

**BOARD OF PSYCHOLOGY**

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5

**BOARD MEETING MINUTES**

6

Holiday Inn San Diego Bayside

7

4875 North Harbor Drive, Pt. Loma Room

8

San Diego, CA 92106

9

10

11 **Thursday, October 18, 2012**

12

13 The open session meeting was called to order by Michael Erickson, Board President at  
14 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

15

16 **Members Present:**

17 Michael Erickson, Ph.D., Board President

18 Barbara Cadow, Ph.D., Board Vice-President

19 Lucille Acquaye-Baddoo

20 Johanna Arias-Bhatia

21 Miguel Gallardo, Psy.D.

22 Andrew Harlem, Ph.D.

23 Nicole J. Jones

24 John Preston, Psy.D.

25

26 **Others Present:**

27 Robert Kahane, Executive Officer

28 Jeffrey Thomas, Assistant Executive Officer

29 Norine Marks, Legal Counsel

30 Gina Bayless, Enforcement Coordinator

31 Linda Kassis, Administrative Services Coordinator

32 Lavinia Snyder, Licensing/Registration Coordinator

33 Denise Russell, Special Investigator

34

35

36 **Agenda Item #1 – Introduction and Administration of Oath of Office to New Board**

37 **Members**

38

39 Mr. Kahane administered the oath of office to Dr. Harlem, Dr. Preston, Ms. Jones and Ms. Arias-  
40 Bhatia.

41

42 **Agenda Item #2 – Approval of February 23-24, 2012 and June 21-22, 2012 Minutes**

43

44 It was M(Cadow)/S(Gallardo)/C to approve the February 23-24, 2012 minutes as amended with  
45 minor typographical changes.

46

47 Vote: 7 – 0

48

49 It was M(Cadow)/S(Jones)/C to approve the June 21-22, 2012 minutes.

50

51 Vote 7 – 0

52

53

1 **Agenda Item #3 – President’s Report**

2  
3 **a) 2013 Board Meeting Calendar**

4  
5 Dr. Erickson discussed the proposed 2013 Board Meeting Calendar. He stated that it appears  
6 that having three meetings annually as opposed to four has worked well this year. He stated  
7 that the three-meeting calendar is beneficial to staff workload and that there have been no  
8 delays in enforcement cases which provides appropriate consumer protection. Mr. Kahane  
9 stated that this format provides enough time between Board meetings to conduct individual  
10 committee meetings if the Chairperson of the committee deems it necessary. Dr. Cadow  
11 requested that the issue be reevaluated at some point in the future.

12  
13 Dr. Linder-Crow, Chief Executive Officer of the California Psychological Association (CPA),  
14 indicated that CPA will be conducting a meeting on October 25-26, 2013, which will have a one-  
15 day overlap with the October Board meeting.

16  
17 **b) Committee Assignments**

18  
19 Dr. Erickson reported that he has discussed the interests of the four new Board members and  
20 has tried to accommodate their interests in making committee assignments. He stated that the  
21 assignments are not cast in stone and that he can entertain requests for adjustments at a later  
22 date.

23  
24 Dr. Erickson announced the following committee assignments:

- 25  
26 Credentials Committee: Dr. Gallardo (Chair), Dr. Harlem and Dr. Preston  
27 Examination Committee: Dr. Cadow (Chair), Dr. Preston and Dr. Harlem  
28 Enforcement Committee: Ms. Acquaye-Baddoo (Chair), Ms. Arias-Bhatia  
29 Legislation Committee: Ms. Jones (Chair), Dr. Preston and Ms. Arias-Bhatia  
30 Continuing Education Committee: Dr. Gallardo (Chair), Dr. Cadow and Ms. Arias-Bhatia  
31 Outreach Committee: Dr. Gallardo (Chair), Ms. Acquaye-Baddoo and Ms. Jones  
32 Contemporary & Emerging Issues Committee: Dr. Cadow (Chair), Dr. Harlem and Ms. Jones  
33

34 **c) Discuss Upcoming Executive Officer Performance Review**

35  
36 Mr. Thomas reported that he will be looking into the Executive Officer Performance Evaluation  
37 process and will be working with Dr. Erickson to implement the process.

38  
39 **Agenda Item #4 – Executive Officer’s Report**

40  
41 **a) Board Operations**

42  
43 Mr. Kahane reported the major Board relocation to DCA Headquarters went well, with very few  
44 incidents. The Board is now in a larger, more professional office. The Board staff welcomed the  
45 move and has settled in nicely. A small financial windfall, due to an improper bid, saved ten  
46 thousand dollars in moving expenses. Thanks to all staff for their contributions, especially Mr.  
47 Thomas and Ms. Bayless for all their preparation, coordination and oversight regarding the  
48 issues of move logistics. Our current lease rate is approximately .05/per square foot more than  
49 our previous office.

50  
51 Mr. Kahane noted recent staffing changes. The Board filled both the Special investigator  
52 positions. Denise Russell filled to one position and Ms. Nicole Walker starts shortly in the other  
53 position. As a result, a vacant Staff Services Analyst (SSA) position was posted and

1 applications have been received. The Governor ordered all Boards to eliminate the positions of  
2 Retired Annuitants, unless an approved extension upon appeal with the Secretary of the State  
3 and Consumer Services Agency. The Board was granted a continuation of one of the Retired  
4 Annuitant positions through December 31, 2012. The Board has relied on these positions to  
5 assist licensing and help with any backlog. The Board is looking for other personnel  
6 classifications, such as Permanent Intermittent or otherwise to contribute in those duties. Ms.  
7 Okuma is cleaning up the CE's in preparation for the end of MCEP. The Board will be able to  
8 keep that position until March 31, 2013.

9  
10 **b) Budget Update**

11  
12 Mr. Kahane reported that the Board's budget is in good shape. He stated that he will ask the  
13 Board's budget analyst at DCA to make a presentation to the Board at the next Board meeting.  
14

15 **c) Sunset Review**

16  
17 Mr. Kahane stated numerous bills were merged and passed all at once (multiple Sunset). The  
18 Board's sunset date was extended four years.

19  
20 **d) BreEZe Project**

21  
22 Mr. Kahane stated that the implementation of the BreEZe project has been pushed back by  
23 DCA administration. He indicated that staff has been required to devote a lot of time to this  
24 implementation, and that upcoming system testing and training will require substantially more  
25 staff time.  
26

27 **e) Association of State & Provincial Psychology Boards (ASPPB) Annual Meeting**

28  
29 Mr. Kahane relayed the following information. After meeting with the Director of DCA, Board and  
30 Bureau Relations Director, and the Chief of the Administrative Service, the Board is approved to  
31 attend the Association of States and Provincial Psychology Boards event in San Francisco next  
32 week. The Board has DCA support. It was discussed that as the Board licenses almost 25% of  
33 the nation's psychologists, it cannot remove itself as national leaders in the field. Nor can the  
34 Board defer to other states for some important issues which only California can understand due  
35 to its population and diversity. Mr. Kahane will be speaking on two panels and voting as the  
36 California delegate. He will also be facilitating two discussion groups. Dr. Erickson and Dr.  
37 Cadow also plan on attending for part of the conference.  
38

39 **f) Other Informational Items**

40  
41 Mr. Kahane welcomed the new Board Members and looks forward to working together in their  
42 terms as members of the BOP working for the consumers of California.  
43

44 **Agenda Item #5 – Petitioner Administrative Hearing**

45  
46 **9:15 A.M. – BETZ, Brian, Ph.D.- Petition for Termination of Probation**

47  
48 Administrative Law Judge James Ahler presided. Deputy Attorney General Benneth Brown was  
49 present and represented the people of the State of California. Brian Betz, Ph.D. was present  
50 and represented himself.  
51

1 The Board adjourned into closed session at the conclusion of the hearing pursuant to  
2 Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions, including  
3 the above petition, stipulations and proposed decisions.  
4

5 **1:30 P.M. – OPEN SESSION**  
6  
7  
8

9 **Continuing Education Committee**

10  
11 The Continuing Education Committee met to discuss and formulate recommendations to the  
12 Board. See agenda item #6 for the Board's discussion.  
13

14 **Legislation Committee**

15  
16 The Legislation Committee met to discuss and formulate recommendations to the Board. See  
17 agenda item #7 for the Board's discussion.  
18

19 **Reconvene Full Board for Committee Reports and Board Action**

20  
21 **Agenda Item #6 – Continuing Education Committee**  
22

23 **a) Strategic Plan Progress Report**  
24

25 Dr. Gallardo reported that the first objective to develop cohesive continuing education guidelines  
26 has been done and that the next Strategic Plan Update at the next Board meeting will state that  
27 it has been completed.  
28

29 Dr. Gallardo reported that the Board is continuing to educate licensees regarding the changes in  
30 the continuing education regulations, which become effective on January 1, 2013. He stated  
31 that as of that date, the MCEP Accrediting Agency will no longer be in existence and that  
32 psychologists will be required to obtain and record their own continuing education records. He  
33 reported that CPA has developed a continuing education banking system to assist psychologists  
34 who do not want to be responsible and accountable for their own continuing education records.  
35 Ms. Russell indicated that the first random audits performed by Board staff will likely be in  
36 February 2013.  
37

38 **b) Continuing Education Statistics**  
39

40 Dr. Gallardo reported that the continuing education statistics provided in the Board packets are  
41 not an accurate representation and that this information needs to be revisited. He stated that  
42 the correct statistics will be reported at the next Board meeting.  
43

44 **c) Discussion Regarding Continued Competency**  
45

46 Dr. Gallardo reported that the Continuing Education Committee is still committed to moving  
47 toward a continued professional development model in California. He stated that this model  
48 would provide more flexibility and a wider range of options for psychologists to maintain  
49 competency such as case consultation, teaching classes and publications. Dr. Gallardo stated  
50 that he will be contacting Dr. Jackie Horn to obtain a final draft of the template from ASPPB. He  
51 stated that once that is obtained, the Continuing Education Committee will start to work on how  
52 the model will look like for this state.  
53

1 **d) Discussion Regarding Requiring Continuing Education in Multicultural Issues**

2  
3 Dr. Gallardo reported that as the Board moves toward a continued professional development  
4 model, he wants to be mindful to include some requirements in that process that require  
5 licensees to obtain education and training in multicultural issues in a broad sense as well and to  
6 keep in mind the need to ensure providers and psychologists are responsive to demographics.  
7

8 **e) Discussion and Consideration of Amendments to Continuing Education Regulations**  
9 **to Establish Criteria for Accepting Entities to Approve CE Providers and Courses**

10  
11 Dr. Gallardo reported that the consideration of amendments in this regard continues to be a  
12 difficult challenge. He stated that there have been many discussions with regard to other  
13 entities being recognized to provide continuing education courses outside APA, CME and CPA  
14 which are the three accrediting bodies recognized under the new continuing education  
15 regulations. He stated that this issue will continue to come up in the future and that it is his  
16 hope that as the Board looks at the continued professional development model, flexibility  
17 regarding what counts towards continued development and which entities will want to be an  
18 accrediting body will be considered. He stated that at this time, the Continuing Education  
19 Committee is recommending that this issue be left alone and that the focus of the committee be  
20 on the continued professional development model.  
21

22 **f) Public Comment for Items Not on the Agenda**

23  
24 None.

25  
26 It was M(Gallardo)/S(Erickson)/C to accept the Continuing Education Committee's report and  
27 the recommendations contained therein.  
28

29 Vote: 8 – 0  
30

31 **Agenda Item #7 – Legislation Committee**

32  
33 **a) Strategic Plan Progress Report**

34  
35 Ms. Jones reported that the Strategic Plan goals and objectives are ongoing.  
36

37 **b) AB 40 (Yamada) – Elder and Dependent Adult Abuse Reporting**

38  
39 Ms. Jones reported that this bill is related to elder abuse reporting and amends the Welfare &  
40 Institutions Code to now require that mandated reporters report abuse that occurs in a long-term  
41 care facility to both the local ombudsperson and law enforcement. Ms. Jones stated that  
42 existing law allows this abuse to be reported to either the local ombudsperson or law  
43 enforcement.  
44

45 **c) SB 1134 (Yee) – Persons of Unsound Mind: Psychotherapist Duty to Protect**

46  
47 Ms. Jones reported that this bill amends the Civil Code to change a psychotherapist's "duty to  
48 warn and protect" of threatened violent behavior of a patient, to a "duty to protect" as specified.  
49

50 **d) AB 1674 (Ma) – Child Custody: Visitation**

51  
52 Ms. Jones reported that this bill amends the family code requirements regarding those that  
53 supervise visitation. This bill specifies the requirements to be a "Nonprofessional" and

1 “professional” provider of supervised visitation services. Ms. Jones stated that this code section  
2 will not be added to the Board of Psychology Laws and Regulations booklet since very few  
3 psychologists provide this type of service.  
4

5 **e) SB 1407 (Leno) – Medical Information: Disclosure**

6  
7 Ms. Jones reported that this bill prohibits a psychotherapist from disclosing mental health  
8 records solely on an authorization signed by a parent or guardian, when the child has been  
9 removed from the physical custody of that parent or guardian in dependency proceedings for  
10 abuse or neglect, unless authorized by court order.  
11

12 **f) AB 2570 (Hill) – Licensees: Settlement Agreements**

13  
14 Ms. Jones reported that this bill is related to the Consumer Protection Enforcement Initiative  
15 (CPEI). Ms. Kassis reported that this bill prohibits gag clauses in civil settlement agreements.  
16 Ms. Kassis stated that the Board promulgated regulations last year to contain this provision by  
17 adopting California Code of Regulations Section 1397.2, and that this regulation was approved  
18 and became effective August 22, 2012, therefore this bill provides additional statutory authority.  
19

20 **g) AB 1733 (Logue) – Tele-Health**

21  
22 Ms. Jones reported that both AB 1733 and SB 1575 pertain to telehealth and provide a minor  
23 expansion of requirements enacted in AB 415(Logue), Chapter 547, Statutes of 2011. Ms.  
24 Jones stated that this bill amends several code sections to replace the term “telemedicine” with  
25 “telehealth”, and to include all Medi-Cal Managed Care plans that contract with the Department  
26 of Health Care Services (DHCS), including additional plans (PACE, SCAN Health Plan, and  
27 AIDS Healthcare Foundation) for telehealth services that are appropriately provided. Ms. Jones  
28 stated that this bill also includes a provision in Business & Professions Code Section 2028.5  
29 that gives the Medical Board the ability to establish a pilot program to expand the practice of  
30 telehealth in this state and to report its recommendations regarding its findings to the  
31 Legislature within one year of the commencement date of the pilot program.  
32

33 **h) SB 1575 (Price) – Committee on Business, Professions and Economic**  
34 **Development: Professions and Vocations**

35  
36 Ms. Jones reported that this bill makes a few technical changes related to telehealth services.  
37 Ms. Kassis reported that this bill was an omnibus bill to clean up Business and Professions  
38 Code Section 2904.5 based on changes made last year pursuant to AB 415 to amend Business  
39 and Professions Code Section 2290.5 which are provisions related to telehealth that are  
40 contained in the Medical Practice Act and used by the healing arts boards for telehealth  
41 provisions. Dr. Erickson stated that AB 415 made big steps forward, however there are still  
42 basic questions that are hard to get answers to. For example some of the questions are: if  
43 somebody’s in private practice and wants to do telehealth with their patient will they get paid;  
44 are they legally required to be paid by insurance; what are the billing codes; who is exempt ;and  
45 who is not?  
46

47 Ms. Jones stated that there the committee is interested in participating in a pilot program, once  
48 established, to see how telehealth impacts psychological services and the billing aspect as well.  
49

50 **i) AB 2296 (Block) – California Private Postsecondary Education Act of 2009**

51  
52 Ms. Jones reported that this bill requires additional disclosures be made if an institution is  
53 offering unaccredited associate, baccalaureate, or master’s degrees to provide information

1 about whether the institution is accredited, whether the degree is recognized for licensure in  
2 California, and the various limitations to receiving an unaccredited degree.

3  
4 **j) SB 1172 (Lieu) – Sexual Orientation Change Efforts**

5  
6 Ms. Jones deferred to Dr. Gallardo to report on this bill. Dr. Gallardo reported that this bill  
7 prohibits a mental health provider from engaging in sexual orientation change efforts (SOCE)  
8 with a patient under 18 years of age, regardless of the willingness to participate. Dr. Gallardo  
9 stated that although the Board did not take a position on this bill, he wants to be sure the Board  
10 is mindful about being proactive on how to enforce this, and what type of information to provide.

11  
12 Dr. Gallardo stated that this bill sends a very important message to not only psychologists who  
13 may be practicing with these particular therapies but also to consumers. Dr. Gallardo stated  
14 that there are documents in the board packets that include resolutions from the American  
15 Psychological Association (APA) to support why the passing of this bill is really important to the  
16 Board. Dr. Gallardo stated that he is aware that the California Psychological Association (CPA)  
17 is taking some measures and wants the Board to collaborate and work on enforcing and finding  
18 ways to ensure that we can regulate this as we move forward. Ms. Kassis asked if there were  
19 any questions. Ms. Jones asked what it would entail for the Board to be proactive, and if there  
20 is any activity or suggestions on what the Board should do, and whether there are any  
21 limitations. Dr. Gallardo asked Dr. Linder-Crow to talk a little bit about what CPA is doing.

22  
23 Dr. Jo Linder-Crow, Chief Executive Officer, (CPA) stated that this is a very complex piece of  
24 legislation. Dr. Linder-Crow explained that CPA worked long and hard on this bill along with the  
25 California Psychiatric Association and the California Association of Marriage and Family  
26 Therapists, to heavily negotiate language in this bill with the author Senator Lieu and his staff,  
27 and with Equality California, the sponsor of the bill. Dr. Linder-Crow stated that CPA initially  
28 opposed the bill unless amended because of several things in the bill they believed would be  
29 harmful to practitioners. Dr. Linder-Crow reported that CPA was able to work with the author,  
30 particularly around the definitions for sexual orientation change efforts, and were able to move  
31 to a neutral position the day the bill was heard in the Business and Professions Committee.  
32 CPA continued to discuss the bill at length with their leadership and in the end took a support  
33 position on the bill primarily because they believe it is discriminatory practice and not legitimate  
34 care.

35  
36 Dr. Linder-Crow stated that CPA continues to look at this bill because if passed, they want to be  
37 sure that psychologists doing legitimate work in this area do not face additional risk of being  
38 sued under the definition of SOCE. Dr. Linder-Crow reported that they were successful in  
39 getting Senator Lieu to introduce on the floor of the Senate what is referred to as a letter to the  
40 journal, which is a letter that takes another step in explaining legislative intent, specifically the  
41 last paragraph of the letter which speaks to licensing boards explaining that if a board receives  
42 a complaint, they should not restrict legitimate work in the exploration of sexual orientation  
43 identity.

44  
45 Dr. Charles Faltz, Director of Professional Affairs, CPA, explained that the author's letter to the  
46 journal was specifically intended to help licensing boards in dealing with complaints or  
47 enforcement actions. Dr. Faltz stated that the letter was written because there was no intent to  
48 limit access to treatment from those who wanted treatment. Dr. Faltz stated that if complaint is  
49 filed five years from now, how to remember that there was a letter to the journal and is relevant  
50 to licensing boards who receive complaints. Dr. Linder-Crow offered to send a copy of the  
51 letter to journal to the board.

1 Dr. Gallardo wants to make sure this issue is on the radar screen. Norine Marks, Supervising  
2 Staff Counsel stated that the only relevant regulations the Board would need to entertain is to  
3 amend disciplinary guidelines to add violations of this section as unprofessional conduct, and  
4 determine what optional terms and conditions are appropriate. Ms. Marks stated that the Board  
5 can include a copy of the letter to the journal in the rulemaking file to help with future  
6 applications of this statute.

7  
8 **k) SB 1236 (Price) – Professions and Vocations**

9  
10 Ms. Jones reported that this bill extends the sunset date for the Board of Psychology and the  
11 term of its executive officer until January 1, 2017.

12  
13 **l) SB 1099 (Wright) – Regulations**

14  
15 Ms. Jones deferred to Ms. Kassis to report on this bill. Ms. Kassis stated that this bill changes  
16 the rulemaking process. Ms. Kassis reported that currently when the Board submits a  
17 rulemaking file for review by the Office of Administrative Law (OAL), they have 30 days to  
18 review the file, and if approved, the regulations become effective 30 days after filing with the  
19 Secretary of State. This bill changes the date regulations become effective. Ms. Kassis  
20 referred to the bill summary included in the board packets that specifies effective dates on a  
21 quarterly basis determined by the date of filing. Ms. Kassis stated that this could increase the  
22 time frame for when a regulation becomes effective depending on the date the file is submitted  
23 for review. Ms. Kassis reported that this bill also requires the Board to maintain rulemaking  
24 documents on its web site for at least six months from the date the regulation is filed with the  
25 Secretary of State.

26  
27 **m) AB 439 (Skinner) – Health Care Information**

28  
29 Ms. Jones reported that this bill makes an amendment to the Confidentiality of Medical  
30 Information Act (CMIA) regarding liability of releasing confidential medical information or  
31 records. Ms. Jones reported that this bill provides that if an affirmative defense is established  
32 as specified, the defendant shall not be liable for more than one judgment on the merits for  
33 releases of confidential information or records arising out of the same event, transaction, or  
34 occurrence.

35  
36 **n) Legislation Pertaining to Mental Health Benefits/Coverage**

37  
38 **AB 1453 (Monning) – Essential Health Benefits**

39  
40 Ms. Jones reported that this bill establishes the Kaiser Small Group SMO 30 plan as the  
41 essential health benefit (EHB) benchmark plan for individual and small group health plan  
42 products licensed by the Department of Managed Health Care (DMHC).

43  
44 **SB 951 (Hernandez) – Health Care Coverage: Essential Health Benefits**

45  
46 Ms. Jones reported that this bill also pertains to the Affordable Care Act and requires  
47 benchmark and benchmark equivalent plans, sold through the American Health Benefit  
48 Exchange and the Basic Health Program (if enacted), and health plans and health insurers  
49 providing coverage to individuals and small employers, to ensure coverage of essential health  
50 benefits (EHB) as defined by the Secretary of the Department of Health and Human Services  
51 (HHS).

52  
53 **SB 961 (Hernandez) – Individual Health Care Coverage**



1  
2 Ms. Jones reported that this piece of legislation was also related to the Affordable Care Act  
3 (ACA) and was vetoed by governor. Ms. Jones stated that the veto letter included in the board  
4 packets states that this measure failed to adequately link our state reforms to the federal law.  
5 Ms. Jones stated that we will probably see the essential provisions of this bill next year.  
6

7 **o) Legislation Pertaining to Military Personnel**

8  
9 **AB 1588 (Atkins) – Professions and Vocation: Reservist Licensees: Fees and Continuing**  
10 **Education**

11  
12 Ms. Jones reported that this bill requires the Board to waive license renewal fees, continuing  
13 education requirements and other renewal requirements for licensees or registrants called to  
14 active duty. Ms. Kassis stated that as referenced in paragraph three of the bill summary, the  
15 Board has existing laws which include provisions to waive renewal fees and continuing  
16 education for any registrant called to active duty. Ms. Kassis stated that this bill contains a  
17 provision that states this section shall not apply to any board that has a similar license renewal  
18 waiver process statutorily authorized for that Board. Ms. Kassis stated that she will work with  
19 Norine Marks, Supervising Staff Counsel to determine if our existing law is adequate.  
20

21 **AB 1904 (Block, Butler, and Cook) – Professions and Vocations: Military Spouses:**  
22 **Temporary Licenses**

23  
24 Ms. Jones reported that this bill requires the Board to expedite licensure for military spouses  
25 and domestic partners of a military member who is on active duty in California.  
26

27 **p) Legislative Status Report on Bills of Interest to the Board & 2012 Legislative**  
28 **Calendar**

29  
30 Ms. Jones stated that the Board reviewed bills of interest contained in the status report.  
31

32 **q) Any Other Bills of Interest**

33  
34 None

35  
36 **r) Public Comment**

37  
38 None

39  
40 It was M(Jones)/S(Erickson)/C to accept the Legislation Committee's report.  
41

42 Vote: 8 – 0  
43

44 Adjourned into closed session for discipline at 4:33 p.m.  
45

46 **Friday, October 19, 2012**

47  
48 The open session meeting was called to order by Michael Erickson, Board President at  
49 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.  
50

51 **Members Present:**

52 Michael Erickson, Ph.D., Board President  
53 Barbara Cadow, Ph.D., Board Vice-President

1 Lucille Acquaye-Baddoo  
2 Johanna Arias-Bhatia  
3 Miguel Gallardo, Psy.D.  
4 Andrew Harlem, Ph.D.  
5 Nicole J. Jones  
6 John Preston, Psy.D.

7  
8 **Others Present:**

9 Robert Kahane, Executive Officer  
10 Jeffrey Thomas, Assistant Executive Officer  
11 Norine Marks, Legal Counsel  
12 Gina Bayless, Enforcement Coordinator  
13 Linda Kassis, Administrative Services Coordinator  
14 Lavinia Snyder, Licensing/Registration Coordinator  
15 Denise Russell, Special Investigator

16  
17 **Examination Committee**

18  
19 The Examination Committee met to discuss and formulate recommendations to the Board. See  
20 agenda item #8 for the Board's discussion.

21  
22 **Contemporary & Emerging Issues Committee**

23  
24 The Contemporary and Emerging Issues Committee met to discuss and formulate  
25 recommendations to the Board. See agenda item #9 for the Board's discussion.

26  
27 **Agenda Item #8 - Examination Committee**

28  
29 **a) Strategic Plan Progress Report**

30  
31 Dr. Cadow reported that the Strategic Plan goals and objectives are ongoing. She stated that  
32 the Board approved draft regulatory language at the last Board meeting to eliminate the CPSE  
33 and implement an enhanced CPLEE. She stated that the Examination Committee continues to  
34 monitor the pass rates on the examinations and to improve application processing times. She  
35 stated that once BreEZe is implemented, these time constraints will be relieved. She stated that  
36 in the meantime, there is a license update link on the Board's website for applicants to check  
37 the current application processing times, which is updated monthly.

38  
39 **b) Examination Statistics**

40  
41 Dr. Cadow referred to the examination statistics provided in the Board packets. She stated that  
42 the pattern is similar to the statistics provided at the last Board meeting in that first-time test  
43 takers always have a higher pass rate and that the CPLEE pass rates are always lower. She  
44 stated that she anticipates this changing once the CPSE is eliminated.

45  
46 **c) Consider Proposed Amendments to Examinations Regulations, Title 16, CCR Sections  
47 1388, 1388.6, 1389 & 1392**

48  
49 Dr. Cadow referred to the draft regulatory language that was included in the Board packets. Ms.  
50 Snyder commented that this language was approved for hearing, however, an issue has been  
51 raised whether clarification needs to be made to the phrase "has been licensed for at least five  
52 years" in section 1388.6. She asked if this phrase needs to be clearly defined to indicate that  
53 the licensee has held an active, valid license during this period of time. Ms. Marks stated that in

1 the proposed language, sections 1388, 1388.6, 1389 and 1392 basically were changed to  
2 reflect that the CPSE will no longer be given, and instead the EPPP and the CPLEE will be  
3 given. She also stated that the proposed changes to section 1388.6 clarify that an expired  
4 license will cancel after non-renewal for three years. She clarified that during this three year  
5 period, the licensee cannot practice, but can renew.

6  
7 It was M(Erickson)/S(Harlem)/C to approve the proposed regulatory amendments language for  
8 noticing for a regulation hearing and to delegate the authority to the Executive Officer to make  
9 any required non-substantive changes.

10  
11 Vote: 8 – 0

12  
13 Dr. Gallardo questioned the \$10 fee required for renewal under the new continuing education  
14 regulations. Ms. Kassis explained that this fee will be used to support continuing education  
15 audits performed by staff since the MCEP Accrediting Agency will no longer be performing our  
16 audits as of January 1, 2013. Dr. Gallardo requested to have a budget representative from DCA  
17 come to a future Board meeting to explain the budget process to the Board.

18  
19 **d) Consider English as a Second Language as a Basis for an Accommodation in Taking**  
20 **the Examination**

21  
22 Ms. Marks commented that the granting of examination accommodations based on English as a  
23 second language could possibly create an inequality in the process and the Board could be  
24 challenged as a result. The Examination Committee requested that this issue be placed on the  
25 agenda for the next Board meeting and requested Ms. Snyder to provide statistics (number of  
26 accommodations approved annually, examination statistics, etc.) on candidates who were  
27 granted an examination accommodation based on English as a second language.

28  
29 Dr. Cadow commented that the Board has been talking about this issue for quite a while. She  
30 indicated that the Board was waiting on DCA to update its accommodations policy, however,  
31 there has been no movement in this regard. She stated that the contract with ASPPB for the  
32 EPPP is due March 1, 2013, therefore, the Board needs to make a determination as to whether  
33 or not to continue examination accommodations based on English as a second language so that  
34 the new contract can be written appropriately.

35  
36 Dr. Erickson stated that he was unsure how the statistics regarding accommodations based on  
37 English as a second language would affect the Board's decision. Dr. Cadow agreed, however  
38 she stated that there were committee members who thought it would be helpful in their decision-  
39 making process. Dr. Harlem agreed that this data would not be useful to him.

40  
41 Dr. Gallardo stated that the elimination of this accommodation would be discriminatory. He  
42 stated that regardless of the number of candidates who receive an accommodation for English  
43 as a second language, the linguistic needs of California consumers need to be met. He stated  
44 that the Board should look at the criteria rather than removing this as a possibility for individuals  
45 seeking licensure in California.

46  
47 Dr. Cadow stated that the Board should include English as a second language as an  
48 accommodation in the ASPPB contract while the Board looks at the criteria and reviews other  
49 models in the future.

50  
51 **e) Public Comment**

52  
53 None.

1  
2 It was M(Cadow)/S(Erickson)/C accept the Examination Committee Report and  
3 recommendations contained therein  
4

5 Vote: 8 – 0  
6

7 **Agenda Item #9 – Contemporary & Emerging Issues Committee**  
8

9 **a) Discussion Regarding Telehealth**

10 Dr. Cadow referred to a hand-carry item regarding telehealth. The item was proposed language  
11 from the Board of Occupational Therapy that would establish standards of practice for  
12 occupational therapy services via telehealth. Ms. Marks remarked that the proposed language  
13 has not been approved by the Board of Occupational Therapy. Dr. Cadow stated that the  
14 proposed language hits upon the same points that the Board has been talking about such as  
15 having a valid and current license, exercising the same standard of care, obtaining informed  
16 consent, and determining whether an in-person evaluation or intervention is necessary. She  
17 also stated that it states that the services rendered via telehealth be consistent with the practice  
18 of occupational therapy and must be in compliance with the Occupational Therapy Practice Act.  
19 She stated that these are the same issues that have been discussed by our Board.  
20

21  
22 Mr. Kahane stated that he spoke with Dr. Jackie Horn who indicated that ASPPB is still  
23 receiving feedback regarding telehealth guidelines and that he will get the guidelines next week  
24 when he attends the ASPPB Annual Meeting. He stated that he will make a working draft  
25 available to the Board at the next Board meeting.  
26

27 **b) Public Comment for Items not on the Agenda**  
28

29 None.  
30

31 It was M(Cadow)/S(Jones)/C to accept the Contemporary and Emerging Issues Committee's  
32 report.  
33

34 **Enforcement Committee**  
35

36 The Enforcement Committee met to discuss and formulate recommendations to the Board. See  
37 agenda item #10 for the Board's discussion.  
38

39 **Credentials Committee**  
40

41 The Credentials Committee met to discuss and formulate recommendations to the Board. See  
42 agenda item #11 for the Board's discussion.  
43

44 **Outreach and Consumer Education Committee**  
45

46 The Outreach and Consumer Education Committee met to discuss and formulate  
47 recommendations to the Board. See agenda item #12 for the Board's discussion.  
48

49 **Agenda Item #10 – Enforcement Committee**  
50

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

1 Ms. Acquaye-Baddoo thanked staff for their hard work. She reported that the Strategic Plan  
2 goals and objectives are ongoing.

3  
4 **b) Enforcement Statistics**

5  
6 Ms. Acquaye-Baddoo referred to the enforcement statistics provided in the Board packets. She  
7 reported that the number of complaints received for 2011/2012 was 747. She indicated that  
8 statistics in other categories went up due to a higher level of awareness of the existence of the  
9 Board. Ms. Bayless indicated that with the Consumer Protection Enforcement Initiative, a lot of  
10 data was made available to the media and the public regarding Board processes.

11  
12 Ms. Bayless stated that the statistical report focuses on the end of the last fiscal year. She  
13 noted that the number of complaints received was down slightly from the previous year,  
14 however, they are up overall. She also noted that the number of criminal conviction reports  
15 received has increased to 70 compared to 48 received the previous year. She also reported an  
16 increase in the number of investigations opened, cases referred to the Office of the Attorney  
17 General, accusations, and citations.

18  
19 Ms. Bayless reported that there has been an increase in overall formal actions taken by the  
20 Board as well as an increase in substance abuse and sexual misconduct cases.

21  
22 Ms. Acquaye-Baddoo referred to the Performance Measures Annual Report provided in the  
23 Board packets. Ms. Bayless stated that the Board reports monthly to DCA who creates an  
24 annual report regarding how the Board is meeting CPEI goals. She stated that for Fiscal Year  
25 2011-2012, the number of complaints and convictions received was 748. Regarding intake, the  
26 target is nine days from the complaint receipt until the date the complaint was assigned to an  
27 investigation. Ms. Bayless stated that the Board exceeded the target, decreasing the cycle time  
28 to three days for the final quarter. She stated that this demonstrates that the Board is doing  
29 very well, and that the internal processes have been revised to streamline the process and  
30 move cases along quickly.

31  
32 Ms. Acquaye-Baddoo indicated that during the final quarter, the Board slightly exceeded its  
33 target of 80 days for intake and investigation with an average time of 81 days from the complaint  
34 receipt to the closure of the investigation process. She attributed this to furloughs and BreEZe  
35 pre-testing.

36  
37 For formal discipline, Ms. Bayless explained that Board staff has limited control over the amount  
38 of time it takes to complete the entire enforcement process based on much of the process  
39 occurring at other agencies. She stated that the Board just filled two of its CPEI positions so  
40 hopefully it will see an improvement in this area. She stated that as the Board gets its new  
41 Special Investigators trained, they can focus on having more contact with the Office of the  
42 Attorney General to follow-up on our cases to ensure timely processing.

43  
44 Ms. Acquaye-Baddoo reported that for probation intake, the Board has been consistent in this  
45 area.

46  
47 **c) Public Comment**

48  
49 None.

50  
51 It was M(Acquaye-Baddoo)/S(Erickson)/C to accept the Enforcement Committee's report and  
52 the recommendations contained therein.

1 Vote: 8 – 0

2  
3 **Agenda Item #11 – Credentials Committee**

4  
5 **a) Strategic Plan Progress Report**

6  
7 Dr. Gallardo reported on the following Credentials Committee Strategic Plan objectives:

8  
9 L-1 Ensure accurate and timely processing of all applications – Dr. Gallardo stated that the  
10 committee had quite a bit of discussion regarding application processing times. He stated that  
11 the committee wants to make information more accessible on the Board’s website and work  
12 towards fostering good relationships with psychologists and other people in the community. The  
13 committee recommends moving the application processing times link to the applicant tab,  
14 providing insight as to why it is taking more time to process applications at this time, and adding  
15 a comment section, not for Board to respond to, but to allow applicants to provide feedback. He  
16 also stated that the Board should encourage DCA to bring in an outside set of eyes to look at  
17 the Board’s process and to perform an audit of the licensing process to make recommendations  
18 for improvement. Dr. Gallardo requested that Mr. Kahane formally initiate this process by the  
19 end of December. Mr. Kahane stated that he will look into the issue and convey the information  
20 he obtains via email.

21  
22 L-2 Review qualifications for licensure – Dr. Gallardo reported that Ms. Snyder will provide  
23 additional information regarding the qualifications for licensure and to list the stages of licensure  
24 at the next Board meeting.

25  
26 L-3 Clearly communicate the required qualifications for licensure through publications, web  
27 updates and outreach – Dr. Gallardo stated that this objective may best be addressed by the  
28 Outreach and Consumer Education Committee.

29  
30 L-4 Enhance communication for all applicant and consumer inquiries – Dr. Gallardo stated that  
31 this objective may best be addressed by the Outreach and Consumer Education Committee.

32  
33 **b) Satisfaction Survey Results**

34  
35 Dr. Gallardo reported that the Board lost two retired annuitants who were helping in the  
36 collection of this data. He indicated that once people contact the Board, they have very positive  
37 experiences; however, they indicate that it is difficult to make contact.

38  
39 **c) Public Comment**

40  
41 Stephen Phillips, Psy.D. from the Los Angeles County Psychological Association (LACPA)  
42 mentioned that he has been receiving concerns from older psychologists who are having  
43 difficulty with the new LiveScan fingerprint procedures. Ms. Snyder stated that if a licensee’s  
44 fingerprints are rejected twice for the same reason based on the quality of the prints, the Board  
45 can request an applicant name check in lieu of the actual LiveScan fingerprints.

46  
47 It was M(Gallardo)/S(Cadow)/C to accept the Credential Committee’s report and the  
48 recommendations contained therein.

49  
50 Vote: 8 – 0

51  
52 **Agenda Item #12 – Outreach and Consumer Education Committee**

1 **a) Strategic Plan Progress Report**

2  
3 Dr. Gallardo stated that given the travel restrictions, the committee needs to consider other  
4 activities that would provide outreach without requiring travel. Ms. Jones suggested that the  
5 committee review the Board's website to find areas for improvement. Dr. Gallardo stated that  
6 he would like to see something put on the Board's website regarding SB1172 (Lieu) regarding  
7 sexual orientation change efforts. Mr. Kahane requested that the committee members provide  
8 him with their areas of concern by January 21, 2013, to allow him time to explore the possibility  
9 of changes prior to the next Board meeting.

10  
11 **b) Public Comment for items not on the Agenda**

12  
13 None.

14  
15 It was M(Gallardo)/S(Cadow)/C to accept the Outreach and Consumer Education Committee's  
16 reports and recommendations contained therein.

17  
18 **Agenda Item #13 - Regulation Update, Review and Action as Necessary**

19  
20 **a) Regulations Status Update**

21  
22 Ms. Kassis reported that the regulation status report is included in the board packets under tab  
23 13.

24  
25 **b) Update Regarding Proposed Amendments to Title 16, C.C.R. Sections 1380.4 & 1397.2**  
26 **– Delegation of Functions & Unprofessional Conduct**

27  
28 Ms. Kassis reported that this first package, priority one, has been completed. Ms. Kassis stated  
29 that the Delegation of Functions and Unprofessional Conduct Regulations were approved by the  
30 Office of Administrative Law (OAL) and became effective August 22, 2012.

31  
32 **c) Update Regarding Proposed Amendments to Title 16, CCR, Section 1397.12 – Uniform**  
33 **Standards Related to Substance Abuse and Disciplinary Guidelines**

34  
35 Ms. Kassis reported the rulemaking file for the Uniform Standards Related to Substance Abuse  
36 and Disciplinary Guidelines is now priority one. Ms. Kassis reported that the Board approved  
37 amended language at the June 2012 Board meeting and requested the proposed changes be  
38 noticed for hearing. Ms. Kassis stated that the Board may need to address additional changes  
39 pursuant to SB1172 (Lieu) Sexual Orientation Change Efforts (SOCE), Statutes 2012 that now  
40 defines SOCE therapy as unprofessional conduct. Ms. Kassis deferred to Ms. Marks to address  
41 any needed changes. Ms. Marks stated that part of disciplinary guidelines list out specific code  
42 sections that licensees can be charged with as a basis for discipline. Ms. Marks reported that  
43 this would be a new basis for discipline and the disciplinary guidelines would then suggest  
44 optional terms that the Board would want to see imposed if a psychologist was disciplined for  
45 this type of violation. Ms. Marks stated that the Board can delegate to staff the authority to add  
46 this particular violation into the disciplinary guidelines when they are noticed and the board can  
47 then see the changes at the time of hearing and determine if any additional changes need to be  
48 made.

49  
50 It was M(Erickson)/S(Harlem)/C to direct staff to add violation of this section to the disciplinary  
51 guidelines for the Board to review at the time of public hearing and make any additional  
52 changes as necessary.

1 Vote: 8 – 0

2  
3 **d) Update Regarding Proposed Amendments to Title 16, California Code of Regulations,**  
4 **Division 13.1, Article 1 (General Provisions), Article 2 (Applications), Article 3**  
5 **(Education and Experience), Article 4 (Examination), Article 5 (Registered**  
6 **Psychologists), Article 5.1 (Psychological Assistants) and Article 6 (Fees)**  
7

8 Ms. Kassis reported that in this morning’s Examination Committee meeting the committee  
9 discussed proposed amendments to Sections 1388, 1388.6, 1389, & 1392 to update the  
10 Examination regulations to reflect that the California Psychology Supplement Examination  
11 (CPSE) will no longer be given, and that the Examination for Professional Practice in  
12 Psychology (EPPP) and the California Psychology Laws and Ethics Examination (CPLEE) will  
13 be given instead. Ms. Kassis reported that the amendments to these sections will now become  
14 priority 2.  
15

16 Ms. Kassis reported that the amendments to Articles 1 – 6 will become priority 3.  
17

18 **e) Update Regarding Proposed Amendments to Title 16, C.C.R., Section 1382.6 – Aging**  
19 **and Long-Term Care Training Requirements**  
20

21 Ms. Kassis reported that the amendments to CCR Section 1382.6 will be combined with the  
22 changes to Articles 1 – 6, rather than a separate package.  
23

24 **Agenda Item #14 – Public Comment on Items Not on the Agenda**  
25

26 None.  
27

28 **Agenda Item #15 – Recommendations for Agenda Items for Future Board Meetings**  
29

30 Ms. Marks commented that the Board’s Strategic Plan was a two-year plan expiring in 2013.  
31 She indicated that the last time the Board conducted strategic planning, an additional day was  
32 added to the Board meeting. She stated that the Board may want to have a brief discussion as  
33 the meeting calendar may need to be adjusted to conduct strategic planning. Ms. Jones stated  
34 that if strategic planning is done at the next Board meeting, she would request that it be done  
35 after the Board meeting since as a new Board member, it would be helpful to experience an  
36 additional Board meeting prior to strategic planning. Dr. Gallardo asked that the Board review  
37 the current Strategic Plan first to determine if any changes need to be made. He stated that the  
38 Board can decide at the February meeting if it needs a strategic planning session. Mr. Kahane  
39 stated that he would look into the expiration of the current plan and will be in touch.  
40

41 The open session meeting adjourned at 1:04 p.m.  
42  
43  
44  
45

46 \_\_\_\_\_  
47  
48 President

\_\_\_\_\_  
Date