



MEMORANDUM

DATE	November 5, 2014
TO	Psychology Board Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	Approval of Minutes: August 21-22, 2014 Board Meeting

Background:

Attached are the draft minutes for the August 21-22, 2014 Board Meeting.

Action Requested:

To amend, and approve the attached minutes for the August 21-22, 2014 Board Meeting.



BOARD OF PSYCHOLOGY – Administration

1625 N. Market Blvd., Suite N-215, Sacramento, CA 95834
P 916.574.7720 F 916.574.8672 www.psychology.ca.gov

BOARD MEETING MINUTES

California Institute of Integral Studies
1453 Mission Street, Namaste Hall
San Francisco, CA 94103
(415) 575-6100

Thursday, August 21, 2014

Michael Erickson, PhD, Board President called the open session meeting to order at 9:30 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Michael Erickson, Ph.D., President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Andrew Harlem, Ph.D.
Jacqueline Horn, Ph.D.
Nicole Jones, Public Member
Stephen Phillips, PsyD.
Linda Starr, Public Member

Others Present:

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing Coordinator
Jonathan Burke, Administrative Coordinator
Colette McDowell, Continuing Education/Renewals Coordinator
Norine Marks, DCA Legal Counsel
President Joseph L. Subbiondo, PhD, President California Institute of Integral Studies (CIIS)
Raymond J. Trybus, PhD, Walden University and San Diego Psychological Association
Danen Adelson, PsyD
Adam Alban, PhD
Emery Ayers-Greenridge, PsyD
Siobhan Hart, PsyD
Gia DiNicola, PhD, The Ann Martin Center
Caitlin Andrews, PsyD, The Wright Institute
Gilbert Newman, The Wright Institute
Charles Faltz, PhD, California Psychological Association
Jo Linder-Crow, PhD, California Psychological Association
Pamela McCrory, PhD, Los Angeles County Psychological Association

1 A. Steven Frankel, PhD, JD
2 Michael Lindsay, PhD
3

4 **Agenda Item #1: President's Welcome**
5

6 Dr. Erickson welcomed the public, Board members, and Board staff and thanked the
7 California Institute of Integral Studies (CIIS) for hosting the meeting. Dr. Erickson invited
8 CIIS President Joseph L. Subbiondo, PhD to speak to the Board.
9

10 Dr. Subbiondo stated that the California Institute of Integral Studies is delighted to host
11 the Board meeting, provided a brief history of the Institute, and thanked Dr. Harlem for
12 arranging the Board meeting.
13

14 **Agenda Item #2: Swearing In of Board Members**
15

16 Ms. Jones was sworn in by Dr. Erickson with the assistance of Ms. Sorrick.
17

18 Dr. Erickson was sworn in by Ms. Sorrick with the assistance of Dr. Horn.
19

20 **Agenda Item #3: Approval of Minutes: May 15-16, 2014 Board Meeting**
21

22 Dr. Horn noticed a missing title for Dr. Rallo on page 6, line 7 and also on a missing
23 "and" between New Hampshire and Nevada on line 13 of the same page.
24

25 Ms. Jones asked that a sentence on page 8, lines 39 and 40 be re-worded to clarify that
26 the Board had not actually taken a position on CANRA. Dr. Erickson suggested
27 changing the word "position" to "understanding" in order to fix the issue.
28

29 Ms. Jones requested the phrase "historically persecuted" on page 16, line 4 be changed
30 to "historically disadvantaged" to more accurately reflect the public comment. Ms. Jones
31 asked whether the ad hoc committee and Sunset Review were included in the minutes.
32

33 Ms. Jones asked for reference to the ad hoc committee, ABA Task Force, and Sunset
34 Review Committee in agenda item 16.
35

36 Mr. Burke stated that the ad hoc committee and ABA Task Force are included in the
37 minutes on page 17, but the Sunset Review Committee was not.
38

39 Dr. Erickson stated that a few people listed in the minutes did not have proper titles and
40 mentioned Dr. Miller, but did not reference any page numbers. On page 11, line 42 Dr.
41 Erikson noticed that a name was missing after the title "Ms." and on line 28 of the same
42 page, Jamie Miller is not listed as having a PhD. On page 9, line 45, Dr. Julie Hayden is
43 not listed as having a PhD.
44

45 Ms. Jones asked that a sentence on page 2, line 47 and 48 be re-worded to clarify that
46 she was not speaking for the Board, but was instead making a suggestion based on the
47 Board's discussion.
48

1 Ms. Sorrick stated that the phrase on page 9, line 4 “and some extra work” be removed
2 in addition to “extra work for staff” on line 13 of the same page.

3
4 It was M(Horn)/S(Starr)/C to approve the minutes as revised.

5
6 Vote: 8-0

7
8 **Agenda Item #4: Approval of Minutes: June 17, 2014 Board Meeting**

9
10 Dr. Horn noticed the phrase “oppose if amended” on page 3, line 40 and Mr. Burke
11 stated that the position taken was actually “oppose unless amended.”

12
13 Dr. Horn pointed out missing quotation marks around a few of the Board’s positions
14 without referencing a page number and the addition of an extra letter in Dr. Linder-
15 Crow’s name on page 6, line 47.

16
17 Dr. Erickson noticed that on page 1, line 36, Dr. Melody Schaeffer is listed without a title
18 in addition to Dr. Pamela McCrory on line 37 and Dr. Raymond Trybus on line 38.

19
20 It was M(Acquaye-Baddoo)/S(Phillips)/C to approve the minutes as revised.

21
22 Vote: 8-0

23
24 **Agenda Item #5: Petition for Early Termination of Probation – Michael A. Lindsay,**
25 **Ph.D.**

26
27 Administrative Law Judge Ruth S. Astle presided. Deputy Attorney General Carolyn
28 Westfall was present and represented the people of the State of California. Michael A.
29 Lindsay, Ph.D. was present and was represented by Stephen Frankel, Ph.D.

30
31 The Board adjourned into **closed session** at the conclusion of the hearing pursuant to
32 Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions,
33 including the above petition.

34
35 **Return to Open Session**

36 Dr. Erickson called the meeting back to order and stated that he would like to have
37 public comment before continuing on to the budget report.

38
39 Dr. Adam Alban stated that he was coming before the Board to discuss the issue of
40 volunteer practice. He thanked the Board members and staff for hearing his comments
41 on the issue. Dr. Alban acknowledged that the issue of volunteer practice is listed on the
42 November agenda, but he will not be able to attend would like to speak about it now.

43
44 This issue came to Dr. Alban’s attention while legally representing a psychologist. Dr.
45 Alban reported that the Board determined that because the services were being
46 provided on a pro bono basis, the practicing psychologist would not be deemed to be
47 engaging in the practice of psychology. Thus, the probation was tolled and the license
48 was placed on inactive status until he or she received payment from a client. Dr. Alban

1 noted that Mr. Thomas stated he did not believe the Board or Board staff has ever
2 addressed a distinction between pro bono or volunteer services.

3
4 Dr. Alban stated that psychologists in California frequently provide services for no fee
5 and the Board's interpretation is problematic for at least 5 reasons. These reasons
6 include: (1) confusion as to whether or not these volunteer practices are covered under
7 the psychologist malpractice policies, (2) question as to the jurisdiction of the Board for
8 standards of care and substantial relationships, (3) creation of a disincentive for the
9 psychologists providing volunteer services, (4) disadvantage of psychologists who do
10 not know about this interpretation although they should, and (5) the potential to rob the
11 public of action for professional negligence should they receive harmful services.

12
13 As a final statement, Dr. Alban suggested that the Board adopt an interpretation of the
14 definition of the practice of psychology to include services that are provided on a
15 volunteer basis and stated that adopting such would benefit all involved.

16
17 Dr. Erickson thanked Dr. Alban and stated that he would like to engage in dialogue with
18 the other Board members. Dr. Erickson stated that he would make sure the issue would
19 be discussed further at the November Board meeting.

20
21 **Agenda Item #6: Budget Report**

22
23 Mr. Burke presented the budget report.

24
25 Mr. Burke, Administrative Coordinator for the Board, presented on the condition of the
26 Board's budget. A graph was presented in relation to the Board's discretionary,
27 nondiscretionary, and total budget amounts.

28
29 Dr. Horn asked Mr. Burke what the reserve amount is when the loan repayment is
30 triggered. Mr. Burke replied that it is addressed in the governor's provisional memo and
31 once the general fund has been paid in full, a fee decrease would be triggered.

32
33 Dr. Erickson said that the fee decrease is required if the Board's fund has more than 24
34 months in reserve.

35
36 Ms. Sorrick stated that the repayment is scheduled regardless of the health of the
37 reserve amount in the Budget for 2016-2017.

38
39 Dr. Erickson thanked Mr. Burke for his report.

40
41 **Agenda Item #7: Enforcement Report**

42
43 Ms. Monterubbio presented the enforcement report.

44
45 Ms. Monterubbio stated that the Board is looking to hire two new enforcement analysts
46 and hope to have these positions filled by the end of the month. Once these positions
47 are filled, the Board will have one Enforcement Program Manager, four Enforcement
48 Analysts, one Special Investigator, one Probation Coordinator, and one Enforcement
49 Technician.

1
2 Enforcement staff will be taking a three-day course to enhance investigative skills when
3 performing desk investigations and the ability to provide concise written reports to the
4 Medical Board and management.

5
6 Joshua Templet, JD, had been assigned as the Board's Deputy Attorney General
7 liaison.

8
9 The Board has received 78 complaints as of July 1st, 2014 and that all complaints are
10 opened within eight days. Once received, complaints are then forwarded to an
11 Enforcement Analyst for desk investigation.

12
13 The Enforcement Unit is looking to provide expert training in 2015 and currently has 87
14 applications for new Board experts. She stated that the Enforcement Unit is also
15 currently looking for experts in the fields of neuropsychology and child custody
16 evaluations.

17
18 The Board has currently served two citations as of FY 2014-15. The discipline program
19 currently has 61 cases pending at the AG's office and six cases have been sent since
20 July 1st, 2014.

21
22 Ms. Monterubbio directed the attention to the sample Results of Mail Ballot memo
23 provided in the Board packets and stated that she would like to have this memo mailed
24 to each Board member mailed informing them about the results of the mail votes of
25 each case.

26
27 Ms. Monterubbio reported that the probation program currently has 34 probationers of
28 which eight are out of compliance. Additionally, staff is working with the AG's office to
29 file accusations and petitions to revoke probation.

30
31 Ms. Starr welcomed and commended Ms. Monterubbio on her work with the ballot vote.

32
33 Dr. Erickson thanked Ms. Monterubbio for her report and welcomed her to the Board.
34 He praised Ms. Monterubbio for her excellent article included in the most recent Board
35 Journal.

36
37 Ms. Acquaye-Baddoo welcomed Ms. Monterubbio and stated that she appreciates the
38 work she has completed.

39
40
41 **LICENSING COMMITTEE**

42
43 The Licensing Committee met to discuss and formulate its recommendations to the
44 Board.

45
46 **Agenda Item #8: Licensing Committee Report – Dr. Jacqueline Horn**

47
48 **a) Application Report**

1 Ms. Johnson referred the Board to the application statistics provided in the Board
2 packets.

3
4 **b) Examination Report**

5
6 Dr. Horn reported that the Committee had received comments from the Office of
7 Professional Examination Services (OPES) regarding problems in the February through
8 August 2014 version of the CPSE, and the Committee would like to look into the issue
9 further. The Board had received complaints from those who took that version of the
10 examination who believed the pass rate was too low in comparison with other years.

11
12 Ms. Sorrick suggested that a Committee member work with staff and OPES to follow up
13 on the issue of the validity of the CPSE administered from February 1, 2014 to July 31,
14 2014.

15
16 Dr. Harlem stated that if the data is correct, there may be an anomaly that does not
17 accurately reflect the performance of those who took the CPSE that resulted in harm
18 and expressed his desire to find a solution to the situation. He commented that one
19 immediate remedy would be the ability to retake the CPSE exam prior to the current six
20 month wait since a new version of the exam became available August 1st.

21
22 Dr. Erickson expressed agreement with Dr. Harlem and concern about the harm that
23 had been caused. Dr. Erickson suggested that applicants be allowed to retest as soon
24 as possible.

25
26 Ms. Arias-Bhatia asked when the Board initially knew about the results from February.
27 Dr. Horn replied that the information was reported at the last Board meeting.

28
29 Ms. Arias-Bhatia asked about the response time during the similar situation which
30 occurred in 2007. Ms. Johnson and Mr. Thomas stated that the anomaly to the 2007
31 CPSE was discovered by the OPES and recognized early in the administration of that
32 exam, allowing individuals to retake another form of the examination the following
33 month.

34
35 Dr. Horn inquired if BreEZe was the cause of the six month waiting timeframe and Mr.
36 Thomas confirmed that it is a result of the programming of BreEZe.

37
38 Dr. Harlem stated that the use of any and all resources, including human resources, is
39 appropriate to solve this issue. He added that waiting six (6) months before taking
40 another exam should not be because of technical reasons.

41
42 Ms. Sorrick stated that staff and Dr. Horn will go to DCA for assistance in identifying a
43 resolution to the six month wait requirement.

44
45 Ms. Marks stated that whether or not someone takes the exam is dependent upon the
46 applicant information that is input and it would be up to the staff to determine whether or
47 not it can be done outside of the BreEZe system. Ms. Marks also said that there is little
48 information about whether or not this particular examination was of questionable
49 validity.

1
2 Dr. Horn summarized the two issues under discussion, whether or not the exams can
3 be taken prior to the six month timeframe and if there is an anomaly within the
4 examination items.

5
6 Ms. Jones asked if the Board staff had spoken to OPES. Ms. Sorrick commented that
7 staff was recently made aware of the concerns from the test takers about the low
8 passing rate and contacted OPES on providing a response.

9
10 Ms. Jones pointed out Attachment 2 of agenda item b, which appeared to state that the
11 Board members should not be involved in the development of administration of the
12 examination process. Ms. Marks stated that she interpreted the language of Attachment
13 2 to mean that Board members could not serve as Subject Matter Experts in
14 examination development, but that Board members are able to inquire about
15 examination validity.

16
17 Ms. Marks stated that the six (6)-month waiting period is a policy for coding into the
18 BreEZe system and not a regulation which would require a vote to correct.

19
20 Ms. Johnson commented that it may be possible to manually enter applicant eligibility
21 for the exam in the BreEZe system for those who need to retake the exam without the
22 six (6)-month wait.

23
24 It was M(Erickson)/S(Horn)/C to direct staff to use all reasonable efforts to allow
25 applicants who took the exam between February 1st and July 31st to be made eligible to
26 retake a new form of exam as soon as possible.

27
28 Vote: 8-0

29
30 It was M(Horn)/S(Starr)/C to have staff and OPES review the form of the CPSE
31 examination that was administered from February 1, 2014, to July 31, 2014.

32
33 Vote: 8-0

34
35 **c) Renewal Report**

36
37 Ms. McDowell referred to her informational PowerPoint presentation and the renewal
38 statistics provided in the Board packets.

39
40 **d) Continuing Education Report**

41
42 Ms. McDowell referred to her informational PowerPoint presentation and the continuing
43 education statistics provided in the Board packets.

44
45 **e) Discuss Limitations of Exemption Period Granted Under Business and**
46 **Professions Code Section 2910 and Welfare & Institutions Code Section 5751.2**

47
48 Dr. Horn referred to the draft language provided in the Board packets and
49 recommended that the Board pursue a legislative change to Section 2910 to include the

1 amended language, which would allow the practice of psychology while unlicensed for
2 five years while, primarily, accruing the supervised hours required for licensure.

3
4 It was M(Horn)/S(Phillips)/C to delegate staff to make changes to the proposed
5 language to include in the legislative proposal.

6
7 Vote: 8-0.

8
9 **f) Licensing Action Plan – Proposed Improvements to the Licensing Process –**
10 **Update**

11
12 Ms. Johnson referred to the Licensing Action Plan provided in the Board packets.

13
14 **g) ASPPB Update**

15
16 **1) ASPPB Annual Meeting Agenda**

17
18 Dr. Horn gave an informational update regarding ASPPB and referred to the ASPPB
19 Annual Meeting Agenda.

20
21 **h) Regulation Update, Review and Action, as Necessary**

22
23 **1) Title 16, CCR, Sections 1397.60, 1397.61, 1397.62, 1397.67 – Definitions,**
24 **Continuing Education Requirements, Continuing Education Exemptions**
25 **and Exceptions, Renewal after Inactive or Delinquent Status**

26
27 Dr. Horn reported on the regulation update.

28
29 In response to a stakeholder meeting held on July 24th and a follow-up teleconference
30 on August 5th, modifications to the draft language regarding continuing
31 education/professional development/cultural diversity training regulations has been
32 included as hand-carry items for review.

33
34 She noted that in the modified language, on page 10, in the first line of section (f), the
35 word “these” was changed to “sponsored” for consistency and section (D) was updated
36 to reflect reference to section 1397.61(f)(2), replacing the placeholder “xxx” that had
37 been previously listed.

38
39 Dr. Linder-Crow pointed out a formatting error [number (2) should have been (5)] at the
40 top of page 12 and indicated that she believed that section (E) was unnecessary. Ms.
41 McDowell responded that it needed to be rephrased but was necessary in order to
42 accommodate those licensees whose renewal cycles do not fall neatly into one set of
43 regulations or the other (current vs. proposed). Dr. Linder-Crow concurred. Ms.
44 McDowell indicated that staff would work with legal counsel to address this modification.

45
46 It was M(Horn)/S(Phillips)/C that the Board approve the language as presented for
47 noticing, to set it for hearing at the November Board meeting, and to delegate to staff
48 the authority to make non-substantive changes.

1 Vote: 8-0.

2
3 **i) Public comment for items not on the agenda**

4
5 Dr. Horn invited the Committee members and public for comments or questions.

6
7 Dr. Emery Ayers-Greenridge introduced herself and thanked the Board for allowing the
8 public to participate in the discussion. Dr. Ayers-Greenridge invited her colleagues in
9 attendance to introduce themselves. Dr. Siobhan Hart, Dr. Danen Adelson, Dr. Gia
10 DiNicola, Dr. Caitlin Andrews, and Dr. Gilbert Newman introduced themselves to the
11 Committee.

12
13 Dr. Ayers-Greenridge then proceeded with her presentation. She noted that the passing
14 rates for the CPSE administered February 1, 2014 to July 31, 2014 was close to 30%
15 lower than what it has been in the past five years. Dr. Ayers-Greenridge stated that any
16 professional examination which has a passing rate around 30% lower than previous
17 exam data suggests fundamental problems with that test version. She said there was a
18 similar time in 2007 when the Board noticed an anomaly with a form of the examination,
19 and allowed those who had taken that test to retake it a second time. Dr. Ayers-
20 Greenridge pointed out that the Board has taken no such action in this 2014 case and
21 thus, many qualified candidates were denied a passing score. Dr. Ayers-Greenridge
22 stated that she believes this issue warrants immediate attention due to the impact on
23 the clinicians who have taken the test. She commented that the low scores impact job
24 eligibility causing financial hardship for those who received a low score and that this
25 effect lasts the entirety of the six-month timeframe between the available examination
26 dates. Dr. Ayers-Greenridge stated that the scores should be retroactively adjusted to a
27 cut-off score that would keep this version of the CPSE equivalent to previous forms
28 rather than requiring a retest. She requested that if a retest is required, that the same
29 DSM-4 information from the previous test be included.

30
31 Dr. Ayers-Greenridge then commented on the fluctuation of the scores from previous
32 examinations. From 2009 to 2013, she pointed out a fluctuation of about 9% between
33 the passing rates for the CPSE. For the bar exam, she noted a passing rate change of
34 about 7% and the Medical Board exam had a 6% fluctuation. Dr. Ayers-Greenridge
35 stated that the 30% fluctuation of the CPSE is significantly greater than the previously
36 listed exams and is not comparable to what seems to be the standard rate in similar
37 professions.

38
39 Dr. Ayers-Greenridge then invited others in the public to comment on the issue.

40
41 Dr. Adelson thanked the Committee for allowing the public to give insight into the
42 matter. Dr. Adelson gave a personal narration of how the low passing rate has affected
43 her. Dr. Adelson stated that she had missed the cutoff to pass by one point and, as a
44 result, lost her job at UC Davis.

45
46 Dr. Newman stated that a significant difference in scores requires the Board to review
47 the standard deviation of scores and to consider criteria validity problems with the
48 examination. Dr. Newman stated that such a difference should require immediate

1 attention and encouraged the Committee to readjust the scores to save many people
2 the hardship of waiting six months to retake the exam.

3
4 Dr. Linder- Crow stated that she wanted to clarify the action the Committee was going to
5 take in regards to the exam.

6
7 Dr. Horn stated that the Committee work with staff and bring the subject back to the
8 November Board meeting.

9
10 Dr. Linder-Crow asked whether or not there would be a follow-up between now and the
11 November Board meeting. Dr. Horn stated that the Committee would be following up.

12
13 **j) Closed Session – the Licensing Committee will meet in Closed Session**
14 **Pursuant to Government Code Section 11126 (c) (2). Review Request for**
15 **Exemption of the Human Sexuality Pre-Licensing Course Requirement.**

16
17 Dr. Horn reported that the Licensing Committee voted to recommend granting an
18 exemption of the human sexuality pre-licensing course requirement for an applicant.

19
20 Dr. Harlem noted the importance of Human Sexuality training and its involvement in
21 various cases.

22
23 Dr. Erickson asked for a stronger argument for the support of the applicant exemption.
24 Dr. Horn stated that she was in favor of the exemption because the applicant has
25 probably maintained his competence in the field.

26
27 Dr. Harlem stated that it seemed as though Dr. Horn’s argument was in opposition to
28 continuing education. Dr. Horn clarified that she is not in opposition against continuing
29 education. Dr. Harlem questioned why Dr. Horn is making the assumption that the
30 applicant keeps up with continuing education without knowing for certain.

31
32 Dr. Phillips and Dr. Harlem explained the content covered in Human Sexuality courses
33 including gender identity, sexual identity, and correct terminology and physiology at the
34 request of Ms. Aquaye-Baddoo.

35
36 It was M (Horn)/S (Arias-Bhatia) to grant the exemption for the applicant.

37
38 Vote: 2 Ayes – 6 Noes

39
40 Motion Defeated.

41
42 It was M (Horn)/S (Harlem)/C to accept Committee discussion, comments, and
43 decisions for Sections a, c, d, f, and g. Sections b, e, and h were voted on separately by
44 the whole Board.

45
46 Vote: 8-0.

47
48 **Policy and Advocacy Committee**

1 The Policy and Advocacy Committee met to formulate its recommendations to the
2 Board.

3
4 **Agenda Item #9: Policy and Advocacy Committee Report – Nicole Jones**

5
6 **1) AB 186 (Maienschein) – Professions and Vocations: Military Spouses:
7 Temporary Licenses**

8
9 Ms. Jones thanked Mr. Burke for his work.

10
11 Ms. Jones reported that the Board took an “oppose” position on AB 186. The bill is
12 currently being read for the third time in the Senate. Mr. Burke stated that the bill is
13 moving forward and was recently amended. Mr. Burke recommended the Board
14 withdraw its “oppose” position because the amended bill no longer relates to the Board
15

16 It was M(Jones)/S(Phillips)/C for the Board to withdraw its opposition to AB 186.

17
18 Vote: 8-0

19
20 **2) AB 790 (Gomez) – Child Abuse Reporting**

21
22 Ms. Jones reported that AB 790 was not progressing and required no further discussion
23 or action.

24
25 **3) AB 809 (Logue) – Healing Arts: Telehealth**

26
27 Ms. Jones reported that the Board took a “support if amended” position on AB 809. The
28 Board wanted the phrase “at the originating site” removed from the bill language. Ms.
29 Jones stated that this amendment has now been made and the bill has continued to
30 concurrence. As a result of the bill being amended, it was suggested that the Board
31 adopt a “support” position.

32
33 It was M(Jones)/S(Erickson)/C to change the Board’s position to “support” AB 809.

34
35 Vote: 8-0

36
37 **4) AB 1505 (Garcia) – Child Abuse: Mandated Reporters**

38
39 Ms. Jones reported that AB 1505 was pulled by the author and required no further
40 discussion or action.

41
42 **5) AB 1640 (Jones/Sawyer) – Sex Offenders: Registration**

43
44 Ms. Jones reported that AB 1640 was removed and required no further discussion or
45 action.

46
47 **6) AB 1702 (Maienschein) – Professions and Vocations: Incarceration**

48

1 Ms. Jones reported that the Board took an “oppose” position on AB 1702 and the bill is
2 currently on the governor’s desk to be signed. Ms. Jones stated that the letter of
3 position from the Board had been sent to the Governor.

4
5 **7) AB 1758 (Patterson) – Healing arts: License Renewal Fees**

6
7 Ms. Jones reported that AB 1758 is held in committee and required no further
8 discussion or action.

9
10 **8) AB 1843 (Gordon/Jones) – Child Custody Evaluations**

11
12 Ms. Jones reported that the Board took a “support” position on AB 1843 and the bill is
13 now at the governor’s desk.

14
15 **9) AB 2041 (Jones) – Developmental Services: Regional Centers**

16
17 Ms. Jones reported that AB 2041 was removed and required no further discussion or
18 action.

19
20 **10) AB 2058 (Wilk) – Open Meetings**

21
22 Ms. Jones reported that the Board took a “watch” position on AB 2058 and the bill is
23 currently headed back to the Assembly for a concurrence vote.

24
25 **11) AB 2198 (Levine) – Mental Health Professionals and Suicide Prevention**

26
27 Ms. Jones reported that the Board took a “oppose” position on AB 2198 and the bill has
28 moved to the governor’s desk.

29
30 Dr. Erickson expressed concern for this important topic and stressed that the Board’s
31 position did not diminish the importance of the issue.

32
33 Ms. Jones commented that the Board’s explanation of the position and concern for the
34 topic was expressed in the Board’s most recent journal.

35
36 **12) AB 2396 (Bonta) – Convictions: Expungement: Licenses**

37
38 Ms. Jones reported that the Board took an “oppose” position on AB 2396.

39
40 Mr. Burke stated that the bill was amended and is currently being read for the second
41 time with the amended language. Mr. Burke added that the bill was put in the suspense
42 file after because of its large fiscal impact, but the bill left the Appropriations Committee
43 and is now on the floor of the Senate.

44
45 **13) SB 570 (DeSaulnier) – Advanced Alcohol and Drug Licensing Act**

46
47 Ms. Jones reported that the Board took a “support if amended” position on SB 570.

1 Mr. Burke stated that the Board suggested three amendments be made regarding
2 concern for the potential opportunity to become a licensed Alcohol and Drug Counselor
3 without an advanced degree, concern for the insufficient training standards, and the
4 thought that this Board would best be housed under the DCA rather than the
5 Department of Healthcare Services. Mr. Burke added that this bill was held in the
6 Senate Appropriations Committee and he does not foresee the bill moving forward.
7

8 Dr. Erickson asked whether or not the DCA and Department of Health Care Services
9 amendment had been made. Mr. Burke confirmed that the bill was amended to house
10 the Board under the DCA.
11

12 **14) SB 1159 (Lara) – License Applicants: Federal Tax Identification**

13

14 Ms. Jones reported that the Board took a “watch” position on SB 1159 and the bill is
15 currently in the third reading at the Assembly.
16

17 **15) SB 1466 (DeSaulnier) – Health Care Coverage**

18

19 Ms. Jones reported that the Board took a “support” position on SB 1466 and the bill will
20 pass to concurrence if it passes the third reading.
21

22 Mr. Burke added that there have been amendments to the bill, but these amendments
23 had no impact upon the Board’s omnibus language.
24

25 **16) 2014 Legislative Calendar**

26

27 **b) Update Regarding the California Child Abuse and Neglect Reporting Act** 28 **(CANRA) and Mandated Reporting - Penal Code Sections 261.5, 288, and 11165.1** 29

30 Ms. Jones summarized the history and current situation of issues surrounding CANRA.
31 The Board voted at its February Meeting to request Senator Steinberg’s Office send a
32 request for clarification to the Office of the Attorney General as to whether or not a
33 psychologist who becomes aware of consensual acts of sodomy and oral copulation
34 between minors is reportable as abuse. There is a body of case law that says no, but
35 the language in the law and training manuals say that it is. This is causing confusion
36 regarding this very sensitive issue.

37 Board Member Linda Starr submitted the request to Senator Steinberg’s staff and they
38 have indicated that the Office of the Attorney General has not yet released the opinion.
39

40 **c) Public Comment for Items Not on the Agenda**

41

42 There was no public comment.
43

44 Dr. Phillips thanked Mr. Burke for sending summaries to the Board members and
45 consistently keeping the Board informed.
46

47 The open session meeting was adjourned at 4:45 p.m.
48

49 **Friday, August 22, 2014**

1
2 Michael Erickson, PhD, Board President called the open session meeting to order at
3 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.
4

5 **Members Present:**

6 Michael Erickson, PhD, President
7 Lucille Acquaye-Baddoo, Public Member
8 Johanna Arias-Bhatia, Public Member
9 Andrew Harlem, PhD
10 Jacqueline Horn, PhD
11 Nicole Jones, Public Member
12 Stephen Phillips, PsyD
13 Linda Starr, Public Member
14

15 **Others Present:**

16 Antonette Sorrick, Executive Officer
17 Jeffrey Thomas, Assistant Executive Officer
18 Sandra Monterrubio, Enforcement Program Manager
19 Karen Johnson, Licensing Coordinator
20 Jonathan Burke, Administrative Coordinator
21 Colette McDowell, Continuing Education/Renewals Coordinator
22 Norine Marks, Legal Counsel
23 Raymond J. Trybus, PhD, Walden University and San Diego Psychological
24 Association
25 Josh Templet, Deputy Attorney General
26 Gregory L. Gayle, The Wright Institute
27 Pamela J. McCrory, PhD, Los Angeles County Psychological Association
28 Jo Linder-Crow, PhD, California Psychological Association
29 Michael DeSousa, CPS HR Solutions
30

31
32 **Agenda Item #10: Regulatory Hearing – Title 16, CCR, Section 1397.12 – Uniform**
33 **Standards Related to Substance Abuse and Disciplinary Guidelines**
34

35 Dr. Erickson called the hearing to order and summarized the proposal. He stated that
36 the regulation proposal was filed with the Office of Administrative Law and has been
37 duly noticed to interested parties. He indicated that no written comment had been
38 received regarding the proposal.
39

40 No public testimony was given, and Dr. Erickson closed the hearing.
41

42 **Agenda Item #11: Adoption of Amendments to Title 16, CCR, Section 1397.12 –**
43 **Uniform Standards Related to Substance Abuse and Disciplinary Guidelines**
44

45 It was M(Erickson)/S(Starr) to adopt the regulation to amend §1397.12 as proposed.
46

47 Vote: 8-0.
48

1 **Agenda Item #12: Regulatory Hearing - Title 16, CCR, Sections 1388, 1388.6, 1389,**
2 **1392 –Examinations, License Requirements and Waiver of Examination,**
3 **Reconsideration of Examinations, Psychologist Fees**
4

5 Dr. Erickson called the hearing to order and summarized the proposal. He stated that
6 the regulation proposal was filed with the Office of Administrative Law and has been
7 duly noticed to interested parties. He indicated that three written comments were
8 received.
9

10 No public testimony was given, and Dr. Erickson closed the hearing.
11

12 **Agenda Item #13: Adoption of Amendments to Title 16, CCR, Sections 1388,**
13 **1388.6, 1389, 1392 –Examinations, License Requirements and Waiver of**
14 **Examination, Reconsideration of Examinations, Psychologist Fees**
15

16 Dr. Phillips, Dr. Horn, and Dr. Harlem expressed concern for the redacted identities of
17 people who gave written testimony.
18

19 Ms. Marks explained that the redaction of personal information must be in compliance
20 with the Information Practices Act and is determined on a case by case basis. With one
21 of the comments received, it did not appear to actually be a comment on the proposed
22 regulatory amendment, and therefore was redacted accordingly, although still provided
23 to the Board since the regulatory proposal was mentioned and seemed to inspire the
24 comment. In the future, staff will attempt to determine if a similar comment is actually
25 addressed to the proposed change.
26

27 The Board discussed the modified text that was proposed by staff to delete the specific
28 scaled score of the exam referenced in section 1388(e), and provide that the Board
29 would apply a scaled score as recommended by ASPPB, and modify section 1392 to
30 refer to “the” licensing exam, rather than “either” exam, since the CPSE is being
31 eliminated.
32

33 The Board discussed the letter dated August 18th, 2014. Ms. Arias-Bhatia commented
34 that the letter addresses a concern with the CPSE rather than the regulation.
35

36 The Board discussed a comment dated July 16th, 2014. Dr. Erickson commented that
37 the email expressed hope that the Board establishes a pass level for the CPSE.
38

39 Dr. Horn stated that the OPES follows a standard accepted test protocol and does not
40 believe any changes are required based on the Board’s prior discussion. Dr. Erickson
41 and Dr. Harlem agreed.
42

43 The Board discussed a third written comment dated August 15th, 2014. Dr. Harlem
44 stated that the letter appears to advocate the action the Board is taking.
45

46 It was M(Erickson)/S(Starr)/C to approve the modified text as presented for a 15-day
47 public comment period and to delegate the authority to the Executive Officer, absent
48 any negative comments, to adopt the modified text.
49

1 Vote: 8-0

2

3 It was M(Erickson)/S(Horn)/C to delegate the authority to the Executive Officer and staff
4 to make any required non-substantive changes, and to complete the rulemaking file and
5 submit to the Office of Administrative Law.

6

7 Vote: 8-0

8

9 Dr. Erickson welcomed Mr. Joshua Templet on behalf of the Board and expressed
10 appreciation for his presence.

11

12 **Agenda Item #14: Licensing Presentation**

13

14 Dr. Horn thanked Ms. Marks and the DCA Legal Unit, for their assistance in requesting
15 BreEZe system to allow applicants who took the CPSE between February 1, 2014, to
16 July 31, 2014, to register retake the exam as soon as possible. She added that the six
17 (6) month waiting period will be removed.

18

19 **a) Overview of the Psychological Assistant Application Process**

20

21 Ms. Johnson provided an overview of the Psychological Assistant Application Process.

22

23 **b) YouTube Video – Psychological Assistant Application**

24

25 Ms. Johnson stated that staff is developing an informational YouTube video on how to
26 apply for psychological assistant registration. She stated that this video will be available
27 for the November 2014 Board meeting.

28

29 Ms. Johnson then presented a slideshow to explain what will be included in the
30 YouTube video.

31

32 **c) Q&A**

33

34 Dr. McCrory complemented staff for the presentation and creation of the helpful
35 YouTube videos.

36

37 **Agenda Item #15: Outreach and Education Committee**

38

39 Ms. Acquaye-Baddoo summarized the goals of the Committee.

40

41 **a) Strategic Plan Update**

42

43 Ms. Sorrick stated that the staff met to discuss and create timeframes to complete the
44 action steps listed in the Strategic Plan.

45

46 Dr. Horn expressed appreciation for the plans in place for the completion of each goal.

47

1 Ms. Sorrick stated that this item will be a standing agenda item for future Board
2 meetings which will allow the Board members to be aware of the timeframes and
3 statuses of the goals.

4
5 Dr. Harlem asked for more information about the Telehealth Committee and the role the
6 Board will play in the formation of the Committee. Ms. Sorrick said that the Committee
7 will be established by the end of the 2014 calendar year.

8
9 Dr. Erickson stated that he would announce the membership of the Telehealth
10 Committee in his upcoming President's Report.

11 12 **b) Communications Plan Update**

13
14 Ms. Sorrick stated that the communications plan was ratified at the May meeting and
15 that a Communications Plan update will be an ongoing agenda item.

16
17 Ms. Jones asked about staff discussion in regards to the annual legislative report
18 because it was not addressed in the Advocacy Committee.

19
20 Ms. Sorrick stated that there is an annual statistical report compiled by the DCA boards
21 each year and the Board is currently working on their own report. She added that she
22 and Dr. Erickson discussed adding the annual report in the November meeting packet
23 to provide a fiscal year synopsis.

24
25 Ms. Jones expressed a desire to provide more information and advocacy in the capitol.

26 27 **c) Social Media Update**

28
29 Mr. Burke referred the Board to the Social Media Update document that was provided in
30 the Board packets.

31 32 **d) Website Update**

33
34 Mr. Burke referred the Board to the Website Update document that was provided as a
35 hand-carry item.

36 37 **e) Newsletter**

38
39 Ms. Sorrick referred the Board to the Summer Journal that was included in the Board
40 packets. Ms. Arias-Bhatia suggested including information about the Board history in
41 the newsletter for the Board's upcoming 60th anniversary. She also suggested inviting
42 past Board members to the next Board meeting to take a picture and celebrate the
43 Board's history.

44
45 Dr. Erickson asked if there was a section on the Board's website that included the past
46 Board members' names. Ms. Sorrick and Mr. Thomas confirmed that there is a section
47 dedicated to past members.

48 49 **f) Outreach Activities Update**

1
2 Ms. Sorrick referred the Board to the Outreach Activities Update document that was
3 included in the Board packets. Dr. Horn suggested looking into developing an
4 educational program for Administrative Law Judges.

5
6 Ms. Jones pointed out the missing December 15th meeting and asked it be included in
7 the update to more accurately reflect the Board's work.

8
9 **g) Public comment for items not on the agenda**

10
11 Dr. Linder-Crow commended the Board on the journal and appreciated the update. She
12 stated that the CPA would be happy provide the link to the journal to educate others. In
13 addition, Dr. Linder-Crow suggested trying to draw a distinction between the
14 responsibilities of the Board and the CPA by providing clarifying information to decrease
15 confusion.

16
17 Ms. Starr asked if the journal was sent out to all the licensees and Mr. Burke replied that
18 the emails are opt-in, and therefore the list does not include all licensees.

19
20 Dr. Harlem asked if there was a reason the emails sent were opt-in rather than the
21 traditional opt-out option.

22
23 Ms. Sorrick stated that she was under the impression that the emails were being sent to
24 everyone in the BreEZe system.

25
26 **Agenda Item #16: President's Report**

27
28 **a) Ad Hoc Committee Update**

29
30 **Applied Behavioral Analysis (ABA) Task Force:**

31
32 Dr. Erickson stated that the ABA Task Force consists of Ms. Arias-Bhatia and Dr.
33 Gallardo. He said that a letter discussing ABA Task Force was sent out and the Board
34 had received replies from five organizations.

35
36 Mr. Burke added that the response to the ABA Task Force was overwhelmingly positive.
37 He stated that the interested parties will choose a representative and the meetings will
38 be teleconferenced. Mr. Burke stated that the provisional date for the beginning of the
39 ABA Task Force is September.

40
41 **Sunset Review Committee:**

42
43 Dr. Erickson stated that the Sunset Review Committee consists of himself and Dr. Horn.

44
45 Ms. Sorrick stated that the Board would receive questions from the Business and
46 Professions Committee in March of 2015 and the Committee will be meeting between
47 the November and February Board meetings.

1 Mr. Thomas stated that the questions are given a timeframe of about 9 months to be
2 completed.

3
4 Ms. Jones asked if she could see a copy of what the Board submitted for the Sunset
5 Review Committee and Ms. Sorrick stated that staff would be able to send out the report
6 to interested Board members.

7
8 **b) Executive Officer Evaluation**

9
10 Dr. Erickson asked Mr. Thomas for comment about the annual evaluation of the
11 Executive Officer.

12
13 Mr. Thomas stated that Office of Human Resources would send out the performance
14 appraisal survey to the Board members who should complete them and send directly to
15 Dr. Erickson prior to the November meeting to allow him to compile the results for
16 discussion in closed session at that meeting.

17
18 **c) 2014-15 Meeting Calendar and Locations**

19
20 Dr. Erickson referred the Board to the 2014 and 2015 calendars that were provided in
21 the Board packets.

22
23 **d) Other Informational Items**

24
25 None.

26
27 **Agenda Item #17: Executive Officer's Report**

28
29 **a) Organizational Update**

30
31 Ms. Sorrick discussed the Organizational Update document that was provided in the
32 Board packets.

33
34 **b) CPS Program Analysis Update**

35
36 Ms. Sorrick stated that she invited members from CPS to provide a brief overview of the
37 scope of work and the steps in starting the process.

38
39 Mr. Michael DeSousa introduced himself to the Board and expressed excitement about
40 working on the comprehensive program analysis with the Board. Mr. DeSousa stated
41 that the key objectives of the program analysis are to document the appropriateness of
42 workload and current classifications. He added that this program will begin in mid-
43 September. The program will provide the Board with a comprehensive, transparent
44 baseline which will address how work is being completed, as well as the technology
45 usage.

46
47 Mr. DeSousa stated that the first step of the analysis is to begin team review,
48 documentation, and creation of a detailed schedule with a work plan. A position
49 description questionnaire will be provided to employees for completion to collect

1 additional information on individual employees' duties and workload before employee
2 interviews.

3
4 Mr. DeSousa stated that this project will provide insight into where the Board is currently
5 before continuing to further steps.

6
7 Dr. Erickson asked for clarification about the Board members' involvement in the
8 program. Mr. DeSousa stated that the program will not directly involve the Board
9 members.

10
11 Ms. Sorrick stated that this analysis will be an ongoing agenda item.

12
13 Ms. Jones expressed appreciation for the way CPS had clearly written page 3 of the
14 update.

15
16 Ms. Sorrick thanked Mr. DeSousa for his presentation.

17
18 **c) Other Informational Items**

19
20 Ms. Sorrick thanked Ms. McDowell, Mr. Burke, and Kelli Okuma for compiling the
21 information in the new Administrative Procedure Manual, as well as the Publications
22 Unit of DCA.

23
24 Ms. Sorrick added that staff is working on a new Laws and Regulations book and is
25 looking to have it published in March of 2015. She stated that the Disciplinary
26 Guidelines and APA Code of Ethics will also be added to the new Laws and Regulations
27 book.

28
29 **Agenda Item #18: Recommendations for Agenda Items for Future Board Meetings**

30
31 Dr. Erickson stated that Dr. Alban had given a recommendation the previous day, but no
32 further recommendations were given.

33
34 **Agenda Item #19: Public Comment for Items not on the Agenda**

35
36 There was no public comment.

37
38 **Agenda Item #20: Adjournment**

39
40 The Board adjourned at 12:17 p.m.

41
42
43
44
45
46
47
48
49
50

1
2
3
4
5

President

Date

6