

TITLE 16. Board of Psychology

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 2005 Evergreen Street, Sacramento, CA 95815 at 9:00 a.m., or as soon as practicable thereafter, on December 3, 2010. Written comments, including those sent by mail, facsimile, or e-mail 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 29, 2010, 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 and 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 29, 2915, 2915.7, 2984, 2986 & 2988 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires a licensed psychologist, as a condition for active renewal, to obtain 36 hours of continuing education. Business and Professions Code section 2915(d)(3) requires that continuing education instruction shall be completed within the State of California, or shall be approved for continuing education credit by the American Psychological Association or its equivalent as approved by the Board.

Currently, the Board's continuing education program is administered by the Mandatory Continuing Education for Psychologists Accrediting Agency (MCEPAA). The MCEPAA is a non-profit, fee-for-service program, administered by the California Psychological Association (CPA). The MCEPAA program was approved by the Board in 1994 as an accrediting agency, and is currently the sole organization responsible for approving and maintaining a list of qualified providers and courses for California psychologists, and for reporting each licensee's compliance with meeting continuing education requirements to the Board.

The Board currently recognizes and accepts for continuing education courses that are: provided by the American Psychological Association (APA) approved sponsors; Continuing Medical Education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association (CMA) or the Accreditation Council for Continuing Medical Education (ACCME); or courses sponsored by the Academies of the specialty boards of the American Board of Professional Psychology (ABPP). Business and Professions Code Section 2915(f) provides that the Board may recognize continuing education courses that have been approved by one or more private

nonprofit organizations that have at least 10 years experience managing continuing education programs for psychologists on a statewide basis, including, but not limited to: 1) Maintaining and managing related records and data; 2) Monitoring and approving courses.

Under existing law, courses obtained from a recognized provider, not approved by MCEPAA, must be reported by the licensee to MCEPAA along with a reporting fee to ensure proper crediting of the hours obtained.

Existing law also provides for an exemption from the continuing education requirements if, during the two-year period immediately prior to the expiration date of the license, a licensee has: 1) been residing in another country or state for at least one year, reasonably preventing completion of the continuing education requirements, or; 2) has been engaged in active military service, or; 3) has had total responsibility for the care of an immediate family member with a total physical and/or mental disability for at least one year.

The Board is proposing to amend Title 16, Division 13.1, Article 10, Continuing Education, California Code of Regulations Sections 1397.60–1397.7 to apply to a license that expires before January 1, 2012, and adopt sections 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, and 1397.70 to apply to a license that expires, is made active, or reinstated on or after January 1, 2012. This proposal will re-define the Board of Psychology's Continuing Education Provider Approval System to make it consistent with other states by re-defining Board recognized accrediting agencies authorized to provide approved continuing education for California licensed psychologists, and to restructure the process for compliance monitoring and reporting requirements. The proposed regulations would:

- Eliminate any accrediting agency as the administrator of the Board's continuing education program, including the approval of providers and individual courses.
- Eliminate the existing accrediting agency (now MCEPAA) course reporting requirement required of licensees and the compliance report submitted by MCEPAA to the Board.
- Add the California Psychological Association, or its approved sponsors, to the list of approved providers.
- Remove the American Board of Professional Psychology (ABPP) from the list of approved providers.
- As a practical effect, there would be a change from the 100% compliance audit conducted in conjunction with MCEPAA to a random or directed audit conducted by the Board.
- Add a \$10.00 fee paid to the Board for the administration of this article for the purpose of conducting compliance audits.
- Eliminate the provision to request an exemption from continuing education requirements due to residing in another country or state for at least one year, reasonably preventing completion of the continuing education requirement.

This proposal would also make other non-substantive grammatical and formatting changes.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The board has made an initial determination that this proposed rulemaking will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

N/A.

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

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 Board of Psychology at 2005 Evergreen Street, Suite 1400, Sacramento, California 95815.

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:	Linda Kassis
Address:	2005 Evergreen Street, Suite 1400 Sacramento, CA 95815
Telephone No.:	(916) 263-0712
Fax No.:	(916) 263-2697
E-Mail Address:	Linda.Kassis@dca.ca.gov

The backup contact person is:

Name:	Jeff Thomas
Address:	2005 Evergreen Street, Suite 1400 Sacramento, CA 95815
Telephone No.:	(916) 263-1617
Fax No.:	(916) 263-2697
E-Mail Address:	Jeffrey.Thomas@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at

[www.psychboard.ca.gov.](http://www.psychboard.ca.gov)