California Board of
PSYCHOLOGY

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# MEMORANDUM

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| **DATE** | October 13, 2016 |
| **TO** | Board Members |
| **FROM** | Antonette Sorrick<br>Executive Officer |
| **SUBJECT** | **Update on Newsletter: Agenda Item 9(f)** |

**Background:**

Attached is the Board's *Summer Journal*. The *Fall Journal* will go out in December, 2016.

**Action Requested:**

This item is for informational purposes only.

California Board of PSYCHOLOGY

ISSUE NO. 10
SUMMER 2016

SUMMER

# Journal

* * * * * The California Department of Consumer Affairs, Board of Psychology Newsletter * * * * *

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## President's Message

*Stephen Phillips, J.D., Psy.D., Board of Psychology*

Welcome to the summer 2016 edition of the California Board of Psychology *Journal*!

The mission of the Board of Psychology (Board) is to advance quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession. Our values are transparency, integrity, consumer protection, inclusiveness, excellence, and accountability.

I write this column on the heels of our August Board meeting that was held at the Wright Institute in Berkeley, thanks to the hospitality of Dean Gilbert Newman, Ph.D., and his faculty and staff. It was gratifying to see the turnout for the Board meeting, and we hope many of you were also able to join us by way of the simultaneous webcast, which can be viewed at your convenience on the Board's website (**psychology.ca.gov**), all in service of our attempts to make transparency a hallmark of our deliberative process.

We still feel the effects of the recent loss of four Board members due to the end of their respective appointments. Adding to that sense of loss was the unexpected resignation of Johanna Arias-Bhatia, a public member, who found that the demands of her new job responsibilities prevented her continued participation on the Board after several years of dedicated public service. Ms. Arias-Bhatia was a valuable, contributing member of the Board, particularly in spearheading the Board's consideration of the possible addition of Applied Behavior Analysts to its licensing and regulatory purview. She was the highly capable chairperson of the various stakeholders in the legislative process during those formative discussions and continued to attend stakeholder meetings with legislative staff and the sponsors of the oversight bill.

On a more positive note, given that the changes in Board composition had created challenges in relying on the availability of all Board members to form a quorum, a new and very welcome addition to the Board came by way of the appointment of Ms. Alita Bernal by

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President's Message (continued from page 1)

the President Pro Tempore of the Senate, Kevin de León. Ms. Bernal is a Managing Principal of Urban Point, LLC, a marketing and business development company, and previously worked as Director of Marketing and Business Development at Marina Del Rey Hospital and as Community Relations Director at St. Vincent Medical Center. Ms. Bernal is a board member of Hollywood Presbyterian Medical Center Foundation and Camp Ronald McDonald. She also served as a founding member of Grupo Folklorico Macias. We look forward to Ms. Bernal joining us at the Winter Board meeting in San Diego and welcome her background in healthcare concerns and management as important additions to the wide repertoire of professional expertise represented by the current members of the Board.

*Welcome Alita Bernal.*

The Assembly and Senate passed and the Governor signed legislation that allows the Board to continue its work for the next four years. It looks to be soon on its way to the Governor's desk. Included in the sunset bill are multiple clarifications in the licensure laws as reviewed in my Spring *Journal* column. Without the Board, licensees and registrants would likely find themselves subject to the jurisdiction of another board or agency.

The Board continues to work hard at crafting new regulations to provide guidance regarding telepsychology; a proposed revamping and clarification of the statutes and regulations that constitute the pathways to licensure; the campaign for outreach to historically underserved groups regarding mental health services; an updating of the disciplinary guidelines; and active consideration of the legislative calendar and the potential impact of specific legislation on consumers, licensees, and registrants, and the work of the Board. The Board is actively working to move through the regulatory process with consideration for the input of the affected stakeholders while effecting change in as timely fashion as legislative and regulatory procedures allow.

For those of you with a particular interest in the emerging regulations regarding continuing professional development, know that the time will soon come for the Licensing Committee and full Board to have an opportunity to craft the proposed language that will become a regulatory package. During both the Committee and Board meetings, there will be opportunity for public comment. Once the language is officially noticed in 2017, there will be an additional opportunity for official public comment to be considered.

Hopefully, this column provided you a greater sense of what the Board is working on and what it hopes to accomplish. Delays in the approval of licensing applications have been substantially reduced through the hard work of our dedicated Licensing staff and the delays in the resolution of licensing complaints are being actively addressed by the Enforcement team in conjunction with other state agencies that play active roles in the process. The Board has heard and shares your concerns and continues to work hard to give the best service to consumers, licensees, and registrants to the full extent our institutional resources allow. Positive change with sensitivity, integrity, and transparency continues to be our priority in best addressing the mission of the Board and its responsibilities to our stakeholders.

# Learning More About the Board of Psychology Budget

*By Nicole J. Jones, Vice President, Board of Psychology*

Do you ever wonder how your fees are spent? Well, it is the Board's hope that the public, applicants, and licensees feel they are receiving excellent services from the Board of Psychology, which is determined by the level of staffing and funding for the various functions of the Board. This is also an important role of the Board to ensure that funding is used in a cost-effective manner. So, in an effort to increase transparency and understanding, a budget presentation has been added to the agenda for the quarterly Board of Psychology meetings. This is an opportunity to allow Board members and the public to ask any questions about the allocation of revenue and expenditures. The annual budget allocation is determined by the state budget, which is approved by the Governor and the state Legislature. The Board's budget consists of five major categories: Personnel (38 percent), Enforcement (26), Departmental Services (16), Operating Expenses (12), and Interagency Services (8). The largest category of funding, which represents more than one-third of the budget, is used to cover the expenses related to staffing. Currently, there are 29 Board employees. These employees ensure that:

- Applications and renewals are processed expeditiously.
- Complaints are processed in a fair and efficient manner.
- Statutes and regulations are reviewed and updated on a regular basis for user-friendliness and ease of understanding.

The Operating Expenses category includes several types of expenses, including those costs related to fingerprinting, travel, and facilities. The Departmental Services expenses include activities related to the Board's interaction with other DCA departments, including the Office of Professional Examination Services (OPES), Legal Affairs, Office of Information Services, and the Public Affairs Office. The remaining operating expenses are captured in the Interagency Expenses, which consist of those expenditures related to central administration and examination expenses.

In recent years, there have been several questions related to the "fund condition" portion of the budget, which is the remaining funds at the end of the fiscal year (June 30) and is carried over to the following fiscal year. The fund condition is often characterized based on the amount of time (in terms of number of months) that the Board could continue to operate with the remaining funds. In the current fiscal year, the fund balance is at 8.8 months, which means the Board is operating in good financial shape.

Below is the current fee schedule for the Board of Psychology:

| DESCRIPTION OF FEE | FEE |
|---|---|
| Application Fee—Psychologist | $40 |
| Examination for Professional Practice in Psychology Fee* (EPPP) | $600* |
| Pearson VUE appointment fee* | $87.50* |
| Pearson VUE rescheduling/cancellation fee 31 calendar days or more before scheduled appointment | $0 |
| Pearson VUE rescheduling/cancellation fee less than 31 calendar days but more than 24 hours before the scheduled appointment | $87.50* |
| Pearson VUE no-shows or rescheduling/ cancellation fee within 24 hours of the scheduled appointment | $687.50* |
| Forfeiture of all fees, including the EPPP fee | |
| Practice EPPP exam online | $55* |
| Practice EPPP at Pearson Professional Center | $115* |
| California Psychology Laws and Ethics Examination (CPLEE) | $129 |
| Initial license fee—Psychologist | $400 |
| Biennial renewal fee—Psychologist | $420 |
| Biennial renewal fee—Inactive Psychologist | $50 |
| Delinquency fee—Psychologist | $25 |
| Duplicate license fee—Psychologist | $5 |

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# Limitations on Licensure Exemption for Employees Providing Psychological Services in Exempt Settings

*Cherise Burns, Central Services Manager, Board of Psychology*

There has been some confusion recently regarding recent licensure exemptions for unlicensed employees providing psychological services in exempt settings. This article is intended to clear up any confusion related to recently enacted limitations on licensure exemptions in exempt settings and how they apply to the different types of those settings.

In California, unlicensed employees are permitted to provide psychological services in a number of specified exempt settings ranging from state correctional facilities to K-12 public schools without obtaining licensure as a psychologist (Business and Professions Code [BPC] § 2910). Various California statutes define the types of exempt settings, the site-specific limitations on the number of years that the exemption extends to, and the purposes for which an unlicensed employee may be exempt from licensure.

Recently enacted legislation, Assembly Bill 705 (Chapter 218, Statutes of 2015), amended section 2910 of the BPC to clarify that unlicensed employees of accredited or approved academic institutions, public schools, or governmental agencies are permitted to work without a license primarily to gain the necessary qualifying experience to obtain licensure and are not permitted to provide psychological services for more than a cumulative total of five years without obtaining licensure as a psychologist. However, this statute is general in nature and does not supersede more specific statutes for exempt settings, such as those in Section 1277 of the Health and Safety Code, Section 5068.5 of the Penal Code, and Section 5751.2 of the Welfare and Institutions Code. These statutes provide maximum limits for the total number of years an unlicensed employee of that exempt setting may provide psychological services without a license, as well as setting other qualifications.

Again, these limitations are based on the type of exempt setting that the unlicensed employee is employed by or contracts with. The Board recommends that before starting employment, unlicensed employees in exempt settings verify with their employer the type of exempt setting they will be working in and the corresponding exemption limitations, in addition to any other requirements that govern their employment.

Learning More About the Board of Psychology Budget (continued from page 3)

| DESCRIPTION OF FEE | FEE |
|---|---|
| Application fee—Application to employ a Psychologist Assistant | $40 |
| Annual renewal fee—Psychological Assistant | $40 |
| Delinquency fee—Psychological Assistant | $20 |
| License verification fee—All | $5 |
| Laws & Regulations booklet—All | $30 |

*Payable to Pearson VUE when candidates schedule their testing appointment.

In addition to supporting the operations of the Board as discussed above, Section 2987.2 of the California Code of Regulations requires the Board to collect, in addition to the regular renewal fee, an additional fee of $10 to be deposited in the Mental Health Practitioner Education Fund. This fund is overseen by the Licensed Mental Health Service Provider Education Program within the Health Professions Education Foundation and is used to provide grants to licensed mental health service providers who provide direct patient care in publicly funded facilities or mental health professional shortage areas to reimburse educational loans related to a career as a licensed mental health service provider.

## Legislator Profile—Senator Jerry Hill

*By Jason Glasspiegel, Central Services Coordinator, Board of Psychology*

Senator Jerry Hill represents California's 13th Senate District, which stretches from Brisbane in San Mateo County to Sunnyvale in Santa Clara County—an area that spans the cradle of biotechnology to the heart of Silicon Valley.

Senator Hill grew up in the Bay Area, helping his father run his small business. Senator Hill still owns that business, which provides jobs to local residents. He attended public schools, graduated from the University of California, Berkeley, and has a teaching credential from San Francisco State University.

Senator Hill joined the Legislature's upper house in 2012 with a strong track record of leadership that includes more than 20 years of public service as an elected official. He was mayor of San Mateo, served on the San Mateo County Board of Supervisors, and was a member of the state Assembly before being elected to the Senate. While serving in local government, he preserved thousands of acres of open space, established one of the state's first anti-smoking ordinances, and expanded healthcare coverage for more than 17,000 children in San Mateo County.

As a member of the state Legislature, his bills have led to laws that increase government transparency, protect consumers, modernize outdated laws, and increase safety. This year Senator Hill is authoring the Board of Psychology's sunset extension bill, SB 1193, which if passed will allow the Board of Psychology to continue its mission of advancing quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession. For more information on SB 1193, turn to the legislative and regulatory update. Additional legislation authored by Senator Hill includes bills that accomplish the following:

- Require ignition interlock devices for all DUI offenders.
- Enable funding of a statewide early earthquake warning system.
- Help the cities of San Mateo, Foster City, and Belmont finalize their Joint Powers Authority to provide fire services to the three cities.
- Clarify and improve enforcement of California's call-before-you-dig law.
- Require contractors to report certain settlements to the Contractors State License Board.
- Improve transparency and safety oversight by the California Public Utilities Commission.

Senator Hill serves as the chair of the Senate's Business, Professions, and Economic Development Committee; the Subcommittee on California's Innovation, Technology, and Life Sciences Economy; and the Subcommittee on Gas, Electric, and Transportation Safety. He is also a member of several other high-profile Senate committees, including Appropriations; Environmental Quality; Governmental Organization; Energy, Utilities and Communications; the Select Committee on Children with Special Needs; and the Legislature's Joint Committee on Fisheries and Aquaculture.

# Apply!

## Application Cycle is Open

### August 1, 2016–October 14, 2016

The Health Professions Education Foundation can help you meet your career goals so you can focus on caring for California's underserved. Health professionals serving the mental health community may benefit from two loan repayment programs:

**Licensed Mental Health Services Provider Education Program,** which may award up to $15,000

**Mental Health Loan Assumption Program,** which may award up to $10,000

HEALTH PROFESSIONS EDUCATION FOUNDATION
*Giving Golden Opportunities*

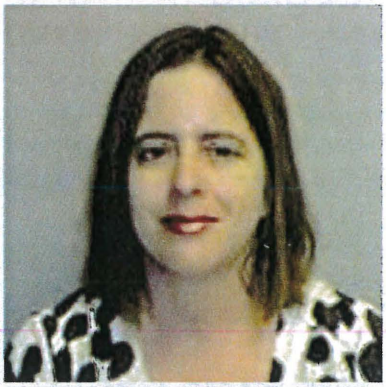
For more information please visit: **www.healthprofessions.ca.gov** or call the Health Professions Education Foundation at **(916) 326-3640.**

The Health Professions Education Foundation was established in 1987 to increase access to health providers in California's underserved areas.

Individuals who apply for the Licensed Mental Health Services Provider Education Program may receive up to $15,000. If awarded, recipients agree to a 24-month service obligation providing a minimum of 32 hours a week of direct patient care at a qualified facility in California.

Individuals who apply for the Mental Health Loan Assumption may receive up to $10,000. If awarded, recipients agree to a 12-month service obligation in the public mental health system.

For more eligibility information or to determine whether a site is a qualified facility, please visit: **www.healthprofessions.ca.gov** or call the Health Professions Education Foundation at (916) 326-3640.



**Irina Zamora, Psy.D.**

## 2016 Licensed Mental Health Services Provider Education Program

Los Angeles, CA

I am a bicultural and bilingual psychologist who hopes to improve access to mental health services to families in underserved communities, and help provide them with culturally and linguistically sensitive care. I value supporting and mentoring individuals from underrepresented backgrounds, and I seek to encourage the next generation of clinicians who share the same desire for social justice and equitable access to care for all.

I am honored to be a recipient of the LMHSPEP award, and I truly appreciate the generous financial support I received from the Health Professions Education Foundation. Thank you for this opportunity.

## Options for Military Members and Their Families

*By Jason Glasspiegel, Central Services Coordinator, Board of Psychology*

The Board of Psychology offers the following services for members of the U.S. armed forces and their families:

- The Board will expedite all applications submitted by applicants who served as members of the armed forces and were honorably discharged.
- The Board will expedite all applications submitted by spouses, domestic partners, or those in other legal unions with an active-duty member of the armed forces as long as all of the following are true:
  - The member of the armed forces is stationed in California under official active-duty military orders.
  - The applicant is a licensed psychologist in another state, territory, or district of the United States at the time of application.
- The Board will waive all renewal fees and continuing education requirements if the licensee is called to active duty as a member of the armed forces or California National Guard, as long as written documentation to substantiate the call to active duty is provided to the Board. The following conditions will apply:
  - The licensee shall become liable for the fee for the current renewal period upon the completion of his or her period of full-time active service.
  - The licensee shall have a period of 60 days after becoming liable within which to pay the fee before the delinquency fee becomes applicable.
  - Any licensee who completes his or her period of full-time active service within 60 days of the end of a renewal period is exempt from the payment of the renewal fee for that period.

## Legislative and Regulatory Update

### Legislative Update

**AB 796** (Nazarian)

**Health Care Coverage: Autism: Pervasive Disorders**

**Summary:** This bill would extend indefinitely the operation of existing law that requires insurance coverage for behavioral health treatment for pervasive developmental disorder or autism. This bill would also provide requirements for a qualified behavioral service provider.

**Status:** Signed by Governor.

**Board position:** Oppose

**AB 1835** (Holden)

**Private Postsecondary Education: Operating Standards**

**Summary:** This bill would exempt from the provisions of the Private Postsecondary Education Act of 2009 institutions that grant doctoral degrees in psychoanalysis from the provisions of the Act requiring the imposition of accreditation requirements if specified requirements are met.

**Status:** This bill was enrolled and sent to the Governor.

**Board position:** Watch

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Legislative and Regulatory Update (continued from page 7)

**AB 2017** (McCarthy)

**College Mental Health Services Program**

**Summary:** This bill would require the Mental Health Services Oversight and Accountability Commission to create a grant program for public community colleges, colleges, and universities for purposes of improving mental health services access. It requires campuses that have been awarded grants to report annually on the use of grant funds and post information on their websites. This bill would also require a specified evaluation to be conducted by a public or private research university or institute and provides for contract assistance.

**Status**: Vetoed by Governor.

**Board position:** Support

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**AB 2086** (Cooley)

**Workers' Compensation: Neuropsychologists**

**Summary:** This bill would authorize licensed clinical psychologists meeting specified requirements to be appointed as a qualified medical evaluator in neuropsychology. This bill would also provide that a medical doctor or osteopath who has successfully completed a residency or fellowship program accredited by an organization that is a predecessor to a specified credentialing entity, and would satisfy the residency training requirement for an evaluator under the Workers' Compensation Law.

**Status:** This bill was enrolled and sent to the Governor.

**Board position:** Support

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**AB 2859** (Low)

**Professions and Vocations; Retired Category; Licenses**

**Summary:** This bill would authorize any of the boards within the Department of Consumer Affairs to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation. This bill would also require the regulation to include specified provisions, including that a retired license be issued to a person with either an active license or an inactive license that was not placed on inactive status for disciplinary reasons.

**Status:** Signed by Governor, Chapter 473, Statutes of 2016.

**Board position:** Watch

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**SB 1193** (Hill–Salas)

**Healing Arts**

**Summary:** Authorizes a licensed clinical psychologist who meets specified requirements to be appointed as a qualified medical evaluator in neuropsychology. Provides that a medical doctor or osteopath who has successfully completed a residency or fellowship program accredited by an organization that is a predecessor to a specified credentialing entity would satisfy the residency-training requirement for an evaluator under the Worker's Compensation Law.

**Status:** Signed by the Governor, Chapter 484, Statutes of 2016.

**Board position:** Support if amended

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Legislative and Regulatory Update (continued from page 8)

**SB 1194** (Hill)

**Professions and Vocations: Board Actions and Regulation**

**Summary:** This bill would provide for the review of nonministerial market-sensitive actions of a board within the Department of Consumer Affairs to determine whether it furthers a clearly expressed policy and provides for approval, disapproval, or modifications to a board action. The bill would also require that certain information be posted on the Internet, and require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board for certain acts or omissions.

**Status:** This bill was held in the Assembly Business and Professions Committee.

**Board position:** Watch

## Inactive Bills

**AB 1715** (Holden)

**Healing Arts: Behavior Analysis: Licensing**

**Summary:** This bill would increase the number of members that constitute a quorum of the Board of Psychology (Board). This bill would establish the Behavior Analyst Act, and require a person to obtain a license from the Board to engage in the practice of either a behavior analyst or an assistant behavior analyst and provide the procedures necessary to obtain such a license. The bill would also specify the requirements for persons to be employed behavior analysis technicians. The bill would make a violation of these provisions a misdemeanor.

**Status:** While in the Senate Business Professions and Economic Development Committee, the author chose to no longer pursue the bill.

**Board position:** Support If amended

**AB 2443** (Baker)

**Local Control and Accountability Plans: School Climate**

**Summary:** This bill would relate to local control and accountability plans adopted by school district governing boards and require the plan to include 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. The bill would also require the adopted plans to identify the extent to which pupils have access to school psychologists or counselors to address issues including mental health concerns, conflict resolution, and bullying.

**Status:** This bill was held in the Assembly Committee on Appropriations.

**Board position:** Support

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Legislative and Regulatory Update (continued from page 9)

**AB 2507** (Gordon)

**Telehealth: Access**

**Summary:** This bill would add video communications and phone communications to the definition of telehealth. This bill would prohibit a health care provider from requiring the use of telehealth when a patient prefers in-person services and requires health care service plans and insurers to include coverage for services provided to a patient through telehealth. The bill would also prohibit an insurer from interfering with the physician-patient relationship based on telehealth services and provide that health information confidentiality requirements apply to telehealth services.

**Status:** This bill was held in the Assembly Committee on Appropriations.

**Board position:** Watch

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**SB 1033** (Hill)

**Medical Board: Disclosure of Probationary Status**

**Summary:** This bill would require specified medical regulatory boards to require a licensee to disclose their probationary status to a patient, the patient's guardian, or the health care surrogate prior to the patient's first visit following a probationary order by the Board. This requirement would apply while the licensee is on probation, including an accusation, a statement of issues, or an administrative law judge's legal conclusion finding the licensee committed gross negligence. The bill would also require a standard format for listing probation information.

**Status:** This bill is in the Senate Inactive File.

**Board position:** Watch

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**SB 1034** (Mitchell)

**Health care coverage: Autism**

**Summary:** This bill would relate to required insurance coverage for behavioral health treatment for pervasive developmental disorder or autism, and would modify requirements to be a qualified autism service professional to include providing behavioral health treatment, which may include clinical management and case supervision. The bill would also require that a treatment plan be reviewed using a specified time period, and require such treatment to comply with the Medicaid state plan.

**Status:** This bill was held in the Assembly Committee on Appropriations.

**Board position:** Oppose

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**SB 1101** (Weickowski)

**Alcohol and Drug Counselors: Regulation**

**Summary:** This bill would establish the Alcohol and Drug Counseling Professional Bureau. The bill would prohibit any person from using the title of licensed alcohol and drug counselor unless the person has applied for and obtained a license from the Bureau. The bill would also specify the minimum qualifications for a license, including a criminal background check, and require the Bureau to ensure that the criminal history of the applicant is reviewed before issuing a license.

**Status:** This bill was held in the Senate Committee on Appropriations.

**Board position:** Watch

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(continued on page 11)

Legislative and Regulatory Update (continued from page 10)

**SB 1155** (Morrell)

**Professions and Vocations: Licenses: Military**

**Summary:** This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an individual who is an honorably discharged veteran.

**Status:** This bill was held the Senate Committee on Appropriations.

**Board position:** Watch

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**SB 1204** (Hernandez)

**Health Professions Development: Loan Repayment**

**Summary:** This bill would increase the license application and renewal charge for health professionals and increase the monetary limits for loan repayment. The bill would also expand the eligibility for loan repayment funds to include those physicians providing psychiatric services. The bill would provide for the deposit of additional moneys in a continuously appropriated fund. The bill would also increase the psychology license renewal fee for funding a specified education program, and increase licensing fees for Marriage and Family Therapists.

**Status:** While in the Senate Committee on Business Professions and Economic Development, the author chose to no longer pursue this bill.

**Board position:** Watch

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**SB 1217** (Stone)

**Healing Arts: Reporting Requirements: Liability**

**Summary:** This bill would relate to existing law that requires the Board to keep an individual historical record containing any reported judgment or settlement requiring a licensee or the licensee's insurer to pay over $3,000 in damages for any claim that injury or death was proximately caused by the licensee's negligence, error or omission in practice, or rendering unauthorized professional service. This bill would instead require the record to contain reported judgments or settlements with damages over $10,000 for persons licensed under the Pharmacy Act.

**Status:** This bill failed to clear the Senate Committee on Business Professions and Economic Development before the required deadline.

**Board position:** Watch

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**SB 1334** (Stone)

**Crime Reporting: Health Practitioners: Reports**

**Summary:** This bill would require a health care practitioner who provides medical services to a patient who discloses that he or she is seeking treatment due to being the victim of assault or abuse, to additionally make a report to a law enforcement agency.

**Status:** This bill was held in the Senate Committee on Appropriations.

**Board position:** Watch

More information on these bills can be found at **http://leginfo.legislature.ca.gov/**.

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Legislative and Regulatory Update (continued from page 11)

## Regulatory Update

### Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

*Title 16, California Code of Regulations (CCR),*
*Section 1397.12*

The current *Disciplinary Guidelines* are being amended to be made consistent with current law. The proposal incorporates the Uniform Standards Related to Substance Abusing Licensees to describe the mandatory conditions that apply to a substance abusing applicant or licensee, updates the standard and optional terms and conditions of probation, and adopts uniform and specific standards that the Board of Psychology (Board) must use in dealing with substance-abusing licensees, registrants, or applicants to increase consumer protection.

The Uniform Standards that are being incorporated into the Board's existing *Disciplinary Guidelines* were mandated by Senate Bill 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008).

A public hearing took place on August 22, 2014, at the Board meeting. The Board issued a 15-Day Notice of modified text for newly amended language that was submitted to the Board for approval at the November Board meeting. The Board approved the language and the Final Rulemaking File was submitted to DCA for review. The following areas were identified to be amended:

- Language relating to suspending licenses when the Board has the authority to order a respondent to cease practice.
- Under the Major and Minor Violations, the Board was asked by the Legislative and Regulatory Review Unit to include five consequences of minor violations when the Uniform Standards call for six; "Required re-evaluation and/or testing" was added to the minor violations.
- Several grammatical and consistency issues have been fixed.

The Board received no negative comments and approved the amended language. The Rulemaking File was submitted to the Department of Consumer Affairs (DCA) for approval in June 2015, and was filed with the Office of Administrative Law (OAL) on September 25, 2015. On November 6, 2015, OAL disapproved the Rulemaking File, citing clarity and consistency issues for the disapproval. On February 12, 2016, the board issued a 15-Day Notice of modified text for newly amended language. The language was ratified at the Board's February 25-26, 2016, meeting. On May 2, 2016, the Board issued a 15-Day Notice of modified text for newly amended language. This language was presented and ratified by the Board at the May meeting. The Rulemaking File was resubmitted to DCA, the Department of Finance, and the Business Consumer Services and Housing Agency for approval in June, and was filed with OAL on July 7, 2016. On August 3, 2016, the rulemaking file was approved by OAL. The regulations become effective January 1, 2017.

### Filing of Addresses

*Title 16, CCR, Section 1380.5*

Current regulations ask licensees to provide their proper and current mailing address. The Board is seeking to amend the regulations to allow a licensee to provide an alternate address of record that is used as a mailing address, such as a P.O. box. The Board is also seeking to require a licensee report his or her e-mail address. Within 30 days of any change to the address of record, alternate address, or e-mail address, the applicant or licensee must notify the Board.

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Legislative and Regulatory Update (continued from page 12)

At its November 2014 meeting, the Board agreed there was a need to amend the regulation to require licensees to report an e-mail address with the Board, if any, and to allow licensees to report an alternate address as the address of record. In that case, the licensee must also provide a physical business or residential adress. The Board considered proposed language at its February 2015 and May 2015 meetings. A public hearing was held on August 14, 2015, at which time the Board approved specific language to be amended. The Rulemaking File has been reviewed by the Department of Consumer Affairs, the Business Consumer Services and Housing Agency, and Department of Finance. On March 21, 2016, the Rulemaking File was approved by OAL. The regulations became effective July 1, 2016.

### Verification of Experience/Supervision Agreement Forms

*Title 16, CCR, Sections 1387 and 1387.1*

Existing regulations mandate that verification of experience and supervision agreement forms be submitted to the Board directly from the primary supervisor. The proposed regulation would require the primary supervisor to place the supervision agreement if any and the verification of experience forms in a sealed envelope, and provide the envelope to the supervisee to hold until the supervisee is ready to submit a licensure application to the Board. The sealed envelope would be submitted together with the licensure application, unless it has been submitted to the Board with an application for registration as a psychological assistant.

Existing regulations also mandate that a plan for supervised professional experience (SPE) between the primary supervisor and psychological assistant must be submitted and approved by the Board prior to the commencement of the SPE.

The proposed regulation would no longer require the pre-approval of this supervision plan in order for SPE to count toward Board licensure. In addition, they mandate that the plan include how and when the supervisor will provide periodic feedback to the supervisee so that the supervisee gets the benefits of the supervisor's assessment on how their training is going.

The Board noticed the initial Rulemaking File on April 1, 2016. After the close of the 45-day public comment period, the hearing was held at the May Board meeting. The Board received no comments and adopted the proposed language. The Board submitted the Rulemaking File to DCA in June, and it is pending DCA and Business Consumer Services and Housing Agency review.

# Disciplinary Actions: April 1 to June 30, 2016

## REVOCATION

**Elizabeth R. Lewis, Ph.D.**
Psychologist License No. PSY 16987, San Francisco.

Dr. Lewis' license was revoked for failing to comply with a Board order for examination. The Default Decision and Order took effect on May 22, 2016.

**Phillip Darryl MacFarland, Ph.D.**
Psychologist License No. PSY 17254, Lincoln.

Dr. MacFarland's license was revoked for failing to comply with terms and conditions of probation in a January 7, 2011, Decision and Order by misrepresenting his license status, improperly terminating a patient, failing to maintain adequate documentation of informed consent, providing a dishonest answer on his credentialing application, duplicating progress notes, and dishonestly recording more time spent with inmates/patients than was reflected on security logs. The order took effect on May 19, 2016.

## PROBATION

**Thaddeus J. Camlin**
Psychological Assistant Registration
No. PSB 94022498, La Jolla.

Mr. Camlin stipulated to the issuance of his registration with four years' probation, and is subject to its revocation if he fails to comply with the terms and conditions of his probation, after convictions for possession of drug paraphernalia, driving under the influence of alcohol, and for the use of alcohol in a way that was dangerous to himself or others. The order took effect on May 12, 2016.

**Fatima M. Coley**
Psychological Assistant Registration No. 94022540, Van Nuys.

Ms. Coley stipulated to the issuance of her registration with five years' probation and is subject to its revocation if she fails to comply with the terms and conditions of her probation after a conviction for knowingly processing fraudulent withdrawals for an individual posing as a customer at the bank where Ms. Coley worked in 2004. The order took effect on May 26, 2016.

**Cara Jean Emes, Ph.D.**
Psychologist License No. PSY 26217, Clovis.

Dr. Emes stipulated to placing her license on three years' probation, and is subject to its revocation if she fails to comply with the terms and conditions of her probation, based upon disciplinary action taken against her Iowa psychologist license by the Iowa Board of Psychology for engaging in a sexual relationship with a graduate student under her supervision and making sexual comments that offended another graduate student. The order took effect June 17, 2016.

**Fillmore L. Smiley**
Psychological Assistant Registration
No. PSB 94022453, Victorville.

Mr. Smiley stipulated to the issuance of his registration with five years' probation, and is subject to its revocation if he fails to comply with the terms and conditions of his probation, after convictions for taking a vehicle without the owner's consent (2002), grand theft (1997), two instances of willful infliction of corporal injury upon a spouse or cohabitant (1996, 1998), driving under the influence of alcohol (2002), and for the use of alcohol in a way that was dangerous to himself or others. The order took effect April 21, 2016.

**Chao-Ying Wang, Ph.D., Psy.D.**
Psychologist License No. PSY 17930, Oceanside.

Dr. Wang's license was placed on probation for two years and is subject to its revocation if she fails to comply with the terms and conditions of her probation after failing to document or obtain written informed consent from a patient, failing to obtain a release so that she could consult with the same patient's psychiatrist, and for disclosing that patient's diagnosis on a FMLA form without first obtaining the patient's consent. The order took effect May 7, 2016.

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## PC Versus Mac When Using the BreEZe System

*By Lavinia Snyder, Examinations and BreEZe Coordinator*

We hear more and more comments that a PC is better than an Apple computer or that an Apple computer is better than a PC for accessing BreEZe. Is one better than the other when using BreEZe? In reality, there is no functional difference between a Mac and PC when using BreEZe. BreEZe uses an HTML-based format and can work on either a PC or Apple computer. You are probably wondering what is HTML? HTML is short for HyperText Markup Language. It is used to create electronic documents (pages) on the World Wide Web.

The problems BreEZe users are encountering may not lie with the computer itself, but with the type of Internet browser that is used. BreEZe typically can be accessed using the following browsers: Internet Explorer, Chrome, Firefox, and Safari. These browsers can be used on any PC or Apple computer. I personally have used these browsers to perform license look-ups and did not encounter any issues. These browsers should also work when creating an account, linking licenses, submitting an application, or renewing a license in BreEZe. However, many users have found that some browsers work better than others, such as Internet Explorer and Firefox.

We recommend that if you are having trouble using BreEZe on your computer, consider using Internet Explorer or Firefox. Most PCs already have Internet Explorer. For Apple users, you have the option to change your browser to Internet Explorer and/or Firefox by following these simple steps:

STEP 1
From the Main Menu: Safari/Preferences/Advance/ Check "Show Develop menu in Menu Bar"

STEP 2
From the Main Menu: Develop/User Agent/Choose Internet Explorer or Firefox

Should you encounter additional issues with resetting your password or user ID, have problems linking your license, or need further technical support, please call the DCA Consumer Information Center at (855) 227-9633. You may also contact the Board at (866) 503-3221.

Disciplinary Actions (continued from page 14)

### INTERIM SUSPENSION ORDER

**Thomas F. Machos, Ph.D.**
Psychologist License No. PSY 17930, Oceanside.

An interim suspension order was issued against the license of Dr. Machos following convictions for indecent exposure and vandalism, and due to the inability to practice psychology safely as a result of mental or physical illness. The order took effect April 7, 2016.

## Board Members

Stephen Phillips, J.D., Psy.D. (President)

Nicole J. Jones (Vice President)

Lucille Acquaye-Baddoo

Alita Bernal

Michael Erickson, Ph.D.

Jacqueline Horn, Ph.D.

## Board Meeting Calendar

**NOVEMBER 17–18, 2016** (San Diego)

**FEBRUARY 9–10, 2017** (Sacramento)

**JUNE 15–16, 2017** (Los Angeles)

**SEPTEMBER 14–15, 2017** (Bay Area)

California Board of PSYCHOLOGY

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