



BOARD OF PSYCHOLOGY

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BOARD MEETING MINUTES

**Sofitel San Francisco Bay
223 Twin Dolphin Drive, Grand Salon
Redwood City, CA 94065**

Friday, February 26, 2010

The open session meeting was called to order by the President, James McGhee, at 9:02 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

James McGhee, President
Richard Sherman, Ph.D., Vice-President
Lucille Acquaye-Baddoo
Emil Rodolfa, Ph.D.
Celinda Vazquez

Others Present:

Robert Kahane, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Norine Marks, Legal Counsel
Gina Bayless, Enforcement Coordinator
Linda Kassis, Administrative Services Coordinator
Lavinia Snyder, Licensing/Registration Program Coordinator
Denise Russell, Continuing Education/Probation Coordinator
Valerie Riazzi, Licensing/Registration Analyst

Agenda Item #1 – Closed Session

The Board adjourned into closed session pursuant to Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions.

10:30 A.M. – Open Session

Agenda Item #2 – Approval of November 13-14, 2009 Minutes

It was M(Sherman)/S(Rodolfa)/C to approve the November 13-14, 2009, open session minutes with minor changes.

Vote: 5-0

Agenda Item #3 – Director’s Report by Department of Consumer Affairs Representative

Gil DeLuna, Senior Advisor for Board/Bureau Relations with the Department of Consumer Affairs (DCA), addressed the Board on behalf of Director Brian Stiger. Mr. DeLuna reported that the Director wanted him to pass the message along that DCA’s Chief Deputy Director, Bill Young testified before the Assembly Accountability and Administrative Review Committee a couple of weeks ago which required Boards to provide expenditure information in a very short period of time. Mr. DeLuna stated that the director wanted him to express thanks to Mr. Kahane and to the Board’s administrative staff for expediting this information for the legislature in a very timely manner. Mr.

1 DeLuna stated that the Committee is now seeking additional data from the previous five fiscal years,
2 and that the Department understands other important work suffers when resources have to be re-
3 directed to these drills. Mr. DeLuna reported that with the information obtained, the Department was
4 able to determine that DCA had a cost savings of approximately 39% from the previous fiscal year
5 on some expenditures.

6
7 Mr. DeLuna reported that the length of time it takes to investigate and prosecute a licensee in
8 violation of the law has recently raised some concerns. Mr. DeLuna stated that newspaper articles
9 regarding the Board of Registered Nursing (BRN) highlighted systemic problems in the enforcement
10 process of the DCA boards and bureaus, specifically within the healing arts boards. Mr. DeLuna
11 reported that the Department developed the Consumer Protection Enforcement Initiative (CPEI),
12 which is on the Board's agenda for discussion later today, in an effort to improve enforcement
13 processes and reduce the time to prosecute licenses from 3 years to 12-18 months.

14
15 Mr. DeLuna provided a brief overview of the CPEI, and stated that the initiative focuses on three
16 areas: administrative improvements; staffing and information technology (IT) resources; and
17 legislation changes. Mr. DeLuna reported that Senator Negrete McLeod has authored SB 1111. He
18 reported that the administrative improvements are listed in the document provided in the Board
19 packets.

20
21 Mr. DeLuna reported on the identification of best practices among boards and bureaus obtained
22 from surveys of other agencies and states to compile information on how to improve enforcement
23 processes. Mr. DeLuna reported that DCA also formed an Enforcement Academy to share ideas
24 and to develop and provide training for enforcement personnel. He explained that a lot of Boards
25 and Bureaus do things differently and that this will help identify best practices that all boards and
26 bureaus can use to help the effectiveness of our enforcement processes. Mr. DeLuna reported that
27 DCA is establishing performance agreements with other state agencies (Office of the Attorney and
28 the Office of Administrative Hearings) to negotiate Memorandums of Understanding (MOUs) in an
29 effort to expedite our cases.

30
31 Mr. DeLuna reported that the Department is moving forward with a new licensing and enforcement
32 database to replace an antiquated thirty year-old system. Mr. DeLuna stated that this new system
33 will provide IT support needed to improve the process and will provide necessary tools to assist in
34 reducing timelines. Mr. DeLuna reported that DCA has also moved forward with a proposal for
35 additional staff for healing arts boards and will be doing the same for non-healing arts boards next
36 year. Mr. DeLuna stated that the Department is looking into the concept of using non-sworn
37 investigators as opposed to non-professional sworn investigators, and making some adjustments to
38 staffing as appropriate. Mr. DeLuna stated that DCA has submitted a Budget Change Proposal
39 (BCP) regarding staffing adjustments to the Governor's office.

40
41 Mr. DeLuna reported that the Department is requesting a letter of support for the CPEI from healing
42 arts boards. Mr. DeLuna stated that the Department encourages boards to continue to monitor
43 enforcement processing timelines, and to review the statistics and timelines.

44
45 Mr. DeLuna stated that, as required by SB 1441, the Substance Abuse Coordination Committee
46 adopted 16 uniform standards to protect the public from substance abusing healthcare practitioners.
47 Mr. DeLuna reported that the DCA Legal Office drafted language for those standards that they have
48 determined will require legislation, and this language should be incorporated into a bill soon. On
49 behalf of the Director, Mr. DeLuna urged the Board to support any legislation required to implement
50 these guidelines and, if regulations are necessary, requested that proposed language be submitted
51 to the Board for approval at its next meeting to begin the rulemaking process, and to place an item
52 on subsequent Board meeting agendas to allow the Board to review the progress of such

1 implementation and to authorize the Board's Executive Officer to implement all legal standards that
2 do not require additional legal authority.

3
4 Mr. DeLuna reported that SB 139, which became effective January 1, 2008, charged the Office of
5 Statewide Health Planning and Development (OSHPD) to establish a healthcare workforce clearing
6 house, and the information in the clearing house was to include data regarding the current supply of
7 healthcare workers, the geographical distribution, the diversity of the workforce, and other
8 information. Mr. DeLuna stated that the data will be used to identify education and employment
9 trends within the healthcare profession and to determine the supply of healthcare workers. The
10 Department is very supportive in working with the boards and OSHPD in obtaining the necessary
11 information and is asking for the Board's assistance and cooperation in this matter.

12
13 Mr. DeLuna reported that the Director would like to emphasize utilizing public facilities to conduct
14 board meetings. Mr. DeLuna stated that the Director also encourages webcasting of Board meetings
15 and making Board meeting materials available online. Mr. DeLuna asked if there were any
16 questions.

17
18 Ms. Vazquez asked if SB 1111 is similar to SB 294 and whether the Department is co-sponsoring
19 SB 1111. Mr. DeLuna reported that the Department is not co-sponsoring SB 1111. He stated that he
20 was not familiar with SB 294, but after reviewing the language included in the Board packet, he
21 believes SB 1111 has similar language that should serve the purpose of SB 294, if adopted.

22
23 Ms. Vazquez asked if the uniform standards in SB 1441 were in a technical bill or if this is a
24 separate process that doesn't involve the legislative process. Mr. DeLuna stated there are five or six
25 items that will require legislation, and the others may require regulations or policy.

26
27 Dr. Charles Faltz, Director of Professional Affairs, California Psychological Association (CPA),
28 thanked Mr. DeLuna for his presentation and for describing the DCA initiatives. Dr. Faltz stated that
29 the activities of this Board, required by statute, are supported not by the General Fund but from
30 licensing fees for psychologists. Dr. Faltz stated that they appreciate the concern about this Board
31 saving money, but on the context of what Mr. DeLuna stated, it's not to lower licensing fees. Dr.
32 Faltz stated that the statute expressly calls for all licensing fees to be used for the purpose of
33 licensing, not to support the General Fund. Dr. Faltz stated that monies required for prudent
34 management that are put into reserve are not being held in reserve; rather they are being borrowed
35 by the State for use in the General Fund. Dr. Faltz stated that the first time this type of loan
36 occurred, the Board had already approved regulations to dramatically reduce licensing fees due to
37 enough monies held in reserve, and that this decision was then reversed when the State borrowed
38 monies from the Board's reserves. Dr. Faltz stated that this means psychologists for many years
39 now have paid more, not because of licensing costs, because of money being loaned to the General
40 Fund. Dr. Faltz asked how the statutory concept is being honored that psychologist license fees are
41 to be used for licensing, and how is shorting the Board money going to contribute to the resolution of
42 the States General Fund fiscal situation? Mr. DeLuna thanked Dr. Faltz for his comments and stated
43 that he would take his comments back to the Director for a response.

44
45 Dr. Sherman stated that the Board is normally comprised of nine members, and is now operating at
46 a quorum-only level. Dr. Sherman stated that because of hardships, as the Board experienced last
47 fall when one of the Board members was unable to meet, he believes it would be more cost effective
48 to have a quorum plus at least one additional member. Dr. Sherman stated this could actually save
49 the Board money by not causing the Board to reschedule a Board meeting at the last minute due to
50 a lack of quorum. Mr. DeLuna stated that this request seems reasonable and that he will see what
51 he can do to help the Board out in this respect.

1 Dr. Doris Penman, Past President of CPA, stated she agrees with Dr. Faltz’s comment regarding
2 licensing fees being used solely to support licensing activities and not the General Fund. She also
3 addressed the issue of Board membership raised by Dr. Sherman. She stated that she believes that
4 having a quorum-only membership also means that psychologists are not appropriately represented
5 on the Board. Dr. Penman stated the Board is down to two licensed psychologists, which is not
6 optimum for an effective Board where psychologists are being represented. Dr. Penman stated that
7 this along with the 15% reduction of staff due to furloughs is causing delays in business operations
8 simply because the Board is not adequately staffed because of these cuts. Dr. Penman stated that
9 she would like to see a nine member board, and would like to see licensing fees being used for the
10 regulation of the profession and not for supporting the general fund.
11

12 Mr. McGhee thanked Mr. DeLuna for coming and requested that Ms. Marks explain the process the
13 Board is now using for Committee Reports before the moving on to other agenda items.
14

15 Ms. Marks stated that until a couple of meetings ago, the Board operated on the first day of the
16 Board meeting as committees. Each committee would meet in a small group and then report back
17 its recommendations to the full Board on the second day. Ms. Marks explained that because the
18 Board is now at quorum-only, and there are only two licensed members and one fairly new member,
19 the Board agreed to restructure the meeting format in an effort to best utilize everyone’s talents and
20 to allow all members the benefit of the experience of licensed members and also exposure to the
21 experience of the long time public members. Ms. Marks stated that rather than doing break out
22 groups by the committees, all agenda items will be discussed and acted upon by the full Board,
23 rather than the Board listening to a committee report on the following day, and acting by adopting
24 the recommendations of each committee.
25

26 Ms. Marks stated that she believes there is some concern about a possible decrease in the amount
27 of interaction between the Board members and the public. On behalf of the Board members, Ms.
28 Marks stated she would encourage everyone to engage in the same type of dialogue that the Board
29 would have in the committee structure. Ms. Marks stated that in addition to using everyone’s talents,
30 the hope is that the meetings will be more efficient while we operate at minimum capacity. Ms.
31 Marks reminded everyone that although agenda items are grouped together by topic, it is not a
32 committee report and that each item will be handled separately and public comment is welcome
33 before the Board takes action on a specific agenda item.
34

35 **Agenda Item #4 – Continuing Education**

36
37 **a) Strategic Plan Progress Report**

38
39 Dr. Sherman reported that the strategic plan is ongoing.
40

41 **b) Continuing Education Statistics**

42
43 Dr. Sherman requested further clarification concerning the continuing education noncompliance
44 report. Ms. Russell explained the structure of the report and how to interpret the statistics
45 provided.
46

47 **c) Review and Approval of Draft Regulation Language – Continuing Education Provider**
48 **System (Title 16, California Code of Regulations Sections 1397.60-1397.71)**

49
50 Dr. Sherman reported that a working group consisting of himself, Mr. Thomas, Ms. Marks, Ms.
51 Russell, Ms. Kassis, Ms. Snyder and Dr. Jo Linder-Crow met on January 20, 2010, regarding the

1 draft continuing education language. The meeting was publically noticed. The Board continued
2 to discuss the entities that will be approved as continuing education providers.

3
4 Dr. Sherman reiterated the previous meetings consensus concerning the phasing out of
5 MCEPAA and what entities would be responsible for provider approval. After extensive review,
6 considering oversight and consumer protection, the Board feels the best option would be to
7 approve APA, CME, and CPA.

8
9 Public comment:

10
11 Steve Arthur, Ryokan College, would like to Board to consider approving more business classes,
12 as they relate to psychology. Mr. Arthur feels there is a business management gap in training.

13
14 Dr. Sherman acknowledges that business education is very important but feels the Board would
15 like to keep the coursework more in line with consumer protection verses business management.

16
17 Norine Marks, Staff Counsel, would like to reiterate that topics and subject matter for continuing
18 education coursework must be pertinent to the practice of psychology and must have a
19 relevance or direct application to a consumer of psychological services.

20
21 Michael Berger representing Prescribing Psychologist Register (PPR), would like the Board to
22 make available prior accepted applications for continuing education providers. Mr. Berger feels
23 the PPR application is clear and they are requesting recognition as an entity to perform
24 accrediting function. Mr. Berger would like a formal letter, requesting clarification, drafted to PPR
25 and copied to himself.

26
27 Dr. Jo Linder-Crow, Executive Director of the California Psychological Association, commented
28 that the current regulations state that someone can receive continuing education credit for taking
29 and/or teaching a regionally accredited post doctorate level course. Dr. Linder-Crow commented
30 that the Board might want to maintain the option for regionally accredited schools for attendees
31 and instructors.

32
33 The Board voted to approve draft language 1397.61 (d)(1) and set for hearing. Dr. Rodolfa
34 stated that he wanted to research language in proposed sub section (D) regarding approved
35 schools and continue this discussion after lunch recess.

36 M(Rodolfa), S(McGhee)

37
38 Dr. Rodolfa reported that, at this time; the best option would be to delete sub section (D) for
39 consistency with other states, and motion to set for hearing.

40
41 The Board voted to approve draft language for hearing notice and to delete subsection 1397.61
42 (d)(1)(D) and make any other necessary changes to make the regulations consistent with this
43 deletion and make effective January 1, 2012 thus affecting licensees who license expires after
44 12/31/2011.

45
46 It was M(Rodolfa), S(Sherman)/C to notice the language for hearing.

47
48 Vote: 5-0

49
50 **Agenda Item #5 – Legislation**

51
52 **a) Strategic Plan Progress Report**

1
2 Ms. Vazquez thanked staff for completing detailed information included in the report. Ms.
3 Vazquez updated the Board on the progress of the Board's work on regulations and legislation.
4

5 **b) SB 294 (Negrete McLeod) – Healing Arts**
6

7 Ms. Vazquez reported that SB 294 proposed a couple of changes to expand functions of nurse
8 practitioner's and other healing arts boards, and would have appointed an enforcement monitor.
9 Ms. Vazquez stated that it appears the bills author has introduced a similar bill, SB 1111, last
10 week that our guest speaker Mr. DeLuna from DCA highlighted in his report this morning. Ms.
11 Vazquez indicated that the Board still needs to review the language and determine how it will
12 impact practice. Ms. Vazquez reported that since the intent of this legislation was transferred to a
13 new bill, the Board will now be reviewing SB 1111.
14

15 **c) Legislative Update on Other Bills**
16

17 Ms. Vazquez reported that other bills of interest included AB 48 regarding the Bureau for Private
18 Postsecondary Education (BPPE), and SB 599 regarding Workforce Development. Ms. Vazquez
19 reported that both bills have been chaptered, and became law effective January 1, 2010.
20

21 Ms. Vazquez stated that the legislature just had their bill introduction on February 19th, a week
22 ago from today, and there are approximately 1400 bills that have recently been introduced. Ms.
23 Vazquez reported that the Board will look at bills of interest to bring back to the next meeting for
24 review.
25

26 **Public Comment:**
27

28 Dr. Doris Penman, former President of CPA asked in regards to the BPPVE bill whether the
29 Board would be required to have a say in graduate programs, and whether AB 48 will overwrite
30 AB 400. Dr. Penman indicated that the minutes from the prior meeting indicate that clarification
31 would be provided.
32

33 Dr. Penman also asked whether the Board has any information or an update on Sunset Review
34 for the Board.
35

36 Ms. Marks stated that Dr. Penman's question regarding AB 48 was addressed at the last
37 meeting and that some provisions of AB 400 were part of the former Reform Act, which was
38 sunsetted on June 30, 2007. Ms. Marks stated that the provisions that were included in the
39 Education Code that were part of the Reform Act were sunsetted; and there were also provisions
40 within the psychology licensing law that are still in existence. Ms. Marks reported that any of the
41 provisions from AB 400, including disclosure requirements for prospective students of approved
42 schools, which were included in the Reform Act, would have sunsetted.
43

44 Dr. Penman stated that the disclosure requirements were part of AB 400. Ms. Marks explained
45 that AB 400 was the legislation that added these provisions into the Reform Act and that is what
46 has sunsetted.
47

48 Dr. Charles Faltz, Director of Professional Affairs, California Psychological Association (CPA)
49 stated that as he understands, AB 400 amended part of the Education Code and also amended
50 part of the Business and Professions Code and that most of the provisions of interest and
51 concern are actually still intact in the Business and Professions Code.
52

1 Ms. Marks stated that the provisions from AB 400 that amended the B&P Code to define which
2 degrees from approved schools would meet the qualifications for licensure are still part of the
3 psychology licensing law, but that the provisions that required approved schools to provide
4 prospective students certain disclosures were part of the Reform Act and those were sunsetted
5 under the Education Code that contained BPPVE requirements.
6

7 Mr. Kahane reported that in response to Dr. Penman's question regarding Sunset Review, Mark
8 Ridley-Thomas prior to leaving the legislature was working to come up with a better process
9 rather than doing the same thing every year or year and a half. Mr. Kahane stated that since Mr.
10 Ridley-Thomas has left the legislature, the Board has not received a request to report or heard
11 anything else and that the Board is still waiting for further information regarding this review.
12

13 Ms. Vazquez asked whether there have been conversations about the implementation of AB 48
14 and how that may or may not impact Board operations.
15

16 Mr. Kahane stated that yes, he would be meeting with Joanne Wentzel, Interim Acting Chief for
17 BPPE and that she has a folder of issues brought forward from various Boards and Bureaus to
18 determine what can be incorporated into their regulations. Ms. Marks stated that emergency
19 regulations for BPPE went into effect on February 1, 2010.
20

21 Dr. Penman stated that there was one piece of legislation recently introduced which would take
22 away the power of the legislature to renew Boards after their sunset date, and transfer the power
23 to a global commission that would oversee all state departments.
24

25 Dr. Charles Faltz stated he would like to address some of the general issues regarding SB 294.
26 Dr. Faltz stated that some licensing Boards perform very well, some so-so, and some not so
27 well; and for all interested parties' best interest the focus on solving problems should be on
28 solving the problems and not having a bill that would regulate and solve problems where
29 problems don't exist. Dr. Faltz stated that this Board has passed all reviews with flying colors,
30 and that CPA hopes that whatever legislation comes forth would not disrupt things that are
31 working well.
32

33 Dr. Faltz stated that some concepts being discussed have to do with the availability of patient
34 records, and that he understands and endorses availability of records especially during discipline
35 review. Dr. Faltz stated his concern is having records available when one or more parties do not
36 wish to have their records released, and he hopes that the Board will be concerned with the
37 consumers they are serving so that there is no relaxation of their rights.
38

39 Steve Arthur, Ed.D., Ryokan College, stated that it is very important that the issue regarding AB
40 400 is cleared up, and that Joanne Wentzel won't give a direct answer. Mr. Arthur stated that
41 because he noticed with the disclosure agreement which they have been having their students
42 sign since 2000, is a little different than the one BPPE has proposed, they don't want to be in
43 violation for not using the form the legislature has or the form that the Board of Psychology has.
44 Mr. Arthur stated there are other issues within AB 400, such as change of location, change of
45 ownership, etc., that need clarification and that he has been unable to get any direction.
46

47 Ms. Marks stated that with regards to the requirements that an approved school must offer a
48 doctoral degree in psychology and have approval from BPPVE on or before July 1, 1999, and
49 the institution has not since that time had a new location, is contained in Business & Professions
50 Code Section 2914(g) and is still in effect. Ms. Marks stated that with respect to the disclosures,
51 it is her understanding that these provisions were contained in the Reform Act that sunsetted.
52

1 **Agenda Item #6 – Examination**

2
3 **a) Strategic Plan Progress Report**

4
5 The plan continues to be ongoing.

6
7 **b) Examination Statistics**

8
9 The examination statistics data is fairly consistent with previous reports reviewed at prior Board
10 meetings. The EPPP first time pass rate is consistently higher which is consistent with the
11 national data. Nothing stands out for the CPSE data. The CPLEE however shows the pass rate
12 for first timers are lower which is surprising according to Dr. Rodolfa because the CPLEE is
13 designed for licensed practitioners who have been licensed for five or more years. Dr. Rodolfa
14 wonders if these applicants are studying before taking the CPLEE.

15
16 **c) Review of California Code of Regulations, Title 16, Division 13.1, Articles 4 and 6**

17
18 Dr. Rodolfa recommended amending Section 1388 (f) of the California Code of Regulations to
19 add a limitation to the number of times a candidate can take the CPSE exam. The amendment
20 would read; “An applicant who does not pass the CPSE or the CPLEE will not be eligible for
21 further examination until six months have passed from the last test date”

22
23 M(Rodolfa)/S(McGhee)/C to amend Section 1388(f) to read as above.

24
25 Vote: 5 – 0

26
27 No other clean up items for Section 1388.

28
29 M(Sherman)/S(Acquaye-Baddoo)/C to approve language and notice for hearing

30
31 Vote: 5 – 0

32
33 Section 1389 reconsideration of examinations had minor clean-ups. Ms. Marks recommended
34 amending section 1389 (a) to read: “There shall be no reconsideration of the ~~grade~~ score
35 received on the EPPP, on the CPSE or on the CPLEE.”

36
37 M(Sherman)/S(Acquaye-Baddoo)/C to approve language and notice for hearing.

38
39 Vote 5 – 0

40
41 Section 1392 Psychologist fees. Dr. Rodolfa stated that the fees for exams and applications
42 have remained constant for a long time and should the Board consider updating those fees. No
43 comments were given.

44
45 Section 1392 title was amended to Psychologist Application and Licensing Fees. In addition,
46 staff was instructed to include the following: “Fees for the Examination for Professional Practice
47 in Psychology are paid directly to the vendor.”

48
49 M(McGhee)/S(Sherman)/C to approve the language with minor changes and notice for hearing

50
51 Vote 5 – 0

1 Public Comment:
2

3 Dr. Faltz stated that there is an inadvertent loophole in the licensing renewal process when
4 someone lets their license cancel and ten years later wants to reapply for licensure with only
5 having to take the CPSE exam. Dr. Faltz asked the Board to look into requiring a certain amount
6 of CE to ensure that they remain current in the field of psychology. It was suggested to add this
7 issue on the agenda for the next Board meeting.
8

9 **Agenda Item #7 – Credentials**

10
11 **a) Strategic Plan Progress Report**

12 Plan is still ongoing. No specific comments.
13

14
15 **b) Satisfaction Survey Results**

16
17 In general the survey results are positive. Some of the issues are not receiving responses and
18 the length of time it takes to receive a response. Dr. Rodolfa encourages staff to respond the
19 best we can within established timeframes. He stated again that in general applicants are
20 satisfied with the service being provided and thanks staff for their work.
21

22 Dr. Rodolfa recommended deleting “in person” under question number one because the number
23 of times an applicant contacts the Board in person is very rare.
24

25 **c) Review of Proposed Changes of California Code of Regulations, Title 16, Division 13.1,**
26 **Article 1 (General Provisions), Article 2 (Applications) and Article 3 (Education and**
27 **Experience), Article 5 (Registered Psychologists) and 5.1 (Psychological Assistants)**

28
29 Dr. Rodolfa was unable to review this item due to family issues and requested to table this
30 agenda for the next Board meeting to allow more time to review the extensive document.
31

32 **d) Discussion Regarding Licensing of Psychologists Practicing in Non-Mental Health**
33 **Areas and the Barriers to Accruing Supervised Professional Experience**

34
35 A task force meeting was established two meetings ago to find a better system for GAP
36 psychologists. A follow-up discussion with the executive director of CAPIC was conducted on
37 February 18, 2010. Dr. Rodolfa stated some have expressed concerns on how difficult it is to get
38 licensed and how the Board’s regulations are focused more on clinical and if the Board is to
39 license GAP psychologists the Board needs to take a hard look at the regulations and the
40 barriers for those psychologists. Another follow up meeting will be set to present information to
41 the Board at the next quarterly meeting.
42

43 **e) Review Supervision Agreement Form**

44
45 This form is on the agenda because of the experience the Board had six months ago. There are
46 a number of individuals who seem to mistake the purpose of the supervision agreement form.
47 This created a great deal of concern for those individuals accruing hours.
48

49 Dr. Rodolfa recommended adding: “The purpose of this agreement is to ensure that both the
50 supervisor and supervisee understand the laws and regulations related to the accrual of
51 supervised professional experience.”
52

1 Dr. Rodolfa also suggested that upon completion of the form to submit the form directly to the
2 Board. Dr. Sherman stated that this seems more reasonable.

3
4 Ms. Snyder stated that there is a system in place for supervision agreement forms that are
5 submitted to the Board in advance. Staff retains the information in one filing system and when
6 the trainee applies for licensure that information is pulled and matched with the application.

7
8 Dr. Sherman stated that he is surprised to note that there are a number of supervisors and
9 supervisees that do not read the form. To prevent future problems perhaps adding the above
10 statement on the form for clarity or adding another file cabinet or two would ensure that things
11 are being done properly.

12
13 Public Comment:

14
15 Dr. Doris Penman thanked the Board members for putting this topic on the agenda for
16 discussion. Her question pertained to supervision agreement form and the educational plan and
17 whether the educational plan is the main focus or meeting the regulations or both. Dr. Rodolfa
18 responded that he believes it is for both and explained that the purpose is to have the supervisor
19 and supervisee agree on the broad structure as well as understand the laws.

20
21 Dr. Sherman commented that some plans for private practice setting were considered real model
22 plans while other plans require additional information. Having a redacted sample plan would be
23 good; however, the Board could end up with the possibility of 500 of the same plans. However, if
24 people don't know what they need to do then the Board needs to provide some guidance.

25
26 Dr. Rodolfa also commented that he and Dr. Sherman have started to review plans in advance
27 to help speed up the review process for people seeking experience. The committee has
28 reviewed 55 plans and Dr. Rodolfa agreed that some plans are well thought out and provided
29 instructions to the supervision while other plans do require additional information. The purpose of
30 the plan is to require supervisors to think about their plan for supervision and provide
31 supervisees some structure.

32
33 Dr. Sherman suggested adding a statement on the form that psychological assistants in private
34 practice setting will require prior approval of their supervision plan prior to the accrual of hours.
35 He also added that the "professional title" on the form should be clarified.

36
37 Dr. Rodolfa recommended to delete the anticipate completion date on the form. However, Dr.
38 Sherman stated to retain the date because it shows a beginning and an end date of the training.

39
40 Dr. Rodolfa also suggested combining the goals, objectives, part I, II and III on a separate page.
41 He also stated that at the last Board meeting a suggestion to allow the training director to sign
42 the supervision agreement form for organized programs such as CAPIC, APPIC or APA. Dr.
43 Penman agreed that this was an excellent idea.

44
45 Dr. Erica Myer of the Los Angeles County Psychological Association asked the Board for some
46 guidance concerning the issue on the backdating of the supervision agreement form. Mr.
47 Kahane stated that the backdating of the supervision agreement will be addressed in the
48 Executive Officer's Report, agenda item 11(f).

49
50 Dr. Penman recommended that any Board changes should be disseminated to psychologists
51 across the state on a regular basis.

52

1 Staff was directed to come back with language to amend Section 1387(b)(10) of the California
2 Code of Regulations to clarify and streamline the requirements.

3
4 **f) Discussion Regarding Considerations for Prospective Psychology Students of**
5 **Approved Schools**
6

7 The Board is concerned that some approved schools were not following requirements of AB400
8 and one of the requirements of AB400 was to alert potential students to the limitations of a
9 degree from an approved school. This document was drafted to provide information (disclosure)
10 to students.

11
12 At the last Board meeting, an attorney from one of the approved school gathered some data to
13 present to the Board. The data was regarding the approved school pass rates for the EPPP and
14 the CPSE in 2008.

15
16 For the EPPP the pass rate was 30%. Out of 112 applicants 34 passed and 78 failed. The
17 national pass rate for the EPPP was 76% and 83% for first timers. For the CPSE, out of 58
18 applicants 32 passed and 26 failed with a 55% pass rate.

19
20 This notice will notify students of the limitations when going to an approved school. Dr. Rodolfa
21 stated that he liked the idea of having students sign a document that informs them of the
22 limitation when going to an approved school such as mobility issues. The notice will require
23 additional revisions and be placed on the next agenda.

24
25 **Public Comment:**

26
27 Dr. Steve Arthur commented that Ryokan College has graduates who are licensed in Vermont
28 and Connecticut. He also stated that licensure requirements for each State and in Canada
29 changes all the time and varies all the time and that he notifies their students that a degree from
30 an approved school does not travel well.

31
32 Dr. Penman stated that the list of approved schools on the Board's website is outdated. She
33 hopes that once communication has been established with the Bureau for Private Postsecondary
34 Education a revised list would be made available.

35
36 **g) Discussion Regarding Board of Behavioral Science Recovery Model for Education**
37

38 Dr. Sherman stated that this recovery model outlines BBS' educational requirements in detail. It
39 was suggested at the last Board meeting to add this issue on the agenda for the next Board
40 meeting. Dr. Rodolfa and Dr. Sherman have reviewed the information and had no comments to
41 provide.

42
43 **h) Status Report on Applicant Credentials Reviewed by the Credentials Committee Since**
44 **the November 13-14, 2009 Board Meeting**
45

46 Dr. Sherman stated that the task for reviewing plans was inherited by the committee from a
47 previous Board member. It was determined that each license member would review each SPE
48 plan and realized at the last Board meeting that waiting to review these plans on a quarterly
49 basis causes a delay for trainees in accruing hours.

1 It was decided at the last Board meeting, to have Ms. Snyder independently send each plan to
2 Dr. Sherman and Dr. Rodolfa for review on an ongoing basis. However after reviewing these
3 plans for the past three months, some plans are well written and well thought out that to have
4 staff send these plans to the committee seems a waste of time and resources. To help
5 streamline this process, Dr. Sherman recommended having staff review and approve the plans
6 and only send those plans that are questionable to the committee for review.
7

8 **Agenda Item #8 - Enforcement**

9 **a) Strategic Plan Progress Report**

10 Ms. Vazquez reported that the strategic objectives are ongoing.
11

12 **b) Enforcement Statistics**

13 Ms. Vazquez referred the Board to the enforcement statistics in the agenda packets. She stated
14 that Board staff provided additional statistics regarding complaints received by type and various
15 sources including those initiated internally. Dr. Sherman pointed out a spike in the number of
16 complaints received in Fiscal Year 08/09 regarding fraud. Ms. Bayless stated the spike is directly
17 related to complaints regarding the issue of backdating supervision agreement forms.
18
19

20 **c) Consumer Protection Enforcement Initiative (CPEI)**

21 Ms. Vazquez stated the CPEI was discussed earlier during the Director's Report provided by Gil
22 DeLuna. Ms. Vazquez states it was nice to hear further details regarding the progress of the
23 initiative and future plans for improvement. Ms. Vazquez stated there are three components of
24 the initiative; administrative improvements, staffing/IT resources, and legislative changes. She
25 further stated that SB 1111 contains many of the proposed enforcement changes necessary for
26 the improvements outlined in the CPEI.
27

28 Ms. Bayless stated that through the process of development of a new enforcement model Board
29 staff has reviewed all enforcement processes to identify process improvements. Process
30 improvements have been implemented and all enforcement procedure manuals have been
31 updated to reflect current processes. Ms. Bayless stated Board staff developed enforcement
32 process guidelines to clearly establish expected processing times for specific procedures.
33

34 Ms. Bayless stated Board staff will be reviewing the probation monitoring procedures for
35 improvements related to the new standards for monitoring substance abusing licensees.
36

37 Ms. Vasquez stated the Department of Consumer Affairs (DCA) goal is to reduce the overall
38 processing time from 24-36 months to 12-18 months. Ms. Vazquez asked how the furloughs are
39 effecting our processing times because it appears that although we are subject to the furlough
40 we are expected by DCA to reduce our processing times. Ms. Bayless stated that we have had
41 to take a close look at our process to identify what is essential and what can be eliminated to
42 streamline the process. Ms. Bayless further stated that due to the furloughs we are balancing our
43 resources to focus on processing our cases in a timely manner. Board staff will be looking a
44 developing a complaint prioritization policy to further assist staff in identifying priority complaints.
45

46 Ms. Bayless reported that DCA recently developed and implemented a new enforcement
47 reporting tool to further enhance the overall monitoring of our enforcement processes and
48 processing times. The creation of the new reporting tool allows enforcement staff to track all
49 stages of complaints so we can identify which stage of the complaint process needs
50
51
52

1 improvement. BOP staff provides a monthly report to Paul Riches, Deputy Director for
2 Enforcement and Compliance. Mr. Riches will be overseeing Board compliance with the
3 Consumer Protection Enforcement Initiative.
4

5 Dr. Rodolfa requested statistics on current cases to see what type of complaint volume staff
6 handles on a month-to-month basis.
7

8 Ms. Vazquez asked if DCA has established a timeframe full implementation of CPEI. Mr.
9 DeLuna stated the target date is October 2014.
10

11 **d) Director's Consumer Protection Article**

12 Ms. Vazquez referred the Board to the consumer protection article prepared by DCA Director
13 Brian Stiger.
14

15 **e) Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (SB 1441)**

16 Ms. Vazquez reported that as a result of SB 1441 new standards have been developed to
17 ensure appropriate monitoring of substance abusing licensees. The uniform standards are
18 included in the Board books for review and consideration.
19

20 Mr. DeLuna stated that several of the standards will require a legislative change for
21 implementation. The standards requiring a legislative change are 2, 8, 9, 10, 14, and 15.
22

23 Ms. Vazquez stated Mr. Kahane is on the Substance Abuse Coordination Committee and
24 participated in the development of the standards. Dr. Sherman stated the drug testing frequency
25 appears excessive in requiring 104 drug test per year for the first year and a minimum of 50 drug
26 tests per year for each subsequent year of probation. Dr. Sherman requested additional
27 information regarding the basis for the frequency specifically which data was utilized to establish
28 this standard.
29

30 Mr. Kahane stated that the BOP is participating in a department wide drug testing contract. Ms.
31 Bayless stated the contract should be in place by July 1, 2010. The new contract will require the
32 vendor to provide an automated process for random drug testing and result reporting.
33

34 Dr. Jo Linder-Crow asked what type of science was relied upon for establishing the frequency of
35 drug testing.
36

37 Dr. Charles Faltz stated it appears there was a coordination committee and a staff working group
38 where 15 Boards were represented. Dr. Faltz asked what the rationale was to exclude
39 psychologist from the discussion regarding substance abuse.
40

41 Dr. Sherman stated that as a Board of licensed professionals he is surprised they were not
42 invited to participate or recommend professionals who are experts in the field of substance
43 abuse.
44

45 Mr. Kahane stated he would obtain additional information regarding this issue to be presented at
46 the next Board meeting.
47

48 Ms. Vazquez stated that the standards have been adopted and that at this point we are looking
49 at the process for implementation of the standards or is there still an opportunity to influence the
50 development of the standards. Ms. Marks stated that the standards have been adopted but
51

1 several will require legislation. Ms. Marks further stated it is now up to the individual Boards to
2 determine how it can implement the remaining standards.

3
4 Ms. Vazquez asked if there were any public comments pertaining to any of the enforcement
5 topics discussed. No additional comments were received.
6

7 **Agenda Item #9 - Contemporary and Emerging Issues**

8 9 **a) Discussion Regarding Telepsychology**

10 Ms. Acquaye-Baddoo thanked staff for being in the forefront of this issue, and asked Mr. Kahane
11 to share information that is moving forward regarding this issue. Ms. Acquaye-Baddoo reported
12 that the Board would have a guest speaker at our next meeting to share more information on this
13 subject. Mr. Kahane stated that at Dr. Sherman's recommendation, he has asked Dr. Carol
14 Falender to speak at the Board's next quarterly meeting in May. Mr. Kahane reported that
15 information on Telepsychology is provided in the board packet which includes links, resources,
16 and guidelines. Dr. Sherman stated that Dr. Falender is well versed in issues regarding providing
17 supervision and therapy via means other than in person.
18

19
20 Dr. Rodolfa stated that one of the concerns regarding this issue is, if a psychologist is practicing
21 Telepsychology and the patient files a complaint, what board disciplines the licensee, and where
22 does the psychologist have to be licensed? Dr. Rodolfa stated that it makes no sense that the
23 psychologist has to be licensed in the jurisdiction where the consumer is located, as Canada is
24 currently considering. Dr. Rodolfa stated this issue has a lot of ramifications, and the Board will
25 have lots of homework to do on this issue as it evolves.
26

27 **b) Discussion of Webcasting of Board Meetings**

28
29 Ms. Acquaye-Baddoo deferred to Robert. Mr. Kahane stated that he is checking into webcasting
30 the May meeting, which will be held in Costa Mesa. Mr. Kahane stated that the Department is
31 trying to get to the point where each Board meeting will be webcast to provide an archived
32 record of the meeting, rather than detailed minutes as we do now.
33

34 The Board concluded this meeting at 5:12 p.m., and recessed until February 27, 2010 at 9:00
35 a.m.
36
37

38 **Saturday, February 27, 2010**

39
40 The open session meeting was called to order by the President, James McGhee, at 9:10 a.m. A
41 quorum was present and due notice had been sent to all interested parties.
42

43 **Members Present:**

44 James McGhee, President
45 Richard Sherman, Ph.D., Vice-President
46 Lucille Acquaye-Baddoo
47 Emil Rodolfa, Ph.D.
48 Celinda Vazquez
49

50 **Others Present:**

51 Robert Kahane, Executive Officer
52 Jeffrey Thomas, Assistant Executive Officer

1 Norine Marks, Legal Counsel
2 Gina Bayless, Enforcement Coordinator
3 Linda Kassis, Administrative Services Coordinator
4 Lavinia Snyder, Licensing/Registration Program Coordinator
5 Valerie Riazzi, Licensing/Registration Analyst
6

7 **Agenda Item #10 – President’s Report – Mr. McGhee**
8

9 **a) Informational Items**

10
11 Mr. McGhee stated that the Board has talked in past about how they may want to do workshops,
12 etc. with the California Association of Mental Health Boards and Commissions. Mr. McGhee
13 reported that he is the President of this Association, and that they will be meeting in Oakland in
14 June 2010. Mr. McGhee stated that he wanted to let the Board know in case they have an
15 interest in participating, and that this will be his last meeting as President of the Association.
16

17 Mr. McGhee stated that since the Board only has a quorum, people’s schedules are busy, things
18 happen, and at any given time with five members, conflicts happen. Mr. McGhee asked the
19 Board to consider starting their meeting on Fridays at 1:00 p.m., at least in our temporary
20 situation. Mr. McGhee stated that when a new governor takes over in January 2011, appointing
21 Board members will not likely be a top priority given the economy, and the Board may still be
22 functioning on a quorum only basis for quite a while.
23

24 Mr. McGhee reported that the California Psychological Association (CPA) is having their 2010
25 convention in April, and encouraged Board members who are planning on attending to get
26 signed up.
27

28 Mr. McGhee stated that an earthquake occurred in Chile this morning and that he believes there
29 may be a need for the Board or CPA to look at the need to consider the possibility of
30 psychologists going to Chile, or possibly Hawaii if a tsunami hits.
31

32 Mr. McGhee stated that while in Sacramento last week, reading the Sacramento Bee, there was
33 an article regarding childhood obesity and that Michelle Obama is making this a priority. Mr.
34 McGhee stated that the Board may want to look at doing either a workshop or training in a joint
35 sponsorship with CPA regarding obesity. Mr. McGhee stated that this issue could be very
36 important for consumers.
37

38 Mr. McGhee asked if there were any public comments.
39

40 Dr. Faltz stated that he is glad Mr. McGhee brought up the issue about the strength of the Board,
41 or lack thereof, and stated that it is clear that workload exists for members who function basically
42 as volunteers. Dr. Faltz stated that he hopes that the administration understands what can and
43 cannot get done operating in this fashion. Dr. Faltz stated that just by not having committee
44 meetings, and having the whole board act as a committee is really creating a major problem that
45 should not be tolerated. Dr. Faltz encouraged the Board to become very active in seeking not
46 just one more member, but a full complement of members. Dr. Faltz stated that he sees it as a
47 very serious problem and hopes the Board takes action and makes it part of their agenda to get
48 this Board up to full strength.
49

50 Mr. Kahane stated that because it comes from the top down in the form of executive orders he
51 has limited power over these decisions and that the CPA may have a stronger voice. Mr. Kahane
52 stated that he will look into it again. Dr. Faltz thanked Mr. Kahane and stated that he is

1 encouraging the Board itself to step up and take action to address this issue. Mr. Kahane
2 clarified that these matters are addressed by the Board and himself, and that he will give it
3 another shot.

4
5 Ms. Vazquez stated that she has been considering reaching out to her appointing authority
6 (Senate) to let them know the situation. Ms. Vazquez stated that there is added pressure
7 knowing that if you have a family emergency, you can literally disrupt state operations.

8 9 **Agenda Item #11– Executive Officer’s Report – Mr. Kahane**

10 11 **a) Staff Update**

12
13 Mr. Kahane reported on staff updates and Board operations. Mr. Kahane reported that staff
14 continues to excel under less than optimal circumstances within the furlough scenario. Mr.
15 Kahane thanked staff, especially Gina and Linda, for their excellent work on all daily directives
16 coming from Agency and the Department on the Consumer Protection Enforcement Initiative
17 (CPEI), budget, and related issues. Mr. Kahane explained that work on daily directives and
18 executive drills, usually with a COB deadline, continually require research and justification for
19 previous expenditures on assorted spreadsheets and templates, for accountability to the
20 Department, the Legislature, and the Executive Branch.

21
22 Mr. Kahane reported that the latest drill requires that we provide expenditure data for meetings
23 and events for the last five years. Mr. Kahane stated that these drills take hours away from our
24 daily duties.

25
26 Mr. Kahane stated that staff is adapting well to all changes in enforcement and licensing
27 resulting from the backdating scenarios.

28
29 Mr. Kahane also noted under the new CPEI, as of now, the Board was allocated three positions
30 (1 AGPA and 2 on-site psychologists for internal complaint review). Mr. Kahane stated that when
31 these new hires start working depends on the continuing fiscal emergency. Mr. Kahane stated
32 that it was determined that the Board will need to keep the expert review program based on
33 volume, but that this should reduce the timeline for the disposition of many cases by having two
34 psychologists on site.

35 36 **b) Budget Update**

37
38 Mr. Kahane discussed our budget and reported we are within our financial targets with respect to
39 sound fiscal Board health, operating expenses, and reserve. Mr. Kahane stated we have
40 successfully met our 15% reduction in personnel services.

41 42 **c) Board Operations**

43 This report is included above in Mr. Kahane’s report titled “Staff Update”.

44 45 **d) Bagley-Keene Open Meeting Act Amendment Update**

46
47 Mr. Kahane deferred this discussion to Norine Marks, Senior Staff Counsel. Ms. Marks reported
48 that a brief summary of the change is included in the board packet. Ms. Marks explained the act
49 changed as of January 1, and that prior law said that you can’t use any communication or
50 technology to develop a collective concurrence (i.e. use it to make a decision), and it now states

1 that you cannot use any series of communications to discuss, deliberate, or take action on any
2 item.

3
4 Ms. Marks stated that she understands that it is difficult because everyone wants to use their
5 time as efficiently as possible with the amount of work that needs to be done, and asked the
6 Board to be aware of the limitations on a “series of communications”. Ms. Marks explained that
7 when discussing an issue between two people, one of the questions a member should ask
8 before responding is, who else have you talked to about this?

9
10 Ms. Vazquez asked how many individuals it takes to establish that serial communication has
11 occurred. Ms. Marks explained that it is the majority of the state body, and urged the Board to
12 keep in mind this majority includes committee discussions. Ms. Marks explained that this can be
13 confusing with the current Board structure, but would encourage members to consider who else
14 has the person they are talking to about this, talked to. Ms. Marks stated that rather than count
15 how many members have discussed a particular issue, members should be mindful that merely
16 discussing issues, even if when a decision has not been developed, could be a violation of the
17 act.

18
19 Dr. Sherman gave a hypothetical example to clarify what constitutes a violation. Dr. Sherman
20 asked if when the Executive Officer sends an email notice that amendment to Bagley Keene
21 became effective 1/1/10, and the Board Members discuss, would it be a violation.

22
23 Ms. Marks replied no, and explained it’s not an issue within the authority of the Board. Ms. Marks
24 explained that if Mr. Kahane sent an email regarding the enforcement program, writing back
25 “thanks” would not be violation because this is not discussing the substance of the program. Ms.
26 Marks noted alternatively, if a member replied to all asking “what does this mean to the
27 enforcement program, and do we need to change regulations, or amend disciplinary guidelines,”
28 this would very likely be a violation. Ms. Marks summarized by stating a violation could occur
29 when a majority of members of the Board or a committee discuss issues within the jurisdiction of
30 the Board.

31
32 Dr. Linder-Crow stated that it sounds like the Board can’t do anything in between face-to-face
33 meetings. Dr. Linder-Crow stated that when CPA and the Board were working together on
34 planning an outreach multicultural program there was a small planning group that had
35 conversations via email, and asked whether this would fall under the new amendments.

36
37 Ms. Marks stated that it doesn’t sound like those discussions involved an issue within the
38 jurisdiction of the Board. Ms. Vazquez noted that Mr. Kahane limited this discussion to two Board
39 members. Mr. Kahane stated that he would still feel comfortable having these discussions under
40 the current act since it was involving an outreach program rather than discussion of a subject
41 matter within the jurisdiction of the Board.

42
43 Dr. Penman stated she would like to ask a question regarding Enforcement. Dr. Penman stated
44 that at yesterday’s meeting the Board indicated that they did not have a tracking system for
45 enforcement, such as statistics to show how long it takes to enforce an action. Dr. Penman
46 asked how it was determined there was a need for one AGPA and two psychologist positions.

47
48 Mr. Kahane stated the length of time was tracked, and the number of positions we received was
49 determined based on data the Board provided. Mr. Kahane stated that based on a directive from
50 the Department, a determination was made on how many people would be allocated to each
51 Board to meet the 12 – 18 month timeframe by 2013 based on certain figures (i.e. the number of
52 complaints, and resolutions to those complaints, etc.).

1
2 Dr. Penman, asked if the DCA determined what the need was. Mr. Kahane stated that the
3 number of positions was based on statistics and information provided by the Board.
4

5 Dr. Sherman asked Mr. Kahane for a more detailed description of these positions.
6

7 Dr. Faltz asked if there was anything in the amendment to the Bagley-Keene Open Meeting Act
8 that would limit input from a member of the public to a Board member. Ms. Marks replied no.
9

10 **e) Outreach Update**

11
12 Mr. Kahane reported that Mr. Thomas and Ms. Snyder presented at Airport Marina Counseling
13 Center by LAX on Jan 11, 2010.
14

15 Mr. Kahane reported that he and Mr. Thomas presented a program regarding board laws at the
16 Iranian Psychological Association in Los Angeles on Sunday Jan 17, 2010. Mr. Kahane reported
17 that those in attendance received two continuing education units for the 2-hour talk on the Board.
18 Mr. Kahane stated that the presentation was well received and they are requesting the Board
19 attend and present at least once a year.
20

21 Mr. Kahane stated that the Board looks for more presentations in the coming quarter in addition
22 to our usual attendance at all professional organization events. Mr. Kahane stated that the
23 Board's in-state travel and attendance is also coming under tremendous scrutiny now based on
24 the number of persons, where, when and how. Mr. Kahane stated the Board hopes to obtain
25 approval for a booth at both CPA and APA this year.
26

27 Mr. Kahane reported the Board of Psychology Update articles are being submitted, and that he
28 expects a spring 2010 publication by the end of March.
29

30 **f) Backdating of Supervision Agreement Form – Issue Update**

31
32 Mr. Kahane reported that out of the approximately 150 applicants who have responded to the
33 Board inquiry for explanation, the Board has allowed 90% of the hours for supervisees. Mr.
34 Kahane reported that the Board continues to evaluate responses to inquiries as they are
35 received. Mr. Kahane reported that those who were denied did not meet the requirements for
36 compliance under any scenario. Mr. Kahane stated the Board will be using various revisions,
37 and modes and methods of communication to ensure clarity on the supervision agreement
38 forms.
39

40 Dr. Rodolfa stated that the Board talked at the last meeting about sending a notice to
41 supervisors and supervisees about mitigating circumstances, and asked whether this occurred.
42 Mr. Kahane stated no, that it would have been more confusing since we had just begun receiving
43 responses to the first letter, and responses from additional follow-up. Mr. Kahane stated that due
44 to the volume of responses, and the number of total problems, staff determined a second follow-
45 up was not needed. Dr. Sherman asked if staff had the number of applicants who failed to
46 respond. Ms. Snyder replied not at this time, staff would need to research.
47

48 Dr. Linder-Crow thanked the Board for their consideration on this issue after the discussion at
49 previous board meetings. Dr. Linder-Crow stated that as an update, she wanted to thank Dr.
50 Penman who spent a lot of hours putting together very detailed information explaining the
51 situation and providing options, so that CPA could widely distribute the information to graduate
52 training programs, training supervisors, and Dr. Faltz put the article in their bi-monthly

1 newsletter. Dr. Linder-Crow stated she wanted to thank the Board for their willingness to take a
2 look at this issue, and also thanked Dr. Penman and Dr. Faltz for distributing this information
3 widely.
4

5 Dr. Penman thanked the Board for their response to this situation. Dr. Penman stated that the
6 way the initial letter was worded sounded very final, and it wasn't specific about what someone
7 could do. Dr. Penman asked the Board to consider alternative ways that information could be
8 relayed, and that she hopes a second communication could be forthcoming at least to those
9 individuals who haven't responded.
10

11 Dr. Sherman stated that he believes the Board has been gracious to make sure that everyone
12 was given an opportunity to demonstrate they had the proper organization. Dr. Sherman stated
13 that if we can find out the number of individuals that haven't responded, the Board should go the
14 extra mile to contact them again.
15

16 Mr. Kahane stated that staff would need to determine exactly who has not responded, and that
17 he believes those who were contacted have the responsibility to respond as opposed to avoiding
18 the issue totally and questioned how far the Board wants to go to be sure each person responds.
19

20 Dr. Rodolfa stated that in some ways he agrees with Mr. Kahane, and that people moving into
21 the profession need to be held accountable. Dr. Rodolfa asked how far the Board goes when
22 they've already gone the extra mile to help trainees and supervisors. Dr. Rodolfa stated there
23 should be some limit of what the Board needs to do in this situation, and applicants should have
24 all gotten the letter. Dr. Rodolfa stated that if it's only 20-25% that hasn't responded, maybe the
25 Board should try to reach out one more time. Dr. Rodolfa stated that this was an unfortunate
26 situation, but that it highlighted the concern that supervisors are not doing what the regulations
27 say, and that is problematic.
28

29 Dr. Linder-Crow stated that CPA is planning, for those supervision courses that CPA offers
30 under APA approval, on requiring that this information be included in those courses.
31

32 Dr. Charles Faltz asked if the Board could find out how many individuals did not respond that
33 would be great. Dr. Faltz stated that he believes it was CPA's communication that prompted the
34 flood of responses, and that the applicant's impression was that there wasn't any recourse. Dr.
35 Faltz stated that CPA would be happy to send something out again if the Board identifies who
36 hasn't responded.
37

38 Dr. Sherman stated that he also wants to commend Dr. Penman for her work on this issue.
39

40 Ms. Vazquez asked what the Board can do for next steps. Mr. Kahane stated he would find the
41 data, and if it's statistically worth spending time on, we can follow up.
42

43 Ms. Marks stated that this might be a good subject for Dr. Sherman's BOP Update article.
44

45 Ms. Acquaye-Baddoo stated that she wants to commend staff for their work moving the
46 information forward, and that she believes that the content of information provided encouraged
47 people to call and contact the office. Ms. Acquaye-Baddoo stated that she agrees applicants
48 should have the responsibility and accountability to respond.
49

50 Mr. Kahane thanked Lavinia Snyder for her excellent interpretation on these cases and follow
51 through based on these discussions and has done an outstanding job working with enforcement
52 to be sure these individuals get their hours.

1
2 **g) Other Informational Items**
3

4 Mr. Kahane reported that the Board is looking into webcasting for the May meeting, embracing
5 as much technology as possible. Discussion followed.
6

7 Mr. Kahane reported that the Board will try to get Carol Falender for the next Board meeting to
8 discuss Telepsychology issues.
9

10 Mr. Kahane reported that the Board will be transitioning from Lotus Notes to Outlook, and Linda
11 is taking the lead on this project which is known as the MADEO project.
12

13 Mr. Kahane reported that Board elections will be held in May. Discussion followed.
14

15 Mr. Kahane reported upcoming meetings must consider state facilities as a first option before
16 paying for rental in a hotel.
17

18 Mr. Kahane reported that he continues to meet with Mr. McGhee, and thanked Mr. McGhee for
19 his time.
20

21 **Public Comment:**
22

23 Dr. Faltz stated that he would like to comment on the emphasis to use of state facilities for Board
24 meetings. Dr. Faltz stated that he is concerned with the weird outcome of these types of
25 decisions and that it should be possible to predict how much it would cost overall for this Board
26 and for consumers to have access. Dr. Faltz stated that he hopes that before going through an
27 exercise, by having a costly meeting inconvenient to the public at a state facility, to do it ahead of
28 time, and that the way these meetings are currently planned makes the most sense and provides
29 access to the public. Discussion followed.

30 **Agenda Item #12 – Regulations Update, Review and Action as Necessary**
31

32 **a) Proposed Amendments to Title 16, California Code of Regulations Section 1391.1 –**
33 **Psychological Assistant Limitation of Registration Period**
34

35 Ms. Kassis stated that there has not been a lot of activity since the last meeting, mostly due to
36 executive drills. Ms. Kassis reported that the Board held a public hearing on this matter at the
37 September Board Meeting and at that time the Board voted to issue a 15-day notice of modified
38 text. Ms. Kassis reported that the Board reviewed those comments received in response to the
39 15-day notice at the November Board Meeting, and directed staff to move forward with the
40 rulemaking process. Ms. Kassis reported that part of what was needed to complete the
41 rulemaking file was the minutes from these discussions, and now that those have been
42 approved, this package can progress. Ms. Kassis explained that once our staff counsel reviews
43 the package, the Department has 30 days to review, and then the Office of Administrative Law
44 (OAL) has 30 days to review. Ms. Kassis reported once the file is approved by OAL, the
45 regulations would take effect 30 days upon filing with the Secretary of State. Ms. Kassis reported
46 that the earliest these regulations would take effect would be 90 days or more. Ms. Kassis
47 reported that these regulations would limit psychological assistants' registration period to six
48 years.
49

50 **b) Proposed Amendments to Title 16, California Code of Regulations Sections 1381.7,**
51 **1381.8 and 1381.9 – Disclosure of Discipline and Criminal Convictions**

1
2 Ms. Kassis reported this package was to amend Section 1381.7, 1381.8 and 1381.9, for
3 Disclosure of Discipline and Criminal Convictions. Ms. Kassis reported that these amendments
4 are regarding licensees not previously fingerprinted electronically. Ms. Kassis reported that the
5 Board held a public hearing on this matter at the November Meeting and at that time the Board
6 voted to issue a 15-day notice of the modified text. Ms. Kassis stated that there were 10
7 comments received in response to the 15-day notice, and that the majority of those comments (7
8 out of 10) were procedural questions. Ms. Kassis stated that typically the Board doesn't need to
9 respond to procedural questions but that they are included here to provide an example of the
10 types of questions the Board has been receiving. Ms. Kassis stated that staff will provide more
11 detailed information to licensees upon implementation. Ms. Kassis discussed comments and
12 requested feedback on those questions the Board needed to address.

13
14 Ms. Kassis directed the Board to a procedural comment received by Dr. Bragg. Dr. Bragg stated
15 that he was licensed 1980, and is asking if there is an easy rule to know if he is required to be
16 fingerprinted.

17
18 Ms. Kassis reported that in response to Dr. Bragg's comment, the regulation language states
19 that this requirement will be a condition of renewal and it would be implemented after June 30,
20 2010. Ms. Kassis reported that anyone renewing on or after July 1, 2010, after the regulations
21 are implemented, would receive notification of the requirements at the time of renewal.

22
23 Dr. Rodolfa asked whether psychologists have fingerprints on file, or will we inform licensees
24 whether or not their fingerprints on file. Ms. Kassis deferred to Ms. Marks to respond.

25
26 Ms. Marks stated that the way the Board would handle this would be with responses received to
27 questions asked at the time of renewal. Ms. Marks explained that there will be a question on the
28 renewal application like "If you believe your fingerprints are on file, check the box." Ms. Marks
29 stated that the Board knows at what point they started fingerprinting applicants, and at what
30 point they started using Live Scan (electronic fingerprinting). Ms. Marks stated that initially if the
31 licensee has a good faith belief that he or she has been fingerprinted, they can check the box
32 responding yes I've been fingerprinted.

33
34 Dr. Rodolfa stated that he knows he submitted his fingerprints on hard cards, and asked if this
35 means his fingerprints are on file. Ms. Marks stated that the Board will work with the Department
36 of Justice (DOJ) to scrub their list, at some point after one to two renewal periods once everyone
37 has had a chance to respond, and make the determination of whether or not an electronic record
38 exists. Ms. Marks reported that once a determination has been made that a licensees
39 fingerprints are not on file electronically, they will be asked to go be Live Scanned.

40
41 Dr. Sherman stated that he thought the hard cards would not be acceptable. Ms. Marks stated
42 that initially they would be okay for the Board to make a determination; since the DOJ has
43 scanned some of those cards into their electronic database, the Board would need to compare
44 their list with DOJ to determine whether or not an electronic record exists. Ms. Marks reported
45 that licensees who have been hard card printed and just want to get it over with can go be live
46 scanned; otherwise they can wait until they are instructed by the Board to do so. Ms. Marks
47 stated that the Board does know when they started fingerprinting, therefore they can say if you
48 were licensed prior to a specific date you will need to go get fingerprinted. Mr. Thomas also
49 noted that there was also a period of time that the Board was only requiring fingerprints for DOJ
50 and not the FBI, and therefore there are different phases of our fingerprint process. Mr. Thomas
51 stated that we will work with licensees to obtain compliance and use our resources to make a
52 determination. Ms. Marks clarified that at a minimum the Board could say if you were licensed

1 prior to specific date you would need to go get Live Scanned, and then it will build after that once
2 the Board is able to compare data with DOJ.

3
4 Dr. Faltz stated that just because this Board was not directly fingerprinting applicants does not
5 mean a licensee does not have fingerprints on file with the DOJ or FBI. Ms. Marks clarified that
6 licensees fingerprints must be on file for the Board of Psychology and this information cannot be
7 shared with any other agency and unique identifying codes represent the agency entitled to
8 receive background information.

9
10 Ms. Kassis directed the Board to the comment received from Dr. Kern-Jones, which is also
11 procedural, asking that we work with licensees whose prints are difficult to obtain, and requested
12 that their current license remain active until the processing is complete and while additional
13 fingerprints are submitted and processed. Ms. Kassis stated that procedurally live scan results
14 are reported with record information received or with a rejection. Ms. Kassis stated that the
15 Board works with the applicant to obtain quality prints and these regulations are not intended to
16 penalize anyone in any way rather an effort to ensure that we have fingerprints on file for all
17 licensees.

18
19 Dr. Rodolfa stated if a person is making a good faith effort to submit their fingerprints, this would
20 not affect their license. Ms. Kassis responded correct.

21
22 Ms. Kassis directed the Board to the comment received from Dr. Schwartzburd. Ms. Kassis
23 reported that the Board addressed this comment at their last meeting in regards to the reportable
24 fine limit of \$300.00 that must be disclosed. Ms. Kassis stated that based on the language in
25 subsection (c), the fine threshold of \$500.00 refers to omitting traffic infractions not involving
26 alcohol, a dangerous drug, or a controlled substance. Ms. Kassis reported that the Board voted
27 to raise the fine threshold to \$500.00 based on certain traffic infractions that may be more than
28 \$300.00, that do not involve alcohol, dangerous drugs or controlled substances. Ms. Kassis
29 stated that Mr. Schwartzburd has provided an additional comment in response to the change
30 included in the 15-day notice that Board needs to further address.

31
32 Dr. Rodolfa stated that just because the Board requires disclosure doesn't mean that action will
33 be taken against the licensee, the Board must first determine whether the violation is
34 substantially related to the practice of psychology. Ms. Marks stated that this individual is taking
35 exception to even having to disclose the information, and that this is the only negative comment
36 received and the Board would have to accept or reject.

37
38 Ms. Marks stated that as someone licensed by the Board by definition, they would have to give
39 up some privacy by disclosing the matter. Ms. Marks stated that the Board talked about raising
40 the limit from \$300 to \$500 because of red light violations, etc, and that the amount was not
41 arbitrary, rather what the Board felt they needed to be informed of. Ms. Marks stated that it is
42 within the purview of the Board to reject the comment and adopt the regulation as previously
43 modified, or to make some further decision in terms of doing another modification.

44
45 M(Sherman)/S(Vazquez)/C Vote 5 - 0 to adopt the proposed regulations for Sections 1381.7,
46 1381.8 and 1381.9 as noticed in the modified text.

47
48 M(Vazquez)/S(Sherman)/C Vote 5 – 0 to delegate the authority to the Executive Officer and Staff
49 Counsel to make any non-substantive, technical changes as necessary.
50

1 Ms. Marks pointed out to Dr. Faltz, in response to a question that he asked yesterday, that this is
2 where the language was included that says a license that has been expired for three years is
3 automatically cancelled.
4

5 **Agenda Item #13 – Public Comment on Items Not on the Agenda**
6

7 Steve Arthur, Ed.D., Ryokan College, provided information to the Board containing figures that he
8 got from an AB 48 new performance fact sheet. Mr. Arthur stated that the data for accredited
9 schools reflects that very few people over 30 years old attend, and alternatively, the data for
10 approved schools reflects very few people under 30 years old attend. Mr. Arthur stated that 74% of
11 their students obtain licensure. Mr. Arthur stated that he wants to change the perception here from
12 California being the only state has state approved schools that provide psychologists, and reframe it
13 to say that California gives an opportunity to this segment of the student population. Dr. Rodolfa
14 asked of the 91 students what percent of your graduates is this over the course of time, and how
15 representative is this data. Mr. Arthur responded that they sent out of 800 questionnaires to students
16 and alumni, as required by AB 48, and spans a few years. Dr. Sherman asked if the 74% of the 91
17 students includes MFTs and Psy.D. Mr. Arthur responded yes.
18

19 **Agenda Item #14 – Recommendations for Agenda Items for Future Board Meetings**
20

21 No recommendations were submitted.
22

23 It was M(Sherman)/S(Rodolfa)/C to adjourn the open session meeting.
24

25 Vote: 5 - 0
26

27 The open session meeting adjourned at 10:50 am.
28
29
30
31

32 _____
33 James L. McGhee
34 President

Date _____