STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF PSYCHOLOGY
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BOARD MEETING MINUTES

The Lodge at Tiburon
Mainsail Ballroom
1651 Tiburon Boulevard
Tiburon, CA 94920

Friday, February 18, 2011

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:08 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:
Richard Sherman, Ph.D., President
Emil Rodolfa, Ph.D., Vice-President
Lucille Acquaye-Baddoo
Barbara Cadow, Ph.D.
Michael Erickson, Ph.D.
Miguel Gallardo, Psy.D.
James McGhee

Others Present:
Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Linda Kassis, Administrative Services Coordinator
Denise Russell, Continuing Education/Probation Coordinator

Agenda Item #1 – Approval of December 2 & 3, 2010 Minutes

It was M(Rodolfa)/S(Gallardo)/C to approve the December 2-3, 2010, open session minutes.

Vote: 7 – 0

Agenda Item #2 – Credentials Committee

The Credentials Committee met to discuss and formulate recommendations to the board. See agenda item 4(a) for the Board's discussion.

Agenda Item #3 – Enforcement Committee

The Enforcement Committee met to discuss and formulate recommendations to the Board. See agenda item 4(b) for the Board's discussion.

Agenda Item #4 – Reconvene Full Board for Committee Reports and Board Action

a) Credentials Committee Report

Strategic Plan Progress Report
Dr. Rodolfa reported that the Board conducted a Strategic Planning session the previous day and that some of the Credentials Committee's goals and objectives have been revised. He stated that the current goals and objectives are ongoing.

Satisfaction Survey Results
Dr. Rodolfa referred to the survey results that were included in the Board packets. He stated that the statistics demonstrate that Board staff are doing a great job and that applicants appreciate the work that staff does. Dr. Rodolfa stated that he is surprised that the vast majority of applicants still apply via mail rather than applying online.

Review of Petition Pursuant to Gov. Code section 11340.6 to Amend Title 16, California Code of Regulations Section 1387(b)(9) – Supervised Professional Experience
Dr. Rodolfa stated that the Credentials Committee discussed the petition from Byron Gross. He stated that the petition is requesting the Board allow hours worked while functioning under another mental health license to count toward the supervised professional experience required for licensure as a psychologist. Mr. Gross submitted a subsequent letter dated February 15, 2011 informing the Board that he is unable to attend this meeting. Dr. Rodolfa stated that the Credentials Committee is concerned regarding responding affirmatively to this request. He also stated that California Psychological Association has written in response to this petition and that their letter will be included in the meeting packet for the next meeting.

Discuss Retirement Status for Proposed Legislation
Dr. Rodolfa stated that the Credentials Committee felt that a retired status is not needed at this time given the availability of inactive status. He stated that inactive status currently available to licenses accomplishes what a retired status would do. He also stated that there have been very few inquiries given the total number of licensees in the state.

Review and Discuss Provisions of AB 2435 (Lowenthal) Elder and Dependent Adult Abuse-Recommended Training
Dr. Rodolfa stated that after a discussion of the provisions of AB 2435, it was determined that the bill expands upon the training currently required in existing statute and regulation. Therefore, the Board needs to move forward in the development of regulations to implement the requirements of this bill. Dr. Rodolfa stated that the Credentials Committee is recommending that sections 1382.4 and 1382.6 be removed from the current proposed amendments to Article 3 of the Board's regulations and that draft language will be presented at the next Board meeting. Dr. Rodolfa stated that given this bill as well as two new bills that have been introduced regarding this same topic, it is important for the Board to take a position on bills that will result in a change to the curriculum required for psychologists.

Discuss Education Requirements of Model Licensing Acts

Dr. Rodolfa referred to model licensing acts from the American Psychological Association (APA) and the Association of State and Provincial Psychology Boards (ASPPB) provided in the meeting packets. He pointed out that both acts encourage all psychology licensing boards to require those who sit for licensure in their jurisdictions to possess degrees from regionally accredited educational institutions. He stated that this raises concerns as California does not adhere to this as we allow degrees from State-approved schools. Dr. Rodolfa stated that this sets us apart from the rest of the country and prevents reciprocity with other licensing jurisdictions. He stated that the Credentials Committee would like to conduct a meeting on this issue prior to the next Board meeting. He would like to invite representatives from the California Psychological Association and approved schools.

Discuss Supervised Professional Experience (SPE) Agreement Form
Dr. Rodolfa stated that the supervised professional experience (SPE) agreement form was developed to help trainees and supervisors understand what the supervision requirements are by laying out the parameters of supervision. Currently, supervisors and trainees are required to sign a document prior to the accrual of SPE which states, in part, the goals and objectives of the plan for SPE and that both the supervisor and trainee have discussed and understand each term of SPE as required by the California Code of Regulations. Dr. Rodolfa pointed out that if the document is not signed prior to the beginning of the experience, or if the form is lost and sufficient evident that this requirement has been met cannot be submitted to the Board for review, the trainee pays the price by having the hours of SPE denied by the Board. He stated that the California Psychological Association (CPA) has expressed continuing concern regarding the use of the form and the way it is being evaluated by Board staff. Dr. Rodolfa stated that the Credentials Committee is requesting that this issue be placed on the agenda for the next Board meeting to further discuss the use of this form. In the meantime, Dr. Rodolfa requested that he be included on the review of the appeals for hours of SPE denied due to this issue. Jo Linder-Crow, Ph.D., Executive Director of CPA, commended the Board for considering CPA's concerns regarding this issue as it demonstrates that Board members are concerned regarding the overall quality of training.

It was M(Rodolfa)/S(Gallardo)/C to approve the Credential Committee's report and the recommendations contained therein.

Vote: 7 – 0

b) Enforcement Committee Report

Strategic Plan Progress Report
Ms. Acquaye-Baddoo stated that the Enforcement Committee reviewed strategic objective ENF-4 – Review and Monitor Expert Reviewer Program. She stated that the Board currently has 60 experts that have been approved to review enforcement cases. She stated that there is a need for additional experts in the area of neuropsychology. She also stated that the majority of the Board's experts are located in Southern California and that we need to try to broaden the spectrum of experts available across the state. She also stated that the Enforcement Committee discussed the importance of having a large representation of diversity across all experts.

Enforcement Statistics
Ms. Acquaye-Baddoo referred to the statistics provided in the meeting packets. She stated that the committee discussed CPEI goals related to formal investigations and formal discipline. She pointed out that based on the statistics, the processing time for these two areas need to be reduced and this may be accomplished once the Board is able to fill the CPEI positions.

Consideration of Regulatory Amendments to Disciplinary Guidelines, Title 16 CCR Section 1397.12

Ms. Acquaye-Baddoo reported that the Enforcement Committee reviewed the draft language to update the Board's Disciplinary Guidelines and to incorporate the Uniform Standards Related to Substance Abuse. She stated that one item of discussion was regarding the proposed language that states that neither the Board nor an administrative law judge may impose any conditions or terms of probation that are less restrictive than the Uniform Standards Related to Substance Abuse. She stated that the committee had concerns regarding his language in that it does not, as written, give discretion to Board. Ms. Marks stated that she drafted an amendment to delete the language that removes the Board's discretion to impose requirements that are less restrictive than the Uniform Standards, retaining the Board's discretion to impose or not impose specific requirements when deciding a particular case as it would in any other case. She stated that if this is what the Board is recommending, then other changes would also need to be made to the document to be consistent with this section. Kimberly Kirchmeyer, DCA's Deputy Director of Board/Bureau Relations, stated that the intention of AB 1441 was to remove the discretion of licensing boards on those particular requirements. Dr. Sherman stated that he would rather have this language amended at this time to provide discretion to the Board.

It was M(Acquaye-Baddoo)/S(Cadow)/C to approve the Enforcement Committee's report and the recommendations contained therein with the exception of Consideration of Regulatory Amendments to Disciplinary Guidelines.

Vote: 7 – 0

It was M(Acquaye-Baddoo)/S(McGhee)/C to approve for noticing amended language of the regulation and the Uniform Standards and Disciplinary Guidelines consistent with that to provide discretion to the Board to impose or not impose specific requirements when deciding a case and to delegate the authority to the Executive Officer to make any necessary technical, non-substantive changes and to set the proposed language for a regulation hearing.

Vote: 7 – 0

Agenda Item #5 – Director's Report by Department of Consumer Affairs Representative

Kimberly Kirchmeyer, DCA's Deputy Director of Board/Bureau Relations, appeared before the Board on behalf of the Director, Brian Stiger. She reported that Mr. Stiger has been asked to continue as the Director of DCA and that he is moving forward in that capacity on issues such as the Consumer Protection Enforcement Initiative (CPEI) and any Executive Orders. She thanked Dr. Sherman for agreeing to be on DCA's Executive Officer Performance Evaluation Committee.

Ms. Kirchmeyer reported that Governor Brown issued a statewide hiring freeze on February 15, 2011. She stated that it is different in some ways than the freeze that was implemented under Governor Schwarzenegger's administration. She stated that the current freeze does not appear to prohibit overtime and that it provides an exemption process to fill critical positions for carrying out core functions of boards. She stated that it is still new and there are a lot of questions, but the Department is expecting clarification from the Department of Finance within the next day or so.

Ms. Kirchmeyer reported that Governor Brown has stopped the sell of state buildings initiated by the previous administration. She also stated that Governor Brown has initiated General Fund loans from some special fund agencies, however, the current loans do not affect the Board of Psychology.

Ms. Kirchmeyer reported that Governor Brown issued an Executive Order on January 11, 2011 to decrease the number of cell phones and smart phones by 50%. She stated that all Board and Bureaus under DCA submitted plans for meeting this order in January, and that DCA will be requesting the submission of the identified phones in order to terminate the accounts.

Ms. Kirchmeyer reported that DCA is changing way that it invoices and pays experts. She stated that all individuals who provide expert services for enforcement cases or examinations will need to have a contract with the Board. She stated that DCA understands the staff time involved in such a process and that the usual 60-day turnaround time is not going to work for this type of contract. She stated that recently the DCA contracts unit processed some of these types of contracts in about a week, however, as more boards start submitting additional contracts, this timeframe will likely increase substantially. She stated that the Senate Business and Professions Committee is looking for a legislative fix for this issue, but in the meantime, we will need to contract with all experts. She pointed out that one advantage of having a contract with the Board's experts is that the contracts will have a confidentiality clause included in them based on the nature of work being performed.

Ms. Kirchmeyer stated that DCA continues to encourage the Board to move forward with regulations regarding the CPEI initiative. She stated that this will be an item raised during the sunset review process. She stated that DCA has posted the second set of performance measurements to the DCA website providing processing times for each board.

Ms. Kirchmeyer reported that DCA is continuing to move forward with the BREEZE project. She stated that an additional amendment is being made to the final request for proposal and that DCA hopes to have bids from the two qualified vendors by the end of February.

Ms. Kirchmeyer complimented the Board for its posting of its agenda and meeting materials on its website. She also reminded the Board that DCA highly encourages webcasting of Board meetings.

Agenda Item #6 – Legislation Committee

The Legislation Committee met to discuss and formulate recommendations to the Board. See agenda item 9(a) for the Board's discussion.

Agenda Item #7 – Examination Committee

The Examination Committee met to discuss and formulate recommendations to the Board. See agenda item 9(b) for the Board's discussion.

Agenda Item # 8 – Outreach and Consumer Education Committee

The Outreach and Consumer Education Committee met to discuss and formulate recommendations to the Board. See agenda item 9(c) for the Board's discussion.

Agenda Item #9 – Reconvene Full Board for Committee Reports and Board Action

a) Legislation Committee Report

Strategic Plan Progress Report
Dr. Erickson stated that the Strategic Plan has been updated.

AB 2 (Portantino) – Postsecondary Education: Education and Economic Goals for California Higher Education
Dr. Erickson stated that the Legislation Committee does not feel that this bill will have an effect on the practice of psychology. He stated that this bill is being moved to a lower level of review and will be tracked only.

AB 24 (Block) – California Postsecondary Education Commission: feasibility study: Chula Vista
Dr. Erickson stated that it is a narrow bill related to Chula Vista and the Legislation Committee does not feel that this bill will have an effect on the practice of psychology. He stated that this bill is being moved to a lower level of review and will be tracked only.

SB 33 (Simitian and Wolk) – Elder and Dependent Adult Abuse
Dr. Erickson stated that this bill addresses financial abuse of elder and dependent adults pertains to the requirements of mandated reporters. He stated that this bill requires a higher level of monitoring and will be kept on future agendas.

AB 40 (Yamada) – Elder abuse: reporting
Dr. Erickson stated that this bill affects how psychologists are required to report as mandated reporters, requiring a report not only to law enforcement but also to a local ombudsman. He stated that this bill requires a higher level of monitoring and will be kept on future agendas.

AB 39 (Beall) – Special education: funding
Dr. Erickson stated that the Legislation Committee could not reach a consensus regarding the actual effect of this bill, however, it concluded that it could have an impact on mental health services as it involves the designation of funds for special education. As such, he stated that the bill requires a higher level of monitoring and will be kept on future agendas.

AB 23 (Smyth) – Local agency meetings; simultaneous meetings; prohibition
Dr. Erickson stated that this bill prohibits boards from having meetings in conjunction with and simultaneously with other boards' meetings. He stated that this bill is being moved to a lower level of review and will be tracked only.

AB 28 (Huber) – State agencies; repeal
Dr. Erickson stated that this bill concerns sunset review for other agencies. He stated that this bill is being moved to a lower level of review and will be tracked only.

ABX3, ABX4, ABX 5 & ABX 6 (Logue) – Regulations
Dr. Erickson stated that ABX3 would require a review and report regarding how regulations are impacting state consumers in terms of fiscal, economic, and other specified factors five years after they are adopted. He stated that this bill requires a higher level of monitoring and will be kept on future agendas.

Dr. Erickson stated that ABX4 would make a regulation effective on January 1st next following a 90-day period after the date it is filed with the Secretary of State instead of being effective the 30th day following the filing with the Secretary of State. He stated that the

Legislation Committee is concerned that this bill is not in the best interest of the profession of psychology as it could add more than a year to the approval process. He stated that this bill requires a higher level of monitoring and will be kept on future agendas.

Dr. Erickson stated that ABX5 would require agencies to file a notice with the Legislature at least 45 days prior to the adoption, amendment, or repeal of a regulation in addition to sending the notice to interested parties to allow the Legislature to look more closely at economic impact, affects on small businesses, etc. He stated that this bill requires a higher level of monitoring and will be kept on future agendas.

Dr. Erickson stated that ABX6 further defines the economic and cost impacts of a regulation on businesses and private individuals. He stated that this bill requires a higher level of monitoring and will be kept on future agendas.

Legislative Update Report on Bills of Interest to the Board
The Legislative update report on bills of interest to the Board was provided on a matrix included in the meeting packets.

Any Other Bills of Interest
Dr. Erickson stated that SB 366 was introduced February 15, 2011 and would require each agency, within 180 days of the effective date of the bill, to review existing regulations to identify duplicate, overlapping, inconsistent, or out-of-date regulations. He stated that this bill will be added to the agenda for the next Board meeting.

It was M(Erickson)/S(Acquaye-Baddoo)/C to approve the Legislation Committee's report.

Vote: 7 – 0

Dr. Erickson thanked Ms. Kassis for her efforts in tracking these bills. Dr. Sherman requested that the Legislative Calendar be included on the next agenda. He also stated that the Board needs to be more proactive in taking positions on bills that affect the Board and the practice of psychology. Dr. Rodolfa interjected that the Board should also be more proactive in suggesting legislation when needed.

b) Examination Committee Report

Strategic Plan Progress Report
Dr. Rodolfa reported that the Board conducted a Strategic Planning session the previous day and that a new goal was added to review the CPSE and compare it to the national EPPP to identify overlap. He stated that the current goals and objectives are ongoing.

Examination Statistics
Dr. Rodolfa referred to the examination statistics provided in the meeting packets. For the EPPP, he stated that the statistics for California are a little lower than the national statistics. He stated that he could not explain these statistics since California has about 25% of the national applicants.

Dr. Rodolfa stated that the statistics on the CPSE are pretty high. He pointed out that the statistics for first-time test takers for both the CPSE and the CPLEE are a little higher than they have been previously. He also noted that for the CPLEE, the pass rates for first-time test takers are equal or lower that the overall pass rates. He stated that his hypothesis is that since candidates who qualify for this examination are licensed in other jurisdictions, they don't prepare for the examination, so they fail on their first time.

Review and Discuss Content Areas of the California Supplemental Psychology Supplemental Examination (CPSE) as they relate to or overlap similar content areas of the Examination for Professional Practice in Psychology (EPPP)
Dr. Rodolfa thanked Robert Holmgren, Ph.D., Supervising Test Development Consultant for DCA's Office of Professional Examination Services, for attending the Examination Committee meeting. Dr. Rodolfa reported that ASPPB has completed a practice analysis and now that it is complete, it is now time to examine any overlap between the EPPP and CPSE. Dr. Rodolfa referred to the documents provided in the meeting packets. He stated that these documents provide an overview of what the current content areas are for the EPPP and the CPSE, as well as the Executive Summary of ASPPB's practice analysis. He stated that the EPPP is a broad knowledge-based examination covering the profession of psychology, however, it doesn't go as deep as some of the content areas of the CPSE. He pointed out that the CPSE is heavily weighted in laws and ethics. Dr. Rodolfa stated that the Examination Committee is requesting that OPES conduct an audit of content areas of the CPSE, which will take about six to eight months, and then report back to the Board regarding how the content areas of the CPSE relate to the content areas of the EPPP.

It was M(Rodolfa)/S(Cadow)/C to approve the Examination Committee's report and the recommendations contained therein.

Vote: 7 – 0

c) Outreach and Consumer Education Committee Report

Strategic Plan Progress Report
McGhee reported that the Board conducted a Strategic Planning session the previous day. He stated that the next BOP Update will be an electronic version due to budgetary restrictions. He stated that rather than mailing hard copies, the newsletter will be posted on the Board's website within the next 10 days and a postcard will be sent to licensees, registrants and all other interested parties referring them to the online document.

California Psychological Association Annual Convention
Mr. McGhee stated that Mr. Kahane will be requesting approval for a Board booth at the CPA convention as well as approval for staff to man the booth to answer licensing, enforcement, continuing education and other questions from attendees.

Outreach Update
Mr. McGhee reported that Mr. Kahane has attended conferences and is still committed to outreach. He will be working within travel constraints to have the Board represented at ASPPB as well as the CPA convention. He also stated that the Outreach and Consumer Education Committee discussed conducting another diversity conference in Northern California in Fall of 2011 or sometime in 2012.

Mr. McGhee stated that the Outreach and Consumer Education Committee discussed the possibility of webcasting future Board meetings as well as the possibility of offering continuing education credits for attending Board meetings as a way to increase the attendance of meetings by licensees.

It was M(Acquaye-Baddoo)/S(McGhee)/C to approve the Outreach and Consumer Education Committee's report and the recommendations contained therein.

Vote: 7 – 0

Agenda Item #10 – CLOSED SESSION

The Board adjourned into closed session pursuant to Government Code Section 11126(c)(3) to discuss and vote on disciplinary matters including stipulations and proposed decisions.

Saturday, February 19, 2011

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:
Richard Sherman, Ph.D., President
Emil Rodolfa, Ph.D., Vice-President
Lucille Acquaye-Baddoo
Barbara Cadow, Ph.D.
Michael Erickson, Ph.D.
Miguel Gallardo, Psy.D.
James McGhee

Others Present:
Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Linda Kassis, Administrative Services Coordinator
Denise Russell, Continuing Education/Probation Coordinator

Agenda Item #11 – Continuing Education Committee

The Continuing Education Committee met to discuss and formulate recommendations to the Board. See agenda item 13(a) for the Board's discussion.

Agenda Item #12 – Contemporary & Emerging Issues Committee

The Contemporary and Emerging Issues Committee met to discuss and formulate recommendations to the Board. See agenda item 13(b) for the Board's discussion.

Agenda Item #13 – Reconvene Full Board for Committee Reports and Board Action

a) Continuing Education Committee Report

Strategic Plan Progress Report
Dr. Gallardo reported that the Board conducted a Strategic Planning session the previous day and that the amendments will be made and brought back to the Board for approval at the next meeting. He stated that with regard to strategic objective CE1 – Conduct annual review of continuing education guidelines and revise as needed, the Board conducted a regulation hearing at its December 2010 meeting, and Board staff has filed a 15-day notice

to amend the effective date of the proposed changes to January 1, 2013 and to modify the language to allow continuing education hours accrued under the current regulations to be accepted once the new regulations become effective. The Board will also be educating licensees regarding these changes via the Board's website, email listserve, renewal notices and by partnering with CPA.

Continuing Education Statistics
Dr. Gallardo reported that the Continuing Education Committee continues to monitor the continuing education statistics.

Discuss ways to reduce Non-Compliance Rates
Dr. Gallardo reported that there is a 12-17% non-compliance rate for licensees upon first report to the Board. He noted that once the Board receives the report from the accrediting agency, letters are mailed out to the licensees who are reported as non-compliant, and most come into compliance shortly thereafter. The statistics demonstrate that the majority of the licensees who are being reported as non-compliance actually have completed the required hours of continuing education, but the hours have not been reported to the accrediting agency. Once the licensees are notified, they work with the providers to have their hours reported. Dr. Gallardo reminded the Board that the method of tracking non-compliance will be changing once the new regulations go into effect in 2013. Under the new regulations, Board staff will be conducting random audits of renewing psychologists to ensure compliance with the continuing education requirements. In the meantime, the Board will continue to educate licensees regarding the continuing education requirements via its website, at outreach events and via the BOP Update.

Review Petition from The Association of Black Psychologists (ABP) for recognition as an entity with an accrediting function
Dr. Gallardo stated that the Continuing Education Committee spent a significant portion of the committee meeting discussing this issue and trying to clarify the intent of the request as well as the authority of the Board under both the current and proposed regulations. A discussion of the full Board ensued. Ms. Marks provided clarification regarding the Board's options and pointed out that the Board needs to make sure that the information submitted demonstrates that APB meets the requirements prior to approval. Gislene Mariette, Ph.D. representing ABP clarified that ABP's request is to be an accrediting agency performing all tracking and reporting functions as such.

Dr. Rodolfa stated that he is not sure how supportive of adding another accrediting agency the Board should be at this time given the upcoming changes to the continuing education regulations. He also stated that the Board needs to establish clear criteria if it were to consider ABP or any other entity for inclusion in the proposed regulations.

Dr. Gallardo stated that it is important to take some time to clarify ABP's request as well as the Board's regulatory authority regarding this issue and to further delineate the issues at hand and to place this issue on the agenda for the next Board meeting.

It was M(Gallardo)/S(Cadow)/C to approve the Continuing Education Committee's report with the exception of the request from ABP for recognition as an entity with an accrediting function.

Vote: 7 – 0

It was M(Gallardo)/S(Acquaye-Baddoo)/C to continue to work with ABP to clarify whether the current request from ABP is to become an accrediting agency or an entity with an accrediting function and to educate both the Board and any organizations applying to the Board for

recognition regarding the options allowed under the current regulations and the terminology associated with them.

Vote: 7 – 0

b) Committee on Contemporary & Emerging Issues Report

Discussion regarding Tele-health
Dr. Sherman reported that Mr. McGhee has been added to the Committee on Contemporary and Emerging Issues. Dr. Erickson reported that the committee focused its discussion on telehealth. He stated that although there are many issues regarding providing psychological services electronically across state lines, such as the location of the recipient of the services and the location of the provider, there are many other issues regarding the provision of psychological services electronically within California that the Board needs to address first. These issues include, but are no limited to, safety, security, informed consent, and ethical practice. Dr. Erickson stated that the Committee on Contemporary and Emerging Issues would like to conduct a symposium, hopefully the day before the August Board meeting and invite various individuals who are knowledgeable about telehealth such as the Association of State and Provincial Psychology Boards (ASPPB), a psychiatrist from the University of California, Davis, who does telehealth, and other experts. He stated that he hopes to webcast the symposium. He reported that some of the preliminary themes that were discussed were: what is the technology, how does a professional provide service, how are services by Skype, telephone, email and online, and what other professions are already doing. He stated that he is also hoping to invite someone from Legislature, specifically from the Technical Committee as well as Anne Gust, the Governor's wife. He stated that the committee in general felt excited about bringing people together and talking about these important issues.

Dr. Linder-Crow stated that she likes the idea of a symposium on telehealth. She stated that CPA is willing to partner with the Board to assist in this area and provide names of other individuals who would be of benefit to invite.

Discussion regarding Continued Competency
Dr. Erickson reported that the Committee on Contemporary and Emerging Issues discussed the issue of continued competency. Dr. Rodolfa pointed out that the Association of State and Provincial Psychology Boards (ASPPB) is actively moving forward regarding this issue. He stated that ASPPB has made significant changes to the model for continuing education, moving toward a broader mindset of what continuing education does, and that the membership will be voting on the issue at their upcoming meeting.

It was M(Erickson)/S(Rodolfa)/C to approve the Committee on Contemporary and Emerging Issues' report and the recommendations contained therein.

Vote: 7 – 0

Agenda Item #14 – President's Report

a) Monthly Meeting with Executive Officer

Dr. Sherman reported that he continues to meet month with the Executive Officer either in Northern or Southern California to discuss a variety of issues. He stated that both Mr. Kahane and the Board staff are doing an exceptional job given the constraints faced by all boards.

b) DCA Monthly Conference Call

Dr. Sherman reported that all board presidents attend DCA's monthly conference call, led by Director Stiger, by phone. He stated that during the last conference call, they discussed basic budgetary issues, the cell phone issue as well as more substantive issues and goals toward continuing competency. He stated that the Board of Podiatric Medicine passed regulations in 1998 to establish a hybrid system of continued competency and continuing education and that they report less complaints since its implementation.

c) Strategic Planning Session Update

Dr. Sherman stated that the Board had an excellent Strategic Planning Session the previous day. He stated that it will be a two-year plan, and that Mr. Kahane and Board staff will be cleaning up the language and submitting it to the Board members in sixty days for further review. The Strategic Plan will be brought back to the May Board meeting for final approval.

d) Other Informational Items

Dr. Sherman stated that he is on the DCA Executive Officer Performance Evaluation Committee. He stated that the focus of the committee is on continuing competencies rather than being task-oriented.

Dr. Sherman stressed the importance of Board member attendance at various professional meetings and conferences and that Board members should be reimbursed for their participation.

Dr. Sherman thanked staff and the new Board members for their work.

Agenda Item #15 – Executive Officer's Report

a) Staff Update

Mr. Kahane reported that the Board's Administrative Assistant is still out and that Ms. Kassis has been exceptional in working to maintain the workload in that area, including the preparation for the Board meeting. He also thanked Ms. Bayless and Mr. Thomas for ensuring the least impact on consumers. He reported that he will be putting in for an exception to the new hiring freeze given that 25% of our enforcement unit staff is vacant.

b) Budget Update

Mr. Kahane stated that he recently met staff from DCA's Budget Office and that the Board is currently running with four months reserve which is prudent. He stated that the Board was not affected by the recent General Fund Loans, so we are not scheduled to have any additional funds taken from us, however, we are not scheduled for reimbursement for the previous loans until next year.

c) Board Operations

Mr. Kahane reported that the licensing processing times are lower than they ever have been. He stated that there are no backlogs for psychological assistants and registered psychologists, and that licensing applications are being turned around in three weeks. He thanked the licensing staff for their outstanding performance.

Mr. Kahane stated that he is trying to get approval for travel to attend the CPA convention as well as the ASPPB meeting. He stated that for the ASPPB meeting, he is requesting approval for two persons to attend, however, if we only receive approval for one, Dr. Rodolfa will be attending.

Mr. Kahane reported that the enforcement processing times continue to be excellent.

Mr. Kahane thanked the new Board members for their contributions.

d) Other Informational Items

Mr. Kahane reported that due to the length of time required to get the BOP Update published, a couple of the older articles had to be rewritten due to relevancy and updated information. He stated that the newsletter was recently sent back to publication for a minor change and will be sent for posting on the Board's website. He stated that licensees and registrants will be receiving a postcard referring them to the online newsletter.

Mr. Kahane stated that all in all, the Board is doing very well considering the most difficult circumstances.

Agenda Item #16 – Regulation Update, Review and Action as Necessary

a) Proposed Amendments to Title 16, California Code of Regulations Sections 1381.7, 1381.8 and 1381.9 – Disclosure of Discipline and Criminal Convictions

Ms. Kassis reported that the Disclosure of Discipline and Criminal Conviction regulations were approved by the Office of Administrative Law and will become effective on March 4, 2011. She stated that Board staff has been working with DCA to implement the new regulations. The target date for the implementation is April 1, 2011.

b) Proposed Amendments to Title 16, California Code of Regulations, Division 13.1, Article 1 (General Provisions), Article 2 (Applications), Article 3 (Education and Experience), Article 4 (Examination), Article 5 (Registered Psychologists), 5.1 (Psychological Assistants) and Article 6 (Fees)

Ms. Kassis referred to the revised draft language included in the meeting packets. She stated that after a discussion of the provisions of AB 2435 in the Credentials Committee, it was determined that sections 1382.4 and 1382.6 under Article 3 need to be updated, therefore, these sections are being removed from the proposed language at this time.

It was M(Rodolfa)/S(Erickson)/C to approve the proposed language as amended and to delegate the authority to the Executive Officer to make any technical, non-substantive changes, and to notice the language for a regulation hearing.

c) Adoption of Amendments to Title 16, California Code of Regulations Sections 1397.60 – 1397.7 – Continuing Education Requirements – Review Comment(s) received in response to 15-day Notice of Modified Text

Ms. Kassis reported that in response to the 15-day notice that was issued regarding this rulemaking file, the Board received comments from Prescribing Psychologists' Register, Inc. (PPR) and the Association of Black Psychologists (ABP) requesting inclusion in the regulations. Both comments were included in the meeting packets.

Dr. Rodolfa expressed concern regarding the inclusion of additional entities in the proposed regulations. He stated that most jurisdictions in the United States recognize the national association of psychologists, the state association of psychologists, and continuing medical education courses that are relevant to the practice of psychology. He pointed out that this is exactly what the new regulations would accomplish. He stated that without clear criteria, there is no clear line regarding which entities should be approved for recognition by the Board beyond the state and national associations for all psychologists. Dr. Rodolfa also pointed out that these entities can apply to become a sponsor under the American Psychological Association.

Discussion ensued. Dr. Sherman encouraged the Board members to consider everything that was said regarding this issue, however, he will be voting to move forward with the regulations as written. Dr. Gallardo requested clarification that if an entity that is not named in the regulations wanted to become a provider, they could apply to become a provider under one of the entities named in the regulation and would not have to have each individual course reviewed and approved. Dr. Rodolfa affirmed that his statement was correct.

It was M(Rodolfa)/S(Erickson)/C to adopt the language of the proposed changes as modified to sections 1397.60 through 1397.71 and to delegate the authority to the Executive Officer to make any technical, non-substantive changes.

Vote: 7 – 0

Dr. Linder-Crow stated that the written comment the Board received from PPR called into question the inclusion of the California Psychological Association as one of the entities named in the regulations. She opined that CPA was included because it is the only state association in California which is in line with the national standard.

Agenda Item #17 – Public Comment on Items Not on the Agenda

None

Agenda Item #18 – Recommendations for Agenda Items for Future Board Meetings

None

The open session meeting adjourned at 12:54 p.m.

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Richard Sherman, Ph.D. Date
President