not formally track data regarding workforce shortages, but it has many occasions to solicit and communicate opportunities to its licensees.

***Staff Recommendation: The Board should inform the Committee what it is doing to promote service in underserved areas and evaluate whether \$10 is sufficient to fund the Mental Health Practitioner Education Fund.***

## **Board Response**

In February 2015, the Board of Psychology embarked on a two-year access to mental healthcare in the State of California campaign. To date, the Board has done the following:

- Produced an article in the winter 2015 *Journal* identifying licensed mental health professionals per county, per capita. This *Journal* has a distribution of more than 15,000 per publication. This data has been shared with the Department of Consumer Affairs, the Health Professions Education Foundation, the Senate Business, Professions and Economic Development Committee and other interested Members of the state legislature.
- Produced an article in the spring 2015 *Journal* entitled, “Educational Loan Opportunities for Mental Health Providers”.
- In August 2015, the Health Professions Education Foundation (HPEF) gave the Board an overview of the program at the Board Meeting, an update on the fiscal health of the program, and an overview of the process for application for loan repayment. The Foundation agreed to present to the Board annually.
- Summer 2015 recipient profile of HPEF (Jaseon Outlaw, PhD) in the Board’s summer *Journal*. Going forward, the Board will include a recipient profile in the quarterly *Journal* as awards are given.
- Inserts will be included in all license renewals packets promoting the HPEF. The inserts will instruct licensees how to apply for loan forgiveness and how to contribute additional funds to the program.
- Additionally, the Board plans to do the following:
  - Develop outreach to high schools and community colleges to encourage individuals to enter into the profession.
  - Develop telepsychology regulations that will instruct licensees how to provide telehealth to Californians, giving psychologists additional opportunities to provide care to underserved populations.

- Engage stakeholders to help the Board promote entering the profession and the availability of the loan repayment program.
- Increase awareness regarding other loan repayment programs.

According to a recent survey conducted by the American Psychological Association of Graduate Students (APAGS), the median loan debt of a recent graduate of a doctoral program is between \$90,000-200,000 plus (depending on the program and institution from which they graduated) <http://www.apa.org/monitor/2015/06/datapoint.aspx>. The size of available awards under existing state programs are small by comparison thereby reducing the potential incentive to locate in underserved areas.

- The average award amount varies from \$2,558 to \$13,910 depending on profession of awardee.

Renewal fees are authorized for the specified professions listed under the statutory definition of a licensed mental health service provider (LMHSP).

- Per Health and Safety Code section 128454 (1) “Licensed mental health service provider” means a psychologist licensed by the Board of Psychology, registered psychologist, postdoctoral psychological assistant, postdoctoral psychology trainee employed in an exempt setting pursuant to BPC Section 2910, or employed pursuant to a State Department of Health Care Services waiver pursuant to Section 5751.2 of the Welfare and Institutions Code, marriage and family therapist, marriage and family therapist intern, licensed clinical social worker, and associate clinical social worker.”
- The majority of mental health practitioners who apply for the loan repayment program do not receive any award due to limitations in financial resources. Please see the table below, which reflects the **Licensed Mental Health Services Provider Education** program application numbers. Specifically, the table reflects how many applications were received, eligible, awarded and not awarded in FY 2012-13, 2013-14, and 2014-15.
- The Mental Health Loan Assumption Program (MHLAP) is funded by Proposition 63 funds. Licensees of the Board are also eligible for awards through this program. Applicants can receive up to \$10,000 from this Program.

<b>Board of Psychology Fund</b>			
<b>LMH</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Total applications received	31	63	49
Total eligible applications	29	61	40
Did not score high enough for award	NA	5	19
Awarded through Grant funding	NA	22	NA
Awarded through Board of Psychology Funding	8	7	10
Total not awarded	21	27	11

It appears that the financial resources of the HPEF fund cannot meet the demands of applicants who wish to work in underserved communities.

**UPDATE:**

The Board advocated for AB 1188 (Nazarian), which increased the psychologist renewal fee for deposit into the Mental Health Practitioner Education Fund. This bill became operative July 1, 2018.

See the table below for an update on the LMH program.

<b>Board of Psychology Fund</b>				
<b>LMH</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Total applications received	89	78	64	62
Total eligible applications	89	78	64	26
Did not score high enough for award	24	32	26	9
Awarded through Grant funding	4	5	5	0
Awarded through Board of Psychology Funding	8	4*	8*	6
Total not awarded	53	37	25	11

\*One applicant was offered an award but declined before June 30<sup>th</sup> of the award year.

**ISSUE # 2: California remains the only state that allows licensure of psychologists from unaccredited schools. Should the Psychology Act be amended to require accreditation of institutions offering degrees intended to lead to licensure by the Board?**

**Background:** California is the only state that allows students from unaccredited schools to sit for psychology licensing examinations. Current law requires the Board to accept doctoral degrees in psychology from either accredited or approved institutions. An institution is deemed approved if it is not a franchise, was approved by the BPPVE on or before 1999, and has not moved to a new location since 1999. There are six schools meeting these criteria, and approvals and oversight are conducted solely by the BPPE.

This issue was raised during the previous review of the Board. The Board was concerned that there is little quality control over the schools' operations or curriculum and students have a low pass rate on the national exam, among other issues. At that time, the Board stated that the students from these schools should not be eligible for licensure and expressed their preference for a change in law to prohibit applicants from approved schools. This law was not changed.

In an effort to increase the quality of educational programs in California, the California Private Postsecondary Education Act of 2009 was amended in 2014 (SB 1247, Lieu, Chapter 840, Statutes of 2014) to require degree granting institutions to be accredited by an agency recognized by the U.S. Department of Education by July 1, 2020 in order to receive BPPE approval. AB 2099 (Frazier, Chapter 676, Statutes of 2014) also established requirements for unaccredited degree granting programs participating in Title 38, the program that provides educational awards for eligible active duty military members and veterans.

While the Board recognizes recent Legislative actions as significant progress, there remains a concern that these changes may be insufficient to raise California's psychologists to the national standard. The main barrier is that the ASPPB requires member states to have regionally accredited schools to participate in their Agreement of Reciprocity for licensure – U.S. Department of Education allows national accreditation. Further, California psychologists may not be able to join the American Psychological Association, the largest professional psychology organization in the nation, as full

members; participate in certain pre-doctoral or post-doctoral programs necessary for some types of employment, including the U.S. Department of Veterans' Affairs Health and Medical Centers -- the largest employer of psychologists in the U.S; or be eligible for licensure in some states.

Unaccredited degree granting institutions are extremely concerned about the requirement to obtain accreditation and have been working through the legislative process to create exemptions to the new requirements set forth by SB 1247 and AB 2099. It would be helpful for the Committees to better understand the barriers to schools becoming accredited, particularly for schools offering degrees.

**Staff Recommendation: *The Committees should remove current language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the Board, and ensure that timeframes for this change accommodate current students. The Board should provide information to the Committees as to whether regional accreditation may be preferable to other types of accreditation, and the Committees should specify the type of accreditation that should be required of institutions offering degrees intended to lead to licensure.***

### **Board Response**

The Board of Psychology believes that institutions offering degrees eligible for licensure should be regionally accredited. A requirement of regional accreditation would accomplish the following:

Greater protection of the consumer of psychological services is better ensured by regionally accredited institutions offering applied psychology graduate programs. Such institutions offer substantially greater opportunities for placement in rigorous training sites accredited by the American Psychological Association, the Association of Psychological Postgraduate and Internship Programs and the California Psychology Internship Council, all of which require that graduate and postgraduate students be enrolled in, or have received their degree from, regionally accredited institutions.

Greater protection of the consumer of psychological services and the psychology graduate students attending graduate programs at regionally accredited institutions is better ensured due to the more rigorous curriculum requirements and the careful monitoring of the administrative and financial stability of the institutions offering psychology doctoral programs. This is particularly important to the student consumers in that they incur on average six figures in student debt for the graduate portion of their education alone (See Doran, J. M., Kraha, A., Marks, L. R., Ameen, E. J., & El-Ghoroury, N. H. (2016)). Graduate debt in psychology: A quantitative analysis. *Training and Education in Professional Psychology*, 10(1), 3-13, <http://dx.doi.org/10.1037/tep0000112>.) Such debt would appear to be particularly onerous for those graduates whose ability to successfully traverse the pathways to licensure in this or another jurisdiction is compromised due to the lack of regional accreditation. Students and graduates of regionally accredited institutions will not only be eligible for the most rigorous and respected predoctoral and postdoctoral internships but also enjoy greater future job opportunities, such as employment by the Veterans Administration and other federal governmental institutions, as well as appointment to faculty and research positions at major academic institutions.

In addition to the primary concern for the consumer of psychological services and the efficacy and cost effectiveness to student consumers of applied psychology graduate education, regional accreditation would afford benefits to licensees of the Board by better ensuring the increased geographic portability of a California psychology license should the licensee ultimately wish to practice in other or additional jurisdictions. At present, the equivalency of a California license in applying for out of state licensure has been often viewed as inferior due to the Board's licensing of graduates of institutions that are not regionally accredited. Many types of licensees of the Board, such as forensic psychologists, industrial/organizational psychologists and consulting psychologists,



benefit from licensure in multiple jurisdictions due to the nature of the work they perform. Some psychologists wish to move to other jurisdictions to practice in order to better provide for their family or to take advantage of career opportunities. They are sometimes hampered in these efforts due to the less rigorous requirements for accreditation of the California institutions from which they received their doctoral degrees.

The Board looks forward to working with the Committees to amend BPC Section 2914 to address this issue.

**UPDATE:**

As a result of the provisions made in the last Sunset Bill (SB 1193 (Hill)), BPC Section 2914 was amended to remove language authorizing graduates with degrees from unaccredited institutions to sit for licensure by the Board and ensured the timeframes for this change accommodated current students from these institutions. Therefore, students enrolling after January 1, 2020 are required to enroll in a regionally accredited institution in order to meet the degree qualifications for licensure as a psychologist.

### **ISSUE # 3: Continuing Education.**

**Background:** Traditional models of CE entail formal learning activities conducted in classroom or workshop settings. As referenced earlier in the report, the Board is considering changes to their CE program to accommodate a broader competency model called continuing professional development (CPD). The model was developed by the ASPPB and provides additional avenues for maintaining competence. These options are meant to expand the ways licensees can increase their learning and to include performance-based assessments of licensees' competence.

The Board is seeking to amend existing continuing education statutes and regulations to accommodate this new approach. Changes should include:

- Redefining "Continuing Education" requirements as "Continuing Professional Development" requirements;
- Removing specific course requirements found in the BPC; and,
- Enabling the Board to approve specific organizations that provide continuing professional development activities.

**Staff Recommendation:** *The Board should provide recommendations to the Committee for updating continuing education statutes.*

#### **Board Response**

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend BPC Section 2915. This change would redefine continuing education with a continuing professional development model. The Committee has graciously agreed to include this change in the Board's sunset legislation. This model will allow licensees alternative ways to maintain competence, decrease isolation, and enhance the probability that ongoing professional competence can be demonstrated.

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2915 was amended to replace the current continuing education model with a broader continuing professional development model. Continuing professional development is defined as certain continuing education learning activities approved in four different categories:

1. Professional
2. Academic
3. Sponsored Continuing Education Coursework
4. Board Certification from the American Board of Professional Psychology

The Board has initiated the formal rulemaking process to implement these statutory changes in regulation. This regulatory package was formally noticed for hearing in October 2020.

**ISSUE # 4: Expansion of Psychological Assistant practice areas.**

**Background:** In order to become a licensed psychologist, applicants must accrue 3,000 hours of supervised professional experience. Individuals who have a Master's degree and are admitted into a doctoral program may obtain these hours by registering with the Board as a psychological assistant. A psychological assistant provides psychological services to individuals or groups while under the supervision of a licensed psychologist or a board certified psychiatrist.

Current law requires that a psychological assistant be employed only by a psychological or medical corporation, a California licensed psychology clinic, a Bronzan-McCorquodale contract clinic, a licensed psychologist, or a board certified psychiatrist.

The Board recognizes that these statutes are outdated and do not reflect the employment, contract, or volunteer opportunities available in settings beyond current limitations, such as hospitals, nursing homes, and rehabilitation centers.

**Staff Recommendation:** *The Board should provide recommendations to the Committee for updating psychological assistant statutes to focus on appropriate supervision, rather than physical setting.*

**Board Response**

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to amend BPC Section 2913. This change would address the following two issues:

1. Eliminating the restrictions of the current work settings required of a psychological assistant.
2. Receiving the application directly from the psychological assistant instead of the supervisor.

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2913 was amended to remove the restriction on the types of settings in which a psychological assistant can work. The Board has implemented these changes through its statutory authority and is seeking additional conforming changes via regulations. This regulatory package is currently in the Initial Departmental Review phase with the DCA. The Board hopes that this package will be formally noticed by 2020.

## **ISSUE # 5: Retired license.**

**Background:** The Psychology Act does not authorize a retired license. Under existing law, a retired licensee may choose only between “inactive” status, which costs \$25 per year, or “delinquent” status. These have negative connotations and may not respect a long and honorable career.

The Board is seeking to establish a “retired” licensure category, similar to many other healing arts programs such as the Medical Board, Professional Fiduciaries Bureau, Board of Behavioral Sciences, and Board of Optometry. The creation of this license would require a one-time fee and would provide a means for a retired licensee to return to active status under certain circumstances.

Adding this license designation is a consistent request from licensees and is included in the Board’s 2014-2018 Strategic Plan.

**Staff Recommendation:** *The Board should provide recommendations to the Committee for establishing a retired license.*

### **Board Response**

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to add a section to the Psychology Licensing Law in the BPC creating a retired license category for psychologists.

#### UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2988.5 was added to create the statutory authority for the Board to create a retired license status. The Board has initiated the formal rulemaking process to implement these statutory changes in regulation. This package is in the Initial Departmental Review Stage with the DCA. The Board hopes that this package will be formally noticed by 2020.

## **ISSUE # 6: Web Site information.**

**Background:** The Board has been very active in providing information to consumers, and seeks legislative authority to post historical information on existing and past licensees’ approved graduate and post-graduate education on its Web site. This will enable consumers to make informed decisions when selecting a psychology provider.

**Staff Recommendation:** *The Board should provide recommendations to the Committee for updating its public information policies.*

### **Board Response**

The Board has submitted a legislative proposal to the Senate Business, Professions, and Economic Development Committee to add a section to the Psychology Licensing Law in the BPC establishing a mechanism for posting historical information on existing and past licensees. This information will include:

1. Institutions that awarded the qualifying educational degree and type of degree awarded.

2. A link to the licensee's professional website.
3. Historical enforcement activity including Statements of Issues, Accusations, Proposed Decisions, and Stipulated Settlements.

UPDATE:

As a result of the provisions made in the last Sunset bill (SB 1193 (Hill)), BPC Section 2934.1 was added to clarify the Board's authority to post enforcement-related actions and documents and to add the following licensee information on current and former licensees:

1. Institutions that awarded the qualifying educational degree and type of degree awarded
2. A link to the licensee's professional internet website

The Board worked with the DCA to implement these changes to the Board's website and the BreZE system.

## **CONTINUED REGULATION OF THE PROFESSION BY THE CURRENT MEMBERS OF THE BOARD**

### **ISSUE # 7: Should the licensing and regulation of the practice of psychology be continued and be regulated by the current Board membership?**

**Background:** The health, safety, and welfare of consumers are protected by a well-regulated psychologist profession. The Board has shown a strong commitment to improve the Board's overall efficiency and effectiveness and has worked cooperatively with the Legislature and this Committee to bring about necessary changes. The Board should be continued with a four-year extension of its sunset date so that the Committee may review once again if the issues and recommendations in this Paper and others of the Committee have been addressed.

**Staff Recommendation:** *Recommend that the practice of psychology continue to be regulated by the current Board members in order to protect the interests of the public and be reviewed once again in four years.*

### **Board Response**

The Board appreciates the confidence the Committees have demonstrated in recommending the continuance of the regulation of the practice of psychology by the Board in its current configuration. In the next four years the Board is committed to addressing the following issues:

1. Ensuring greater access to mental health care in California.
2. Establishing higher criteria for applicants for licensure to ensure consistency with other licensing jurisdictions across the nation.
3. Establishing continuing professional development to ensure competence for its licensees
4. Redefining the psychological assistant statute to focus on appropriate supervision rather than physical setting.
5. Developing a mechanism to provide licensees an alternative license status at the end of their career.
6. Increasing transparency to the consumers of psychological services in California by providing expanded educational and disciplinary data on its licensees.
7. Continuing to review and amend the statutes and regulations in order to be more transparent, more understandable to consumers and evolve with the field.

**UPDATE:**

In order to protect the consumers of psychological services in the State of California, the Board strongly urges the Legislature to continue the regulation of the practice of psychology by the Board of Psychology under its current membership.

**Section 11 –  
New Issues**

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

**1. Issues that were raised under prior Sunset Review that have not been addressed.**

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

**2. New issues that are identified by the board in this report.**

**Foreign Degree Evaluation**

As discussed in questions 32 and 63, BPC Section 2914 requires applicants for licensure who received their degree from an educational institution outside of the U.S. or Canada to provide the Board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services. At an ASPPB meeting, one of the topics discussed was the evaluation of foreign-trained applicants. One of the presenters on the topic was a representative from the National Register of Health Service Psychologists (NRHSP), which is a national organization that also performs this service. As a result of this meeting, the NRHSP was invited to present their credentials review processes and criteria to the Board’s Licensure Committee. As a result of the presentation, the Board approved draft statutory amendments to add NRHSP as an additional credentials evaluation service. This additional credentials evaluation service will provide foreign-trained applicants an additional avenue to obtain the credentials evaluation required for licensure.

**Statutory Changes for Pathways to Licensure**

As discussed in questions 19 and 29, the Board has conducted a comprehensive review of its statutes and regulations addressing how licensure can be obtained. In part, amendments to BPC Sections 27, 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2942, 2944, 2946, 2960, and Evidence Code Section 1010 have been identified with the goal of removing barriers to licensure and improving program efficiencies. The Board will be pursuing statutory and regulatory changes to accomplish this goal.

**Prohibition Against Sexual Behavior**

As discussed in question 3, the Board pursued legislation which would have required an administrative law judge's proposed decision to include an order of licensure revocation when there was a finding that a licensee of the Board of Psychology had engaged in sexual behavior short of sexual contact with a client during therapy, or within two years of termination of therapy. This bill was pulled as part of a legislative reduction in bill load due to the pandemic. The Board will seek legislation in the coming cycle.

### **Emergency Authority**

As discussed in the Board Actions and Responses to COVID-19 report, in response to the COVID-19 emergency, the Board established an Emergency Preparedness Ad Hoc Committee. This Committee was tasked with evaluating the business of the Board (how we conduct meetings, petition hearings, and identifying statutory authority needs). As such, the Committee drafted statutory language which would give the Board authority to establish waivers that would aid in the continuity of client mental health services.

### **3. New issues not previously discussed in this report.**

#### **Temporary Practice Provisions**

Through input from various stakeholders, the Board was made aware of confusion regarding temporary practice provisions set forth in BPC Section 2912 for those who are licensed at the doctoral level in another state or jurisdiction in the U.S. or Canada. These provisions have been interpreted in multiple ways overtime. The Board would like to clarify that the 30 calendar days of practice allowed in statute do not need to be consecutive but instead any 30 consecutive or non-consecutive days in any calendar year, where practice for any part of a day is considered a day.

#### **Reinstatement After Non-Disciplinary Voluntary Surrender**

Based on the Board's analysis of its aging licensee demographic and input from its stakeholders about discipline related to a licensee's cognitive impairment, the Board has reevaluated its approach to investigation and discipline of complaints where there is no consumer harm involved. The Board has experienced instances where licensees have diminished cognitive capacity due to diseases such as Alzheimer's and the licensee's family or a fellow licensee reported that the licensee is starting to experience cognitive issues due to their impairment but have no consumer complaints filed against them. Currently, the Board has implicit statutory authority to accept a non-disciplinary surrender of a license under BPC Section 118(b). However, the Board does not have a mechanism for reinstatement of such a surrendered license in circumstances where medication or surgery could restore cognitive function. As such, the Board would like to clarify the process for voluntary surrender and to establish a mechanism for such individuals to petition the Board for reinstatement of their license.

#### **Delegating Final Authority to the Licensure Committee**

Currently, requests from individual applicants or licensees related to the licensing process are discussed in closed session pursuant to Government Code section 11126(c)(2) at the Licensure Committee meetings. For example, the Committee reviews requests from applicants for additional time to accrue the supervised professional experience required for licensure due to personal or health-related reasons. Often, the Committee is presented with very personal

medical information that accompanies these requests. The Committee then brings its recommendations to the full Board for final decision in open session at a Board Meeting, where the requests must be substantially redacted. This process creates unnecessary and long delays for those seeking licensure, where these individuals may be unable to practice while awaiting a final decision from the Board. The Board would like to be able to delegate the final authority to review and decide these requests to the Licensure Committee, and still have the Committee be allowed to meet in closed session notwithstanding Government Code section 11126(c)(2) in the interests of fairness and privacy protection for these applicants and licensees.

#### **4. New issues raised by the Committees.**

As of the date of this report, the Board has received no additional issues from the Committee and has addressed all issues raised in the last Sunset Review.

## **Section 12 – Attachments**

**Please provide the following attachments:**

- A. Board’s administrative manual.**
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).**
- C. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).**
- D. Quarterly and Annual Performance Measures reports from the Department of Consumer Affairs website.**
- E. Customer Satisfaction Survey Results**

## Board Actions and Responses to COVID-19.

1. In response to COVID-19, has the board implemented teleworking policies for employees and staff?

On March 4, 2020, Governor Newsom declared a state of emergency in response to the COVID-19 pandemic. On March 17, the Department of Consumer Affairs instituted a telework protocol for employees. The Board of Psychology engaged in telework agreements with all employees that were able to telework. As of today, the Board has 75% of its workforce teleworking.

- a. How have those measures impacted board operations? If so, how?  
The Board has continued to process applications for licensure and examination as well as process consumer complaints within mandated timeframes. Staff has been impacted by caring for vulnerable populations in their family as well as providing care for children that are distance learning.

2. In response to COVID-19, has the board utilized any existing state of emergency statutes?

The Board does not currently have an existing state of emergency authority in statute.

- a. If so, which ones, and why? Not applicable.

3. Pursuant to the Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?

Pursuant to the Executive Orders, the Board has worked on several waiver requests. Please see attached waiver update document.

- a. Of the above requests, how many were approved? 2
- b. How many are pending? 1
- c. How many were denied? 3
- d. What was the reason for the outcome of each request?

For approvals, the Board receives notification, along with the waiver. For denials, the Board receives the following:

*As stated in Executive Order N-39-20, the Director of the Department is authorized to waive laws and regulations pertaining to professional licensing requirements. The Department must balance consumer protection with the need to facilitate the continued provision of care to individuals affected by the COVID-19 outbreak, as stated in the Executive Order. All waiver request statements of need are reviewed under this criteria.*

*The Department has reviewed your waiver request and it is not being approved at this time. The Department may reconsider this waiver request, in the event the need should increase in the future.*

4. In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers? The Board has modified its process for considering petitions for early termination of probation and reinstatement. Prior to the pandemic, the Board considered petitions in person at Board meetings. Since the



declaration of emergency, the Board has given petitioners the option to either petition the Board in writing or wait until the Board can safely hold petition hearings in person.

Additionally, the Board has provided accommodations to probationers with biological fluid testing requirements to collect and submit fluid samples from their home if they are not comfortable going into a testing site.

5. Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?

In response to the COVID-19 emergency, the Board established an Emergency Preparedness Ad Hoc Committee. This Committee was tasked with evaluating the business of the Board (how we conduct meetings, petition hearings, and identifying statutory authority needs). As such, the Committee drafted the following addition to the Psychology Licensing Law.

**Language:**

**Section 29XX**

(a) During a declared federal, state, or local emergency, the board may waive application of any provisions of this chapter or the regulations adopted pursuant to it if, in the board's opinion, the waiver will aid in the provision of psychological services.

(b) Notwithstanding any other law, the board may act to continue a waiver of any provision of this chapter or the regulations adopted pursuant to it for up to 60 days following the termination of the declared emergency if, in the board's opinion, the continued waiver will aid in the continuity of psychological services.