

NOTICE OF 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.

Agenda discussion and report items are subject to action being taken on them during the meeting by the Board at its discretion. Action may be taken on any item on the agenda.

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:

Friday, May 21, 2021:

<https://dca-meetings.webex.com/dca-meetings/onstage/q.php?MTID=e387f29f204461ed49fec441a7a659494>

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 May 20, 2021, to bopmail@dca.ca.gov for consideration.

Friday, May 21, 2021

Board Members

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

Legal Counsel

Will Maguire
Heather Hoganson

Board Staff

Antonette Sorrick, Executive Officer
Jon Burke, Assistant Executive Officer
Stephanie Cheung, Licensing Manager
Jason Glasspiegel, Central Services Manager
Sandra Monterrubio, Enforcement Program
Manager
Liesel McCockran, CE/Renewals
Coordinator
Cristina Rivera, Legislative and Regulatory
Analyst
Sarah Proteau, Central Services Office
Technician

Friday, May 21, 2021

AGENDA

9:00 a.m. – 5:00 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. Discussion and Possible Approval of the Board Meeting Minutes: February 18-19, 2021
5. Discussion and Possible Approval of the Board Meeting Minutes: April 2, 2021
6. Executive Officer's Report (A. Sorrick)
 - a) Personnel Update
 - b) Statistical Reports – Future Reporting Plan for Enforcement, Licensing, and Central Services
 - c) 2020 Department of Consumer Affairs (DCA) Annual Report
 - d) COVID-19 Update
7. DCA Update
8. Budget Report (J. Glasspiegel)
9. Discussion and Possible Approval of Regulatory Fee Changes 16 California Code of Regulations (CCR) Sections 1392: Psychologist Fees, 1392.1: Psychological Assistant Fees
10. Licensing Report (S. Cheung)
11. Continuing Education and Renewals Report (L. McCockran)
12. Enforcement Report (S. Monterrubio)
13. Enforcement Committee Report and Consideration of and Possible Action on Committee Recommendations (Phillips – Chairperson, Foo)
 - a) Child Custody Stakeholder Meeting-Implementation Plan Update
 1. Statutory Discussion Regarding Proposed Exception to Psychotherapist-Patient Privilege for Board Investigations
 - b) Regulatory Update, Review, and Consideration of Additional Changes
 1. 16 CCR 1380.6 – Display of License Number
 2. 16 CCR 1393 – Requirements for Psychologists on Probation
 3. 16 CCR 1396 – Competence
 4. 16 CCR 1396.1 – Interpersonal Relations
 5. 16 CCR 1396.2 – Misrepresentation
 6. 16 CCR 1396.3 – Test Security
 7. 16 CCR 1396.4 – Professional Identification
 8. 16 CCR 1396.5 – Consumer Information
 9. 16 CCR 1397 – Advertising
 10. 16 CCR 1397.1 – Child Abuse Reporting requirements
 11. 16 CCR 1397.2 – Other Actions Constituting Unprofessional Conduct
 12. 16 CCR 1397.30 – Citation
 13. 16 CCR 1397.36 – Requirements for Professional Corporations
 14. 16 CCR 1397.37 – Shares: Ownership and Transfer
 15. 16 CCR 1397.39 – Corporate Activities

- 16.16 CCR 1397.40 – Trusts
- 17.16 CCR 1397.50 – Citations and Fines
- 18.16 CCR 1397.51 – Amount of Fines
- 19.16 CCR 1397.52 – Compliance with Orders of Abatement
- 20.16 CCR 1397.53 – Citations for Unlicensed Practice
- 21.16 CCR 1397.54 – Contest of Citations
- 22.16 CCR 1397.55 – Disconnection of Telephone Service

- c) Statutory Update, Review, and Consideration of Additional Changes
 - 1. Business and Professions Code (BPC) section 2902 – Definitions
 - 2. BPC section 2903 – Licensure requirement; Practice of psychology; Psychotherapy
 - 3. BPC section 2903.1 – Biofeedback instruments
 - 4. BPC section 2908 – Exemption of other professions
 - 5. BPC section 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 section 2936 – Consumer and professional education in matters relevant to ethical practice; Standards of ethical conduct; Notice
 - 8. BPC section 2960 – Grounds for action subdivisions (a)-(r) & (o)
 - 9. BPC section 2960.05 – Limitations period for filing accusation against licensee
 - 10. BPC section 2960.1 – Sexual contact with patient; Revocation
 - 11. BPC section 2960.2 – Licensee’s physical, emotional and mental condition evaluated
 - 12. BPC section 2960.5 – Mental illness or chemical dependency
 - 13. BPC section 2960.6 – Actions by other states
 - 14. BPC section 2961 – Scope of action
 - 15. BPC section 2962 – Petition for reinstatement or modification of penalty
 - 16. BPC section 2963 – Matters deemed conviction
 - 17. BPC section 2964 – Report of license revocation or restoration
 - 18. BPC section 2964.3 – Persons required to register as sex offender
 - 19. BPC section 2964.5 – Conditions of probation or suspension
 - 20. BPC section 2964.6 – Payment of probationary costs
 - 21. BPC section 2965 – Conduct of proceedings
 - 22. BPC section 2966 – Suspension during incarceration for felony conviction; Determination of substantial relationship of felony to functions of psychologist; Discipline or denial of license
 - 23. BPC section 2969 – Penalties for failure to provide medical records; Failure to comply with court order; Multiple acts
 - 24. BPC section 2970 – Violation of chapter as misdemeanor
 - 25. BPC section 2971 – Injunctions
 - 26. BPC section 2985 – Renewal of suspended licenses; Reinstatement of revoked licenses
 - 27. BPC section 2986 – Effect of failure to renew within prescribed time
 - 28. BPC section 2995 – Psychological corporation
 - 29. BPC section 2996 – Violation of unprofessional conduct
 - 30. BPC section 2996.1 – Conduct of practice

31. BPC section 2996.2 – Accrual of income to shareholder while disqualified prohibited
 32. BPC section 2997 – Shareholders, directors and officers to be licensees
 33. BPC section 2998 – Name, 2999 – Regulation by committee
14. Association of State and Provincial Psychology Boards (ASPPB) Update (S. Foo)
 15. Legislative and Regulatory Affairs Updates (Cervantes – Chairperson, Casuga, Phillips)
 - a) Board-Sponsored Legislation for the 2021 Legislative Session: Review and Possible Action
 1. SB 401 (Pan) Psychology: unprofessional conduct: disciplinary action: sexual acts
 2. Pathways to Licensure Statutory Revisions – Amendments to sections 27, 2909, 2909.5, 2910, 2911, 2913, 2914, 2915, 2915.5, 2915.7, 2942, 2944, 2946, and 2960 of the Business and Professions Code, and section 1010 of the Evidence Code.
 3. Sunset Provisions – Amendments to section 2912, and Addition of Sections Related to Reinstatement to Active after Voluntary Surrender, Licensure Committee Delegated Authority, and Authority to Issue Waivers.
 - b) Review and Consideration of Bills for an Active Position
 1. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
 - c) Review of Bills with Active Positions Taken by the Board
 1. AB 32 (Aguiar-Curry) Telehealth
 2. AB 107 (Salas) Department of Consumer Affairs: boards: temporary licenses: military spouses
 3. SB 731 (Durazo) Criminal records: relief
 4. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations
 - d) Review of Watch Bills
 1. AB 29 (Cooper) State bodies: meetings
 2. AB 54 (Kiley) COVID-19 emergency order violation: license revocation
 3. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses
 4. AB 339 (Lee) State and local government: open meetings
 5. AB 562 (Low) Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: health care providers: mental health services
 6. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
 7. AB 657 (Bonta) State civil service system: personal services contracts: professionals
 8. AB 810 (Flora) Healing arts: reports: claims against licensees
 9. AB 830 (Flora) Department of Consumer Affairs: director: powers and duties

10. AB 1026 (Smith) Business licenses: veterans.
 11. AB 1236 (Ting) Healing arts: licensees: data collection
 12. AB 1386 (Cunningham) License fees: military partners and spouses
 13. SB 102 (Melendez) COVID-19 emergency order violation: license revocation
 14. SB 221 (Wiener) Health care coverage: timely access to care
 15. SB 224 (Portantino) Pupil instruction: mental health education
- e) 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
16. Regulatory Update, Review, and Consideration of Additional Changes (M. Cervantes)
 - a) 16 California Code of Regulations (CCR) 1396.8 – Standards of Practice for Telehealth
 - b) 16 CCR sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants
 - c) 16 CCR sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees
 - d) 16 CCR sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development
 - e) 16 CCR sections 1391.13, and 1391.14 – Inactive Psychological Assistant Registration and Reactivating a Psychological Assistant Registration
 - f) 16 CCR sections 1392 and 1392.1 – Psychologist Fees and Psychological Assistant Fees
 - g) 16 CCR 1395.2 – Disciplinary Guidelines and Uniform Standards Related to Substance-Abusing Licensees
 17. 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)].

CLOSED SESSION

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

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. 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.

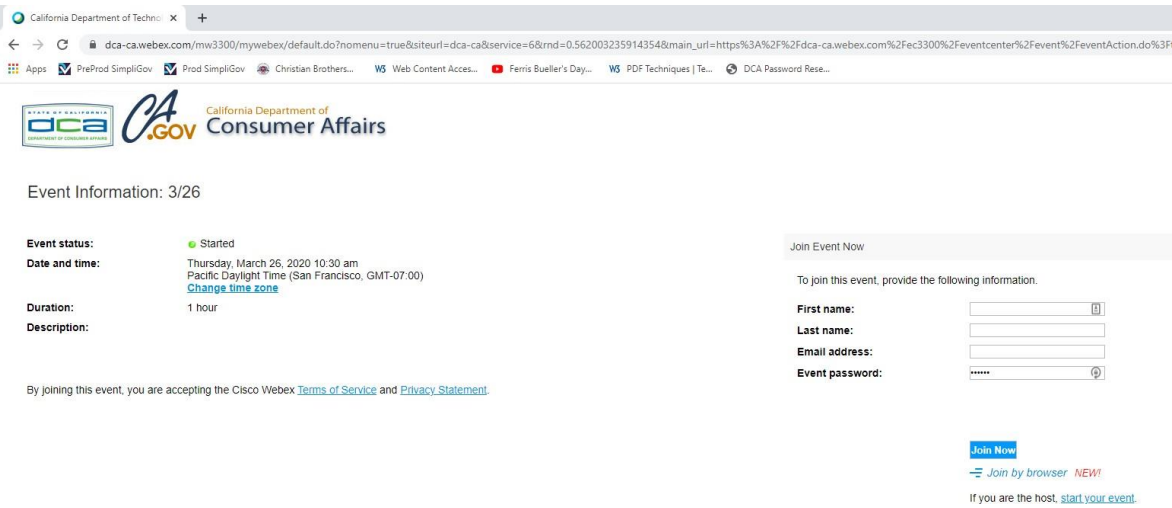
The Board of Psychology protects consumers of psychological services by licensing psychologists, regulating the practice of psychology, and supporting the evolution of the profession.

Participating in a DCA WebEx Event

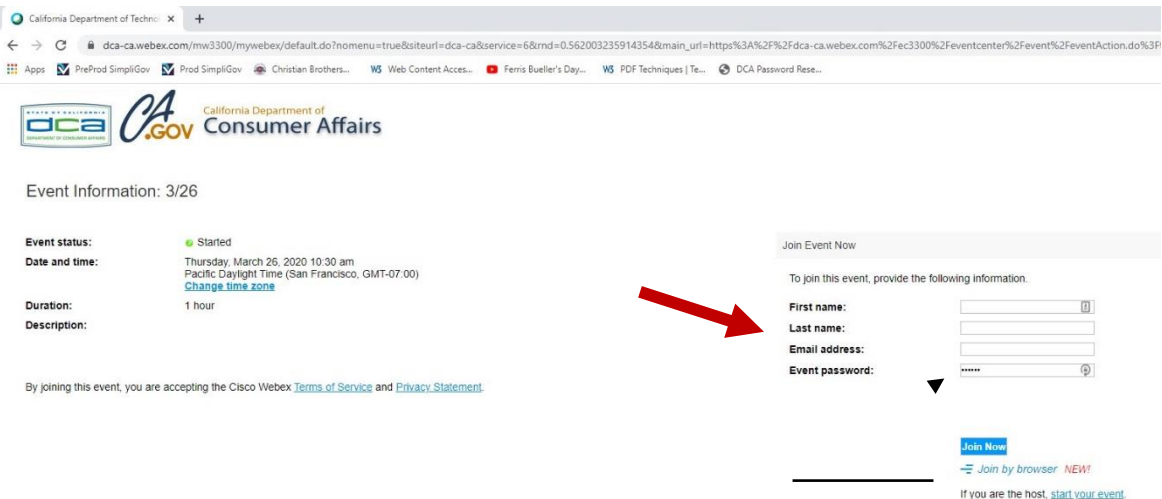
The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

1. Navigate to the WebEx event using the link provided by the DCA entity via an internet browser. An example of a link and screenshot of the webpage is provided below for reference.

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

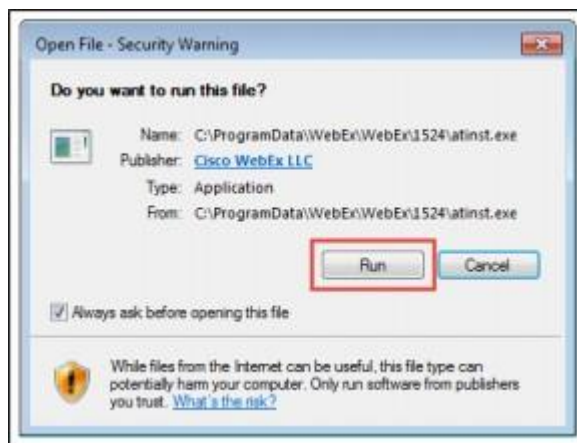


Participating in a DCA WebEx Event

3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you change the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx application installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from using the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

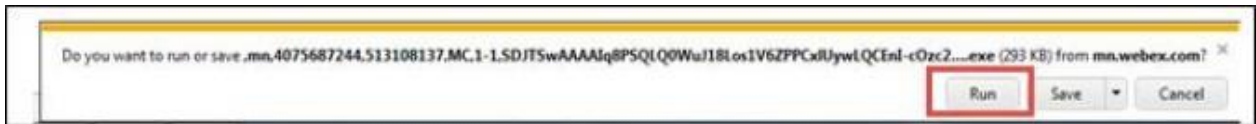
Starting Webex...



Still having trouble? [Run a temporary application](#) to join this meeting immediately.

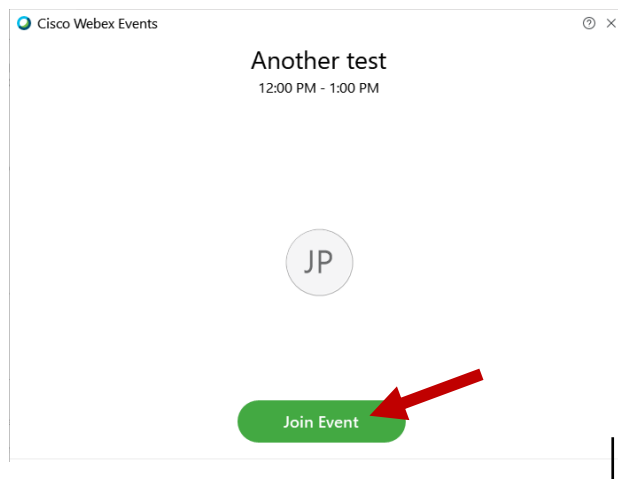
Participating in a DCA WebEx Event

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.

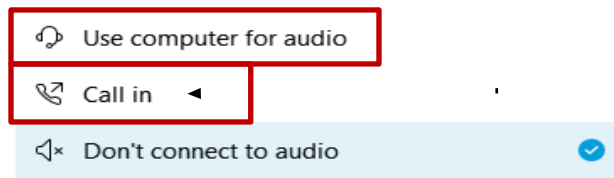


The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.



8. You can select to use either your computer speaker/microphone for audio or your phone. When the audio menu appears, click 'Call in'.

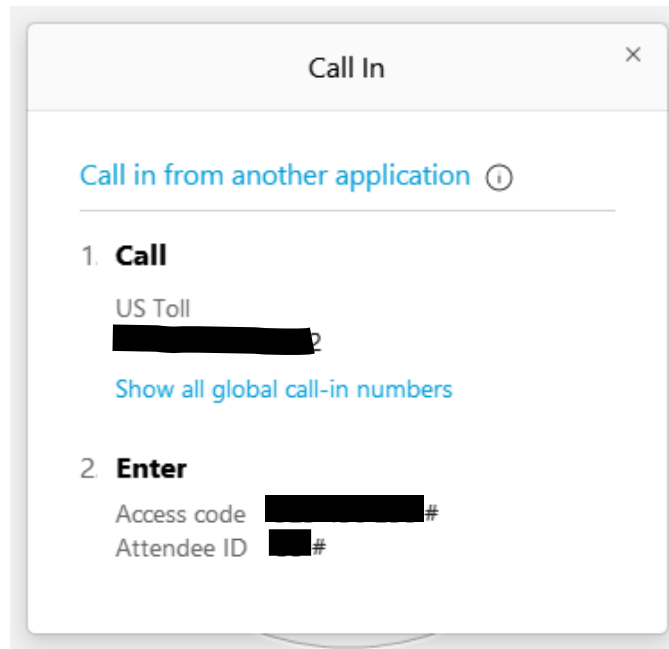


If you choose to use your phone for audio and select the "call in" option above, the audio conference call in information will be available after you join the Event.

Participating in a DCA WebEx Event

9. If you choose to log into the meeting using your phone instead of a computer/tablet, call in with the details provided.

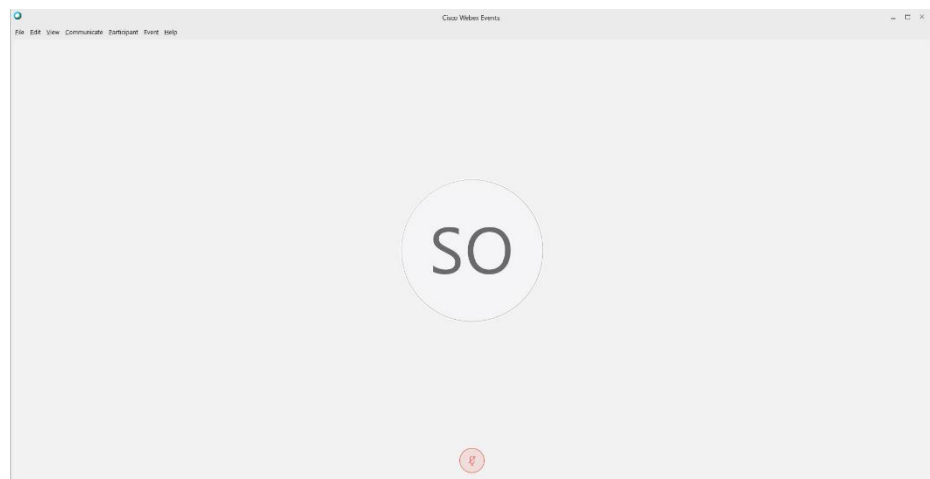
Note: If calling internationally, please click on "Show all global call-in numbers".



NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

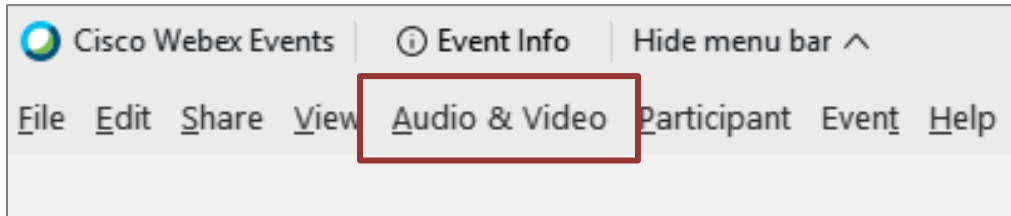
NOTE: Your audio line is muted and can only be unmuted by the event host.



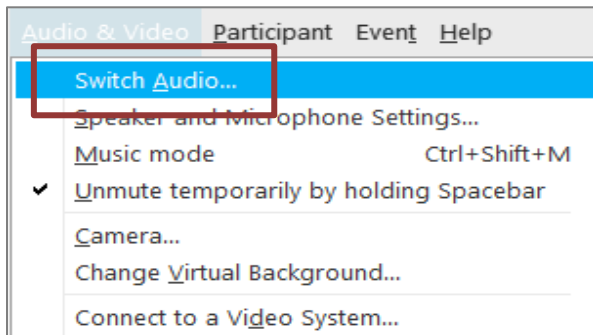
Participating in a DCA WebEx Event

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

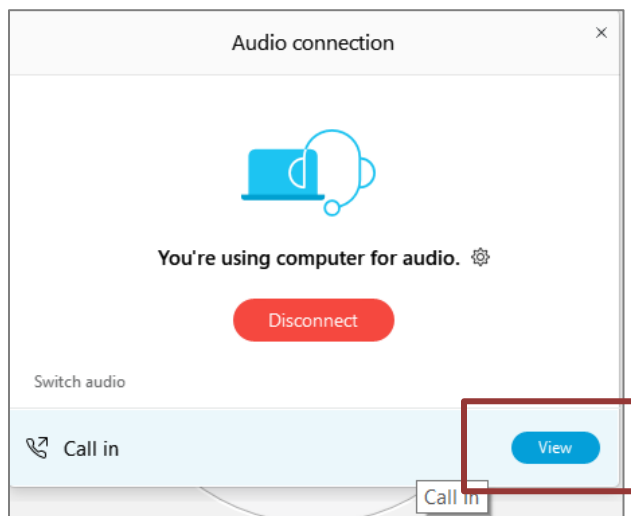
1. Select 'Audio & Video' from the menu bar at the top of your Webex screen.



2. Select 'Switch Audio' from the drop-down menu.



3. The 'Call In' information can be displayed by selecting 'View'



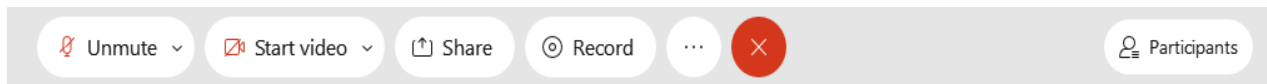
You will then be presented the dial in information for you to call in from any phone.

Participating in a DCA WebEx Event

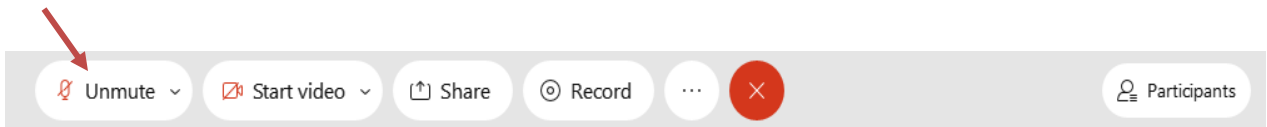
The following contains instructions on how to utilize Webex features.

Microphone

If you are logged in using the link, you should see the command row at the bottom middle of your Webex screen. Some devices may display this command row in other areas of your screen.



Click on the microphone icon to mute and unmute yourself. You can also mute and unmute yourself using microphone icon next to your name from the participant panel.



Note: If you connected your audio through your phone, your mute and unmute button should be controlled from your computer or tablet. If you are having trouble unmuting yourself, you may be muted through your phone.

The green microphone indicates your microphone is open and meeting participants can hear you. If your microphone is red, you are muted.



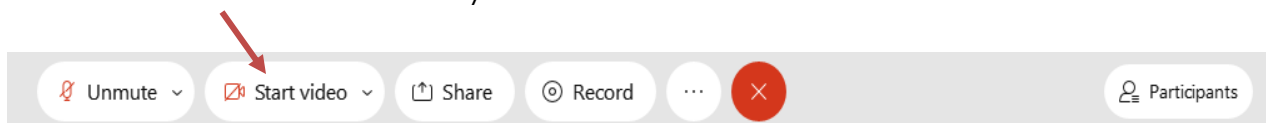
Green microphone
=
Unmuted
People can hear you speak



Red microphone
=
Muted
No one can hear you speak

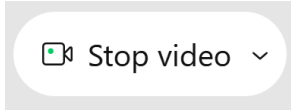
Video/Camera

Click on the video icon to turn your camera on and off.

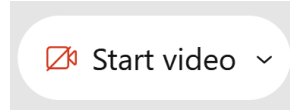


Participating in a DCA WebEx Event

The green camera button indicates your video is on and meeting participants can see you. If your camera button is red, it is off and you cannot be seen.



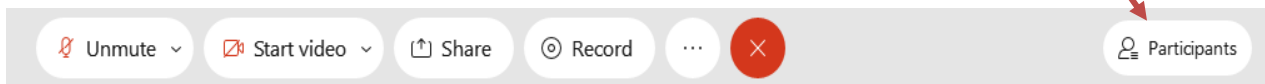
Green dot inside camera
=
Video is on
People can see you



Red outlined camera
=
Video is off
No one can see you

Meeting Participants

To see who is in the meeting, you can access the participant list by clicking on the participant icon on the command row.

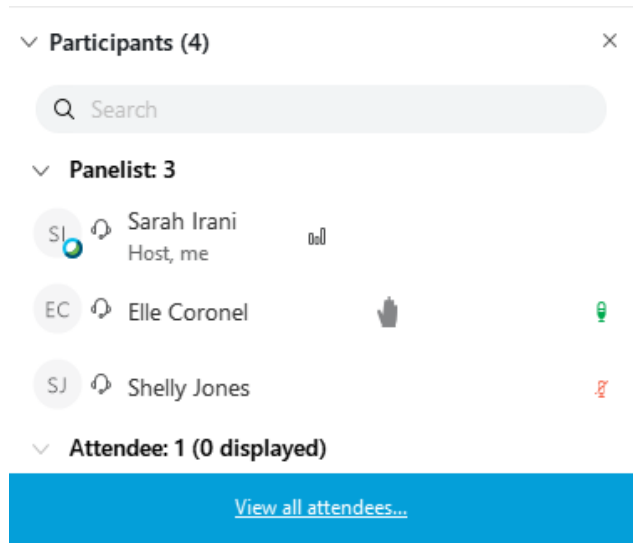


By clicking on this icon, it should display the participant list on the right side of your screen.

This is an example of a participant list that will display on the right side of your screen.

Icons will appear next to individual names to indicate if they are muted, speaking or background noise, or have their hand raised.

This is helpful to distinguish who is speaking or who is trying to contribute to the conversation. In addition, it is helpful if you state your name before speaking.



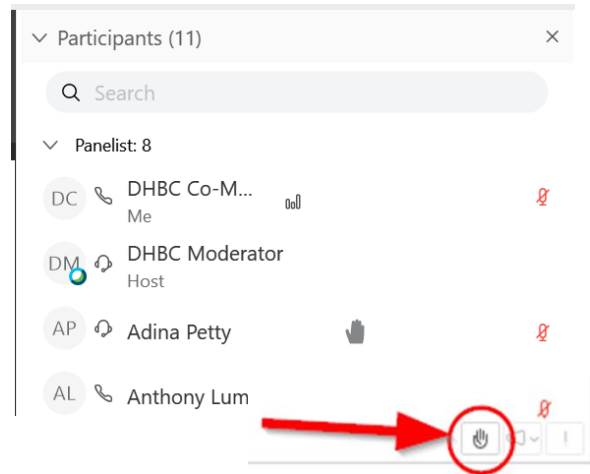
Hand-Raise

In order to use the hand-raise feature you need to have the participant panel open. At the bottom right corner of the participant panel there will be a small icon that looks like a hand outline. You can click on this icon to raise and lower your hand.

Participating in a DCA WebEx Event

When a hand is raised, you will see a hand icon next to the individuals name in the participant panel.

Note: Please be mindful to lower your hand after you've been called on



Webex Etiquette

Microphones

- Please mute your microphone when not speaking. Panelists will have the ability to un-mute themselves when they need to speak. We ask that you mute yourself again when you are not speaking to avoid background noises.
- It is helpful if you state your name before speaking as it can be helpful in identifying who is speaking.
- Allow for a bit of a lag time when unmuting your microphone then speaking, and when asking a question or making a comment and waiting for a response.

Web Cameras: Do ...

- Be well groomed (dress professionally, top and bottom)
- Be aware of your background (try using the virtual backgrounds)
- Engage with the camera (shows you are participating in the meeting)
- Stop your video before momentarily disengaging or walking away from your seat
- Be aware of your facial expressions (especially when there are discussions or comments you do not agree with)
- Ensure your camera is on a stable surface (if using tablets/phones, do not hold the device in hand while camera is on)
- Remember that when you are muted and not speaking, you, your demeanor, and your activities can still be seen

Participating in a DCA WebEx Event

Web Cameras: Don't ...

- Drive a vehicle, practice your profession, or do other activities that can communicate that you are disengaged (this includes texting, emailing, and engaging in extraneous conversations)
- Have artistic or decorative statements in your visual background that do not represent the department's view or neutrality stance (political views for example)
- Eat when your video camera is on (beverages are acceptable)
- Talk on your phone when camera is on even if your microphone is muted (consider stopping your video)
- Allow your pets to wander into the view of the camera (consider placing them in another room)