



ISSUE MEMORANDUM

DATE	October 30, 2015
TO	Board of Psychology Members
FROM	Kelli Okuma <i>Kelli Okuma</i> Retired Annuitant
SUBJECT	Approval of Board Minutes: May 14 and 15, 2015

Background:

Following is the draft minutes for the May 14 and 15, 2015, Board meeting.

Action Requested:

Motion to approve the minutes.

Enclosure: Draft minutes of the May 14 and 15, 2015 Board meeting



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

BOARD MEETING MINUTES

Mission Inn
3649 Mission Inn Avenue
Riverside, CA 92501
(951) 784-0300

Thursday, May 14, 2015

Michael Erickson, PhD, Board President, called the open session meeting to order at 9:00 a.m. A quorum was present and due notice has 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
Nicole J. Jones, Public Member
Stephen Phillips, PsyD
Linda Starr, Public Member

Others Present:

Antonette Sorrick, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Kurt Heppler, DCA Legal Counsel
Jonathan Burke, Administrative Coordinator
Sandra Monterrubio, Enforcement Program Manager
Karen Johnson, Licensing/Registration Program Coordinator
Jacqueline Everhart, Continuing Education/Renewals Coordinator

Agenda Item #2: President's Welcome

Dr. Erickson introduced Kurt Heppler, Legal Counsel. Mr. Heppler joined the Department of Consumer Affairs' (DCA) Legal Affairs Office as legal counsel in 2003. He currently serves as DCA's Supervising Senior Counsel. Mr. Heppler earned his Juris Doctorate from Lincoln Law School, and his undergraduate degree from the University of Oregon.

44 Dr. Erickson stated the mission of the Board of Psychology is to advance quality
45 psychological services for Californians by enduring ethical and legal practice and
46 supporting the evolution of the profession, reminding members the mission provides a
47 template through which all board discussions and decisions should be considered.
48

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

50
51 Dr. Ileen Bell, Los Angeles County Psychological Association (LACPA), requested
52 clarification of the permissible ways in which a psychologist, who employs a
53 psychological assistant, may publicize information about the assistant in keeping with
54 current laws and regulations. She also stated the membership is interested in the
55 status of the Psychological Assistant Frequently Asked Questions. Dr. Erickson
56 thanked Dr. Bell for her comments and informed her Board staff and legal counsel
57 would determine the best method of response, be it considered either as an agenda
58 item or facts to be published.
59

60 **Agenda Item #4: Approval of Minutes: February 26-27, 2015**

61
62 Ms. Jones requested changing Mr. to Ms. on page 8, line 306, and adding to the list of
63 "Others Present" the names of persons referenced on Page 9, lines 381 and 385, and
64 page 10, line 397.
65

66 Dr. Horn requested correcting the typographical error on page 3, line 103, by removing
67 the additional "s".
68

69 Dr. Harlem requested page 12, line 482, be amended by inserting "generally" before
70 "reflected", and inserting a semicolon, the word "however" and a coma after the word
71 "proposal".
72

73 Dr. Phillips requested page 12, line 487, be amended to insert "felt that they had" after
74 the work "licensees".
75

76 It was M(Horn)/S(Jones) to approve the minutes of the February 26, 2015, Board
77 meeting as amended.
78

79 Vote: 9 aye (Acquaye-Baddo, Starr, Harlem, Horn, Gallardo, Jones, Erickson, Phillips,
80 Arias-Bhatia) 0 nay.
81

82 **Agenda Item #5: Petition for Early Termination of Probation of Joseph Muto, PsyD**

83
84 The Board sat with Administrative Law Judge Kimberely Belvedere and Deputy Attorney
85 General Carolyn Westphal to hear the Petition for Early Termination of Probation of
86 Joseph Muto, PsyD, License No. 25331. The petitioner was informed that he would be
87 notified by mail of the Board's decision.
88

89 **Agenda Item #6: Petition for Early Termination of Probation of Edward Pflaumer**
90 **PhD**

91
92 The Board sat with Administrative Law Judge Kimberely Belvedere and Deputy Attorney
93 General Christina Sein to hear the Petition for Early Termination of Probation of Edward
94 Pflaumer, PhD., License No. PSY10385. The petitioner was informed that he would be
95 notified by mail of the Board's decision.

96
97 The Board adjourned to closed session to consider the matter of the Petitions for Early
98 Termination of Probation.

99
100 The open meeting resumed.

101
102 **Agenda Item #8: Applied Behavioral Analysis (ABA) Task Force Report and**
103 **Consideration of Task Force Recommendations**

104
105 **8 a) SB 479**

106
107 Ms. Arias-Bhatia reported on the April 27, 2015, meeting of the ABA's Task Force to
108 review SB 479 (Bates) – Licensure and Regulation of Applied Behavior Analysis and
109 AB796 (Nazarian) - Health Care Coverage: Autism and Pervasive Developmental
110 Disorders.

111
112 This bill would establish the Behavior Analyst Act, creating two license categories, and
113 vesting the Board with the power to enforce the Behavior Analyst Act.

114
115 Mr. Burke reported the Task Force recommended the Board take a support-if-amended
116 position; however, no specific recommendations for amendment were developed.

117
118 Of concern to the Task Force was the addition of two new board member positions, one
119 of which must be a licensed psychologist, and the second which must be a
120 certified/licensed ABA practitioner. The current composition of the Board is 4 public
121 members and 5 licensed members. The addition of two licensed members creates an
122 imbalance in the number of licensed members (7) versus public members (4).

123
124 It was M(Gallardo)/S(Erickson) to recommend amendment to the bill to reflect the
125 composition of board members appointed to the Board of Psychology be 5 public
126 members and 6 licensed members. (5 licensed psychologists; 1 licensed psychologist
127 or certified/licensed ABA who is not a licentiate of any other board of the Department of
128 Consumer Affairs).

129
130 Dr. Jo Linder Crow, CEO, California Psychological Association (CPA), informed the
131 Board that her staff has been working with the author's office. The bill has been placed
132 on the Senate Appropriation Committee's suspense file. The author has agreed to all
133 amendments previously recommended by the Task Force. Most likely amendments will
134 be adopted should the bill be voted out of Appropriations on May 29, 2015. She

135 reminded the Board that it had agreed to take on the regulation of a new separate
136 licensing category, not folding a license into the practice of psychology. She stressed
137 that the Board will be regulating two separate licensing disciplines. Dr. Linder Crow
138 stated that it would be unusual for the sponsors of the bill to agree to a Board that did
139 not have at least one licensee of this specific license discipline on the Board. CPA
140 would be looking for the addition of a psychologist, an ABA and a public member (7
141 licensed, 5 public), or as proposed, a psychologist and an ABA. CPA would be
142 opposed if at least one psychologist was not added to the Board as a balance.

143
144 Dr. Erickson withdrew his second to the motion. Dr. Gallardo withdrew his motion.

145
146 It was M(Horn)/S(Arias-Bhatia) that one new appointed member to the Board of
147 Psychology be a certified/licensed ABA that is not a licentiate of another board.
148 Vote: 8 aye (Arias-Bhatia, Phillips, Erickson, Gallardo, Horn, Harlem, Starr, Acquaye-
149 Baddoo) 0 nay, 1 Abstain (Jones).

150
151 It was M(Jones)/S(Acquaye-Baddoo) to add one additional public member to the Board
152 of Psychology.

153
154 Dr. Melody Shafer, California Psychological Association (CPA), Vice Chair of the
155 California Psychological Internship Council, expressed concern with the process by
156 which motions and decisions are being made. She stated it is daunting to have a vote
157 on one motion with an assumption or contingency that another vote will be following.

158
159 Ms. Arias-Bhatia moved to amend the motion to appoint a psychologist that is an ABA
160 or a behaviorist. Ms. Jones did not accept the amendment to the motion.

161
162 Ms. Acquaye-Baddoo withdrew her second. Ms. Jones withdrew her motion.

163
164 It was M/(Horn)/S(Phillips) to reconsider the passed motion. Vote: 9 aye (Arias-Bhatia,
165 Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr, Acquaye-Baddoo) 0 nay.

166
167 It was M/(Gallardo)/S(Erickson) to rescind the action by which one new appointed
168 member to the Board of Psychology would be a certified/licensed ABA that is not a
169 licentiate of another board. Vote: 9 aye (Arias-Bhatia, Phillips, Erickson, Jones,
170 Gallardo, Horn, Harlem, Starr, Acquaye-Baddoo) 0 nay.

171
172 It was M(Erickson)/S(Arias-Bhatia) to request amendments to SB 479 specifying that of
173 the two new members to the Board of Psychology, one must be a public member, and
174 the second must be a licensed psychologist qualified to practice applied behavioral
175 analysis. Vote: 9 aye (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem,
176 Starr, Acquaye-Baddoo) 0 no.

177
178 Mr. Burke reported that this bill establishes within the Board of Psychology the Behavior
179 Analyst Committee. Staff recommended amendments to SB 479 clarifying that the
180 Board can accept and act upon recommendations of the Committee, but can also act

181 upon its own authority without or in opposition to recommendations of the Committee,
182 clarifying that the Board is vested as the final decision maker relative to the Behavior
183 Analyst Act.

184
185 Ms. Sorrick reminded the Board that one member of the Behavior Analyst Committee
186 must be a licensed psychologist who is a member of the Board and who is also a
187 licensed behavior analyst.

188
189 It was M(Horn)/S(Arias-Bhatia) to request amendments to SB 479 to clarify that the
190 Board is vested with the authority to take action on recommendations from the Behavior
191 Analyst Committee as well as on its own authority relative to the Behavior Analyst Act,
192 and to clarify that the Board Member appointed to the Behavior Analyst Committee is
193 the member who is a licensed psychologist qualified to practice applied behavioral
194 analysis. Vote: 9 aye ((Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem,
195 Starr, Acquaye-Baddoo) 0 nay.

196
197 Mr. Burke pointed out that the current language in AB 479 does not exempt all
198 categories of licensure under the Board of Behavioral Sciences (BBSE). BBSE has
199 suggested an amendment to exempt all of its licensure categories. The amendment
200 was accepted by the author.

201
202 Mr. Burke reported that SB 479 contains exemptions for:

- 203
- 204 • Vendorized individuals of Department of Developmental Services regional
205 centers - AB 796 allows for the vendorization of non ABA behavior analysts.
206 Staff believes that exempting an entire category from licensure because of their
207 relationship to the regional centers potentially places a large number of ABA
208 practitioners beyond the Board's jurisdiction.
 - 209
210 • Any individual, including a paraprofessional technician, if he or she is under the
211 supervision of recognized, qualified persons - According to research, a
212 paraprofessional technician is considered a credential holder who is at least 18
213 years of age, possess a minimum of a high school diploma or national
214 equivalent, successfully completed a criminal background registry check at the
215 time of application, completed a 40-hour training program based on the RBT
216 Task List, passed the RBT Competency Assessment administered by a BACB
217 certificant, and pays a \$50 application fee. The paraprofessional technician
218 works directly with the individuals receiving the treatment. Staff does not believe
219 exempting anyone who works under the authority and direction of a licensee is
220 prudent from a consumer protection standpoint. The Board must retain
221 disciplinary authority over any individual who delivers mental health services that
222 fall under its defined scope.
 - 223
224 • Family members of a recipient of ABA services who acts under the authority of a
225 Licensed ABA practitioner (including assistants). Staff believes the language is

226 extremely expansive and could be used to justify practice on anyone because of
227 a familial relationship to a consumer of behavioral analysis.
228

229 It was M(Erickson)/S(Arias-Bhatia) to request deletion from AB 479 the vendorized
230 exemption, the paraprofessional exemption and the familial exemption.
231

232 Dr. Melody Shafer, CPA, requested the Board consider an explanation be included to
233 ensure it is not misunderstood that the Board in not allowing family members to import
234 treatment into their families. Dr. Erickson thanked her for her comment and stated the
235 matter could be addressed in the Board's letter to the author of the bill.
236

237 Vote: 9 aye ((Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr,
238 Acquaye-Baddoo) 0 nay.
239

240 Mr. Burke reported the following:
241

- 242 • SB 479 currently requires that the Board issue a BA and ABA license to any
243 person licensed as such in another state. The Board of Psychology has no
244 reciprocity agreements with other states. Staff recommended deleting language
245 in AB 479 requiring the Board to issue a license to a person who is licensed as a
246 behavior analyst or an assistant behavior analyst in another state.
247
- 248 • The bill requires that BA and ABA applicants pass the Board Certified Behavior
249 Analyst examination administered by the Behavior Analyst Certification Board
250 (BACB). California law requires the Board to conduct an occupational analysis of
251 all state and national examinations. The BACB informed the Task Force that its
252 examinations are not released for purposes of allowing other states to conduct
253 occupational analyses. The Department of Consumer Affairs' Office of
254 Professional Examination Services will work with BACB to conduct the
255 occupational analyses; however, if the examination is not made available, the
256 Board would be forced to incur the cost of conducting its own occupational
257 analyses and developing its own examinations. The bill also requires candidates
258 for licensure to pass a Board administered law and ethics examination, which
259 the Board must develop prior to the acceptance of applications in 2018.
260
- 261 • The bill requires ABA applicants provide proof of ongoing supervision in a
262 manner consistent with the certifying entity's requirements. Staff recommends
263 the language be amended to clarify that proof of supervision should be the
264 responsibility of the Board, and that the details of that requirement be specified
265 in future regulation.
266
- 267 • Educational requirements for a BA include a master's degree or higher that was
268 conferred, in part, in natural science and engineering, but did not include
269 degrees conferred in psychology or child development. The bill also states the
270 level of education was subject to the approval of the certifying entity rather than
271 by the Board of Psychology.

272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316

- The bill currently states that an institution of higher education located outside the United States or Canada that, at the time the applicant was enrolled and the time the applicant graduated, maintained a standard of training equivalent to the standards of training of those institutions accredited in the United States as demonstrated by a member of the National Association of Credential Evaluation Services. Staff recommended deleting this language from the bill and adding “An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that he or she possesses a degree in a relevant subject that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and any other documentation the board deems necessary.”
- Renewal requirements as specified in the bill require, in part, that a license expires at 12 midnight on the last day of the month in which it was issued, if not renewed. Staff recommended the language be amended consistent with current Board renewal requirements of two years after it is issued, if not renewed. Additionally, the bill requires that the Board obtain verification from the certifying entity that the renewal applicant maintains active certification status with the certifying entity. Staff recommended striking that requirement from the language.
- The bill does not require any continuing education (CE) explicitly, but it is a requirement of renewal of the certification with BACB. The Board would be required to accept the terms BACB places upon its certificate holders regarding CE unless language was inserted allowing the Board to additionally mandate CE topics and coursework.
- The bill imposes a \$20 fee for changing a BA and ABA licensee’s address of record with the Board. The Board does not charge psychologists, assistant psychologists, or registered psychologists a fee for informing the Board of a change of address. Staff believes charging a fee may discourage BA and ABA licensees from reporting a change of address.
- The bill describes in detail the processes to be followed by the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) when applicants for BA and ABA licensure submit for a state and federal level criminal offender record information search. Staff believes this language is unnecessary. DOJ and FBI currently perform their own process automatically.
- The information technology components of this bill will fall under the BreEZe system and are estimated to total \$800,000 in FY 2017/2018, an increase from

317 the original estimate of \$120,000 for initial setup. Staff requested an itemized
318 breakdown of these costs and an explanation of the significant cost increase.
319

- 320 • The bill references the “reserve fund of the Board of Psychology”. The Board
321 does not have a reserve fund and any loan would be appropriated directly from
322 the Psychology Fund. The setup would be paid for from the Psychology Fund,
323 to be paid back by BA and ABA funds in the future.
324
- 325 • The enforcement language in the bill mirrors the Board’s existing practices, with
326 a exception of any mention of a penalty for not providing records within 15 days,
327 currently in section 2969, excluded services/limitations in section 2904, and
328 confidentiality/privileged in section 2918. Staff recommends a minor correction
329 in section 2999.62(o) of the bill striking the work “substantially”.
330
- 331 • The bill contains language regarding the reinstatement of a suspended license.
332 This language is inconsistent with departmental procedures. Generally, revoked
333 licenses are reinstated.
334

335 It was M(Starr)/S(Acquaye-Baddoo) to request amendments to SB 479 that would 1)
336 delete language requiring the Board to issue a license to a person who is licensed as a
337 behavior analyst or an assistant behavior analyst in another state, 2) clarify that proof of
338 supervision should be the responsibility of the Board, 3) conform license renewal
339 requirements consistent with the Board’s existing license renewal requirements of two
340 years after issuance, 4) remove the requirement that the Board obtain verification of
341 continuing from the certifying entity, 5) allow the Board to apply prescribed continuing
342 education requirements, 6) remove the imposition of a \$20 fee to change an address of
343 record, 7) conform language in section 2999.62(o) consistent with the existing
344 Disciplinary Guidelines by removing the word “substantially” with regard to
345 unprofessional conduct of a BA and ABA, 8) conform language to current law by
346 clarifying revoked, not suspended, licenses may be reinstated, and 9) clarify that a
347 licensed psychologist can supervise an ABA.
348

349 Dr. Jo Linder Crow, CPA, stated the supervision language of section 2944(c) refers to
350 the renewal of the license of an ABA needing to be supervised by a licensed BA. CPA
351 has expressed concern relative to references of supervision of an ABA throughout the
352 process, and has submitted language to clarify that psychologists can also supervise
353 ABAs.
354

355 Dr. Melody Shafer, CPA, requested the Board include the suggested amendment to
356 clarify that a licensed psychologist can supervise an ABA.
357

358 Vote: 9 aye (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr,
359 Acquaye-Baddoo) 0 nay.
360

361

362 **8 b) AB 796**

363
364 This bill modifies the definition of “qualified autism service professional” and “qualified
365 autism service paraprofessional” to allow insurance coverage for types of behavioral
366 health treatment other than applied behavior analysis.
367

368 Mr. Burke reported that the Task Force has recommended opposition to the bill as it
369 opens another category of practitioner other than BA and ABA. The bill did not pass out
370 of Policy Committee; it can be brought back in the January 2016 legislative session.
371

372 It was M(Jones)/S(Erickson) to oppose AB 796. Vote: 9 aye (Arias-Bhatia, Phillips,
373 Erickson, Jones, Gallardo, Horn, Harlem, Starr, Acquaye-Baddoo) 0 nay.
374

375 **Agenda Item #7: Closed Session Legislation Update and Review**

376
377 The Board adjourned to closed session to consider administrative actions in accordance
378 with subdivision (c) 3 of Section 11126(c) of the Government Code.
379

380 The meeting adjourned.
381

382 The meeting reconvened on Friday, May 15, 2015, at 9:30 a.m.
383

384 **Agenda Item #14: Roll Call and Establishment of Quorum**

385
386 Dr. Erickson called the meeting to order establishing that a quorum of the Board was
387 present.
388

389 **Agenda Item #9: Licensing Committee Report and Consideration of Committee**
390 **Recommendations – Licensing Committee Meeting of May 7, 2015**

391
392 **9 a) Licensing Report**

393
394 Ms. Johnson reported on the following:
395

- 396 • Jacquelin Everhart, Continuing Education and Renewal Coordinator, was
397 introduced to the Board Members.
- 398 • Licensing Analyst Liezel Isadore is on maternity leave.
- 399 • Psychologist license application processing time is within 2 weeks of receipt of
400 the application.
- 401 • Psychological Assistant and Registered Psychologist application processing time
402 in within 3 days of receipt.
- 403 • On-line application for Psychologist License is now available.
- 404 • The term “delinquent” will be referred to as “expired” when the public accesses
405 license information on BreEZe.
- 406 • Examination statistics were reviewed with the Board Members.
- 407 • Implementation of CPLEE has begun.

- 408
- 409
- 410
- 411
- 412
- 413
- 414
- 415
- 416
- 417
- Board sponsored proposed legislation affecting the Licensing Program (AB 705, AB 773, and AB 1374) will be covered by the Policy and Advocacy Committee during Agenda Item #12.
 - Proposed regulatory changes affecting the Licensing Program will be covered by the Policy and Advocacy Committee during Agenda Item #12.
 - Staff has completed its comprehensive review of all statutes and regulations affecting the pathways to licensure. The language will be reviewed by legal counsel, then will be provided to interested stakeholders for input prior to being forwarded to the Licensing Committee.

418 **9 b) Continuing Education Report**

419

420 Ms. Everhart reviewed the continuing education audit statistics with the Board

421 Members.

422

423 Dr. Gallardo requested a summary explaining the reasons licensees are failing the

424 continuing education audit. He asked to be provided a compliance comparison from the

425 prior renewal procedure of providing information in advance of renewal to the current

426 audit after renewal.

427

428 **9 c) Discussion and Consideration of Draft Supervision Guidelines (ASPPB)**

429

430 Dr. Horn reported that ASPPB developed draft *Supervision Guidelines for Education*

431 *and Training Leading to Licensure as a Health Service Provider*. The draft guidelines

432 were sent by ASPPB to all regulatory bodies in the United States and Canada for input.

433 Board staff reviewed the guidelines, identifying areas that conflicted with California

434 requirements. The Committee reviewed the guidelines and staff's comments. The

435 Committee's feedback to ASPPB regarding the guidelines was provided to the Board

436 Members for review.

437

438 Dr. Ilene Bell, (LACPA) commented that:

- 439
- 440
- 441
- 442
- 443
- 444
- 445
- Currently, delegated supervision allows for interns to be provided a wide variety of input from psychologists. To change this would be problematic for interns.
 - Interns currently serve the community by providing services in homes of the served. Allowing for telephonic supervision of these hours to count toward licensure is important.
 - Limiting supervision to three is problematic and creates an undue burden.

446

447 Dr. Horn explained that ASPPB sent the guidelines to all state regulatory bodies

448 requesting feedback. The ASPPB will also be seeking input from the public. The Board

449 of Psychology is asking for input at this time to ensure it has considered all aspects of

450 the guidelines. Training programs, supervisors and the rest of the affected public will

451 have future opportunity for input. She stated that the Board is not considering these

452 guidelines for purposes of amending California laws and regulations. If the Board

453 should decide in the future to incorporate any of the ASPPB guidelines into its laws and/or regulations, the process of public input will be followed.

454
455 It was M(Horn)/S(Jones) to approve the Licensing Committee's comments, along with
456 public comments made this date, and instruct the Executive Officer to prepare the
457 transmission of the comments to ASPPB. Vote: 9 aye (Acquaye-Baddoo, Staff, Harlem,
458 Horn, Gallardo, Jones, Erickson, Phillips, Arias-Bhatia) 0 nay.
459

460 **9d) Discussion and Consideration of Continuing Education/Continuing**
461 **Professional Development Comments Received Outside of the First 15-Day**
462 **Comment Period**
463

464 Dr. Horn reported that at the last Board meeting, people expressed concern that they
465 did not have adequate time to respond to the proposed regulations. The Board re-
466 opened the matter and allowed for a second public comment period. A significant
467 number of public comments were subsequently received regarding the continuing
468 education/continuing professional development regulations. The Licensing Committee
469 reviewed those comments.
470

471 Mr. Burke reported that the Committee, at its meeting of last week, directed staff to
472 develop and provide a summary of the comments and to also make all comments
473 available for review by the Board Members. The development of the summary is in
474 progress.
475

476 Ms. Jones clarified that the Board extended the public comment period for the
477 continuing education regulations to ensure that all public comments were heard and
478 considered prior to the Board making a final determination relative to the proposed
479 regulations.
480

481 Concerns were expressed by members of the Board regarding parallels of this agenda
482 item and agenda item #12c) 2 from the Policy and Advocacy Committee. The Board
483 asked to hear the information provided under the Policy and Advocacy Committee
484 before making a decision regarding this matter.
485

486 **Agenda Item #12c) 2. Policy and Advocacy Committee Report and Consideration**
487 **of Committee Recommendations – Regulation Update, and Review, Consideration**
488 **of Committee Recommendations - Title 16, CCR, Sections 1397.60, 1397.61,**
489 **1397.62, 1397.67 – Definitions, Continuing Education Requirements, Continuing**
490 **Education Exemptions and Exceptions, Renewal after inactive or Delinquent**
491 **Status – Consideration of Committee Recommendation to Adopt with the**
492 **Modified Text and Consider Comments Provided in the 15-Day Notice Period**
493

494 At the February Board meeting, the Board voted to extend the 15-day public comment
495 period regarding changing the continuing education cap. 671 public comments were
496 received within this second public comment period. Ms. Jones reported the Committee
497 met on April 27 and reviewed all the public comments. 93% of the commenters
498 disagreed with the 27 hour cap, recommending the cap remain at 36. 5% of the

499 comments did not address the modified change. 2% supported the proposal. The
500 Committee chose to bring the matter to the full Board for its input and determination.
501

502 Mr. Heppler reminded the Board it could accept the public comments by modifying the
503 language based upon those public comments, reject the comments and proceed without
504 making further modifications to the language, or in light of the comments the board
505 could elect not to proceed with the rulemaking process at this time. The Board could
506 also defer the matter until June when the summary of public comments is made
507 available to all Board Members.
508

509 It was M(Horn)/S(Acquaye-Baddoo) to wait until the information requested by the
510 Licensing Committee is made available, including all written public comments by either
511 hardcopy or by flash drive, incorporate the information from the Policy and Advocacy
512 Committee, and bring the matter back to the full Board at the June meeting.
513

514 Dr. Horn stated she wanted the work product to be broken down in percentages.
515

516 Dr. Harlem requested that the work product differentiate between comments expressing
517 confusion versus comments voicing objection to the proposal. He also wanted the work
518 product to differentiate between template letters versus actual form letters.
519

520 Dr. Melody Shafer, CPA, reminded the Board that at the last meeting she presented
521 letters requesting consideration of the cap; those letters represented over 1000
522 individuals.
523

524 Dr. Ilene Bell, LAPCA, commented that she also wrote a letter from membership that
525 expressed interest in encouraging the exploration of ways to collect CE but to not have
526 those ways regulated.
527

528 Dr. Jo Linder Crow, CPA, representing 4000 members, thanked the Board for its
529 discussion and interest in the public's comments. CPA did provide a template for its
530 membership to properly frame comments in a way to allow the comments to be received
531 in the regulatory process. She commented that the vast majority of psychologists do
532 participate in CE. Psychologists practice on a very broad continuum. The lack of
533 specificity about how psychologists will demonstrate their compliance is a big issue with
534 her membership. Dr. Linder Crow stated that there are many details that must be
535 worked out. A theme has emerged that the proposed regulations with the cap on
536 traditional CE is perceived that it takes away from the individual psychologist the ability
537 to freely select the type of learning they want to attend. CPA fully supports the overall
538 goals of the continuing professional development model. The only contentious part is
539 the cap on traditional CE. She recommended the cap be raised back to 36 for
540 traditional CE. She encouraged the Board to start with the assumption that
541 psychologists will welcome the new categories and participate in them rather than
542 assume they will not do so. If it is later proved that psychologists are not broadening
543 their experiences, the Board can consider other changes.
544

545 Dr. Ilene Bell commented that there are many ways for change to come about and a lot
546 of the professional community welcomes the variety of ways to collect CE, advocating
547 encouragement over mandating.

548
549 Vote: 9 aye (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr,
550 Acquaye-Baddoo) 0 nay.

551
552 **Agenda Item #9e: Discussion of Acceptable Methods of Accruing and**
553 **Documenting CE/CPD Hours**

554
555 Dr. Horn reported that the Committee members and staff were not in agreement on
556 making recommendations regarding the methods to be used to accruing and
557 documenting hours of CE/CPD. The Committee agreed to review staff
558 recommendations and to reconsider this matter at its July 14, 2015, meeting.

559
560 It was M(Horn)/S(Starr) to accept the Licensing Committee's report. Vote: 9 aye (Arias-
561 Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr, Acquaye-Baddoo) 0
562 nay.

563
564 **Agenda Item #10: ASPPB Mid-Year Meeting Report**

565
566 This matter will be held over to the June Board meeting.

567
568 **Agenda Item #11: How to apply to be a Registered Psychologist – Instructional**
569 **Video Presentation**

570
571 This matter will be held over to the June Board meeting.

572
573 **Agenda Item #12: Policy and Advocacy Committee Report and Consideration of**
574 **Committee Recommendations**

575
576 **12 a) Legislation Update and Review**

577
578 Mr. Burke reported on the location of bills previously voted by the Board to watch.

- 579
580 1. AB 12 - Appropriations
581 2. AB 19 - Appropriations
582 3. AB 259 - Appropriations
583 4. AB 483 - Suspense
584 5. AB 507 - Suspense
585 6. AB 611- Assembly Business Professions Committee
586 7. AB 618 - Suspense
587 8. SB 848 - Appropriations
588 9. AB 1279 – Senate Rules awaiting assignment
589 10. SB 52 – Committee on Rules assignment
590 11. SB 128 – Appropriations suspense file

- 591 12.SB 130 – Senate Veterans Affairs Committee
592 13.SB 259 – Senate Rules
593 14.SB 272 – Assembly
594 15.SB 468 - Mr. Burke reported that this bill would require that a private patrol
595 operator applying for a firearms permit undergo a psychological evaluation.
596

597 It was M(Starr)/S(Horn) to oppose unless section 7583.23(e)(1) and (2) are amended to
598 read:
599

600 (e)(1) Each applicant for a firearms permit shall undergo a psychological evaluation
601 performed by a licensed psychologist or his or her designee, the purpose of which is to
602 certify the applicant's psychological capability to exercise appropriate judgment,
603 restraint, and self-control. The licensed psychologist shall be of the applicant's choice.
604 It shall be the responsibility of the applicant to bear the costs of the psychological
605 evaluation.

606 (2) After evaluating the data, the psychologist shall employ whatever other
607 psychological measuring instruments or techniques deemed necessary to form a
608 professional opinion. The use of any psychological measuring instruments or
609 techniques shall require a full and complete written explanation to the bureau.

610
611 Vote: Vote: 9 aye (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr,
612 Acquaye-Baddoo) 0 nay.

613
614 Mr. Burke reported on the following bills:
615

616 16.AB 705 – Referred to Senate Business and Professions Economic Development
617 Committee
618

619 This Board-sponsored bill seeks to ensure employees in exempt settings are working
620 towards licensure as psychologists.
621

622 It was M(Jones)/S(Starr) to continue support of AB 705, directing the Executive Officer
623 to convey to the author of the bill the need to clarify that the limited exemption not
624 exceed five years from the date of employment at an exempt setting. Vote: 9 aye
625 (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr) 0 nay, 1 abstain
626 (Acquaye-Baddoo).
627

628 17.AB 773 – License expiration date: Passed Assembly on consent and is pending
629 referral to the appropriate Senate committee.
630
631

632 18. AB 750 – Retired license status: It was M(Starr)/S(Phillips) to accept the Policy
633 and Advocacy Committee’s recommendation to continue to support AB 750.
634 Vote: 9 aye (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Star,
635 Acquaye-Baddoo) 0 nay.

636
637 20. AB 1374 – Submission of Supervised Professional Experience: Passed
638 Assembly on consent and is pending referral to the appropriate Senate
639 committee.

640
641 22. SB 800 – Omnibus: Currently on Senate consent calendar.

642
643 Ms. Jones clarified that the Policy and Advocacy Committee recommended support of
644 Board-sponsored AB 773, AB 1374 and SB 800.

645
646 It was M(Arias-Bhatia)/S(Starr) to support AB 773, AB 1374 and SB 800. Vote: 9 aye
647 (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Star, Acquaye-Baddoo)
648 0 nay.

649
650 Mr. Burke reported on:

651
652 19. AB 832 – Child Abuse Reportable Conduct: the bill failed to pass the Assembly.
653 Discussion regarding this bill will be deferred to the June Board meeting to allow
654 for an update on the author’s intent relative to this bill.

655
656 It was M(Phillips)/S(Gallardo) to support the bill if amended. Vote: 9 aye (Arias-Bhatia,
657 Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr, Acquaye-Baddoo) 0 nay.

658
659 Mr. Burke reported on:

660
661 23. AB 85 – Open Meetings Act: Scheduled for hearing in the Senate Appropriations
662 Committee.

663
664 24. AB 333 – Healing Arts: Continuing Education – Re-referred to the Committee on
665 Appropriations.

666
667 It was M/(Harlem)/S(Arias-Bhatia) to accept the recommendation of the Policy and
668 Advocacy Committee to oppose AB 85 and AB 333. Vote: 9 aye (Arias-Bhatia, Phillips,
669 Erickson, Jones, Gallardo, Horn, Harlem, Star, Acquaye-Baddoo) 0 nay.

670
671 26. AB 2198 – Suicide Prevention – Governor Brown vetoed this bill.

672
673 Ms. Sorrick commented that the concerns expressed in the Governor’s veto message
674 will be placed on the agenda of a future Board meeting.

675
676 **12 b) Update regarding the California Child Abuse and Neglect Reporting Act**
677 **(CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1**

678
679 Mr. Burke reported that the Board requested a legal opinion from the Attorney General
680 to ascertain if it is required to report voluntary acts of sexual intercourse, oral copulation,
681 or sodomy between minors of a like age. Assemblymember Garcia forwarded the
682 Board's request to the Attorney General on February 25, 2015.
683

684 **12 c) Regulation Update, and Review, Consideration of Committee**
685 **Recommendations**
686

- 687 1. Title 16, CCR, Sections 1388, 1388.6, 1389, 1392 – Examinations, Licensing
688 Requirements and Waiver of Exemption, Reconsideration of Examinations,
689 Psychologists Fees.
690

691 Mr. Burke reported the rulemaking was filed with the Office of Administrative Law on
692 May 13, 2015.
693

- 694 3. Title 16, CCR, Section 1380.5 – Filing of Addresses
695

696 Mr. Burke reported that based upon opposition to the reference to provide residential
697 addresses, new language has been developed for consideration for public hearing.
698

699 It was M(Starr)/2(Acquaye-Baddoo) to notice the following language for public hearing:
700

701 § 1380.5. Filing of Addresses.

702 (a) Each Person holding a license as a psychologist shall file with the board his or her
703 address of record, which shall be used as the mailing address for the licensee and shall
704 be disclosable to the public~~proper and current mailing address, and shall report~~
705 ~~immediately to the board at its Sacramento office any and all changes of address, giving~~
706 ~~both his old and new address.~~ The licensee may provide a post office box number or
707 other alternate address as his or her address of record; if a post office box number or
708 other alternate address is used as the address of record, however, the licensee shall
709 also provide a physical business or residential address for the Board's internal
710 administrative use, and not for disclosure to the public.

711 (b) Each applicant and licensee who has an electronic mail address shall provide to the
712 Board that electronic mail address and shall maintain a current electronic mail address,
713 if any, with the Board.

714 (c) Within 30 days after a change of any address above, the applicant or licensee shall
715 report to the Board any and all changes, giving both his or her old and new address(es).

716 (d) Failure to comply with the requirements of this section may subject the licensee to
717 enforcement action.

718 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
719 Sections 12.5, 27, 136, and ~~2982~~ 2948, Business and Professions Code.

720
721 Vote: 9 aye (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr,
722 Acquaye-Baddoo) 0 nay.

723
724 **Agenda Item #13: Consideration and Adoption of Amendments to Title 16, CCR,**
725 **Section 1397.2 – Uniform Standards Related to Substance Abuse and Disciplinary**
726 **Guidelines – Pursuant to 15-Day Notice**

727
728 Mr. Burke reported that the rulemaking file was submitted to the Department of
729 Consumer Affairs for review. A number of grammatical and consistency issues were
730 identified.

731
732 It was M(Arias-Bhatia)/S(Gallardo) to notice for a 15-day public comment period the
733 proposed modifications and in the absence of any adverse public comment, the Board
734 approve the language and authorize staff to submit the rulemaking file. Vote: 9 aye
735 (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr, Acquaye-
736 Baddoo) 0 nay.

737
738 It was M(Jones)/S(Harlem) to accept the Policy and Advocacy Committee's report. .
739 Vote: 9 Aye (Arias-Bhatia, Phillips, Erickson, Jones, Gallardo, Horn, Harlem, Starr,
740 Acquaye-Baddoo) 0 No.

741
742 **Agenda Item #16: Discussion and Consideration of Request for Opinion on Scope**
743 **of Practice for a Licensed Psychologist in Regional Centers – Vendorization for**
744 **Behavior Management Consultants (CCR Title 17, Section 54342. Behavior**
745 **Management Consultant Service Code 620)**

746
747 Mr. Heppler reported that the California Psychological Association requested a written
748 opinion to clarify a psychologist's scope of practice with regard to applied behavioral
749 analysis. CPA cited California Code of Regulation Section 54342(13) of Title XVII, Div.
750 2, Chapter 3, Subchapter 2, Article 3, as prohibiting a Board-licensed psychologist who
751 is not in compliance with specified educational requirements from becoming a
752 vendorized Behavior Management Consultant by a Regional Center in California.

753
754 Dr. Jo Linder Crow, CPA, commented that CPA will be challenging the interpretation
755 applied to psychologists in this regulation. She stated that it would be helpful to have a
756 written statement from the Board that the scope of practice of a psychologist includes
757 behavioral analysis.

758

759 It was M(Phillips)/S(Acquaye-Baddoo) to direct staff to prepare correspondence to the
760 California Psychological Association stating that the scope of practice of a license
761 psychologist includes the practice of behavior analysis. . Vote: 9 aye (Acquaye-
762 Baddoo, Staff, Harlem, Horn, Gallardo, Jones, Erickson, Phillips, Arias-Bhatia) 0 nay.
763

764 **Agenda Item #20: Outreach and Education Committee Report and Consideration**
765 **of Recommendations – Committee Meeting of May 1, 2015**
766

- 767 a. Strategic Plan Update and Survey Results – Ms. Sorrick provided the Board
768 Members with the updated action plan to change goals and objectives in the
769 Strategic Plan. The results of the stakeholders survey were also shared with the
770 Board Members.
771
- 772 b. Communications Plan Update – Ms. Sorrick shared the Communications Plan
773 Update with the Board Members.
774
- 775 c. Social Media Update – Mr. Burke provided the Board Members with user data
776 from the Board’s Facebook, Twitter, Meeting Webcast and YouTube sites.
777
- 778 d. Website Update – Mr. Burke provided the Board Members with information
779 regarding the number of views of the Board's website.
780
- 781 e. Newsletter – Ms. Sorrick reported that the Spring Journal is scheduled for
782 release at the end of June.
783
- 784 f. Outreach Activities Update – Ms. Sorrick reported on the recent updates of
785 outreach activities.
786
- 787 g. Access to Mental Healthcare in the State of California Campaign Update – The
788 Board previously voted to engage in a two-year campaign regarding access to
789 mental healthcare in California. The Board is currently gathering information.
790

791 It was M(Gallardo)/S(Aquaye-Baddo) to accept the Outreach and Education
792 Committee’s report. Vote: 9 aye (Acquaye-Baddoo, Staff, Harlem, Horn, Gallardo,
793 Jones, Erickson, Phillips, Arias-Bhatia) 0 nay.
794

795 **Agenda Item #21: California Psychological Association Ethics Training Program –**
796 **CPA Proposal**
797

798 The California Psychological Association proposed a joint educational program with the
799 Board of Psychology (Both Sides Now: Navigating the Intersection of Ethics and Law in
800 Psychology Practice).
801

802 Mr. Heppler, Board Legal Counsel, expressed concern regarding the proposal. He
803 informed the Board it is prohibited from any type of financial contribution. He also
804 stated it is unusual for a government agency to sponsor an event to its regulated

805 community. He expressed concern about the regulated community's detrimental
806 reliance on Board Members or staff advising them on "how to remain within the
807 standard of care" as stated in the activity's description. Mr. Heppler suggested the
808 Board consider any potential Open Meetings Act violations should they elect to
809 participate versus co-sponsor.

810
811 Dr. Jo Linder Crow, CPA, stated that the proposal is for a joint co-sponsorship program
812 modeled on similar programs offered in other states. She informed the Board it would
813 be helpful if the Board voted on this matter today to either accept or decline the
814 invitation. She would then be able to report back to her planning committee and
815 proceed with developing the program.

816
817 It was M(Starr)/S(Gallardo) to respectfully decline the invitation to co-sponsor the event.
818 Vote: 9 aye (Acquaye-Baddoo, Staff, Harlem, Horn, Gallardo, Jones, Erickson, Phillips,
819 Arias-Bhatia) 0 nay.

820
821 Ms. Jones requested that the Executive Officer explore options for the Board to partner
822 with other government agencies to sponsor educational events.

823
824 **Agenda Item #25: Executive Officer's Report**

825
826 Ms. Sorrick reported that staff is currently exploring a program that will allow Board
827 Members to access Board meeting materials via the internet prior to the Board
828 meetings.

829
830 **Agenda Item #24: President's Report**

831
832 Dr. Erickson referred the Members to the calendar of meetings for the remainder of the
833 year. The Board discussed the practice of conducting committee meetings in
834 conjunction with Board meetings versus between meetings. The Members expressed
835 concern with scheduling meetings well in advance and providing materials timely.

836
837 Dr. Jo Linder Crow, CPA, requested the Board consider the public's ability to attend
838 Committee and Board meeting as they schedule meetings in the future.

839
840
841 **Agenda Item #26: Recommendations for Agenda Items for Future Board Meetings**

842
843 Dr. Jo Linder Crow, CPA, stated she had requested an item be on this meeting's
844 agenda.

845 Ms. Sorrick informed the Board that the requested agenda item concerned the issue of
846 psychopharmacology. The matter is being referred to the Board's Outreach and
847 Education Committee as well as the Licensing Committee. Once the committees have
848 met regarding the matter, it will be placed on the agenda for full Board consideration.

849
850

851 **Agenda Item #27: Adjournment**

852

853 The Board adjourned.

854

855

856

857

858

859 _____
President

_____ Date

860

861

862

863