

MEMORANDUM

DATE	January 22, 2016
TO	Licensing Committee Members
FROM	Karen Johnson (signature on file) Licensing Coordinator
SUBJECT	Agenda Item 8 Approval of the Licensing Committee Minutes: October 5, 2015

Attached are the minutes of the October 5, 2015 Licensing Committee meeting.

Action:

Review and approval of the minutes.

1
2 **Licensing Committee Meeting Minutes**
3
4

5 Department of Consumer Affairs
6 1747 N. Market Blvd., Hearing Room 186
7 (916) 574-8400

8 **Teleconference Information**

9 **Teleconference Phone Number: (866) 509-3031**
10 **User Password: 44835535**

11
12 **Monday, October 5, 2015**
13

14 **Members Present:**

15 Jacqueline Horn, PhD, Chairperson
16 Stephen Phillips, PsyD
17 Nicole J. Jones, Public Member
18

19 **Others Present:**

20 Antonette Sorrick, Executive Officer
21 Karen Johnson, Licensing Coordinator
22 Jonathan Burke, Administrative Coordinator
23 Jacquelin Everhart, Continuing Education/ Renewals Coordinator
24 Kurt Heppler, DCA Legal Counsel
25 Ravi Kapoor, DCA, Legal Counsel
26 Jo Linder-Crow, PhD, California Psychological Association (CPA)
27 Bruce W. Ebert, PhD, JD, Center of MH Law and Ethics
28 Marilyn Immoos, PhD, California Department of Corrections and Rehabilitation
29

30 **a) Call to Order/Roll Call**
31

32 Jacqueline Horn, PhD, Committee Chairperson, called the open session meeting to
33 order at 9:12 a.m. A quorum was present and due notice had been sent to all interested
34 parties
35

36 **b) Approval of the Licensing Committee Minutes: May 7, 2015**
37

38 Dr. Linder-Crow commented that on page three, line 96, the reference to CPA's CPD
39 Division is incorrect. CPA does not have a CPD Division. The correct title is Education
40 and Training Division and requested that the correct title be reflected in the minutes.
41

42 Dr. Horn suggested on page two, line 52, that the motion should read "There being no
43 amendments or additions", it was moved...
44

45 Dr. Horn asked that the misspelling of CAPIC be corrected on line 86 and requested the
46 words "influence therapists" be changed to "impact therapy" on line 90. Dr. Horn further
47 suggested that on line 104 the phrase "not education" be amended to read "not primarily
48 in educational settings."
49

50 Dr. Horn stated that on line 137 Dr. Harlem's comment is not accurately stated. Dr.
51 Phillips recommended taking out the "and that" and replacing it with "than taking." It
52 should correctly read "Dr. Harlem commented that taking the position that going to
53 Board meetings is better than taking CE is not defensible".
54

55 It was M(Jones)/S(Phillips)/C to approve the minutes as amended.
56

57 Vote: 3-0 (Aye: Phillips, Jones, Horn)
58

59 **c) Approval of the Licensing Committee Minutes: July 14, 2015** 60

61 Ms. Jones commented on page two beginning with line 71, that the phrase "can review"
62 be amended to read "will review". Dr. Horn agreed with Ms. Jones and recommended
63 the paragraph be changed to read "Following a discussion about the process, the
64 Licensing Committee agreed to make revisions prior to sending a Pathways draft to
65 Stakeholders."
66

67 Ms. Jones requested on line 148 to add Office of Publications after Department of
68 Consumer Affairs and to add that the purpose was to help get ideas to best present the
69 complex issues.
70

71 Ms. Jones stated that on page five, line 230, she remembered Mr. Heppler stated that it
72 is best to make changes before a regulatory hearing. Mr. Heppler requested staff to
73 review the tape from the Committee meeting on July 14th and make the necessary
74 corrections.
75

76 Dr. Horn requested the word "require" on line 55 be changed to "allow." She was unsure
77 what is meant by required fee on line 56. Ms. Sorrick explained that AB 1374 would
78 remove any reference to fee and recommended "required fee" to be replaced with
79 "requirement that a fee be given to a licensee in order to..."
80

81 Dr. Immoos asked to change the wording in the paragraph beginning on line 248 on
82 page six, since it is not an accurate statement. She requested the removal of the words
83 "and a large increase in her workload" in line 249 and just end that sentence at
84 "confusion." She also requested to add to the end of the paragraph "would have a
85 substantial impact on the Department".
86

87 It was M(Phillips)/S(Jones)/C to approve the minutes with the changes discussed.
88

89 Vote: 3-0 (Aye: Phillips, Jones, Horn)
90

91 **d) Public Comment(s) on Items Not on the Agenda** 92

93 There were no public comments.

94 **e) Review and Revision of Business and Professions Code Section 2915:**
95 **Continuing Education Requirements; Practice Outside Fields of Competence**
96

97 Ms. Jones asked if the cover memo is correct. Dr. Horn explained that first the statute
98 needs to be changed to include Continuing Professional Development (CPD) which
99 would allow the Board to change the regulations. She requested the cover memo be
100 corrected to state that the proposed changes would impact the CPD model.
101

102 Ms. Everhart stated that one cleanup to section 2915 is to include the wording
103 Continuing Professional Development with Continuing Education throughout that
104 section.
105

106 Mr. Heppler further explained that the purpose of the regulations is to make specific the
107 statutes. He stated that there was concern that the Board was putting the cart before the
108 horse. The first step is to start with the wider purpose and change the statute and then
109 make specific in the regulations. Changes to the regulations should not get ahead of the
110 statutes and the Board should first add the CPD model in statute.
111

112 Ms. Everhart read section 2915 for the benefit of those watching the webcast and for
113 those who were listening and did not have a copy.
114

115 Dr. Phillips stated that the wording "continued" professional development should be
116 changed to "continuing" professional development throughout the statute. Ms. Sorrick
117 agreed that it should be corrected and underlined since it is new language.
118

119 Dr. Phillips asked for a point of clarification in section (d)(2)(C) if it only relates to a
120 requirement for coursework in spousal or partner abuse. Ms. Everhart stated that it is a
121 requirement as a whole. Ms. Sorrick stated this is no longer relevant and recommended
122 deletion of that subsection. Dr. Horn stated that it would be looked at on a case-by-case
123 basis and is already covered in subsection (e), and that the language should be more
124 general. Dr. Horn recommended that subsection (C) be deleted.
125

126 Dr. Horn requested that "Board" be capitalized throughout the statute.
127

128 Dr. Horn recommended deleting the reference to APA in subsection (3) and replacing
129 that with those organizations approved by the Board.
130

131 Dr. Linder-Crow stated that the courses listed in (d)(2)(A) were required for licensees
132 who began graduate study prior to January 2004 to take during their first renewal. This
133 is not a new requirement and is no longer applicable.
134

135 Dr. Phillips commented that would it make sense to make it a separate statutory
136 section. Ms. Sorrick stated that the spousal or partner abuse course is listed in section
137 2914 (f)(1). Dr. Horn suggested adding 2914(f)(1) to subsection (d)(1) and deleting
138 subsection (d)(2)(A), but then suggested adding all of section 2914(f) which would
139 include 2914(f)(1)(2) and (3). Dr. Phillips agreed that this be added. Mr. Heppler
140 explained that 2915 applies to licensees, whereas 2914 applies to applicants, and
141 recommended staff reword section 2915 and bring it to the full Board at their November
142 meeting.

143 Ms. Jones pointed out that the language in (d)(1) only states that the requirement may
144 include courses, but does not require these courses.

145
146 Mr. Heppler stated that if the Licensing Committee wanted to see the language before
147 the November Board meeting then the Committee should schedule a meeting prior to it
148 being reviewed by the full Board. Dr. Philips requested the Licensing Committee see the
149 language prior to the November Board meeting.

150
151 Dr. Horn suggested a Licensing Committee teleconference meeting be scheduled prior
152 to the November Board meeting to finish the review of this section.

153
154 Mr. Heppler recommended subdivision (e) be reworded to read, "The Board may grant
155 exemptions and extensions from the continuing education requirement of this section".

156
157 It was M(Phillips)S(Jones)/C to direct staff to make the changes and to schedule a
158 Licensing Committee teleconference to review the changes prior to the November
159 Board meeting.

160
161 Vote: 3-0 (Aye: Phillips, Jones, Horn)

162
163 **f) Review and Revision of Proposed CE/CPD Regulations**

164
165 Ms. Jones stated that under the action requested in the cover memo, "full Board review"
166 should be added. Dr. Horn agreed and requested that "for full Board consideration" be
167 added.

168
169 Ms. Everhart informed the Committee that she and Mr. Thomas reviewed the
170 regulations and made edits and clarifications. The main edit was to remove the matrix
171 and add the wording to the definitions. Their edits and additions are in green in the
172 language provided.

173
174 Dr. Horn requested that the green sections of the language be reviewed by the
175 Committee piece by piece.

176
177 Ms. Sorrick asked the Committee if they want to extend the effective date to January 1,
178 2019. Dr. Phillips agreed that it would give people more time to understand and be clear
179 on what will be required.

180
181 Dr. Horn began the review of the definitions at (a)(1) Peer Consultation and requested
182 "in person or electronically" be added. It can be individual and/or group consultation. Dr.
183 Phillips suggested deleting the wording about "reading or research groups" since it is
184 covered in (b) under Academic. Dr. Horn suggested "Professional Colleagues" is broad
185 enough, but also narrow. Dr. Phillips commented that we don't want to exclude or
186 include people unnecessarily.

187
188 Ms. Sorrick recommended the sentence state reading or research groups focused on
189 the scientific or theoretical aspects of psychological practice with other professionals.
190 The Committee agreed with the wording. Ms. Jones stated that the word "colleague" is
191 used in previous sections, so it should be consistent in its definition. Mr. Heppler

192 suggested not putting a list of possible colleagues and to leave it more vague. Naming
193 or listing professionals and educational settings will inevitably exclude some people and
194 it can be vague because regulations make it specific. Dr. Horn recommended using
195 “professional colleagues”.
196

197 Dr. Linder-Crow thanked the Board for taking up this issue of CE/CPD regulations. CPA
198 learned that there was a desire by psychologists to determine their own path. The
199 definition on Peer Consultation leaves out business or practice discussions, billing
200 issues are very important for licensees and the individuals can best determine what they
201 need to do. She stressed concern that the language will state “as determined by the
202 Board.” Dr. Horns stated that leaving it at “professional colleagues” is leaving it broad
203 enough.
204

205 Dr. Horn stated that #2 on page 12 part (b) what approving organizations must do is
206 good language. This is the language used by APA and CPA. Dr. Horn further suggested
207 that the language from page 12, #2(B) be placed in our definition. Ms. Jones agreed to
208 add that language in “Peer Consultation”.
209

210 Dr. Immoos thanked the Board for being all inclusive.
211

212 Ms. Jones asked if research groups should be separated out from peer consultation. Dr.
213 Phillips didn’t think it was necessary as everything Dr. Immoos discussed would be
214 included.
215

216 Dr. Horn began the discussion on Practice Outcome Monitoring (POM). She suggested
217 taking out the examples. Dr. Phillips agreed. Ms. Jones agreed but wanted staff to
218 share their reasoning for deleting the examples. Ms. Everhart stated that she does not
219 understand what would be considered Practice Outcome Monitoring and the ways to
220 measure. Dr. Horn suggested taking out the word “treatment”. Dr. Phillips suggested
221 that it state that POM must be sensitive to issues of culture and diversity. The
222 Committee was concerned about the protocols of standardized vs. non-standardized
223 measures used. Dr. Horn suggested changing the wording to “application of outcome
224 assessment measures”. Dr. Phillips agreed. Ms. Jones suggested to us the word
225 “protocols” instead of “measures”.
226

227 Dr. Immoos questioned the sentence that starts with “In order to monitor one’s own
228 practice process and outcomes”, and requested it be changed to “assessing
229 effectiveness”.
230

231 Dr. Horn suggested adding to the list of activities that the record shall include: dates(s)
232 of monitoring, client identifier, rationale for selected protocol or measures, and how
233 outcome was measured.
234

235 Ms. Jones questioned the maximum weight for POM. How many hours vs. the other
236 areas of CPD. Dr. Phillips believed that they gain more knowledge with direct
237 applicability to service delivery in practice monitoring as opposed to publications, but
238 thought that is important as well. We want to encourage licensees to have nine hours
239 beyond formal CE.

240 Dr. Immoos stated that this section will be difficult for Department of Rehabilitation and
241 other large organizations. They don't monitor their own processes, but have peer review
242 and auditing. They do not design their own treatment plans. They have to be approved
243 by the treatment team. It would be difficult to count one client or patient equals to one
244 hour of CPD. This would be more beneficial in a private practice situation. It would be
245 unfair to not include larger organizations because the structure is different. Dr. Horn
246 stated that this is just being proposed effective January 1, 2019, which will give us
247 practice time and time to obtain feedback about how this is working.
248

249 Dr. Linder-Crow requested that the Committee keep in mind that we are dealing with
250 doctoral level psychologists and this appears to micromanaging and having to prove
251 themselves. Asking why someone used a particular measure appears that the Board is
252 too involved in making people prove what they are doing. This is the concern that was
253 generated in the beginning. Asking them to explain why they used a certain method can
254 appear to be micromanaging and gives the feeling of being overregulated. Ms. Jones
255 stated that staff will be reviewing the documentation and doesn't believe that staff will be
256 looking at the justification of the CPE, but just the verification that will be reviewed. Dr.
257 Linder-Crow said that the Board just needs to be careful with the language used.
258

259 Mr. Heppler reminded the Committee that we audit a random selection of approximately
260 60-90 psychologists a month. Staff does not want to be overburdened, if the licensee
261 says he or she did this, then staff will take psychologists at their word. Ms. Everhart
262 suggested that the licensee will need to label appropriately the activity type.
263

264 After much discussion the Committee agreed to a maximum of nine hours, one
265 client/patient of POM equaling one hour of credit, and to add the following wording: The
266 record shall include: dates(s) of monitoring, client identifier, and how outcomes were
267 measured.
268

269 Dr. Horn suggested changing the wording "Professional Activities" to "Professional
270 Service". Dr. Phillips and Ms. Jones agreed with that change. She went on to suggest
271 replacing "and/or mental health" with "separate and apart from a fee for service
272 arrangement." It was also suggested to replace "in service of" with "the field of"
273 psychology and to delete the last sentence. It should not be part of the definition, but
274 should be part of how licensees demonstrate professional service.
275

276 In Professional Activities (now Professional Service) on page nine number (3), the
277 Committee agreed to add to (B) "for a particular activity" after Professional Service. In
278 part (C) Dr. Horn requested that the types of activities be added. The Committee
279 agreed to add the following: The record shall include: activity or group, dates of service,
280 and term of service (six months or one year).
281

282 In Conference/Convention, Dr. Horn suggested adding Attendance, so it would read
283 Conference/Convention Attendance and take "or petitioner." Also, add to (C): The
284 record shall include: conference/convention attended, dates of conference/convention
285 attended, and will not include "# of hours." Ms. Everhart asked if it will require separate
286 documentation for the conference or convention attended. The Committee stated that
287 the licensee would have to provide separate documentation and staff should not

288 assume that it can be counted as both courses attended at a conference/convention
289 and under conference/convention attended.

290
291 Dr. Horn read section five, Examination Functions. Dr. Horn suggested including work
292 on the EPPP. Dr. Phillips suggested adding "or the development of the EPPP" to the
293 definition. Ms. Jones stated that the language in the regulations needs to be consistent
294 when referring to the Board. Some sections refer to just the Board and others to the
295 Board of Psychology or California Board of Psychology. Ms. Sorrick questioned why
296 one full day is only equivalent to six hours of CE credit. Dr. Phillips commented that two
297 days would get you the full 12-hours. Dr. Linder-Crow added that CPA usually counts a
298 day as six hours to account from lunch and usually ending by 4:00 p.m. Dr. Horn agreed
299 that a full day is consistently six hours.

300
301 Dr. Horn reviewed section six, Expert Review/Consultation. Dr. Horn suggested deleting
302 Enforcement Related in the description. It should include any Board expert review. Ms.
303 Sorrick commented that it would be easier to document if it is counted as hour-for-hour
304 credit. Dr. Horn requested that (B) should read, "Each hour of service in an expert
305 capacity equals one (1) hour of credit."

306
307 Dr. Ebert commented that experts enhance their professional development, so why limit
308 to only experts for the Board, why not include experts for the defense of a client. Dr.
309 Ebert stated that it appears self-serving. Dr. Horn commented that it is a way to
310 encourage licensees to participate as an expert for the Board. Dr. Phillips thought there
311 was some logic to the comment from Dr. Ebert. Dr. Linder-Crow stated that the purpose
312 of CE/CPD is to maintain competence. It's an interesting question if there are things
313 being used to benefit the Board and not just for the betterment of the licensee. Dr.
314 Phillips added that the Board does this to provide incentives for individuals to do things
315 for the Board and to strengthen our ability to protect the consumer and to better serve
316 the public.

317
318 In section seven, Attendance at a Board Meeting, Dr. Horn suggested to delete the last
319 sentence in the definition section. Dr. Linder-Crow commented that a licensee gives up
320 a day to attend a Board meeting, so he or she should get a full day credit even if there
321 are closed session items on the agenda. Dr. Horn suggested it should be left at six
322 hours for a full day, with or without closed session. Dr. Immoos agreed.

323
324 Dr. Horn and Dr. Philips suggested adding to the definition, "This activity is designed to
325 promote knowledge of current issues before the Board and encourages public
326 participation in the regulatory process." In "activities" it was suggested to add "A
327 psychologist requesting CPD credit pursuant to this subdivision must sign-in and sign-
328 out on an attendance sheet that requires an individual to provide his or her first and last
329 name, license number, time of arrival, and time of departure from the meeting." Dr.
330 Phillips suggested providing a separate sign-in sheet at meetings for those wanting
331 CPD credit.

332
333 In definition g(1) Academic Coursework, the Committee suggested deleting the first
334 paragraph in B and to keep staff's suggested language: "Each one (1) semester unit
335 earned equals six (6) hours of credit, and each one (1) quarter unit earned equals 4.5

336 hours of credit.” . Dr. Phillips suggested that a transcript be required and to add “with
337 evidence of a passing grade” to the end of D.
338

339 In g(2), Academic Instruction, Dr. Horn was concerned that it be clear that the licensee
340 cannot “double dip” if teaching and attending the course and suggested that “for the first
341 time” be deleted. Dr. Linder-Crow suggested renaming the title to Academic/Sponsored
342 CE Instruction. Ms. Jones suggested deleting “semester long or equivalent” in (A) in the
343 definition. Dr. Phillips suggested there be a rounding rule when there is less than an
344 hour instruction. After much discussion the Committee suggested adding to the
345 activities in (B) “Each hour of instruction for teaching a sponsored CE course equals 1.5
346 hours of CPD credit earned.” In (c) the Committee discussed the length of a quarter or
347 semester unit and changed the wording to read “A term-long (quarter or semester)
348 academic course equals 18 hours credited.” Ms. Jones suggested switching (C) and (B)
349 to be consistent with other divisions.
350

351 Dr. Horn suggested deleting “pursuant to section 1387” under subdivision g(3),
352 Supervision. Dr. Phillips pointed out that practicum students should not be included
353 since they are not accumulating hours toward licensure. Dr. Horn suggested adding the
354 different license types such as MFT, LCSW, etc. The Committee requested the adding
355 “as a Psychologist, MFT, LCSW, LPCC, LEP, or Physician and Surgeon” to the end of
356 the definition.
357

358 Dr. Horn ended the meeting at “activities in subdivision g(2), Supervision, page 10”.
359

360 **f) Agenda Items for the Next Meeting** 361

362 Dr. Horn commented that the July 14th Licensing Committee minutes reflected a public
363 request to have a report on the fingerprint process and suggested it be added to the
364 January 11-12, 2016 Licensing Committee meeting agenda.
365

366 **g) Adjournment** 367

368 Dr. Horn adjourned the meeting at 4:08 p.m.