




MEMORANDUM

DATE	January 27, 2014
TO	Psychology Board Members
FROM	 Antonette Sorrick Executive Officer
SUBJECT	Agenda Item 6 (Board Procedure Manual)

Background:

Included in the Board Meeting Materials is a draft Board Procedures Manual.

Action Requested:

Motion: to adopt the Board Procedure Manual as submitted.

Agenda Item 6:

Board Procedure Manual

Hand carry; to be given out
at the meeting

Department of Consumer Affairs
Board of Psychology

February 20-21, 2014 Board Meeting
Sacramento, CA

Hand-Carry
Agenda Item

Agenda Item 6 – Board Procedure Manual

Board of Psychology Administrative Procedure Manual

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CHAPTER 1: INTRODUCTION

Mission

The Board of Psychology (Board) protects and advocates for Californians by promoting the highest professional standards through its licensing, regulation, legislation, enforcement, continuing education and outreach programs.

Vision

Ensuring excellence in psychological services for all Californians.

Overview

The California Board of Psychology was established in 1958 when the first psychologists were certified with the state. The Board is one of 40 Boards, bureaus, commissions, committees and programs that fall under the organizational structure of the Department of Consumer Affairs (Department). The Business, Consumer Services and Housing Agency, under the auspices of the Governor, oversees the Department. The Department protects and serves California consumers while ensuring a competent and fair marketplace.

The Board:

- Licenses and renews licenses of individual Psychologists,
- Registers and renews registrations of Psychological Assistants,
- Registers Registered Psychologists,
- Investigates complaints and takes disciplinary action against licensees for violation of Board statutes and regulations,
- Monitors licensees on probation, and
- Monitors compliance with continuing education requirements.

Composition

Business and Professions Code sections 103, 2920, 2921 and 2922

The Board consists of nine members (five licensed psychologists and four public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two consecutive terms. The Governor appoints two public members and five licensed members. The Senate Rules Committee and the Speaker of the Assembly each appoint a public member. Board members serve in non-salaried positions but are paid \$100 per diem for each day of a Board meeting, committee meeting and other Board business as approved by the Board's President.

This procedure manual is updated as necessary and provided to Board members as a ready reference of important laws, regulations, Department policies and Board policies. It is designed to help guide the actions of the Board members and to ensure effectiveness and efficiency.

CHAPTER 2: BOARD MEETING PROCEDURES

Frequency of Meetings

Business and Professions Code sections 2926 and 2927

The Board typically meets four times annually to make policy decisions, make decisions on disciplinary matters, and review committee recommendations. Special meetings may be called at any time by the President of the Board or at the written request of any two members of the Board.

The Board endeavors to hold meetings in different geographic locations throughout the state when possible as a convenience to the attending public and licensees.

Board Member Attendance at Board Meetings

Board Policy B-95-01

Board members are expected to attend each Board meeting. If a member is unable to attend, he/she is asked to contact the Board President or the Executive Officer and ask to be excused from the meeting for a specific reason. All Board members are expected to attend all committee meetings for each committee to which the Board member has been assigned. All Board members shall attend the entirety of any Board or committee meeting unless excused by the President. The entirety of a meeting shall mean from the date and time of the beginning of the meeting as set forth on the official agenda for said meeting until the official adjournment of the meeting.

Board Member Participation

Board Policy B-95-01

The Board President may contact a member who has missed three consecutive meetings to determine the reason he/she has been absent and whether or not the member is able to continue serving as an active Board member. The President may suggest that the member consider resigning if, in the opinion of the President, the absences lack good cause.

The Board, by resolution, may request in writing to the appointing authority that a member be replaced. The member shall be notified in writing of such proposed action and be given the opportunity to present to the Board his/her written or oral arguments against such action prior to the Board adopting the resolution.

Public Notice/Information at Board Meetings

Government Code section 1120 et. seq.; Bus. & Prof. Code section 2927.5

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of state bodies. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda. Any general discussion of examinations or disciplinary procedures shall be held in public.

Appendix A

The Board may meet in closed session to discuss examinations, deliberate on enforcement cases, discuss pending litigation, and review personnel issues where a public discussion would compromise the integrity of these subjects. If the agenda contains matters that, on advice of legal counsel, are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Quorum

Business and Professions Code section 2927

Five members of the Board constitute a quorum for transaction of business at any meeting of the Board. At a meeting duly held at which a quorum of five members is present, a concurrence of three members of the Board present shall be necessary to constitute an act or decision of the Board.

Agenda Items

Board Policy

Agenda items are generally discussed and agreed upon at a full Board meeting. Additional agenda items for a Board meeting from any source, including Board members, must be submitted to the Executive Officer at least 30 days prior to the scheduled meeting. The Executive Officer may confer with the Board President prior to adding items to the meeting agenda.

Notice of Meetings

Government Code section 11120 et. seq.

As mandated by the Bagley-Keene Open Meeting Act, meeting notices (including agendas for Board meetings) must be sent to persons who have requested to receive such notices and posted on the Board's Web site at least 10 calendar days in advance of the meeting. The notice must include a staff person's name, work address and work telephone number to provide further information prior to the meeting.

Record of Board Meetings

Board Policy

The minutes are a detailed summary of each Board meeting, not a transcript. Board minutes are approved at the next scheduled Board meeting. Once approved, the minutes serve as the official record of the meeting, and all drafts are destroyed.

Audio Recording

Government Code section 11124.1 et. seq. and Board Policy

Board meetings are recorded by staff. Recordings may be erased or destroyed after the minutes are approved.

Board Policy

Staff disposes of the recordings only after the Board has approved the minutes at its next scheduled meeting and the minutes are deemed an official record.

Webcasting

The Board will webcast the Board meetings when webcasting staff is available from the Department to do so. Full Board actions, reconvening for committee reports and public comments will be webcast. Committee meetings will not be webcast. The webcast will be posted on the Board's website.

Meeting Rules

Board Policy

The Board will be guided by, but not bound by, Robert's Rules of Order when conducting Board meetings, except to the extent where it conflicts with state law (e.g., Bagley-Keene Open Meeting Act).

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CHAPTER 3: TRAVEL & SALARY POLICIES / PROCEDURES

Travel Approval

Board Policy

Board members must receive prior approval from the Board President for all travel except for regularly scheduled Board and committee meetings to which the Board member is assigned. Out-of-state travel requires Department of Finance and Governor approval.

The Board President and the Executive Officer must use the Board's annual budget and Department's Travel Guidelines when considering travel requests.

Appendix B

Travel Arrangements

Board Policy

Board members should attempt to make their own travel arrangements, including airfare, lodging and rental cars. Board members should use the state contract airline, Southwest, whenever possible. The Department provides instructions for Board members to establish a state travel account under the "SWABIZ" acronym to use when making all Board-related airfare arrangements.

Appendix C

Out-of-State Travel

SAM section 700 et seq.

All out-of-state travel for persons representing the Board must be approved by the Board President and is ultimately controlled and approved by the Governor. Once approved for out-of-state travel, Board members will be reimbursed actual lodging expenses, supported by receipts, and will be reimbursed for meal and supplemental expenses according to current reimbursement rates. Travel prior to approval by the Governor restricts the member's ability to represent the Board, and is at the individual Board member's own risk and reimbursement may be denied.

Travel Claims

SAM section 700 et seq.

All expenses are claimed using the "CalATERS (California Automated Travel Expense Reimbursement System) Global" system. Each Board member will work with a designated member of the administrative team to set up a CalATERS Global account and designate a specified member of the administrative team as an authorized "preparer".

The Board member shall provide travel-related receipts and other necessary documentation to said "preparer" within 60 days of travel and/or work. After the expense claim has been prepared by the designated "preparer", the Board member will receive an e-mail from the CalATERS Global system indicating that they have a pending claim for their review and submission. The Board member shall then

review and submit the expense claim. Expenses for travel claims submitted after the end-of-fiscal-year deadline may not be reimbursed.

The Department's travel unit uses internet websites to calculate standard mileage reimbursement. If travel includes side trips other than traveling direct from one point to another and returning, each stop must be itemized and an address included.

Appendix D

Salary Per Diem

Business and Professions Code Section 103

Compensation, salary per diem and reimbursement of travel and other related expenses for Board members is regulated by Business and Professions Code section 103.

In relevant part, this section provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties" and provides that the Board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. No public officer or employee shall receive per diem salary compensation for serving on those Boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment."

Travel Reimbursement and Payment of Salary Per Diem

Board Policy B-95-01

The following general guidelines must be adhered to in the payment of salary per diem or reimbursement for travel:

Attendance at events such as hearings, conferences or meetings other than official Board or committee meetings are to be approved in advance by the Board President and the Executive Officer. Board members attending meetings or events to perform a substantial official service are paid per diem and reimbursed for travel-related expenses.

The term "day actually spent in the discharge of official duties" means such time as is expended from the commencement of a Board meeting or committee meeting to the conclusion of that meeting. If it is necessary for a Board member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

Unless it is an emergency, Board members must get prior approval from the Board President to leave a meeting early. Because the Board only meets a few times a year, Board members are expected to stay for the duration of the meeting and make their travel arrangements accordingly.

For Board specified work, Board members are compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at events, meetings, hearings or conferences; examination item writing, examination grading; and enforcement case review. Preparation time for Board or committee meetings is compensated when eight hours is accrued.

Members must submit time sheet summary forms for actual work performed outside a Board meeting in order to be compensated.

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CHAPTER 4: OTHER POLICIES / PROCEDURES

Appointment of Executive Officer

Business and Professions Code sections 107, 2933

The Board may employ a person an Executive Officer exempt from civil service.

Specific instructions for the Executive Officer from the Board members regarding implementing policy matters shall be coordinated through the Board President.

Strategic Plan

Board Policy B-94-01

The Board meets at least annually to review, evaluate and update its strategic plan. The strategic plan shall include a mission statement, a vision statement and strategies to achieve goals, objectives and critical success factors for each Board program. The plan be re-evaluated and updated each year.

Appendix E

Improper/Unprofessional Board Member Conduct

A member may be censured by the Board if the Board determines that he/she has acted in an inappropriate manner while conducting Board business.

Removal of Board Members

Board Policy

The Board, by resolution, may request in writing to the appointing authority that a member be replaced. The member shall be notified in writing of such proposed action and be given the opportunity to present to the Board his/her written or oral arguments against such action prior to the Board adopting the resolution.

B&P Code sections 106 and 2924

The Governor has power to remove from office any member of the Board for neglect of any required duty, for incompetency or for unprofessional conduct.

B&P Code section 106.5

The Governor may also remove from office a Board member who directly or indirectly discloses examination questions to an applicant for examination for licensure, which may also constitute a misdemeanor.

Resignation of Board Members

Government Code section 1750

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of the Department, the Board President and the Executive Officer.

Officers of the Board

Business and Professions Code section 2925; Government Code section 1750

The Board shall elect annually a President and Vice President from among its members.

Election of Officers

Board Policy

Elections for the offices of President and Vice President shall be conducted at the last scheduled Board meeting of the year. The newly elected President and Vice President shall assume duties January 1st.

Officer Vacancies

Board Policy

If the office of the President becomes vacant, the Vice President assumes the office of the President on an interim basis and until election of officers at the next scheduled Board meeting.

Access to Board Files and Records

Board Policy

No Board member may access a licensee, applicant or complaint file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records must not be removed from the Board's office.

Communications with Other Organizations/Individuals

Board Policy

The Executive Officer, his/her designee or the Board President serve as spokesperson to the media or to any individual or organization on Board actions, policies or any communication that is deemed sensitive or controversial. Any Board member who is contacted by any of the above should terminate the contact and inform the Executive Officer or the Board President.

Board Staff

Board Policy

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, all authority and responsibility for management of the civil service staff is delegated to the Executive Officer. Individual Board members should not intervene or become involved in specific day-to-day Board office operations. However, the Board must hold the Executive Officer accountable for supervising all day-to-day operations.

Board Administration

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer under the supervision of the Board President.

Examination Preparation

Board Policy

Board members shall not perform any function of examination development for the Board or the Department during their term as Board members.

Correspondence

Board Policy

Originals of any correspondence received by Board members regarding official Board business must be maintained in the Board's office files. Correspondence must be given to the Executive Officer.

Statement of Economic Interest

Government Code section 81000 et.seq.

The Political Reform Act requires appointed Board members to publicly disclose their personal assets and income. The Fair Political Practices Commission is the agency responsible for maintaining the Statement of Economic Interests Form 700. Board members must complete a Statement of Economic Interest when appointed, annually and upon leaving office. Your Form 700 must be filed annually on or before April 1st, or you risk being sanctioned by the FPPC.

Appendix F

Ethics Training

Government Code section 11146 et seq. Board members are required to receive an ethics orientation within the first six months of their appointment and every two years thereafter. To comply with that directive, members may either complete the interactive training on the website of the Office of the Attorney General or view an interactive video available upon request. A Board administrative team member will coordinate with each Board member to ensure timely compliance.

Sexual Harassment Prevention Training

Department Policy EEO 12-01

Sexual harassment prevention training for all Board members will be accomplished in accordance with Departmental procedures.

Appendix G

Contact with Licensees

Board Policy

Board members must not intervene on behalf of a licensee for any reason. They must forward all contacts or inquiries to the Executive Officer.

Contact with Complainant/Respondent

Board members must not directly participate in complaint handling and resolution or investigations. To do so would subject the Board member to disqualification in any future disciplinary action against the licensee. If a Board member is contacted by a complainant/respondent or his/her attorney, he/she should refer the individual to the Executive Officer or Board staff.

Gifts from Applicants, Registrants, or Licensees of the Board

Board Policy

Gifts of any kind to Board members from applicants, registrants or licensees of the Board are not permitted.

Conflict of Interest

Government Code section 87100

No Board member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a financial interest. Any Board member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board member who feels he/she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or Board President.

Board Policy B-96-02

It is a conflict of interest for a Board member to seek office in a professional association or to actively sponsor or support others seeking office in such associations, to use his/her position as a Board member to further one's own personal interest or concerns, discuss confidential Board business with anyone except other Board members and Board staff, or to publically espouse opinions on behalf of the Board without specific Board approval to do so.

Performance Appraisal of the Executive Officer

Memo OHR 2/14/13; Government Code section 11126(a) and Board Policy P-97-02

The Board evaluates its Executive Officer on an annual basis. Approximately two months before the meeting, the Assistant Executive Officer will direct that all Board members receive a copy of the evaluation form with instruction to complete their evaluations individually and forward them directly to the Board President. The Board President will review all evaluations and collate the ratings and comments, for all Board members to review.

Appendix H

Each year, the matter of the Executive Officer evaluation will be placed on the agenda. The Board members will meet first in closed session to determine what action, if any, needs to be taken. The Board members will then meet with the Executive Officer to discuss the appraisal. Further actions will be taken in accordance with the Open Meetings Act.

Government Code section 11126

Matters relating to the performance of the Executive Officer are discussed by the Board in closed session unless the Executive Officer requests that it be discussed in open session.

Board Member Orientation Training

Business and Professions Code Section 453

Every newly appointed Board member shall, within one year of assuming office, complete the training and orientation program offered by the Department regarding, among other things, his/her functions, responsibilities, and obligations as a Board member.

Objectives of the program are to understand:

- Separate roles of the Executive Officer, the Board, Board members, and Board staff,
- Conflicts of interest,
- Importance of completing and filing the annual Statement of Economic Interest Form 700 and taking mandatory training,
- Bagley-Keene Open Meeting Act,
- Board member roles in the policy making process, and
- Discipline process and Board members' role as "judge".

CHAPTER 5: DUTIES OF THE BOARD PRESIDENT AND VICE PRESIDENT

Board President

Board Policy B-2005-01

It is the role of the President to:

- Preside at open/closed session Board meetings and official regulation hearings,
- Assure that agenda timeframes are followed,
- Appoint chairpersons of all committees, defines the responsibilities of the chairpersons, and make committee appointments,
- Serve as an ex-officio member of all standing committees,
- Assure that all Board members adhere to all Board policies,
- Serve as delegate or alternate delegate to Association of State and Provincial Psychology Boards (ASPPB) or appoint another Board member to serve in such capacity,
- Represent the Board in communications relating to Board action or policy or designate another Board member to represent him/her if necessary,
- Approve or disapprove Board members' travel other than regularly scheduled Board meetings; such approval shall not to be unreasonably withheld,
- Assume responsibilities usually vested in or customarily incident to the office of President and otherwise prescribed by law,
- Make decisions respecting emergency or urgent matters between meetings of the Board,
- Sign decisions and rulings of the Board and minutes after approval by the Board,
- Serve as liaison between the Board and Department's Deputy Director of Board Relations, and
- Serve as immediate supervisor of the Executive Officer.

Appendix I

Vice President

If the President is temporarily unable or unwilling to perform his/her duties as President, the Vice President shall perform all of the duties of the President, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the President.

CHAPTER 6: EXECUTIVE OFFICER

Appointment

The Board appoints an Executive Officer who is exempt from civil service and serves at the pleasure of the Board.

Role

The Executive Officer is the Board's Chief Executive Officer. He/she implements the policies developed by the Board.

Recruitment

The Board may institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It may also utilize proven equal employment opportunity and personnel recruitment procedures.

Selection

A qualified candidate for Executive Officer must demonstrate the ability to supervise employees and handle conflict resolution and complaint mediation. The Executive Officer must also demonstrate effective written and verbal communication skills and have knowledge and expertise in the areas of legislation, regulations, administration, examination, licensing, enforcement, legislation and budgets.

The selection of a new Executive Officer is included as an item of business, which must be included in a written agenda and transacted at a public meeting.

CHAPTER 7: BOARD COMMITTEES

Standing Committees

The Board has six standing committees:

- Continuing Education Committee
- Legislation Committee
- Licensing Committee
- Outreach and Consumer Education Committee
- Enforcement Committee
- Contemporary and Emerging Issues Committee

Internal organization of each committee is at the President's discretion except as specified in this manual.

Committee meetings are generally held in conjunction with regularly scheduled Board meetings and are fully within the scope of the Open Meeting Act.

Committee Appointments

The Board President determines committee composition, whether standing or ad hoc; however, committee members may make recommendations for new members.

Committee members' terms expire at the discretion of the Board President.

Ad hoc committees will be established by the Board as needed. Members and the chairperson will be appointed by the President. Ad hoc committees may include the appointment of non-Board members.

Report of Committee Meetings

Each committee chair provides a report to the full Board at its regularly scheduled Board meeting. The Board can approve the committee report with any and all of the recommendations contained in the report, or approve a portion of the report, and discuss certain items and vote on them separately.

Continuing Education Committee

It is the goal of this committee to ensure a framework of relevant continuing education for psychologists by reviewing continuing education policies and recommending regulatory changes to keep the Board's continuing education program consistent with the evolution of the profession.

Legislation Committee

It is the goal of this committee to advocate and promote legislation that advances the ethical and competent practice of psychology in order to protect consumers of psychological services. The committee reviews and tracks legislation that affects the Board, consumers and the profession of psychology, and recommends positions on legislation for consideration by the Board.

Appendix J

Licensing Committee

It is the goal of this committee to ensure valid licensing policies and procedures making recommendations on changes as appropriate. The committee will also ensure a valid and reliable examination process to assess professional knowledge, as well as the laws and ethics governing the profession, working with such entities as the Association of State and Provincial Psychology Boards (ASPPB) and the Department's Office of Professional Examination Services.

Outreach and Consumer Education Committee

It is the goal of this committee to provide critical information to all Californians regarding the evolving practice of psychology, relevant and emerging issues in the field of psychology and the work of the Board.

Enforcement Committee

It is the goal of this committee to provide public protection against the negligent, incompetent, unethical, unlicensed and/or unlawful activities related to the practice of psychology by maintaining the Board's disciplinary guidelines, reviewing policies regarding petitioner hearings and retaining a qualified pool of expert case reviewers.

Board Policy B-97-02

The chairperson of the Enforcement Committee shall be a public member.

Appendix K

Contemporary & Emerging Issues Committee

The purpose of this committee is to monitor and review trends, issues and relevant changes to the profession of psychology and report its findings and recommendations to the Board.

CHAPTER 8: ASSOCIATION MEMBERSHIP

The Board maintains membership in the Association of State and Provincial Psychology Boards (ASPPB). This organization is the alliance of state, provincial, and territorial agencies responsible for the licensure and certification of psychologists throughout the United States and Canada. ASPPB is the owner and developer of the national examination for licensure and certification in psychology. A national database of regulatory actions taken against licensed psychologists is maintained by ASPPB. Membership in the association aids the Board in staying current with relevant and emerging issues on a national level.

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