

NOTICE OF UPDATED TELECONFERENCE BOARD MEETING

The Board of Psychology will hold a Board Meeting via WebEx

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through the WebEx link as provided below. If you have trouble getting on the call to listen or participate, please call 916-574-7720.

Important Notice to the Public: The Board of Psychology will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

Thursday, November 19th, 2020: <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=eca191694a05254a704b6c7a51c60ad38>

Friday, November 20th, 2020: <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ea0da0a53f4c108e9f21edebfd783eaae>

Instructions to connect to the meeting can be found at the end of this agenda. Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address like in the following sample format: XXXXX@mailinator.com.

Due to potential technical difficulties, please consider submitting written comments by November 17, 2020, to bopmail@dca.ca.gov for consideration.

Thursday, November 19, 2020

Board Members

Seyron Foo, President
Mary Harb Sheets, PhD, Vice-President
Sheryll Casuga, PsyD
Marisela Cervantes
Julie Nystrom
Stephen Phillips, JD, PsyD
Ana Rescate
Shacunda Rodgers, PhD
Lea Tate, PsyD

Legal Counsel

Norine Marks
Will Maguire
Clay Jackson

Board Staff

Antonette Sorrick, Executive Officer
Stephanie Cheung, Licensing Manager
Jason Glasspiegel, Central Services Manager
Sandra Monterrubio, Enforcement Program
Manager

Thursday, November 19, 2020

AGENDA

10:00 a.m. – 4:00 p.m. or until Completion of Business

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. Coronavirus (COVID-19) Update Including but not Limited to Updates on Waivers (A. Sorrick)
5. President's Report (S. Foo)
 - a) Dates and Locations of 2021 Board and Committee Meetings
 - b) Committee Updates
 - a. Telepsychology Ad Hoc Committee
 - i. 2021 PSYPACT Analysis

6. Discussion and Possible Approval of the Board Meeting Minutes: July 9-10, 2020
7. Outreach and Communications Committee Report and Consideration of and Possible Action on Committee Recommendations (Tate – Chairperson, Bernal, Rodgers)
 - a) Strategic Plan Action Plan Update
 - b) Update on Website Focus Group Follow Up
 - c) Board’s Social Media Update
 - d) Board’s Website Statistics Update
 - e) Newsletter Update
 - f) Outreach Activities Update
 - g) Updates on Communications and/or Activities of the Association of State and Provincial Psychology Boards (ASPPB)
 - h) Plan to Update “For Your Peace of Mind – A Consumer’s Guide to Psychological Services”
 - i) Addressing Cultural Diversity and Access to Psychological Services in California
 - 1) Update on Continued Professional Development Regulations: Implementation Plan to Produce Written Materials including Cultural Diversity and Social Justice Requirement
 - 2) Increase Stakeholder Engagement
 - 3) Engage Department of Healthcare Services (DHCS) Regarding Medi-Cal Reimbursement Rates
 - 4) Engage Substance Abuse and Mental Health Services (SAMHSA) Regarding Federal Initiatives Addressing Equity
 - 5) Digital Divide – How Does the Digital Divide Impact Access to Telehealth
8. Review and Consideration of and Possible Action on Changes to the Board’s Administrative Procedures Manual
9. Legislative and Regulatory Affairs Updates (Foo – Chairperson, Casuga, Phillips)
 - a) Review of Status of Proposed Legislation
 - 1) Review Status of Bills with Active Positions Taken by the Board; Determine if Action Necessary
 - A. AB 1145 (Garcia) Child abuse: reportable conduct.
 - B. AB 1263 (Low) Contracts: consumer services: consumer complaints.
 - C. AB 2112 (Ramos) Suicide prevention.
 - D. AB 2164 (Rivas, Robert) Telehealth
 - E. AB 2253 (Low) Professional licensure.
 - F. AB 2360 (Maienschein) Telehealth: mental health.
 - G. AB 2630 (Flora) Criminal history information: subsequent arrest notification.
 - H. AB 2704 (Ting) Healing arts: licensees: data collection.
 - I. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.
 - J. SB 53 (Wilk) Open meetings.

- K. SB 66 (Atkins) Medi-Cal: federally qualified health center and rural health clinic services.
- L. SB 1474 (Committee on Business, Professions and Economic Development) Professions and Vocations.

2) Status of Watch Bills

- A. AB 499 (Mayes) Personal information: social security numbers: state agencies.
- B. AB 613 (Low) Professions and vocations: regulatory fees.
- C. AB 798 (Cervantes) Maternal mental health.
- D. AB 1616 (Low) Department of Consumer Affairs: boards: expunged convictions.
- E. AB 1911 (Maienschein) State agencies: veterans.
- F. AB 2028 (Aguiar-Curry) State agencies: meetings.
- G. AB 2093 (Gloria) Public records: writing transmitted by electronic mail: retention.
- H. AB 2113 (Low) Refugees, asylees, and immigrants: professional licensing.
- I. AB 2138 (Chau) California Public Records Act.
- J. AB 2164 (Rivas, Robert) Telehealth.
- K. AB 2185 (Patterson) Professions and vocations: applicants licensed in other states: reciprocity.
- L. AB 2438 (Chau) California Public Records Act: conforming revisions.
- M. AB 2476 (Diep) Healing arts licensees.
- N. AB 2549 (Salas) Department of Consumer Affairs: temporary licenses.
- O. AB 2631 (Cunningham) License fees: military partners and spouses.
- P. AB 2856 (Committee on Business and Professions) Board of Psychology.
- Q. AB 3045 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses.
- R. SB 806 (Grove) Worker status: employees: independent contractors.
- S. SB 878 (Jones) Department of Consumer Affairs Licensing: applications: wait times.

b) 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

- 10. Enforcement Unit Report (S. Monterrubio)
- 11. Licensing Unit Report (S. Cheung)
- 12. Continuing Education and Renewals Program Report (J. Glasspiegel)

13. **1:30 p.m. – Regulatory Hearing**

Regulatory Hearing, Division 13.1 of Title 16, of the California Code of Regulations sections 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67 – Continuing Education/Professional Development

14. Consideration of Adopting Amendments to 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67, and adding sections 1397.60, 1397.61, 1397.62, and 1397.67, of Division 13.1 of Title 16 of the California Code of Regulations – Continuing Education/Professional Development

15. Consideration of Adding section 1396.8, to Division 13.1 of Title 16 of the California Code of Regulations – Standards of Practice for Telehealth

16. Regulatory Update, Review, and Consideration of Additional Changes (S. 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 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees
- c) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development
- d) 16 CCR Sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating a Psychological Assistant Registration
- e) 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

17. **CLOSED SESSION**

The Board Will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for Reinstatement or Modification of Penalty, Petitions for Reconsideration, and Remands.

Recess for the day.

Friday, November 20, 2020

10:00 a.m. – 4:00 p.m. or until Completion of Business

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

CLOSED SESSION

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

CLOSED SESSION

20. The Board will Meet in Closed Session Pursuant to Government Code Section 11126(c)(3) to Discuss Disciplinary Matters Including Proposed Decisions, Stipulations, Petitions for Reinstatement and Modification of Penalty, Petitions for Reconsideration, and Remands.

RETURN TO OPEN SESSION

21. 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)].

22. Review and Possible Approval of Sunset Report

23. Enforcement Committee Report and Consideration of and Possible Action on Committee Recommendations (Phillips – Chairperson, Cervantes)

- a) Child Custody Stakeholder Meeting-Implementation Plan Update
 - 1) Statutory Discussion Regarding Proposed Exception to Psychotherapist-Patient Privilege for Board Investigations
- b) Statutory and Regulatory Update, Review, and Consideration of Additional Changes
 - 1) 16 CCR Section 1380.6 – Display of License Number
 - 2) 16 CCR Sections 1393 – Requirements for Psychologists on Probation
 - 3) 16 CCR Sections 1396 – Competence; 1396.1 – Interpersonal Relations; 1396.2 – Misrepresentation; 1396.3 – Test Security; 1396.4 – Professional Identification; 1396.5 – Consumer Information; 1397 – Advertising; 1397.1 – Child Abuse Reporting requirements; 1397.2 – Other Actions Constituting Unprofessional Conduct
 - 4) 16 CCR Sections 1397.30 – Citation; 1397.36 – Requirements for Professional Corporations; 1397.37 – Shares: Ownership and Transfer; 1397.39 – Corporate Activities; 1397.40 – Trusts
 - 5) 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; 1397.55 – Disconnection of Telephone Service
 - 6) 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
 - 7) BPC Section 2934.1 – Posting of license status on Web site
 - 8) BPC 2936 – Consumer and professional education in matters relevant to ethical practice; Standards of ethical conduct; Notice
 - 9) BPC Sections 2960 – Grounds for action; 2960 (a)-(r) (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; 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

- 10) BPC Sections 2970 – Violation of chapter as misdemeanor; 2971 – Injunctions
- 11) BPC 2985 – Renewal of suspended licenses; Reinstatement of revoked licenses, 2986 – Effect of failure to renew within prescribed time
- 12) BPC Section 2995 – Psychological corporation, 2996 – Violation of unprofessional conduct, 2996.1 – Conduct of practice, 2996.2 – Accrual of income to shareholder while disqualified prohibited, 2997 – Shareholders, directors and officers to be licensees, 2998 – Name, 2999 – Regulation by committee

24. Emergency Preparedness Ad Hoc Committee Report and Consideration of and Possible Action on Committee Recommendations (Cervantes – Chairperson, Rodgers)

- a) Consideration of Statutory Proposal to Address Emergency Waiver Authority
- b) Consideration of Recommendation for Committee Chair and Executive Officer to Contact Business and Professions Committee Staff to Discuss COVID-Related Questions in Sunset Review

25. Election of Officers

26. 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

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed or transacted.

The meeting may be canceled without notice. For verification, please check the Board’s Web site at www.psychology.ca.gov, or call (916) 574-7720. Action may be taken on any item on the agenda. To accommodate speakers, or to maintain a quorum, 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, or if scheduled to be heard on Friday may be moved up to Thursday.

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 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.