



BOARD OF PSYCHOLOGY – Administration
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BOARD MEETING MINUTES

California State Capitol
1315 10th Street
Room 112
Sacramento, CA 95814
(916) 324-0333

Thursday, February 26, 2015

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, PhD, President
Nicole J. Jones, Public Member, Vice-President
Lucille Acquaye-Baddoo, Public Member
Johanna Arias-Bhatia, Public Member
Miguel Gallardo, PsyD
Andrew Harlem, PhD
Jacqueline Horn, PhD
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
Norine Marks, DCA Legal Counsel
Kurt Heppler, DCA Legal Counsel
Julie Hayden, PsyD, Southern California Seminary
Raymond J. Trybus, PhD, Walden University, San Diego Psychological Association
Penelope McAlmond-Ross, PsyD, Sacramento Valley Psychological Association
Talia Cortese, Center for Public Interest Law
Shawn McCall, PsyD, San Francisco Psychological Association, Santa Clara County
Jorge Wong, PhD, California Psychological Association, San Francisco Psychological Association
Pamela McCrory, PhD, Los Angeles County Psychological Association
Jo Linder-Crow, PhD, California Psychological Association

49 LeOndra Clark Harvey, PhD, Assembly Business and Professions Committee
50 Melodie Schaefer, PsyD, California Psychological Association Division I, II,
51 California Psychology Internship Council
52 Rachel Later, California Department of Corrections and Rehabilitation
53 Marilyn Immoos, PhD, California Department of Corrections and Rehabilitation
54 Corey Scheidegger, California Department of Corrections and Rehabilitation
55 Dana Nussbaum, PhD
56 Beth Cooper Tabakin, PhD
57 Leslie Lessenger, PhD, Napa-Solano Psychological Association
58 Bruce M. Gale, PhD, Los Angeles County Psychological Association
59 Bruce W. Ebert, PhD, JD, Center of MH Law and Ethics
60 Tom Tobin, PhD, Pacific Forensic Psychological Association
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62 **Agenda Item #2: President's Welcome**

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64 Dr. Erickson welcomed the public, Board members, and Board staff to the California
65 State Capitol and thanked everyone for their attendance.
66

67 **Agenda Item #3: Public Comment for Items not on the Agenda**

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69 No public comments were received.
70

71 **Agenda Item #4: Approval of Minutes: November 20-21, 2014, Board Meeting**

72
73 It was M(Erickson)/S(Starr)/C to approve the minutes.
74

75 Vote: 7 aye (Horn, Phillips, Erickson, Jones, Harlem, Starr, Acquaye-Baddoo) – 0 nay.
76 (2 Members not present).
77

78 **Agenda Item #5: Approval of Minutes: January 9, 2015, Board Meeting**

79
80 Dr. Horn pointed out a statement on page 7, lines 15-16 regarding the Executive
81 Officer's duty statement and asked that it be removed.
82

83 It was M(Horn)/S(Arias-Bhatia)/C to approve the minutes as amended.
84

85 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
86 Acquaye-Baddoo) – 0 nay.
87

88 **Agenda Item #6: Applied Behavioral Analysis (ABA) Task Force Report**

89
90 Ms. Arias Bhatia referred to the items that were provided in the Board packets and
91 summarized the three motions that were passed during the meeting on January 26th,
92 2015. The motions passed were: 1) that any licensure bill will contain an exemption for
93 psychologists and their supervisees, 2) that any licensure bill exclude diagnosis in the
94 ABA practitioner scope of practice, and 3) that it be communicated that ABA is within
95 the scope of practice for licensed psychologists. In addition, a fourth motion was passed

96 for the staff to make a report on the potential impact to the Board of housing ABA. Ms.
97 Arias-Bhatia referred to the hand carry fiscal analysis that elaborated on the impact.

98 Dr. Horn asked about the fiscal IT impact and if the expenditure and revenue would
99 even out. Mr. Burke explained that the IT cost would be a one-time fee and that the
100 expenditure and revenue would even out as time progresses.

101 Ms. Sorrick stated that the fiscal analysis was to be included in the legislative analysis
102 when the bill was proposed.

103 Ms. Jones asked if there was any update from Senator Bates' s office regarding
104 legislation. Ms. Sorrick stated that the Board heard from Senator Bates' office that this
105 will be a bill and asked Dr. Linder-Crow for more information.

106 Dr. Linder-Crow stated there is no bill yet, but CPA's Director of Government Affairs has
107 provided language that was agreed upon at the meeting. She stated that the language
108 will not be seen until after the deadline which is Friday, February 27, 2015.

109 **Agenda Item #7: CLOSED SESSION**

110 The Board met in closed session pursuant to Government Code Section 11126(c)(3) to
111 discuss and vote on disciplinary matters including stipulations and proposed decisions,
112 and pursuant to Government Code Section 11126(e)(1) to discuss pending litigation
113 (*Weiss v. Board of Psychology*, Case No. CPF-14-514011)

114
115 **Return to Open Session**

116
117 Dr. Erickson called the meeting back to order and invited Dr. Horn to present the
118 Licensing Committee report.

119
120 **Agenda Item #8: Presentation of Licensing Committee Report and Consideration**
121 **of Committee Recommendations – Horn**

122
123 Dr. Horn provided a summary of the Licensing Committee's meeting.

124
125 **a) Application Report**

126
127 Dr. Horn referred the Board to the application report provided in the Board packets.

128
129 **b) Examination Report**

130
131 Dr. Horn referred the Board to the examination report and statistics for the examinations
132 provided in the Board packets.

133
134 **c) Renewal Report**

135
136 Dr. Horn referred the Board to the renewal report provided in the Board packet.

137

138 **d) Continuing Education Report**

139

140 Dr. Horn referred to the Continuing Education (CE) report regarding audits and
141 compliance provided in the Board packets.

142 **e) Discussion and Consideration of Comments to Association of State and**
143 **Provincial Psychology Board (ASPPB) Draft Supervision Guidelines**

144

145 Dr. Horn referred to the guidelines provided in the Board packets and stated that
146 ASPPB is looking for comments from the Board.

147

148 Dr. Harlem discussed issues surrounding the guidelines of supervisors personally
149 observing a videotaped or live session in supervision settings and the mechanics of how
150 videotaping sessions takes place. In addition, he addressed patient dignity and the
151 intrusiveness of a video recording device during a session. Dr. Harlem also stated that
152 almost all facilities do not have the necessary means to protect patient dignity during a
153 videotaped session. He also stated that the Board should not assume that videotaping
154 would facilitate better services.

155

156 Dr. Harlem stated that the guidelines for allowing payment of supervision at the
157 postdoctoral level may be a good idea from a consumer protection standpoint. He
158 added that he believes quality supervision is vital for quality consumer protection and
159 services.

160

161 Dr. Horn said that the Committee will be reviewing the Draft Guidelines at its next
162 meeting.

163

164 **f) Licensing Action Plan – Proposed Improvements to the Licensing Process –**
165 **Update**

166

167 Dr. Horn referred to the Licensing Action Plan provided in the Board packets.

168

169 **g) Public Comment for Items Not on the Agenda**

170

171 No public comment was received.

172

173 It was M(Horn)/S(Phillips)/C that the Board approve the Licensing Committee's
174 recommendations on items A through G.

175

176 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
177 Acquaye-Baddoo) – 0 nay.

178

179 **h) Licensing Committee Report on Closed Session Items**

180

181 (1) Request from N.P. for an extension of the 30-consecutive month requirement to
182 accrue 1500 hours of post-doctoral supervised professional experience pursuant
183 to section 1387(a) of the California Code of Regulations.
184

185 Dr. Horn summarized NP's request for an extension of the 30-consecutive month
186 requirement to accrue 1500 hours of post-doctoral supervised professional
187 experience. She stated that the Licensing Committee recommends that the Board
188 approve N.P.'s request for the extension.

189 It was M(Horn)/S(Acquaye-Baddoo)/C to approve N.P.'s request for an extension of
190 the 30-consecutive month requirement.

191 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
192 Acquaye-Baddoo) – 0 nay.

193 (2) Request from A.M. for an extension of the 30-consecutive month requirement to
194 accrue 1500 hours of post-doctoral supervised professional experience pursuant
195 to section 1387(a) of the California Code of Regulations.
196

197 Dr. Horn summarized A.M.'s request for an extension of the 30-consecutive month
198 requirement to accrue 1500 hours of post-doctoral supervised professional
199 experience. She stated that the Licensing Committee recommends that the Board
200 approve A.M.'s request for the extension.

201 It was M(Horn)/S(Phillips)/C to approve A.M.'s request for an extension of the 30-
202 consecutive month requirement.

203 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
204 Acquaye-Baddoo) – 0 nay.

205 (3) Request from J.M. for an extension of the 30-consecutive month requirement to
206 accrue 1500 hours of post-doctoral supervised professional experience pursuant
207 to section 1387(a) of the California Code of Regulations.
208

209 Dr. Horn summarized J.M.'s request for an extension of the 30-consecutive month
210 requirement to accrue 1500 hours of post-doctoral supervised professional
211 experience. She stated the Licensing Committee recommends that the Board
212 approve J.M.'s request for the extension.

213 It was M(Horn)/S(Acquaye-Baddoo)/C to approve the extension of the 30-
214 consecutive month requirement.

215 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
216 Acquaye-Baddoo) – 0 nay.

217

218 (4) Request from S.M. for an exception from the Continuing Education requirements
219 pursuant to section 1397.62(b) of the California Code of Regulations.
220

221 Dr. Horn summarized S.M.'s request for an exception from the CE requirements.
222 She indicated that in order to qualify for an exception, the licensee must not be
223 engaged in the direct delivery of mental health services, there must be an absence
224 of available CE courses relevant to the specific area of practice, and the coursework
225 submitted to fulfill the CE requirements must be acceptable. She stated that S.M.
226 received the required CE hours in other ways, mostly pedagogical, and reported that
227 the Licensing Committee recommends approving the exception.

228 It was M(Horn)/S(Phillips) to approve the exemption from the CE requirements.

229 Dr. Harlem questioned the evidence behind the claim that CE courses are
230 unavailable regarding teaching neuroscience and psychology. Dr. Horn stated that
231 she appreciates Dr. Harlem's concerns, but stated that S.M. is teaching
232 neuroscience rather than neuropsychology, therefore, the CE courses in
233 neuroscience appear sufficient.

234 Dr. Gallardo stated that this person's CE hours appear to relate more to being a
235 professor rather than a licensee of the Board.

236 Dr. Phillips stated that the scope of a license does not have to relate only to mental
237 health practices, but also neuroscience and other areas of the practice of
238 psychology.

239 Ms. Acquaye-Baddoo stated that this person does not appear to be practicing
240 psychology as it applies to her understanding of the scope of practice.

241 Dr. Gallardo pointed out that although S.M. does not provide therapy, he or she
242 could start practicing psychology at any moment. He stated that this is problematic
243 when he or she has not taken proper CE courses related to that kind of practice.

244 Dr. Harlem also pointed out that by granting this person the license exception, the
245 Board is assuming that he or she is up to date with laws and regulations.

246 Dr. Horn amended her motion to state that the Board will contact S.M to receive
247 more information regarding this person's profession.

248 It was M(Horn)/S(Phillips)/C to contact this person to get more information about two
249 specific areas: 1) clarification regarding the nature of S.M.'s profession; and 2) the
250 unavailability of CE courses in S.M.'s specific area of practice, and to bring back
251 issue to the full Board.

252 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
253 Acquaye-Baddoo) – 0 nay.

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Agenda Item #9: Introduction of Licensing Staff

Ms. Johnson introduced the following Licensing staff including Annette Parino, Audrey Watkins, Liezel Isadore, Julie Brown, Molly Olson, Kelli Okuma, and Tammy Bailey.

Dr. Erickson thanked all of the Licensing staff for their work and commended them on their turnaround of the licensing timeframes.

Agenda Item #10: Overview of Sunset Review Process – Le Ondra Clark, PhD, Chief Consultant, Assembly Committee on Business and Professions)

Dr. Erickson invited Dr. Clark to speak about the sunset review process.

Dr. Clark stated that about every four (4) years, the Committee reviews all entities under DCA. She added that hearings for each board are scheduled in March. During the hearing, four or five issues are addressed with the Board President and/or Executive Officer. After the hearing, the Board has 30 days to address issues addressed in the background paper before reporting to either the Senate or Assembly. In addition, she stated that statutory changes are also addressed in the sunset legislation.

Ms. Jones asked how it is decided to which branch of the legislature the report after 30 days is sent. Dr. Clark stated that there is no formula, but consultants on the Committee and the House chairpersons provide input.

Dr. Erickson thanked Dr. Clark for her overview and presentation.

Agenda Item #11: Overview of the Legislative and Regulatory Process – Justin Paddock, Assistant Deputy Director, Legislative and Policy Review Division, Department of Consumer Affairs

Dr. Erickson invited Mr. Paddock to speak. Mr. Paddock provided an overview of a board's role in the legislative and regulatory process. He stated that statutory changes are a lot of work and require Board approved language the autumn before the session where it is planned to be introduced. Technical changes to a Practice Act are most easily made during the Sunset Review process. The Board may also adopt formal positions on proposed legislation and lobby legislators, provide technical guidance, and Committee testimony. Regulatory changes are simpler, but require compliance with Office of Administrative Law (OAL) standards.

Mr. Paddock asked if there were any questions or comments from the Board Members.

Dr. Erickson thanked Mr. Paddock for his presentation.

Agenda Item #12: Presentation of Policy and Advocacy Committee Report; Consideration of Committee Recommendations – Jones

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Ms. Jones provided a summary of the Policy and Advocacy Committee's meeting.

a) Legislation Update and Review; Recommendations to Full Board

1) Exempt Settings Legislative Proposal (Business and Professions Code Sections 2909, 2909.5, 2910)

Mr. Jones summarized the bill and reported that the language in the bill was approved by the Board in August. She indicated that it has since been submitted to Legislative Counsel and is being authored by Assemblymember Susan Eggman. She stated that the bill was introduced on February 25th as AB 705.

Ms. Jones stated that the Policy and Advocacy Committee is recommending that the Board adopt a Support position for this bill.

2) Senate Business, Professions, and Economic Development Proposal Regarding Submission of Supervised Professional Experience (Business and Professions Code Section 2914(g))

Ms. Jones summarized the bill and reported that this item concerns the Board's Omnibus bill proposal for the Senate B&P Committee. She stated that it was accepted by the Senate B&P Committee.

Ms. Jones stated that the Policy and Advocacy Committee is recommending that the Board adopt a Support position for this bill.

3) Submission of Supervised Professional Experience Legislative Proposal (Business and Professions Code Section 2914(c))

Ms. Jones summarized the proposal and stated that it was deemed too substantial for the Omnibus legislation by the Senate B&P Committee. Therefore, the Board turned it into a legislative proposal that was submitted to Legislative Counsel before the deadline by Assemblymember Catherine Baker.

Ms. Jones stated that the Policy and Advocacy Committee is recommending that the Board adopt a Support position for this bill once it is introduced contingent upon it being introduced as it was approved by the Board and submitted to the author.

4) Discussion and Consideration of Business and Professions Code Section 2903 - Licensure Requirement; Practice of Psychology; Psychotherapy; Fee

Ms. Jones stated that Legal Counsel expressed concern with the language that was approved by the Board at the January meeting. She referred to the new proposed language provided in the meeting packets.

345 Ms. Jones stated that the Policy and Advocacy Committee is recommending that the
346 Board approve the proposed language as written and to give staff the authority to seek
347 a legislative change.

349 **5) Expiration of License/Birth Date Renewal Legislative Proposal (Business
350 and Professions Code Section 2982)**

351
352 Ms. Jones summarized the proposal and stated that it had been introduced by
353 Assemblymember Catherine Baker as AB 773.

354
355 Ms. Jones stated that the Policy and Advocacy Committee is recommending that the
356 Board adopt a Support position for this bill once it is introduced contingent upon it being
357 introduced as it was approved by the Board and submitted to the author.

358
359 **6) SB 128 (Wolk) – End of Life**

360
361 Ms. Jones reported that the Board staff began watching this bill because it is based on
362 the Death with Dignity Law that is in place in the state of Oregon that allows a licensed
363 psychologist to counsel a person wishing to end his or her life and determine if he or
364 she is competent to make the decision. She indicated that no position is required
365 because the legislation does not directly impact psychologists. Board staff will continue
366 to Watch this bill.

367
368 **7) AB 2198 (Levine) – Suicide Prevention – Update**

369
370 Ms. Jones summarized the history of AB 2198 from the previous legislative session.
371 She stated that some of the surveys the Board distributed were returned and collected.
372 She indicated that Dr. Linder-Crow offered CPA's assistance in distributing the surveys
373 and collecting additional responses. Dr. Gallardo asked what kind of action the Board
374 needs to take to meet the issues raised in the Governor's veto letter. Ms. Jones
375 responded that the Committee is going to work with the other stakeholders and
376 interested parties in formulating a response to the Governor's veto message. Mr. Burke
377 stated that the Board is collecting data to show whether suicide prevention is already
378 being taught and will be continually providing this information to the Board. Public
379 comment was then requested.

380
381 Mr. Gordon Dowdy thanked and applauded the Board for taking action, as well as the
382 Board of Behavioral Sciences. He stated that the responses to the survey appeared to
383 show gaps and inconsistency. He pointed out that those advocates of suicide
384 awareness and supporters of AB 2198 (Levine) were left out of the discussion.

385 Victor Ojakian asked how many questions the Board asks on examinations for licensure
386 regarding suicide prevention. He also asked about the progress on the work group/task
387 force and what the Board will do with the list of coursework that has been collected. He
388 pointed out that the suicide rates have been increasing and it is a huge public health
389 problem. In addition, he pointed out that he refers people who are at risk for committing
390 suicide to psychologists and that these psychologists should be highly competent.

391
392 Craig Lomax thanked the Board for their work and following through with a survey. In
393 his own experience, he has come across numerous mental health practitioners, some of
394 whom were competent and others not. He asked if the Board knows whether the
395 psychologists are competent at the point of licensing.

396
397 Dr. Tabackin suggested programs that start suicide awareness and prevention in
398 schools from the beginning.

399
400 **b) Update regarding the California Child Abuse and Neglect Reporting Act**
401 **(CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and**
402 **11165.1**

403
404 Ms. Jones provided a summary of the Policy and Advocacy Committee CANRA
405 report. The item was informational and no action was requested.

406
407 **c) Regulation Update, and Review; Recommendations to Full Board**

408
409 **1) Title 16, CCR, Section 1397.12 – Uniform Standards Related to Substance**
410 **Abuse and Disciplinary Guidelines**

411
412 Ms. Jones provided a summary of the Policy and Advocacy Committee Uniform
413 Standards Related to Substance Abuse and Disciplinary Guidelines report. The item
414 was informational and no action was requested.

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416
417 **2) Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, License**
418 **Requirements and Waiver of Exemption, Reconsideration of Examinations,**
419 **Psychologists Fees**

420
421 Ms. Jones provided a summary of the Policy and Advocacy Committee Examinations
422 regulation. The item was informational and no action was requested.

423
424
425 **3) Title 16, CCR, Sections 1397.60, 1397.61, 1397.62, 1397.67 – Definitions,**
426 **Continuing Education Requirements, Continuing Education Exemptions and**
427 **Exceptions, Renewal after Inactive or Delinquent Status**

428
429 Dr. Erickson invited public comment and testimony regarding the continuing education
430 regulatory changes.

431
432 Mr. Heppler gave a brief overview of the modification of regulations process and how
433 the public comments have been and will be handled. He stated that the Board would
need a motion to reconsider the proposal if the Board wishes to do so.

434
435 Dr. Horn argued in favor of the motion of reconsideration due to public comment and
concern. She welcomed public comment and expressed appreciation for it.

436 Dr. Gallardo expressed concern for public comment that is being provided now rather
437 than having it being provided along the way. He pointed out that the Board has been
438 transparent in the process and some of the comments have demonstrated a lack of
439 knowledge as to what the proposed regulation actually does.

440 Ms. Acquaye-Baddoo stated that people should have been aware of the proposal. She
441 stated that reconsidering would be wise because the process has led to this.

442 It was M(Phillips)/S(Harlem)/C for reconsideration of the vote in the November meeting
443 to move forward with the regulations.

444 Dr. Harlem expressed agreement with Dr. Gallardo. He stated that this project is very
445 ambitious and that it is a major culture change.

446 Ms. Jones expressed agreement with Dr. Gallardo. She pointed out that not everyone
447 will agree with monumental change, and the Board should respect comments while also
448 respecting the Board's work.

449 Ms. Arias-Bhatia stated that she views this situation as a part of the process.

450 Dr. Phillips stated that some of the reaction has made it appear as if the Board has
451 attempted subterfuge against the public and its licensee population. He added that he
452 thinks that some legitimate concerns were raised, as well as many others that are
453 unrelated.

454 Ms. Starr and Dr. Erickson expressed agreement with the other Board members.

455 Dr. Linder-Crow urged the Board to reconsider and allow public comment on the
456 guidelines.

457 Dr. Immoos thanked the Committee for their work, but supports reconsideration.

458 Dr. Schaefer thanked the Board for their work and supports the reconsideration.

459 Dr. Heibert strongly supports the Board voting yes on this motion.

460 Dr. McCall stated that he supports the motion for reconsideration.

461 Dr. Wong stated that he supports the motion for reconsideration.

462 Dr. Trybus stated that he supports the motion to reconsider.

463 Dr. McCrory stated that she supports the motion to reconsider.

464 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
465 Acquaye-Baddoo) – 0 nay.

466 Discussion ensued. Members of the public commented on the proposed regulations.

467 Dr. Linder-Crow stated that she wanted to let the Board know that many positive
468 messages were provided to CPA. Many individuals thanked the Board for allowing
469 comments and for paying attention to concerns that have been raised. She stated that
470 there is confusion about what people are reading. She stated that there needs to be a
471 lot of education after any regulatory change. There is lack of clarity in some aspects of
472 the proposal and she suggested clarifying these aspects during discussion and through
473 outreach.

474 Dr. Erickson summarized the chronology and timeline concerning what the Board has
475 done with regard to this project.

476 Ms. Jones expressed concern with the level of the Board's communication with the
477 public.

478 Dr. Erickson stated that the options are to either continue the process, allowing the
479 proposal move forward, or stop the process and completely reconsider. He added that a
480 15-day notice could be done if there are changes that need to be made which would
481 allow the proposal to be completed within the one-year window.

482 Dr. Harlem stated that the original intent is reflected in this proposal. He stated that the
483 part where the original intent was lost is with the cap of 18 hours. The 18-hour cap has
484 detracted from the original intent. He stated that he thinks if the Board removed the cap,
485 the Board would achieve its aims. He proposed raising the cap from 18 hours to 36
486 hours. In addition, he remained concerned about a lack of clarity in some areas.

487 Dr. Phillips thanked Dr. Harlem. He acknowledged that licensees did not have enough
488 notice, but he stated it is their own responsibility to keep up with the processes of the
489 Board. He stated that change is difficult, but in order to teach the public about the new
490 system, the regulation needs to be in place first. He added that there needs to be an
491 incentive to be involved and that he is not sympathetic to licensees that are not
492 interested in maintaining competency. He pointed out that it is not all about the
493 licensees, but it is also more about the protection of the consumers in California. He
494 suggested maintaining a cap of traditional CE hours.

495 Dr. Gallardo expressed strong agreement with Dr. Phillips. To add to his comments, he
496 stated that given the comments, he thinks that the Board should pull back and do more
497 work on the proposal. He stated that there still needs to be a cap on the amount of
498 traditional CE units that are allowed. He stated that traditional education process is not
499 serving the consumers in the best way and that he will not personally support leaving it
500 at 36 hours. He stated that the Board also advocates for psychologists as consumers,
501 as well as the public. He agreed with Harlem's point regarding the beginning intent of
502 the proposal.

503 Dr. Horn stated that she strongly agrees with both Dr. Gallardo and Dr. Phillips. She
504 stated that she is the one who brought the ASPPB guidelines to the Board. She directed
505 the audience to the website which addresses the guidelines and the intent behind them.
506 She stated that this change will help improve and evolve competency, but recognizes
507 that the proposal is a major change in the established way of doing things. She stated
508 that she doesn't believe the cap should be removed completely.

509 Ms. Starr stated that she agrees with Dr. Phillips and acknowledged that change is
510 difficult.

511 Ms. Acquaye-Baddoo stated that she agrees with Dr. Harlem. She expressed desire to
512 gain the approval of the psychologists and keep everyone informed.

513 Ms. Jones stated that she agrees with Dr. Gallardo, Dr. Horn, and Dr. Phillips. She
514 stated that they should maintain what the changes are and extend the public comment
515 period. She suggested educating the public, perhaps with a synopsis. She expressed
516 concern regarding whether or not the Board is communicating effectively with its
517 stakeholders and the public.

518 Dr. Gallardo stated that he is okay with shifting the capped hour amount a little bit, but
519 not leaving it at 36 hours.

520 Dr. Harlem stated that he does not believe the Board has to impose requirements down
521 for licensees to do the right thing. He added that he is seeking to get people to work
522 together rather than providing something for them to create resistance around.

523 Dr. Phillips stated that there is a group of people who would only choose to do the 36
524 hours. He added that that group is the one that concerns him.

525 Mr. Thomas pointed out that the regulations would not take complete effect until two
526 years after they have been adopted.

527 It was M(Phillips)/S(Gallardo)/C to modify the text to increase the cap of Sponsored
528 Continuing Education from 18 hours to 27 hours.

529 Ms. Marks stated that a 15-day notice would be sufficient with this motion.

530 Dr. Harlem stated that he believes that the proposal conveys flexibility.

531 Dr. Philips expressed concerns with becoming more specific in regulations in fear of
532 psychologists feeling like the Board is micromanaging their activities.

533 Ms. Jones asked if the Board could have a 15-day period, hold a committee meeting,
534 and then come back to the Board. She pointed out that it is the Board's responsibility to
535 take all of the comments into account.

536 Dr. Phillips stated that the Board is addressing the primary concern. He suggested the
537 formation of a committee to determine if additional changes are necessary and for
538 ongoing evaluation of their impact. He pointed out that changes can be made later,
539 especially after people start working with the regulation as it is newly implemented.

540 Mr. Heppler stated the Board can offer interpretive guidance, but specificity is provided
541 in regulations.

542 Dr. Linder-Crow offered a caution about drawing a conclusion about CE and how it
543 affects practice. She stated that there is evidence that didactic CE is the least effective
544 way. She also stated that she does not think that the majority of comments raised by
545 CPA's members were concerns about convenience. She stated that most psychologists
546 will not be inconvenienced. She stated that it is a false assumption that changing to 27
547 hours rather than 36 hours will solve the problem, but it is an issue of trust between
548 Board and licensees.

549 Vote: 7 aye (Gallardo, Horn, Phillips, Erickson, Jones, Arias-Bhatia, Starr) – 2 nay
550 (Harlem, Acquaye-Baddoo)

551 It was M(Harlem)/S(Starr)/C to delegate the authority to the executive officer to adopt
552 the text in the absence of any negative comments after the public comment period.

553 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
554 Acquaye-Baddoo) – 0 nay.

555 It was M(Jones)/S(Acquaye-Baddoo)/C to direct staff to compile the feedback that was
556 provided at this Board meeting and others regarding information that could possibly be
557 forwarded to the Licensing Committee to consider for future changes.

558 Dr. Gale suggested enabling two-way comments via his website.

559 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
560 Acquaye-Baddoo) – 0 nay.

561

562

563 **4) Title 16, CCR, Section 1380.5 – Filing of Addresses**

564

565 Ms. Jones summarized the discussion that was held during the Policy and Advocacy
566 Committee's meeting regarding the proposed language for filing of addresses. She
567 indicated that many concerns were raised, including safety concerns about accessibility
568 of home addresses of licensees to the public. She recommended that revised language
569 be brought back to the Board at its May Board meeting.

570

571

572 It was M(Starr)/S(Arias-Bhatia)/C to adopt the recommendations of the Committee.

573
574 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
575 Acquaye-Baddoo) – 0 nay.

576
577
578 The Board adjourned at 5:54 p.m.

579 **Agenda Item #13: Roll Call and Establishment of Quorum**

580
581 Michael Erickson, PhD, Board President called the open session meeting to order at
582 9:30 a.m. A quorum was present and due notice had been sent to all interested parties.
583

584 **Friday, February 27, 2015**

585
586 Michael Erickson, PhD, Board President called the open session meeting to order at
587 9:30 a.m. A quorum was present and due notice had been sent to all interested parties.
588

589 **Members Present:**

590 Michael Erickson, PhD, President
591 Nicole J. Jones, Public Member, Vice-President
592 Lucille Acquaye-Baddoo, Public Member
593 Johanna Arias-Bhatia, Public Member
594 Miguel Gallardo, PsyD
595 Andrew Harlem, PhD
596 Jacqueline Horn, PhD
597 Stephen Phillips, PsyD
598 Linda Starr, Public Member
599

600 **Others Present:**

601 Antonette Sorrick, Executive Officer
602 Jeffrey Thomas, Assistant Executive Officer
603 Sandra Monterrubio, Enforcement Program Manager
604 Karen Johnson, Licensing Coordinator
605 Jonathan Burke, Administrative Coordinator
606 Norine Marks, DCA Legal Counsel
607 Kurt Heppler, DCA Legal Counsel
608 Jo Linder-Crow, PhD, California Psychological Association
609 Pamela McCrory, PhD, Los Angeles County Psychological Association
610 Melodie Schaefer, PsyD, California Psychological Association Division I, II,
611 California Psychology Internship Council
612 Talia Cortese, Center for Public Interest Law
613 Raymond J. Trybus, PhD, Walden University, San Diego Psychological
614 Association
615 Christina Versari, PhD, San Diego University for Integrative Studies
616

617 **Agenda Item #14: Budget Report**

618

619 Mark Ito and Robert De los Reyes referred to the simplified fund condition and the fund
620 condition in which the 2013 fiscal year data is shown.

621 Dr. Horn asked what a healthy reserve is.

622 Mr. Ito stated that it is three (3) months. Mr. De los Reyes stated that a program can
623 stay twenty-four (24) months in reserve, but three (3) months in reserve is traditional in
624 the program.

625 Dr. Erickson said some money is put into the general fund and asked what the Board
626 does when they get the money back.

627 Mr. Ito stated that an annual assessment is conducted on the funds to find out if a loan
628 repayment needs to be paid at that point.

629 Mr. De los Reyes stated that nothing is scheduled in the conceivable future based on
630 the status of the fund currently.

631 Ms. Sorrick stated that the Governor said they would repay loans, but there is no
632 concrete schedule in place. In addition, the Governor has made a statement that doing
633 so was his goal.

634 Mr. Ito referred to a third attachment with information regarding staff and operating fees.

635 Ms. Jones stated that more money should be spent on postage and communication
636 generally.

637 Mr. Ito stated that they could reallocate the extra dollars to address that issue.

638 **Agenda Item #15: Introduction of Administrative Staff**

639

640 Mr. Burke introduced the following Administrative staff Diana Crosby, Chris Siepert (Not
641 present), and Taylor Hattersley.

642

643 Dr. Erickson thanked Mr. Burke and the Administrative staff for their hard work and the
644 materials they provide for the meeting.

645

646 **Agenda Item #16: Enforcement Report**

647

648 Dr. Erickson invited Ms. Monterrubio to begin the Enforcement Report.

649

650 Ms. Monterrubio referred the Board to the informational items provided in the Board
651 packets.

652

653 Dr. Harlem asked if, in the last two years and based on the provided data, more
654 complaints are resulting in open investigations.

655

656 Ms. Monterrubio stated that the data is based off of BreEZe and that the number of
657 complaints is still the same.

658
659 **Agenda Item #17: Introduction of Enforcement Staff**

660
661 Ms. Monterrubio introduced the following Enforcement staff: Joana Castillo, Ashley
662 Castleberry, Deborah Morales, Rob Loyola, Corey Brasier, Denise Russell, and Barbara
663 Tanner.

664
665 Dr. Erickson thanked Ms. Monterrubio and the Enforcement staff for their work.

666
667 **Agenda Item #18: Bureau for Private Postsecondary Education -- Update on**
668 **Requirement for Accreditation of Degree-granting Institutions -- Joanne Wenzel,**
669 **Chief, Bureau for Private Postsecondary Education**

670
671 Dr. Erickson invited Ms. Wenzel to begin her presentation.

672
673 Ms. Wenzel reported that new legislation went into effect that changed the minimum
674 operating standards of private postsecondary institutions in California. She stated that
675 BPPE had a mandate to adopt emergency regulations that went into effect on February
676 1st of 2015.

677
678 She summarized the timelines and mandates of the Bureau that were provided in the
679 Board packets. Dr. Harlem asked if it was true that degree-granting institutions need
680 BPPE approval. Ms. Wenzel replied that they do, unless they are exempt. Dr. Harlem
681 asked what the conditions are for an exemption. Ms. Wenzel stated that an exemption
682 can be approved for about eight (8) or nine (9) reasons. The requirements for the ability
683 to claim an exemption has been counterbalance due to federal regulations that require
684 state authorization. Dr. Harlem asked for clarification regarding whether or not these
685 changes are affecting the exemption process. Ms. Wenzel replied that these changes
686 do not affect the exemption process or requirements. Public comment was then invited.

687
688 Steve Arthur requested that the Board take a more passive stance on what the BPPE is
689 doing. He stated the Bureau has not protected institutions in the past, such as his own.
690 He added that the proposed August legislation was not fact-based and institutions were
691 provided little time for hearing. He expressed concern that institutions, such as his own,
692 would be discontinued within a three (3) month period, similar to a previous situation
693 involving the Board that he cited from 2007 or 2008. Mr. Arthur provided letters to the
694 Board members concerning the issue.

695
696 Dr. Horn clarified that the Bureau, as it existed at the time, had come under scrutiny
697 because they were not actually requiring the approved schools to do what they needed
698 to do in statute. She stated the Board had concerns about the approved schools and the
699 BPPVE was going through the sunset process. The Board voted to allow students who
700 were in the approved programs to have five or six years from the date of the closure to
701 finish out their programs. At that time, the Board had decided to not allow the schools to
702 admit any new students due to the fact that those schools would have no oversight once
703 the BPPVE was sunsetted.

704

705 Mr. Arthur claimed that Dr. Horn is incorrect and that they had to rush their previously
706 current students through their coursework before the given deadline. He stated that he
707 would direct the Board to the minutes where this discussion was captured.

708

709 **Agenda Item #19: Outreach and Education Committee**

710

711 The Outreach and Education Committee met to discuss and formulate its
712 recommendations to the Board.

713

714

715 **Agenda Item #20: Sunset Review Committee Report**

716

717 Dr. Erickson presented the Sunset Review Committee Report and referred to
718 informational items provided in the Board packets.

719

720 **Agenda Item #21: President's Report**

721

722 **a) Ad Hoc Committee Update**

723

724 **1) Telepsychology Committee**

725

726 Dr. Erickson referred the Board to the update provided in the Board packets. He
727 stated that the Committee will meet again on March 23rd, 2015, at 10:00 a.m.

728

729 **2) Sunset Review Committee**

730

731 Dr. Erickson referred the Board to the update provided in the Board packets. He
732 stated that the Committee met on January 20th, 2015, to consider the questions
733 from the Senate Business, Professions, and Economic Development Committee.

734

735 **3) ABA Task Force**

736

737 Dr. Erickson referred the Board to the update provided in the Board packets. He
738 stated that the next Task Force meeting is scheduled for April 27th, 2015, from
739 1:00 - 5:00 p.m.

740

741 **4) Enforcement Committee**

742

743 Dr. Erickson referred the Board to the update provided in the Board packets. He
744 stated that the new ad hoc Enforcement Committee will consist of Ms. Acquaye-
745 Baddoo as Chairperson as well as Dr. Phillips.

746

747 **b) Draft Executive Officer Duty Statement**

748

749 Dr. Erickson invited Human Resources to present about the Executive Officer Duty
750 Statement. Betty Saeteun referred the Board to the draft of the Executive Officer Duty
751 Statement included in the Board packets. Ms. Marks pointed out that "classification title"

752 was used in the duty statement and wanted to make sure that Executive Officer is
753 recognized as not a civil position. Ms. Saeteun stated that “Executive Officer” is a type
754 of classification, but it is not a civil service position. Ms. Marks noted that “lobbyist” is
755 used to describe the Executive Officer when it requires registration, and instead
756 suggests using different language. Board members and Ms. Sorrick agreed on the term
757 “advocate” rather than “lobbyist.”
758

759 It was M(Starr)/S(Jones)/C to adopt the amended Executive Officer Duty Statement.
760

761 Vote: 7 aye (Horn, Phillips, Erickson, Jones, Harlem, Starr, Acquaye-Baddoo) – 0 nay.
762 (2 Members not present).
763

764

765 **c) 2015 Meeting Calendar and Locations**

766

767 Dr. Erickson referred the Board to the informational meeting calendar provided in the
768 Board packets and summarized the scheduled dates and locations of future Board
769 meetings.
770

771 **d) Other Informational Items**

772

773 Dr. Erickson presented Ms. Marks with a certificate of appreciation on behalf of the
774 Board.
775

776 **Agenda Item #22: Presentation of Outreach and Education Committee Report;** 777 **Consideration of Committee Recommendations) - M. Gallardo**

778

779 Dr. Gallardo provided a summary of the Outreach and Education Committee’s meeting.
780

781 **a) Strategic Plan Update**

782

783 Dr. Gallardo referred to the Strategic Plan Update provided in the Board packets.
784

785 **b) Communications Plan Update**

786

787 Dr. Gallardo referred to the Communications Plan provided in the Board packets.
788

789 **c) Social Media Update**

790

791 Dr. Gallardo referred the Board to the Social Media Update document that was provided
792 in the Board packets. Ms. Jones asked that regulations be included with the Top 5 Page
793 Hits on the Website Update memo.
794

795 **d) Website Update**

796

797 Dr. Gallardo referred the Board to the Website Update document that was provided in
798 the Board packets.
799

800 **e) Newsletter**

801
802 Dr. Gallardo referred the Board to the newsletter that was included in the Board
803 packets.

804
805 **f) Outreach Activities Update**

806
807 Dr. Gallardo referred the Board to the Outreach Activities Update document that was
808 included in the Board packets.

809
810 It was M(Gallardo)/S(Starr)/C that that the Board accept the Agenda Items A through F
811 of the Outreach and Education Committee report with the minor modification to the
812 Communications Plan.

813
814 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
815 Acquaye-Baddoo) – 0 nay.

816
817 **g) California Psychological Association Ethics Training Program**

818
819 Dr. Linder-Crow informed the Committee that she is inviting the Board to partner with
820 CPA to host a workshop on the topic of diverse perspectives on everyday ethics. She
821 stated that this type of workshop has been done in several states. She explained that
822 the intent of these workshops is to have a joint program between the psychological
823 association and the licensing board. She summarized the topics and learning objectives
824 that the workshop would address.

825
826 Mr. Heppler expressed concern about Board members providing ethical advice and
827 stated that sponsorship might not be an option for the Board. Ms. Sorrick stated that she
828 will work with Legal Counsel to examine the possibility of the Board's participation in the
829 workshop. Dr. Linder-Crow committed to submitting a proposal to the Board to be
830 shared with legal counsel and then presented to the Board at the next meeting.

831
832 Dr. McAlmond-Ross asked what advantage there is to CPA and the Board to engage in
833 the partnership, as well as the disadvantages. Dr. Horn replied that it is not the
834 advantage to the Board or CPA, but it is to help the consumers and licensees.

835
836 Dr. Erickson stated that he is in favor of the workshop happening.

837
838 **h) Review and Consideration of Draft Annual Outreach Campaign Proposal**

839
840 Dr. Gallardo referred the Committee to the draft Outreach Campaign Plan provided as a
841 hand-carry item. He indicated that this was drafted to be two-year plan rather than an
842 annual plan. Dr. Horn expressed appreciation for the intent behind the Campaign
843 Proposal and commended the Board staff for addressing different ways to reach out to
844 the public. Ms. Sorrick asked that an amendment be made to the Campaign Proposal
845 that changes the dates to "2015-2017."

846

847 It was M(Gallardo)/S(Acquaye-Baddoo)/C to accept the Outreach Campaign Plan as
848 slightly amended to reflect the 2015-2017 implementation dates for approval and
849 acceptance to move forward.

850
851 Vote: 9 aye (Gallardo, Horn, Phillips, Erickson, Jones, Harlem, Arias-Bhatia, Starr,
852 Acquaye-Baddoo) – 0 nay.

853
854 **i) Public Comment for Items not on the Agenda**

855
856 No public comment was offered.

857 **Agenda Item #23: Executive Officer's Report**

858
859 Dr. Erickson invited Ms. Sorrick to begin the Executive Officer Report.

860
861 **a) Organization Update**

862
863 Ms. Sorrick referred the Board to the informational update items provided in the Board
864 packets.

865
866 **b) CPS Program Analysis Update**

867
868 Ms. Sorrick referred the Board to the informational update items provided in the Board
869 packets.

870
871 **c) Other Informational Items**

872
873 None.

874
875 **Agenda Item #24: Recommendations for Agenda Items for Future Board Meetings**

876
877 Ms. Jones asked if the Board would be inviting OPES back to a future Board meeting
878 for more data and an opportunity for the public to comment.

879
880 Ms. Sorrick stated that, at the last meeting, Dr. Harlem raised an issue with the
881 statistical significance of the passing rates. A letter was then drafted to OPES, which
882 was responded to by OPES, and distributed to Board members.

883
884 **Agenda Item #25: Adjournment**

885
886 The Board adjourned at 4:05 p.m.

887
888
889
890
891

892 President

Date