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4 **BOARD MEETING MINUTES**

5 Department of Consumer Affairs  
6 **DRAFT** 2005 Evergreen Street, 1<sup>st</sup> Floor Hearing Room  
7 Sacramento, CA 95815-3894 **DRAFT**  
8  
9

10 **Thursday, August 18, 2011**  
11

12 **Agenda Item #1 – Credentials Committee**  
13

14 The Credentials Committee met to discuss and formulate recommendations to the  
15 Board. See agenda item 10(a) for the Board's discussion.  
16

17 **Agenda Item #2 – Continuing Education Committee**  
18

19 The Continuing Education Committee met to discuss and formulate recommendations  
20 to the Board. See agenda item 10(b) for the Board's discussion.  
21

22 **Friday, August 19, 2011**  
23

24 The open session meeting was called to order by the President, Richard Sherman,  
25 Ph.D., at 9:05 a.m. A quorum was present and due notice had been sent to all  
26 interested parties.  
27

28 **Members Present:**

29 Richard Sherman, Ph.D., President  
30 Emil Rodolfa, Ph.D., Vice-President  
31 Lucille Acquaye-Baddoo  
32 Barbara Cadow, Ph.D.  
33 Michael Erickson, Ph.D.  
34 Miguel Gallardo, Psy.D.  
35

36 **Others Present:**

37 Robert Kahane, Executive Officer  
38 Jeffrey Thomas, Assistant Executive Officer  
39 Norine Marks, Legal Counsel  
40 Gina Bayless, Enforcement Coordinator  
41 Lavinia Snyder, Licensing/Registration Program Coordinator  
42 Linda Kassis, Administrative Services Coordinator  
43 Denise Russell, Continuing Education/Probation Coordinator  
44 Deborah Morales, Enforcement/Investigations Analyst  
45  
46  
47  
48  
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1 **Agenda Item #3 – Approval of May 20-21, 2011 Minutes**

2  
3 It was M(Rodolfa)/S(Cadow)/C to approve the May 20-21, 2011, open session minutes.

4  
5 Vote: 5 – 0 (Ms. Acquaye-Baddoo was not present for vote)

6  
7 **Agenda Item #4 – Committee Assignments**

8  
9 Dr. Sherman reported that Dr. Cadow has been assigned as the Chairperson of the  
10 Outreach and Consumer Education Committee.

11  
12 **Agenda Item #5 – Petitioner Administrative Hearing**

13  
14 **9:00 A.M. – SIEGEL, Joel, Ph.D., Petition for Reinstatement**

15  
16 The petition for reinstatement was continued to the November 2011 Board meeting.

17  
18 **Agenda Item #6(a) – Presentation by G. V. Ayers, Consultant, Senate Committee**  
19 **on Business Professions & Economic Development Regarding Sunset Review**  
20 **Report**

21  
22 Mr. Ayers made a presentation to the Board regarding the Sunset Review process. He  
23 stated that all boards have a statute that sunsets the board on a date certain unless  
24 legislation is enacted to extend the existence of the board. He stated that the Board  
25 has received a request for completion of a Sunset Report to answer questions regarding  
26 the need to regulate the profession, the population regulated, backgrounds of Board  
27 members, vacancies on Board, enforcement and licensing issues as well as issues  
28 raised in the last Sunset process.

29  
30 Mr. Ayers stated that the Board's report must be completed and submitted by November  
31 1, 2011, and that the hearings will be held in February or March, 2012. He stated that  
32 the Committee will be reviewing the Board's report and will more than likely come back  
33 to the Board with additional questions and clarifications. He stated that following the  
34 hearings, presumably the Committee will introduce legislation to extend the Board's  
35 sunset date and to make any additional necessary changes. He stated that  
36 approximately eight boards were reviewed last year, and legislation has been  
37 introduced to extend all of their Sunset dates. He reported that all of the bills are  
38 currently at the Assembly Appropriations Committee.

39  
40 **Agenda Item #6(b) – Director's Report by Department of Consumer Affairs**  
41 **Representative**

42  
43 Erica Eisenlauer from the Department of Consumer Affairs' Office of Legislative and  
44 Policy Review stated that Mr. Stiger was in meetings at the Capitol, therefore, there will  
45 be no Director's report.

46  
47 **Agenda Item #7 – Legislation Committee**

48  
49 The Legislation Committee met to discuss and formulate recommendations to the  
50 Board. See agenda item 10(c) for the Board's discussion.



1 **Agenda Item #8 – Examination Committee**

2  
3 The Examination Committee met to discuss and formulate recommendations to the  
4 Board. See agenda item 10(d) for the Board's discussion.  
5

6 **Agenda Item # 9 – Outreach and Consumer Education Committee**

7  
8 The Outreach and Consumer Education Committee met to discuss and formulate  
9 recommendations to the Board. See agenda item 10(e) for the Board's discussion.  
10

11 **Agenda Item #10 – Reconvene Full Board for Committee Reports and Board**  
12 **Action**

13  
14 **a) Credentials Committee Report**

15  
16 **Strategic Plan Progress Report**

17 Dr. Rodolfa reviewed the Strategic Plan goals and objectives. He indicated that goal  
18 L-1 (Ensure accurate and timely processing of all applications) is ongoing, but as the  
19 satisfaction survey results that will be reviewed later will show, staff is doing very  
20 well. He stated that there were significant discussions held regarding goal L-2  
21 (Review qualifications for licensure) and that this issue will be discussed further later  
22 in the report. Dr. Rodolfa expressed the importance of continuing efforts regarding  
23 goal L-3 (Clearly communicate the required qualifications for licensure through  
24 publications, web updates and outreach). With regard to goal L-4 (Enhance  
25 communication for all applicant and consumer inquiries), he stated that the data  
26 shows that staff is doing a good job responding to these inquiries.  
27

28 **Satisfaction Survey Results**

29 Dr. Rodolfa stated that the percentage of good to excellent responses received on  
30 the surveys is extremely good, indicating up to 95% satisfaction in some areas. He  
31 stated that the results indicate that the responders are very satisfied with staff and  
32 the licensure process and thanked staff for their efforts on behalf of board and public  
33 to help applicants move through process of licensure.  
34

35 Dr. Sherman requested staff to add a percentage column on the next report.  
36

37 **Discuss Similarities and Differences of Education Requirements of APA and ASPPB**  
38 **Model Licensing Acts**

39 Dr. Rodolfa reported that the Credentials Committee's discussion of the model  
40 licensing acts lead to a discussion regarding the acceptance of approved schools in  
41 California which is significantly different than either model. He stated that California  
42 law requires the acceptance of degrees from approved schools. He stated that there  
43 are currently between seven and twelve approved schools that meet the criteria, and  
44 that a more exact number will be provided at the next Board meeting.  
45

1 Dr. Rodolfa expressed concern about the quality of training received from approved  
2 schools since approved schools cannot become members of national training  
3 associations and there are no collaboration between the schools. He further stated  
4 that students from approved schools cannot participate in the national psychology  
5 match. He also stated that students who graduated from approved schools have a  
6 33% pass rate compared to a 52% pass rate for graduates from the lowest 13  
7 accredited programs and that students from non-accredited programs nationally  
8 pass in the 40% range.

9  
10 Dr. Rodolfa also stated that graduates from approved schools cannot join the  
11 American Psychological Association, cannot become a member of the National  
12 Register, cannot become a member of the American Board of Professional  
13 Psychology, cannot be employed in the Veterans Affairs system, and cannot  
14 become licensed as a psychologist in any other state.

15  
16 Dr. Rodolfa stated that at the end of the discussion, it was determined that the Board  
17 needs to receive and review more information and that additional material will be  
18 made available at the November Board meeting. He indicated that while the Board  
19 is not an overseer of approved schools, it is an overseer of services provided by  
20 psychologists to a vulnerable public and that the goal that came out of this  
21 discussion was to decide whether the Board wants to work with the Legislature to  
22 take action to no longer allow students from approved schools to sit for licensure.

23  
24 Review Supervised Professional Experience (SPE) Plan Requirements Pursuant to  
25 Title 16, California Code of Regulations Section 1387(b)(10-11)

26 Dr. Rodolfa reported that the Board has received applications that revealed that the  
27 supervisors and trainees did not comply with the SPE plan requirement pursuant to  
28 section 1387(b)(10) and (11) which resulted in the Board denying the hours of SPE.  
29 He stated that applicants are allowed to appeal the denial of the hours by submitting  
30 evidence of how this requirement has been met and that staff is being as lenient as  
31 possible by accepting various forms of documentation of compliance when the form  
32 itself cannot be produced. He reported that applicants can continue to submit  
33 supporting documentation if the appeal is denied. Based on comments received  
34 requesting that the Board be more clear regarding the reasoning behind the denial of  
35 appeals, Dr. Rodolfa stated that staff is now providing more detailed information  
36 about why an appeal is being denied so that the applicant can provide appropriate  
37 documentation. He stated that to date, staff has approved approximately 90  
38 appeals, but approximately 10 appeals have been denied for a variety of reasons.

39  
40 Dr. Rodolfa reported that he recently met with Mr. Kahane, Mr. Thomas and Ms.  
41 Snyder to review the appeal process and saw how thoughtful they have been in  
42 moving through this process. He stated that staff has been fair in their decision  
43 making and that they interpret the submissions with leniency as demonstrated by  
44 approval of approximately 90% of the appeals received.

45  
46 Discussion ensued. One of the suggestions to the Board was to remove the  
47 requirement for an SPE plan from section 1387 which defines supervised  
48 professional experience to section 1387.1 which defines the qualifications and  
49 responsibilities of primary supervisors which puts the onus on the supervisor rather  
50 than the trainee. Another suggestion to the Board was to further define the  
51 coursework required to be taken by primary supervisors every two years which  
52 would provide more structure to the training received by primary supervisors.



Ms. Marks provided the Board with draft proposed language incorporating these recommendations. Further discussion ensued.

It was M(Rodolfa)/S(Gallardo)/C to approve the draft language as discussed and to bring it back to the November meeting.

Vote: 6 - 0

Discuss Substantial Compliance Criteria for Out-of-State Experience Pursuant to California Code of Regulations Section 1387.4

Dr. Rodolfa stated that there has been some confusion regarding the substantial compliance language contained in section 1387.4(a) regarding out-of-state supervised professional experience. He suggested that subsection (a) be revised to remove number 3 which reads "in substantial compliance with all the supervision requirements of section 1387." He indicated that he feels that this will eliminate the confusion as we would no longer need to apply substantial compliance standards, which is a fairer way to review out-of-state experience.

It was M(Rodolfa)/S(Cadow)/C to accept the proposed amendment to this language and to bring it back to the November meeting.

Vote: 6 – 0

Discuss Accrual of Clinical Research Hours Towards Supervised Professional Experience

Dr. Rodolfa stated that the Credentials Committee did not have time to review this item and that it will be placed on the agenda for the November meeting. He also requested that any documentation regarding this issue also be put in the meeting packets.

It was M( Rodolfa)/S(Erickson)/C to approve the Credential Committee's report and the recommendations contained therein.

Vote: 6 – 0

**b) Continuing Education Committee Report**

Strategic Plan Progress Report

Dr. Gallardo reviewed the Strategic Plan goals and objectives. With regard to goal CE-1 (Develop cohesive continuing education guidelines), he reported that the proposed regulation changes are moving forward in the rulemaking process. He also stated that we are working with the MCEP Accrediting Agency (MCEPAA) to educate psychologists and providers regarding the upcoming changes and that they have offered their assistance in this process by providing information to licensees via their website and mailings. With regard to goal CE-2 (Ensure licensee compliance with continuing education requirements), Dr. Gallardo reported that the Continuing Education Committee continues to monitor the MCEPAA non-compliance reports. He also stated that under the new regulations, we will be shooting for a 10% audit of licensees' continuing education as opposed to the 100% audit provided under the current regulations. He reported that in terms of outreach, we are doing the best we can given the current circumstances. He stated that Mr. Kahane, Mr. Thomas and

1 Karen Johnson, one of the Board's Licensing Analysts, attended the CPA  
2 convention in April, Mr. Thomas will be attending the Los Angeles County  
3 Psychological Association convention on October 22, 2011, and Mr. Kahane and Mr.  
4 Thomas will be attending a meeting of the Iranian Psychological Association in  
5 January.

#### 6 7 Continuing Education Statistics

8 Dr. Gallardo referred to the continuing education statistics that were included in the  
9 Board meeting packets. He indicated that the non-compliance rate has been cut in  
10 half in recent months due to letters that are being sent out in advance by MCEPAA.  
11 He indicated that this greatly reduced Board staff time and is a very positive change.  
12

#### 13 Review Draft Regulation Language – Continuing Education Provider System (Title 14 16, California Code of Regulations Section 1397.60 – 1397.7.71) -

15 Dr. Gallardo reported that the Continuing Education Committee held a lengthy  
16 discussion regarding the continuing education regulations. He stated that the  
17 proposed changes are moving forward in the rulemaking process. He indicated that  
18 one point of discussion was regarding the entities that have been designated as  
19 serving as accrediting bodies and if the national standard that has been put forth in  
20 new regulations sufficiently addresses appropriate demographics. Discussion  
21 ensued. Dr. Gallardo stated that the Continuing Education Committee's  
22 recommendation that would make the most sense at this time is to support and  
23 continue to move forward with the proposed regulations but also to continue the  
24 discussion regarding the addition of additional language to establish criteria to allow  
25 for other entities to be recognized by the Board once the new regulations are in  
26 effect.  
27

28 It was M(Gallardo)/S(Acquaye-Baddoo)/C to approve the Continuing Education  
29 Committee's report and the recommendations contained therein.

30  
31 Vote: 6 – 0  
32

#### 33 **c) Legislation Committee Report**

##### 34 35 Strategic Plan Progress Report

36 Dr. Erickson reported that the Strategic Plan goals and objectives are ongoing. He  
37 reported that at the last Board meeting, Mr. Stiger stated that enforcement is the  
38 highest priority of the Department of Consumer Affairs. In support of this priority, Dr.  
39 Erickson reported that the Consumer Protection Enforcement Initiative regulations  
40 are moving forward.  
41

##### 42 SB 33 (Simitian and Wolk) – Elder and Dependent Adult Abuse

43 Dr. Erickson reported that this bill extends the current legislation and is at its third  
44 reading and is ready for full Assembly floor vote.  
45

##### 46 AB 40 (Yamada) – Elder Abuse: Reporting

47 Dr. Erickson reported that this bill is not active as it did not get out of policy  
48 committee.  
49  
50  
51  
52

1 SB 718 (Vargas) – Elder and Dependent Adult Abuse: Mandated Reporting

2 Dr. Erickson reported that this bill is in appropriations and has been ordered to the  
3 consent calendar which suggests a general agreement on the bill. He stated that  
4 absent of any significant controversy, the bill should move forward rather easily.  
5

6  
7 SB 48 (Leno) – Public Instruction: Prohibition of Discriminatory Content

8 Dr. Erickson reported that this bill was signed by the Governor and will be in place  
9 as current law effective January 1, 2012.  
10

11 SB 105 (Yee) – Public Safety: Snow Sport Helmets

12 Dr. Erickson reported that this bill has widespread support including the Board and  
13 CPA. He stated that it passed the Legislature and is in route to Governor for review.  
14 He stated that the likelihood that it will be signed appears to be strong, however, an  
15 argument against the bill is that it would create another crime.  
16

17 AB 201 (Butler) – Veterans Courts

18 Dr. Erickson reported that this bill was vetoed by the Governor.  
19

20 AB 415 (Logue) – Healing Arts: Telehealth

21 Dr. Erickson reported that this bill got as far as the Appropriations Committee, but  
22 has been placed in a suspense file due to the cost. He stated that there is a good  
23 chance that this will move forward next year, and that it has gone as far as it has this  
24 year is good news. Dr. Gallardo and Dr. Rodolfa expressed interest in supporting  
25 this bill when it comes back next year. Dr. Erickson requested that Mr. Kahane  
26 contact the author's office to express the Board's interest in this bill.  
27

28 SB 541 (Price) – Contractors' State License Regulatory Boards: Expert Consultants

29 Dr. Erickson reported that this bill would simplify the contracts by which we contract  
30 with enforcement and examination experts. He stated that it is currently in  
31 appropriations and hopes that it will move forward.  
32

33 AB 584 (Fong) – Workers' Compensation: Utilization Review

34 Dr. Erickson reported that this bill is in appropriations, however, it is in the suspense  
35 file and probably will not move forward this year.  
36

37 AB 611 (Gordon) – Private Postsecondary Education: Unaccredited Doctoral Degree  
38 Program

39 Dr. Erickson reported that this bill was signed by the Governor and will be in place  
40 as current law effective January 1, 2012.  
41

42 AB 625 (Ammiano) – Sex Offender Registration

43 Dr. Erickson reported that this bill is in inactive status.  
44

45 SB 747 – (Kehoe) – Continuing Education: Lesbian, Gay, Bisexual and  
46 Transgender Patients

47 Dr. Erickson reported that this bill is in suspense, so it probably will not progress. He  
48 stated that the Board previously voted to oppose this bill based on its policy to allow  
49 licensees to determine which continuing education courses best suit their areas of  
50 practice.  
51  
52

1 Legislative Status Report & 2011 Legislative Calendar

2 Dr. Erickson referred to the Legislative update report on bills of interest to the Board  
3 and the Legislative Calendar which were included in the meeting packets.  
4

5 Any Other Bills of Interest

6 None.  
7

8 It was M(Acquaye-Baddoo)/S(Erickson)/C to approve the Legislation Committee's report  
9 and the recommendations contained therein.  
10

11 Vote: 6 – 0  
12

13 **d) Examination Committee Report**  
14

15 Strategic Plan Progress Report

16 Dr. Rodolfa reported that the Strategic Plan goals and objectives are ongoing. He  
17 stated that OPES is reviewing our examinations based on the practice analysis  
18 validating the EPPP. He stated that OPES is having trouble finding non-mental  
19 health psychologists to participate in this review and requested that if any Board or  
20 audience members know of any non-mental health psychologists to have them  
21 contact Ms. Snyder if they are interested in participating. He stated that he has  
22 contacted CPA's Division of Industrial/Organizational Psychology and they will  
23 hopefully send a notice out on their listserve to let licensed industrial/organizational  
24 psychologists know about these workshops. Dr. Rodolfa stated that this is an  
25 intense process to look at how the state examination compares with the national  
26 EPPP and that he is hoping that they will find significant overlap between the EPPP  
27 and the CPSE so that the CPSE can focus primarily on laws and ethics rather than  
28 being a broader examination.  
29

30 Examination Statistics

31 Dr. Rodolfa reported that the California pass rate on the EPPP is approximately 83%  
32 for first-time takers and approximately 71% overall which is relatively similar to the  
33 national data. He reported that the pass rate of the CPSE is approximately 87% for  
34 first-time takers and almost 87% for all candidates. He commented that this is a  
35 very high pass rate. Dr. Rodolfa reported that the pass rate for the CPLEE, which is  
36 taken in lieu of the CPSE by qualifying candidates who have been licensed for at  
37 least five years in another jurisdiction, is dishearteningly low with a pass rate of  
38 approximately 48% for first-time takers and approximately 51% overall. He stated  
39 that he feels this is due to the lack of studying by these candidates.  
40

41 It was M(Rodolfa)/S(Erickson)/C to approve the Examination Committee's report.  
42

43 Vote: 6 – 0  
44

45 **e) Outreach and Consumer Education Committee Report**  
46

47 Strategic Plan Progress Report

48 Dr. Cadow reviewed the Strategic Plan goals and objectives. She stated that with  
49 regard to goal EO-1 (Publish the "BOP Update"), staff has been publishing the BOP  
50 Update on the Board's website. Regarding goal EO-2 (Increase use of electronic  
51 and internet media for gathering and disseminating information to consumers,  
52 licensees, applicants, registrants and stakeholders), she stated that the Executive



Officer is considering consolidating a short video greeting and the EO Corner into one section on the Board's home page. She stated that staff continues to post Board documents on the website and conduct surveys.

Regarding goal EO-3 (Increase visibility and awareness of the BOP's functions and activities), she stated that the Outreach and Consumer Education Committee discussed the possibility of posting podcasts on its website regarding Board members and Board activities. She stated that the Board's request to attend the ASPPB meeting in Chicago was denied, but that we will be able to attend and will be making a presentation at the CPA convention in April in Monterey. She also stated that Mr. Thomas will be attending the LACPA convention on October 22, 2011. She reported that the committee discussed having a meeting of Northern California training directors. Dr. Rodolfa stated that California State University, San Jose may allow the Board to have the meeting there.

With regard to goal EO-4 (Provide information to psychologists and trainees about opportunities to offer psychological services to underserved communities), Dr. Cadow indicated that no progress has been made due to cost restrictions.

Dr. Cadow reported that goals EO-5 (Monitor and update the BOP website) and EO-6 (Inform key stakeholders about the role, activities and purpose of the BOP) are ongoing.

It was M(Cadow)/S(Gallardo)/C to approve the Outreach and Consumer Education Committee's report.

Vote: 6- 0

### **Saturday, August 20, 2011**

The open session meeting was called to order by the President, Richard Sherman, Ph.D., at 9:06 a.m. A quorum was present and due notice had been sent to all interested parties.

#### **Members Present:**

Richard Sherman, Ph.D., President  
Emil Rodolfa, Ph.D., Vice-President  
Lucille Acquaye-Baddoo  
Michael Erickson, Ph.D.  
Miguel Gallardo, Psy.D.

#### **Others Present:**

Robert Kahane, Executive Officer  
Jeffrey Thomas, Assistant Executive Officer  
Norine Marks, Legal Counsel  
Gina Bayless, Enforcement Coordinator  
Linda Kassis, Administrative Services Coordinator  
Denise Russell, Continuing Education/Probation Coordinator  
Deborah Morales, Enforcement/Investigations Analyst

**Agenda Item #11 - Regulation Update, Review and Action as Necessary**

**a) Regulations Status Report**

Ms. Kassis reported that the rulemaking file for the amendments to sections 1387.1, 1381.8 and 1381.9 (Renewal of License – Disclosure of Discipline and Criminal Convictions) was approved by the Office of Administrative Law and became effective on March 4, 2011. Board staff has been working with DCA to implement the new regulations and anticipates letters will be sent to affected licensees within four to six weeks.

**b) Update regarding Proposed Amendments to Title 16, California Code of Regulations Sections 1397.60 – 1397.7 – Continuing Education Requirements**

Ms. Kassis stated that she needs a motion from the Board to issue a 15-day notice to include the underlying data previously reviewed by the Board into the rulemaking file. She stated that she does not anticipate receiving any negative comments on this notice, however, if any are received, they must be brought back to the Board for review and consideration.

It was M(Gallardo)/S(Acquaye-Baddoo)/C to issue a 15-day notice to include the underlying data previously reviewed by the Board into the rulemaking file.

Vote: 5 – 0

**c) Adoption of Amendments to Title 16, California Code of Regulations, Sections 1380.4 & 1397.2 – Delegation of Functions & Unprofessional Conduct – Review Comment(s) received in response to 15-day Notice**

Ms. Marks stated that the Board is not required to address comments that are not related to the modified text as noticed on August 3, 2011, however, the Board can decide to entertain any comments made. The Board reviewed a written comment received from Dr. Linder-Crow and Dr. Faltz on behalf of the California Psychological Association. Concerns were raised regarding the provisions in section 1380.4 which delegates duties to the Board's Executive Officer, including the authority to order an examination and the ability to approve a settlement agreement for the revocation, surrender, or interim suspension of a license or registration. CPA also raised concerns regarding the provisions of section 1397.2, specifically the addition of failure to provide lawfully requested certified copies of documents within 15 days of receipt of the request from the Board, failure to cooperate and participate in any Board investigation pending against the licensee or registrant, and failure to report to the Board within 30 days the bringing of an indictment or information charging a felony against the licensee or registrant, or the arrest of the licensee or registrant, as actions constituting unprofessional conduct. Discussion ensued.

It was M(Rodolfa)/S(Gallardo)/C to adopt the modified language for section 1380.4 as noticed.

Vote: 4 – 1

1 It was M(Gallardo)/S(Rodolfa)/C to issue a 15-day notice of proposed changes to  
2 delete subsections (1) and (2) from section 1397.2(d) to eliminate the requirement  
3 for a licensee or registrant to disclose, within 30 days, the bringing of an indictment  
4 or information charging a felony against the licensee or registrant, or the arrest of  
5 the licensee or registrant, and to delegate the authority to the Executive Officer to  
6 adopt the language of 1397.2 in absence of any negative comments during the 15-  
7 day comment period.

8  
9 Vote: 4 – 0 - 1

10  
11 **d) Update regarding Proposed Amendments to Title 16, California Code of**  
12 **Regulations, Section 1397.12 – Uniform Standards Related to Substance and**  
13 **Disciplinary Guidelines**

14  
15 Ms. Kassis reported that the Board previously approved draft language to be noticed  
16 for a regulation hearing, and, given the priority of enforcement, Board staff will try to  
17 have it noticed for hearing at the November Board meeting.

18  
19 **e) Update regarding Proposed Amendments to Title 16, California Code of**  
20 **Regulations, Division 13.1, Article 1 (General Provisions), Article 2**  
21 **(Applications), Article 3 (Education and Experience), Article 4 (Examination),**  
22 **Article 5 (Registered Psychologists), Article 5.1 (Psychological Assistants)**  
23 **and Article 6 (Fees)**

24  
25 The Board voted to approve a change to the proposed revisions to sections 1387  
26 and 1387.1 and to bring revised draft language to the next Board meeting for review  
27 by the Credentials Committee.

28  
29 **f) Update regarding Proposed Amendments to Title 16, California Code of**  
30 **Regulations, Section 1382.6 – Aging and Long-Term Care Training**  
31 **Requirements**

32  
33 The Board previously approved draft language to be noticed for a regulation hearing.  
34 Board staff will have it noticed for a future Board meeting based on its priority.

35  
36 **g) Update regarding Approved Amendments to Title 16, California Code of**  
37 **Regulations Sections 1381.7, 1381.8 and 1381.9 – Disclosure of Discipline and**  
38 **Criminal Convictions**

39  
40 Ms. Kassis reported that the rulemaking file was approved by the Office of  
41 Administrative Law and became effective on March 4, 2011. Board staff has been  
42 working with DCA to implement the new regulations and anticipates letters will be  
43 sent to affected licensees within four to six weeks.

44  
45 **Agenda Item #12 – Enforcement Committee**

46  
47 The Enforcement Committee met to discuss and formulate recommendations to the  
48 Board. See agenda item 14(a) for the Board's discussion.



1 **Agenda Item #13 – Contemporary & Emerging Issues Committee**

2  
3 The Contemporary and Emerging Issues Committee met to discuss and formulate  
4 recommendations to the Board. See agenda item 14(b) for the Board's discussion.  
5

6 **Agenda Item #14 – Reconvene Full Board for Committee Reports and Board**  
7 **Action**

8  
9 **a) Enforcement Committee Report**

10  
11 Strategic Plan Progress Report

12 Ms. Acquaye-Baddoo reported that the Strategic Plan goals and objectives are  
13 ongoing.  
14

15 Enforcement Statistics

16 Ms. Acquaye-Baddoo referred to the enforcement statistics that were included in the  
17 meeting packets. She noted that the number of complaints received for Fiscal Year  
18 2010/2011 was 785 which shows a steady increase over the years. She also noted  
19 that the number of formal disciplinary actions is down slightly to 17 this year  
20 compared to 21 last year.  
21

22 Ms. Acquaye-Baddoo referred to the Monthly Enforcement Report to DCA that was  
23 included in the meeting packets. She stated that the focus of this report is the  
24 processing times and the volume of cases. Ms. Bayless explained that under the  
25 investigation section of the report, the investigations are broken down between desk  
26 investigations and sworn investigations and then are combined into a table that  
27 shows all investigations. She reported that the average number of days to complete  
28 all investigations is 93 days. She stated that similar statistics are available for  
29 discipline orders as well. Ms. Acquaye-Baddoo stated that staff follows up on all  
30 cases at least once a month in order to keep the cases moving.  
31

32 Ms. Acquaye-Baddoo referred to the Performance Measures report that was  
33 included in the meeting packets. She stated that this is an ongoing, annual report  
34 that focuses on processing times and lists accomplishments.  
35

36 Ms. Acquaye-Baddoo thanked the enforcement staff for a wonderful job.  
37

38 It was M(Acquaye-Baddoo)/S(Rodolfa)/C to approve the Enforcement Committee's  
39 report.  
40

41 Vote: 5 – 0  
42

43 **b) Committee on Contemporary & Emerging Issues Report**

44  
45 Discussion regarding Telehealth

46 Dr. Erickson explained that the purpose of the Committee on Contemporary and  
47 Emerging Issues is to take new issues as they arise and package them so that they  
48 can be expeditiously referred to the appropriate committee to further work on the  
49 issue.  
50

51 Dr. Erickson reported that AB 415 (Logue) regarding telehealth probably will not go  
52 any further this year, but he is hopeful for next year. He explained that the bill would

1 remove current restrictions from telehealth services provided by email and telephone  
2 and would require insurance to pay for services provided by telehealth as well as  
3 remove onerous requirements of having written consent in advance of providing  
4 service. Dr. Erickson discussed a report by the Center for Connected Health Policy  
5 titled Advancing California's Leadership in Telehealth Policy which was included in  
6 the meeting packets. He stated that this report provides a great overview of where  
7 things could be headed. He reported that at a national level, efforts are being made  
8 by ASPPB to develop guidelines that could be useful for all jurisdictions within the  
9 country. He stated that there are many issues at a practical level such as the use of  
10 Skype to talk to patients and to provide services and the provision of treatment to  
11 patients located in another state and who would have a duty to regulate in that  
12 situation. Dr. Rodolfa stated that this is an area in which all boards nationally are  
13 behind since there are people who are currently practicing telehealth, and he hopes  
14 that ASPPB comes through and that the Board adopts regulations to address this  
15 issue..

#### 16 17 Discussion regarding Continued Competency

18 Dr. Erickson stated that continued competency is a relatively new concept which  
19 looks at how a psychologist can demonstrate competency beyond continuing  
20 education. He stated that DCA has an interest in continued competency. Dr.  
21 Rodolfa stated that ASPPB is focusing on continued competency and he has  
22 gathered some information from them on this subject. He stated that most states  
23 are looking at continuing education where continued competency is broadening the  
24 concept of continued professional development by broadly defining what activities  
25 can be included. Dr. Erickson recommended that this topic be referred to the  
26 Continuing Education Committee.

27  
28 It was M(Erickson)/S(Acquaye-Baddoo)/C to approve the Committee on Contemporary  
29 and Emerging Issues' report.

30  
31 Vote: 5 – 0

#### 32 33 Agenda Item #15 – President's Report

##### 34 35 **a) Monthly Meeting with Executive Officer**

36  
37 Dr. Sherman reported that he continues to meet with Mr. Kahane on a monthly basis  
38 and has telephone and/or email contact with him almost daily. He stated that he was  
39 working on a DCA taskforce for the new Executive Officer performance evaluation  
40 process and as a result of the recent Board review, Mr. Kahane was given a salary  
41 increase. He also reported that DCA will be working on modernizing and upgrading the  
42 salary steps for all executive officers since there is a cap placed on potential raises.

##### 43 44 **b) DCA Monthly Conference Call**

45  
46 Dr. Sherman stated that he participates in a monthly conference call with other  
47 board/bureau officers, chairpersons, presidents, and DCA staff to keep apprised of  
48 changes within DCA. He stated that topics discussed include staff changes within DCA  
49 and the Department of Finance, budget issues travel restrictions, hiring freeze and other  
50 issues that affect all government, including special fund agencies. He commented that  
51 the Board of Psychology has done an amazing job given the current restraints.  
52

1 **c) Other Informational Items**

2  
3 Dr. Sherman reported on a workgroup spearheaded by the Board of Behavioral  
4 Sciences regarding consumer complaints involving child custody evaluations. He stated  
5 that the first meeting was held on August 3, 2011. He reported that an issue that came  
6 up regarding patient complaints about 730 evaluations and that there is nothing in the  
7 law to allow for records to be released in these situations. He stated that he would like  
8 to see this issue on the agenda for the Enforcement Committee and the Legislation  
9 Committee.

10  
11 Dr. Sherman congratulated Ms. Acquaye-Baddoo on her reappointment to the Board.  
12 He stated that Ms. Celinda Vazquez was not able to be here for this meeting and that  
13 her term will be expiring on September 1, 2011 and that a new Board member will be  
14 attending the next meeting.

15  
16 **Agenda Item #16 – Executive Officer's Report**

17  
18 **a) Staff Update**

19  
20 Mr. Kahane stated that the hiring freeze is still in effect which has left the Board with  
21 vacant positions. As a result of these vacancies, the Board's coordinators' workloads  
22 have increased since they have to absorb the additional workload created by the  
23 staffing shortages. He thanked the Board's coordinators, Ms. Bayless, Ms. Kassis, Ms.  
24 Russell, Ms. Snyder and Ms. Morales, the newest coordinator, for their efforts during  
25 these difficult times.

26  
27 **b) Budget Update**

28  
29 Mr. Kahane stated that the Department of Finance implemented a 5% budget cut across  
30 DCA. He stated that every agency within DCA was required to reduce their budgets by  
31 5%, and he thanked Ms. Kassis for her assistance in this process.

32  
33 **c) Board Operations**

34  
35 Mr. Kahane stated that the staff is doing well and that operationally, the Board is moving  
36 along nicely.

37  
38 **d) 2012 Board Calendar**

39  
40 Mr. Kahane stated that staff will be providing a suggested revised calendar for 2012 at  
41 the November meeting which will reflect three meetings per year instead of four since  
42 many issues are having to be deferred to future meetings due to the short amount of  
43 time between meetings currently. He reported that the Board is in agreement to  
44 conducting meetings on Thursday/Friday as opposed to Friday/Saturday.

45  
46 **e) Sunset Review**

47  
48 Mr. Kahane discussed the presentation made by G. V. Ayers, Consultant, Senate  
49 Committee on Business Professions & Economic Development regarding the Sunset  
50 Review process the previous day. He stated that a lot of the narrative that is required in  
51 the report has been done on previous Sunset Review reports which should assist in  
52 preparing this year's report.



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

4 Mr. Kahane reported that the trip to attend the ASPPB meeting in Chicago has been  
5 denied. He stated that the Board is working on a possible presentation regarding Board  
6 myths and realities at the CPA convention in April and will be submitting the proposal to  
7 CPA by the deadline.  
8

9 **Agenda Item #17 – Acknowledgement and Recognition of Board Member Whose**  
10 **Term of Service on the Board Expires June 1, 2011**  
11

12 Dr. Sherman stated that staff will be sending Ms. Vazquez' plaque recognizing her  
13 service to the Board since she was not able to attend this meeting.  
14

15 **Agenda Item #18 – Public Comment on Items Not on the Agenda**  
16

17 None.  
18

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

21 Dr. Linder-Crow requested the Board to consider that the month of October is extremely  
22 busy for the state association and its chapters when planning the Board's calendar for  
23 next year.  
24

25 The open session meeting adjourned at 11:55 a.m.  
26  
27  
28  
29  
30

31 \_\_\_\_\_  
32 Richard Sherman, Ph.D.  
33 President

\_\_\_\_\_  
Date

