

**TITLE 16. BOARD OF PSYCHOLOGY
Continuing Professional Development**

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter “Board”) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held via a Webex event at:

To participate via Computer/Tablet/Smart Phone:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=eca191694a05254a704b6c7a51c60ad38>

To participate via Phone Call-in:

(415) 655-0001

Access code: 146 644 6661

During hearing use *3 to raise/lower hand

Date and Time

November 19, 2020 at 1:30 p.m.

Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **November 17, 2020**, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2915(c) and (g), 2930, and 2982 of the Business and Professions Code, and to implement, interpret or make specific sections 29, 32, 114.3, 118, 480, 2915, 2915.7, 2984, 2986, 2988 of said Code, and 11105(b)(10) of the Penal Code, the Board is considering changes to sections 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67, and adding sections 1397.60, 1397.61, 1397.62, and 1397.67, of Division 13.1 of Title 16 of the California Code of Regulations as follows:

A. INFORMATIVE DIGEST

The California Board of Psychology (Board) is seeking to change the continuing education guidelines and requirements that must be completed by licensed psychologists when renewing, reactivating or reinstating their license. The Board would like to move from the existing Continuing Education (CE) model to a broader Continuing Professional Development (CPD) model of ensuring continued competence.

In psychology, the traditional way of defining ongoing professional development has been solely in terms of CE, which usually refers to one-time formal learning activities conducted in classroom or workshop settings. Current regulations reflect this approach. CPD is a broader concept that includes CE, but also encompasses ongoing development of multi-faceted competencies needed for quality professional performance in one's area of practice through a variety of different learning and professional activities.

One of the Board's responsibilities entails ensuring psychologists maintain competency so that they provide psychological services in a safe and ethical manner. Consequently, appropriate CPD would encompass more than training in ethics and laws; it would also address the knowledge, skills, and aptitudes necessary to maintain and enhance competent practice. Lastly, exemptions from the requirements have been limited.

To ensure the safe and ethical practice of psychology, the Board requires psychologists to continue to update their knowledge, skills, and abilities throughout their professional career. Further, it is anticipated that psychologists will maintain their competence based on published advances in theory, practice, and empirical research. Participation in CE is one way that psychologists maintain and enhance their knowledge and skills, but research has shown that the typical one-time CE workshop/experience, or didactic experience, does not necessarily demonstrate effectiveness in maintaining competence and enhancing skills.

This is a change that has been recommended by the Association of State and Provincial Psychology Boards (ASPPB) as reported in their "*ASPPB Guidelines for Continuing Professional Development*" (*ASPPB Guidelines*).

B. POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

Under these regulations, licensees will benefit from more varied choices for obtaining the 36 hours of CPD required for renewal. The benefit for California consumers is that licensed psychologists will be required to participate in more varied professional development activities that address the knowledge and skills necessary to maintain and enhance competent practice.

Additional benefits from the creation of the criteria for Board approval of CPD approving entities (entities that approve CPD providers) are that more entities, associations, and organizations will be eligible to approve providers to provide CPD coursework. This will lead to different perspectives and new specialties and focus areas relative to the practice of psychology to be accepted by the Board as part of the 36 hours of CPD.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

N/A

BUSINESS REPORTING REQUIREMENTS

The regulatory action does not require businesses to file a report with the Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The proposed language changes the Board's CE guidelines and requirements that must be completed by a licensee. The Board anticipates the current CE workload will shift to the CPD workload and does not anticipate any additional costs or savings related to the amended changes.

Nondiscretionary Costs/Savings to Local Agencies:

None

Local Mandate:

None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 – 17630:

None

Business Impact:

This regulation may have the following economic impact on businesses. The Board anticipates some CE providers may have fewer attendees and lower revenues, which would be offset by an increase in CPD participation and revenues. As a result, the proposed regulations are estimated to have a net-zero economic impact to the state, and therefore will not have a significant statewide adverse economic impact directly affecting businesses, including their ability to compete.

Because the Board does not approve providers of CE, it has no information regarding the number of providers who would be defined as small businesses. In addition, the regulation may positively impact current providers should they chose to provide or facilitate categories of CPD other than “traditional” CE. Moreover, the new CPD regulations detail ways in which additional businesses can become approved CE sponsors.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to The Board of Psychology are as follows:

The Board has determined that representative private person or business in reasonable compliance with the proposed action would incur a minor cost impact for the following reasons:

The change from the CE model to the CPD model will have a minor/negligible financial impact on the individual licensees as the 36-hour CPD requirement will remain the same. There will now be more ways in which the hours can be accrued, so the costs for the licensee should be largely consistent with the current costs, or even less. The highest cost impact will be to licensees who maximize their usage of Practice Outcome Monitoring and Peer Consultation, as those items have no associated cost, and will therefore spend less to complete the remainder of the CPD activities.

Licensed psychologists already engage in activities that will be included in the new regulations. Peer review, conference attendance, Board Meeting attendance, and teaching are activities that are actively encouraged by professional associations, and the employers of psychologists, and will now count towards the 36-hour continuing education renewal requirement.

A licensed psychologist who is not currently engaging in any of the above activities could incur an increase in conference fees, travel and accommodation costs, and enrollment fees; however, the Board is of the opinion that such actions are necessary to reduce professional isolation and increase the competence of

the licensing population

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses. California small businesses may be affected by the proposed regulatory change if they solely provide “traditional” CE courses to Board of Psychology licensees, as the new CPD guidelines reduce the traditional CE courses allowable for license renewal by 25% (from 36 to 27 hours). However, the new activities that are required will be beneficial to organizations and entities that offer graduate level courses, conferences, or other categories that now will count towards the 36 hour continuing education requirements. In addition, licensees can still take as many traditional CE courses as they like, but not all can count toward licensure renewal.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board of Psychology has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring mental health practitioners are maintaining both subject matter competence and legal and ethical requirements. Additionally, the regulatory proposal may have a positive impact on the state’s environment, as it eliminates the on-site requirement of the former CE model, which may lead to a reduction in the state’s carbon footprint due to travel and paper printing.

CONSIDERATION OF ALTERNATIVES

The Board of Psychology must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.psychology.ca.gov

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON:

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jason Glasspiegel
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The backup contact person is:
Name: Antonette Sorrick
Address: 1625 North Market Blvd., Suite N215
Sacramento, CA 95834
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Fax No.: (916) 574-8672
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Website Access: Materials regarding this proposal can be found at:
http://www.psychology.ca.gov/laws_regs/regulations.shtml