

**NOTICE OF BOARD MEETING**

The Westin San Diego  
Gaslamp Quarter  
910 Broadway Circle  
San Diego, CA 92101  
(619) 239-2200

**October 3 - 4, 2019****Board Members**

Stephen Phillips, JD, PsyD, President  
Seyron Foo, Vice-President  
Alita Bernal  
Sheryll Casuga, PsyD  
Marisela Cervantes  
Mary Harb Sheets, PhD  
Jacqueline Horn, PhD  
Lea Tate, PsyD

**Legal Counsel**

Norine Marks

**Board Staff**

Antonette Sorrick, Executive Officer  
Sandra Monterrubio, Enforcement  
Program Manager  
Cherise Burns, Central Services Manager  
Stephanie Cheung, Licensing Manager  
Curtis Gardner, Probation Monitor

The Board plans to webcast this meeting on its website. Webcast availability cannot, however, be guaranteed due to limitations on resources or technical difficulties that may arise. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast. A link to the webcast will be available on the Board's Website at 9:00 a.m. October 3, 2019, or you may access it at: <https://thedcapage.wordpress.com/webcasts/>. Links to agenda items with attachments are available at [www.psychology.ca.gov](http://www.psychology.ca.gov), prior to the meeting date, Thursday, October 3, 2019.

Thursday, October 3, 2019

**AGENDA****9:30 a.m. – OPEN SESSION**

Unless noticed for a specific time, items may be heard at any time during the period of the Board meeting.

The Board welcomes and encourages public participation at its meetings. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment.

1. Call to Order/Roll Call/Establishment of a Quorum
2. President's Welcome
3. Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].
4. President's Report (S. Phillips)
  - a) 2019 Meeting Calendar and Locations
  - b) 2020 Meeting Calendar and Locations
  - c) Committee Updates
5. Executive Officer's Report (A. Sorrick)
6. DCA Executive Office Update
7. Discussion and Possible Approval of the Board Meeting Minutes: August 15-16, 2019
8. Budget Report (C. Burns)
9. Licensing Report (S. Cheung)
10. Continuing Education and Renewals Report (C. Burns)
11. Strategic Plan Action Plan Update (L. Tate)
12. Board's Social Media Update (L. Tate)
13. Website Update (L. Tate)
14. Update on Newsletter (L. Tate)

**10:30 a.m. - Petition Hearing**

15. Petition for Early Termination of Probation – Paul Whitaker, PhD

**CLOSED SESSION**

16. The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including the above petition, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

**BREAK FOR LUNCH (TIME APPROXIMATE)**

**1:30 p.m. - Petition Hearing**

17. Petition for Reinstatement of License – Todd Gaffaney, PhD

**CLOSED SESSION**

18. The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including the above petition, Proposed Decisions, Stipulations, Petitions for Reconsideration, and Remands.

**RETURN TO OPEN SESSION**

Friday, October 4, 2019

**9:30 a.m. – OPEN SESSION**

19. Call to Order/Roll Call/Establishment of a Quorum

**CLOSED SESSION**

The Board will Meet in Closed Session Pursuant to Government Code Section 11126(a)(1) to Conduct its Annual Evaluation of its Executive Officer

**OPEN SESSION**

20. Public Comment for Items Not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)].
21. Legislative and Regulatory Affairs Update (S. Foo)
- a) Board Sponsored Legislation for the 2019 Legislative Session: Review and Possible Action
    - 1) SB 275 (Pan) – Amendments to Section 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact
    - 2) SB 786 (Committee on Business, Professions and Economic Development) Healing Arts – Update on Amendments to Sections 2940-2944 of the Business and Professions Code Regarding Examinations
  - b) Review and Consideration of Proposed Legislation
    - 1) Review of Bills with Active Positions Taken by the Board
      - A. AB 1076 (Ting) Criminal Records: automatic relief.
      - B. AB 1145 (Garcia) Child abuse: reportable conduct.
      - C. SB 53 (Wilk) Open meetings.
      - D. SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic services.

- E. SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct.
- 2) Review of Bills with Recommended Watch Status
- A. AB 5 (Gonzalez) Worker status: employees and independent contractors.
  - B. AB 8 (Chu) Pupil health: mental health professionals.
  - C. AB 166 (Gabriel) Medi-Cal: violence preventive services.
  - D. AB 189 (Kamlager-Dove) Child abuse or neglect: mandated reporters: autism service personnel.
  - E. AB 241 (Kamlager-Dove) Implicit bias: continuing education: requirements.
  - F. AB 289 (Fong) California Public Records Act Ombudsperson.
  - G. AB 469 (Petrie-Norris) State records management: records management coordinator.
  - H. AB 476 (Rubio, Blanca) Department of Consumer Affairs: task force: foreign-trained professionals.
  - I. AB 496 (Low) Business and professions.
  - J. AB 512 (Ting) Medi-Cal: specialty mental health services.
  - K. AB 565 (Maienschein) Public health workforce planning: loan forgiveness, loan repayment, and scholarship programs.
  - L. AB 577 (Eggman) Health care coverage: maternal mental health.
  - M. AB 630 (Arambula) Board of Behavioral Sciences: marriage and family therapists: clinical social workers: educational psychologists: professional clinical counselors: required notice: exemptions.
  - N. AB 744 (Aguiar-Curry) Healthcare coverage: telehealth.
  - O. AB 798 (Cervantes) Maternal Mental Health.
  - P. AB 1058 (Salas) Medi-Cal: specialty mental health services and substance use disorder treatment.
  - Q. AB 1179 (Blanca) Child Custody: allegations of abuse: report.
  - R. AB 1184 (Gloria) Public records: writing transmitted by electronic mail: retention.
  - S. AB 1519 (Low) Healing Arts.
  - T. SB 163 (Portantino) Health care coverage: pervasive developmental disorder or autism.
  - U. SB 331 (Hurtado) Suicide prevention: strategic plans.
  - V. SB 601 (Morrell) State agencies: licenses: fee waiver.
  - W. SB 639 (Mitchell) Medical services: credit or loan.
  - X. SB 660 (Pan) Postsecondary education: mental health counselors.
- 3) Review of Two-Year Bills with Recommended Watch Status
- A. AB 71 (Melendez) Employment standards: independent contractors and employees.
  - B. AB 184 (Mathis) Board of Behavioral Sciences: registrants and licensees.

- C. AB 193 (Patterson) Professions and vocations.
- D. AB 312 (Cooley) State government: administrative regulations: review.
- E. AB 396 (Eggman) School employees: School Social Worker Pilot Program.
- F. AB 536 (Frazier) Developmental services.
- G. AB 544 (Brough) Professions and vocations: inactive license fees and accrued and unpaid renewal fees
- H. AB 613 (Low) Professions and vocations: regulatory fees.
- I. AB 768 (Brough) Professions and vocations.
- J. AB 770 (Garcia, Eduardo) Medi-Cal: federally qualified health clinics: rural health clinics.
- K. AB 895 (Muratsuchi) Pupil Mental Health Services Program Act.
- L. AB 1201 (Boerner Horvath) Unfair Practices Act.
- M. AB 1271 (Diep) Licensing examinations: report.
- N. AB 1601 (Ramos) Office of Emergency Services: behavioral health response.
- O. SB 181 (Chang) Healing arts boards.
- P. SB 201 (Wiener) Medical procedures: treatment or intervention: sex characteristics of a minor.
- Q. SB 546 (Hueso) Unlicensed activity.
- R. SB 700 (Roth) Business and professions: noncompliance with support orders and tax delinquencies.

- c) Update on California Psychological Association Legislative Proposal Regarding New Registration Category for Psychological Testing Technicians

22. Legislative Items for Future Meeting. The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code Section 11125.4

23. Regulatory Update, Review, and Consideration of Additional Changes (Foo)
- a) 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants
  - b) 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating a Psychological Assistant Registration
  - c) 16 CCR Section 1396.8 – Standards of Practice for Telehealth
  - d) 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees
  - e) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development
  - f) 16 CCR Section 1394 – Substantial Relationship Criteria; Section 1395 – Rehabilitation Criteria for Denials and Reinstatements;

Section 1395.1 – Rehabilitation Criteria for Denials Suspensions or Revocations

24. Review and Consideration of the Sunset Review Committee Report -- Review and Possible Approval of Board's Sunset Report (Phillips – Chairperson, Foo)
25. Enforcement Report (S. Monterrubio)
26. Presentation by the Office of the Attorney General on Clear and Convincing to a Reasonable Certainty Standard of Proof in Accusations, and the Office of the Attorney General Role in the Board's Enforcement Process (G. Castro)
27. Enforcement Committee Report -- Consideration and Possible Approval of Committee Recommendations (Phillips – Chairperson, Cervantes)
  - a) Proposed Amendments to 16 CCR Sections 1394 – Substantial Relationship Criteria; 1395 – Rehabilitation Criteria for Denials and Reinstatements; 1395.1 – Rehabilitation Criteria for Suspensions or Revocations; 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees
  - b) Review and Consideration of Revisions to the Goal and Name of the Enforcement Committee
  - c) Child Custody Stakeholder Meeting Implementation Update (S. Monterrubio)
  - d) Statutes and Regulations Addressing Disciplinary Authority of the Board, Review, and Consideration of Additional Changes (S. Monterrubio)
    - 1) 16 CCR Sections 1397.50 – Citations and Fines; 1397.51 – Amount of Fines; 1397.52 – Compliance with Orders of Abatement; 1397.53 – Citations for Unlicensed Practice; 1397.54 – Contest of Citations
    - 2) 16 CCR Section 1380.6 – Display of License Number
    - 3) 16 CCR Sections 1393 – Requirements for Psychologists on Probation
    - 4) 16 CCR Sections 1396 – Competence; 1396.1 – Interpersonal Relations; 1396.2 – Misrepresentation; 1396.3 – Test Security; 1396.4 – Professional Identification
    - 5) BPC Sections 2902 – Definitions; 2903 – Licensure requirement; Practice of psychology; Psychotherapy; 2903.1 – Biofeedback instruments; 2908 – Exemption of other professions; 2912 – Temporary practice by licensees of other state or foreign country
    - 6) BPC Section 2934.1 – Posting of license status on Web site
    - 7) BPC Sections 2960 – Grounds for action; 2960 (o); 2960.05 – Limitations period for filing accusation against licensee; 2960.1 – Sexual contact with patient; Revocation; 2960.2 – Licensee's physical, emotional and mental condition evaluated; 2960.5 – Mental illness or chemical dependency; 2960.6 – Actions by other states; 2961 – Scope of action; 2962 – Petition for reinstatement or modification of penalty; 2962.1; 2963 – Matters deemed conviction; 2964 – Report of license revocation or

restoration; 2964.3 – Persons required to register as sex offender; 2964.5 – Conditions of probation or suspension; 2964.6 – Payment of probationary costs; 2965 – Conduct of proceedings; 2966 – Suspension during incarceration for felony conviction; Determination of substantial relationship of felony to functions of psychologist; Discipline or denial of license; 2969 – Penalties for failure to provide medical records; Failure to comply with court order; Multiple acts

- 8) BPC Sections 2970 – Violation of chapter as misdemeanor; 2971 – Injunctions
- 9) BPC Section 2995 – Psychological corporation

28. Licensure Committee Report -- Consideration and Possible Approval of Committee Recommendations (Horn – Chairperson, Foo, Harb Sheets)
- a) Informational Video for Supervisors: Recommendations for Content to be Included
    - 1) Laws and Regulations
    - 2) Frequently Asked Questions (FAQs)
    - 3) Best Practices
  - b) Discussion and Consideration for Grievance Process: Options in Resolving a Discrepancy between Weekly Log and Verification of Experience
  - c) Discussion and Consideration of Revisions to the Guidelines for the Review of Requests for Extension to the California Code of Regulations Sections 1391.1(b) and 1387(a)
  - d) Consideration of Seeking Statutory Change to Allow the Licensure Committee to Meet in Closed Session to Make Final Licensure Determinations
  - e) Consideration of Licensure Committee Recommendations Regarding Requests for an Extension of the 30-Consecutive Month Limitation to Accrue 1500 Hours of Post-Doctoral Supervised Professional Experience Pursuant to Section 1387(a) of Title 16 of the California Code of Regulations
  - f) Consideration of Licensure Committee Recommendations Regarding Requests for an Extension of the 72-Month Registration Period Limitation for Registered Psychological Assistant Pursuant to Section 1391.1(b) of Title 16 of the California Code of Regulations
  - g) Consideration of Renaming Registered Psychological Assistant
  - h) Pupil Personnel Services Credential: Report on Presentation and Discussion by Commission on Teacher Credentialing (CTC) for a Credential with a Specialization in School Psychology
  - i) Update on the California Association of School Psychologists Regarding Written Statement to Clarify the Role of Licensed Educational Psychologists
  - j) Discussion and Consideration of How to Inform Consumers Regarding the Respective Roles of a Licensed Psychologist, Licensed Educational Psychologist, and Individuals Holding a Credential with a Specialization in School Psychology

## **BREAK FOR LUNCH (TIME APPROXIMATE)**

29. Election of Officers
30. Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)].

## **ADJOURNMENT**

Except where noticed for a time certain, all times are approximate and subject to change. The meeting may be canceled without notice. For verification, please check the Board's Web site at [www.psychology.ca.gov](http://www.psychology.ca.gov), or call (916) 574-7720. Action may be taken on any item on the agenda. Items may be taken out of order, tabled or held over to a subsequent meeting, and items scheduled to be heard on Thursday may be held over to Friday; items scheduled to be heard on Friday may be moved up to Thursday, for convenience, to accommodate speakers, or to maintain a quorum.

In the event a quorum of the Board is unable to attend the meeting, or the Board is unable to maintain a quorum once the meeting is called to order, the president may, at his discretion, continue to discuss items from the agenda and to vote to make recommendations to the full board at a future meeting [Government Code section 11125(c)].

Meetings of the Board of Psychology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard, but the President may, at his discretion, apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Antonette Sorrick, Executive Officer, at (916) 574-7720 or email [bopmail@dca.ca.gov](mailto:bopmail@dca.ca.gov) or send a written request addressed to 1625 N. Market Boulevard, Suite N-215, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

*The Board of Psychology protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.*