



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**BOARD MEETING MINUTES**

Department of Consumer Affairs  
1625 North Market Boulevard, 1<sup>st</sup> Floor Hearing Room  
Sacramento, CA 95834

**Thursday, October 24, 2013**

Michael Erickson, Ph.D., Board President called the open session meeting to order at 9:09 a.m.  
A quorum was present and due notice had been sent to all interested parties.

**Members Present:**

- Michael Erickson, Ph.D., Board President
- Miguel Gallardo, Psy.D. Board Vice-President
- Lucille Acquaye-Baddoo
- Johanna Arias-Bhatia
- Andrew Harlem, Ph.D.
- Nicole J. Jones
- Stephen Phillips, Psy.D., J.D.
- Linda Starr

**Others Present:**

- Thomas O'Connor, Interim Executive Officer
- Jeffrey Thomas, Assistant Executive Officer
- Norine Marks, Legal Counsel
- Gina Bayless, Enforcement Coordinator
- Lavinia Snyder, Licensing/Registration Coordinator
- Deborah Morales, Investigative Analyst
- Denise Russell, Special Investigator
- Nicole Walker, Special Investigator
- Colette McDowell, Continuing Education Analyst
- Liezel Isadore, Administrative Technician
- Joana Castillo, Enforcement Technician

**Agenda Item #1 – Introduction and Administration of Oath of Office to New Board Member(s)**

Dr. Erickson administered the Oath of Office to Dr. Phillips.

1 **Agenda Item #2 – Committee Assignments**

2  
3 Dr. Erickson announced the following changes to committee assignments:

- 4     ▪ Dr. Harlem will no longer be a member of the Licensing Committee and will now chair  
5         only the Contemporary & Emerging Issues Committee. He will also be on the Legislation  
6         Committee.
- 7     ▪ Dr. Horn will become the new chair of the Licensing Committee. She will also be on the  
8         Outreach & Consumer Education and Contemporary & Emerging Issues Committees.
- 9     ▪ Dr. Phillips will be on the Continuing Education, Enforcement, and Licensing  
10        Committees.

11  
12 After making the announcement regarding the above changes, Dr. Erickson indicated that these  
13 assignments are not set in concrete and Board members should make their preferences known  
14 to him. He went on to say that the Continuing Education Committee has done a great job and in  
15 many ways can be a role model for what other committees can be doing.

16  
17 **Agenda Item #3 – Approval of June 20 - 21, 2013 & July 11, 2013, Board Meeting Minutes**

18  
19  
20 It was M (Starr)/S (Arias-Bhatia)/C to approve the June 20 – 21, 2013, Board meeting minutes  
21 with minor corrections.

22  
23 Vote: 5-0

24  
25 It was M (Starr)/S (Harlem)/C to approve the July 11, 2013, Board meeting minutes with minor  
26 corrections.

27  
28 Vote: 5-0

29  
30 **Agenda Item #4 – Petitioner Administrative Hearing**

31  
32 **Jason Rowden, Psy.D – Petition for Termination of Probation**

33  
34 Administrative Law Judge Ann Sarli presided. Joseph F. McKenna, III, Deputy Attorney General,  
35 was present and represented the People of the State of California. Jason Rowden, Psy.D was  
36 present and represented himself.

37  
38 The Board adjourned into closed session at the conclusion of the hearing pursuant to  
39 Government Code Section 11126(c) (3) to discuss and vote on this matter and other disciplinary  
40 matters.

41  
42 **Agenda Item #5 – Budget Report by Brian Skewis, Department of Consumer Affairs**  
43 **Budget Liaison**

44  
45 Brian Skewis, the Department of Consumer Affairs' (DCA) Budget Liaison for the Board,  
46 reported on the condition of the Board's budget. He explained that all programs under the  
47 Department of Consumer Affairs participate in incremental budgeting, which means that the  
48 starting point for each year's budget was based on the prior year's budget with various  
49 adjustments made based upon Executive Orders, Budget Letters, Budget Change Proposals,  
50 etc. The result was an appropriation of just under \$4.5 million for this fiscal year. The  
51 documentation provided in the budget section of the meeting packets shows actual data from

1 fiscal year 2012/13, current year (2013/14) authorized budget, and projections through 2016/17.  
2 He explained that the first row shows the cash in the fund at the beginning of each year, the  
3 next row reflects revenue collected or projected (which is added to the beginning balance) and  
4 the next is actual or authorized spending (which is subtracted from the beginning balance). He  
5 further explained that the Board, as of fiscal month three, is currently spending well within its'  
6 authorized budget and is on target to meet or exceed total revenue projections by the end of the  
7 year. Mr. Skewis explained that at the end of the year, it is a bottom line budget with just under  
8 \$4.5 million to spend. He indicated that here is currently a \$7.5 million loan from the Board to  
9 the general fund, which is to be repaid with interest. However, if there is not a specific need for  
10 it, that repayment would be delayed.

11  
12 Dr. Gallardo inquired as to how much flexibility there is in utilizing the funds and whether  
13 proposals have to be put in to the Governor's office for approval. Mr. Skewis responded that  
14 each year the budget is approved by the governor and that within that the Board has a specific  
15 amount of expenditure and position authority which limits the number of permanent positions.  
16 Mr. Thomas indicated that he believes the Board is authorized 17.3 positions for the current  
17 fiscal year with which Mr. Skewis agreed. Mr. Skewis explained that with regards to additional  
18 staffing, the Board can pursue temporary or permanent intermittent help, however, those types  
19 of positions must be within policy guidelines on how to utilize that type of staffing assistance. He  
20 stated that someone from Human Resources would be in a better position to explain the  
21 intricacies of staffing.

22  
23 Dr. Erickson requested that Mr. Skewis explain how to increase the amount authorized for  
24 expenditures if the Board so desired. He responded that generally a Budget Change Proposal  
25 would be submitted by Board staff. He explained that a budget change proposal (BCP) is a  
26 process that takes approximately 14 months. Guidelines are released every year by the  
27 Department of Finance at the direction of the Governor's Office regarding acceptable budget  
28 change proposals. BCP's tend to be workload-related, and must travel through the department,  
29 including the executive office, Business, Consumer Services and Housing Agency, the  
30 Department of Finance, and ultimately the Legislature before they can be approved and  
31 implemented.

32  
33 Dr. Gallardo asked for examples of circumstances requiring budget adjustments from other  
34 Boards. Mr. Skewis explained that workload increases are a common reason. He stated that  
35 when a Board can't sustain the growth it's experiencing in licensing or enforcement, they would  
36 then request additional resources. Dr. Gallardo inquired as to what percentage of the overall  
37 budget is allocated for permanent staff. Mr. Skewis responded that in the current year,  
38 approximately \$1.4 million is related to staffing with respect to salaries and benefits, etc. Mr.  
39 Skewis noted that the other large expenditure item is for enforcement actions.

40 Dr. Gallardo inquired about the approximate amount of revenue the Board receives in licensing  
41 fees per year. Mr. Skewis responded with approximately \$3.6-3.7 million, however, he indicated  
42 that it does vary.

43  
44 Enforcement costs (Attorney General's Office, Office of Administrative Hearings, Court  
45 Reporters, Administrative Law Judges, subject matter experts; not including Enforcement staff  
46 costs) are approximately \$1.2 million per year. General expenses (postage, printing,  
47 communication, facilities, travel, training, etc.) are approximately \$1 million.

48  
49 Ms. Jones requested that Mr. Skewis provide insight on when the Board should really take a  
50 closer look at the budget to see if funds can be allocated better. Mr. Skewis indicated that the  
51 budget office works with each program to create expenditure and revenue projections for year-

1 end and can prepare a document showing allocation of funds and how much will be saved. He  
2 recommends holding off for the first few months of each fiscal year as the transfer of information  
3 from other departments takes time. He further explained that once about a third of the year has  
4 passed, trends are emerging, thus a picture of how funds may be repurposed in the short term  
5 becomes clearer. This also allows for a potential BCP's to be considered for longer-term items.  
6 He continued, stating that by the February Board meeting there should be enough data to give  
7 an idea on what may be possible in the current year and that about half-way through each  
8 month the budget staff has line-by-line detail of the spending for the prior month.  
9

10 Dr. Erickson expressed that the Board wants to do the best they can with the available  
11 resources and that the Board would love for Mr. Skewis to provide budget details again in the  
12 future. Mr. Skewis indicated that the information could be as detailed or general as the Board  
13 would like. Ms. Starr noted that in her prior experience as a member of another Board, it's been  
14 quite enlightening to see the detailed budget information.  
15

### 16 **Enforcement Committee**

17  
18 The Enforcement Committee met to discuss and formulate recommendations to the Board. See  
19 agenda item #6 for the Board's discussion.  
20

### 21 **Contemporary & Emerging Issues Committee**

22  
23 The Contemporary and Emerging Issues Committee met to discuss and formulate  
24 recommendations to the Board. See agenda item #7 for the Board's discussion.  
25

### 26 **Agenda Item #6 – Enforcement Committee**

#### 27 28 **a) Strategic Plan Progress Report**

29  
30 Ms. Acquaye-Badoo thanked staff for doing a wonderful job. She referred to the Strategic Plan  
31 Progress Report provided in the meeting packets.  
32

#### 33 **b) Enforcement Statistics**

34  
35 For fiscal year 2012/13, there were 707 complaints for an average of about 59 per month. Staff  
36 completed 535 desk investigations (in-house investigations) with an average processing time of  
37 32 days. Out of 707 complaints, 87 were formal investigations with an average processing time  
38 of 374 days. At the end of the fiscal year 2012/13, there were 57 cases pending at the Attorney  
39 General's office. With 29 formal discipline actions for the fiscal year, about 4% of complaints  
40 received resulted in formal discipline.  
41

42 For the fiscal year 2013/14 to date (as of September 27<sup>th</sup>), 151 complaints have been received.  
43 1 case was referred to the District Attorney's office and 8 to the Attorney Generals' office.  
44 There are approximately 70 total probationary cases with staff actively monitoring 32 of those.  
45 Probationers in tolled status require a minimal level of monitoring.  
46

47 Consumer Protection Enforcement Initiative (CPEI) went into effect several years ago. From  
48 that initiative, the Board received several positions to improve its enforcement processes. In  
49 August, staff met with a representative from the Department of Finance (DOF) on the first phase  
50 of a comprehensive audit of CPEI positions. Staff provided an overview of enforcement program

1 improvements and submitted a statistical report which will be reviewed by the Department of  
2 Finance. After their review, they will be meeting with the Board for follow-up questions.

3  
4 **c) Review Department of Consumer Affairs Fiscal Year 2012/2013 Performance**  
5 **Measures**

6  
7 The Performance Measures Annual Report for fiscal year 2012/13 shows that the Board is  
8 meeting its performance goals with the exception of PM 4, Formal Discipline. It is important to  
9 note that this performance measure relies on the efficiency of outside state agencies such as  
10 the Office of Attorney General and the Office of Administrative Hearings.

11  
12 Process improvement recommendations will be provided at the strategic planning meeting to be  
13 held in March 2014.

14  
15 Senate Bill 304 passed and will be effective July 1, 2014. This bill requires that the Medical  
16 Board investigators be transferred to a newly created Health Quality Section of the Division of  
17 Investigation (DOI). The Board will be working closely with DOI regarding the handling of its  
18 cases, particularly during the transition.

19  
20 **d) Public Comment for Items Not on the Agenda**

21  
22 None.

23  
24 It was M (Arias-Bhatia)/S (Erickson)/C to accept the Enforcement Committee's report and the  
25 recommendations contained therein.

26  
27 Vote: 8-0

28  
29 **Agenda Item #7 – Contemporary & Emerging Issues Committee**

30  
31 **a) Review American Psychological Association (APA)/Association of State and**  
32 **Provincial Psychology Boards (ASPPB) Guidelines for the Practice of Telepsychology**

33  
34 Dr. Harlem offered as background on telepsychology that both practitioners and consumers  
35 have been trying to understand this emerging area of practice for quite some time. They're not  
36 sure what is acceptable, or what the training needs are. The Association of State and Provincial  
37 Psychology Boards (ASPPB) describe the guidelines they've compiled as aspirational. As of the  
38 last Board meeting, the guidelines had not yet been finalized. Dr. Harlem recommended that, as  
39 they have now been finalized by ASPPB, a link be provided to them on the Board's Web site.

40  
41 **b) Review Association of State and Provincial Psychology Boards (ASPPB) Draft E.**  
42 **Passport Guidelines established by the ASPPB Task Force on Telepsychology**

43  
44 ASPPB had a task force to work specifically on the issue of inter-jurisdictional practice at the  
45 same time APA was drafting guidelines. ASPPB is in the midst of formulating model regulatory  
46 language. The Committee wants to wait for model language and then decide on what to adopt.  
47 The alternative is for the Board to draft its own regulations, which didn't seem the most prudent  
48 course of action. The Board is hoping that by the next Board meeting it will have substantive  
49 language to review. The Board is monitoring this closely.

1 **c) Discussion Regarding the California Child Abuse and Neglect Reporting Act (CANRA)**  
2 **and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1**  
3

4 The Committee discussed a legal opinion issued by counsel for the Board of Behavioral  
5 Sciences (BBS) and whether it is consistent with the way this Board has interpreted mandatory  
6 reporting obligations for practitioners. Dr. Faltz has asked if the Board intends to be guided by  
7 the legal opinion issued by BBS' counsel. The committee feels that they need additional  
8 information and plan to return to the issue at the next meeting. Ms. Marks requested that the  
9 committee clarify as to what information they're looking for. The committee would find  
10 information on how the mandatory reporting obligations for practitioners have been interpreted  
11 to be helpful. The committee is also unclear as to which specific provisions of CANRA are being  
12 commented upon by the BBS opinion. There were differences of understanding that it is hoped  
13 can be cleared up.  
14

15 Dr. Phillips indicated that, for purposes of clarity, the statute, if read literally, sodomy or oral  
16 copulation between same sex youth would be considered reportable, whereas if it had been  
17 heterosexual intercourse, the behavior would not have been reportable historically. This has  
18 created confusion regarding what is and is not reportable. Dr. Faltz would like clarification on the  
19 Board's position.  
20

21 **d) Public Comment For Items Not on the Agenda**  
22

23 None.  
24

25 It was M (Jones)/S (Acquaye-Badoo)/C to accept the Contemporary & Emerging Issues  
26 Committee's report and the recommendations contained therein, including the recommendation  
27 that APA's/ASPPB's guidelines be posted as a link on the Board's Web site.  
28

29 Vote: 8-0  
30

31 **Agenda Item #8 – President's Report**  
32

33 **a) Discussion Regarding Strategic Planning**  
34

35 Tom Roy and Dennis Zanchi from SOLID Training and Planning Solutions gave an overview of  
36 the strategic planning process. They reviewed the road map that was provided in the Board  
37 packets. SOLID will do a preliminary meeting where facilitators are introduced and a schedule is  
38 created, as is an outline of the process. The ultimate goal is a customized plan for the next four  
39 to five years. The next step is a SWOT (strengths, weaknesses, opportunities, and threats)  
40 analysis making sure to focus on each area to get as much information as possible. This is to  
41 determine what is working and what isn't working. It's important to look at all the main areas,  
42 including licensing, enforcement, licensees, schools, maybe do a stakeholders survey. They  
43 further indicated that it's important to take both a qualitative and quantitative approach using  
44 scoring sometimes and capturing everyone's thoughts at other times. Typically the next step is  
45 to interview each Board member and the Executive Officer, generally via phone. The next step  
46 in the process is to have a Board meeting and planning session. This is where the mission,  
47 vision, and values are discussed as things are ever evolving. The result of this meeting is for  
48 goals and objectives to be established. From there, the finalized plan will be created which is  
49 reviewed and adjusted as necessary. The Board will then approve it and it will become the  
50 official Strategic Plan. After the Plan is adopted, SOLID can come back and work with Board

1 staff to work on an action plan to make sure everything moves forward. SOLID's schedule is  
2 filling up quickly, but they do have some availability in the first quarter of calendar year 2014.  
3

4 Mr. O'Connor expressed that he felt it was important to get two full days of planning, preferably  
5 separate from a Board meeting. He thinks it is healthy to get away from the building, to do  
6 planning in a place you don't work. He further indicated that he believes the Board will be in  
7 good hands. Ms. Starr noted that in her experience with another Board, they found it helpful to  
8 get out of Sacramento, that it helps bonding and is more productive. Dr. Erickson remarked that  
9 he hoped we could have some fun while we work on this; that he wants it to be enjoyable. It was  
10 noted that SOLID has a 95% satisfaction rating with their strategic planning services. Dr. Linder-  
11 Crow asked what role the public may play in the plan. Ms. Marks responded that there is no  
12 provision to hold strategic planning in closed session, so it is open to the public. The Board can  
13 determine what role the public plays. Dr. Erickson thanked SOLID staff for providing the  
14 information.  
15

16 Dr. Gallardo asked for clarification as to the purpose of the strategic plan. Dr. Erickson  
17 responded that it is to get a clearer plan for the Board and ways to get that to come to life. Mr.  
18 O'Connor added that sometimes you just need to start over. With a new Executive Officer  
19 coming in it's a good time to lay a new foundation. He also noted that Boards are required to  
20 have a current strategic plan and should be doing some level of planning every year. Budget  
21 Change Proposals have to be tied back to the mission, goals and objectives.  
22

#### 23 **b) 2014 Meeting Calendar**

24  
25 The Board tentatively planned to conduct the Strategic Plan on March 14-15, 2014, at the  
26 Mission Inn in Riverside. Mr. Thomas confirmed that these dates do work for SOLID.  
27

28 The remainder of the 2014 Board calendar is as follows:

- 29     ▪ February 20-21: Sacramento
- 30     ▪ May 15-16: Los Angeles
- 31     ▪ August 21-22: Bay Area (San Jose)
- 32     ▪ November 20-21: San Diego

#### 33 34 **c) Major Accomplishments for Fiscal Year 2012/2013**

35  
36 Dr. Erickson noted that the Major Accomplishments documentation generally speaks for itself  
37 and people can peruse that in the Board packets or online.  
38

39 Dr. Linder-Crow clarified regarding Senator Lieu's bill on sexual orientation efforts that there  
40 were two challenges and the 9<sup>th</sup> Circuit upheld the law. It is in fact law now. She indicated that  
41 Senator Lieu submitted a letter to the journal that describes his intent which was not to include  
42 legitimate therapy offered to minors who are exploring their sexual identity and orientation. She  
43 suggested that the referenced letter by Senator Lieu should be included with any documentation  
44 regarding this issue.  
45

#### 46 **d) Executive Officer Recruitment**

47  
48 Dr. Erickson announced that they are in the process of recruiting an Executive Officer to fill that  
49 vacancy. He indicated that Mr. O'Connor has been the Interim Executive Officer since July and  
50 has done a phenomenal job of pulling loose ends together and wanted to extend a public thank

1 you. The Board will be conducting interviews tomorrow with the hope that a decision will be  
2 made and an announcement made regarding that selection by the end of the day.  
3

4 **e) Other Informational Items**  
5

6 Dr. Erickson stated that there was a proposed administrative manual included in the packets.  
7 He thinks that there are some good ideas included in the proposed manual. He does have one  
8 concern in that the manual indicates that one of the officers must be a public member. Dr.  
9 Erickson recommends striking that rule unless someone is opposed to doing so. He thinks the  
10 Board ought to choose the best people available at the time, whether they are public or licensed  
11 members. More information regarding the proposed administrative manual will be covered in the  
12 EO's report.  
13

14 Dr. Erickson reported that all Board members need to complete the sexual harassment training  
15 by December 31<sup>st</sup>. Administrative staff will inform members of their options. There has been a  
16 memo issued to all Boards within DCA by the personnel officer regarding Board  
17 Chairman/Executive Officer supervisory expectations.  
18

19 **Agenda Item #9 – Executive Officer's Report**  
20

21 **a) Board Operations**  
22

23 Mr. O'Connor reported that when he arrived on July 15<sup>th</sup>, he met with staff and prioritized some  
24 issues to address. For starters, there was a huge backlog in licensing. This had several causes,  
25 with the primary cause being lack of staff. Thankfully DCA sent down resources to help out, and  
26 the Board has managed to conquer the years of backlog in clerical work. In February 2013,  
27 licensing applications were about 16 weeks behind. Currently, they're taking about 10 weeks.  
28 The board needs additional staff to continue improving in this area. Permanent Intermittent (PI)  
29 positions are the easiest and fastest to get filled and in place. They can work a certain number  
30 of hours; it works out to 28 hours per week. There is paperwork in to get two Staff Services  
31 Analysts (SSAs) as PI employees. The board has received a lot of good applications for these  
32 positions, with interviews starting in the coming weeks. The Department was also instrumental  
33 in helping get two Retired Annuitant (RA) positions filled to further assist the licensing staff.  
34

35 Additionally, the Board is replacing some other positions. Mr. Thomas and Ms. Bayless will be  
36 interviewing next Tuesday for the SSA position in Enforcement vacated by Ms. Brown. Ms.  
37 Kassis has been promoted into a Staff Services Manager position at the Cemetery Funeral  
38 Bureau. The notice for the Administrative Services Coordinator position vacated by Ms. Kassis  
39 will be going out right away. It's always an opportunity to look at duty statements, redefine what  
40 the Board needs them to do, make sure they're meeting the board's needs, and make those  
41 positions more effective.  
42

43 In addition to the PI SSAs, the board also has paperwork in to hire two PI Office Technicians;  
44 one for licensing and one for administration to assist Ms. Kassis' replacement.  
45

46 Budget Change Proposals (BCPs) are not public information until they are approved by the  
47 governor. BCPs are how permanent positions are obtained, and the process takes over a year.  
48

49 Mr. O'Connor encouraged Board members to participate in the Board Member Orientation on  
50 November 20<sup>th</sup>, particularly the brand-new Board members. This provides an opportunity to hear  
51 about Board member responsibilities from the Attorney General, the Executive Office, etc.



1 Regarding the proposed Board Member manual, the Board would like to thank the Veterinary  
2 Board for allowing it to plagiarize a large part of their manual. The Board envisions having the  
3 final version of the manual bound like the Board books with appendices. It is a vital document  
4 that needs to be in every office and should help new Board members feel more comfortable, at  
5 least until they can get to training.

6  
7 Dr. Phillips noted that in Chapter 7 of the manual seven standing committees are referenced.  
8 The Board now only has six, as two (Credentials and Examinations) have been recently  
9 combined (into Licensing).

10  
11 Mr. O'Connor noted that it may be a good idea for the Chair or other member of the Credentials  
12 Committee come in and look at credentials, at least until a new Executive Officer is up to speed.

13  
14 Dr. Erickson indicated that he has been meeting with Mr. O'Connor on a regular basis and it has  
15 been very informative for him. One of the things they've discussed is that Board members aren't  
16 as involved with committees as they have been in years past. Dr. Gallardo suggested that  
17 perhaps these conversations can be a part of the strategic planning process which Dr. Erickson  
18 agreed sounded like an excellent idea. Ms. Jones asked for an assessment from Mr. O'Connor  
19 prior to his departure to see his viewpoint on various issues may be very helpful to the strategic  
20 planning process. Perhaps Mr. O'Connor could be identified as a stakeholder and SOLID can  
21 obtain information from him, perhaps via phone interview.

22  
23 Dr. Linder-Crow, Chief Executive Officer of the California Psychological Association (CPA)  
24 thanked Mr. O'Connor for his work while he's been here. She agrees that moving the licensing  
25 time from 16 weeks to 10 weeks is not where we want to end up, but its huge progress. She  
26 found it helpful that he allowed her to come and talk to staff, that she had not been invited to do  
27 so previously. She finished by indicating that as far as CPA is concerned he's done a great job.

## 28 29 **b) BreEZe Update**

30  
31 Mr. O'Connor introduced the BreEZe project by explaining that on October 8<sup>th</sup>, the Department  
32 went live on a data processing system that has been in the works for over a year. It will be a  
33 great tool once it's up to speed, like any new data processing system. The board has spent time  
34 testing things every way it can think of, then it goes live and you find bugs which the board has  
35 been working together as a team to get resolved. He is impressed with how this Department has  
36 handled this project. The pioneers are always the ones that benefit from a new system like this.  
37 Of course, there is a learning curve and it's not perfect but new features will be added as we go.

38  
39 DCA has been very responsive to the glitches that licensees have come across. We didn't  
40 expect it to be perfect right away, and luckily the glitches have been on a small scale so far. He  
41 believes it will be a huge improvement and will help with the Board's application processing  
42 times and be a great move for the future. When the Board makes changes, it's instantaneous,  
43 which is nice compared to the legacy systems which had to update overnight to reflect changes  
44 (regarding addresses, license status, etc.) on the Web site.

45  
46 Dr. Erickson mentioned that he had to register with BreEZe to process an address change for  
47 his license and he found it very easy to use.

## 48 49 **c) Other Informational Items**

50  
51 None.

1 **Continuing Education Committee**

2  
3 The Continuing Education Committee met to discuss and formulate recommendations to the  
4 Board. See agenda item #10 for the Board's discussion.

5  
6 **Legislation Committee**

7  
8 The Legislation Committee met to discuss and formulate recommendations to the Board. See  
9 agenda item #11 for the Board's discussion.

10  
11 **Reconvene Full Board for Committee Reports and Board Action**

12  
13 **Agenda Item #10 – Continuing Education Committee**

14  
15 **a) Strategic Plan Progress Report**

16  
17 Dr. Gallardo referred to Tab 10, agenda item a in the Board packets. Regarding the  
18 development of cohesive CE guidelines, we've met several times as a Committee in between  
19 formal Board meetings.

20  
21 Regarding ensuring licensee compliance with continuing education requirement, agenda item B  
22 included statistics. Staff indicated that they are auditing about 5% of the renewals each month,  
23 with the goal being 10%, which works out to about 70 psychologists per month. Initial contact  
24 regarding the audits is through regular mail. There are a few individuals requiring follow-up, but  
25 most have been in compliance. Some of the noncompliance has been due to having a hard time  
26 tracking down licensees. The challenge has been in the board's personnel power and trying to  
27 audit to the degree that it wants to. Dr. Gallardo expressed that he thought it had been a fairly  
28 smooth transition and thanked CPA for their assistance in educating licensees. The statistics  
29 look good, particularly given the transitions and constraints the Board has had. Regarding the  
30 second page of the Strategic Plan Progress Report, the implementation of BreEZe has  
31 impacted the Board's capacity to do a 10% audit each month. The board expects that these  
32 numbers will start to transition more fluidly. The last item will be discussed later in the committee  
33 report.

34  
35 **b) Continuing Education Statistics**

36  
37 See Strategic Plan Progress Report, above.

38  
39 **c) Discuss Implementation of AB 1588 (Atkins) – Military Duty Licensees: Fees and**  
40 **Continuing Education**

41  
42 Dr. Gallardo reported that the CE Committee was going to make this item our next priority. It  
43 requires the Board to take a look at its current regulations as the new law is not quite in sync  
44 with current regulations. The Board will take some time and integrate these new laws while  
45 making it's respectful and sensitive to folks who are called to serve in active duty.

46  
47 **d) Review Request to Amend Regulation Requirements Regarding Independent**  
48 **Learning, California Code of Regulations Sections 1397.60 (e) and 1397.61 (a)**

49  
50 Dr. Gallardo reported that an individual had requested that the Board consider that licensed  
51 psychologists can meet current CE regulations and allow 100% independent learning. The

1 committee didn't feel this was in the best interests of the public. The new guidelines, which the  
2 CE committee has been working on (see agenda item 10e), were designed to ensure licensees  
3 are more mindful and intentional when planning their CE/Continuing Professional Development.  
4 The committee was concerned about disconnect and psychologists not having any contact with  
5 other people or colleagues. Thus, there is a discrepancy between what the committee is trying  
6 to put forward in the new CE guidelines, and this request. Going forward (with the new draft  
7 regulations), a total of 18 of their CE units or credits can be met in person online, etc. This is  
8 philosophically an important aspect of the new guidelines which is designed to encourage  
9 licensees to get out and get connected, in the interest of protecting the consumers of California.

10  
11 **e) Review and Approve Draft Language Regarding Continuing Education/Professional**  
12 **Development/Cultural Diversity Training Regulations including recommendations**  
13 **from the Continuing Education Committee**  
14

15 The Committee took the ASPPB guidelines and modified them. A cultural diversity and social  
16 justice requirement was added. Although there is no specific hour requirement for the new  
17 cultural diversity and social justice aspect, the Committee thinks that it is important that  
18 practitioners keep current not only with laws and ethics, but in cultural diversity and social  
19 justice issues as well. The Committee made some minor modifications, particularly addressing  
20 the transition period between the current regulations and new ones going into effect. Language  
21 was needed to alleviate concerns for the transition, regarding meeting the requirements for two  
22 sets of regulations and first time renewal language as well. Also, prior to the effective date of the  
23 new regulations, the committee want to tweak the verification form, specifically change to  
24 "Name of CPD Activity" on the last page of the log.

25  
26 Dr. Erickson noted that the regulations look really good. He's participated in at least one of the  
27 meetings and can say first-hand that a lot of work has gone into this.

28  
29 In response to a request for public comments or thoughts, Dr. Linder-Crow responded with  
30 "perfect".

31  
32 Ms. Marks asked for clarification as to whether the Committee is asking the Board to approve  
33 the language for noticing. Dr. Gallardo responded that the Committee is asking the Board to  
34 approve the regulations and guidelines for noticing.

35  
36 M(Gallardo)/S(Erickson & Phillips simultaneously)/C to approve the language as discussed  
37 today for the Continuing Professional Development Regulations for noticing with the slight  
38 modifications discussed.

39  
40 Vote: 8-0

41  
42 **f) Public Comment for Items Not on the Agenda**  
43

44 None.

45  
46 It was M(Erickson)/S(Starr)/C to accept the Continuing Education Committee's report and the  
47 recommendations contained therein.

48  
49 Vote: 8-0

1 **Agenda Item #11 – Legislation Committee**

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

4  
5 Ms. Jones referred to section 11 of the Board packets. The Committee is skipping the Strategic  
6 Plan Progress Report for now, as it would be redundant to review that in addition to each bill, as  
7 outlined in the remainder of the report for the Legislation Committee.

8  
9 There have been eight pieces of board-related bills that have gone to Governor Brown for his  
10 signature.

11  
12 **b) SB 304 (Price) – Healing Arts: Boards**

13  
14 This bill was mentioned in the Enforcement Committee report. It requires that investigators be  
15 transferred from the Medical Board of California to the Division of Investigation and goes into  
16 effect July 1<sup>st</sup> of 2014. Ms. Bayless reported that she will be working with Division of  
17 Investigation to ensure a smooth transition and to get things rolling.

18  
19 **c) SB 46 (Corbett) – Personal Information: Privacy**

20  
21 This bill passed and requires that if a security breach occurs, affected individuals must be  
22 notified.

23  
24 **d) AB 1057 (Medina) – Professions and Vocations: Licenses: Military Service**

25  
26 This bill passed and will be made effective January 1<sup>st</sup>, 2014. The bill requires licensing boards  
27 under DCA to inquire via each license application, if the applicant has served in the military. To  
28 comply with this law, the Board's applications are being revised and updated.

29  
30 **e) AB 258 (Chavez) – State Agencies: Veterans**

31  
32 This bill also relates to veterans. It requires every state agency to request on any written form,  
33 or through its Web site, if a person is a veteran.

34  
35 **f) SB 131 (Beall) – Damages: Childhood Sexual Abuse: Statute of Limitations**

36  
37 This bill was vetoed by Governor Brown. It was noted that this did not necessarily apply to  
38 public institutions.

39  
40 **g) SB 127 (Gaines) – Firearms: Mentally Disordered Persons**

41  
42 This bill is inactive at this point.

43  
44 **h) AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site**

45  
46 This bill is related to the "GoBiz" website (<http://www.business.ca.gov/>). It is designed to ensure  
47 that the Web site contains information on fee requirements and fee schedules of all state  
48 agencies.

49  
50 Staff will be working with legal counsel to make sure the Board is in compliance. We have until  
51 January 1<sup>st</sup> to be in compliance.

1 **i) SB 666 (Steinberg) – Employment: Retaliation**

2  
3 This bill is regarding employment retaliation. It provides for suspension or revocation of an  
4 employer’s business license for retaliation based on the citizenship or immigration status of an  
5 employee. It establishes a penalty of \$10,000 per violation. Staff will work with legal counsel to  
6 make sure the disciplinary guidelines are in compliance.  
7

8 It would also apply to their psychology license as the language in bill talks about their  
9 professional licenses, not just business licenses. Once the board was notified, then it would  
10 need to determine if there would be disciplinary action.  
11

12 Ms. Starr inquired if the Board would notify licensees about this law. Ms. Bayless replied that the  
13 Board would notify our licensing population about this as it relates to their professional license.  
14

15 **j) Update Regarding SB 1172 (Lieu) – Sexual Orientation Change Efforts, Chapter 835,  
16 Statutes of 2012**

17  
18 This bill was upheld. Recommendations have been made in the regulations regarding  
19 disciplinary guidelines.  
20

21 **k) Legislative Status Report & 2013 Legislative Calendar**

22  
23 When reviewing the calendar for legislative session, it was noted that February 22<sup>nd</sup> would be  
24 the last day for bills to be introduced which would be the 2<sup>nd</sup> day of the Board’s next meeting.  
25 Therefore, the Legislative Committee would like to request that their meeting be held that day.  
26

27 The chart developed by Ms. Kassis will continue to be updated.  
28

29 AB 958 is a two-year bill, which means work will be done on this bill in the next legislative  
30 session. The Board was approached by BBS as they would like to discuss concerns regarding  
31 this bill and include the Association in those conversations.  
32

33 **l) Any Other Bills of Interest**

34  
35 None.  
36

37 **m) Public comment for items not on the agenda**

38  
39 None.  
40

41 It was M (Erickson)/S(Acquaye-Badoo)/C to accept the Legislation Committee’s report and the  
42 recommendations contained therein.  
43

44 Vote: 8-0

45 The open session meeting adjourned at 5:12 p.m.

1 **Friday, October 25, 2013**  
2  
3

4 **Members Present:**

5 Michael Erickson, Ph.D., Board President  
6 Miguel Gallardo, Psy.D., Board Vice-President  
7 Lucille Acquaye-Baddoo  
8 Johanna Arias-Bhatia  
9 Jacqueline Horn, Ph.D.  
10 Nicole J. Jones  
11 Stephen Phillips, Psy.D., J.D.  
12 Linda Starr  
13

14 **Others Present:**

15 Thomas O'Connor, Interim Executive Officer  
16 Jeffrey Thomas, Assistant Executive Officer  
17 Don Chang, Legal Counsel  
18 Gina Bayless, Enforcement Coordinator  
19 Lavinia Snyder, Licensing/Registration Coordinator  
20 Deborah Morales, Investigative Analyst  
21 Denise Russell, Special Investigator  
22 Nicole Walker, Special Investigator  
23 Colette McDowell, Continuing Education Analyst  
24 Liezel Isadore, Administrative Technician  
25 Joana Castillo, Enforcement Technician  
26  
27  
28  
29

30 The open session meeting was called to order by Michael Erickson, Ph.D., Board President at  
31 9:09 a.m. A quorum was present and due notice had been sent to all interested parties.  
32

33 The Oath of Office was administered to Dr. Horn by Dr. Erickson.  
34

35 **CLOSED SESSION – DELIBERATE AND TAKE ACTION ON PERSONNEL MATTERS**  
36

37 Pursuant to Government Code Section 11126(a)(1) the Board will convene in closed session to  
38 interview candidates for Executive Officer position and to select an Executive Officer.  
39

40 **Agenda Item #12 – Announcement Regarding Closed Session**  
41

42 Dr. Erickson indicated that the Board had made a decision, but would make an announcement  
43 at the subsequent meeting.  
44

45 **Licensing Committee**  
46

47 The Licensing Committee met to discuss and formulate recommendations to the Board. See  
48 agenda item #13 for the Board's discussion.

1 **Outreach and Consumer Education Committee**

2  
3 The Outreach and Consumer Education Committee met to discuss and formulate  
4 recommendations to the Board. See agenda item #14 for the Board's discussion.  
5

6 **Agenda Item #13 – Credentials & Licensing Committee**

7  
8 **a) Strategic Plan Progress Report**

9  
10 This agenda item was deferred to next Board meeting.  
11

12 **b) Satisfaction Survey Results**

13  
14 Dr. Horn reported that one of the things the Committee noticed, due to a delay in processing  
15 applications, there has been feedback regarding lack of timely response. Steps are being taken  
16 to turn this around and staff feels this has been taken care of and should improve going forward.  
17

18 **c) Discuss Limitations of Exemption Period Granted Under Business and Professions  
19 Code Section 2910 and Welfare & Institutions Code Section 5751.2**

20  
21 Dr. Horn stated that everyone should have received an analysis regarding this issue as  
22 prepared by Ms. Marks. The Committee would like to address the question of why the  
23 exemption is there and how it came about; we would like to take a look at the history and the  
24 rationale behind this issue. We've requested some clarification to be brought to the next  
25 meeting.  
26

27 The Committee proposed two changes; the first being clarifying the language in Business &  
28 Professions Code Section 2910, by adding language to the effect of "such persons do not  
29 provide direct health or mental health services outside of the purview of their exempt mental  
30 health setting." The second suggestion is that we want to cross-reference the relevant Welfare  
31 & Institutions Code section so there's no confusion. We're hoping that by doing this we stop the  
32 different parts of our regulations conflicting with each other.  
33

34 **d) Update Regarding Request for the California Psychological Association (CPA) to  
35 Pursue Legislation to Eliminate Subsection (g) from Business and Professions Code  
36 Section 2914**

37  
38 This issue was decided at a previous Board meeting and was listed on this agenda in error.  
39

40 **e) Examination Statistics**

41  
42 This agenda item was deferred to next Board meeting.  
43

44 **f) Consider English as a Second Language as a Basis for an Accommodation in Taking  
45 the Examination**

46  
47 Dr. Harlem provided some information to staff and that would be available to full Board for next  
48 meeting so that this issue can be considered in full. If we continue this accommodation, we  
49 need specific criteria to be in place. It has been requested that staff provide some data and  
50 statistics for the next committee meeting, including such information as how many applicants

1 are requesting this accommodation and if it makes a difference in the pass rate when it is  
2 granted.

3  
4 **g) Public Comment For Items Not on the Agenda**

5  
6 None.

7  
8 It was M(Horn)/S(Phillips)/C to accept the Licensing Committee's report and the  
9 recommendations contained therein.

10  
11 Vote: 7-0

12  
13 **Agenda Item #14 – Outreach and Consumer Education Committee**

14  
15 **a) Strategic Plan Progress Report**

16  
17 Ms. Arias-Bhatia has indicated that the Committee has a few recommendations. The first is a  
18 request for a six-month outreach plan encompassing the third and fourth fiscal quarters, to be  
19 provided approximately 30 days prior to the commencement of the third fiscal quarter. The other  
20 request that we have is for an update to occur for all stakeholder contacts. The Committee  
21 wants to make sure that when doing outreach, there is accurate contact information available.  
22 The Committee's last request is that each Board member provide, prior to the end of this fiscal  
23 quarter, a brief introduction, as well as any other information that might be of interest to  
24 stakeholders, be posted on the Web site.

25  
26 Ms. Arias-Bhatia continued by indicating that, as can be seen on the Strategic Plan Progress  
27 Report, there's been some outreach over the last 12 months, but she hopes to see a plan with  
28 an increase in outreach activity. It doesn't have to involve travel, but she would like to see  
29 something concrete. Dr. Erickson stated that he shared the view that there is much opportunity  
30 and interest for additional outreach to occur.

31  
32 **b) Discuss Web site Enhancements**

33  
34 See Strategic Plan Progress Report above.

35  
36 **c) Public Comment for Items Not on the Agenda**

37  
38 None.

39  
40 It was M(Arias-Bhatia)/S(Jones & Erickson, simultaneously)/C to accept the Outreach and  
41 Consumer Education Committee's report and the recommendations contained therein.

42  
43 Vote: 8-0

44  
45 **Agenda Item #15 - Regulation Update, Review, and Action as Necessary**

46  
47 **a) Regulations Status Report**

48  
49 Staff advised the Board that legal counsel should be present to discuss these items, specifically  
50 agenda item 15b. It was a consensus of the Board that there was no significant harm in  
51 deferring the regulatory items to the next Board meeting.



1 **b) Update Regarding Proposed Amendments to Title 16, CCR, Section 1397.12 – Uniform**  
2 **Standards Related to Substance Abuse and Disciplinary Guidelines**

3  
4 This agenda item was deferred to next Board meeting.  
5

6 **c) Proposed Amendments To Title 16 CCR, Sections 1388, 1388.6, 1389, & 1392 –**  
7 **Examinations**

8  
9 This agenda item was deferred to next Board meeting.  
10

11 **d) Proposed Amendments to Title 16, CCR, Division 13.1, Article 1 (General Provisions),**  
12 **Article 2 (Applications), Article 3 (Education and Experience), Article 4 (Examination),**  
13 **Article 5 (Registered Psychologists), 5.1 (Psychological Assistants) and Article 6**  
14 **(Fees)**

15  
16 This agenda item was deferred to next Board meeting.  
17

18 **Agenda Item #16 – Election of Officers for 2014 Calendar Year**

19  
20 Mr. Thomas informed the Board that historically, the Board accepted nominations for one  
21 position, votes on that nomination, then onto the next office holder.  
22

23 Ms. Starr nominated Dr. Erickson as President. The nomination was seconded by Dr. Phillips.  
24

25 Dr. Phillips nominated Dr. Gallardo for Vice President. The nomination was simultaneously  
26 seconded by Dr. Horn and Ms. Starr.  
27

28 Both motions carried with unanimous votes.  
29

30 **Agenda Item #17 – Recommendations for Agenda Items for Future Board Meetings**

31  
32 Dr. Phillips indicated that he believed it important that the Board see the budgetary figures at  
33 each meeting, as the year unfolds, so that Board Members could see where the money was  
34 being spent. Dr. Gallardo added that he would like to see more detail in budget reports than was  
35 provided.  
36

37 Ms. Jones reiterated her request to have the Legislation Committee meeting on the second day  
38 of the next board meeting due to the 2014 Legislative Calendar.  
39

40 The Board adjourned at 4:15 pm.  
41  
42  
43  
44  
45

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

\_\_\_\_\_  
Date