

1 **BOARD MEETING MINUTES**

2  
3 Marriott San Diego – Mission Valley  
4 8757 Rio San Diego Drive, Meeting Room Sierra 5 & 6  
5 San Diego, CA 92108  
6 (619) 692-3800  
7

8 **Thursday, November 12, 2015**  
9

10 Michael Erickson, PhD, Board President, called the open session meeting to order at  
11 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.  
12

13 **Members Present:**

14 Michael Erickson, PhD, President  
15 Nicole J. Jones, Public Member, Vice-President  
16 Lucille Acquaye-Baddoo, Public Member  
17 Johanna Arias-Bhatia, Public Member  
18 Miguel Gallardo, PsyD  
19 Jacqueline Horn, PhD  
20 Stephen Phillips, PsyD  
21 Linda Starr, Public Member  
22

23 **Others Present:**

24 Antonette Sorrick, Executive Officer  
25 Jeffrey Thomas, Assistant Executive Officer  
26 Kurt Heppler, DCA Legal Counsel  
27 Ravi Kapoor, DCA Legal Counsel  
28 Karen Johnson, Licensing/Registration Program Coordinator  
29 Jo Linder-Crow, PhD, California Psychological Association  
30 Hugh Pates, PhD, San Diego Psychological Association (SDPA)  
31 Darlene Hoyt, PhD, Law Enforcement Consultants  
32 Raymond Trybus, PhD, Walden University & SDPA  
33 Steven Tess, PhD, SDPA  
34 Patrice Darlin, USD School of Law  
35 Julie Hayden, Southern California Seminary  
36 Penny McAlmond-Ross, PsyD, Sacramento Valley Psychological Association  
37 Melody Schaefer, PhD, CPA-Division II, CAPIC  
38  
39

40 **Agenda Item #2: President's Welcome**

41  
42 Dr. Erickson welcomed those in attendance, read the Board's mission statement, and  
43 advised that the mission statement is a lens through which the members can look at the  
44 work they are doing and be reminded of what their mission is. He announced that the  
45 Board would first consider agenda items 1 through 6 and that Item 7, Enforcement

46 Division Overview and Presentation, would be deferred until the February 2016 Board  
47 meeting. Dr. Erickson reported that Enforcement Program Manager, Sandra  
48 Monterrubio, would not be in attendance at today's meeting due to a death in her family.  
49 He extended condolences to Ms. Monterrubio and her family on behalf of the Board. He  
50 stated that agenda items 8, 9, 12, 16 and 19 would be considered prior to the lunch  
51 break.

52

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

54

55 Hugh Pate, a member of the San Diego Psychological Association, welcomed and  
56 thanked the Board for holding its meeting in San Diego. He acknowledged the Board  
57 Members for the enormous effort and energy they put into the significant decisions and  
58 challenges they faced this year.

59

60 **Agenda Item #4: Approval of Minutes: May 14 - 15, 2015**

61

62 Dr. Horn requested lines 304 and 305 be corrected by changing "assistant  
63 psychologists" to "psychological assistant." She referred the Board to line 340 stating  
64 that the language following 4) was unclear. Mr. Heppler recommended inserting the  
65 word "education" after "continuing" on line 342. Dr. Horn submitted a number of  
66 grammatical corrections.

67

68 It was M/(Starr)/S(Acquaye-Baddoo)/C to approve the minutes of the May 14 and 15,  
69 2015, Board meeting as amended.

70

71 Vote: 8 - Aye (Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-  
72 Baddoo) 0- No

73

74 **Agenda Item #5: Approval of Minutes: August 13-14, 2015**

75

76 Dr. Horn requested line 331 be corrected by changing Daniel Shabani's title from "Mr."  
77 to "Dr."

78

79 Dr. Erickson commented that information on line 456 was not accurate. He  
80 recommended the minutes be amended to read "Dr. Erickson said he and Dr. Harlem  
81 will discuss options including the creation of a task force to discuss action with the  
82 Board in the future."

83

84 It was M(Acquaye-Baddoo)/S(Horn)/C to approve the minutes of the August 13 and 14,  
85 2015, Board meeting as amended.

86

87 Vote: 8 - Aye (Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-  
88 Baddoo) 0- No

89

90 **Agenda Item #6: Budget Report**

91

92 Mr. Jeffrey Thomas reported that the Governor’s Budget for Fiscal Year (FY) 2015/2016  
93 includes a \$4,863,000 budget for the Board of Psychology. He shared an analysis of the  
94 fund condition with the Board Members reflecting 9.7 months in reserve for  
95 FY2015/2016. Due to anticipated general fund loan repayments in FY’s 2016/2017 and  
96 2017/2018, the months in reserve are anticipated to be 24.9 and 25.1 respectively. The  
97 Department of Consumer Affairs’ Budget Office and Board staff will monitor the  
98 reserves closely and will recommend licensing fee reductions if and when necessary to  
99 reduce high reserves. Mr. Thomas reviewed FY 2015/2016 expenditure projections with  
100 the Board Members.

101

102 **Agenda Item #8: ASPPB 2015 Annual Meeting Synopsis**

103

104 Dr. Horn reported on her attendance at the Association of State and Provincial  
105 Psychology Boards’ (ASPPB) Central Spring Meeting held October 7 through 11, 2015,  
106 in Tempe, Arizona. The topic of the meeting was ‘Five Decades of Change in  
107 Psychology,’ acknowledging Arizona’s 50th year regulating the profession of  
108 psychology.

109

110 Keynote Speaker David Swankin, President and CEO of Citizens Advocacy Center, a  
111 national consumer advocacy organization and provider of training to assist and guide  
112 public board members in their roles as such, informed attendees that the public has four  
113 concerns regarding the practice of psychology: 1) demonstrating current competence in  
114 clinical practice, 2) telehealth/telepsychology, 3) consequences of the U.S. Supreme  
115 Court decision in the North Carolina case as it affects public member composition of  
116 regulatory boards, and 4) a need for better consumer education by regulatory boards.  
117 Dr. Horn reported that these are all issues that California has been addressing.

118

119 Mr. Swankin informed attendees that the public believes regulatory boards *require*  
120 licensees demonstrate continued competence. He stated that research shows  
121 mandatory continuing education is not sufficient to guarantee competence. It is not  
122 sufficient for licensees to demonstrate knowledge of subject matter; they need to  
123 demonstrate applied knowledge.

124

125 Dr. Horn mentioned that Mr. Swankin lauded ASPPB’s support of the telepsychology  
126 state-to-state compact, and its importance in helping consumers in underserved and  
127 rural areas that lack adequate practitioners to meet public needs. He was hopeful that  
128 regulators would develop guidelines and regulations to allow practitioners to practice  
129 telepsychology.

130

131 Mr. Swankin discussed the issue of public versus licensed board member composition,  
132 stating that California is one of the only states with such a rich combination of licensees  
133 and public members. The majority of other states have one public member and up to 9  
134 licensed members. He informed attendees that the California model should be the  
135 future direction for other states.

136

137 Dr. Horn stated that Mr. Swankin also discussed the dismal lack of consumer  
138 information on regulatory board's websites, and the lack of ease of navigation of those  
139 sites by consumers. The ASPPB midyear meeting in May 2016 will include a discussion  
140 on the use of social media. After learning from Dr. Horn that the Board has been  
141 utilizing social media as part of its outreach activities, the group requested someone  
142 from the Board speak at the meeting on this subject.

143  
144 Dr. Phillips reported that he too attended a portion of the meeting and was surprised to  
145 learn that other state's regulatory staff consisted of one individual, and that some of  
146 those board's members are appointed by the regulated profession/association.

147  
148 Dr. Phillips also reported that Dr. Horn was awarded a lifetime membership in ASPPB in  
149 recognition of her dedicated work and former role as President of the ASPPB.

150  
151 Ms. Jones stated that the information reported by Dr. Horn could make a great article for  
152 the Board's newsletter. Dr Horn stated she would ask Mr. Swankin to write an article for  
153 the Journal.

154  
155 Ms. Arias-Bahtia asked if the Board Members could attend Mr. Swankin's training for  
156 public board members as referenced on his biography. She offered to contact him to  
157 learn any particulars of future course offerings.

158  
159 Dr. Erickson reported that Dr. Horn was asked by ASPPB to be a part-time staff  
160 member with the responsibility of the national licensing examination (EPPP) program,  
161 membership meeting program, and education and training program. She will serve as a  
162 liaison between ASPPB and the education and training community.

163  
164  
165 **Agenda Item #9: Executive Officers Report**

166  
167 Ms. Sorrick reported on the following:

168  
169 a) Organization Update

170  
171 Evan Gage, Enforcement Analyst, will begin employment with the Board on  
172 November 16, 2015. Licensing Analysts Julie Brown and Liezel McCockran accepted  
173 promotional positions outside the Board. Jonathan Burke, Administrative Services  
174 Coordinator, also accepted a promotional position. Vacant positions should be filled by  
175 the end of the calendar year.

176  
177 b) CPS Program Analysis Update

178  
179 Ms. Sorrick stated that the second phase of the CPS contract has begun but is pending  
180 awaiting the outcome and effect of the Applied Behavioral Analysts legislation and  
181 Sunset Review. The contract will be amended to allow CPS to provide the Board with  
182 Succession Planning.

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c) Annual Report to the State Legislature

Ms. Sorrick reviewed the Annual Report with the Board members. Dr. Gallardo questioned why an increase in enforcement complaints was reported as a major accomplishment. Ms. Sorrick responded that reporting it in this manner was considered an accomplishment in increased public awareness. Dr. Gallardo expressed concern that the information may not have been made clear and requested it be conceptualized better. Ms. Sorrick informed him the report had already been submitted, but if it could be amended, his concerns would be addressed.

d) Other Informational Items

Ms. Jones commented that while congratulations have been expressed to those departing staff members receiving promotions, she wanted to personally express on behalf of the Board her appreciation of the hard work and assistance provided by those staff.

**Agenda Item #12: Outreach and Education Committee Report and Consideration of Committee Recommendations**

**#12 a) Strategic Plan Update**

Ms. Sorrick reviewed the Updated Action Plan with the Board Members, reporting that objective timelines are currently met or exceeded.

**#12 b) Communications Plan Update**

Ms. Sorrick reviewed the Communications Plan with the Board Members, reporting that the goals and objectives of the plan are currently met or exceeded.

**#12 c) Social Media Update**

Mr. Thomas reviewed statistical data from the Board’s Facebook, Twitter and YouTube sites.

Ms. Jones requested that future updates include data on webcast committee meetings.

**#12 d) Website Update**

Mr. Thomas reviewed statistical data from the Board’s Website.

Dr. Gallardo commented that the Board’s website needs to be reviewed to ensure the site is easier to navigate. Dr. Phillips agreed that while the website has improved, further enhancement is warranted. Mr. Thomas reported that comments from stakeholders are considered when Board staff regularly reviews and updates the website.

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Dr. Gallardo questioned whether consumers know that the “consumer” tab is the best selection for consumer information. He requested the Board consider a better option for that tab. Drs. Erickson and Horn suggested that the “consumer” tab be changed to “public.” Ms. Star commented that most Boards use the term “consumer.” Mr. Thomas responded that the formatting of the website is based upon a template approved by the Governor’s Office. Dr. Gallardo asked that Mr. Thomas research the Board’s ability to change the format of the existing template used by boards within the Department of Consumer Affairs.

**#12 e) Newsletter**

Ms. Sorrick reviewed the Summer Journal with the Board Members, and reported that the Fall Journal is scheduled to be published prior to the February 2016 Board meeting.

**#12 f) Outreach Activities Update**

Ms. Sorrick reported that she and Mr. Burke, Ms. Johnson and Ms. Arias-Bhatia attended a stakeholder meeting at the Capitol to discuss SB 479 (Bates) regarding licensure of Applied Behavior Analysts.

Ms. Jones asked if Doctors Horn and Phillips were attending the ASPPB meeting as official Board representatives, and if so, why that was not reflected in this update.

Dr. Phillips stated it is mission critical that the Board’s Executive Officer be in attendance at ASPPB meetings.

**#12 g) Access to Mental Healthcare in the State of California Campaign Update**

Dr. Gallardo reviewed the activities undertaken thus far in the Board’s two-year campaign to improve access to mental healthcare in California, including a presentation from the Health Professions Education Foundation (HPEF) at the Board’s August 2015 meeting, and a Journal article highlighting a recipient of the Mental Health Loan Assumption Program.

Dr. Gallardo reported that in an effort to encourage licensees to contribute to the HPEF to support licensees who serve in underrepresented areas, a license renewal informational insert was recommended. Ms. Sorrick reported that the HPEF is designing and producing the insert that the Board can use for inclusion with renewal applications mailed to all licensed psychologists.

Dr. Gallardo questioned how this informative insert could be incorporated into BreEZe on-line renewals. Mr. Thomas reported that BreEZe is a standardized program for all boards and bureaus and may not be able to be customized to provide informational materials specific to individual boards and bureaus.

275 **#12 h) Outreach to Encourage Continuing Education Courses in Geriatric**  
276 **Pharmacology, Psychopharmacology, and Biological Basis of Behavior Courses**  
277 **Pursuant to Business and Professions Code Sections 2914.1 and 2914.2**  
278

279 Dr. Gallardo reported that the Board is mandated to encourage licensed psychologists  
280 to take a continuing education course in geriatric pharmacology, psychopharmacology  
281 and biological basis of behavior as a part of his or her continuing education. He stated  
282 the Board is further mandated to encourage institutions that offer a doctorate degree  
283 program in psychology to include in their biobehavioral curriculum, education, and  
284 training in psychopharmacology and related topics including pharmacology and clinical  
285 pharmacology.

286  
287 Ms. Sorrick informed the Board that recent compliance action included two articles  
288 published in the Board's Journal encouraging licensee participation in the referenced  
289 coursework.

290  
291 Dr. Gallardo reported that the Outreach and Education Committee recommended the  
292 Board send an updated letter to graduate training programs encouraging them to  
293 include education and training in psychopharmacology coursework in their bio-  
294 behavioral curriculum, as well as the related topics of pharmacology and clinical  
295 pharmacology. However, at the Committee meeting, California Psychological  
296 Association (CPA) stated it was going to identify which graduate programs are already  
297 doing this and report back to the Committee.

298  
299 Dr. Gallardo stated the Outreach and Education Committee's recommendation was  
300 premature as the decade-old guidelines has been referred to the Licensing Committee  
301 to review for current relevance, and CPA has not yet reported back to the Committee its  
302 findings regarding graduate program course offering.

303  
304 It was M(Gallardo)/S(Starr)/C to accept the Committee's report.

305  
306 Vote: 8- Aye – Starr, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Horn, Acquaye-  
307 Baddoo) 0 – No

308  
309 **Agenda Item #16: Enforcement Committee Report and Consideration of**  
310 **Committee Recommendations**

311  
312 Ms. Acquaye-Baddoo reported that the Committee met and the next meeting will be  
313 held on January 22, 2016.

314  
315 Ms. Sorrick reported that the Committee met in September and began its review of the  
316 disciplinary guidelines which will continue as an agenda item for the next Committee  
317 meeting.

318

319 Dr. Phillips reported that the Committee was considering the process by which experts  
320 are chosen, retained, and how they are evaluated throughout that process to ensure the  
321 Board uses consistently best experts.

322

323 **Agenda Item #19: Election of Officers**

324

325 Dr. Erickson reported that not all Board Members were in attendance at today's meeting  
326 and asked the Board if the election of officers should proceed as agendized or be  
327 postponed to a future meeting.

328

329 Conversation ensued between members regarding appropriateness of public versus  
330 licensed members for Board President.

331

332 It was M(Erickson)/S(Starr)/C to hold the election this date as agendized.

333

334 Vote: 8 – Aye (Starr, Phillips, Horn, Gallardo, Jones, Erickson, Arias-Bhatia, Acquaye-  
335 Baddoo) 0 – No

336

337 Dr. Erickson requested that Mr. Heppler proceed with accepting nominations for the  
338 election of officers.

339

340 Mr. Heppler explained the procedure for nomination of officers and voting protocols.

341

342 Ms. Arias-Bhatia nominated Ms. Jones for President. Ms. Acquaye-Baddoo seconded  
343 the nomination. Dr. Gallardo nominated Dr. Phillips for President. Dr. Erickson  
344 seconded the nomination.

345

346 Mr. Heppler called for the vote for the nomination of Ms. Jones for president. 4 – Aye  
347 (Starr, Arias-Bhatia, Jones, Acquaye-Baddoo) 4 – No (Phillips, Gallardo, Erickson,  
348 Horn). Mr. Heppler announced there were an insufficient number of affirmative votes.

349

350 Mr. Heppler called for the vote for the nomination of Dr. Phillips for president. 4 – Aye  
351 (Phillips, Gallardo, Erickson, Horn) 4 – No (Starr, Arias-Bhatia, Jones, Acquaye-  
352 Baddoo). Mr. Heppler announced there were an insufficient number of affirmative votes.

353

354 Ms. Jones requested Mr. Heppler call the vote again.

355

356 Mr. Heppler called for the vote for the nomination of Ms. Jones for president. 2 – Aye  
357 (Arias-Bhatia, Acquaye-Baddoo) 4 – No (Phillips, Gallardo, Erickson, Horn) 2 – Abstain  
358 (Jones, Starr). Mr. Heppler announced there were an insufficient number of affirmative  
359 votes.

360

361 Mr. Heppler called for the vote for the nomination of Dr. Phillips for president. 4 – Aye  
362 (Phillips, Gallardo, Erickson, Horn) 1 – No (Acquaye-Baddoo) 3 – Abstain (Starr, Arias-  
363 Bhatia, Jones). Mr. Heppler announced there were an insufficient number of affirmative  
364 votes.



365  
366 Ms. Jones requested to change her vote for Dr. Phillips to aye.  
367  
368 Mr. Heppler announced that Dr. Phillips was elected Board President.  
369  
370 Ms. Arias-Bhatia nominated Ms. Jones for Vice President. Dr. Gallardo seconded the  
371 nomination. There were no further nominations.  
372  
373 Mr. Heppler called for the vote for the nomination of Ms. Jones for vice president. 7 –  
374 Aye (Acquaye-Baddoo, Horn, Erickson, Gallardo, Arias-Bhatia, Phillips, Starr) 1 –  
375 Abstain (Jones) 0 - No  
376  
377 Mr. Heppler announced that Ms. Jones was elected Vice President.  
378  
379 **Agenda Item #13 a – ii:**  
380  
381 Ms. Jones reported that Assembly Bills 333, 705, 773, 1352, and 1374, and Senate Bills  
382 272 and 800 were approved by the Governor. Assembly Bills 85, 483, 1351 and 1542  
383 were vetoed by the Governor. The Committee will continue to watch Assembly Bills 12,  
384 19, and 259, and Senate Bills 52, 128, 130, and 259.  
385  
386 Ms. Jones reported that Assembly Bill 750 was held in committee, 796 was suspended,  
387 and 832 went to the inactive file. Senate Bill 468 is inactive and 479 was not heard.  
388  
389 The Committee will report should there be any activity on Assembly Bills 507, 611, 618,  
390 848, and 1279, in the upcoming legislative session.  
391  
392 Dr. Erickson requested that the subject of vetoed AB1542 – Worker’s Compensation;  
393 Neuropsychologists, be revisited by the Policy and Advocacy Committee.  
394  
395 **Agenda Item #13 iii: Legislation Update and Review; Update regarding the**  
396 **California Child Abuse and Neglect Reporting Act (CANRA) and Mandated**  
397 **Reporting – Penal Code Sections 261.5, 288 and 11165.1**  
398  
399 Mr. Thomas reported that the requested legal opinion from the Attorney General  
400 inquiring whether oral copulation and sodomy between minors of like age is reportable  
401 is delayed due to pending litigation that is closely related to issues raised in the Board’s  
402 request for the legal opinion.  
403  
404 At the end of this agenda item, Ms. Arias-Bhatia thanked Dr. Erickson for his service as  
405 Board President.  
406  
407 **Agenda Item #10: Petition for Early Termination/Modification of Probation –**  
408 **Timothy Beach, PsyD**  
409

410 Administrative Law Judge Kimberly Belvedere presided. Deputy Attorney General  
411 Joseph McKenna was present and represented the people of the State of California.  
412 Timothy Beach, PsyD was present and represented himself.  
413 The Board adjourned into closed session at the conclusion of the hearing pursuant to  
414 Government Code section 11126(c)(3) to discuss and vote on disciplinary decisions,  
415 including the above petition.

416  
417 The Board recessed at 5:30 p.m.

418

419 **Friday, November 13, 2015**

420 The Board reconvened at 9:00 a.m.

421

422 Board Members Linda Starr and Andrew Harlem PhD, were recorded as absent.

423

424

425 Dr. Jo Linder-Crow, Chief Executive Officer, California Psychological Association (CPA),  
426 asked the outcome/follow-up of Agenda Item 12(h) from yesterday's meeting.

427

428 Dr. Gallardo responded that the Board issued a couple of newsletter articles regarding  
429 the subject, and the Board will encourage people to take referenced courses. He further  
430 stated the Board understood that CPA was going to compile a list of graduate training  
431 programs that offer any potential courses, and the Board would then follow-up with a  
432 letter to graduate training programs. Additionally, the Guidelines will be reviewed by the  
433 Licensing Committee.

434

435 **Agenda Item #13 iv a – e: Legislation Update and Review; Legislative Proposals**

436

437 Mr. Thomas reported that the proposed amendments to Business and Professions  
438 Code section 2913 were recommended to simplify the application process for the  
439 psychological assistant.

440

441 Ms. Jones asked if it was premature to consider this proposal as no committee reviewed  
442 the proposed recommendation. Ms. Sorrick responded that psychological assistant  
443 applicants have difficulty obtaining a registration due to the lack of clarity in the existing  
444 law, and this issue was raised in the Board's Sunset Review Report.

445

446 It was M(Horn)/S(Phillips)/C to seek a legislative amendment to Business and  
447 Professions Code Section 2913 as follows:

448

449 §2913. A person other than a licensed psychologist ~~may~~ shall be supervised in  
450 accordance with the Board's regulations ~~employed~~ by a licensed psychologist, or by a  
451 licensed physician and surgeon who is board certified in psychiatry by the American  
452 Board of Psychiatry and Neurology, ~~by a clinic which provides mental health services~~  
453 ~~under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a~~  
454 ~~psychological corporation, by a licensed psychology clinic as defined in Section 1204.1~~

455 ~~of the Health and Safety Code, or by a medical corporation~~ to perform limited  
456 psychological functions provided that all of the following apply:

457 (a) The person is termed a "psychological assistant."

458 (b) The person (1) has completed a master's degree in psychology or education with  
459 the field of specialization in psychology or counseling psychology, or (2) has been  
460 admitted to candidacy for a doctoral degree in psychology or education with the field of  
461 specialization in psychology or counseling psychology, after having satisfactorily  
462 completed three or more years of postgraduate education in psychology and having  
463 passed preliminary doctoral examinations, or (3) has completed a doctoral degree  
464 which qualifies for licensure under Section 2914, in an accredited or approved  
465 university, college, or professional school located in the United States or Canada.

466 (c) The person is at all times under the immediate supervision, as defined in  
467 regulations adopted by the board, of a licensed psychologist, or board certified  
468 psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the  
469 psychological services he or she performs are consistent with his or her training and  
470 experience and be responsible for his or her compliance with this chapter and  
471 regulations duly adopted hereunder, including those provisions set forth in Section  
472 2960.

473 (d) The licensed psychologist, board certified psychiatrist, contract clinic,  
474 psychological corporation, or medical corporation, has registered the psychological  
475 assistant with the board. The registration shall be renewed annually in accordance with  
476 regulations adopted by the board.

477 No licensed psychologist may register, employ, or supervise more than three  
478 psychological assistants at any given time unless specifically authorized to do so by the  
479 board. No board certified psychiatrist may register, employ, or supervise more than one  
480 psychological assistant at any given time. No contract clinic, psychological corporation,  
481 or medical corporation may employ more than 10 assistants at any one time. No  
482 contract clinic may register, employ, or provide supervision for more than one  
483 psychological assistant for each designated full-time staff psychiatrist who is qualified  
484 and supervises the psychological assistants. No psychological assistant may provide  
485 psychological services to the public for a fee, monetary or otherwise, except as an  
486 employee of a licensed psychologist, licensed physician, contract clinic, psychological  
487 corporation, or medical corporation.

488 (e) The psychological assistant shall comply with regulations that the board may, from  
489 time to time, duly adopt relating to the fulfillment of requirements in continuing  
490 education.

491 (f) No person shall practice as a psychological assistant who is found by the board to  
492 be in violation of Section 2960 and the rules and regulations duly adopted thereunder.

493  
494 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-  
495 Baddoo). No - 0

496  
497 Dr. Horn reported that the Licensing Committee recommended amendment to Business  
498 and Professions Code section 2915 to broaden the concept of continuing education to  
499 continuing professional development.

500

501 It was M(Phillips)/S(Erickson)/C to direct staff to correct the numbering and lettering  
502 sequence in the proposed language, to ensure consistency in references to continuing  
503 education, and to seek a legislative amendment to Business and Professions Code  
504 Section 2915 as follows:  
505

506 ~~§2915.~~ (a) Except as provided in this section, ~~on or after January 1, 1996, the board~~  
507 ~~shall not issue any renewal license unless the applicant submits proof that he or she~~  
508 ~~has completed no less than 18 hours of approved continuing education in the preceding~~  
509 ~~year. On or after January 1, 1997, except as provided in this section, the board shall~~  
510 issue renewal licenses only to those applicants who have completed 36 hours of  
511 approved continuing ~~education~~ professional development in the preceding two years.

512 (b) Each person ~~renewing~~ applying for renewal or reinstatement of his or her license  
513 issued pursuant to this chapter shall ~~submit~~ certify under penalty of perjury that he or  
514 she is in compliance with this section and retain proof of compliance with this section for  
515 submission to the board upon request. False statements submitted pursuant to this  
516 section shall be a violation of Section 2970.

517 (c) ~~A person applying for relicensure or for reinstatement to an active license status~~  
518 ~~shall certify under penalty of perjury that he or she is in compliance with this section.~~

519 (d) (1) ~~The continuing education requirement shall include, but shall not be limited to,~~  
520 ~~courses required pursuant to Sections 25 and 28. The requirement may include courses~~  
521 ~~pursuant to Sections 32 and 2914.1.~~

522 (12) (A) The board shall require a licensed psychologist who began graduate study  
523 prior to January 1, 2004, to take a continuing education course during his or her first  
524 renewal period after the operative date of this section in spousal or partner abuse  
525 assessment, detection, and intervention strategies, including community resources,  
526 cultural factors, and same gender abuse dynamics. Equivalent courses in spousal or  
527 partner abuse assessment, detection, and intervention strategies taken prior to the  
528 operative date of this section or proof of equivalent teaching or practice experience may  
529 be submitted to the board and at its discretion, may be accepted in satisfaction of this  
530 requirement.

531 (B) Continuing education courses taken pursuant to this paragraph shall be applied to  
532 the 36 hours of approved continuing ~~education~~ professional development required  
533 under subdivision (a).

534 (C) ~~A licensed psychologist whose practice does not include the direct provision of~~  
535 ~~mental health services may apply to the board for an exemption from the requirements~~  
536 ~~of this paragraph.~~

537 (23) Continuing education ~~instruction~~ courses approved to meet the requirements of  
538 this section ~~shall be completed within the State of California, or shall be approved for~~  
539 continuing education credit by the American Psychological Association or its equivalent  
540 as organizations approved by the board.

541 (ce) The board may ~~establish a policy for exceptions~~ grant exemptions or extensions  
542 from the continuing ~~education~~ professional development requirement of this section.

543 (f) ~~The board may recognize continuing education courses that have been approved~~  
544 ~~by one or more private nonprofit organizations that have at least 10 years' experience~~  
545 ~~managing continuing education programs for psychologists on a statewide basis,~~  
546 including, but not limited to:

547 ~~(1) Maintaining and managing related records and data.~~

548 ~~(2) Monitoring and approving courses.~~

549 ~~(dg)~~ The board shall adopt regulations as necessary for implementation of this  
550 section.

551 ~~(h) A licensed psychologist shall choose continuing education instruction that is~~  
552 ~~related to the assessment, diagnosis, and intervention for the client population being~~  
553 ~~served or to the fields of psychology in which the psychologist intends to provide~~  
554 ~~services, that may include new theoretical approaches, research, and applied~~  
555 ~~techniques. Continuing education instruction shall include required courses specified in~~  
556 ~~subdivision (d).~~

557 ~~(i) A psychologist shall not practice outside his or her particular field or fields of~~  
558 ~~competence as established by his or her education, training, continuing education, and~~  
559 ~~experience.~~

560 ~~(ej)~~ The administration of this section may be funded through professional license fees  
561 and continuing education provider and course approval fees, or both. The fees related  
562 to the administration of this section shall not exceed the costs of administering the  
563 corresponding provisions of this section.

564 ~~(fk)~~ Continuing education professional development credit may be approved for those  
565 licensees who serve as commissioners on any examination pursuant to Section 2947,  
566 subject to limitations established by the board selected participants in any examination  
567 development or enforcement-related function for the board.

568 ~~(l) This section shall become operative on January 1, 2004.~~

569

570 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-  
571 Baddoo). No - 0

572

573 Ms. Sorrick reported that Business and Professions Code section 2947 is obsolete and  
574 should be deleted.

575

576 It was M(Phillips)/S(Erickson)/C to seek a legislative amendment of Business and  
577 Professions Code Section 2947 as follows:

578

579 ~~§2947. The board may appoint qualified persons to give the whole or any portion of any~~  
580 ~~examination provided for in this chapter, who shall be designated as commissioners on~~  
581 ~~examination. A commissioner on examination need not be a member of the board but~~  
582 ~~he or she shall have the same qualifications as a member of the board, including those~~  
583 ~~set forth in Chapter 6 (commencing with Section 450) of Division 1. The board may also~~  
584 ~~appoint occasional professional commissioners for short-term specified periods to assist~~  
585 ~~in its nonpolicy workload.~~

586 ~~Public commissioners may examine and evaluate candidates in areas of knowledge~~  
587 ~~such as the law, ethics, and awareness of community resources.~~

588

589 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-  
590 Baddoo) No - 0

591

592 Ms. Sorrick reported that she attended an ASPPB meeting at which states and  
593 jurisdictions discussed information currently being posted regarding licensed  
594 psychologists. It was her recommendation that the Board consider the proposed  
595 statutory language defining the information that may be posted to the Board's website.  
596

597 It was M(Horn)/S(Phillips)/C to seek a legislative amendment to Business and  
598 Professions Code Section 2934.1 as follows:  
599

600 **§2934.1 Website Information on Psychologists**

601 (a) The board may post on its website the following information on the current status of  
602 the license for all current and former licensees:

603 (1) Whether or not the license is presently in good standing.

604 (2) Any of the following enforcement actions or proceedings to which the licensees  
605 actively subjected:

606 (A) Temporary restraining orders.

607 (B) Interim suspension orders.

608 (C) Revocations, suspensions, probations, or limitations on practice ordered by the  
609 board or the board of another state or jurisdiction, including those made part of a  
610 probationary order or stipulated agreement.

611 (D) Current accusations filed by the Attorney General, including those accusations that  
612 are on appeal. For purposes of this paragraph, "current accusation" means an  
613 accusation that has not been dismissed, withdrawn, or settled, and has not been finally  
614 decided upon by an administrative law judge and the board unless an appeal of that  
615 decision is pending.

616 (E) Citations issued that have not been resolved or appealed within 30 days.

617 (b) The board may post on its website all of the following historical information in its  
618 possession, custody, or control regarding all current and former licensees:

619 (1) Institutions that ordered the qualifying educational degree and type of degree  
620 awarded.

621 (2) Any final revocations and suspensions, or other equivalent actions, taken against  
622 the licensee by the board or the board of another state or jurisdiction or the surrender of  
623 a license by the licensee in relation to a disciplinary action or investigation, including the  
624 operative accusation resulting in the license surrender or discipline by the board.

625 (3) Probation or other equivalent action ordered by the board or the board of another  
626 state or jurisdiction, completed or terminated, including the operative accusation  
627 resulting in the discipline by the board.

628 (4) Any felony convictions. Upon receipt of a certified copy of an expungement order  
629 granted pursuant to Section 1203.4 of the Penal Code from a licensee, the board shall,  
630 within six months of receipt of the expungement order, post notification of the  
631 expungement order and the date thereof on its website.

632 (5) Misdemeanor convictions resulting in a disciplinary action or accusation that is not  
633 subsequently withdrawn or dismissed. Upon receipt of a certified copy of an  
634 expungement order granted pursuant to Section 1203.4 of the Penal Code from a  
635 licensee, the board shall, within six months of receipt of the expungement order, post  
636 notification of the expungement order and the date thereof on its website.

637 (6) Other information designated by the board in regulation.

638  
639 Dr. Jo Linder-Crowe commented that the word “specialty” has a particular connotation;  
640 there are designated specialty areas that are different than someone declaring their own  
641 areas of practice. This language requires further review and clarification.

642  
643 Dr. Melody Schafer encouraged the Board to consider the vernacular being used.  
644 Insurance companies have various unrelated definitions of specialties.

645  
646 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-  
647 Baddoo). No - 0

648  
649 It was M(Arias-Bhatia)/S(Horn)/C to seek a legislative amendment to add Business and  
650 Professions Code Section 2988.5 follows:

651  
652 **§2988.5**

653 (a) The board may establish, by regulation, a system for a retired category of licensure  
654 for persons who are not actively engaged in the practice of psychology.

655 (b) The regulation shall contain the following:

656 (1) The holder of a retired license issued pursuant to this section shall not engage in  
657 any activity for which a license is required.

658 (2) The holder of a retired license shall not be required to renew that license.

659 (3) In order for the holder of a retired license issued pursuant to this section to restore  
660 his or her license to an active status, the holder of that license shall meet all the  
661 following:

662 (A) Pay a fee established by regulation.

663 (B) Certify, in a manner satisfactory to the board, that he or she has not committed an  
664 act or crime constituting grounds for denial of licensure.

665 (C) Comply with the fingerprint submission requirements established by regulation.

666 (D) If the board requires completion of continuing education for renewal of an active  
667 license, complete continuing education equivalent to that required for renewal of an  
668 active license, unless a different requirement is specified by the board.

669 (E) Complete any other requirements as specified by the board by regulation.

670 (F) The board may upon its own determination, and shall upon receipt of a complaint  
671 from any person, investigate the actions of any licensee, including a person with a  
672 license that either restricts or prohibits the practice of that person in his or her  
673 profession or vocation, including, but not limited to, a license that is retired, inactive,  
674 canceled, revoked, or suspended.

675  
676 Vote: Aye – 7 (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-  
677 Baddoo). No - 0

678  
679 **Agenda Item #14. Closed Session – Licensing Committee**

680  
681 The Licensing Committee met in closed session pursuant to Government Code section  
682 11126(c)(2) to consider and make recommendations regarding the following:

- 683 a) Request from J.M. for an extension of the 30-consecutive month requirement to  
684 accrue 1500 hours of post-doctoral supervised professional experience pursuant  
685 to section 1387(a) of the California Code of Regulations  
686 b) Request from J.B. for an extension of the 30-consecutive month requirement to  
687 accrue 1500 hours of post-doctoral supervised professional experience pursuant  
688 to section 1387(a) of the California Code of Regulations  
689 c) Request from V.W. for an extension of the 30-consecutive month requirement to  
690 accrue 1500 hours of pre-doctoral supervised professional experience pursuant  
691 to section 1387(a) of the California Code of Regulations  
692

693 **RETURN TO OPEN SESSION – FULL BOARD MEETING**

694  
695 **Agenda Item #15: Licensing Committee Report and Consideration of Committee**  
696 **Recommendations**

697  
698 a) Licensing Report

699  
700 Ms. Johnson reported the following:

701  
702 Licensing Analysts Liezel McCockran and Julie Brown accepted promotional positions  
703 with other agencies. Rob Loyola, Enforcement Program, has been helping with licensing  
704 backlogs. Interviews for the two licensing analyst vacant positions should be concluded  
705 by the end of November.

706  
707 BreEZe will be adding the second phase of Boards to the system in January. BreEZe  
708 will not be available from January 14 to 19, 2016, due to this implementation. A notice  
709 was placed on the Board's website to notify the public of the outage.

710  
711 Survey results received since July 1, 2015, were reviewed with the Board Members.  
712 The two week timeline to review new applications is generating a higher number of  
713 satisfactory responses. Quicker responses to emails and telephone calls are reflected in  
714 the 64% overall rating of "very good" to "excellent".

715  
716 AB 705 will be enacted January 1. The revised law requires that unlicensed salaried  
717 employees who are practicing psychology in an exempt setting are properly supervised  
718 and working towards licensure. Such employees must be supervised by a California-  
719 licensed psychologist and primarily be earning supervised professional experience  
720 hours towards licensure within a given timeframe of five (5) years from the date of  
721 employment or from January 1, 2016 if already employed in an exempt setting. Such  
722 employees may only practice psychology Accredited or approved academic institutions,  
723 public schools or governmental agencies to qualify for the temporary exemption;

724  
725 AB 773 will be enacted January 1, specifying that initial licenses will expire two (2) years  
726 from the date of issuance.

727  
728 Examination statistics were reviewed with the Board Members.



729  
730 Dr. Horn announced that the next Licensing Committee meeting will be held on  
731 January 11 & 12, 2016, in Sacramento and will be available for teleconference. The  
732 Committee will be discussing continuing professional development, pathways to  
733 licensure, and fingerprinting procedures.  
734  
735 b) Continuing Education Report  
736  
737 Ms. Johnson reviewed continuing education renewal audit statistics with the Board  
738 Members.  
739  
740 c) Review and Revision of Business and Professions Code Section 2915: Continuing  
741 Education Requirements; Practice Outside Fields of Competence  
742  
743 Dr. Horn stated this item was reviewed and discussed during the Policy and Advocacy  
744 Committee report.  
745  
746 d) Review and Revision of Proposed CE/CPD Regulations  
747  
748 Dr. Horn informed the Board that the Committee should complete its review of the  
749 proposed CE/CPD regulations at the January 2016 Licensing Committee meeting.  
750  
751 Dr. Linder-Crow asked if the Committee would be discussing psychopharmacology at its  
752 January meeting. She was informed the subject of psychopharmacology is not on the  
753 agenda for the January meeting, but would be discussed at a future meeting, date yet to  
754 be determined.  
755  
756 It was M(Horn)/S(Phillips)/C to accept the Licensing Committee report thus far.  
757  
758 Vote: Aye - 6 (Horn, Phillips, Arias-Bhatia, Gallardo, Erickson, Acquaye-Baddoo  
759 No - 0  
760  
761 e) Consider Licensing Committee Recommendation Regarding Request from J.M. for  
762 an Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-  
763 doctoral Supervised Professional Experience Pursuant to Section 1387(a) for the  
764 California Code of Regulations  
765  
766 Dr. Horn stated that the Committee considered JM's request and voted unanimously to  
767 recommend approval of the request.  
768  
769 It was M(Horn)/S(Phillips)/C to adopt the committee's recommendation and grant the  
770 requested extension.  
771  
772 Vote: 7 Aye (Horn, Phillips, Gallardo, Jones, Arias-Bhatia, Acquaye-Baddo, Erickson)  
773 No - 0

774  
775 f) Consider Licensing Committee Recommendation Regarding Request from J.B. for an  
776 Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Post-  
777 doctoral Supervised Professional Experience Pursuant to Section 1387(a) for the  
778 California Code of Regulations  
779

780 Dr. Horn stated that the Committee considered JB's request and voted unanimously to  
781 recommend approval of the request.  
782

783 It was M(Horn)/S(Acquaye-Baddoo)/C to adopt the committee's recommendation and  
784 grant the requested extension.  
785

786 Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo)  
787 No - 0  
788

789 g) Consider Licensing Committee Recommendation Regarding Request from V.W. for an  
790 Extension of the 30-consecutive Month Requirement to Accrue 1500 Hours of Pre-  
791 doctoral Supervised Professional Experience Pursuant to Section 1387(a) for the  
792 California Code of Regulations  
793

794 Dr. Horn stated that the Committee reviewed V.W.'s request and voted unanimously to  
795 recommend approval of the request.  
796

797 It was M(Horn)/S(Phillips)/C to adopt the committee's recommendation and grant the  
798 requested extension.  
799

800 Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo)  
801 No - 0  
802

803 **Agenda Item #17: Sunset Review Committee Report and Consideration of**  
804 **Committee Recommendation**  
805

806 a) Proposed Sunset Review Report – Due to the Senate Business, Professions and  
807 Economic Development Committee on December 1, 2015  
808

809 Dr. Erickson presented the draft Sunset Report.  
810

811 Ms. Sorrick asked the Board to allow staff to make non-substantive changes to  
812 complete the report by the December 1, 2015, deadline for submission. She gave an  
813 overview of the Sunset Review process.  
814

815 Concern was expressed that only a small committee was assigned and had access to  
816 this report to date, not allowing the Board an opportunity to thoroughly review the  
817 document.  
818

819 Mr. Heppler suggested the Board defer this matter to a Board meeting to be held prior  
820 to the December 1, 2015, deadline, allowing staff to complete the changes and make  
821 the deadline of December 1, 2015.

822  
823 Dr. Linder-Crow stated that in the past, stakeholders were given an opportunity to  
824 provide comments. She asked if there was follow-up on comments from the last Sunset  
825 Report in 2011, particularly with the subject of approved schools. She also asked what  
826 the Board was doing to address any changes that were brought up from the last report.

827  
828 It was M/(Acquaye-Baddoo)/S(Erickson)/C to direct staff to complete non-substantive  
829 changes to the report, and to hold a Board meeting on Saturday, November 28, 2015, at  
830 10:00 a.m. for final review and consideration of the approval of the Sunset Report.

831  
832 Dr. Linder-Crow stated that she cannot attend the meeting on November 28 and asked  
833 how she could reserve the opportunity to make comment.

834  
835 Dr. Erickson suggested she submit any oral comment she is prepared to present at this  
836 time and submit written comment as part of the November 28 meeting.

837  
838 Dr. Raymond Trybus commented that language on page 66 switches back and forth  
839 from accredited schools to accredited programs. He suggested changing accredited  
840 programs to accredited schools, consistent throughout this section. Dr. Horn affirmed  
841 the intent was to refer to schools, not programs.

842  
843 Vote: 7 Aye: (Horn, Phillips, Arias-Bhatia, Gallardo, Jones, Erickson, Acquaye-Baddoo)  
844 No - 0

845  
846 **Agenda Item #18: President's Report**

847  
848 **a) NC Dental Board Examiners Case Update**

849  
850 Dr. Erickson reported that in North Carolina, non-dentists were performing teeth-  
851 whitening procedures in malls. The North Carolina Dental Board took the position that  
852 this practice required licensure, and legal action was initiated against the unlicensed  
853 practitioners. A complaint was filed with the Federal Trade Commission; the matter  
854 ultimately heard by the Supreme Court that ruled there needed to be changes in the  
855 way licensing boards are comprised. Importantly in this opinion, the NC dental board's  
856 members are elected by a professional association with only one public member and  
857 the remainder members being licensed dentists.

858  
859 Mr. Heppler commented that in California, all parties are currently engaged in  
860 discussion of this ruling and the concern that boards are comprised of active market  
861 participants who may be in control of making non-competitive marketing decisions.  
862 From these discussions, possible future recommendations may be forthcoming.

863

864 Dr. Schaefer requested that related documents be made available to the public on the  
865 Board's website.

866

867 b) 2016 Meeting Calendar and Locations

868

869 Dr. Erickson presented the Board meeting calendar for the next calendar-year.

870

871 Ms. Jones asked if Committee rosters will be made available before the February  
872 meeting. Dr. Phillips stated that he will review the Committee's assignments then make  
873 that information public.

874

875 c) Other Informational Items

876

877 No other informational items were reported.

878

879 **Agenda Item #20: Recommendations for Agenda Items for Future Board Meetings**

880

881 Dr. Horn requested the Licensing Committee agenda include an item to discuss the  
882 possibility of licensing staff taking more responsibility when receiving requests for  
883 extensions, etc. She also requested that the Licensing Committee consider the matter  
884 of the responsibility of supervisors being informed enough to help guide supervisees in  
885 the process of accumulating Supervised Professional Experience hours.

886

887 Ms. Jones requested the Enforcement Committee agenda include an item to discuss  
888 the way cases are reviewed; for example, can they be batched, etc. She also requested  
889 that the Board be provided a presentation on taking positions as a Board to assist the  
890 Policy and Advocacy Committee.

891

892 Dr. Linder-Crow stated that most supervisors do not understand the regulations,  
893 sometimes resulting in supervisees losing hours earned. She questioned what the  
894 Board's role is relative to the supervisor that has caused such an egregious  
895 consequence. Dr. Horn thanked her for the comment. Mr. Heppler stated this subject  
896 could be placed on a future agenda.

897

898 **CLOSED SESSION – FULL BOARD**

899

900 **Agenda Item #21: The Board will Meet in Closed Session Pursuant to Government**  
901 **Code Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer**

902

903 The Board met in closed session to conduct its yearly evaluation of the Executive  
904 Officer.

905

906 **RETURN TO OPEN SESSION**

907

908 **Agenda Item #22: Adjournment**

909

910 Dr. Erickson adjourned the meeting at 3:00 p.m.

911

912

913

914

915

916 \_\_\_\_\_  
President

\_\_\_\_\_ Date

917