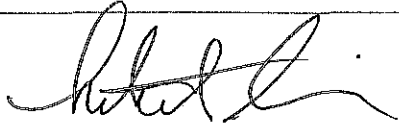


MEMORANDUM

DATE	February 10, 2016
TO	Board Members
FROM	 Antonette Sorrick Executive Officer
SUBJECT	Sunset Review Update and Possible Review of Background Paper from the Senate Business, Professions, and Economic Development Committee: Agenda Item 23

Background:

On February 5, 2016, the Board received follow up questions from the Board's 2015 Sunset Review Report to the Senate Business, Professions, and Economic Development Committee. Staff has prepared the draft responses for the Board's review. The responses are due on Monday, February 29, 2016. The Board is scheduled for hearing on March 14, 2016.

Action Requested:

Review and approve draft background paper (follow up questions) from the Sunset Review Report.

1. This is more of a question to see how other boards might be able to do this – how do you manage to get all your board meetings webcast?

The Board works with the Department of Consumer Affairs (DCA) to webcast all of its quarterly Board meetings. The requests are submitted to DCA's Office of Public Affairs at least three (3) weeks prior to the Board meeting.

2. Why was there a surge in survey responses in 11/12 and 14/15?

The Board was unable to identify any explanation for the surge in survey responses in FY 2011/2012, however, upon seeing a decline in surveys submitted in FYs 2012/2013 and 2013/2014, licensing staff began including a link to the survey in the body of all emails to applicants and licensees encouraging survey participation. This change in the Board's emails, led to the increase in survey responses for FY 2014/2015.

3. Why such a jump in cite & fine for 2014/15? Why is such a substantial portion of cites and fines dismissed? (p.46)

In 2013, the Board assumed the role of managing and auditing continuing education for all of its licensees. Previously, this function was performed by the MCEP (Mandatory Continuing Education for Psychologists) Accrediting Agency. Once this function was assumed by the Board, a plan was developed to increase compliance. This plan included a 10% audit of its licensees and the issuance of citations and fines for non-compliance with the Board's continuing education requirements. This resulted in an increase in the issuance of citations and fines for FY 2014/15.

The citation and fine program is an informal enforcement mechanism the Board utilizes to enforce the laws and regulations for practice. This process allows an individual who is being issued the citation and fine to request an informal conference with the Board's Executive Officer. At the informal conference, the licensee has the opportunity to present information, and a decision is made to modify, withdraw, or affirm the citation and fine. As a result, the fines collected can often differ from the fines assessed to the licensee.

4. Why was the pass rate so low for first-timers for CPSE and EPPP for FY 2014/15? (p. 40). Are you working with anyone to improve these figures?

There is no one factor that can be pinpointed for why the pass rate is lower for both examinations. The following are some possible factors, but at this time these are tentative hypotheses.

- There were more repeat test takers who took the exam. Repeat test takers tend to fail at a higher rate than first-time test takers.
- It appears that a large group of candidates rushed to take the Examination for Professional Practice in Psychology (EPPP) and the California Psychology

Supplemental Examination (CPSE) prior to the change in both tests reflecting the adoption of 5th Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5). Test takers attempting to avoid the substantial changes in the diagnostic taxonomy may not have adequately prepared for the exams.

- Test questions known to be in private examination preparation service study materials were eliminated from the CPSE item bank. This means that if DCA's Office of Professional Examinations Services (OPES) becomes aware that one or more of the preparation programs were teaching a specific item or items in the item bank, these items are eliminated from future test administrations.
- More Subject Matter Experts with zero to five years of experience as licensees participated in the CPSE examination development workshops.
- Candidates may be focusing on certain areas of the examinations. For the CPSE there are four content areas: Crisis Assessment and Intervention, Clinical Assessment and Evaluation, Treatment Interventions, and Legal and Ethical Standards. Candidates that requested breakdowns of their examinations scored lower in the areas of Crisis Assessment and Intervention, Clinical Assessment and Evaluation, and Treatment Interventions. As the CPSE has been replaced with another examination developed in conjunction with the OPES, the domains which appeared to cause the greatest difficulty are no longer a substantial portion of the new exam (see the following paragraph for the details of this process).

In 2012, OPES conducted an occupational analysis of the CPSE and, pursuant to the resulting report from OPES, the Board promulgated changes to CCR sections 1388 and 1388.6. As a result of the regulatory change, the Board began to transition from offering two related examinations, one for new licensees (the CPSE) and the second for out-of-state licensees seeking a California license, the California Psychology Laws and Ethics Examination (CPLEE), to only offering the CPLEE to all applicants. The examination results have shown an increase in the passage rate while maintaining a valid, reliable, and legally defensible examination. Due to concerns regarding the low passage rate, OPES has taken additional measures to ensure the validity of the examination.

5. What are license convenience fees?

License convenience fees, were fees that were assessed by credit card vendors for online services provided under the former Online Professional Licensing System. Since the implementation of BreZE in October 2013, these fees are no longer being assessed or collected by the Board.

6. Could you tell me more about Cooperative Personnel Services Human Resource Consulting? (31) Did anyone recommend you use DCA's SOLID for this purpose?

Cooperative Personnel Services Human Resource Consulting (CPS) is a private consulting firm. Historically, DCA entities have contracted with CPS for purposes of

program assessment, evaluation, and development. These services are not currently provided by DCA's SOLID division. The scope of the program analysis provided by CPS in a comprehensive report included: a classification study, a workload analysis, and a performance development questionnaire. This report included recommendations for restructuring and enhancing the Board's existing staff composition. The report resulted in the Board's recent requests for personnel actions and budget change proposals in furtherance of the ongoing reorganization of the Board's operations to promote greater efficiencies, efficacy, and a clearer chain of command.

7. BreEZe:

a. Are reports available and accurate?

BreEZe provides reports including the following: the Board's annual report to the Legislature, and the monthly examination statistical report. These reports have proven to be accurate and reliable.

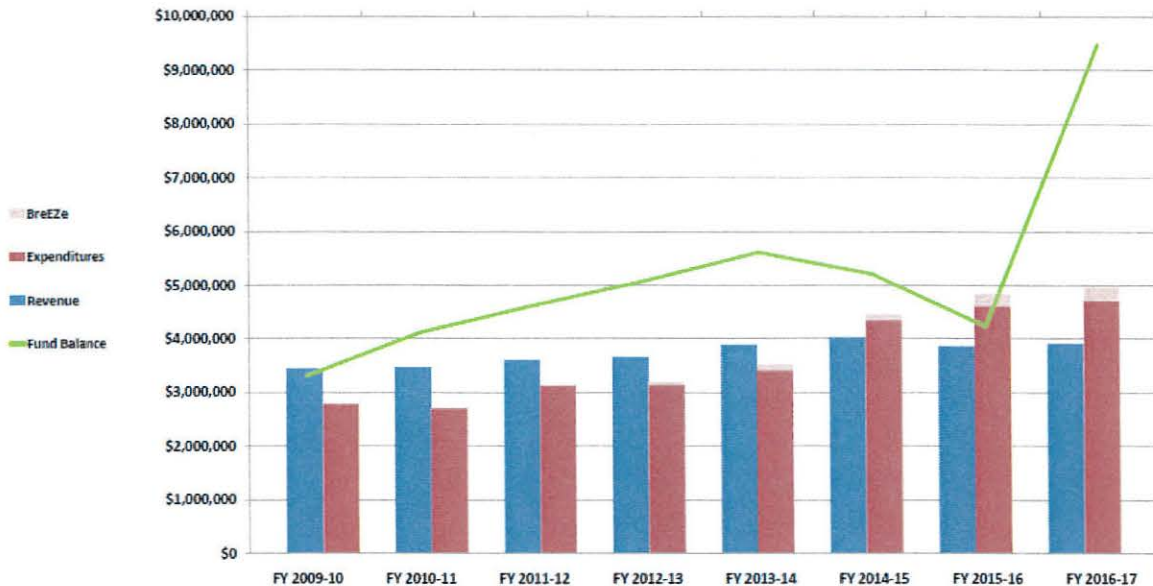
BreEZe also provides performance measure reports for purposes of tracking enforcement data for the Board. Enforcement staff is required to review and reconcile all of the data provided because the information has been unreliable.

b. How are costs affecting budget?

The following table and chart demonstrates the actual and projected BreEZe costs incurred by the Board as well as the Board's actual and projected fund condition.

Board of Psychology
Fund Analysis: 2016-17 Governor's Budget w/BreEZe SPR 3.1
Release 1

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
	Actual						Projected*	
Beginning Fund Balance (Incl. Prior Year Adj.)	\$ 2,661,000	\$ 3,364,000	\$ 4,168,000	\$ 4,616,000	\$ 5,247,000	\$ 5,649,000	\$ 5,211,000	\$ 4,236,000
Total Revenue	\$ 3,448,000	\$ 3,473,000	\$ 3,612,000	\$ 3,669,000	\$ 3,888,000	\$ 4,034,000	\$ 3,872,000	\$ 3,912,000
Transfers/General Fund Loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,300,000
Total Expenditures	\$ 2,795,000	\$ 2,720,000	\$ 3,160,000	\$ 3,203,000	\$ 3,526,000	\$ 4,472,000	\$ 4,847,000	\$ 4,967,000
BreEZe Cost	\$ 3,979	\$ 17,507	\$ 33,773	\$ 55,130	\$ 108,493	\$ 118,138	\$ 229,597	\$ 244,251
Expenditures (less BreEZe)	\$ 2,791,021	\$ 2,702,493	\$ 3,126,227	\$ 3,147,870	\$ 3,417,507	\$ 4,353,862	\$ 4,617,403	\$ 4,722,749
Ending Fund Balance	\$ 3,314,000	\$ 4,117,000	\$ 4,620,000	\$ 5,082,000	\$ 5,609,000	\$ 5,211,000	\$ 4,236,000	\$ 9,481,000
Months in Reserve	14.6	15.6	17.3	17.3	15.1	12.7	10.0	22.3



* Projected years assume full budget appropriation is expended

Highlights

\$1.2 million loan to the General Fund Outstanding after FY 2016-17

c. Are change requests processed timely?

The Board submits approximately five to ten change requests per month. These requests are processed in approximately three to six months depending on the level of priority assigned to the request. Some requests are dependent upon future release dates which may not have been established by DCA at the time of the requests. Some features originally anticipated with the adoption of BreEZe have yet to be implemented but are anticipated with greater refinement of the system.

8. Are travel restrictions affecting the Board’s ability to participate in national events?

Travel requests are submitted by the Board to DCA for review. Each request is reviewed on a case-by-case basis, and evaluated based on the Board’s role and the content of the program being offered as it relates to the Board’s essential function and mission.

9. Why wasn’t there any restitution ordered in 2013-2015?

In offenses involving economic exploitation, restitution is a necessary term of probation. For example, restitution would be a standard term in cases involving

Medi-Cal and other insurance fraud unless the subject was already required to pay restitution through a court order. The Board received very few actionable complaints from 2013 through 2015 involving offenses requiring restitution.

10. Could you please describe your campaign to encourage more mental healthcare providers in underserved areas? Are you partnering with scholarship programs, etc.? Has there been any evaluation as to whether the \$10 should be raised to fund the HPEF scholarship? (52)

The Board voted at its February 2015 meeting to engage in a two-year campaign (2015-2017) regarding access to mental healthcare in the State of California. Below is a synopsis of the campaign activities to date:

- Article in Fall Journal regarding number of mental healthcare licensees per county
- Article in Spring Journal regarding Educational Loan Repayment Opportunities (Mental Health Loan Assumption Program and Licensed Mental Health Services Provider Education Program)
- Health Professions Education Foundation (HPEF) gave an informational presentation on the loan repayment program for working in underserved areas at the Board's August 13-14 meeting.
- Feature story in Summer Journal regarding a recipient of loan repayment funds from the Foundation
- HPEF recipient profile in future Journals
- Insert in license renewal packets regarding how to contribute to HPEF
- Insert in license renewal packets regarding how to apply for loan repayment through HPEF

Aside from the Health Professions Education Foundation (HPEF) fund which is overseen by the Office of Statewide Health Planning and Development, the Board is not currently partnering with any other scholarship programs. The \$10 renewal assessment for purposes of funding the HPEF Scholarship is established in statute and began in 2003. The Board is working with HPEF to include information its biennial renewal packages regarding means for licensees to voluntarily contribute additional funding to the scholarship fund and the application process for such loan repayment. Once Implemented, the Board will evaluate if the additional funding has positively impacted the fund.

11. Do you track data collected by others regarding workforce shortages? If so, are there any concerning or encouraging trends?

The Board does not formally track data regarding workforce shortages. However, as part of its campaign to increase access to mental healthcare in California, the Board began monitoring the number and geographic distribution of mental health professionals through BreZE so that we may share that data with our stakeholders (e.g. the Health Professions Education Foundation). The licensee per county data

demonstrates a clear need to encourage licensed psychologists to consider practicing in underserved areas.

12. Are you meeting with the AG's office to see if there is anything further that can be done to reduce timelines on their side?

Although the Board has not engaged in a formal dialogue with the AG's office for process improvement, the Board has taken the following measures to improve timelines for disciplinary cases:

- Request that Accusations or Statements of Issues be filed within 30 days of receipt by the AG's office.
- Board enforcement staff requests monthly status updates for all pending disciplinary cases.
- Enforcement staff meets with the DAG liaison to discuss any pending or outstanding cases. The DAG liaison also attends the Board's quarterly meetings.

13. I'm new to the unaccredited schools issue. It appears that, according to the new BPPE rules, that all psychology schools will have to be accredited by 2020, no? What would the Board like to see done?

While the Board recognizes that the new BPPE regulations requiring national accreditation of graduate programs as a positive step forward, there remains a concern that the regulations may not be sufficient. The barriers to the graduates of approved but unaccredited schools and schools not accredited at least a regional level are as follows:

- they cannot join American Psychological Association (the largest professional psychology organization in the United States and the issuing organization of the primary ethical code for psychologists which guides much of psychology, including the Board in its consideration of consumer complaints) as full members
- they cannot participate in pre-doctoral or post-doctoral programs provided by CAPPIC (the association for state internship programs)/APPIC (the national association for internship and post-doctoral programs)/American Psychological Association accredited pre-doctoral and post-doctoral internship programs (necessary to some types of employment and licensure in some states).

The preference would appear to be that California schools preparing individuals for licensure as a psychologist be regionally accredited at a minimum. If schools were regionally accredited, some of the aforementioned barriers would no longer exist. In fact, the current state of affairs relative to lack of sufficient accreditation decreases the portability of the California license when applying for licensure in other jurisdictions.

14. Is the Board taking any action to reduce probation violation response? (PM8)

In 2014, the Board's average probation violation response time was 16 days during the second quarter. In 2015, the Board's average probation violation response time was one (1) day.