California Board of
PSYCHOLOGY

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MEMORANDUM

DATE	January 22, 2016
TO	Licensing Committee Members
FROM	Karen Johnson Karen Johnson Licensing Coordinator
SUBJECT	**Agenda Item 8** Approval of the Licensing Committee Minutes: October 5, 2015

Attached are the minutes of the October 5, 2015 Licensing Committee meeting.

Action:

Review and approval of the minutes.

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Licensing Committee Meeting Minutes

Department of Consumer Affairs
1747 N. Market Blvd., Hearing Room 186
(916) 574-8400

Teleconference Information
Teleconference Phone Number: (866) 509-3031
User Password: 44835535

Monday, October 5, 2015

Members Present:

Jacqueline Horn, PhD, Chairperson
Stephen Phillips, PsyD
Nicole J. Jones, Public Member

Others Present:

Antonette Sorrick, Executive Officer
Karen Johnson, Licensing Coordinator
Jonathan Burke, Administrative Coordinator
Jacquelin Everhart, Continuing Education/ Renewals Coordinator
Kurt Heppler, DCA Legal Counsel
Ravi Kapoor, DCA, Legal Counsel
Jo Linder-Crow, PhD, California Psychological Association (CPA)
Bruce W. Ebert, PhD, JD, Center of MH Law and Ethics
Marilyn Immoos, PhD, California Department of Corrections and Rehabilitation

a) Call to Order/Roll Call

Jacqueline Horn, PhD, Committee Chairperson, called the open session meeting to order at 9:12 a.m. A quorum was present and due notice had been sent to all interested parties

b) Approval of the Licensing Committee Minutes: May 7, 2015

Dr. Linder-Crow commented that on page three, line 96, the reference to CPA's CPD Division is incorrect. CPA does not have a CPD Division. The correct title is Education and Training Division and requested that the correct title be reflected in the minutes.

Dr. Horn suggested on page two, line 52, that the motion should read "There being no amendments or additions", it was moved...

Dr. Horn asked that the misspelling of CAPIC be corrected on line 86 and requested the words "influence therapists" be changed to "impact therapy" on line 90. Dr. Horn further suggested that on line 104 the phrase "not education" be amended to read "not primarily in educational settings."

Dr. Horn stated that on line 137 Dr. Harlem's comment is not accurately stated. Dr. Phillips recommended taking out the "and that" and replacing it with "than taking." It should correctly read "Dr. Harlem commented that taking the position that going to Board meetings is better than taking CE is not defensible".

It was M(Jones)/S(Phillips)/C to approve the minutes as amended.

Vote: 3-0 (Aye: Phillips, Jones, Horn)

c) Approval of the Licensing Committee Minutes: July 14, 2015

Ms. Jones commented on page two beginning with line 71, that the phrase "can review" be amended to read "will review". Dr. Horn agreed with Ms. Jones and recommended the paragraph be changed to read "Following a discussion about the process, the Licensing Committee agreed to make revisions prior to sending a Pathways draft to Stakeholders."

Ms. Jones requested on line 148 to add Office of Publications after Department of Consumer Affairs and to add that the purpose was to help get ideas to best present the complex issues.

Ms. Jones stated that on page five, line 230, she remembered Mr. Heppler stated that it is best to make changes before a regulatory hearing. Mr. Heppler requested staff to review the tape from the Committee meeting on July 14th and make the necessary corrections.

Dr. Horn requested the word "require" on line 55 be changed to "allow." She was unsure what is meant by required fee on line 56. Ms. Sorrick explained that AB 1374 would remove any reference to fee and recommended "required fee" to be replaced with "requirement that a fee be given to a licensee in order to..."

Dr. Immoos asked to change the wording in the paragraph beginning on line 248 on page six, since it is not an accurate statement. She requested the removal of the words "and a large increase in her workload" in line 249 and just end that sentence at "confusion." She also requested to add to the end of the paragraph "would have a substantial impact on the Department".

It was M(Phillips)/S(Jones)/C to approve the minutes with the changes discussed.

Vote: 3-0 (Aye: Phillips, Jones, Horn)

d) Public Comment(s) on Items Not on the Agenda

There were no public comments.

e) Review and Revision of Business and Professions Code Section 2915: Continuing Education Requirements; Practice Outside Fields of Competence

Ms. Jones asked if the cover memo is correct. Dr. Horn explained that first the statute needs to be changed to include Continuing Professional Development (CPD) which would allow the Board to change the regulations. She requested the cover memo be corrected to state that the proposed changes would impact the CPD model.

Ms. Everhart stated that one cleanup to section 2915 is to include the wording Continuing Professional Development with Continuing Education throughout that section.

Mr. Heppler further explained that the purpose of the regulations is to make specific the statues. He stated that there was concern that the Board was putting the cart before the horse. The first step is to start with the wider purpose and change the statute and then make specific in the regulations. Changes to the regulations should not get ahead of the statutes and the Board should first add the CPD model in statute.

Ms. Everhart read section 2915 for the benefit of those watching the webcast and for those who were listening and did not have a copy.

Dr. Phillips stated that the wording "continued" professional development should be changed to "continuing" professional development throughout the statute. Ms. Sorrick agreed that it should be corrected and underlined since it is new language.

Dr. Phillips asked for a point of clarification in section (d)(2)(C) if it only relates to a requirement for coursework in spousal or partner abuse. Ms. Everhart stated that it is a requirement as a whole. Ms. Sorrick stated this is no longer relevant and recommended deletion of that subsection. Dr. Horn stated that it would be looked at on a case-by-case basis and is already covered in subsection (e), and that the language should be more general. Dr. Horn recommended that subsection (C) be deleted.

Dr. Horn requested that "Board" be capitalized throughout the statute.

Dr. Horn recommended deleting the reference to APA in subsection (3) and replacing that with those organizations approved by the Board.

Dr. Linder-Crow stated that the courses listed in (d)(2)(A) were required for licensees who began graduate study prior to January 2004 to take during their first renewal. This is not a new requirement and is no longer applicable.

Dr. Phillips commented that would it make sense to make it a separate statutory section. Ms. Sorrick stated that the spousal or partner abuse course is listed in section 2914 (f)(1). Dr. Horn suggested adding 2914(f)(1) to subsection (d)(1) and deleting subsection (d)(2)(A), but then suggested adding all of section 2914(f) which would include 2914(f)(1)(2) and (3). Dr. Phillips agreed that this be added. Mr, Heppler explained that 2915 applies to licensees, whereas 2914 applies to applicants, and recommended staff reword section 2915 and bring it to the full Board at their November meeting.

Ms. Jones pointed out that the language in (d)(1) only states that the requirement may include courses, but does not require these courses.

Mr. Heppler stated that if the Licensing Committee wanted to see the language before the November Board meeting then the Committee should schedule a meeting prior to it being reviewed by the full Board. Dr. Philips requested the Licensing Committee see the language prior to the November Board meeting.

Dr. Horn suggested a Licensing Committee teleconference meeting be scheduled prior to the November Board meeting to finish the review of this section.

Mr. Heppler recommended subdivision (e) be reworded to read, "The Board may grant exemptions and extensions from the continuing education requirement of this section".

It was M(Phillips)S(Jones)/C to direct staff to make the changes and to schedule a Licensing Committee teleconference to review the changes prior to the November Board meeting.

Vote: 3-0 (Aye: Phillips, Jones, Horn)

f) Review and Revision of Proposed CE/CPD Regulations

Ms. Jones stated that under the action requested in the cover memo, "full Board review" should be added. Dr. Horn agreed and requested that "for full Board consideration" be added.

Ms. Everhart informed the Committee that she and Mr. Thomas reviewed the regulations and made edits and clarifications. The main edit was to remove the matrix and add the wording to the definitions. Their edits and additions are in green in the language provided.

Dr. Horn requested that the green sections of the language be reviewed by the Committee piece by piece.

Ms. Sorrick asked the Committee if they want to extend the effective date to January 1, 2019. Dr. Phillips agreed that it would give people more time to understand and be clear on what will be required.

Dr. Horn began the review of the definitions at (a)(1) Peer Consultation and requested "in person or electronically" be added. It can be individual and/or group consultation. Dr. Phillips suggested deleting the wording about "reading or research groups" since it is covered in (b) under Academic. Dr. Horn suggested "Professional Colleagues" is broad enough, but also narrow. Dr. Phillips commented that we don't want to exclude or include people unnecessarily.

Ms. Sorrick recommended the sentence state reading or research groups focused on the scientific or theoretical aspects of psychological practice with other professionals. The Committee agreed with the wording. Ms. Jones stated that the word "colleague" is used in previous sections, so it should be consistent in its definition. Mr. Heppler

suggested not putting a list of possible colleagues and to leave it more vague. Naming or listing professionals and educational settings will inevitably exclude some people and it can be vague because regulations make it specific. Dr. Horn recommended using "professional colleagues".

Dr. Linder-Crow thanked the Board for taking up this issue of CE/CPD regulations. CPA learned that there was a desire by psychologists to determine their own path. The definition on Peer Consultation leaves out business or practice discussions, billing issues are very important for licensees and the individuals can best determine what they need to do. She stressed concern that the language will state "as determined by the Board." Dr. Horns stated that leaving it at "professional colleagues" is leaving it broad enough.

Dr. Horn stated that #2 on page 12 part (b) what approving organizations must do is good language. This is the language used by APA and CPA. Dr. Horn further suggested that the language from page 12, #2(B) be placed in our definition. Ms. Jones agreed to add that language in "Peer Consultation".

Dr. Immoos thanked the Board for being all inclusive.

Ms. Jones asked if research groups should be separated out from peer consultation. Dr. Phillips didn't think it was necessary as everything Dr. Immoos discussed would be included.

Dr. Horn began the discussion on Practice Outcome Monitoring (POM). She suggested taking out the examples. Dr. Phillips agreed. Ms. Jones agreed but wanted staff to share their reasoning for deleting the examples. Ms. Everhart stated that she does not understand what would be considered Practice Outcome Monitoring and the ways to measure. Dr. Horn suggested taking out the word "treatment". Dr. Phillips suggested that it state that POM must be sensitive to issues of culture and diversity. The Committee was concerned about the protocols of standardized vs. non-standardized measures used. Dr. Horn suggested changing the wording to "application of outcome assessment measures". Dr. Phillips agreed. Ms. Jones suggested to us the word "protocols" instead of "measures".

Dr. Immoos questioned the sentence that starts with "In order to monitor one's own practice process and outcomes", and requested it be changed to "assessing effectiveness".

Dr. Horn suggested adding to the list of activities that the record shall include: dates(s) of monitoring, client identifier, rationale for selected protocol or measures, and how outcome was measured.

Ms. Jones questioned the maximum weight for POM. How many hours vs. the other areas of CPD. Dr. Phillips believed that they gain more knowledge with direct applicability to service delivery in practice monitoring as opposed to publications, but thought that is important as well. We want to encourage licensees to have nine hours beyond formal CE.

Dr. Immoos stated that this section will be difficult for Department of Rehabilitation and other large organizations. They don't monitor their own processes, but have peer review and auditing. They do not design their own treatment plans. They have to be approved by the treatment team. It would be difficult to count one client or patient equals to one hour of CPD. This would be more beneficial in a private practice situation. It would be unfair to not include larger organizations because the structure is different. Dr. Horn stated that this is just being proposed effective January 1, 2019, which will give us practice time and time to obtain feedback about how this is working.

Dr. Linder-Crow requested that the Committee keep in mind that we are dealing with doctoral level psychologists and this appears to micromanaging and having to prove themselves. Asking why someone used a particular measure appears that the Board is too involved in making people prove what they are doing. This is the concern that was generated in the beginning. Asking them to explain why they used a certain method can appear to be micromanaging and gives the feeling of being overregulated. Ms. Jones stated that staff will be reviewing the documentation and doesn't believe that staff will be looking at the justification of the CPE, but just the verification that will be reviewed. Dr. Linder-Crow said that the Board just needs to be careful with the language used.

Mr. Heppler reminded the Committee that we audit a random selection of approximately 60-90 psychologists a month. Staff does not want to be overburdened, if the licensee says he or she did this, then staff will take psychologists at their word. Ms. Everhart suggested that the licensee will need to label appropriately the activity type.

After much discussion the Committee agreed to a maximum of nine hours, one client/patient of POM equaling one hour of credit, and to add the following wording: The record shall include: dates(s) of monitoring, client identifier, and how outcomes were measured.

Dr. Horn suggested changing the wording "Professional Activities" to "Professional Service". Dr. Phillips and Ms. Jones agreed with that change. She went on to suggest replacing "and/or mental health" with "separate and apart from a fee for service arrangement." It was also suggested to replace "in service of" with "the field of" psychology and to delete the last sentence. It should not be part of the definition, but should be part of how licensees demonstrate professional service.

In Professional Activities (now Professional Service) on page nine number (3), the Committee agreed to add to (B) "for a particular activity" after Professional Service. In part (C) Dr. Horn requested that the types of activates be added. The Committee agreed to add the following: The record shall include: activity or group, dates of service, and term of service (six months or one year).

In Conference/Convention, Dr. Horn suggested adding Attendance, so it would read Conference/Convention Attendance and take "or petitioner." Also, add to (C): The record shall include: conference/convention attended, dates of conference/convention attended, and will not include "# of hours." Ms. Everhart asked if it will require separate documentation for the conference or convention attended. The Committee stated that the licensee would have to provide separate documentation and staff should not

assume that it can be counted as both courses attended at a conference/convention and under conference/convention attended.

Dr. Horn read section five, Examination Functions. Dr. Horn suggested including work on the EPPP. Dr. Phillips suggested adding "or the development of the EPPP" to the definition. Ms. Jones stated that the language in the regulations needs to be consistent when referring to the Board. Some sections refer to just the Board and others to the Board of Psychology or California Board of Psychology. Ms. Sorrick questioned why one full day is only equivalent to six hours of CE credit. Dr. Phillips commented that two days would get you the full 12-hours. Dr. Linder-Crow added that CPA usually counts a day as six hours to account from lunch and usually ending by 4:00 p.m. Dr. Horn agreed that a full day is consistently six hours.

Dr. Horn reviewed section six, Expert Review/Consultation. Dr. Horn suggested deleting Enforcement Related in the description. It should include any Board expert review. Ms. Sorrick commented that it would be easier to document if it is counted as hour-for-hour credit. Dr. Horn requested that (B) should read, "Each hour of service in an expert capacity equals one (1) hour of credit."

Dr. Ebert commented that experts enhance their professional development, so why limit to only experts for the Board, why not include experts for the defense of a client. Dr. Ebert stated that it appears self-serving. Dr. Horn commented that it is a way to encourage licensees to participate as an expert for the Board. Dr. Phillips thought there was some logic to the comment from Dr. Ebert. Dr. Linder-Crow stated that the purpose of CE/CPD is to maintain competence. It's an interesting question if there are things being used to benefit the Board and not just for the betterment of the licensee. Dr. Phillips added that the Board does this to provide incentives for individuals to do things for the Board and to strengthen our ability to protect the consumer and to better serve the public.

In section seven, Attendance at a Board Meeting, Dr. Horn suggested to delete the last sentence in the definition section. Dr. Linder-Crow commented that a licensee gives up a day to attend a Board meeting, so he or she should get a full day credit even if there are closed session items on the agenda. Dr. Horn suggested it should be left at six hours for a full day, with or without closed session. Dr. Immoos agreed.

Dr. Horn and Dr. Philips suggested adding to the definition, "This activity is designed to promote knowledge of current issues before the Board and encourages public participation in the regulatory process." In "activities" it was suggested to add "A psychologist requesting CPD credit pursuant to this subdivision must sign-in and sign-out on an attendance sheet that requires an individual to provide his or her first and last name, license number, time of arrival, and time of departure from the meeting." Dr. Phillips suggested providing a separate sign-in sheet at meetings for those wanting CPD credit.

In definition g(1) Academic Coursework, the Committee suggested deleting the first paragraph in B and to keep staff's suggested language: "Each one (1) semester unit earned equals six (6) hours of credit, and each one (1) quarter unit earned equals 4.5

hours of credit." . Dr. Phillips suggested that a transcript be required and to add "with evidence of a passing grade" to the end of D.

In g(2), Academic Instruction, Dr. Horn was concerned that it be clear that the licensee cannot "double dip" if teaching and attending the course and suggested that "for the first time" be deleted. Dr. Linder-Crow suggested renaming the title to Academic/Sponsored CE Instruction. Ms. Jones suggested deleting "semester long or equivalent" in (A) in the definition. Dr. Phillips suggested there be a rounding rule when there is less than an hour instruction. After much discussion the Committee suggested adding to the activities in (B) "Each hour of instruction for teaching a sponsored CE course equals 1.5 hours of CPD credit earned." In (c) the Committee discussed the length of a quarter or semester unit and changed the wording to read "A term-long (quarter or semester) academic course equals 18 hours credited." Ms. Jones suggested switching (C) and (B) to be consistent with other divisions.

Dr. Horn suggested deleting "pursuant to section 1387" under subdivision g(3), Supervision. Dr. Phillips pointed out that practicum students should not be included since they are not accumulating hours toward licensure. Dr. Horn suggested adding the different license types such as MFT, LCSW, etc. The Committee requested the adding "as a Psychologist, MFT, LCSW, LPCC, LEP, or Physician and Surgeon" to the end of the definition.

Dr. Horn ended the meeting at "activities in subdivision g(2), Supervision, page 10".

f) Agenda Items for the Next Meeting

Dr. Horn commented that the July 14th Licensing Committee minutes reflected a public request to have a report on the fingerprint process and suggested it be added to the January 11-12, 2016 Licensing Committee meeting agenda.

g) Adjournment

Dr. Horn adjourned the meeting at 4:08 p.m.